

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

**UNCONFIRMED MINUTES
ORDINARY COUNCIL
MEETING**

16 DECEMBER 2014

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

HELD ON TUESDAY, 16 DECEMBER 2014 AT 5:00 PM

1. DECLARATIONS OF OPENING / ANNOUNCEMENT OF VISITORS

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

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

ATTENDANCE

Cr J Moulden	Shire President
Cr R Dessert	Deputy Shire President
Cr D Learbuch	Councillor
Cr K Wright	Councillor
Cr B Robinson	Councillor
Cr D Spackman	Councillor
Cr G Taylor	Councillor
Cr G King	Councillor
K Hannagan	Acting Chief Executive Officer
N Octoman	Director Corporate Services
D Klye	Director Infrastructure
L Gee	Director Community Development
D McCallum	Governance Officer (Minute Taker)

GALLERY

Jen Ninyette	SWEK
Thomas Pucci	SWEK
Roy Adam	SWEK
John Gault	SWEK
Laine Ellis	Guerinoni & Son
Glenda Harding	Farmer
Allan Wedderburn	Resident
Jackie Ellis	Resident
Sue Cottle	Resident
Peter Cottle	Resident
Megan Callus	Resident
Geoff Warnock	Rate Payer
Mark Northover	Ratepayer
Simone Rushby	Ratepayer
Lisa Spackman	SWEK Ratepayer's Inc.
Alma Petherick	SWEK Ratepayer's Inc.
Robert Storey	Resident

Vicky Biorac	Resident
Peter Pegg	Resident
Leigh Pedler	President SWEK Ratepayer's Inc.
Ian Cross	Kununurra Agricultural Society
Charlie Biorac	Ratepayer
Cally Dupe	Kimberley Echo
Rourke Walsh	Kimberley Echo

APOLOGIES

Nil

LEAVE OF ABSENCE PREVIOUSLY APPROVED

Cr S Cooke	Councillor
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3. DECLARATION OF INTEREST

Financial Interest

Cr D Spackman	13.2.11	Provision of wet hire of plant, equipment and construction personnel for road maintenance and instruction.
Cr G Taylor	13.3.2	Development Application, Chalets Lot 530 Riverfarm Road

Indirect Financial Interest

Cr K Wright,	13.4.3	Lease of concession stand at East Kimberley Regional Airport
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Impartiality Interest

Cr K Wright	13.2.9	KDHS Bus Bay Parking
Cr K Wright	17.1	Kununurra Agricultural Society lease
Cr R Dessert	13.3.3	Development application for motel accommodation, Lot 2263 Casuarina Way, Kununurra
Cr R Dessert	17.1	Kununurra Agricultural Society lease

Proximity Interest

Cr J Moulden	13.2.5	Waste and green waste at Crossing Falls
Cr B Robinson	13.4.3	Lease of concession stand at East Kimberley Regional Airport
Cr R Dessert	13.3.8	Development application for transient accommodation at Lot 238 Weaber Plain Road, Kununurra

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Questions from Mark Northover, Kununurra

Can I please have the working capital ratio as it currently stands, along with the unrestricted cash surplus percentage?

Response:

In accordance with regulation 50 of the *Local Government (Financial Management) Regulations* 1996, local governments are required to calculate seven (7) different ratios as part of the annual financial report. There is no legislative requirement to calculate ratios during a financial year or as part of the annual budget as indicated in a previous response provided to the community in September 2014. It should be noted that the working capital ratio requested, is also known as the current ratio in local government terms, which takes into account restricted assets and liabilities. There are no ratios calculated throughout the year. All ratios will be calculated, audited and provided as part of the annual financial statements.

The Shire grader has completed works on Mulligans Lagoon Road four times in the last 6 months, without a single safety sign, who is responsible for this ultimately – at the highest level?

Response:

I thank the member of the public for this question as it highlights just one of the recent significant improvements in the way the Shire is conducting its business.

One of the recent changes that the Acting CEO and the Acting Director Infrastructure have implemented is the requirement for compliant Traffic Management Plans for all works on public roads. This process is still in the implementation phase but there has been a significant improvement in compliance across the Shire in all works undertaken by both contractors and the Shire's own workforce.

To directly address the substance of the question, I confirm my earlier response that Council is ultimately responsible for all works undertaken by the Shire.

Questions from Simone Rushby, Kununurra

Can you please confirm for me that prior to the investigation occurring all Councillors were aware that the CEO had undertaken a "paid for service" internal employee investigation, using Peter Burgess of WALGA, yes or no?

Response

No. The Shire's Human Resource section is in charge of confidential employee complaint matters and they engaged WALGA to undertake an independent investigation to determine the related facts. It is normal Human Resource Management practice to ensure fairness in procedural matters. The Local Government Act prohibits Councillors from being involved in such confidential operational staff matters. In accordance with Section 5.41 of the Local Government Act it is a function of the CEO to:

- (d) manage the day to day operations of the local government; and
- (g) be responsible for the employment, management supervision, direction and dismissal of other employees.

What is the total amount of monies due to or paid to WALGA by SWEK – including all fees, charges, subscriptions, associated "investigators", and all other associated costs in this the first year of the joint association?

Response

The WA Local Government Association (WALGA) was established in 2001 and lobbies and negotiates on behalf of 139 WA Local Governments. WALGA's mission is to provide strong representation and leadership for local government along with enhancing the capacity of local governments across the State. The Shire has been dealing with WALGA for many years now, so this is not the first year of any such joint association. WALGA provide a range of services including advice and support in the areas of procurement, local laws, industrial relations, training, advertising and other areas.

The following table however outlines the total monies due or paid to WALGA by the Shire:

PAYMENTS MADE TO WALGA FROM 1 JULY 2014 TO	
Subscriptions	37,889.87
Marketforce Advertising	19,586.76
eQuotes & eTenders	17,600.00
Training	11,367.40
Local Government Convention	9,210.00
Investigation	3,300.00
TOTAL	98,954.03

5. PUBLIC QUESTION TIME

Simone Rushby

Question 1: I have an authorised recording of a meeting in which your Director of Infrastructure confirmed that he failed to meet several of the basic safety requirements of his role. I note he now has a Construction Induction Card. As he is the direct responsibility of the CEO, can the CEO please confirm that he is aware of the failings and that the Director of Infrastructure is now up to standard on all of the other requirements?

Kevin Hannagan, Acting CEO Provides the following response:

The Director has completed his Construction Induction course online and has been issued with what is commonly known as a 'White Card' The Shire is not aware of any failings in required safety requirements.

Question 2: Despite yours and other SWEK staffs continued requests to join being denied disallowing you access to the site, I am well aware of you "cutting and pasting" with Shire resources, while ignoring the legal disclaimer against such action without permission. Can you please advise myself and the almost 400 member strong group on the East Kimberley Forum as to the purpose of your copying mine and other content without prior permission of the individuals or the group?

Cr John Moulden provides the following response:

I am unaware of the details of the Facebook site, I am not a member.

Mark Northover

Question 1: Could I ask where and when the Director of Infrastructure Mr Klye completed his Bachelor of Engineering (Civil) please?

David Klye, Director Infrastructure provides the following response:

University of Southern Queensland in 1990.

Question 2: At the Special Council Meeting on December 2, Mr Moulden, you advised us that the Director of Infrastructure was being paid "just over \$100k" and yet the job was advertised openly with the recruitment agencies, and on the Shire of Wyndham East Kimberley website for 200-200k plus. Could you please confirm if you lied to the Council and Gallery or if the Recruitment agencies were falsely advertising and the SWEK website was showing misleading information to would-be candidates?

Cr John Moulden provides the following response:

I don't recall making that statement. I have no idea what the Director Infrastructure is being paid. I can confirm there was no lying or false advertising involved.

Sue Cottle

Question 1: 13.3.2 Development Application, Chalets, Lot 520 Riverfarm Road. In respect to the above item, will there be an opportunity for Cr Spackman to declare a financial interest prior to that item being heard, as Cr Spackman has either been paid to clear trees of the original development site or make a financial donation of labour, machinery and fuel to the development? If Cr Spackman is in the room for this item, I will be seeking advice from the Department of Local Government?

Cr John Moulden provides the following response:

Recent advice from the Department of Local Government has confirmed that it is up to the individual Councillor to declare an interest and it is not the responsibility of Shire officers or other parties to influence them in any way. The Councillors may seek advice from the Department of Local Government if they choose to do so.

Question 2: As per the landscape plan submitted by the proponents, mango trees are shown as part of the buffer less than 20m away from the chalets. The Shire report states the mango trees "are more for a visual screening purpose than as part of the vegetation buffer". Medfly data from the last 20 years shows that 91% of incursions occur within 100m of tourist accommodation. Why has the proponents and Shire ignored expert advice from DAFWA and potentially place neighbouring horticultural businesses at risk?

Lousie Gee, Director Community Development provides the following response:

The landscape plan submitted by the proponent is compliant with DAFWA. DAFWA advised that the mango trees were to be within 10m of the chalets.

Peter Cottle

Question 1: WA DOH and EPA guidelines stipulate that vegetative buffers have a mature height twice the height of the spray release height. It also states that vegetative buffers will not be operational until trees reach the minimum effective height to control spray drift and that residential areas should not be developed within 300m until this time. Will Council delay the development until the vegetative buffers are established and meet DOH and EPA guidelines?

Cr John Moulden provides the following response:

As this item is on tonight's agenda I cannot provide an answer.

Question 2: The proponent's submission states they will use potable rainwater. Industry figures indicate 1000 to 1500 per person based on 70% occupancy rate. This will require 500,000 litres of water. This equates to 20 rain water tanks. Will the proposed water storage encroach further onto the prime agricultural land?

Louise Gee, Director Community Development provides the following response:

The potable water must be supplied to each of the chalets, this is a condition of consent be and the applicant will be required to show details of how this will be achieved.

Allan Wedderburn

Question 1: Would the Shire consider truthfully answering concerned residents questions out of chambers as the current Public Question time is a farce and this may result in less of us being present at the meetings, thus allowing Councillors and management to carry out your elected duties?

Cr John Moulden provides the following response:

Councillors are always available to answer questions from members of the public, this is their role in the community. I invite any members of the public to contact any Councillors with any concerns they may have.

Question 2: Is the Council aware that as the Council minutes of 2 December 2014 state that substantially the same advert was used 4 years ago as for the current DOI position requiring the incumbent to be a qualified Civil Engineer, thus making the current Acting CEO ineligible for his former role?

Kevin Hannagan, Acting CEO provides the following the response:

Staff are shortlisted and interviewed against the position description not the advertisement. Advertisements will vary from time to time. The position description mentions in one area about qualifications and in another about experience requirements and had minor changes from the position description used last time.

Cr John Moulden calls Mark Northover to ask his remaining questions there is still Public Question Time remaining.

Mark Northover

Question 3: At the Special Meeting on December 2 the payments clearly showed that Council had overspent on multiple tenders and awarded contracts, some in the vicinity of 100%, given that this is occurring on a regular basis, how are the Councillors and ratepayers being kept up to date with the expenditure to budget when the administration are unable to, unwilling or embarrassed to provide basis budgetary answers – like those requested by myself at the last two meetings – ie, the current working capital ratio and the unrestricted cash surplus percentage.

Kevin Hannagan, Acting CEO provided the following response:

The list of payments each month is simply a list of payments made it is not a budget. The Acting CEO deferred to the Director Corporate Services to respond also.

Natalie Octoman, Director Corporate Services provided the following response:

As outlined in my response contained in this agenda, the Shire is not required to calculate ratios until the end of each financial year and will not be providing them until this time. If the ratios were calculated now, they would be skewed given the cashflow, and actually look better than they should at year end given all rates revenue has been raised, but the expenditure programs are continuing.

6. APPLICATIONS FOR LEAVE OF ABSENCE

Councillor R Dessert applies for leave of absence for the March 2015 OCM
Councillor K Wright applies for leave of absence for the January 2015 OCM
Councillor G Taylor applies for leave of absence for the January 2015 OCM

COUNCIL DECISION

Minute No. 10698

**Moved: Cr B Robinson
Seconded: Cr D Learbuch**

**That council grants the following leave of absences:
Cr R Dessert, March 2015 OCM
Cr K Wright, January 2015 OCM
Cr G Taylor, January 2015 OCM**

Carried unanimously 8/0

7. PETITIONS

Nil

8. CONFIRMATION OF MINUTES

8.1 CONFIRMATION OF MINUTES OF ORDINARY COUNCIL MEETING OF 18/11/2014

RECOMMENDATION

That Council confirms the Minutes of Ordinary Council Meeting held on 18/11/2014 with amendments to the policy numbering in item 13.2.1 Maintenance of Shire Assets Policy.

COUNCIL DECISION

Minute No. 10699

**Moved: Cr B Robinson
Seconded: Cr K Wright**

That Council confirms the Minutes of Ordinary Council Meeting held on 18/11/2014 with amendments to the policy numbering in item 13.2.1 Maintenance of Shire Assets Policy.

Carried unanimously 8/0

8.2 CONFIRMATION OF MINUTES OF SPECIAL COUNCIL MEETING OF 2/12/2014

RECOMMENDATION

That Council confirms the Minutes of Special Council Meeting held on 2/12/2014.

COUNCIL DECISION

Minute No. 10700

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

That Council confirms the Minutes of Special Council Meeting held on 2/12/2014.

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 Monthly Financial Report

DATE:	16/12/2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Natalie Octoman, Director Corporate Services
REPORTING OFFICER:	Natalie Octoman, Director Corporate Services
FILE NO:	FM.09.5
DECLARATION OF FINANCIAL INTERESTS:	Nil

PURPOSE

For Council to receive the monthly financial report for October 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 the 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 October 2014.

COUNCIL DECISION

Minute No. 10701

**Moved: Cr K Wright
Seconded: Cr B Robinson**

That Council receives the Interim Monthly Financial Report for the month of October 2014.

Carried unanimously 8/0



Shire of Wyndham East Kimberley

Interim Monthly Financial Report 2014/2015

As at 31 October 2014

Contents:

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

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

Shire of Wyndham East Kimberley

Statement of Financial Activity Year to Date Actual v Year to Date Budget as at 31 October 2014

	YTD Actual 2014/15 \$	YTD Budget 2014/15 \$	YTD Variance 2014/15	
			\$	%
Revenue				
General Purpose Funding	1,412,018	1,356,273	55,745	4% ▲
Governance	1,041,979	1,024,816	17,163	2% ▲
Law, Order, Public Safety	12,581	9,693	2,888	30% ▲
Health	13,237	12,608	629	5% ▲
Education and Welfare	54,012	62,567	(8,555)	-14% ▼
Housing	66,585	80,341	(13,756)	-17% ▼
Community Amenities	1,714,226	1,594,850	119,376	7% ▲
Recreation and Culture	290,768	326,347	(35,579)	-11% ▼
Transport	3,678,370	3,002,976	675,394	22% ▲
Economic Services	34,572	28,017	6,555	23% ▲
Other Property and Services	106,691	81,000	25,691	32% ▲
	<u>8,425,039</u>	<u>7,579,488</u>	<u>845,551</u>	<u>11% ▲</u>
Expenses				
General Purpose Funding	(118,960)	(164,293)	45,333	-28% ▼
Governance	(132,188)	(174,748)	42,560	-24% ▼
Law, Order, Public Safety	(204,811)	(235,271)	30,460	-13% ▼
Health	(116,128)	(112,852)	(3,276)	3% ▲
Education and Welfare	(143,513)	(142,876)	(637)	0% ▲
Housing	(238,544)	(288,979)	50,435	-17% ▼
Community Amenities	(1,372,750)	(1,501,963)	129,213	-9% ▼
Recreation & Culture	(1,951,754)	(2,260,248)	308,494	-14% ▼
Transport	(4,792,618)	(3,565,546)	(1,227,072)	34% ▲
Economic Services	(222,789)	(242,086)	19,297	-8% ▼
Other Property and Services	(1,693,345)	(686,434)	(1,006,911)	147% ▲
	<u>(10,987,400)</u>	<u>(9,375,296)</u>	<u>(1,612,104)</u>	<u>17% ▲</u>
Adjustments for Cash Budget Requirements:				
Non-Cash Expenditure and Revenue				
(Profit)/Loss on Asset Disposals	324,302	0	324,302	0% ▲
Movement in Accruals and Provisions	(1,528)	5,000	(6,528)	-131% ▼
Depreciation on Assets	1,946,249	2,022,284	(76,035)	-4% ▼
Capital Expenditure and Revenue				
Purchase Land Held for Resale	0	0	0	0% ▲
Purchase Land and Buildings	(34,700)	(139,838)	105,138	-75% ▼
Purchase Infrastructure Assets - Roads	(923,210)	(992,079)	68,869	-7% ▼
Purchase Infrastructure Assets - Footpaths	0	0	0	0% ▲
Purchase Infrastructure Assets - Drainage	(10,195)	(21,420)	11,225	-52% ▼
Purchase Infrastructure Assets - Other	(518,792)	(460,599)	(58,193)	13% ▲
Purchase Plant and Equipment	0	(10,000)	10,000	-100% ▼
Purchase Furniture and Equipment	(15,716)	(11,759)	(3,957)	34% ▲
Grants / Contributions for Development of Assets	3,952,123	3,971,117	(18,994)	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)	(2,876,821)	(2,876,821)	(0)	0% ▲
Transfers from Reserves (Restricted Assets)	0	0	0	0% ▼
ADD Estimated Surplus/(Deficit) July 1 B/Fwd	(1,393,097)	(1,393,097)	0	0% ▲
LESS Estimated Surplus/(Deficit) June 30 C/Fwd	6,973,627	7,328,078	(354,451)	-5% ▲
Ordinary Council Meeting Minutes Amount Required to be Raised from Rates	9,177,493	9,121,216	56,277	1% ▲

Shire of Wyndham East Kimberley

Note to Statement of Financial Activity

Net Current Assets

as at 31 October 2014

NET CURRENT ASSETS

Composition of Estimated Net Current Asset Position

	YTD Actual 2014/15	Brought Forward 1 July 2014
CURRENT ASSETS		
Cash - Unrestricted	3,952,823	652,155
Cash - Restricted	8,337,227	8,263,354
Cash - Restricted Unspent Grants	2,850,154	0
Receivables	4,027,133	1,435,444
Inventories	10,983	17,037
	<u>19,178,320</u>	<u>10,367,991</u>
LESS: CURRENT LIABILITIES		
Payables and Provisions	(1,078,660)	(3,500,473)
Less: Cash - Restricted	(8,337,227)	(8,263,354)
Less: Cash - Restricted Unspent Grants	(2,850,154)	0
NET CURRENT ASSET POSITION	<u><u>6,912,278</u></u>	<u><u>(1,395,837)</u></u>

Shire of Wyndham East Kimberley

Notes to Statement of Financial Activity
For the Period Ended 31 October 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 levies raised. Funds collected on behalf of DFES, and are offset against expenditure.
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	\$ 127,100	▲	The number of additional waste receptacles higher than anticipated.
Recreation and Culture		▼	
Grants - Kununurra Swimming Complex	-\$ 27,300	▼	Anticipated grant not yet received. Timing variation.
Grants - Wyndham Swimming Complex	-\$ 27,300	▼	Anticipated grant not yet received. Timing variation.
Grant Income - Club Development	-\$ 25,000	▼	Grant no longer anticipated to be received. Will be removed as part of the Mid Year Budget Review process.
Grant Income - KidSport	\$ 25,000	▲	Grant was not incorporated into the budget as it wasn't endorsed prior to the date of budget adoption. This has now been received. Expenditure will be included to offset this additional revenue.
Transport		▲	
WANDRRA Funding - Monsoonal Trough and Associated Flooding (10 March 2011)	\$ 694,100	▲	The flood event has resulted in additional expenditure which will be offset through the recoupment of funds.
Leases - East Kimberley Regional Airport Terminal	-\$ 52,200	▼	Partially offset with additional income for Other leases. Requires a budget amendment which will be made in the Mid Year Budget Review.
Leases - East Kimberley Regional Airport Other	\$ 30,600	▲	Partially offset with a reduction in income for Airport Terminal leases. Requires a budget amendment which will be made in the Mid Year Budget Review.
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			

Shire of Wyndham East Kimberley

Notes to Statement of Financial Activity

For the Period Ended 31 October 2014

(continued)

Recurrent Expenditure (Continued)

Community Amenities ▼

Administration Salary and Wages Allocated - Sanitation - Household Refuse	\$	42,000	▼	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 - Sanitation - Household Refuse	\$	37,900	▼	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.
Legal Expenses - Town Planning and Regional Development	-\$	63,800	▲	Additional legal costs incurred for the SAT Hearing to date. Additional funds will be sourced from other savings as part of the Mid Year Budget Review process.

Recreation and Culture ▼

Depreciation - Other Community Amenities	\$	46,700	▼	Lower depreciation charges due to change in categories, set off against higher depreciation in other areas. Non cash item.
Insurance - Public Halls	\$	29,400	▼	Insurance premiums currently underspent as on-charging has been placed into this account. The on-charging is currently under discussions and a resolution will be made in the new year.
Depreciation - Public Halls	-\$	45,500	▲	Higher depreciation charges due to change in categories, set off against lower depreciation in other areas. Non cash item.
Direct Salaries - Kununurra Swimming Complex	\$	57,500	▼	Underspend is partially offset with the higher costs represented by salaries at the Leisure Centre. Actuals will require adjusting between these two accounts.
Direct Salaries - Kununurra Leisure Centre	-\$	70,300	▲	Overspend is partially offset with the lower costs represented by salaries at the Swimming Complex. Actuals will require adjusting between these two accounts.
Parks and Gardens Maintenance - Kununurra	\$	67,700	▼	Underspend in salaries to date. This will start to pick up over the wet season with the additional hours required. Timing variation.
Administration Salary and Wages Allocated - Kununurra Parks and Gardens	\$	33,100	▼	Underspend in salaries to date therefore less administration allocation. This will start to pick up over the wet season with the additional hours required. Timing variation.
Admin Overheads Allocated - Kununurra Parks and Gardens	\$	29,100	▼	Underspend in salaries to date therefore less administration allocation. This will start to pick up over the wet season with the additional hours required. Timing variation.
Parks and Gardens Maintenance - Wyndham	-\$	26,700	▲	Slight overspend to date although comes back on track approaching December. Timing variation.
Wyndham Community Resource Centre (CRC) - RIPIA Expenses	-\$	22,500	▲	Funds that were collected in the prior year that were not carried forward. Will be amended as part of the Mid Year Budget Review process.

Transport ▲

Administration Salary and Wages Allocated - Streets, Roads & Bridges - Non Capital	\$	95,700	▲	Non cash item. Timing variations.
Admin Overheads Allocated - Streets, Roads & Bridges - Non Capital	-\$	25,000	▼	Non cash item. Timing variations.
Rural Road Maintenance	-\$	93,400	▼	Underspend recognised to date. Timing variation.
Urban Road Maintenance - Kununurra	\$	25,000	▲	Overspend recognised to date. Timing variation.
Monsoonal Trough Flood Event, 6-9 Feb 2014	\$	1,464,300	▲	Higher flood recovery cost than anticipated. Higher expenses to be claimed from WANDRRA fund.
Airside Operations - East Kimberley Regional Airport	-\$	24,800	▼	Savings made in salaries based on lower overtime hours than anticipated.
Passenger Screening Expenses - East Kimberley Regional Airport	-\$	20,800	▼	Savings to be returned to the Reserve as part of the Mid Year Budget Review process as there is no longer a requirement for a new explosive trace detection (ETD) machine.
Administration Salary and Wages Allocated - East Kimberley Regional Airport	\$	74,800	▼	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.

Shire of Wyndham East Kimberley

Notes to Statement of Financial Activity

For the Period Ended 31 October 2014

(continued)

Recurrent Expenditure (Continued)

Transport (continued)

Admin Overheads Allocated - East Kimberley Regional Airport	\$	68,100	▼	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	\$	31,700	▼	Less depreciation due uncompleted capital projects as at date. Timing.

Economic Services

No material variances to report

Other Property and Services

Private Works - Expenses	\$	29,600	▲	Works have been more defined since the adoption of the budget. There will be a corresponding increase in revenue also once all the invoices have been raised for on-charging.
Administration Salary and Wages Allocated - Public Works Overheads	-\$	25,700	▼	Less allocation due to overall admin cost less than anticipated as at reporting date. Non cash item. Timing.
Admin Overheads Allocated - Public Works Overheads	-\$	25,700	▼	Less allocation due to overall admin cost less than anticipated as at reporting date. Non cash item. Timing.
Administration Salary and Wages Allocated - General Administration Overheads	\$	247,900	▲	Higher allocation due to overall admin cost higher than anticipated as at reporting date. Non cash item. Timing.
Direct Salaries - Executive	\$	147,700	▲	Costs due to unexpected resignation. Funds will be sourced from the provisions and Leave Reserve for these amounts in the Mid Year Budget Review.
ABC Allocations	\$	363,200	▲	Higher allocation due to overall admin cost higher than anticipated as at reporting date. Non cash item. Timing.
Plant Operating Cost Allocated	-\$	60,500	▼	Lower allocation in October prior to the wet season. Timing.
Loss on Sale of Assets - Unclassified	\$	324,300	▲	Asset impact of the depot fire. Insurance claims made. Non Cash Item.

Non Cash Expenditure and Revenue

Adjustments and Accruals

Loss on Sale of Assets - Unclassified	-\$	324,300	▲	Asset impact of the depot fire. Insurance claims made. Non Cash Item.
Depreciation - Other Community Amenities	\$	46,700	▼	Reversal is lower given the lower depreciation charges due to change in categories, set off against higher depreciation in other areas. Non cash item.
Depreciation - Public Halls	-\$	45,500	▲	Reversal is higher due to higher depreciation charges due to change in categories, set off against lower depreciation in other areas. Non cash item.
Depreciation - East Kimberley Regional Airport	\$	31,700	▼	Reversal is lower due to less depreciation costs due uncompleted capital projects as at date. Timing and non cash item.

Capital

Purchase Land Held for Resale

No material variances to report

Purchase Land and Buildings

Land Subdivision Costs SES Shed Land	-\$	71,400	▼	Slight delays in project. Timing.
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Purchase Infrastructure Assets - Roads

Weaber Plain Road - RRG - Reconstruct	-\$	54,300	▼	Costs have been incorrectly charged to maintenance and journal corrections will be completed in December. Project is on track.
Asphalt resurfacing program (R2R) - Kununurra town site MUN	\$	32,200	▲	Overhead charges require review. Will be undertaken in December and adjusted where required.
Asphalt resurfacing program (RRG) - Coolibah Drive	-\$	23,200	▼	Work is ongoing and expected to be completed by January 2015. Timing variation only.

Shire of Wyndham East Kimberley

Notes to Statement of Financial Activity

For the Period Ended 31 October 2014

(continued)

Capital (continued)

Purchase Infrastructure Assets - Footpaths		▲	
No material variances to report			
Purchase Infrastructure Assets - Drainage			
No material variances to report			
Purchase Infrastructure Assets - Other		▲	
Reseal Apron - East Kimberley Regional Airport	-\$	24,800	▼ Potential savings as project completed to possibly be utilised for the asphalt overlay towards the end of the financial year.
Upgrade Maintenance Area - East Kimberley Regional Airport MUN	\$	86,500	▲ 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 and will be adjusted in the Mid Year Budget Review.
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			
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 31 October 2014

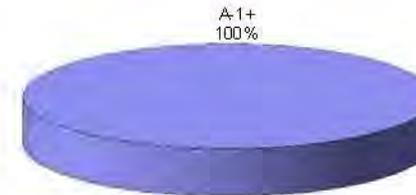
	YTD Actual 2014/15 \$	Annual Budget 2014/15	Budget Remaining 2014/15 \$	%	
Revenue					
General Purpose Funding	1,412,018	4,413,934	3,001,916	68%	▼
Governance	1,041,979	1,086,042	44,063	4%	▼
Law, Order, Public Safety	12,581	59,350	46,769	79%	▼
Health	13,237	80,500	67,263	84%	▼
Education and Welfare	54,012	77,000	22,988	30%	▼
Housing	66,585	430,453	363,868	85%	▼
Community Amenities	1,714,226	2,483,863	769,637	31%	▼
Recreation and Culture	290,768	724,402	433,634	60%	▼
Transport	3,678,370	5,750,793	2,072,423	36%	▼
Economic Services	34,572	97,923	63,351	65%	▼
Other Property and Services	106,691	103,266	(3,425)	-3%	▲
	<u>8,425,039</u>	<u>15,307,526</u>	<u>6,882,487</u>	<u>45%</u>	<u>▼</u>
Expenses					
General Purpose Funding	(118,960)	(559,166)	(440,206)	79%	▼
Governance	(132,188)	(1,440,658)	(1,308,470)	91%	▼
Law, Order, Public Safety	(204,811)	(700,194)	(495,383)	71%	▼
Health	(116,128)	(324,635)	(208,507)	64%	▼
Education and Welfare	(143,513)	(290,794)	(147,281)	51%	▼
Housing	(238,544)	(768,906)	(530,362)	69%	▼
Community Amenities	(1,372,750)	(5,286,793)	(3,914,043)	74%	▼
Recreation & Culture	(1,951,754)	(6,818,047)	(4,866,293)	71%	▼
Transport	(4,792,618)	(9,579,827)	(4,787,209)	50%	▼
Economic Services	(222,789)	(517,691)	(294,902)	57%	▼
Other Property and Services	(1,693,345)	(936,967)	756,378	-81%	▲
	<u>(10,987,400)</u>	<u>(27,223,677)</u>	<u>(16,236,277)</u>	<u>60%</u>	<u>▼</u>
Adjustments for Cash Budget Requirements:					
Non-Cash Expenditure and Revenue					
(Profit)/Loss on Asset Disposals	324,302	(210,891)	(535,193)	254%	▼
Movement in Accruals and Provisions	(1,528)	5,000	6,528	131%	▼
Depreciation on Assets	1,946,249	6,036,820	4,090,570	68%	▼
Capital Expenditure and Revenue					
Purchase Land Held for Resale	0	0	0	0%	▼
Purchase Land and Buildings	(34,700)	(638,000)	(603,300)	95%	▼
Purchase Infrastructure Assets - Roads	(923,210)	(2,393,929)	(1,470,719)	61%	▼
Purchase Infrastructure Assets - Footpaths	0	(31,000)	(31,000)	100%	▼
Purchase Infrastructure Assets - Drainage	(10,195)	(358,358)	(348,163)	97%	▼
Purchase Infrastructure Assets - Other	(518,792)	(1,901,535)	(1,382,743)	73%	▼
Purchase Plant and Equipment	0	(124,962)	(124,962)	100%	▼
Purchase Furniture and Equipment	(15,716)	(116,500)	(100,784)	87%	▼
Grants / Contributions for Development of Assets	3,952,123	6,491,991	2,539,868	39%	▼
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)	(2,876,821)	(4,000,605)	(1,123,784)	28%	▼
Transfers from Reserves (Restricted Assets)	0	1,253,687	1,253,687	100%	▼
ADD Estimated Surplus/(Deficit) July 1 B/Fwd	(1,393,097)	(1,393,097)	0	0%	▼
LESS Estimated Surplus/(Deficit) June 30 C/Fwd	6,973,627	(326,636)	(7,300,263)	2235%	▲
Ordinary Council Meeting Minutes Amount Required to be Raised from Rates	16 December 2014 9,177,493	9,180,615	3,122	24 of 346 0%	▼

MONTHLY REPORT ON INVESTMENT PORTFOLIO (CASH)

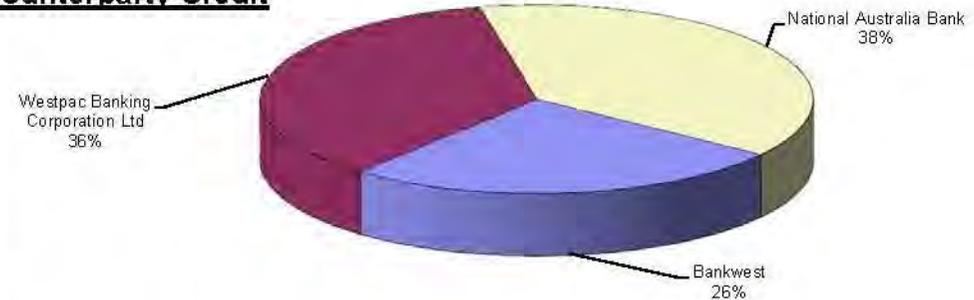
INVESTMENT POLICY - CP FIN - 3203		
<u>"Overall Portfolio Limits"</u>		
<i>S&P Long Term Rating</i>	<i>S&P Short Term Rating</i>	<i>Direct Investment Maximum %</i>
AAA	A-1+	100%
AA	A-1	100%
A	A-2	60%
<i>Note: "S & P" relates to Standard & Poors credit rating agency</i>		
<u>"Counterparty Credit Framework"</u>		
<i>S&P Long Term Rating</i>	<i>S&P Short Term Rating</i>	<i>Direct Investment Maximum %</i>
AAA	A-1+	45%
AA	A-1	35%
A	A-2	20%
<u>"Term to Maturity Framework"</u>		
<i>Overall Portfolio Term to Maturity Limits</i>		
<i>Portfolio % < 1 year</i>	<i>100% max 40% min</i>	
<i>Portfolio % > 1 year</i>	60%	
<i>Portfolio % > 3 year</i>	35%	
<i>Individual Investment Maturity Limits</i>		
<i>Authorised Deposit Institution</i>	12 Months	
<i>State/Commonwealth Government Bonds</i>	3 years	
<i>Note: "ADI" relates to an Authorised Deposit Institution (authorised under the Banking Act 1959)</i>		

RESULTS AS AT 31 October 2014

Overall Portfolio



Counterparty Credit



Term to Maturity



13.1.2 List of Accounts paid under Delegation

DATE:	16/12/2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Victoria Nakamya, Creditors Officer Felicity Heading, Coordinator Financial Operations
REPORTING OFFICER:	Natalie Octoman, Director Corporate Services
FILE NO:	FM.09.5
DECLARATION OF FINANCIAL 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

In accordance with the Delegations Register 2014/15 adopted by the Council on the 26th of August 2014, the Council has delegated to the CEO the exercise of its power under regulations 12 and 13 of the *Local Government (Financial Management) Regulations 1996* to make payments from Municipal Fund and Trust Fund.

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 the 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 the 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 122329 – 122547 (31 October – 27 November 14)	\$ 2,408,106.62
Municipal cheques 50298 - 50355 (06 November – 27 November 14)	\$ 136,677.72
Trust EFT 500827 – 500844 (03 November – 27 November 14)	\$ 14,070.40
Payroll (05 November – 26 November 14)	\$ 457,313.97
Direct bank debits (03 November – 25 November 14)	\$ 20,799.44
TOTAL	\$ 3,036,968.15

COUNCIL DECISION

Minute No. 10702

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 122329 – 122547 (31 October – 27 November 14)	\$ 2,408,106.62
Municipal cheques 50298 - 50355 (06 November – 27 November 14)	\$ 136,677.72
Trust EFT 500827 – 500844 (03 November – 27 November 14)	\$ 14,070.40
Payroll (05 November – 26 November 14)	\$ 457,313.97
Direct bank debits (03 November – 25 November 14)	\$ 20,799.44
TOTAL	\$ 3,036,968.15

Carried unanimously 8/0

Attachment 1

LIST OF ACCOUNTS SUBMITTED TO COUNCIL 16 DECEMBER 2014

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT122329	31/10/2014	HAYS RECRUITING EXPERTS WORLDWIDE	PROFESSIONAL RECRUITMENT SERVICES	4,386.36
EFT122330	06/11/2014	SHIRE OF WYNDHAM EAST KIMBERLEY	PAYROLL DEDUCTIONS	242.00
EFT122331	06/11/2014	A & R WELDING FABRICATION	WELDING FABRICATION SERVICES-WYN BOAT RAMP	253.00
EFT122332	06/11/2014	ALLGEAR MOTORCYCLES	REPAIRS - P356 KNX DEPOT, PARTS FOR POOL VACUUM - KLC	490.45
EFT122333	06/11/2014	AUSTRALIA POST (KNX)	POSTAGE AND STATIONERY PURCHASES - SEPT 14	2,106.48
EFT122334	06/11/2014	AUSTRALIAN TAXATION OFFICE - PAYG	PAYROLL DEDUCTIONS	8,463.00
EFT122335	06/11/2014	BLACKWOODS ATKINS PTY LTD	REPLACEMENT ELECTRICAL TOOLS WYNDHAM DEPOT	778.80
EFT122336	06/11/2014	C & S JOLLY ELECTRICS PTY LTD	REPAIRS - POWER POINT IN SQUASH COURTS CHLORINE SENSOR,WALL FANS - KLC	1,584.03
EFT122337	06/11/2014	CABCHARGE	CABCHARGES STAFF MEMBER - ATTEND TRAINING 17/9/14	80.85
EFT122338	06/11/2014	COATES HIRE OPERATIONS PTY LTD	GENERATOR HIRE - BORE TESTING/REPAIRS TO HIRE EQUIP - KUNUNURRA LANDFILL	406.22
EFT122339	06/11/2014	COCA-COLA AMATIL	PURCHASE OF CONSUMABLES FOR RESALE	325.78
EFT122340	06/11/2014	DSC CONTRACTING	FIRE MAINTENANCE AND TESTING - EAST KIMBERLEY AIRPORT OCT 14	132.00
EFT122341	06/11/2014	DEPARTMENT OF FIRE & EMERGENCY	2014/15 EMERGENCY SERVICES LEVY - SHIRE OWNED PROPERTIES	7,990.12
EFT122342	06/11/2014	EAST KIMBERLEY HARDWARE	VARIOUS HARDWARE ITEMS - 20 COOLIBAH DRV, KNX AIRPORT, KNX DEPOT	549.85
EFT122343	06/11/2014	EAST KIMBERLEY PLUMBING	REPAIRS TO TOILET - STAFF HOUSING	141.46
EFT122344	06/11/2014	FIGLEAF POOL PRODUCTS	CHLORINE GAS SENSOR - KLC, VALVE TRAP, CARBON VENT - WYNDHAM POOL	2,430.00
EFT122345	06/11/2014	GUERINONI & SONS	WATER TRUCK HIRE DURING CALLOUT FOR FIRE 23/10/14 - KUNUNURRA LANDFILL	126.50
EFT122346	06/11/2014	HAYS RECRUITING EXPERTS WORLDWIDE	PROFESSIONAL RECRUITMENT SERVICES	4,386.36
EFT122347	06/11/2014	HITACHI CONSTRUCTION MACHINERY	2000 HOUR SERVICE KIT - P479	694.89
EFT122348	06/11/2014	IBAC PLUMBING PTY LTD	PLUMBING WRKS - MEN'S URINALS - KLC/ CHLORINE GAS FITTINGS - WYN POOL	1,946.92
EFT122349	06/11/2014	JSW HOLDINGS PTY LTD	SUPPLY CONCRETE & LATERITE GRAVEL- EBONY ST, KONKERBERY DV, RIVER FARM RD	1,575.20
EFT122350	06/11/2014	JAB INDUSTRIES	EQUIPMENT HIRE - CAT 20 TON EXCAVATOR - KNX LANDFILL	880.00
EFT122351	06/11/2014	KIMBERLEY MECHANICAL & TILT TRAY	PARTS AND REPAIRS - P490	3,136.00
EFT122352	06/11/2014	KIMBERLEY COMMUNICATIONS	REPAIRS TO SPEAKER - WYN YOUTH OFFICE	220.00
EFT122353	06/11/2014	KIMBERLEY HOTEL MGMT PTY LTD	ACCOMMODATION FOR VISITING AUTHOR PROGRAMME - KNX LIBRARY 17-19 OCT14	330.00
EFT122354	06/11/2014	KIMBERLEY KOOL REFRIGERATION	REPAIRS TO AIRCONDITIONER - ADMIN OFFICE KUNUNURRA	506.00
EFT122355	06/11/2014	KIMBERLEY MARKETING	PURCHASE OF CONSUMABLES FOR RESALE - KUNUNURRA LEISURE CENTRE	154.78
EFT122356	06/11/2014	KIMBERLEY PUMPING SERVICE	HIRE OF SUBMERSIBLE PUMP - KNX LANDFILL	100.00
EFT122357	06/11/2014	KIMBERLEY TRAINING INSTITUTE	TAFE ENROLMENT FEES - STAFF MEMBER	25.95
EFT122358	06/11/2014	KUNUNURRA HOME & GARDEN	GAS BOTTLES - KNX DEPOT	72.00

EFT122359	06/11/2014	KUNUNURRA POOLS & SPAS	REPAIRS TO POOL CLEANER - WYN SWIMMING POOL	71.50
EFT122360	06/11/2014	LAWRENCE & HANSON GROUP	SUPPLIES - FAN CONTROLLER - STAFF HOUSING	60.37
EFT122361	06/11/2014	LGIS LIABILITY	INSURANCE 14/15 2ND INSTALMENT - WORKCARE, LIABILITY	246,002.39
EFT122362	06/11/2014	LOCK, STOCK & FARRELL LOCKSMITH	REPLACEMENT MASTER LOCKS KUNUNURRA DEPOT, WYNDHAM DEPOT	949.20
EFT122363	06/11/2014	LANDGATE	LAND ENQUIRY - SEPT 14	72.00
EFT122364	06/11/2014	LEISURE INSTITUTE OF WA AQUATICS	LIWA AQUATICS MEMBERSHIP / ACCREDITATION 2014/2015	110.00
EFT122365	06/11/2014	MCINTOSH & SON	PARTS - P354	5,209.81
EFT122366	06/11/2014	MOTOR WORKZ	SERVICE AND REPAIRS TO AIR CONDITIONER - P309	883.30
EFT122367	06/11/2014	OLLIE'S IRRIGATION & PLUMB. SUPPLIES	RETICULATION SPRINKLERS AND FITTINGS VARIOUS LOCATIONS - KNX	1,844.88
EFT122368	06/11/2014	ORD FUEL SUPPLIES	OIL- P479, P382, P384, P477	879.42
EFT122369	06/11/2014	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	1,157.48
EFT122370	06/11/2014	ROCKWELL OLIVIER	PROFESSIONAL ADVICE - DEV'T APPLICATION - LOT 530 RIVER FARM RD	4,016.10
EFT122371	06/11/2014	SHELF SUPPLY	DOG FOOD - KNX POUND, SAFETY BOOTS, STAFF UNIFORMS - KUNUNURRA DEPOT	951.00
EFT122372	06/11/2014	SUNNY SIGN COMPANY PTY LTD	DIRECTIONAL SIGNAGE, BANDICOOT DV, WEABER PLN RD KUNUNURRA	731.50
EFT122373	06/11/2014	TNT AUSTRALIA PTY LIMITED	FREIGHT - SUPPLIES, KUNUNURRA DEPOT, KUNUNURRA AIRPORT	83.39
EFT122374	06/11/2014	TOLL EXPRESS	FREIGHT - CLEANING PRODUCTS - KNX DEPOT AND ADMIN	686.81
EFT122375	06/11/2014	TOLL IPEC PTY LTD	MEDIUM ESKY - KNX DEPOT	170.61
EFT122376	06/11/2014	THINK WATER KUNUNURRA	RETICULATION SPRINKLERS AND FITTINGS VARIOUS LOCATIONS - KNX	1,440.20
EFT122377	06/11/2014	TOX FREE AUSTRALIA PTY LTD	REFUSE & LITTER COLLECTION, STREET SWEEPING, SKIP BIN EMPTIES - AUG 14	134,810.12
EFT122378	06/11/2014	TYREPLUS KUNUNURRA	REPAIRS, PARTS & REPLACE TYRE- P116, P129, P138, P491, P490, P122, P120	705.00
EFT122379	06/11/2014	VANDERFIELD NORTHWEST PTY LTD	V BELT, SPINDLE, MOWER BLADE, WASHER, BOLT, LOCKNUT - P491	1,661.30
EFT122380	06/11/2014	WALER AUSTRALIA P/L	SUPPLIES - PVC BRUSH, ROLLER FOR POOL CLEANING-KNX SWIMMING POOL	288.31
EFT122381	06/11/2014	WESTERN AUST. TREASURY CORP.	LOAN REPAYMENTS	199,874.59
EFT122382	06/11/2014	WYNDHAM PLUMBING & GAS PTY LTD	REINSTATE WATER AND SEWER CONNECTIONS FOLLOWING FIRE - WYN DEPOT	1,045.00
EFT122383	07/11/2014	LIQUID CONTAINMENT	LINER INSTALLATION - KNX LANDFILL	16,852.00
EFT122384	13/11/2014	AUSRECORD	SUPPLIES - RECORD FILE 30MM WHITE & 2D SYSTEM FILES - KNX ADMIN	286.00
EFT122385	13/11/2014	SHIRE OF WYNDHAM EAST KIMBERLEY	PAYROLL DEDUCTIONS	110.00
EFT122386	13/11/2014	ABCO PRODUCTS	CLEANING SUPPLIES - KUNUNURRA AIRPORT	988.43
EFT122387	13/11/2014	AMP SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	242.03
EFT122388	13/11/2014	AMPAC DEBT RECOVERY (WA) PTY LTD	DEBT RECOVERY COMMISSIONS AND COSTS - OCT 14	19.25
EFT122389	13/11/2014	ATO CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	1,939.29
EFT122390	13/11/2014	AUSFUEL	ANTI POLUTION ADDITIVE AND FUNNEL - P137	83.56
EFT122391	13/11/2014	AALTA DESIGNS	REPAIRS - 2 SLIDING DORS - WYNDHAM CHILDCARE CENTRE	90.00
EFT122392	13/11/2014	AUST LOCAL GOVT JOB DIRECTORY	ADVERTISEMENT FOR KLC TEAM LEADER AND COORDINATOR FINANCIAL MGT	1,100.00

EFT122393	13/11/2014	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	200.80
EFT122394	13/11/2014	AUSTRALIAN TAXATION OFFICE - PAYG	PAYROLL DEDUCTIONS	153,685.00
EFT122395	13/11/2014	BEING THERE SOLUTIONS PTY LTD	STARTER PACK PLAN, LICENSE & SUBSCRIPTION TO VIDEO CONFERENCING NOV 14	715.00
EFT122396	13/11/2014	BEST KIMBERLEY COMPUTING	PRINTING COSTS - KUNUNURRA AND WYNDHAM ADMINISTRATION- OCT14	1,846.00
EFT122397	13/11/2014	C & M DINGO SERVICES	CLEAN OUT DRAIN & TRANSPORT EXCAVATOR TO SITE - CASUARINA WY KNX	3,462.00
EFT122398	13/11/2014	CDM HYDRAULICS PTY LTD	PARTS, P390,P493, REPAIRS P477	916.86
EFT122399	13/11/2014	DAVEY TYRE & BATTERY SERVICE	PARTS - TUBE FOR LINE MARKER TYRE - P345	15.00
EFT122400	13/11/2014	DRAEGER SAFETY PACIFIC PTY LTD	FILL S.C.B.A. CYLINDER - KNX SWIMMING POOL	45.10
EFT122401	13/11/2014	EAST KIMBERLEY HARDWARE	GLOBE, CLEANING GOODS, GRASS SEED - KNX ADMN	83.10
EFT122402	13/11/2014	FLEET COMMERCIAL GYMNASIUMS	KETTLE BELLS, CYLINDER FOAM ROLLER, MATRIX RUBBER HEX - KNX LEISURE CNTR	7,733.00
EFT122403	13/11/2014	GHD PTY LTD	HYDROGEOLOGICAL ASSESSMENT OF 3 LANDFILL SITES	3,296.70
EFT122404	13/11/2014	GUERINONI & SONS	RFQ 04-2014 VARIATION 14 - INSTALL SIDE PIT CNR MINIATA & ERYTHRINA STS KNX	10,649.93
EFT122405	13/11/2014	HAYS RECRUITING EXPERTS WORLDWIDE	PROFESSIONAL RECRUITMENT SERVICES	4,386.36
EFT122406	13/11/2014	KIMBERLEY MARKETING	PURCHASE OF CONSUMABLES FOR RESALE - KLC, PLASTIC CUPS KNX AIRPORT	949.64
EFT122407	13/11/2014	KUNUNURRA POOLS & SPAS	GRADE TABLETS, GLASS TEST TUBES, CALIBRATION OF PALINTEST MACHINE-KLC	1,003.00
EFT122408	13/11/2014	KUNUNURRA RURAL TRADERS	LEVEL 2 SERVCE - FIRE EXTINGUISHERS- KNX TIP,WYN POOL& DEPOT,WYN ADMN,KLC	2,292.75
EFT122409	13/11/2014	LAWRENCE & HANSON GROUP	LAMPS, FAN CONTROLLER, SWITCH, FAN EXHAUST, KLC, STAFF HOUSING KNX	405.06
EFT122410	13/11/2014	LG ASSIST	ADVERTISEMENT-COORDINATOR FINANCIAL MANAGEMENT	275.00
EFT122411	13/11/2014	LGIS LIABILITY	PROPERTY INSURANCE 14/15 - 2ND INSTALMENT	223,715.60
EFT122412	13/11/2014	MAXXIA	PAYROLL DEDUCTIONS	4,531.92
EFT122413	13/11/2014	OUTBACK CLEANING	COMMERCIAL CLEANING CARPETS - STAFF HSING – ON CHARGED TO STAFF MEMBER	242.00
EFT122414	13/11/2014	ORD FUEL SUPPLIES	FUEL COSTS - OCT 14	1,609.89
EFT122415	13/11/2014	PIVOTEL	SATELITE PHONE COSTS OCT 14	60.00
EFT122416	13/11/2014	RUSSELL PARKS PIANO SERVICE	TUNE YAMAHA GHI 8 GRAND PIANO TO CONCERT PITCH - KLC	250.00
EFT122417	13/11/2014	ROYAL LIFE SAVING (WA BRANCH)	WATCH AROUND WATER RE-REGISTRATION 14/15	100.00
EFT122418	13/11/2014	SPORTSPEOPLE	ADVERTISEMENT -KNX LEISURE CENTRE TEAM LEADER	154.00
EFT122419	13/11/2014	SHIRE OF BROOME	REIMBURSEMENTS - STAFF TRAINING - FBT WORKSHOP	1,320.00
EFT122420	13/11/2014	TELFORD INDUSTRIES	SUPPLIES - BICARBONATE OF SODA 25 KG X 2 - KLC	789.36
EFT122421	13/11/2014	TOYWORLD KUNUNURRA	SUPPLIES - POOL NOODLE MULTICOLOURS - KLC	35.94
EFT122422	13/11/2014	THE DISK DOCTOR PTY LTD	SAND PAPER, MINI PAD,POLISH COMPOUND,CLEANING SPRAY-WYN ADMN	185.60
EFT122423	13/11/2014	TYREPLUS KUNUNURRA	SUPPLY AND FIT TYRE - P119	760.00
EFT122424	13/11/2014	WA LOCAL GOVERNMENT SUPER	SUPERANNUATION CONTRIBUTIONS	24,416.88
EFT122425	13/11/2014	WYNDHAM EXCAVATIONS	REMOVAL OF BURNT OUT UTE, MOWER & TRAILER FROM WYN DEPOT - 06-10-2014	880.00
EFT122426	20/11/2014	AUSFUEL	FUEL COSTS - OCT 14, BULK DIESEL 6000 LITRES KNX DEPOT	9,410.45

EFT122427	20/11/2014	ALLGEAR MOTORCYCLES	PARTS AND REPAIRS - P356	129.30
EFT122428	20/11/2014	AUST LOCAL GOVT JOB DIRECTORY	ADVERTISING - DIR INFRASTRUCTURE, KLC TEAM LEADER, COORDINATOR FINANCE	1,100.00
EFT122429	20/11/2014	AUSTRALIAN TAXATION OFFICE	BAS PAYMENT OCTOBER 2014	178,411.00
EFT122430	20/11/2014	AUSTRALIAN TAXATION OFFICE - PAYG	PAYROLL DEDUCTIONS	2,152.00
EFT122431	20/11/2014	PETER BRANDY	ENTERTAINMENT FOR SENIORS WEEK MORNING TEA -12/11/14	300.00
EFT122432	20/11/2014	BEING THERE SOLUTIONS PTY LTD	DUET PCS & LOGITECH C920 COMBO, LOGITECH CAMERA - KNX ADMN	2,850.00
EFT122433	20/11/2014	BLACKWOODS ATKINS PTY LTD	REPLACEMENT FLUORESCENT LAMP - KNX AIRPORT	42.68
EFT122434	20/11/2014	BUSHCAMP SURPLUS STORE	REPLACEMENT CORD FOR ENGEL FRIDGE - INFRASTRUCTURE	61.00
EFT122435	20/11/2014	CENTURION TRANSPORT	FREIGHT- CLEANING SUPPLIES - KNX AIRPORT & DEPOT, SIGNAGE - KNX DEPOT	179.99
EFT122436	20/11/2014	ELECTED MEMBER	ELECTED MEMBER PAYMENT 01/07/2014 -30/09/2014	3,770.00
EFT122437	20/11/2014	DSC CONTRACTING	MONTHLY TESTING OF TERMINAL FIRE ALARM SYSTEM - KNX AIRPORT NOV 14	132.00
EFT122438	20/11/2014	EAST KIMBERLEY HARDWARE	VARIOUS HARDWARE ITEMS FOR 20 COOLIBA,KNX DEPOT, KNX POUND, STAFF HSNB	387.00
EFT122439	20/11/2014	EAST KIMBERLEY PLUMBING	KUNUNURRA AIRPORT TERMINAL FIRE PUMP MAINTENANCE - OCTOBER 14	300.30
EFT122440	20/11/2014	ENIGMA BUSINESS PRODUCTS	ADDITIONAL RAM FOR HP LAPTOP , HP9480, HP 4GB DDR3 RAM-KNX ADMN	99.00
EFT122441	20/11/2014	GHD PTY LTD	T02 13/14 SWEK KUNUNURRA RWY WORKS APPROVAL APPLICATION	7,087.58
EFT122442	20/11/2014	GREENFIELD TECHNICAL SERVICES	PROVISION OF PROFESIONAL SERVICES- ENGINEERING CONSULTANT-CARLTON HILL	3,190.00
EFT122443	20/11/2014	GUERINONI & SONS	T08/13/14 FLOOD REC. WKS-KALUMBURU RD, PORT WARENDER, MT ELIZABETH RD	260,260.99
EFT122444	20/11/2014	HALLS CREEK VISITOR CENTRE	ACCOM SHIRE PRES.& CEO - KIMBERLEY ZONE MEETING 9.12.14	400.00
EFT122445	20/11/2014	HAYS RECRUITING EXPERTS WORLDWIDE	PROFESSIONAL RECRUITMENT SERVICES	4,386.36
EFT122446	20/11/2014	IBAC PLUMBING PTY LTD	GAS PLUMBING WORKS - STAFF HOUSING	453.64
EFT122447	20/11/2014	JAB INDUSTRIES	RFQ 11/2014 REINSTATE CONCRETE DRAIN CASUARINA WAY KUNUNURRA	48,572.59
EFT122448	20/11/2014	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	409.70
EFT122449	20/11/2014	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	391.20
EFT122450	20/11/2014	KIMBERLEY KOOL REFRIGERATION	MAINTENANCE - ICE MACHINE-KNX DEPOT	132.00
EFT122451	20/11/2014	KIMBERLEY MOTORS	FUEL COSTS - SEPT 14 WYNDHAM	2,964.76
EFT122452	20/11/2014	KUNUNURRA DISTRICT HIGH SCHOOL	SWEK CONTRIBUTION TO KUNUNURRA LIBRARY SERVICES	74,746.00
EFT122453	20/11/2014	KUNUNURRA POOLS & SPAS	SERVICE & REPAIRS TO SODA ASH DOSER , ERASE IT CALCIUM - KLC POOL	279.00
EFT122454	20/11/2014	KUNUNURRA RURAL TRADERS	LEVEL 2 SERVICE - FIRE EXTINGUISHER - WYNDHAM SWIMMING POOL	30.00
EFT122455	20/11/2014	KUNUNURRA SECURITY SERVICE	SECURITY PATROL & ALARM MONITORING -VARIOUS INCL. KLC, KNX ADMIN OCT14	3,268.00
EFT122456	20/11/2014	LANDGATE	MINING TENMENTS,GROSS RENTAL VALUATIONS, RURAL UV'S,LAND ENQUIRY OCT14	614.35
EFT122457	20/11/2014	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	339.75
EFT122458	20/11/2014	MARK G AND SUSAN MARIE COVENTRY	FEE REFUND FOR DEVELOPMENT APPLICATION DA100/14 WITHDRAWN	295.00
EFT122459	20/11/2014	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	485.31
EFT122460	20/11/2014	ORD RIVER ELECTRICS	INSPECTION OF LIGHTS ON THE LINKPATH, REPAIRS TO DOG POUND KNX	5,466.72

EFT122461	20/11/2014	OFFICE NATIONAL KUNUNURRA	SUPPLIES -DECORATIONS FOR SMALL BIZ AWRDS 25JUL& KIM ECON FORUM 27 AUG	15.60
EFT122462	20/11/2014	ORD VALLEY FENCING & PRESS. CLEAN	SUPPLY & REPLACE POSTS , INSTAL & COMPLETE FENCING - KNX LANDFILL	330.00
EFT122463	20/11/2014	QUICK CORPORATE AUSTRALIA	STATIONERY - OCT 14 KNX ADMIN	298.69
EFT122464	20/11/2014	ROCKWELL OLIVIER	LEGAL ADVICE - MULLIGANS LAGOON ROAD CONTRIBUTION	304.70
EFT122465	20/11/2014	SETON AUSTRALIA PTY LTD	WATER PROOF DIGITAL THERMOMETER - KLC	54.89
EFT122466	20/11/2014	SUPALUX PTY LIMITED	REINSTALL CENTRE LINE MARKING - COOLIBAH DRIVE	5,830.00
EFT122467	20/11/2014	STITCHED UP EMBROIDERY SERVICES	ALTERATIONS TO STAFF UNIFORMS 3 X GENTS BUSINESS SHIRTS & EMBROIDERY	35.00
EFT122468	20/11/2014	TELFORD INDUSTRIES	SUPPLIES - SODIUM BISULPHATE 25KG-KLC	547.80
EFT122469	20/11/2014	TNT AUSTRALIA PTY LIMITED	FREIGHT- HEALTH SAMPLES - KNX TO PERTH	333.88
EFT122470	20/11/2014	TOLL NORTH PTY LTD	FREIGHT - PERTH TO KNX - AIR CYLINDER - KNX LEISURE CENTRE	154.86
EFT122471	20/11/2014	TOX FREE AUSTRALIA PTY LTD	SKIP BIN EMPTIES - KLC & WYN SHIRE BOAT RAMP - OCT 14	2,586.00
EFT122472	20/11/2014	TUCKERBOX KUNUNURRA	PROVISIONS AND MATERIALS OCT 2014 - KNX ADMIN	906.98
EFT122473	20/11/2014	TYREPLUS KUNUNURRA	REPLACEMENT TYRE - P491	95.00
EFT122474	20/11/2014	VANDERFIELD NORTHWEST PTY LTD	PARTS - P384	68.75
EFT122475	20/11/2014	WA LOCAL GOVERNMENT ASSOCIATION	ADVERTISING - T3 14/15, LOCAL PLANNING SCHEME, STAFF VACANCIES - SEPT 14	725.62
EFT122476	20/11/2014	WESFARMERS KLEENHEAT GAS PTY LTD	YEARLY FACILITY FEES - STAFF HOUSING WYNDHAM	66.00
EFT122477	20/11/2014	WESTRAC EQUIPMENT PTY LTD	PARTS - TRACKED LOADER - P390	747.78
EFT122478	20/11/2014	WYNDHAM SUPERMARKET	SUPPLIES INCL.MORNING&AFTERNOON TEA- WYN CHILDCARE, WYN TIP & ADMIN	458.14
EFT122479	27/11/2014	KUNUNURRA WATER SKI CLUB	COMMERCIAL VENUE HIRE FOR SWEK END OF YEAR X-MAS PARTY 6/12/14	1,500.00
EFT122480	27/11/2014	SHIRE OF WYNDHAM EAST KIMBERLEY	PAYROLL DEDUCTIONS	110.00
EFT122481	27/11/2014	ABCO PRODUCTS	CLEANING SUPPLIES - WYNDHAM DEPOT	764.77
EFT122482	27/11/2014	AMP SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	248.76
EFT122483	27/11/2014	ASK WASTE MANAGEMENT	WASTE REPORTING &COMPLIANCE,WST MGT STRATEGY,LANDFILL GENERAL ADVICE	2,205.50
EFT122484	27/11/2014	ATO CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	1,819.28
EFT122485	27/11/2014	AVIATION ID AUSTRALIA PTY LTD	ANNUAL ACCESS FEE TO VISITOR PASS PROGRAMME 2014/2015 - KNX AIRPORT	660.00
EFT122486	27/11/2014	ABACUS CASH SYSTEMS PTY LTD	SPEED SORT COIN SORTER - WYN ADMIN	715.00
EFT122487	27/11/2014	AUSTRALIA POST (KNX)	POSTAGE AND STATIONERY PUCHASES - OCT 14 - KNX ADMIN	1,178.67
EFT122488	27/11/2014	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	175.70
EFT122489	27/11/2014	AUSTRALIAN TAXATION OFFICE - PAYG	PAYROLL DEDUCTIONS	70,904.00
EFT122490	27/11/2014	BOC GASES AUSTRALIAN LIMITED	WELDING GASES AND BOTTLE RENTAL - OCT 14 - KUNUNURRA DEPOT	286.39
EFT122491	27/11/2014	BLACKWOODS ATKINS PTY LTD	CLEANING SUPPLIERS, SQWINCHER CONCENTRATE - KNX AIRPORT	81.07
EFT122492	27/11/2014	BUSHCAMP SURPLUS STORE	UNIFORMS - OUTDOOR STAFF - KUNUNURRA DEPOT	322.82
EFT122493	27/11/2014	CHEFMASTER AUSTRALIA	SUPPLIES - BIN LINERS -KNX DEPOT	2,060.25
EFT122494	27/11/2014	COATES HIRE OPERATIONS PTY LTD	GENERATOR HIRE - WYNDHAM LANDFILL SITE - OCT 14	1,336.50

EFT122495	27/11/2014	DAVEY TYRE & BATTERY SERVICE	FITTING TRUCK TYRE & TYRE DISPOSAL - P309	424.00
EFT122496	27/11/2014	DRYSDALE RIVER STATION	FUEL - P388	339.50
EFT122497	27/11/2014	EAST KIMBERLEY CONSTRUCTION P/L	T07-13/14 -PROGRESS PMT & VARIATION - IVANHOE & CROSSING FALLS BFB SHEDS	228,454.00
EFT122498	27/11/2014	EAST KIMBERLEY HARDWARE	VARIOUS HARDWARE ITEMS – KUNUNURRA AIRPORT AND DEPOT	647.50
EFT122499	27/11/2014	EAST KIMBERLEY PLUMBING	PLUNGED TOILET & CLEARED BLOCKAGE - PUBLIC TOILET - KONKERBERRY DRIVE KNX	127.05
EFT122500	27/11/2014	ENVIRONMENTAL HEALTH AUSTRALIA	I'M ALERT HEALTH PROMOTION - ONLINE SUBSCRIPTION	528.00
EFT122501	27/11/2014	FIGLEAF POOL PRODUCTS	REPLACEMENT PUMP - PLANT ROOM - KUNUNURRA LEISURE CENTRE	5,953.10
EFT122502	27/11/2014	GREENFIELD TECHNICAL SERVICES	PROFESSIONAL SERVICES - ENGINEERING CONSULTANT - SUBWAY DRAINAGE - KNX	1,571.39
EFT122503	27/11/2014	GUERINONI & SONS	REPLACEMENT STORM WATER LID WITH GRATE - RIVER FARM ROAD	550.00
EFT122504	27/11/2014	HAYS RECRUITING EXPERTS WORLDWIDE	PROFESSIONAL RECRUITMENT SERVICES	4,386.36
EFT122505	27/11/2014	IBAC PLUMBING PTY LTD	PLUMBING WORKS TO LEAKING CHLORINE WATER PUMP - KLC	258.50
EFT122506	27/11/2014	JAB INDUSTRIES	MOBILISATION TO & FROM WYN LANDFILL & EQUIPMENT HIRE 28-31/10/14	22,462.83
EFT122507	27/11/2014	KIMBERLEY ECHO - ALBANY ADVERTISER	ADVERTISING - VACANT POSITIONS, SWEK NEWS - OCT 14	2,134.72
EFT122508	27/11/2014	KIMBERLEY EXCAVATIONS PTY LTD	4 DAYS HIRE OF 6 WHEEL TIPPER - CART FILL CROSSING FALLS TO KNX LANDFILL	4,224.00
EFT122509	27/11/2014	KIMBERLEY KOOL REFRIGERATION	REPLACE FAULTY PC BOARD - STAFF HOUSING	264.00
EFT122510	27/11/2014	KIMBERLEY MARKETING	PURCHASE OF CONSUMABLES FOR RESALE	431.99
EFT122511	27/11/2014	KIMBERLEY TRAINING INSTITUTE	FIRST AID TRAINING COURSE FEES - STAFF MEMBER 4-5/11/2014	250.00
EFT122512	27/11/2014	KUNUNURRA BAPTIST FELLOWSHIP	COMMUNITY QUICK GRANT FUNDING FOR KNX CHRISTMAS CAROLS 2014	500.00
EFT122513	27/11/2014	KUNUNURRA COURIERS	WATER SUPPLIES - KNX DEPOT	40.00
EFT122514	27/11/2014	KUNUNURRA HOME & GARDEN	SUPPLIES -PRE MIX CONCRETE 20KG, BRACKET ANGLE, BOLT& NUT-KLC & KNX AIRPT	734.60
EFT122515	27/11/2014	KUNUNURRA PANEL BEATING WORKS	TOW ABANDONED TRAILER FROM NUTWOOD TO IMPOUND YARD - KNX	110.00
EFT122516	27/11/2014	KUNUNURRA POOLS & SPAS	LIQUID POOL ACID, DRUM CHARGE, POOL WATER ANALYSIS - KNX POOL	69.50
EFT122517	27/11/2014	LAWRENCE & HANSON GROUP	FAN CONTROLLER,SOCKET, SWITCH, SMKE ALARM, ADAPTER - STAFF HOUSING	425.89
EFT122518	27/11/2014	LANDGATE	MINING TENEMENT VALUATION SCHEDULE NO. M2014/10	146.00
EFT122519	27/11/2014	MILMAR DISTRIBUTORS	SUPPLIES - EFTPOS THERMAL ROLL-KLC	76.00
EFT122520	27/11/2014	MAXXIA	PAYROLL DEDUCTIONS	4,531.92
EFT122521	27/11/2014	MCLEAN ENTERPRISES PTY LTD	FREIGHT - DARWIN - KNX - PARTS P479	66.00
EFT122522	27/11/2014	METALAND KUNUNURRA	PARTS - P126	60.01
EFT122523	27/11/2014	MOTOR WORKZ	SERVICE - P122	388.22
EFT122524	27/11/2014	ORD RIVER ELECTRICS	REPAIRS & CABLE INSTALLATION, KNX & WYN AIRPOT, KNX DEPOT	16,259.22
EFT122525	27/11/2014	ORDCO	SUPPLIES - PEST CONTROL CHEMICALS - KNX AIRPORT	121.00
EFT122526	27/11/2014	OLLIE'S IRRIGATION & PLUMB. SUPPLIES	PARTS, SWIM BEACH TOILETS, RETIC KNX, RETIC BORE KNX AIRPORT	1,162.22
EFT122527	27/11/2014	PLANT HIRE SERVICES PTY LTD	T01-14/15 - PLANT HIRE, MATERIALS - DRAINAGE CHANNEL DESILTING & REPAIRS	48,720.47
EFT122528	27/11/2014	QUICK CORPORATE AUSTRALIA	STATIONERY- SEPT 14 - KUNUNURRA ADMIN	629.19

EFT122529	27/11/2014	ROCKWELL OLIVIER	LEGAL ADVICE - WORK CAMP LEASE	953.92
EFT122530	27/11/2014	ROYAL LIFE SAVING (WA BRANCH)	POOL OPERATIONS TRAINING, LIWA MEMBERSHIP & INFANT AQUATICS CERT- KLC	19,108.60
EFT122531	27/11/2014	SHELF SUPPLY	SAFETY BOOTS - OUTDOOR STAFF - KNX DEPOT, DOG FOOD - KNX POUND	428.00
EFT122532	27/11/2014	SHIRE OF BROOME	KIMBERLEY ZONE MEMBER CONTRIBUTION TO RCG PROJECT SEED FUND 14/15	11,000.00
EFT122533	27/11/2014	SIMPLY UNIFORMS	EMBROIDERY OF STAFF UNIFORMS - KUNUNURRA AIRPORT	2,351.05
EFT122534	27/11/2014	SUNNY SIGN COMPANY PTY LTD	SIGNAGE - WEABER PLAIN RD	423.50
EFT122535	27/11/2014	TOLL EXPRESS	FREIGHT - CYLINDER, POOL SUPPLIES - KUNUNURRA LEISURE CENTRE	444.20
EFT122536	27/11/2014	TOX FREE AUSTRALIA PTY LTD	SKIP BIN EMPTIES - KNX DEPOT, STREET SWEEPING KNX & WYN - OCT 14	16,994.42
EFT122537	27/11/2014	TYREPLUS KUNUNURRA	PUNCTURE REPAIR - P132	35.00
EFT122538	27/11/2014	VANDERFIELD NORTHWEST PTY LTD	GEAR OIL - P386	143.28
EFT122539	27/11/2014	VISION IDZ	SUPPLY OF PVC CARDS FOR MEMBERSHIPS - KUNUNURRA LEISURE CENTRE	71.50
EFT122540	27/11/2014	WA LOCAL GOVERNMENT SUPER PLAN	SUPERANNUATION CONTRIBUTIONS	23,612.19
EFT122541	27/11/2014	WESFARMERS KLEENHEAT GAS PTY LTD	YEARLY FACILITY FEES - CYLINDER RENTAL - KLC	66.00
EFT122542	27/11/2014	WESTBOOKS	BOOK PURCHASES FOR LOCAL COLLECTION - KNX LIBRARY	26.24
EFT122543	27/11/2014	WYNDHAM PICTURE GARDENS	JERSEY BOYS MOVIE HIRE 19/9/2014 - SOCIAL DEV'T INITIATIVE - WYN CRC	250.00
EFT122544	27/11/2014	WALER AUSTRALIA P/L	CYANURIC ACID PHOTOMETER TABLETS - KLC	415.81
EFT122545	27/11/2014	WESTERN AUST. TREASURY CORP.	LOAN REPAYMENT	152,262.58
EFT122546	27/11/2014	WYNDHAM PLUMBING & GAS PTY LTD	EMERGENCY CALL OUT TO REPAIR BURST WATER MAIN - WYNDHAM	498.00
EFT122547	27/11/2014	WYNDHAM SUPERMARKET	HAND SANITIZER - RANGER SERVICES KUNUNURRA	7.75
TOTAL MUNICIPAL EFT PAYMENTS				2,408,106.62

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
50298	06/11/2014	CASH - PETTY CASH KNX DEPOT	PETTY CASH REIMBURSEMENT - KUNUNURRA DEPOT	75.43
50299	06/11/2014	EXPRESS MEDIA GROUP	4WD AUSTRALIAN MAGAZINE SUBSCRIPTION - KNX LIBRARY	194.00
50300	06/11/2014	HORIZON POWER	ELEC-VAR. INCL.KNX AIRPORT, KNX ADMIN , MESSMATE PUMP 10/9/14-13/10/14	22,387.83
50301	06/11/2014	JOHN & SILVIA WOODHEAD	RATES REFUND ASSESSMENT A7903 - DUE TO OVERPAYMENT	1,430.20
50302	06/11/2014	TELSTRA	LANDLINE & MOBILE PHONE COSTS - OCT 2014	836.73
50303	13/11/2014	AMP LIFE LTD	SUPERANNUATION CONTRIBUTIONS	639.87
50304	13/11/2014	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	3,894.16
50305	13/11/2014	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	249.47
50306	13/11/2014	CASH - PETTY CASH KNX AIRPORT	PETTY CASH REIMBURSEMENT - KUNUNURRA AIRPORT	91.65
50307	13/11/2014	CBUS	SUPERANNUATION CONTRIBUTIONS	332.60
50308	13/11/2014	COMMONWEALTH BANK GROUP SUPER	SUPERANNUATION CONTRIBUTIONS	430.74
50309	13/11/2014	CONCEPT ONE THE INDUSTRY SUPER	SUPERANNUATION CONTRIBUTIONS	296.46

50310	13/11/2014	HEALTH INSURANCE FUND OF AUST LTD	PAYROLL DEDUCTIONS	42.75
50311	13/11/2014	HORIZON POWER	ELEC-VARIOUS INCL. STREET LIGHTING KNX 1/10/14-31/10/14	16,932.21
50312	13/11/2014	HOSTPLUS SUPERANNUATION FUND	SUPERANNUATION CONTRIBUTIONS	400.99
50313	13/11/2014	INTRUST SUPER	SUPERANNUATION CONTRIBUTIONS	233.83
50314	13/11/2014	JOANNE RICHARDSON	REFUND FOR SWIM SCHOOL STUDENT TERM 4 SWIM LESSONS	95.00
50315	13/11/2014	LOCAL GOVERNMENT SUPER	SUPERANNUATION CONTRIBUTIONS	1,243.16
50316	13/11/2014	MLC MASTERKEY PERSONAL SUPER	SUPERANNUATION CONTRIBUTIONS	244.92
50317	13/11/2014	MLC NOMINEES PTY LTD	SUPERANNUATION CONTRIBUTIONS	294.18
50318	13/11/2014	REI SUPER	SUPERANNUATION CONTRIBUTIONS	416.64
50319	13/11/2014	REST SUPER	SUPERANNUATION CONTRIBUTIONS	1,275.88
50320	13/11/2014	SUNSUPER	SUPERANNUATION CONTRIBUTIONS	1,024.59
50321	13/11/2014	TRUSTEE FOR HEADING SUPER FUND	SUPERANNUATION CONTRIBUTIONS	517.64
50322	13/11/2014	UNISUPER	SUPERANNUATION CONTRIBUTIONS	144.38
50323	13/11/2014	VICSUPER	SUPERANNUATION CONTRIBUTIONS	91.89
50324	13/11/2014	VISION SUPER	SUPERANNUATION CONTRIBUTIONS	7,890.74
50325	13/11/2014	WATER CORPORATION	SERVICE CHARGE- EWIN CENTRE, STAFF HOUSING 1/11/14-31/12/14.	690.52
50326	13/11/2014	WATER CORP. SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	209.36
50327	20/11/2014	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	43.87
50328	20/11/2014	CHRISTIAAN HANEKOM	KDHS SENIOR SCHOOL AWARDS - SWEK CITIZENSHIP AWARD NOV 14	300.00
50329	20/11/2014	HORIZON POWER	ELEC- STREET LIGHTING WYNDHAM FORESHORE - 1/10/14-31/10/14	55.66
50330	20/11/2014	NICOLENE GAULT	REFUND FOR SWIM STUDENT 5 WEEKS TERM 4 SWIM LESSONS	59.37
50331	20/11/2014	TELSTRA	LANDLINE & MOBILE PHONE COSTS - OCT 2014	9,984.08
50332	20/11/2014	WATER CORPORATION	WATER USE&SERV CHARGE-KNX LEISURE CNT, STAFF HOUSING 2/9/14-4/11/14	4,358.58
50333	27/11/2014	AMP LIFE LTD	SUPERANNUATION CONTRIBUTIONS	642.35
50334	27/11/2014	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	3,587.08
50335	27/11/2014	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	249.47
50336	27/11/2014	CBUS	SUPERANNUATION CONTRIBUTIONS	412.30
50337	27/11/2014	COMMONWEALTH BANK GROUP SUPER	SUPERANNUATION CONTRIBUTIONS	430.74
50338	27/11/2014	CONCEPT ONE THE INDUSTRY SUPER	SUPERANNUATION CONTRIBUTIONS	297.42
50339	27/11/2014	HEALTH INSURANCE FUND OF AUST LTD	PAYROLL DEDUCTIONS	42.75
50340	27/11/2014	HORIZON POWER	ELEC-VAR. INCL. KNX ADMIN, KNX AIRPORT, KLC - 11/10/14-12/11/14	37,816.66
50341	27/11/2014	HOSTPLUS SUPERANNUATION FUND	SUPERANNUATION CONTRIBUTIONS	400.99
50342	27/11/2014	INTRUST SUPER	SUPERANNUATION CONTRIBUTIONS	233.83
50343	27/11/2014	LOCAL GOVERNMENT SUPER	SUPERANNUATION CONTRIBUTIONS	1,243.16

50344	27/11/2014	MLC MASTERKEY PERSONAL SUPER	SUPERANNUATION CONTRIBUTIONS	244.92
50345	27/11/2014	MLC NOMINEES PTY LTD	SUPERANNUATION CONTRIBUTIONS	267.11
50346	27/11/2014	REI SUPER	SUPERANNUATION CONTRIBUTIONS	419.23
50347	27/11/2014	REST SUPER	SUPERANNUATION CONTRIBUTIONS	1,201.17
50348	27/11/2014	SUNSUPER	SUPERANNUATION CONTRIBUTIONS	1,023.82
50349	27/11/2014	TASPLAN	SUPERANNUATION CONTRIBUTIONS	171.64
50350	27/11/2014	TRUSTEE FOR HEADING SUPER FUND	SUPERANNUATION CONTRIBUTIONS	585.24
50351	27/11/2014	UNISUPER	SUPERANNUATION CONTRIBUTIONS	144.38
50352	27/11/2014	VICSUPER	SUPERANNUATION CONTRIBUTIONS	194.87
50353	27/11/2014	VISION SUPER	SUPERANNUATION CONTRIBUTIONS	2,650.50
50354	27/11/2014	WATER CORPORATION	WATER USE CHARGES INCL. ADMIN, AIRPORT, CEMETERY - KNX -1/9/14-7/11/14	6,799.35
50355	27/11/2014	WATER CORPORATION SUPER	SUPERANNUATION CONTRIBUTIONS	209.36
TOTAL MUNICIPAL CHEQUE PAYMENTS				136,677.72

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
500827	11/11/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 11/11/14	2,185.15
500828	12/11/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 12/11/14	1,711.10
500829	13/11/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 13/11/14	384.20
500830	14/11/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 14/11/14	304.50
500831	17/11/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 17/11/14	332.05
500832	18/11/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 18/11/14	982.05
500833	20/11/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 20/11/14	1,312.30
500834	21/11/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 21/11/14	162.35
500835	24/11/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 24/11/14	1,223.90
500836	22/11/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 25/11/14	896.05
500837	26/11/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 26/11/14	497.40
500838	27/11/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 27/11/14	495.85
500839	03/11/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 03/11/14	635.25
500840	04/11/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 04/11/14	831.80
500841	05/11/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 05/11/14	302.30
500842	06/11/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 06/11/14	639.85
500843	07/11/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 07/11/14	396.10
500844	10/11/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 10/11/14	778.20
TOTAL TRANSPORT EFT PAYMENTS				14,070.40

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
	5/11/2014	PAYROLL	PAYROLL	854.25
	10/11/2014	PAYROLL	PAYROLL	32,469.30
	12/11/2014	PAYROLL	PAYROLL	205,011.59
	17/11/2014	PAYROLL	PAYROLL	3,487.30
	20/11/2014	PAYROLL	PAYROLL	4,665.53
	26/11/2014	PAYROLL	PAYROLL	210,826.00
			TOTAL PAYROLL PAYMENTS	457,313.97

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
	3/11/2014	DIRECT DEBIT	BANK FEES	260.30
	3/11/2014	DIRECT DEBIT	BPAY FEES	629.12
	3/11/2014	DIRECT DEBIT	LEASE COSTS - 11 KWINANA STREET WYNDHAM	1,520.00
	10/11/2014	DIRECT DEBIT	LEASE COSTS - 38 GARDENIA DRIVE KUNUNURRA	3,606.55
	10/11/2014	DIRECT DEBIT	PERIODIC PAYMENT FEE	4.80
	10/11/2014	DIRECT DEBIT	LEASE COSTS - 5 RATTLEPOD CLOSE KUNUNURRA	2,946.66
	10/11/2014	DIRECT DEBIT	PERIODIC PAYMENT FEE	4.80
	11/11/2014	DIRECT DEBIT	LEASE COSTS - 9B PLUM COURT KUNUNURRA	1,380.50
	11/11/2014	DIRECT DEBIT	PERIODIC PAYMENT FEE	4.80
	20/11/2014	DIRECT DEBIT	MASTERCARD PAYMENT (SEE TRANSACTION LISTING BELOW)*	9,056.61
	25/11/2014	DIRECT DEBIT	LEASE COSTS - 9B PLUM COURT KUNUNURRA	1,380.50
	25/11/2014	DIRECT DEBIT	PERIODIC PAYMENT FEE	4.80
			TOTAL DIRECT DEBIT PAYMENTS	20,799.44

***DETAILS OF MASTERCARD TRANSACTIONS INCLUDED IN DIRECT DEBIT 20/11/14**

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
	30/09/2014	OFFICE NATIONAL KUNUNURRA	3 X CANON INK CARTRIDGES	72.40
	30/09/2014	AIRNORTH	FLIGHT CHANGE - STAFF MEMBER - KIMBERLEY ZONE MEETING BROOME	77.00
	2/10/2014	QANTAS AIRWAYS	FLIGHTS - STAFF MEMBER IN ACCORDANCE WITH EMPLOYMENT CONTRACT	1,763.84
	3/10/2014	QANTAS AIRWAYS	FLIGHTS - STAFF MEMBER IN ACCORDANCE WITH EMPLOYMENT CONTRACT	946.14
	3/10/2014	QANTAS AIRWAYS	FLIGHTS - STAFF MEMBER IN ACCORDANCE WITH EMPLOYMENT CONTRACT	342.16
	4/10/2014	CABFARE QPS	TAXI STAFF MEMBER - BROOME - KIMBERLEY ZONE MEETING	13.65
	4/10/2014	CAPRICORNIA MOTEL DARWIN	ACCOM. DARWIN - STAFF MEMBER IN ACCORDANCE WITH EMPLOYMENT CONTRACT	121.00

7/10/2014	TARGET COUNTRY KUNUNURRA	HOUSEHOLD ITEMS – STAFF HOUSING	134.00
8/10/2014	COLES KUNUNURRA	HOUSEHOLD ITEMS – STAFF HOUSING	157.30
10/10/2014	DIGICERT INC.	NETWORK PROTECTION SUBSCRIPTION - CITRIX	482.39
10/10/2014	AUTO ONE KUNUNURRA	REPLACEMENT PLUG - KUNUNURRA DEPOT TRAILER	12.00
13/10/2014	EAST KIMBERLEY HARDWARE	LARGER RUGGED STORAGE CASE FOR BACKUP TAPES AT BANK	169.20
13/10/2014	HARRIS TECHNOLOGY	PC MONITOR ADAPTER FOR DUAL SCREEN USE - VARIOUS STAFF	259.40
13/10/2014	COUNTERBALANCE CORPORATION	HYDRAULIC LIFTER FOR AIRPORT KIOSKS - KUNUNURRA AIRPORT	1,320.78
14/10/2014	AUSTRALIA POST	USB STICK 32 GB - ICT USE	25.99
14/10/2014	WHITECARDONLINE	WHITE CARD FOR DIRECTOR INFRASTRUCTURE	50.90
15/10/2014	KUNUNURRA HOME AND GARDEN	PADLOCK FOR SECURE BACKUP TAPE CASE	21.50
15/10/2014	AUSTRALIA POST	PORTABLE HARD DRIVE	109.00
15/10/2014	AUSTRALIA POST	RETURNED FAULTY HARD DRIVE	- 109.00
16/10/2014	EVERY BATTERY KENSIN	REPLACEMENT SATELITE PHONE BATTERY - INFRASTRUCTURE	79.95
16/10/2014	HARRIS TECHNOLOGY	PORTABLE HARD DISK DRIVE - OFFSITE BACKUPS	198.84
17/10/2014	TARGET COUNTRY KUNUNURRA	HOUSEHOLD ITEMS – STAFF HOUSING	30.00
17/10/2014	TARGET COUNTRY KUNUNURRA	HOUSEHOLD ITEMS – STAFF HOUSING	19.00
17/10/2014	COLES KUNUNURRA	HOUSEHOLD ITEMS – STAFF HOUSING	66.00
21/10/2014	COLES KUNUNURRA	REFRESHMENTS - COUNCIL MEETING	9.67
22/10/2014	HARRIS TECHNOLOGY	NETWORK ADAPTER - EXTENDER - ICT USE	81.78
22/10/2014	HARRIS TECHNOLOGY	PC MONITOR ADAPTERS FOR DUAL SCREEN USE - VARIOUS STAFF	220.68
23/10/2014	KIMBERLEY CROC BACKPACKERS	DRYCLEANING LINEN FOR COUNCIL MEETINGS	52.55
23/10/2014	COLES KUNUNURRA	REFRESHMENTS - REGIONAL CABINET MEETING	118.45
24/10/2014	GRAB A BARGAIN VARIETY	TABLECLOTHS FOR MEET THE MINISTER EVENT	67.85
28/10/2014	CROCODILE SIGNS	BIOSECURITY SIGNS AS PER COUNCIL RESOLUTION MINUTE 10632 OCT 14	1,742.00
30/10/2014	AHRI LTD	MEMBERSHIP - STAFF MEMBER AS PER EMPLOYMENT CONTRACT	347.00
30/10/2014	BANKWEST	BANK CHARGES	53.19

13.2 INFRASTRUCTURE

13.2.1 Wet Season Road Closure

DATE:	16/12/2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	East Kimberley Region
AUTHOR:	David Klye, Director Infrastructure
REPORTING OFFICER:	David Klye, Director Infrastructure
FILE NO:	RD.09.11
DECLARATION OF INTERESTS:	Nil

PURPOSE

To close Kalumburu Road, Port Warrender Road (including Mitchell Plateau/Falls) and Mt Elizabeth Road over the Wet Season.

BACKGROUND

The closure of Kalumburu Road, Port Warrender Road (including Mitchell Plateau/Falls) and Mt Elizabeth Road is proposed from mid December 2014 and reopen late April 2014, weather permitting.

Closed Road Usage Permits can be issued by the Shire in absolute necessary circumstances, with at least three full business days' notice prior to planned road use.

STATUTORY IMPLICATIONS

The Shire has the authority to close roads under the *Local Government Act 1995* – CI 3.50, CI 3.50A, CI 3.51 and CI 5.42 and also under the *Road Traffic Act 1974* - CI 92.

The CEO has authority to close roads for up to three months under delegated authority. A Council decision is required for road closure periods in excess of three months.

POLICY IMPLICATIONS

There are no policy implications in relation to this item.

FINANCIAL IMPLICATIONS

There are no policy implications in relation to 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 1.4.1: Ensure legislative compliance and follow best practice principles in planning and service delivery

COMMUNITY CONSULTATION

A fortnightly advertisement will be placed in the Kimberley Echo commencing from 18 December 2014 together with advertising on Facebook, by public notice and media release in accordance with the *Local Government Act 1995* – Cl 3.50 and Cl 5.51.

Prior written notice will be provided to all owners of land affected by these closures in accordance with the *Local Government Act 1995* – Cl 3.50 and Cl 3.51.

COMMENT

During the wet season the Shire has closed certain roads to the public to preserve the integrity of the road and for the safety of the public who could easily become bogged on an isolated piece of road. It is planned to close Kalumburu Road, Port Warrender Road (including Mitchell Plateau/Falls) and Mt Elizabeth Road to the general public from mid-December 2014 and reopen late April 2015, weather permitting.

Local residents are familiar with care of the road and will be provided with a conditional exemption to use the road based on an understanding of care for the road. The requirements associated with this exemption will be explained in detail to them in writing with the necessary written notification of the road closure.

Closed Road Usage Permits may be issued to the general public by the Shire in absolute necessary circumstances, with at least three full business days' notice prior to any planned travel and conditional upon actual road conditions at the time of travel.

Other unsealed roads within the Shire will be closed from time to time throughout the wet season as and when weather and road conditions dictate. The decision to close any road or section of road will be based on the Shire's assessment of the likely damage that may be caused to the road by public use.

The CEO has authority to close roads for up to three months under current delegated authority. A Council decision is required for road closure periods in excess of three months. The wet season at Kalumburu can begin in mid to late November and end March or April which is a period of up to five months. The current delegated authority limits the CEO's ability to manage the closure of roads to three months. It is proposed to alter the delegated authority time period for road closures to six months to streamline road management.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

It is recommended that:

- 1) Kalumburu Road, Port Warrender Road (including Mitchell Plateau/Falls) and Mt Elizabeth Road be closed from mid December 2014 and reopen late April 2014, at the discretion of the CEO and weather permitting.
- 2) Delegation number CD/GOV 6104 be amended by altering the last paragraph to read *"Any proposal to close a thoroughfare for any period exceeding 6 months must be referred to Council for determination."*
- 3) Closed Road Usage Permits can be issued by the Shire in absolutely necessary circumstances, with at least three full business days' notice prior to planned road use.

Cr J Moulden advises the meeting that the recommendation needs to be split in to 2 resolutions as items 1 and 3 required simple majority and item 2 absolute majority.

Cr K Wright moves the recommendation with the removal of dot point 2 as the CEO already has delegated authority to close roads in the case of an emergency therefore there is no requirement to amend the delegations.

COUNCIL DECISION

Minute No. 10703

Moved: Cr K Wright

Seconded: Cr B Robinson

- 1) **Kalumburu Road, Port Warrender Road (including Mitchell Plateau/Falls) and Mt Elizabeth Road be closed from mid December 2014 and reopen late April 2014, at the discretion of the CEO and weather permitting.**
- 3) **Closed Road Usage Permits can be issued by the Shire in absolutely necessary circumstances, with at least three full business days' notice prior to planned road use.**

Carried unanimously 8/0

Cr K Wright moves dot point 2 of the Officer's Recommendation with an amendment to the wording.

COUNCIL DECISION

Minute No. 10704

Moved: Cr K Wright

Seconded: Cr B Robinson

That Delegation number CD/GOV 6104 not be amended by altering the last paragraph to read "*Any proposal to close a thoroughfare for any period exceeding 6 months must be referred to Council for determination.*"

Carried 5/3

For: Cr K Wright, Cr B Robinson, Cr G King, Cr D Spackman, Cr R Dessert

Against: Cr D Learbuch, Cr J Moulden, Cr G Taylor

13.2.2 Proposed Policy Private Works and Developments on Road Verges and Council Managed Land

DATE:	16/12/2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/A
AUTHOR:	David Klye, Director Infrastructure
REPORTING OFFICER:	David Klye, Director Infrastructure
FILE NO:	CM.11.2
DECLARATION OF INTERESTS:	Nil

PURPOSE

To present to Council a proposed policy position, Private Works and Developments on Road Verges and Council Managed Land.

BACKGROUND

In relation to the Shire carrying out work on behalf of a Government Department on Council controlled land, Council at its December 2013 Special Meeting of Council resolved:

COUNCIL DECISION

Minute No. 10287

***Moved: Cr D Spackman
Seconded: Cr B Robinson***

Part 3

CEO to prepare and propose a policy to be brought to Council for consideration on the Shire carrying out work on behalf of a Government department on Council controlled land.

- ***Including what projects have recently been finish or are underway.***
- ***What liability is the Shire exposed to in undertaking these works?***
- ***Does the Shire need development approval as normal or is it exempt if working on behalf of Government?***
- ***Are there Budget implications for this type of work?***
- ***When a project of this nature (relocation of bus area onto Council land) can potentially affect such a large sector of the community, what policies can be put in place to ensure the community has the appropriate input and is kept informed?***

Carried 4/3

Against: Cr J Moulden, Cr R Dessert & Cr D Learbuch

This issue was dealt with in part at the November 2014 meeting where Council adopted its Private Works Policy.

STATUTORY IMPLICATIONS

Under the *Local Government Act 1995 Clause 2.7(2)(b)*, Council is to determine the Local Government's policies.

POLICY IMPLICATIONS

This matter directly addresses Council's policy position on private works and developments on road verges and Council managed land.

FINANCIAL IMPLICATIONS

This matter seeks to directly address the issue of management costs associated with repeatedly dealing with private works and developments on road verges and Council maintained land.

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

A proposed policy position has been developed to address Private Works and Developments on Road Verges and Council Managed Land to compliment the Private Works Policy in addressing the concern raised by Council in December 2013.

It is recommended that the proposed policy be adopted by Council provide guidance on what works and developments on road verges, nature strips and Council Managed Land may be undertaken without a permit and without Council or Shire Administrative Approval. In developing the proposed policy position (Attachment 1). It was considered appropriate to adhere to the following simple, basic principles.

That Shire policies should be:

1. strategic in nature and provide broad guidance. Policy should not address any administrative matters, operational matters, detail or specific circumstance;
2. in the best interests of the community as a whole. Policy should aim to achieve the best outcome for the entire community without advantaging or disadvantaging any specific group;
3. fair and equitable across the community. Policy should be based on the principle of natural justice and what Australians understand as "a fair go";
4. balanced in their treatment of the Shire's risk to exposure. Policy should not necessarily be 100% risk averse. A considered, balanced approach should be taken;
5. cognisant that Council and the Shire operate in a commercial environment. Policy should aim to avoid as far as possible having undesirable commercial impacts;

6. administratively efficient. Policy should promote simplicity, transparency, understanding, reduce complexity and be open to scrutiny.

ATTACHMENTS

Attachment 1 - Proposed Policy – Private Works and Developments on Road Verges and Council Managed Land

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council adopt the attached proposed policy "*Private Works and Developments on Road Verges and Council Managed Land*", policy number CP/OPS-3651.

COUNCIL DECISION

Minute No. 10705

Moved: Cr K Wright

Seconded: Cr G King

That Council adopt the attached proposed policy "*Private Works and Developments on Road Verges and Council Managed Land*", policy number CP/OPS-3651.

Carried unanimously 8/0



POLICY NO	CP/OPS-3651	
POLICY	Private Works and Developments on Road Verges and Council Managed Land	
RESPONSIBLE DIRECTORATE	Infrastructure	
COUNCIL ADOPTION	Date:	Resolution No.
REVIEWED/MODIFIED	Date:	Resolution No.
	Date:	Resolution No.
LEGISLATION	<i>Local Government Act 1995, Section 3.1</i>	
RELEVANT DELEGATIONS		
CEO SIGNATURE		

OBJECTIVES:

To provide guidance on what works and developments on road verges, nature strips and Council Managed Land may be undertaken without a Permit to Undertake Works on Public Land and without Council or Shire Administrative Approval.

DEFINITION/S:

Public land means any land that is under the control and management of the Shire

POLICY STATEMENT/S:

1. Any works on Council managed property requires either Council permission or a Permit to Undertake Works on Public Land other than for the following:
 - 1.1 planting and maintaining grass, crushed rock etc. including installation of a water reticulation system for the maintenance of grass;
 - 1.2 construction of terracing or garden beds with or without edging with a total maximum height of less than 300 mm and more than 1.8 metres from the back of kerb;
 - 1.3 growing of plants less than 0.9 m high, more than 1.8 m from the back of kerb and more than 20m from the boundary line of an intersecting street.

Note: The works referred to above do not require a Permit to Undertake Works on Public Land.

2. A Permit to Undertake Works on Public Land must be obtained prior to undertaking any works on council managed property, other than those referred to above. Application forms are available from the Shire offices.

3. Statutory Authorities undertaking normal maintenance on their own assets do not require Development Approval.
4. To support Council in effective management of council's assets, statutory authorities are requested to obtain a permit to undertake works on public land from the Shire.
5. Any development on public land shall not impact on any existing or planned footpaths or any other Shire or other authority's infrastructure.
6. Notwithstanding any of the above the Shire may at any time undertake any works on property under its management and control as required.
7. Reinstatement by the Shire of any development undertaken under this policy will be at the Shire's entire discretion.

EXPLANATORY NOTES:

Authorisation for significant works such as the development of parking associated with a private development or the construction of other significant infrastructure associated with a private development shall be referred to Council for determination.

APPLICATION/S:

This policy applies to all Council managed property within the Shire.

13.2.3 New Fire Brigades

DATE:	16/12/2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Argyle and East Gibb River Roads
AUTHOR:	Robert Jehu, Coordinator Emergency & Regulatory Services
REPORTING OFFICER:	David Klye, Director Infrastructure
FILE NO:	ES.01
DECLARATION OF INTERESTS:	Nil

PURPOSE

To consider the establishment of two additional bushfire brigades.

BACKGROUND

Under the Bush Fire Act the Shire is responsible to establish and maintain bush fire brigades as a part of its organisation for the prevention, control, and extinguishment of bush fires. The Kimberley region has entered into a trial period of three years with FESA for maintenance of the Brigades. Council is still responsible for the establishment of any new Fire Brigades. Currently there are three rural and one town volunteer fire brigades in the Kununurra area and one situated at Wyndham.

STATUTORY IMPLICATIONS

Under the powers conferred by the *Bush Fires Act 1954* Cl 41 and under all other powers enabling it, the Council of the Shire of Wyndham East Kimberley resolved on 21 October 2003 to make the following local law "BUSH FIRE BRIGADES LOCAL LAW 2003".

POLICY IMPLICATIONS

There are no policy implications in relation to this item

FINANCIAL IMPLICATIONS

There are no financial implications associated with this item as DFES fund all costs associated with the operation of fire brigades.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

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

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

COMMUNITY CONSULTATION

The recommendation associated with this item is in accordance with community requests. Further community consultation is not required.

COMMENT

Department of Fire and Emergency Services (DFES) contacted the Shire stating that there have been expressions of interest in forming two new bush fire brigades. The expressions of interest in forming two new bush fire brigades come from the Lake Argyle precinct and the East Gibb River Road area.

There are three existing Kununurra bush fire brigades which are all situated close to Kununurra and there currently is little or no brigade coverage in the Argyle Dam area or on the Gibb River Road.

It appears that the two proposed groups have responded to fires threatening their estate in the past and in the process have taken decisions in relation to suppression activities both on and off their estate. As land occupiers, they have no legal authority to undertake works off their land holdings.

From a risk point of view, both these areas are of significant concern given the high tourist visitation in these areas during the northern fire season. The following benefits would flow from formation of the two proposed bush fire brigades:

1. Increased awareness of fire in the landscape;
2. Increased chance of early intervention stopping a fire from taking hold;
3. Improved information flows in relation to fires in the areas;
4. Greater training levels improving the safety of responders in the areas; and
5. Authority under legislation for responders to take necessary suppression actions off tenure.

The Shire of Wyndham East Kimberley has established the Local Law "*Bush Fire Brigades Local Law 2003*". This Local Law allows the Shire to establish additional bush fire brigades.

ATTACHMENTS

Attachment 1 – Letters from Lake Argyle Residents

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That, in accordance with the *Bush Fires Act 1954* Cl 41, Council form two fire brigades, the Argyle Brigade and the East Gibb River Road Brigade.

Cr Spackman moves to suspend Standing Orders Local Law clause 7.5, Limitation on Number of Speeches to discuss item 13.2.3 New Fire Brigades.

COUNCIL DECISION

Minute No. 10706

Moved: Cr D Spackman

Seconded: Cr B Robinson

That Council suspends Standing Orders Local Law clause 7.5, Limitation on Number of Speeches to discuss item 13.2.3 New Fire Brigades.

Carried 5/3

Cr Robinson moves to resume Standing Orders Local Law clause 7.5, Limitation on Number of Speeches to continue the meeting procedures.

COUNCIL DECISION

Minute No. 10707

Moved: Cr B Robinson

Seconded: Cr D Learbuch

That Council resumes Standing Orders Local Law clause 7.5, Limitation on Number of Speeches to continue the meeting procedures.

Carried unanimously 8/0

Cr G Taylor moves the Officer's Recommendation, Cr D Learbuch seconds.

Cr K Wright moves the amendment below to the Officer's Recommendation, Cr G King seconds:

"That, in accordance with the *Bush Fires Act 1954* Cl 41, Council form one fire brigade, the Argyle Brigade"

COUNCIL DECISION

Minute No. 10708

**Moved: Cr K Wright
Seconded: Cr G King**

That, in accordance with the *Bush Fires Act 1954* Cl 41, Council form one fire brigade, the Argyle Brigade.

3/5 Motion lost
For: Cr K Wright, Cr G King, Cr D Spackman
Against: Cr J Moulden, Cr G Taylor, Cr R Dessert, Cr Learbuch, Cr Robinson

Cr Learbuch moves to suspend Standing Orders Local Law clause 7.5, Limitation on Number of Speeches to discuss item 13.2.3 New Fire Brigades

COUNCIL DECISION

Minute No. 10709

**Moved: Cr D Learbuch
Seconded: Cr B Robinson**

That council suspends Standing Orders Local Law clause 7.5, Limitation on Number of Speeches to discuss item 13.2.3 New Fire Brigades

Carried unanimously 8/0

Cr Robinson moves to resume Standing Orders Local Law clause 7.5, Limitation on Number of Speeches to continue the meeting procedures.

COUNCIL DECISION

Minute No. 10710

**Moved: Cr B Robinson
Seconded: Cr K Wright**

That council resumes Standing Orders Local Law clause 7.5, Limitation on Number of Speeches to continue the meeting procedures.

Carried unanimously 8/0

Cr G Taylor moves the officer's recommendation, Cr D Learbuch seconds.

COUNCIL DECISION

Minute No. 10711

Moved: Cr G Taylor

Seconded: Cr D Learbuch

That, in accordance with the *Bush Fires Act 1954* Cl 41, Council form two fire brigades, the Argyle Brigade and the East Gibb River Road Brigade.

Carried 6/2

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

Against: Cr K Wright, Cr G King

13.2.4 Crossing Falls Brigade Light Tanker

DATE:	16/12/2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Crossing Falls
AUTHOR:	Robert Jehu, Coordinator Emergency & Regulatory Services
REPORTING OFFICER:	David Klye, Director Infrastructure
FILE NO:	ES.15.1
DECLARATION OF INTERESTS:	Nil

PURPOSE

To seek direction from Council regarding disposal of the Crossing Falls Brigade light tanker.

BACKGROUND

In 2009 the Crossing Falls Fire Brigade was offered a replacement tanker under a new for old offer. The brigade had a tanker at that time that was donated to them by the Argyle Diamond Mine. When the Brigade received the new tanker they retained the old tanker. The Shire has paid all expenses for both tankers since 2009.

The Department of Fire and Emergency Services (DFES) has an agreement with the Kimberley Councils to take over the management of the Bushfire Brigades for a trial period of 3 years. As part of this agreement DFES are now responsible for all expenses associated with the brigades. Council are still the owners of the vehicles and continue to insure and register the vehicles and claim this expenditure back from DFES.

Council has currently \$1,400.00 expenditure relating to this tanker for this financial year. DFES have indicated that they are not able to reimburse Council for these costs.

STATUTORY IMPLICATIONS

For disposal of Shire property the *Local Government Act 1995* Cl 3.58 applies.

POLICY IMPLICATIONS

There are no policy implications associated with this item.

FINANCIAL IMPLICATIONS

The recommended course of action will remove the financial burden of managing the tanker from the Shire administration. Potential liability issues will also be removed from the Shire.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

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

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

COMMUNITY CONSULTATION

Community consultation is not required in relation to this item.

COMMENT

Since 2009 Council has been paying for the cost of a light tanker that wasn't disposed of and taken off the register for Crossing Falls Fire Brigade.

Council was advised by DFES in April 2014 that the tanker was to be removed from the equipment register, at which time council notified our insurer to remove it from our list of insured assets.

The Crossing Falls Fire Brigade Minutes of 4 April 2009 contains the note:

"...The old fire unit will have to be decommissioned as a FESA registered vehicle and cannot be considered to be an emergency vehicle under the Road Traffic Act. As the old fire unit is the property of the Crossing Falls community (donated by Argyle Diamond Mine) it does not have to be handed back to FESA as would be the case with other brigades. Though the old unit can be used to fight fires as it has a tank and pump, it cannot be covered by ESL funds, it should only have amber lights and should not have a siren. It should be insured and registered as a regular vehicle by the committee".

It is considered appropriate that Council assist with the brigade's minute that they take over the responsibility for registration of the vehicle. Ownership of the vehicle seems to be unclear. The value of the vehicle is written down to zero. If the brigade was a not for profit incorporated body Council could simply transfer ownership and responsibility for registration and third party insurance costs to the brigade.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

1. write to the Crossing Falls Brigade seeking their comment and advising them that the light tanker plant number P325, registration number 7CJ 219 is on the Shire asset register, and
2. as such, viable disposal options are that Council could donate the vehicle to the Crossing Falls Brigade if it was a not for profit incorporated community group or that Council would offer the tanker for sale by public tender.

Cr J Moulden advises the meeting that the voting requirement is simple majority not absolute majority.

Cr G Taylor moves the officer's recommendation. Seconded by Cr B Robinson

Cr D Spackman moves the officer's recommendation with the addition of dot point 3. Seconded by Cr K Wright.

That Council:

1. write to the Crossing Falls Brigade seeking their comment and advising them that the light tanker plant number P325, registration number 7CJ 219 is on the Shire asset register, and
2. as such, viable disposal options are that Council could donate the vehicle to the Crossing Falls Brigade if it was a not for profit incorporated community group or that Council would offer the tanker for sale by public tender;
3. When the vehicle is gifted that any further costs and expenses are borne by the Crossing Falls Fire Brigade nominee and not the Shire.

Cr B Robinson proposes a foreshadowed motion that the item be deferred to a briefing session.

Cr D Spackman put the motion with amendments, Cr K Wright seconds.

COUNCIL DECISION

Minute No. 10712

Moved: Cr D Spackman

Seconded: Cr K Wright

That Council:

1. **write to the Crossing Falls Brigade seeking their comment and advising them that the light tanker plant number P325, registration number 7CJ 219 is on the Shire asset register, and**
2. **as such, viable disposal options are that Council could donate the vehicle to the Crossing Falls Brigade if it was a not for profit incorporated community group or that Council would offer the tanker for sale by public tender.**
3. **When the vehicle is gifted that any further costs and expenses are borne by the Crossing Falls Fire Brigade nominee and not the Shire.**

Carried 7/1

**For: Cr J Moulden, Cr R Dessert, Cr D Spackman, Cr K Wright, Cr G Taylor,
Cr D Learbuch**

Against: Cr B Robinson

At 6.04pm Cr J Moulden nominates Cr R Dessert as Deputy President to take the chair due to declaration of interest with item 13.2.5 Waste and Green Waste at Crossing Falls.

Cr J Moulden leaves the meeting.

13.2.5 Waste and Green Waste at Crossing Falls

DATE:	16/12/14
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Crossing Falls
AUTHOR:	Robert Jehu, Coordinator Emergency & Regulatory Services
REPORTING OFFICER:	David Klye, Director Infrastructure
FILE NO:	WM.09.1
DECLARATION OF INTERESTS:	Nil

PURPOSE

To rectify the problem of green waste dumped at Crossing Falls.

BACKGROUND

Illegal dumping of green waste has been occurring in a disused gravel pit on Crown Land at Crossing Falls. The site is situated at the corner of Crossing Falls Road and Cherubin Road.

A letter (Attachment 1) has been received from the Crossing Falls Fire Brigade stating that the Fire Brigade uses the site for fire drills and encourages Crossing Falls residents to drop green waste at this site to facilitate this. The Fire Brigade has requested that council ratify this practice.

STATUTORY IMPLICATIONS

The Shire's *Health Local Laws 2003* Cl 4.2.13 apply.

POLICY IMPLICATIONS

No Policy implications associated with this report.

FINANCIAL IMPLICATIONS

Council risks receiving fines from the Department of Environment Regulation if it allows the illegal dumping to continue. History has shown that simply asking residents to cease a practice that is convenient for them is ineffective. There will be a cost associated with erection of a barrier to exclude offenders from reoffending together with a cost associated with additional surveillance and enforcement.

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 3.2: Waste management and protection of environmental values

Strategy 1.2.3: Promote the colocation of community facilities and sharing of resources among community groups

COMMUNITY CONSULTATION

A letter has been issued (Attachment 2) to all residents of Crossing Falls informing them to cease the dumping of green waste until ratification by Council

COMMENT

Green waste has been deposited in a disused gravel pit on Crown Land at the corner of Crossing Falls Road and Cherubin Road. The waste consists primarily of a large pile of green waste. A notice (Attachment 2) has been distributed to all Crossing Falls residents informing that the practice of dumping was illegal and that if residents were identified depositing waste they would be fined.

The Department of Fire and Emergency Services have advised verbally that burning the waste is of no benefit to the Crossing Falls Fire Brigade as a training exercise. The Department of Parks and Wildlife have also been contacted and expressed that they are not in favour of having a waste site on their reserves.

The Department of Environment Regulation have indicated that they are willing to authorise a once off in situ burning of the existing pile of green waste recognising the current situation but that repeat authorisations to burn waste at the site would not be issued.

If the current dumping practise is allowed to continue it is inevitable that the site will be used to dump general household waste, fill, concrete, car bodies etc. It is also inevitable that the site will be used by commercial waste producers from Kununurra as a zero cost alternative to the licenced Shire landfill facility.

At some point the cost of remediation of the site will fall to the Shire. Council risks receiving fines from the Department of Environment Regulation if it allows the illegal dumping to continue. History has shown that simply asking residents of the Shire to cease a practice that is convenient for them is ineffective. There will be a cost associated with erection of a barrier to exclude offenders from reoffending together with a cost associated with additional surveillance and enforcement.

Crossing Falls residents may dump up to 1 m³ of green waste per day without charge and Crossing Falls is a similar distance from the licenced Shire landfill facility as Kununurra so there is no additional burden on Crossing Falls residents in terms of travel distance.

It is proposed that a follow up letter be sent to residents advising them that all household waste must be placed in their wheely bin or taken directly to the licenced Shire landfill facility, that green waste should not be deposited at the disused gravel pit on Crown Land at the corner of Crossing Falls Road and Cherubin Road and that residents may dump up to 1 m³ per day without charge at the licenced Shire landfill facility.

It is further proposed that the Crossing Falls Fire Brigade be approached with a request to supervise the burning of the current pile of green waste at the site and that waste maintenance funds be used to employ a contractor to place a rock barrier at the entrance to the disused gravel pit.

ATTACHMENTS

Attachment 1 - Request from Crossing Falls Fire Brigade
Attachment 2 - Notice to Crossing Falls residents

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1) sends a letter to Crossing Falls residents advising them that all household waste must be placed in their wheely bin or taken directly to the licenced Shire landfill facility, that green waste should not be deposited at the disused gravel pit on Crown Land at the corner of Crossing Falls Road and Cherubin Road and that residents may dump up to 1 m³ per day without charge at the licenced Shire landfill facility;
- 2) approaches the Crossing Falls Fire Brigade with a request to supervise the once off burning of the current pile of green waste at the site; and
- 3) places a rock barrier at the entrance to the disused gravel pit, using waste maintenance funds.

COUNCIL DECISION

Minute No. 10713

Moved: Cr G Taylor

Seconded: Cr B Robinson

That Council:

- 1) **sends a letter to Crossing Falls residents advising them that all household waste must be placed in their wheely bin or taken directly to the licenced Shire landfill facility, that green waste should not be deposited at the disused gravel pit on Crown Land at the corner of Crossing Falls Road and Cherubin Road and that residents may dump up to 1 m³ per day without charge at the licenced Shire landfill facility;**
- 2) **approaches the Crossing Falls Fire Brigade with a request to supervise the once off burning of the current pile of green waste at the site; and**
- 3) **places a rock barrier at the entrance to the disused gravel pit, using waste maintenance funds.**

Carried 6/1

**For: Cr R Dessert, Cr G Taylor, Cr G King, Cr D Learbuch, Cr D Spackman,
Cr B Robinson**

Against: Cr K Wright

6:06pm Cr J Moulden returns to the meeting and resumes the chair.

Crossing Falls Volunteer Bush Fire Brigade
PO Box 1218
Kununurra WA 6743

Robert Jehu
Emergency and Regulatory Services Coordinator
Shire of Wyndham-East Kimberley
PO Box 614
Kununurra WA 6743

20th August 2014

Dear Robert,

Residents of Crossing Falls have recently received a letter from yourself advising of concerns in relation to illegal dumping at the old gravel pit on the corner of Crossing Falls Road and Cherubin Avenue.

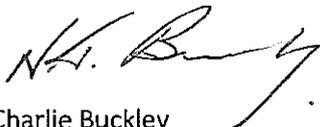
The Crossing Falls Volunteer Fire Brigade uses the site for fire drills and Crossing Falls residents are encouraged to drop green waste at the site to facilitate this. We appreciate your advice that this arrangement should be formalised and request that you provide us with details of the Shire of Wyndham-East Kimberley (SWEK) requirements in this regard.

Members of the Crossing Falls Fire Brigade are as concerned as SWEK at the dumping of steel and concrete that has occurred at this site.

You would be aware that the new Crossing Falls Fire Station is shortly to be constructed immediately adjacent to this site. This will enable better supervision of the fire drill site by the Crossing Falls Volunteer Fire Brigade members and we will address any issues of dumping of non-green waste material either directly with the person/s responsible or by reporting the incident to SWEK.

Thank you in anticipation of your assistance."

Regards



Charlie Buckley
Crossing Falls Fire Brigade Captain

(08) 9168 2442



SHIRE of WYNDHAM | EAST KIMBERLEY

PO BOX 614 KUNUNURRA WA 6743

Our Ref:
Your Ref:
Enquiries:

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

4/8/2014

To All Householders & Residents
Crossing Falls

Dear Householders & Residents

WASTE DUMPING

It has come to the Shires attention that there is currently waste being deposited in a disused gravel pit on Crown Land at Crossing Falls. This site is situated at the corner of Crossing Falls road and Cherubin Road

The waste consist of primly a large pile of green waste, as well as some piles of fill contaminated with steel and some concrete these appear to be quite old. Please note that the fine associated with the dumping of rubbish by and an individual range from \$200 to \$500 and for a body corporate up to \$10,000 >

The large pipe of green waste may be associated with training by the local volunteer fire brigade. If this is correct then the Shire will investigate the appropriate legislation and permits require.

The Sire instructs all resident to cease the dumping of waste on this site and will be monitoring the site for any breaches.

<Yours sincerely>

Robert Jehu
Emergency & Regulatory Services Coordinator.

Cc

13.2.6 Infrastructure Directorate Report

DATE:	16/12/2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	David Klye, Director Infrastructure
REPORTING OFFICER:	David Klye, Director Infrastructure
FILE NO:	N/A
DECLARATION OF INTERESTS:	N/A

PURPOSE

For Council to receive a directorate update from the Infrastructure Directorate.

BACKGROUND

This month the Infrastructure Directorate provides an update report on its activities.

STATUTORY IMPLICATIONS

Nil

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.

COMMENT

Current activities undertaken by the Infrastructure Directorate.

Project Management

- Reseal Kununurra airport runway shoulders and terminal apron – night works
- Asphalt overlay various Kununurra town site streets including Coolibah Drive; Messmate Way; Konkerberry Drive; Banksia Street; Papuana Street, Cotton Tree Avenue; Leichardt Street; Coolibah Drive service road
- Prepare line marking plans for MRWA approval and arrange installation of longitudinal centre line marking with MRWA contractor on roads asphalted
- Prepare line marking plans of Kununurra town site roads and arrange installation of car parking bays on roads asphalted
- Audit compliance of construction roads and drains of light audit industrial subdivision Cocus Way
- Construct passing lane Coolibah Drive adjacent to Kununurra District High School and Ivanhoe Caravan Park Entrance
- Widen/reconstruct Erythrina Street
- Construct road side drains and off-shoot drains along Carlton Hill Road
- Construct concrete box culverts and pipe culverts to property accesses Carlton Hill Road
- Progressing Certificate of Completion of 2 State Black Spot projects and singular Road Grant for MRWA acquittal
- Progressing work scope and specifications for proposed asphalt overlay to Kununurra airport runway 12/30
- Progressing technical brief for geotechnical investigation proposed Kununurra airport runway extension and structural integrity of existing taxiways and terminal apron to accommodate larger/heavier passenger airplanes
- Preparing projects for inclusion on R2R 2014/15 to 2018/19 5 year program portal web site
- Managing Kalumburu Closing grade road works
- Undertaking detail geometric design proposed pedestrian refuge island and longitudinal line marking Konkerberry Drive/Banksia Street intersection
- Undertaking detail geometric design proposed traffic management devices Mangaloo Street
- Undertaking detail design Miniata Drainage upgrade
- Project manage construction of Ivanhoe and Crossing Falls Bush Fire Sheds
- Prepare various concept design options proposed new Kununurra Courthouse
- Prepare RFQ for closing grade Mt Elizabeth Road and Ellenbrae Road

- Audit compliant engineering design New Neighbourhood House project
- Audit compliant engineering design proposed light industrial subdivision Crocodile Farm Wyndham
- Audit compliant engineering design proposed expansion Discovery Caravan Park
- Grant acquittal RADS Kununurra airport runway upgrade Department of Transport, Aviation Branch
- Project update Lily Creek Jetty and Boat Ramp Project Department of Transport, Marine Branch
- Installation bridge protection barriers Research Station Road and Stock Road with MRWA contractors
- Prepare work scope E-Quote hydrogeological investigation Wyndham and Kununurra existing landfills and proposed new Kununurra landfill site
- Prepare tender brief conjunction with WALGA for Wet Hire of Road Plant and Hire of Road Workers
- Liaison with government departments including MRWA, DoW and Water Corporation
- Liaison with ratepayers on local engineering issues
- Proposed barrier fence median island Kununurra District High School
- Progressing discussions with consulting engineer OVAHS parking layout Ironwood Drive
- Forward budget estimates and designs
- Preparation of Draft Council policy

Works Department

- Cleaned up Wyndham depot site following the fire
- Continuing town maintenance
- Arranging set out of signs and boom gates to Ivanhoe crossing
- Investigate options for upgrade of crossing
- Finalising installation of the liners for the new liquid waste ponds
- Finalising the SOPs for the new liquid waste ponds
- Staff disciplinary actions
- Tidying up time staff sheet issues
- Installing signage for Bio-security, parking, Airport directional, information and vandalism repair
- Line-marking to parking in Kununurra
- Drainage repair to River Farm Road
- Ivanhoe and Weaber Plain Road guide post replacement
- Drainage improvements to Bloodwood and Bandicoot drives

- Re-grades to Parry Creek Rd, Drovers Rd, Old Darwin Rd, Tip Access Rd
- Bulldust hole repair to Mulligans Lagoon Rd
- Created dog off lead area at Swim Beach by clearing and mowing area, laying sand etc.
- Cumbungi removal to dog off lead area at Swim Beach
- Repairs to M1 channel pump foot valve and standpipe

Rangers Report

Month: Kununurra/Wyndham November 1 – 28 2014

Number	Item
20	Dogs Impounded
3	Dogs Returned
28	Dog Complaints/ Ranger duties synergy
1	Dog Attacks
26	Dogs Destroyed
All	Cat Cages Delivered
All	Cat Cages Picked Up
22	Cats Destroyed
4	Campers Moved On
43	Bags of rubbish Collected
2	Abandoned Vehicles
0	Controlled Fire Attendances/Fire break inspection
0	Fires Attended
8	Fire Permits Issued
6	Call outs (After Hours & Weekends)
22	Verge Notices
7	Infringements
1	Dangerous Dog Declaration

Taxi rank issue: Received complaints from Nina's jewellery regarding Bert's Taxi's continuing to use the Shire car park to wait for Taxi's. 3 drivers spoken to but the complaints continued. Bert was informed (verbally) that there is a fine that we may issue the driver and company if they continued to use this space as a Taxi rank. This has been an ongoing complaint during November and was finalised by the Ranger Department on the 20th of November.

Litter patrols: 2 Rangers needed. As the wet season approaches less time is needed keeping the illegal campers out of town and leaving rubbish. There is more of a presence in our parks and town centre. We have done Litter patrols 1 – 3 times a day and made our presence felt as far as littering goes. We can't be there continuously but I have noticed I am getting compliance and people picking up rubbish without even talking to them.

Park Bins, Lions Park and Ivanhoe: 2 Rangers required. The bins at Ivanhoe and Lions Park are not on the Toxfree contract so we empty them as required. This has been a more economical approach than having Toxfree do it. While we can empty as required we do patrols out to these Shire boat ramps for street drinking and illegal use of public rubbish receptacles in these areas. We have had a lot of domestic and commercial use of the public bins at the truck stop opposite Shell on Ivanhoe Road. Fines of \$1000 were given this month.

Remove Litter from illegal dumping areas: 1 – 2 Rangers required. 1 Ranger - Depending on how much is to be removed and where it is we remove it and investigate it. Searching for names and any other evidence of who dumped it. 2 Rangers – To set up game cameras at dumping hot spots 2 Rangers needed so the camera can be located if someone is away for any reason.

Follow up Verge Notices: Following up Verge Notices has had a lot of time spent on it this year because there is no cyclone pick up. This includes talking to tenants after the first 7 day period has lapsed. When this is not applicable because of work shifts or any other reasons Intramaps and Synergy are used to talk to the owners of the properties and or property managers including groh houses and community housing.

Wyndham oil spill: Oil out of transformers from Umbulgari shipped to Wyndham by a demolition contractor and purchased by a local had leaked a considerable amount of oil near the shoreline. This was investigated by Rob inspected by the Rangers and all contaminated dirt was removed.

Valentines Spring Road/Parry Creek Road: On Wyndham trips in the dry season this is an alternative route to or from Wyndham once a week cleaning and inspection of Mambi boat ramp and toilet the long drop was replaced by the Rangers in October. This time of year it is still important to drive this road check Mambi toilet and boat ramp. Recently the other side of Ivanhoe Crossing has been heavily littered so when it is feasible it is a good idea to see if we can get people to pick up their rubbish or fine them and collect number plates. People have been driving onto the crossing from the Parry Creek side the crossing is still closed for people's safety.

Courthouse parking: Courthouse parking has been an issue with people parking on the grass. There have been a lot of people asking when a car park is going in. only warnings have been given at this stage this has been successful so far with people moving almost straight away in all cases.

Pound Duties: This time of year if there are dogs in the pound they are seen to 2 – 3 times a day due to the heat.

Wyndham: This month we have removed 6 cats and 11 dogs from Wyndham and issued Verge notices at 8 properties. 6 of the dogs were from Guda Guda community which generally helps keep numbers down in town. This works in KNX to removing dogs from The Ranch, Mirima, The Garden Area, Emu Springs and Mud Springs.

Asset Management

- Traffic counts, ongoing annual traffic counts on all maintenance group 1 roads
- Bridge inspections - annual bridge inspections complete
- RAMMS database administration, update and review current data
- Compiling maps and data for other directorates
- Culvert and Drainage inspection – Currently ongoing with over 500 culverts to inspect
- Supporting disaster recovery (WANDRRA) with reinstating drainage along Weaber Plain Road and Mills Road
- Investigating and compiling data in relation to flood damage claims

WANDRRA

The WANDRRA flood recovery works to repair the damage caused by flooding during the floods in February this year are nearing completion.

TITLE: Estimate of Works completed to date (from 1 July) 14					DATE: 25 NOV	
LOCATION: Estimate to date						
Location	No.	Contractor	Description	Amount	GST	
Egret Place	FRO72	JAB	De-silt	1,740.00	174.00	
Ivanhoe Road	FR073	JAB	Reinstatement	2,247.73	224.77	
Valentine Sprimngs		JAB	Road Reinstatement/Drainage	39,680.60	3,968.06	
Leichardt Street	FR018	JAB	Road Reinstatement	12,663.50	1,266.35	
Poinchetta Way	FR027	JAB	Road Reinstatement	6,930.16	693.02	
Mangrove	FR028	JAB	Road Reinstatement	8,189.69	818.97	
Koolparn Rd	FR014	JAB	Road Reinstatement	13,286.00	1,328.60	
Nutwood	FR024	JAB	Road Reinstatement	5,671.81	567.18	
Ivanhoe Road	FRO73	JAB	Road Reinstatement	1,775.00	177.50	
Konkerberry Drive	FR013	JAB	Road Reinstatement	3,806.18	380.62	
Grevillia Street	FR059	JAB	Road Reinstatement	823.50	82.35	
Baobab	FR002	JAB	Road Reinstatement/Drainage	17,427.60	1,742.76	
Ironwood Drive	FR010	JAB	Road Reinstatement/Drainage	6,718.94	671.89	
Livistonia	FRO62	JAB	Road Reinstatement/Drainage	5,909.00	590.90	
Ivanhoe Road (approx)	FR074	JAB	Drainage	20,000.00	2,000.00	
Casuarina	FR145	JAB	Drainage	43,516.90	4,351.69	
Bandicoot (approx)	FR801	JAB	Road Reinstatement/Drainage	19,066.61	1,906.66	
Various Misc Work		Dingo services		8,187.18	818.72	
Road Prep for Sealing		JAB		8,644.00	864.40	
Sealing works		Stan Martell		14,230.00	1,423.00	
Kalumb,PT Warrender Mt Elizabeth	T08 13/14	Guerinoni	Stab,regrades, gravel overlay, drainage	873,341.60	87,334.16	
Lake Argyle Culvert		JAB	Design and Construct			
			Minor works still to be done	380,572.28	38,057.23	
Channel Works		Plant Hire Services	Works completed to date	200,000.00	20,000.00	
			TOTAL	1,694,653.05	169,442.83	

			Total (Inc GST)	\$1,864,095.88
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Staff

There have been a number of staff movements with the departure of 3 staff leaving Wyndham and 6 staff from Kununurra. One casual tip gate attendant started in late October. There are currently 3 vacancies in the works crew. It is with regret that we accepted Robert Jehu's resignation as Coordinator Emergency and Regulatory Services. Robert is heading to Coonabarabran in NSW, we will miss Robert's contribution to the organisation.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council notes the Infrastructure Directorate report.

COUNCIL DECISION

Minute No. 10714

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

That Council notes the Infrastructure Directorate report.

Carried unanimously 8/0

13.2.7 Resourcing

DATE:	16/12/2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	David Klye, Director Infrastructure
REPORTING OFFICER:	David Klye, Director Infrastructure
FILE NO:	N/A
DECLARATION OF INTERESTS:	Nil

PURPOSE

To seek Council's guidance in the reduction of services levels by reducing scheduled maintenance works in Kununurra.

BACKGROUND

A restructure of the Shire's work force was undertaken in September 2014 as part of the 2014/15 Budget Adoption with four positions removed from the Shire's Kununurra maintenance crew.

STATUTORY IMPLICATIONS

There are no statutory implications associated with this item

POLICY IMPLICATIONS

There are no policy implications associated with this item.

FINANCIAL IMPLICATIONS

There are no budgetary impacts associated with this item.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

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

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

COMMUNITY CONSULTATION

Community consultation is not required in relation to this matter.

COMMENT

Over the past few weeks the Shire's maintenance workforce has been struggling to keep up with normal scheduled maintenance. Following the recent Shire restructure with the loss of four maintenance staff from the Kununurra Depot and now that the busy time of year is here and the workload is increasing it has become apparent that there is simply not enough staff to keep up.

Kununurra maintenance staff are currently being requested on a regular basis to undertake additional works that are considered "depot maintenance works" but these requests cannot be fulfilled without sacrificing other scheduled works.

As a result the Council's guidance is required on reducing scheduled maintenance works in Kununurra to enable effective programming of normal scheduled maintenance and to attend to at least some of the additional works being requested from the works crew.

The budget does not allow for the use of casual workers to take up the shortfall and it is apparent that this is an ongoing resource and work load issue. With normal absenteeism due to sickness and other leave, there is almost always one or two members away from work. In addition to this the works crew is short one staff member with a recent resignation who is off work on sick leave. Another resignation from the crew was received on 8th December exacerbating the problem. There have been few good quality applicants for replacements. The current works situation is as follows:

- 2 road and drainage members doing line marking and signage (biosecurity, parking etc.)
- 1 Grader operator grading roads
- 1 Slasher operator slashing
- 2 parks people trying to keep the parks and gardens under control with 1 mower operator (normally we would have 2 running at this stage)
- 1 garden crew is also at the landfill site covering for leave of a gate attendant

Some of our roads and drainage that should normally have been completed by this time have not been completed including:

- Carlton Hill Road
- Weaber Plains Road to the border
- Harrier and Teal Close
- Parry Creek Road (50% completed).
- Stormwater pit maintenance is about 70% complete

There are several roads that already require a re-grade but it is not possible to fit them into the schedule.

Jobs in addition to the normal maintenance scheduled works in the past month include:

- Line marking town streets
- Swim Beach dog exercise area
- Bus stop poles installation
- Bio Security Signage
- Airport drainage works
- Parking signage changes on a number of occasions (courthouse)
- Liners for septage ponds
- Using the Kununurra backhoe to dig graves in Wyndham

CSR's (Customer Service Requests)

The Depot has also received over 20 CSR's varying from a few hours work to a couple of days for fixes and repairs. Some of these included:

- Old Darwin and Drovers Road needs grading - unable to drive through those roads
- SWEK Office front garden , has an ant infestation to one of the trees
- Gregory Park The last swing in the playground has been broken.

The following areas may be able to be cut back in relation to maintenance but there is a concern with the possibility of the town's image as a neat, tidy and cared for town being tarnished and the possibility of public dissent in relation to the Shire not undertaking regular maintenance. If we cut back on this work the effected park will start to look untidy.

- CBD (Konkerberry - Messmate to Leichhardt, Messmate, White Gum Park)
- Town oval
- Ag Oval
- Coolibah Verge – County Club to Leichhardt
- Coolibah – Leichhardt to High school
- Pindan Park
- Celebrity Tree Park
- Nicholson Park
- Centenary Park
- Casurina Way
- Setosa Park
- Gregorii Park
- Hibiscus Drive
- Swim Beach
- Residential verges
- Cycle track (clearing around baby trees)
- Vic Highway Foreshore
- Oval Surrounds
- Cemetery

The following works have already been reduced in service level but further reduction in the maintenance work load is required:

- Clean link path area (monthly)
- Slashing on Vic Hwy
- Slashing Melaleuca Park
- Daily blowing of Skate park area

In addition to the four areas already reduced in the maintenance schedule, it has been suggested that the following areas could be slashed rather than mowed and that the edges could be maintained infrequently. This should provide a schedule that is suitable for the current staffing level.

- Celebrity Tree Park
- Nicholson Park
- Centenary Park
- Pindan Park
- Swim Beach

It is possible to reduce the mowing frequency of the high profile grassed areas of Kununurra but that comes with the problem that it then takes longer to mow losing most of the gain of infrequent mowing. There is also a high probability of the length getting away from the crew. With a sickness or a few days rain the grass length could easily get to the point where it would take considerable effort and disruption to other maintenance to get it back under control.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council approves a change in the maintenance of:

- 1) Celebrity Tree Park;
- 2) Nicholson Park;
- 3) Centenary Park;
- 4) Pindan Park;
- 5) Swim Beach;

such that they are maintained to a slashed standard instead of being maintained to a mowed standard and:

- 6) Clean link path area (monthly);
- 7) Slashing on Victoria Highway (reduced);
- 8) Slashing Melaleuca Park (reduced);
- 9) Daily blowing of Skate park area (weekly);

to avoid failure of the maintenance schedule and to enable the continuation of availability of staff for some other non-scheduled tasks.

Cr G Taylor moves the following motion:

That Council has confidence in the Director of Infrastructure's professional competency managing the Shire's works program within the tight budget constraints demanded by the adopted 14/15 budget.

Cr K Wright foreshadowed to move the officer's recommendation with the removal of item 1) Celebrity Tree Park.

COUNCIL DECISION

Minute No. 10715

Moved: Cr G Taylor

Seconded: Cr B Robinson

Council has confidence in the Director of Infrastructure's professional competency managing the Shire's works program within the tight budget constraints demanded by the adopted 14/15 budget.

Carried 5/3

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

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

13.2.8 Kununurra CBD Parking Review

DATE:	16/12/2014
PROPONENT:	Shire Wyndham East Kimberley
LOCATION:	Kununurra Townsite
AUTHOR:	Peter Kerp, Manager Engineering Services
REPORTING OFFICER:	David Klye, Director Infrastructure
FILE NO:	TT.12.7
DECLARATION OF INTERESTS:	Nil

PURPOSE

For Council to consider equitable parking restriction options in the Kununurra CBD precinct to facilitate on-street and off-street parking within the road reservation for both employees of businesses and business patrons.

BACKGROUND

Following the recent opening of the new Kununurra Courthouse in Coolibah Drive, Court hearings on particular week days has led to court attendees taking up substantial parking zones for their vehicles in streets close to the courthouse, resulting in little parking availability for shoppers and employees of respective businesses.

STATUTORY IMPLICATIONS

The following legislation applies to this item:
Local Government Act 1995 Part 9, Section 9.46 (2)

POLICY IMPLICATIONS

No policy implications apply in the writing of this report

FINANCIAL IMPLICATIONS

Cost for supply and erection of various parking restrictions signs fully borne by the Shire's Coolibah Drive operation account job number 30940

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

Businesses will be consulted in respect of further proposed parking restrictions and how this might improve customer access to their businesses.

COMMENT

Since the recent opening of the Kununurra courthouse in October 2014, parking in various streets in the proximity of the courthouse are at a premium when the courthouse is in session.

It is proposed to enact parking restrictions on some of the streets surrounding the courthouse to restrict the number of bays available to users of the courthouse and to make these parking bays available to shoppers.

A review of the parking precinct within the CBD area is under way which will also make provision for employee parking for the various businesses. It is proposed to consult with the businesses directly affected by the proposal as to the most suitable areas for short term shopper's parking and for employee all-day parking. When the review is completed the results will be presented to Council for consideration.

An interim solution to parking congestion is shown in the attached plan (Attachment 1) showing proposed 1hour parking restrictions zones on various streets to allow a reasonable turnover of parking than currently exists when the courthouse is in session. This is an interim measure to provide assistance to businesses that are currently impacted by the long term parking associated with the Courthouse.

ATTACHMENTS

Attachment 1 – Coolibah Drive 1 hour parking December 2014

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1) supports the installation of 1hr parking zones in the various streets as depicted on the attached plan "*Coolibah Drive 1 hour Parking December 2014*";
- 2) notes the commencement of a review of parking restrictions in the CBD area including business consultation taking into consideration parking requirements of the employees of the various businesses.

Cr G Taylor moves the officer's recommendation with an amendment to the parking time in dot point 1 to 3 hours, business hours Monday to Friday.

Cr K Wright foreshadows a motion:

That Council rescinds motion 10589 23 September OCM

COUNCIL DECISION

Minute number 10589

Moved: Cr G Taylor

Seconded: Cr B Robinson

That Council advises Department of the Attorney General that it does not support the construction of a 16 bay car parking facility in front of the Kununurra Country Club as:

- 1) its location will adversely impact the ambience and amenity of the streetscape entry statement that this location currently provides; and**
- 2) the location of underground services will create major construction constraints with potential for damages to services exposing the Shire to major risk in controlling unbudgeted construction expenditure within the funding offered.**

Carried 5/3

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

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

Show of hands to rescind motion, Cr K Wright, Dr D Spackman, Cr G King

Kevin Hannagan, Acting CEO advises that as the decision has been acted upon it cannot be rescinded.

Cr K Wright withdraws his foreshadowed rescission motion

Cr K Wright foreshadows the following motion:

That Council

- 1) Supports the construction of the car park opposite the courthouse in the Coolibah Drive road reserve adjacent to the Kununurra Country Club.*
- 2) Writes to the Department of the Attorney General requesting them to construct the car park as per option 3.*

COUNCIL DECISION

Minute No. 10716

Moved: Cr G Taylor

Seconded: Cr R Dessert

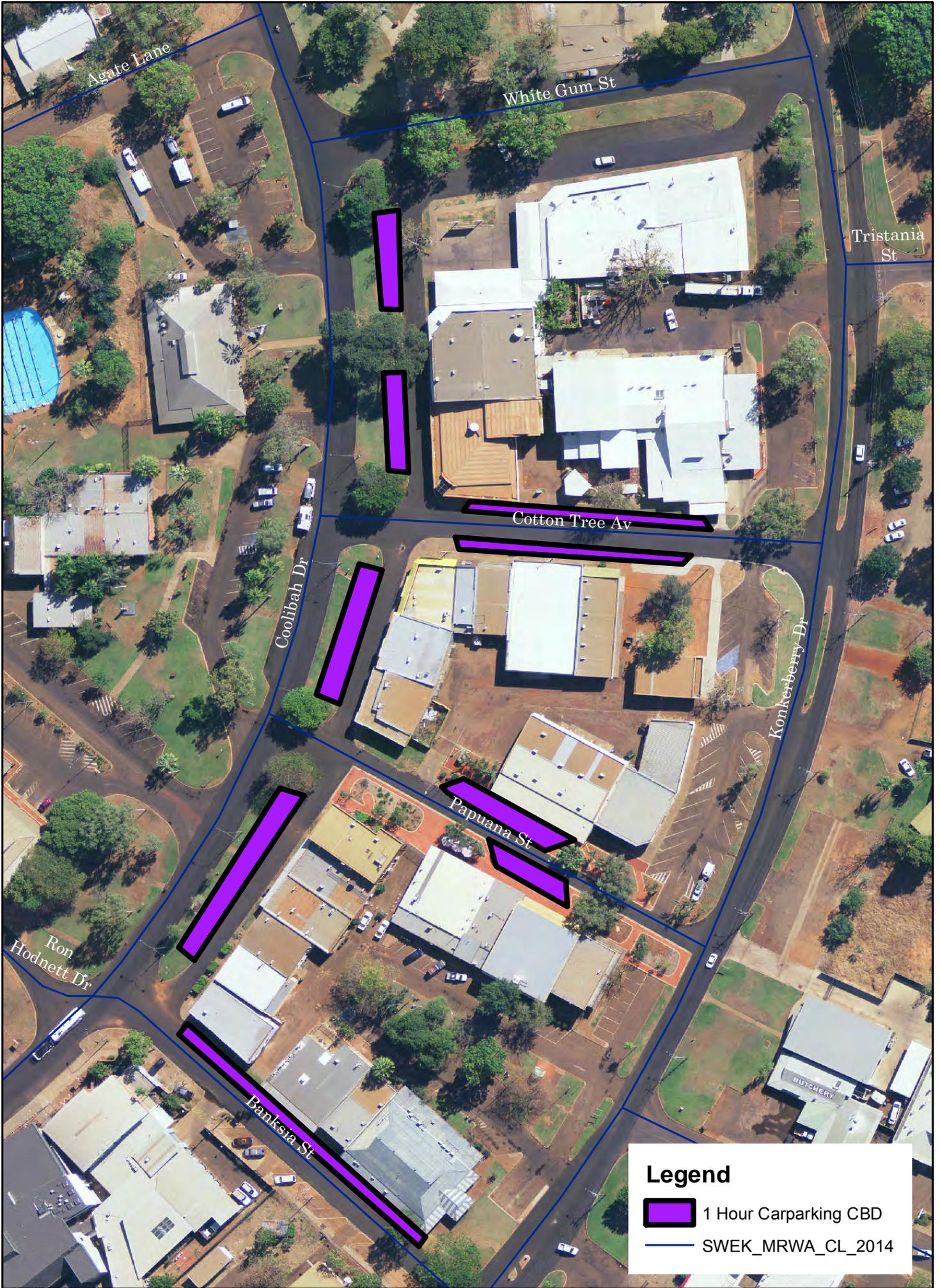
That Council:

- 1) supports the installation of 3hr parking zones for business hours Monday to Friday in the various streets as depicted on the attached plan “*Coolibah Drive 1 hour Parking December 2014*”;**
- 2) notes the commencement of a review of parking restrictions in the CBD area including business consultation taking into consideration parking requirements of the employees of the various businesses.**

Carried 6/2

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

Against: C K Wright, Cr D Spackman



13.2.9 KDHS Bus Bay Parking

DATE:	16/12/2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Kununurra District High School
AUTHOR:	David Klye, Director Infrastructure
REPORTING OFFICER:	David Klye, Director Infrastructure
FILE NO:	CP.06.17
DECLARATION OF INTERESTS:	Nil

PURPOSE

For Council to consider supporting the relocation of school buses from the school grounds to the Coolibah Drive bus parking embayment.

BACKGROUND

At the Special Meeting Council meeting of 19 December 2013 the following was resolved:

COUNCIL DECISION

Minute No.10287

Moved: Cr D Spackman

Seconded: Cr B Robinson

Part 1

That the CEO writes to the Department of Education informing that Council will not support the relocation of the KDHS buses to the proposed area on Coolibah Drive and use the following points to express our concerns;

- There is a greater risk to the kids and parents by relocating.***
- The long term risk and cost to the community is not justified.***
- Relocation to reduce the risk to the Education Department is not valid reason to increase the risk to the children's safety.***
- The Shire has a responsibility to limit the risk to our most valued asset, our children.***

STATUTORY IMPLICATIONS

There are no statutory implications associated with this report.

POLICY IMPLICATIONS

No policy implications apply in the preparation of this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this item.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

Goal 2:	Greater returns from regional investment to ensure sustainable provision of appropriate physical and social infrastructure.
Objective 2.3:	Facilities are appropriate for their intended purpose and factor in whole of life costing and maintenance.
Strategy 2.3.1:	Manage and maintain assets in a strategic and cost effective manner.
Strategy 2.3.2	Plan, design and budget for sustainable infrastructure.
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 Department of Education (DoE) has acknowledged that its staff members are parking in the parent drop off parking area in Coolibah Drive and Mangaloo Street. The Shire is keen for this to discontinue as it increases drop-off and pick-up traffic congestion and increases road safety risks associated with the children. Once the buses are relocated from the school turn around, the DoE will close the access road and additional onsite parking for staff will be constructed on a portion of that land. This will result in more public parking bays being available for parents in Coolibah Drive and Mangaloo Street. The remaining land will be available for the School to develop as additional play space that has been reduced in other parts of the school site due to the increase in new facilities.

The attached letter from the Public Transport Authority (PTA) to DoE advised that the School Bus Services branch of the PTA have reviewed the proposed modifications to the design, which now provide for a separation of pedestrian, and vehicle movements and a widening of the crossing section allowing students to access the school through a gate located at the widened section of that crossing.

The PTA supports these control measures being undertaken to reduce the risk of an incident occurring at the site. The DoE will undertake a risk assessment audit of the completed works to ensure that the operation of the busses using the completed works is safe. This audit is a normal process after completion of works and part of the commissioning process.

The PTA anticipates this assessment will be undertaken by the DoE through Kununurra District High School prior to the bus bays being approved for use and that the report will be forwarded to the PTA to review any measures that are deemed necessary to further reduce the associated risks. The Principal of the KDHS has advised that the School has undertaken a preliminary risk assessment and is not expecting any issues when the final risk assessment is done after completion of works.

It should be noted, there will be an ongoing responsibility on behalf of Kununurra District High School to ensure that passengers (students) are transferred to bus drivers through direct supervision provided by the school.

Representatives of the DoE gave Councillors a briefing on the history of the school redevelopment and bus bay parking at a meeting on 2 December 2014. The DoE representatives clarified that:

- the school is responsible for children until they are on their busses;
- the school will provide an adequate number of teachers to supervise children onto their busses;
- it is DoE policy not to have busses on school property;
- there are very very few public schools in WA where busses are allowed onto school property;
- there will be a safety audit carried out on the finished works;
- the barrier fence specification has been improved to include deep concrete footings.

Since their meeting with Council, DoE have responded (via email) and advise as follows:

- *The Department of Education is happy to take responsibility for maintenance of the fencing, through a formal agreement with the Shire.*
- *We don't believe an additional barrier is practical, however we will pursue the possibility of flashing lights with the relevant Departments.*
- *The provision of traffic wardens, (or lollypop person) are provided through the Traffic Warden State Management Unit within the Police Department. We will work with Rod Baker, School Principal, to develop a case for the funding of a traffic warden. However, previous experience indicates that the traffic volume on Coolibah Drive may not meet the benchmark required for the provision of a warden.*

Finally it should be noted that the DoE has the right to exclude anyone including school busses from its property should it see fit to do so and that the DoE has paid for the road improvements that are required for busses to operate safely outside its grounds when it was under no legal obligation to do so.

ATTACHMENTS

Attachment 1 - Letter from Public Transport Authority

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION 1

That Council revokes Part one (1) of Minute No. 10287 of 19 December 2013 Special Council Meeting.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION 2

That Council:

- 1) notes the Briefing Meeting of 2 December 2014 from the Department of Education regarding the bus parking embayment at Kununurra District High School;
- 2) instructs the CEO to write to the Department of Education informing them that Council now supports the relocation of the Kununurra District High School buses to the proposed area on Coolibah Drive;
- 3) approves use of the new bus bay with effect from the date of advice to the Shire from the Kununurra District High School or the Public Transport Authority that the works have satisfactorily passed a risk assessment of the operation; and
- 4) authorises the CEO to enter into a maintenance agreement with the Department of Education for maintenance and renewal of the bus bay embankment fencing.

6:41pm, Cr B Robinson leaves the meeting.

Cr D Spackman proposes an alternate motion. Cr K Wright seconds.

That Council direct the CEO to:

- 1) Effective immediately, suspend all works and negotiations associated with the proposed transfer, drop off and pick up school bus embayment area on Coolibah Drive adjacent to the KDHS
- 2) That the CEO write to the Minister for Transport, the Public Transport Authority, Minister for Education and the Department of Education confirming that the Shire holds its position which was resolved at the special Council meeting, (19 December 2013, minute no 10287). That Council does not support the relocation of the bus transfer area to the proposed embayment parking site on Coolibah Drive adjacent the Kununurra District High School due to unacceptable safety risks and below listed concerns, including but not limited to:
 - There is an unacceptable risk to the students and parents by relocating.
 - The long term risk and cost to the community is not justified.
 - Relocation to reduce the risk to the Education Department is not a valid reason to increase the risk to the children's safety.
 - The Shire has a responsibility to limit the risk to our most valued asset, our children.
 - The ongoing cost of maintenance to the shire.
- 3) That Council is willing to work with the Department of Education and PTA to move forward in finding a workable outcome.

- 4) That The CEO to invite the Department of Education and the PTA to an on-site inspection with Councillors.

6:43pm, Cr B Robinson returns to the meeting

6:45pm, Cr R Dessert leaves the meeting

Cr G Taylor proposes a foreshadowed motion:

That Council

- 1) ceases all works on the Department of Education bus bay project.
- 2) In the interest of road safety removes the bus parking signs and line marks the bay for all day vehicle parking.

6:47pm, Cr R Dessert returns to the meeting

COUNCIL DECISION

Minute No. 10717

Moved: Cr D Spackman

Seconded: Cr K Wright

That Council direct the CEO to:

- 1) Effective immediately, suspend all works and negotiations associated with the proposed transfer, drop off and pick up school bus embayment area on Coolibah Drive adjacent to the KDHS**
- 2) That the CEO write to the Minister for Transport, the Public Transport Authority, Minister for Education and the Department of Education confirming that the Shire holds its position which was resolved at the special Council meeting, (19 December 2013, minute no 10287). That Council does not support the relocation of the bus transfer area to the proposed embayment parking site on Coolibah Drive adjacent the Kununurra District High School due to unacceptable safety risks and below listed concerns, including but not limited to:
 - There is an unacceptable risk to the students and parents by relocating.**
 - The long term risk and cost to the community is not justified.**
 - Relocating to reduce the risk to the Education Department is not a valid reason to increase the risk to the children's safety.**
 - The Shire has a responsibility to limit the risk to our most valued asset, our children.**
 - The ongoing cost of maintenance to the Shire.****
- 3) That Council is willing to work with the Department of Education and PTA to move forward in finding a workable outcome.**
- 4) That The CEO to invite the Department of Education and the PTA to an on-site inspection with Councillors.**

Motion lost 3/5

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

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

Cr K Wright proposes an amendment to Cr G Taylor's foreshadowed motion:

- 1) Council ceases all works on the Department of Education bus bay project. with exception of work carried out in dot point 2.**
- 2) In the interest of road safety removes the bus parking signs and line marks the bay for all day vehicle parking.**

The mover agrees to the proposed amendment.

COUNCIL DECISION

Minute No. 10718

Moved: Cr G Taylor

Seconded: Cr B Robinson

- 1) Council ceases all works on the Department of Education bus bay project with exception of work carried out in dot point 2.**
- 2) In the interest of road safety removes the bus parking signs and line marks the bay for all day vehicle parking.**

Carried 5/3

For: Cr G Taylor, Cr B Robinson, Cr K Wright, Cr G King, Cr D Spackman

Against: Cr D Learbuch, Cr R Dessert, Cr J Moulden



Your ref: D14/0104859

Enquiries: Michael Cordingley
(08) 9326 2706

29 April, 2014

Milan Trifunovic
Director, Facilities Program Delivery
Department of Education
151 Royal Street
East Perth WA 6004

Dear Mr Trifunovic

KUNUNURRA DISTRICT HIGH SCHOOL – BUS EMBAYMENT

Thank you for your letter regarding the design of the bus embayment area located adjacent to the Kununurra District High School site on Coolibah Drive.

School Bus Services have reviewed the proposed modifications to the design, which now provide for a separation of pedestrian and vehicle movements and a widening of the crossing section allowing students to access the school through a gate located at the widened section of that crossing.

These measures are considered appropriate and in line with recommendations agreed to 'in principle' at a meeting held on 24 February, 2013 with Sue Swenson from the Department of Education.

The Public Transport Authority (PTA) supports these controls measures being undertaken to reduce the risk of an incident occurring at the site; however, there remains the need to undertake a risk assessment of the operation once the construction process is finalised and is scheduled to be used by the bus contractors. The PTA anticipates this assessment will be undertaken by the Department of Education through Kununurra District High School prior to the bus bays being approved for use and that the report will be forwarded to the PTA to review any measures that are deemed necessary to further reduce the associated risks.

It should be noted, there will be an ongoing responsibility on behalf of Kununurra District High School to ensure that passengers (students) are transferred to bus drivers through direct supervision provided by the school.

Should you wish to discuss this matter please do not hesitate to make contact.

Yours sincerely

A handwritten signature in black ink that reads 'M Cordingley'.

Michael Cordingley
Operations Manager

13.2.10 Landfill Budget Amendment

DATE:	16/12/2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Old Darwin Road
AUTHOR:	David Klye, Director Infrastructure
REPORTING OFFICER:	David Klye, Director Infrastructure
FILE NO:	WM.09.3
DECLARATION OF INTERESTS:	Nil

PURPOSE

To seek a budget variation to the budget allocation for the new liquid waste ponds to cover the cost of additional required works.

BACKGROUND

In its 2014/15 budget Council allocated \$115,556 to complete construction of new liquid waste ponds.

STATUTORY IMPLICATIONS

The *Local Government Act 1995* Cl 6.2 applies.

POLICY IMPLICATIONS

There are no policy implications associated with this item.

FINANCIAL IMPLICATIONS

There are no overall financial or budget implications associated with this report.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

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

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

COMMUNITY CONSULTATION

Community consultation is not required in relation to this item.

COMMENT

Non-compliance of the existing liquid waste pond necessitated an accelerated response by the Shire to provide new ponds as an alternative. An estimate of the cost to complete construction of new ponds was made and a corresponding allocation included in the 2014/15 budget. Since commencement on construction of the new ponds it has become evident that the Department of Environment (DoE), the regulatory body for liquid waste ponds, has requirements additional to original expectations and the original design.

The ponds as originally envisaged have been completed running just over budget at a total cost of about \$128,000 despite encountering adverse site conditions. The additional requirements include provision of significantly improved on site and off site stormwater management (cut-off drainage) and two suitable concrete discharge pads that drain directly into the ponds. This additional work has consequential effects on the site requiring changes to the road heights and some earthworks. The additional works have been estimated (budget estimate \pm 20%) at \$30,000.

In September 2014, Shire staff attended a Waste Conference and a subsequent onsite inspection of the glass management facility at the Margaret River landfill site. Following the inspection, staff reported that the proposed Glass Crushing Bunker for Kununurra was “a recipe for disaster” and recommended a review of the proposed glass management procedure that does not include a glass crushing bunker. It is proposed to cancel this project and investigate suitable alternatives.

The additional \$30,000 required to complete the new liquid waste ponds can be transferred from COA 04100132 Glass Crushing Bunker – Landfill without any overall impact on the Shire budget.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

- 1) varies its 2014/15 budget by transferring \$30,000 from COA 04100132 Glass Crushing Bunker – Landfill to COA 04100115 Kununurra Landfill Site – Liquid Waste Facility;
- 2) does not proceed with construction of the budgeted Glass Crushing Bunker; and
- 3) authorises \$30,000 additional expenditure on the partially completed Liquid Waste Facility near the Kununurra Landfill Site.

Cr J Moulden advises the meeting of an alternative officer's recommendation as per below:

That Council

- 1) Notes that as at 30 November 2014, the revenue recognised in GL account 01100111 "Additional Waste Management Receptacle Charge" is \$325,027 compared to the original budget estimate of \$200,000;
- 2) Recognises part of the additional revenue on GL account 01100111 "Additional Waste Management Receptacle Charge" and increases the budget to \$230,000, noting than any further modifications will be undertaken as part of the Mid-Year Budget Review;
- 3) Offsets the increase in revenue outlined in part (2) by increasing the budget of GL account 04100115 "Kununurra Landfill Site – Liquid Waste Facility" from \$122,556 to \$152,556 for 2014/15.

COUNCIL DECISION

Minute No. 10719

Moved: Cr K Wright

Seconded: Cr B Robinson

That Council

- 1) **Notes that as at 30 November 2014, the revenue recognised in GL account 01100111 "Additional Waste Management Receptacle Charge" is \$325,027 compared to the original budget estimate of \$200,000;**
- 2) **Recognises part of the additional revenue on GL account 01100111 "Additional Waste Management Receptacle Charge" and increases the budget to \$230,000, noting than any further modifications will be undertaken as part of the Mid-Year Budget Review;**
- 3) **Offsets the increase in revenue outlined in part (2) by increasing the budget of GL account 04100115 "Kununurra Landfill Site – Liquid Waste Facility" from \$122,556 to \$152,556 for 2014/15.**

Carried unanimously 8/0

7:01pm, Cr D Spackman leaves the meeting due to declaration of financial interest with item 13.2.11 ET01-14/15 Provision of Wet Hire of Plant, Equipment and Construction Personnel for Road Maintenance and Construction behind closed doors at the end of the meeting.

Cr K Wright proposes a motion to consider item 13.2.11 ET01-14/15 Provision of Wet Hire of Plant, Equipment and Construction Personnel for Road Maintenance and Construction behind closed doors at the end of the meeting.

COUNCIL DECISION

Minute No. 10720

**Moved: Cr K Wright
Seconded: Cr G King**

That Council considers item ET01-14/15 Provision of Wet Hire of Plant, Equipment and Construction Personnel for Road Maintenance and Construction behind closed doors at the end of the meeting.

Carried unanimously 7/0

7:09pm, Cr Spackman returns to the meeting

Cr D Spackman was advised by the Chair that the agenda item 13.2.11 ET01-14/15 Provision of Wet Hire of Plant, Equipment and Construction Personnel for Road Maintenance and Construction was moved to be considered at the end of the meeting.

13.3 COMMUNITY DEVELOPMENT

13.3.1 Development Application for Carport - Lot 1740 Milkwood Street, Kununurra

DATE:	16 December 2014
PROPONENT:	Stephen Woodhead
LOCATION:	Lot 1740 Milkwood Street, Kununurra
AUTHOR:	Roy Adam, Planning Officer
REPORTING OFFICER:	Louise Gee, Director Community Development
FILE NO:	A2370P

PURPOSE

For Council to consider a development application for a carport at Lot 1740 (No.2) Milkwood Street, Kununurra.

BACKGROUND

An application for planning approval was lodged on 16 July 2014 by Stephen Woodhead for the development of a carport in the front setback.

The subject lot is located on the corner of Milkwood Street and Casuarina Way and has an area of 1,158m². The land is zoned Residential and coded R15 in Town Planning Scheme No. 7 – Kununurra and Environs (TPS 7). The property contains an existing single dwelling, garage and pergola. The current setback of the existing garage is 5.8m from the front boundary. The dwelling setback varies between 5m and 6m.



Location of subject site

Proposal

The applicant proposes to construct a carport between the existing garage and front boundary setback on Milkwood Street (**Attachment 1**). It is proposed to construct an

unenclosed, cantilever carport with a sailcloth roof, measuring 5.2m length by 5.8m width, with a height of 2.6m. The supporting posts are intended to be placed at the garage. The applicant had originally proposed a steel/Colorbond structure with a gable roof however modified the design following discussions with Council's Planning Officer in order to reduce visual impact (**Attachment 2**).

STATUTORY IMPLICATIONS

Town Planning Scheme No. 7 – Kununurra and Environs

Lot 1740 (2) Milkwood Street, Kununurra is zoned Residential under TPS7. The objectives of this zone are:

- i) *Provide sufficient land in appropriate locations for residential development to meet the needs of the Scheme Area's anticipated growth and population without unduly restricting the choices of sites;*
- ii) *Promote and safeguard health, safety, convenience, the general public welfare and the amenity of the residential areas;*
- iii) *Allow redevelopment opportunities for areas of older housing stock.*

The proposed development is considered a building, being appurtenant to a dwelling, in the Scheme, and is subsequently "P" (permitted) according to the Zoning Table. However in this instance, the Scheme requires approval of the Council as the proposal is inconsistent with the WA Residential Design Codes (R-Codes). This is provided in the Scheme at clause 5.2.1 (f):

the erection on a lot of a single dwelling house, including ancillary outbuildings, in a zone excluding the Rural Living and Rural Smallholdings Zone where the proposed use is designated with the symbol 'P' in the cross-reference to that zone in the zoning table provided such dwelling is consistent with the Residential Planning Code and does not require a specific Council decision to vary the codes;

Delegation powers and duties in the Scheme allow for approval of development applications where the proposal is a "P" use, including minor variation to the R-Codes where no objection has been raised by adjoining landowners. However, it is considered that the present proposal represents a substantial variation to the R-Codes. In addition to this, one (1) objection has been raised.

POLICY IMPLICATIONS

State Planning Policy 3.1 Residential Design Codes

The purpose of the R-Codes is to provide a comprehensive basis for the guidance of residential development throughout Western Australia. Clause 5.1.2 of the R-Codes specifies that, in this instance:

- The front setback of a carport should be 6m where possible, although may be reduced by 50 percent, to 3m from the front boundary, where an open space of commensurate size can elsewhere be provided behind the front setback.

- The front setback provided may be reduced, where it can be demonstrated to correspond with the average setback distances of existing dwellings on the same street.

FINANCIAL IMPLICATIONS

The application fee of \$147 has been paid.

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 3.3.8 Ensure quality, consistent and responsive development and building assessment approval processes and enforcement

Local Planning Strategy

Pertaining to residential areas and the Lakeside Precinct, the strategy provides that:

“The intent of the proposed R Coding density of R15 density is to allow for larger suburban style lots. This is considered to be important in allowing for flexibility in housing design so that shaded areas are provided and there is sufficient outdoor living space between built houses to allow for greater privacy as well as encouraging breezes.”

COMMUNITY CONSULTATION

A letter of notification was sent to all property owners on Milkwood Street on 22 July 2014. One (1) submission objecting to the proposal was received (**Attachment 3**).

Comments	Officer’s Response
Loss of views of lake	Views and visual amenity are likely to be impeded slightly by the development.
Property devaluation	It is not possible to comment on this.
Building within the 3m front exclusionary zone	The existing front setback is 5.8m, and the 5.2m carport length would be constructed in this area. Thus it would infringe upon the usual minimum of a 3m front setback.

COMMENT

The applicant proposes a 0.6m setback from Milkwood Street, which is the primary street. Given the requirements of Table 1 of the R-Codes, development on an R15 coded lot should generally be set back 6m, with a possible reduction to 3m. However this 3m reduction is subject to a compensatory, averaging requirement of open space being provided. Given the dimensions and siting of the existing dwelling, this averaging requirement also cannot be achieved. The proposal is therefore non-compliant by a distance of 5.4m.

In examining the adjacent lot (No.4), also sharing frontage to Milkwood Street, it is noted that the dwelling is set back approximately 6m from the street. This pattern is continued across

further lots in the vicinity. In this regard, the proposal is inconsistent in neighbourhood streetscape character, where 6m setbacks are a common streetscape element.

The proposal does not comply with the requirements of the R-Codes, with respect to the physical location of the development and design elements. It is further considered that the proposal would create an undesirable precedent for future decisions, impacting the streetscape and visual amenity for adjacent properties.

ATTACHMENTS

- Attachment 1 – Site photo
- Attachment 2 – Proposed plans and submission
- Attachment 3 – Advertising and response

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council refuses the planning application for the following reasons:

- 1) The proposal does not comply with the relevant R-Codes provisions regarding carport setbacks.
- 2) The proposal is inconsistent with adjoining and nearby development and considered to be contrary to the orderly and proper planning of this location.
- 3) An undesirable precedent for future residential development would be created.

COUNCIL DECISION

Minute No. 10721

**Moved: Cr K Wright
Seconded: Cr R Dessert**

That Council refuses the planning application for the following reasons:

- 1) **The proposal does not comply with the relevant R-Codes provisions regarding carport setbacks.**
- 2) **The proposal is inconsistent with adjoining and nearby development and considered to be contrary to the orderly and proper planning of this location.**
- 3) **An undesirable precedent for future residential development would be created.**

Carried 6/2

**For: Cr J Moulden, Cr R Dessert, Cr G Taylor, Cr K Wright, Cr D Learbuch,
Cr B Robinson**

Against: Cr D Spackman, Cr G King

7:15pm

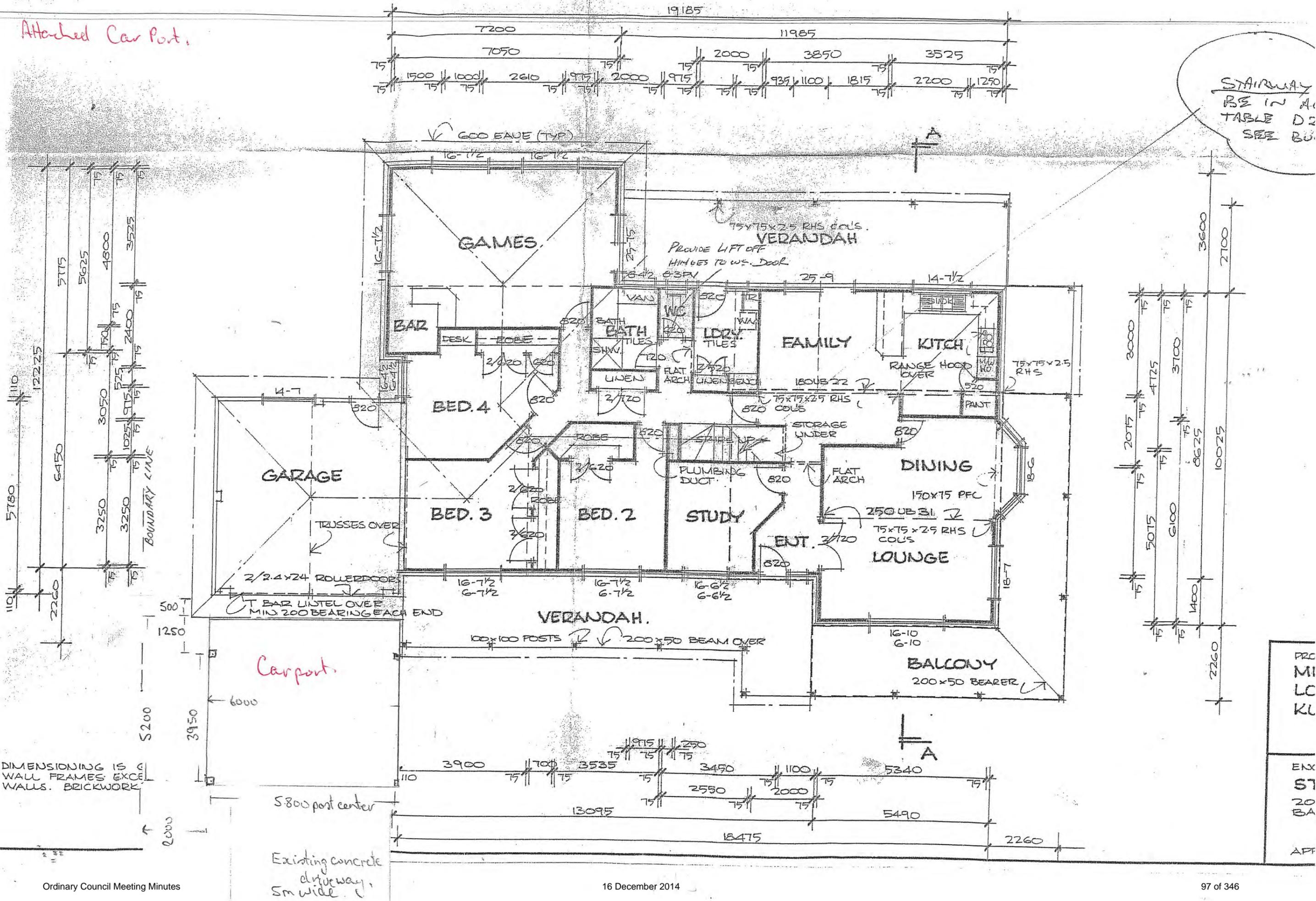
Cr D Spackman declares an impartiality interest with item 13.3.2 Development Application, Chalets, Lot 530 River Farm Road as the proponent is a good friend.

Cr G Taylor left the meeting due to declaration of financial interest with item 13.3.2 Development Application, Chalets, Lot 530 River Farm Road.



Lot 1740 Milkwood Street

Attached Car Port.



STAIRWAY
BE IN A
TABLE D2
SEE BU

Carport.

DIMENSIONING IS G WALL FRAMES EXCE WALLS. BRICKWORK

Existing concrete driveway, 5m wide.

PRC
MI
LC
KL
ENX
S1
20
BA
APT

Date: 5.2.14

To: SWEK

Attention: Elle Davidson

No. Pages (Including Header): 1

Regarding: Application For Planning Approval to SWEK for open car port at 2 Milkwood Street Kununurra.

Telephone: 91684100

Facsimile: 91681798

Email: Elle.Davidson@swek.wa.gov.au

From: Stephen Woodhead / Ph 0407088747 / Email jswhold@wn.com.au

Hi Elle,

1. Construct new carport in front of garage; Dutch gable roof, open sides (north East Corner).

Would be 5.2m long x 5.8m wide (post center measurements, 600mm wide tin), free standing, open sides, ~~gable roof. Roof tin overhang 100mm outside of posts on front and two sides.~~ Will cantilever off rear posts to front of garage. Tin 100mm off garage-eve.

Would need to meet lot boundary on Milkwood Street side (for adequate length). Verge width is 6.3m, so would be 6.3m back off Milkwood Street Kerb, and 36m from Casuarina/Milkwood intersection (at kerb line).

Would be ~2m off Eastern side Lot boundary.

Position will not interfere with traffic/ road/intersection regarding visibility.

Reason for construction;

Personal vehicle is Toyota Hilux with overall length of 5.6m. Garage has internal length of 5.7m. Allows 50mm each end of Hilux inside garage. Not safe or practical to park in garage. The Hilux is also taller than the garage door openings so won't fit regarding height.

Area regularly has fruit bats in surrounding trees at night and vehicle sustains bat excretion which, unless removed immediately damages the vehicle paint.

New vehicle (2 months old) already has paint damage from Bat excretion.

Access to carport on existing concrete driveway.

No vegetation removal required.

No new earthworks required.

Stormwater drainage as per existing. Roof, not guttered, would deposit collected rain onto existing driveway and run off same as presently occurs.

Car parking on existing concrete driveway. *Sailcloth*

Construction material; steel columns, ~~corrugated~~ roof. Roof colour - Colour *light brown*

Bond Surf mist (off white) and columns Jasper (brown).

Eve height to match eve on existing house, ~2.6m high.

lgc
*3/12/14**

Regards; Stephen Woodhead



Carpark structure

Image 5 of 20

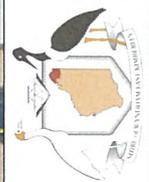
CLOSE X



Tuesday, 22 July 2014

1:750

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.



I-24691
A 2370P

Elle Davidson

From: Mail
Sent: Monday, 4 August 2014 2:44 PM
To: Elle Davidson
Subject: FW: Attention Elle Davidson : Objection to building of carport 2 Milkwood

From: [REDACTED]
Sent: Monday, 4 August 2014 2:43 PM
To: Mail
Subject: Attention Elle Davidson : Objection to building of carport 2 Milkwood

Hi Elle

Please confirm that e-mail has been received

Sent from my iPad

Begin forwarded message:

[REDACTED]
Date: 4 August 2014 1:30:44 pm AWST
To: "mail@swek.wa.gov.au" <mail@swek.wa.gov.au>
Subject: **Objection to building of carport 2 Milkwood**

To Chief Executive Officer Shire of Wyndham East Kimberley

As adjoining owners we are objecting to the proposed development at lot 1740. (2)
Milkwood of a car port

1. Loss of view of the lake from our property
2. Potential devaluation of our property value
3. Building within the 3 meters exclusion boundary zone

If you require further information, please contact to discuss

[REDACTED]

Sent from my iPad

13.3.2 Development Application, Chalets, Lot 530 River Farm Road

DATE:	16/12/2014
PROPONENT:	Rob Storey and Vicky Biorac
LOCATION:	Lot 530 River Farm Road, Kununurra
AUTHOR:	Jennifer Ninnette, Senior Planning Officer
REPORTING OFFICER:	Louise Gee, Director Community Development
FILE NO:	A118P

PURPOSE

For Council to consider an amended development application for 3 Chalets at Lot 530 River Farm Road, Kununurra.

BACKGROUND

An application for planning approval was lodged on 19 December 2013 by Rob Storey and Vicky Biorac for the development of 3 Chalets at Lot 530 River Farm Road, Kununurra.

This application was considered at the Ordinary Council Meeting held on 25 March 2014 whereat the application was refused as follows:

Minute No. 10352

Moved: Cr R Dessert

Seconded: Cr S Cooke

That Council refuses the planning application for 3 chalets at Lot 530 River Farm Road, Kununurra, for the following reasons:

1) The proposal does not comply with the requirements under Town Planning Scheme no. 7 – Kununurra and Environs for incidental development within the Rural Agricultural area as it does not provide an appropriate biosecurity management strategy; and

2) The property is considered Prime Agricultural Land by Department of Agriculture and Food WA and therefore would be compromised by the introduction of tourist accommodation.

Tied 4/4

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

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

Casting Vote: Cr J Moulden in support of the officer's recommendation

Following Council's decision the applicant, in accordance with section 252(1) of the Planning and Development Act 2005 (as amended), lodged an appeal with the State Administrative Tribunal (SAT), and a number of direction hearings and mediation sessions have since been held to discuss the matter.

Following the last mediation held in Kununurra on Tuesday 23 September, a SAT Order was issued, dated 26 September 2014, which required that:

1. The Shire will convey without prejudice draft conditions to the applicant by the 3 October 2014.
2. The applicant will provide a response to the conditions together with an amended development proposal plus attachments including an amended site plan.
3. The Shire, pursuant to section 31(1) of the State Administrative Tribunal Act 2004 (WA) is invited to reconsider its decision at its meeting on or before the 18 November 2014.
4. The proceeding is adjourned to a directions hearing at 11am on Friday 28 November 2014.

In accordance with these orders, the Shire provided the applicant's solicitor with 'without prejudice' draft conditions on the 3 October.

The applicant's solicitor subsequently provided a response to these conditions on 10 October 2014, however advised that the applicant requested additional time (to 24 October 2014) to submit their development proposal.

The applicant's solicitor therefore requested an extension from SAT, and the most recent SAT Orders state that the Shire is invited to reconsider its decision at its meeting on or before 16 December 2014, and that the proceeding is adjourned to a further hearing at 10 am on Friday 19 December 2014.

An amended application for planning approval was lodged on 7 November 2014 by the applicants Solicitor. A copy of the amended application is provided as Attachment 1.



Location of Subject Site

The property is located on the northern side of River Farm Road and has an area of 8.7 ha. The land is zoned Rural Agriculture 2 under Town Planning Scheme No. 7 – Kununurra and Environs (TPS 7). Surrounding land uses comprise of agriculturally farmed properties and a café/gallery adjacent to the property on the western side.

The property contains approximately 3ha of mango crops, a single dwelling, three sheds and a dam. One of the sheds, originally approved as a nursery is currently used as unapproved accommodation, where a transportable unit has been placed within an existing shed. The

applicant is aware that the continued use of this accommodation unit is not permissible and will return the use of the building to a shed, as outlined in the previous report to Council.

Amended Proposal

The amended application still proposes to construct 3 Chalets for the purpose of tourist accommodation; however the chalets are now proposed to be developed at the front of the property, setback a minimum distance of 20m of the front boundary and 35m and 49m from the side boundaries, which complies with Scheme requirements.

The reason for proposing the chalets to be located to the front of the property is to ensure that the proposed development does not fragment the potential agriculture use of the lot, and to ensure that the chalets are located as far as possible from the sandalwood plantation located to the rear of the property on which aerial spraying is undertaken.

The floor plans provided show each chalet will measure 23.7m x 13.8m, which includes a verandah around three sides of the building and a carport. Each chalet will comprise a kitchen, bathroom, laundry and living area, with two of the chalets to consist of 2 bedrooms and one of the chalets proposed to be three bedrooms, with a total floor area of 72m². In the initial application all three chalets were proposed to have 2 bedrooms, however it is noted that the total size of the proposed chalets has not changed and nor has the external appearance (as shown in the elevations).

The site plan and landscape, however, show the internal floor area of the proposed three bedroom chalet (Chalet 1) as being slightly smaller at 60.48m² (14.4m x 4.2m) however with the car port and verandah areas will measure 26.1m x 13.8m and be slightly larger than the other two chalets. A revised floor plan has been requested and will be provided for Chalet 1.

It is noted that each of the proposed carports are intended to be 6m wide by 12m long which would cater for up to 4 vehicles, or equivalently parking car and boat and car and caravan.

The applicant proposes to have two of the chalets located in close proximity to one another (11m), with one 'behind' the other as viewed from the road, and the third chalet to be setback in line with, but 30m from, the chalet in front. Access is also proposed to be provided via the existing driveway access from River Farm Road and an existing internal gravel access.

In the initial application it was proposed to separate each chalet by 34-36m to ensure some privacy for the guests, with each chalet to be setback 40m from the adjoining properties and landscaping installed to visually screen the proposed buildings from the neighbouring lots. A second driveway was also proposed to be formalised on the north western boundary to access the proposed chalets.

The applicant proposes to utilise just under 1ha for the proposed chalet development, with the initial application originally indicating 2.4ha of the property would be used for the proposed chalet development.

The amended application includes a revised Management Plan and a Landscape Plan to address concerns raised by the Shire, adjoining landowners and the Department of Agriculture and Food WA (DAFWA) in relation to land use conflict and biosecurity.

STATUTORY IMPLICATIONS

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

The land at Lot 530 River Farm Road is zoned Rural Agriculture 2 under TPS7. The objectives of this zone are:

- *To ensure the adequate supply of land for intensive agricultural and horticultural holdings in localities of adequate water supply and suitable soil types;*
- *To promote the use of these lots for the production of horticultural crops and associated uses.*

Amendment 18 of TPS7 was originally brought before Council on 15 August 2006 and proposed to incorporate recommendations of the Local Planning Strategy that identified a need to diversify uses within agricultural zones. This recommendation was based on the awareness that farmers were seeking to supplement incomes to ensure the viability of the principal agricultural land use. It was acknowledged that the introduction of other uses in Rural Agricultural zones may cause concerns due to the sensitive nature of the localities, however, it was considered that appropriate development controls could be implemented and therefore the introduction of subordinate land uses could be managed suitably. The following section was gazetted into TPS7 on 19 February 2010:

5.22.2 Other Incidental uses

Council may permit the development and use of the land for the following uses:

Art and Craft Centre

Art Gallery

Bed and Breakfast

Cabin

Chalet

Farm Stay

Plant Nursery

Wayside Stall, provided that:

- (a) The applicant submit a management plan addressing how potential conflicts, impacts and compatibility with existing and potential agricultural land uses – both internal and external to the site – are to be managed as per the requirements of SPP2.5, and including but not limited to the following:*
 - i. Prior to construction of any units, the applicant shall submit a management plan developed in consultation with the Department of Agriculture and Food Western Australia and other relevant agencies or stakeholders, detailing measures to manage the following impacts:*
 - a. Dust and noise;*
 - b. Visual amenity; and*
 - c. Biosecurity*
 - ii. Prior to construction, all promotional information intended to be displayed shall be submitted to Council for approval;*
 - iii. Prior to occupation, relevant officers shall inspect accommodation to ensure biosecurity information is displayed in a prominent place; and*
 - iv. Prior to occupation, relevant officers shall inspect the procedures to ensure that all workers are made aware of the biosecurity issues and preventative measure prior to take residence with the accommodation.*

- (b) *The proponent submit an Agriculture Impact Statement, in accordance with the information prescribed in State Planning Policy 2.5 (SPP2.5);*
- (c) *The proposed development remains as a subordinate use in scale, scope and intensity to the predominant agricultural nature of the site;*
- (d) *The proposed development is advertised;*
- (e) *A maximum of three (3) accommodation units is permitted on lots in the Rural Agricultural Zone 1, Rural Agricultural Zone 2 and the General Agricultural Zone;*
- (f) *All accommodation units shall:*
 - i. *Be separated from the nearest residential building on an adjacent property by a minimum of 70 metres; and*
 - ii. *Comply with the setback provisions in the Scheme;*
 - iii. *Have screening vegetation planted and maintained to shield the neighbouring property from accommodation units.*

A chalet is defined as the following under TPS7:

Means an individual self-contained unit usually comprising cooking facilities, en-suite, living area, and one or more bedrooms designed to accommodate short-stay guests, forming part of a tourism facility and where occupation by any person is limited to a maximum of three (3) months in any twelve (12) month period.

Under the Zoning Table in TPS7, a chalet is IP, meaning a use that is permitted provided such use is incidental to the predominant use of the land as determined by the Council.

POLICY IMPLICATIONS

State Planning Policy 2.5 – Land Use Planning in Rural Areas (SPP2.5)

The objective of this policy, which was gazetted in November 2013, is to protect rural land from incompatible uses, promote regional development by providing opportunities on rural land and to minimise land use conflicts. High quality agricultural land is to be identified as priority agricultural land, subject to consultation and refinement at a local level. Section 5.3 of SPP2.5 recognises that there is a need to promote rural zones as highly flexible zones that cater for a wide range of rural land uses that can support primary production and value adding, small-scale tourism, environmental protection and biodiversity conservation. Section 5.8 of SPP2.5 lists the following management tools for land use conflicts:

- a) the introduction of land uses that may constrain existing or potential rural land uses will generally not be supported;
- b) existing and future land use conflicts are understood and demonstrated in strategies and schemes as appropriate

FINANCIAL IMPLICATIONS

If the amended application is refused or if Council only approve 1 or 2 chalets instead of the 3 proposed, or the applicants dispute any of the conditions, then it is likely that the matter will be referred to a final hearing in the State Administrative Tribunal. This will mean further administration time by Council officers and the usual risks and costs associated with litigation.

Councillors will be provided a separate confidential attachment (Attachment 5) which contains material and advice which is subject to professional legal privilege.

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

Local Planning Strategy 2006

Under the Local Planning Strategy (LPS) it has been identified that the retention of Prime Agricultural Land (PAL) is important, however it is further acknowledged that increasing pressure to accommodate other land uses is evident. Section 4.5.6 outlines planning implications for the economy and employment:

Land that is identified as prime agricultural land needs to be protected from competing land use. The functionality and longevity of key industries such as agriculture and mining, as well as the encouragement of newer, burgeoning markets in tourism, need to be assured within the Shire.

It is also identified, in section 5.10.1.1 of the LPS, that in some circumstances diversification of uses within the Agricultural zones is necessary to further supplement farmer's incomes:

Diversification of lands uses in agricultural zones is generally not supported due to the potential loss of productive PAL, the impact on management and operational practices and the potential externalisation of these impacts. However, where farmers and producers are seeking to supplement incomes to ensure viability of the principal agricultural land use, there is some scope for allowing subordinate land uses only, or uses that are wholly incidental or dependant on the principal agricultural use of land.

When specifically addressing the diversification of Rural Agriculture 1 & 2 zones, the LPS acknowledges that these zones are more sensitive to the intrusion of other land uses and that they are a finite and infrastructure intensive resource.

The LPS outlines that a number of factors including the use of machinery, operational hours and chemicals may be incompatible with the introduction of other uses, however identifies that there is some capacity, with appropriate development controls, to introduce some subordinate land uses to diversify the income of farmers and ensure their economic viability. Typical scheme land use and development controls appropriate for these zones to ensure that uses remain subordinate include:

- *Limit accommodation to low key uses such as bed and breakfast or farm stay*
- *Control accommodation numbers via Scheme provisions (One accommodation unit or bedroom in Rural Agriculture 1 zone, Two accommodation units or bedrooms in Rural Ag 2 zone)*

- *Limit uses to those that are subordinate to agricultural uses to ensure that principal use of the site remains agriculture in subsequent Scheme*

The key summary points of the LPS that relate to this application are as follows:

- *Land that is considered PAL should not be developed for anything that may prejudice its continued use for these purposes. Consultation in relation to the identification of PAL will be conducted in conjunction with the Department of Agriculture.*
- *Other uses may be permitted within these areas provided that they are subordinate to, are incidental to, or relate to the predominant agricultural use of the land. These uses must not have a detrimental impact on the operations of or threaten the productivity of agricultural land use and development in the locality. Assessment would need to include consideration of access, scale, buffer distances and issues of sustainability, and any other relevant factors.*
- *Ensure diversified uses are not permitted unless subordinate to principal agricultural uses, and are not permitted unless there is a clear benefit to providing viability to a site under existing cultivation.*

Draft Local Planning Strategy 2014

The Shire has engaged GHD to review the existing planning strategy and have developed a draft to be advertised in the near future. This document prioritises the identification and mapping of areas of PAL within the Shire. A strategic response to this matter is to:

Protect priority agricultural land from inappropriate land uses.

COMMUNITY CONSULTATION

The original application was advertised between 16 January 2014 – 6 February 2014 by sending notification advising of the proposal to all residents on River Farm Road and the property adjoining at the rear (28 notifications in total). The Shire received one submission in support of the application (River Farm Road resident), one submission that was indifferent and 5 submissions opposing the proposal (5 River Farm Road residents and 1 external parties).

The submissions received in opposition of the development were predominantly well developed and researched. Important points were raised relating to the lack of detail provided in the management plan and how the development would be monitored into the future. A summary of these submissions, including responses to these submissions by Shire Officers and the applicant, are provided at Attachment 2.

The amended application is not required to be advertised, however has been forwarded to relevant officers at DAFWA for comment, in relation to the revised Management Plan and Landscape Plan in particular.

COMMENT

The adoption of Amendment 18 into TPS7 was developed to allow for the diversification of Rural Agricultural zones and to encourage a supplementary income for farmers wishing to ensure viability of agricultural production on their properties. A specific requirement of proposing chalets or tourist development within a Rural Agriculture 2 zone is to develop a management plan in collaboration with DAFWA, which is to address the management of dust, noise, visual amenity and biosecurity.

The information submitted with the initial application was limited in the scope of how the owners will specifically address conflicts, impacts and compatibility with the existing and potential agricultural land uses. There were some suggested mechanisms; however, the application omitted detail on the external impacts of the development, or adequate detail in relation to implementing and managing these mechanisms.

In reviewing the initial application DAFWA stated that increased tourism in an agricultural area will increase the biosecurity risk, particularly with the introduction of pests and diseases. They advised that management practices only have a certain scope to manage risks associated with the introduction of tourism activities into an agricultural area and it is the Department's position that specific monitoring mechanisms would be required.

The increased biosecurity risks could be minimised and managed through the development and implementation of an appropriate management plan which included adequate additional detail such as:

- the type of information to be provided to guests and when and how it is to be conveyed to guests;
- information on rubbish facilities and disposal procedures, which should include bin locks for added security;
- information on exactly where signage will be placed and relevant information displayed;
- expanding on what the risks are and the process to mitigate these risks. This can be achieved by ranking the biosecurity risks that have been identified and then providing step-by-step procedures on how to deal with these; and
- a formal procedure for visitors/guests, including a dedicated vehicle inspection point and contained wash down area.

The revised management plan includes additional detail in relation to the information provided to potential guests prior to booking, and the procedure when the guests arrive at the property. It outlines that a sign will be placed at the front gate, indicating that guests are required to telephone the applicants prior to entering the property, however that guests will be met at their chalet to go through the check-in procedure.

A number of prerequisites for visiting the property are also outlined, including inspection of vehicles upon arrival, confiscation of any 'plant material' not purchased from town, and provision of information and reiteration of information regarding biosecurity risks. It is acknowledged that the revised management plan is an improvement on the initial plan submitted.

The amended application includes a Landscape Plan which is to address the potential for spray drift and dust from adjoining farms.

The Department of Health (DoH) Guidelines for Separation of Agricultural and Residential Land Uses – Establishment of Buffer Areas (August 2012) outlines that, as a minimum, there should be a 300 metre separation distance between common agricultural uses and residential development, or alternatively that a 40 metre separation distance can be used where a vegetation buffer has been adequately designed, implemented and maintained. These guidelines are provided at Attachment 3.

The submitted Landscape Plan has therefore been prepared to propose a vegetation buffer, as it is impossible to meet the minimum 300m separation distance from the neighbouring lots. The application complies with the setback and screening requirements of TPS7, which allows for a minimum 35m setback as per the proposed setback of the chalets from the

boundary adjoining Lot 529, however the requirement for a vegetation buffer is a minimum width of 40m, consisting of a 10m cleared firebreak either side of a 20m wide planted area.

The proposed vegetation buffer shown on the landscape plan is proposing the planting of golden candlestick banksia and elephant ear wattle, with mango trees in one section however DAFWA have previously advised that mangoes or other fruit species should not be planted to close to the chalets. DAFWA have since recommended that a tropical acacia or eucalypt could be planted in place of the proposed mango trees. It is noted however, that the mango trees are not located in close proximity to the chalets, are proposed more for visual screening purposes than as part of the vegetation buffer.

In any instance the implementation, monitoring and maintenance of the proposed screening will be necessary. It is noted that vegetation buffers will not be operational until the trees reach the minimum effective height to control spray drift, and may require a temporary buffer to be constructed in the interim.

The proposal to locate the chalets at the front of the property is in response to concerns that the initial intention to site the chalets more centrally would fragment the agricultural use of the remainder of the property. Another reason is to provide an adequate separation distance to the Rural Agricultural property located to the rear of Lot 530, which is a sandalwood plantation subject to aerial spraying programs.

The landscaping proposed is also required to address visual amenity of the proposed development from River Farm Road. Most buildings along River Farm Road are set back at least 100m from the front boundary, with most being well over 350m from the front property boundary and well out of view from the road. In order to minimise the bulk of the chalets landscaping is proposed along the front property boundary in the form of bougainvillea and star jasmine, with a line of mango trees proposed to be planted directly behind.

In relation to the requirement for the proposed development to be incidental to the predominant use of the land, the applicants contend that the Scheme does allow for the proposed development, and regardless of whether the remainder of the property is under cultivation, or the land is considered to be PAL, there is still the ability for the majority of the land to be farmed.

The draft without prejudice conditions provided to the applicant, as per the SAT Orders of 26 September 2014, including the applicant's response and the Shire's additional comment is provided at Attachment 4. The initial draft without prejudice conditions were prepared and revised prior to receiving the amended application.

Since receiving the amended application, and following subsequent discussion and negotiation with the applicant's solicitor on a without prejudice basis, the draft without prejudice conditions have been revised and streamlined as per the below recommendation.

ATTACHMENTS

- Attachment 1 - Amended Application
- Attachment 2 – Submissions on initial application
- Attachment 3 - Guidelines for Separation of Agricultural and Residential Uses
- Attachment 4 - Draft Without Prejudice Conditions and comments
- Attachment 5 – Confidential attachment provided under separate cover.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council grants planning consent for the development of three (3) Chalets at Lot 530 River Farm Road, Kununurra, subject to the following conditions:

1. The proposed chalet development forming part of a tourist facility must only be used to accommodate short-stay guests, where occupation by any person is limited to a maximum of three (3) months in any twelve (12) month period. Any change of use will require consent from Council.
2. All development shall occur in accordance with the approved plans and these conditions of approval.
3. Prior to applying for a building permit, the Applicant is to submit a revised floor plan for chalet 1 which shows the correct external dimensions of the proposed structure.
4. The approved management plan must be implemented and reviewed on the basis set out in the approved management plan.
5. Prior to the construction of the proposed chalet development, all promotional information intended to be displayed must be submitted to the Shire for approval.
6. The Applicant is to provide the following disclosure statement to prospective guests at the time of booking. This disclosure statement must be provided as part of the terms and conditions provided to the prospective guest prior to booking taking place:

“You will be staying in an active agricultural area where normal farming practices may result in nuisances including odour, spray drift, noise, dust and smoke. These practices may be carried out by our farm or adjoining farms when you are staying in a chalet at the property.”
7. Prior to the use commencing (by way of initial occupation by any guests) of each of the chalets, relevant Shire Officers are to inspect that chalet to confirm compliance with the management plan.
8. The proposed chalet development must at all times remain subordinate in scale, scope and intensity to the predominant agricultural nature of the property.
9. By 30 July each year, the following information must be submitted to Council:
 - (a) The guest register showing the name, address and dates of occupation for each guest.
 - (b) Any documentation required to be provided under the approved management plan (if applicable) and the revised biosecurity measures, if any.
10. A notification, pursuant to section 70A of the Transfer of Land Act 1893 (WA) is to be placed on the certificate of title to the property prior to commencement of the use. The notification is to state as follows:

‘The chalet development on this property must at all times remain subordinate in scale, scope and intensity to the predominant agricultural nature of the property.’

11. Each chalet should be provided with at least one parking space.
12. The Applicant is to implement planting generally in accordance with the landscaping plan, and must ensure that the landscaping at full growth provides:
 - A visually impermeable barrier between the chalets and River Farm Road;
 - A visually impermeable barrier in the locations shown on the landscaping plan to the east, along the existing driveway, to the west, along the existing firebreak, and to the north, adjacent to the existing shed;
 - Effective barriers to chemical spray drift from off-site chemical sources; and
 - that host plants are not to be located less than 10 metres to a chalet (measured from the closest edge of foliage to chalet building) to address biosecurity requirements.
13. The approved landscaping must be maintained, and vegetation replaced where required to ensure ongoing compliance with the landscaping plan throughout the life of the chalet use and while the chalet buildings are in place.
14. Potable water is to be supplied to each chalet.

Cr B Robinson moves the officer's recommendation with the removal of dot point 10

10. A notification, pursuant to section 70A of the Transfer of Land Act 1893 (WA) is to be placed on the certificate of title to the property prior to commencement of the use. The notification is to state as follows:

'The chalet development on this property must at all times remain subordinate in scale, scope and intensity to the predominant agricultural nature of the property.'

COUNCIL DECISION

Minute No. 10722

Moved: Cr B Robinson

Seconded: Cr G King

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- 2. All development shall occur in accordance with the approved plans and these conditions of approval.**
- 3. Prior to applying for a building permit, the Applicant is to submit a revised floor plan for chalet 1 which shows the correct external dimensions of the proposed structure.**
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- 8. The proposed chalet development must at all times remain subordinate in scale, scope and intensity to the predominant agricultural nature of the property.**
- 9. By 30 July each year, the following information must be submitted to Council:**
 - (a) The guest register showing the name, address and dates of occupation for each guest.**

(b) Any documentation required to be provided under the approved management plan (if applicable) and the revised biosecurity measures, if any.

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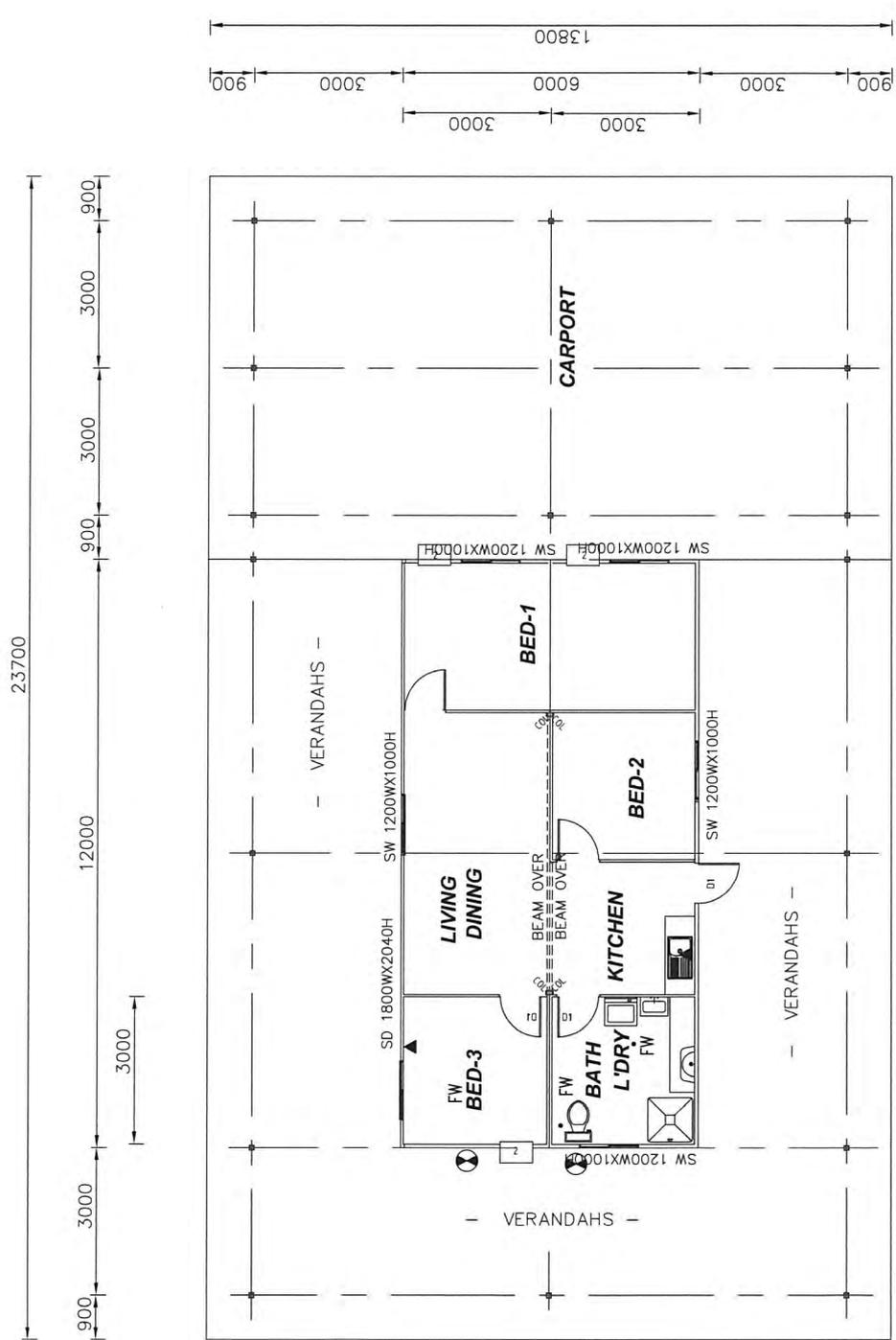
12. The approved landscaping must be maintained, and vegetation replaced where required to ensure ongoing compliance with the landscaping plan throughout the life of the chalet use and while the chalet buildings are in place.

13. Potable water is to be supplied to each chalet.

Carried 5/2

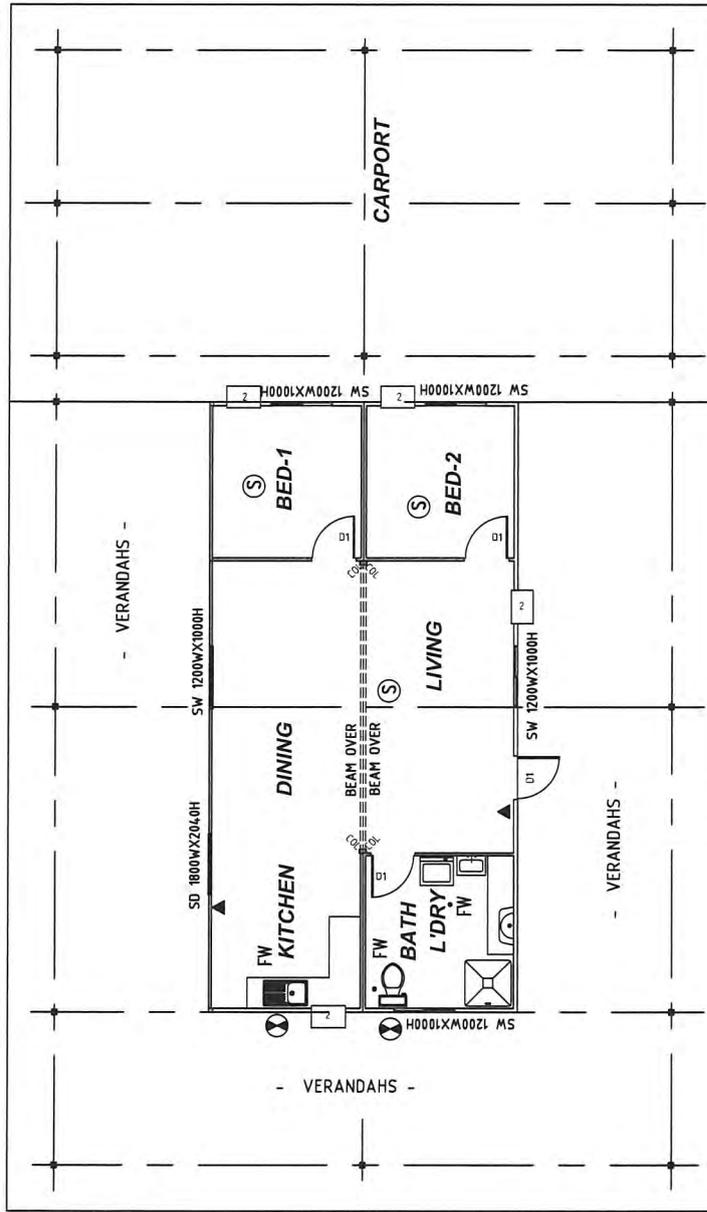
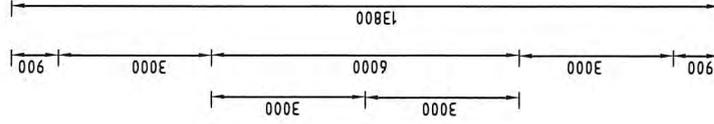
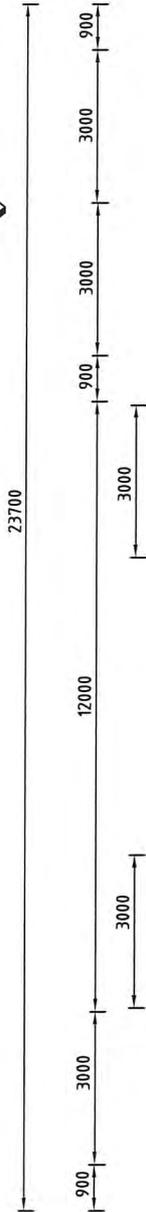
For: Cr B Robinson, Cr G King, Cr K Wright, Cr D Learbuch, Cr D Spackman
Against: Cr J Moulden, Cr R Dessert

Floor Plan - Chalet 1



Floor Plan Chalet 1

Floor Plan - Chalet 2 & 3



- ⑤ HARDWIRED SMOKE DETECTOR
- ⊗ MECHANICAL VENTILATION TO EXTERNAL AIR
- ⊗ FLOOR WAIST
- ⊗ PORTABLE FIRE EXTINGUISHER

DO NOT SCALE - IF IN DOUBT ASK

D. R. READ P.O. BOX 348 KUMARARA, N.Z. TELEPHONE 08-91991632 FAX 08-91991630 MOBILE 0400-352726		SCALE 1:100	DATE 06-11-13	PROJECT NO. XXXXXXXXXX	CONTRACT NO. XXXXXXXXXX	TITLE PROPOSED ACCOMMODATION UNITS FOR ROB & VICKY LOT 530 RIVER FARM RD FLOOR PLAN	PROJECT X SECTION X DRG. NO. RV-RF-003	REV. A
MADE 08/11/13	APP'D [Signature]	CHECKED [Signature]	DRAWN BY [Signature]	EQUIPMENT NO.	ELEVATION NO.	SHEET NO. SHT 1 OF 1	REV. A	NORTHERN DESIGN CONSULTANTS
ISSUED FOR APPROVAL	REVISIONS	X	06-11-13	DATE	REV	DRG. NO.	REFERENCE DRAWING TITLE	XXX



River Farm Road

Landscape Plan
 Lot 530 River Farm Road, Kununurra

Chalet Management Plan

Lot 530 River Farm Road, Kununurra

Introduction

The purpose of this Management Plan is to regulate the approved Chalet use at Lot 530 River Farm Road, Kununurra. The Management Plan sets out the practices that must be employed to ameliorate any adverse amenity impacts that the Chalet use may have on the surrounding properties and the land uses to which those properties are put.

Pursuant to condition # of the planning approval issued on #, the Operator of the use is required to comply with the Management Plan.

Pursuant to condition # of the planning approval, the Management Plan is to be reviewed in accordance with the protocol set out in the Management Plan itself.

Dust

Standard

The operator is to ensure that the generation of dust is kept to a minimum by the Chalet use.

Justification

Dust can create an unpleasant living environment for residents, and may have adverse effects on the fruiting of crops.

Management Action

The generation of dust is to be managed by:

1. Construction and maintenance of existing and new internal roads with heavy gravel to attenuate dust generation.
2. Signs on internal roads advising to drive at a maximum of 5km an hour.
3. Counselling guests, should the operator witness guests driving in a manner to generate dust, or upon complaint from neighbouring properties.

Noise

Standard

The operator is to ensure that noise from the Chalet use is kept to acceptable levels.

Justification

People in 'holiday mode' are often less aware of their surroundings, and enjoy later and more convivial evenings with their fellow holiday makers.

Management Action

The Chalets have been sited at a maximum distance from existing dwellings on neighbouring properties.

The generation of noise is to be managed by:

1. Information included in the in-Chalet literature reminding Chalet guests that there are residents close by.
2. Counselling guests, should the operator experience guests generating unreasonable levels of noise, or upon complaint from neighbouring properties.

Biosecurity

Standard

The operator is to ensure that no fruits, vegetables or other fresh plant material is brought on to Lot 530 River Farm Road Kununurra from outside the Kununurra region.

Justification

The Ord River region of Western Australia enjoys special status because of the absence of certain insects which can be harmful to crops. These include, but are not limited to the Mediterranean Fruit Fly, and the Silverleaf White Fly.

While it is an offence under State law to bring plant material into the Ord River Irrigation Area (**ORIA**), policing of this law is patchy. It is therefore necessary for tourist operators to do what they can to ensure that tourists do not provide a vector for the introduction of these pests.

Management Action

Prior to booking – promotional material

1. The Operator will ensure that information is included in promotional material and at the time of booking that requires prospective guests to:
 - a. Not bring any plant material from outside the ORIA with them.
 - b. Expect that their vehicle will be inspected upon check-in to ensure that this requirement has been adhered to.
2. The form of information to be included in promotional material and at the time of booking should include the matters set out in Annexure 1.

Upon arrival

3. The Operator shall install signs at the gate of the property to remind Chalet guests of their biosecurity obligations. The signs will be similar to that which appears in **Annexure 1**.
4. Upon arrival for check-in, the Operator is to:
 - a. Reiterate the need to ensure no non-ORIA plant material has been brought to the site;
 - b. Physically undertake an inspection of the Chalet guest's car to confirm compliance with this requirement.
5. Guests will be asked to enter the property and meet the Operator at the Chalets, where the relevant Chalet will be unlocked for the Chalet guest. The inspection of the Chalet guest's car will occur at the Chalet. This is to ensure that a bin with a lockable lid is located close to where the inspection is taking place.
6. Where plant material is found, the Operator will ask the Chalet guest to produce documentary evidence (by way of tax invoice) to show where that plant material has been purchased.

7. Where the Chalet guest cannot produce this documentary evidence, the Operator will confiscate the plant material.
8. The plant material will be 'double-bagged' in 2 black plastic bags, and will be placed in a cage (to stop vermin from opening the bag) in the sunlight for 5 days.
9. At the end of 5 days, the bag will be disposed of in the normal way by transferral to the local rubbish tip.

During stay

10. The Operator will provide the information set out in **Annexure 1** affixed to the door of the refrigerator in each Chalet.
11. The Operator will include literature regarding biosecurity in each of the Chalets, including pamphlets or photographs of the insects that pose the major threat and a reminder to observe biosecurity measures.
12. Each Chalet will be provided with a separate bin for green waste which will be plastic-bag lined, and with a lockable lid. Bins will be emptied regularly by the Operator as part of the room-services provided.

Inspection

13. The Operator (and employees of the Operator) will remain vigilant during the cleaning of the Chalets, as well as during general farming duties, to identify suspected pest incursions.

Reporting

14. Should the Operator suspect a pest incursion, the Operator will make immediate contact with the Department of Agriculture and Food, Kununurra Office.
15. The Operator will provide the Shire, on an annual basis, with a log of the biosecurity measures taken in respect of each guest. That log will be in the form set out in **Annexure 3**.

Review dates

This Management Plan is to be reviewed biennially, using the following protocol:

1. The Operator is to provide a letter to the Shire advising of the operation of the Management Plan over the previous 2 year period.
2. The letter shall include improvements or variations to the Management Plan, based upon the experience gained over that period.
3. The Shire is to, within 60 days, reply in writing to the Operator and advise whether it accepts the Management Plan as proposed by the Operator, or requires further variations to be made.
4. Where the Shire does not respond within 60 days, the Management Plan and any proposed improvements or variations proposed by the Operator in its letter will be deemed acceptable by the Shire.
5. Where the Shire does require further variations or improvements and/or does not agree to the Operator's proposed variations or improvements, then the parties shall, acting reasonably, negotiate the variations and improvements to the Management Plan.
6. During this negotiation period, the existing Management Plan will continue to apply.

Annexure 1: Chalet Guest Information

Iterations of this information is to be included on Chalet website, as part of the information package upon booking confirmation, and available in each of the Chalets.

Working farm

Please note that you will be staying in an active agricultural area and there will be agricultural activities occurring on adjoining properties. At different times of the day and year, this may mean that your Chalet is exposed to noise, dust or agricultural spraying. Sometimes these activities can occur early in the early hours of the morning.

Biosecurity

The Chalets are located on a working farm in the Order River Irrigation Area (**ORIA**). The ORIA has special status as an area free of certain pests, including the Mediterranean Fruit Fly and Silverleaf White Fly. This means that we do not have to spray or treat our produce before sending it to market. It makes produce from the ORIA very valuable both in Australia and to export internationally.

We need to keep these pests out of the ORIA to maintain our livelihoods. That is why biosecurity is very important to us. As our guests, we ask you to agree to certain measures to help keep us, our neighbours and the rest of the ORIA pest free.

1. Do not bring any plant material (including fruit, vegetables or plant cuttings) to the Chalets upon arrival and check-in.
2. Upon arrival, you will be asked to allow your car, eskies and other belongings to be checked to ensure there is no plant material with you.
3. Where plant material is found, your hosts will ask you to provide evidence of where you purchased the plant material – by way of a docket or receipt.
4. Where you have purchased groceries in Kununurra, you are free to keep them.
5. If you cannot provide proof of location of purchase, you will be asked to surrender the plant material for disposal.
6. Once you are checked in, you are free to bring any groceries you wish to the Chalets that have been purchased within Kununurra, without the need for further checks.
7. We ask that during your stay, all green waste be disposed of in the designated bin that you will find within your Chalet, and that you keep the lid firmly closed.
8. While you are our guest, we ask that you keep an eye out for insects, and let us know. Every set of eyes helps! You will find some 'least wanted' information in your Chalet.

VISITORS

**PLEASE RESPECT
FARM BIOSECURITY**

Please contact the manager before entering.

 _____

**Do not enter property without prior approval.
Keep to roadways and laneways.**

ATACHMENT 2 -SUMMARY OF SUBMISSIONS

Submission	SWEK Response	Applicants Response
<p>Preservation of Prime Agricultural Land is identified as an important land use strategy for the Shire.</p>	<p>Shire Officers acknowledge that PAL is to be preserved where possible. It is also recognised that subordinate uses can supplement the primary income of a farm to ensure the agricultural viability into the future.</p>	<p>Town Planning Scheme 5.22.2 – Other Incidental Uses: Chalets – which complies with objectives set forth by amendment 18 that outlines:</p> <p>“Amendment 18 is an initiative to diversify and ‘value add’ to agricultural land. It has been prepared to enhance, support and facilitate opportunities for diversification in the agricultural areas of the shire where a ranges of uses can be introduced on a complimentary basis to ‘value add’ to individual enterprises and the local economy, mainly through increased tourism”.</p>
<p>Appropriate responses to biosecurity risks have not been proposed by the applicant. Biosecurity concerns with the introduction of tourist development within the Rural Agriculture 2 zone.</p>	<p>Noel Wilson of Department of Agriculture and Food WA (DAFWA) has provided advice in relation to the management of biosecurity. He has confirmed that significant risks are associated with tourism developments in agricultural areas and would compromise adjacent properties.</p>	<p>We are in rural Agricultural Zone 2 and the Shire of Wyndham East Kimberley has already evaluated the risks associated with biosecurity when they included amendment 18 in the Town Planning Scheme. Amendment 18 clearly states that planning proposals need to comply with the objective “value adding to agricultural land if it supports and facilitates opportunities for diversification, and to value add to individual enterprises and the local economy, mainly through increased tourism”. Our proposal has been written within amendment 18 guidelines and our Management plan outlines our response to biosecurity risks under the heading Biosecurity. The Management Plan was developed with</p>

		<p>consultation and assistance from Agricultural Department Manager Noel Wilson.</p> <p>The Shire of Wyndham East Kimberley addressed in 2009 a letter to Minister McTiernan that identified, Quote “The Ord Valley’s remote location and isolation, and low population base, and relatively limited Agricultural variety mean that these conflicts are less likely to occur anyway.”</p>
Two separate detections of the Mediterranean fruit fly have been uncovered at different caravan parks.	The DAFWA have released information that confirms that two outbreaks have occurred within the Shire and both have been within caravan parks.	Traffic to the Stone Craft coffee shop next door that is situated in the mango crop itself has an estimated 12000 vehicles per season. The most we would anticipate for our chalets would be 300 cars per season. There would be 40 times more cars going to the coffee shop next door than what would be on our property and they have never had a problem with bio-security. The majority of our 300 visitors would have gone to visit Stonecraft regardless of this proposal. Our Management Plan clearly shows the proposal is well within the guidelines.
Lack of an appropriate buffer between the proposed tourist facility and existing crops.	Although the proposal complies with the setback requirements outlined in <i>TPS7</i> , DAFWA has advised that minimum setback distances would normally require a minimum of 500m. This is to ensure that sensitive land uses are protected effectively.	There will be a buffer between the proposed chalets and the existing crops. The buffer will be made up of mango trees and native trees and will be planted around all 3 chalets. The buildings are well within the required setbacks.
Land use conflicts associated with the introduction of tourism facilities have not been adequately addressed. Further, approval of the proposed tourist development may have a future effect on the viability of future agricultural land within the	There are existing tourism facilities within Rural Agriculture 1 and Rural Agriculture 2 zones, however these developments occurred before the gazettal of Amendment 18 and therefore have non-conforming use rights. The impacts of the proposed	The application is made in accordance with the Town planning scheme. Land use conflicts associated with the introduction of tourism facilities have been addressed within the Shire of Wyndham’s Town Planning Scheme 5.22 when they included

<p>area.</p>	<p>development upon adjoining properties lacks detail and it is acknowledged that the future viability of agricultural land within the locality may be compromised by the introduction of additional tourist facilities.</p>	<p>amendment 18 - quote “value adding to agricultural land if it supports and facilitates opportunities for diversification, and to value add to individual enterprises and the local economy, mainly through increased tourism”. It has been identified by the shire that conflicts were of a minimal risk which is why amendment 18 was included in the Town Planning Scheme. As outlined through a letter addressed by the Shire of Wyndham East Kimberley to Minister McTiernan in 2009: Quote “The Ord Valley’s remote location and isolation, and low population base, and relatively limited Agricultural variety mean that these conflicts are less likely to occur anyway.”</p>
<p>Noise, dust, spraying of chemicals and loud bird fright noises are not compatible with tourism uses and therefore would impact the future operations of the agricultural activities.</p>	<p>Agricultural pursuits within this area would take precedent over any incidental development. It is acknowledged within the <i>LPS</i> that agricultural properties are highly sensitive land uses and the introduction of additional uses would need to be managed appropriately.</p>	<p>Noise, dust, spraying of chemicals, loud bird fright noises and all other farming practices have been taken into account with the initiative of amendment 18 and under Town Planning Scheme 5.22 which outlines that the venture needs to be subordinate to the agricultural activities of the property. As we are farmers ourselves we are not going to do anything that will jeopardise our own farm or those of our neighbours. We also have a 5km speed limit to restrict dust and noise and this is the slowest on River Farm Road. We don’t use a bird fright noise and those who do only use it for geese out of tourist season. We do not spray chemicals on our orchard, and only use a very small amount of Glyphosate for weed control. Poor farming practices by neighbors like spray drift will be immediately addressed regardless of</p>

		chalets.
Management plans provided by the applicant may not be complied with into the future and therefore create an opportunity for negative impacts of the development to be introduced.	Compliance and monitoring of the proposed management plan would pose difficulty for the Shire and DAFWA as ensuring the management measures are implemented would require continuous scrutiny. Although the proposed methods of addressing biosecurity are reasonable, it is difficult to foresee how they might be effectively monitored on a daily basis. It is further noted that one mistake or oversight could have lasting and widespread impacts for the agricultural production within the Shire.	The Management Plan has been developed within the guidelines of the Town planning scheme and in conjunction with the Agricultural Department. It is a responsible management plan that protects our crops as well as those of our neighbours. As residents for over 30 years we intend to call Kununurra home into the future and our responsible management plan will aid the development of our community through tourism.
Lack of risk analysis or adequate management plan is concerning due to the amount of potential risks associated with the proposal.	DAFWA has concluded that in approving any tourist accommodation within a Rural Agricultural zone risk of compromised biosecurity are increased. Although the applicant has provided some measure of biosecurity management, DAFWA has outlined that these risks cannot be mitigated appropriately.	The risks have already been identified, considered, and amendment 18 of the Town Planning Scheme has been passed. An adequate management plan has been developed for this submission with the assistance of Agricultural Department Manager Noel Wilson.
Access and proposed dust suppression is not clearly defined.	From the proposed site plan it is unclear which access will be utilised by the guests, however the applicant has noted that the driveway on the western boundary will be utilised by guests. The proposed speed limit restrictions do not completely address dust suppression.	Access is very clearly defined in our map – which is an engineered drawing of the development area and clearly shows the access to the site from the main road. Dust suppression is clearly outlined under our Management Plan headed Dust and Noise. The speed restriction on the property will remain as they are at present - 5kms per hour - one of the least in the entire Ord Valley. We will make sure that the signs are well placed on the access road for guests to take heed.
No promotional material or details of biosecurity information to be provided to	A draft copy of the promotional material has since been provided by the applicant.	Please read the planning approval submission under Management Plan,

<p>guests.</p>		<p>Biosecurity paragraph II covers this. As outlined in this paragraph we will have signage information displayed in prominent places. Pamphlets will be handed to guests informing them of the risk of weeds, insects, pests and diseases to this area, this pamphlet will outline also Customs/Check Point regulations – ie for instance - that fruit, especially stone fruit and citrus is not allowed into the Ord River irrigation area between April and November. There will also be good rubbish disposal facilities available for guests, they will be emptied daily and disposed at the local landfill site in sealed bags. As outlined in this paragraph in our Management Plan we will ensure that vehicles are clean before entering the property and be reminded to check their clothing and equipment for any weed seeds and make sure that these are disposed of properly so that they do not have the ability to establish on the property and spread further in the irrigation area. The resident vehicles are also restricted to a designate driveway. All this information is clearly outlined in our Management Plan.</p>
<p>It is not demonstrated how the proposal will be subordinate to the predominant agricultural nature of the site. Appears that less than half the block features crops.</p>	<p>Information provided by the applicant does not clearly demonstrate that the use is in fact subordinate to the predominant use being for agricultural purposes.</p>	<p>We have 700 mango trees on the property. The buildings will only take up approximately 2.8% of the property. Screening plants will be mango trees increasing the agricultural nature of the site.</p>
<p>Details of the proposed number and type of trees to be planted for screening purposes. Screening to the eastern boundary is required.</p>	<p>The applicant has provided an amended site plan that proposes screening to the eastern boundary and has detailed that mango trees are proposed for screening.</p>	<p>Under the management plan heading Landscaping – landscaping will either be plants native to the area or the use of horticultural common in the area, namely</p>

		mangos. Plantings will be in line with common farming practices. Screening mangos will be planted in all directions around the chalets – south, west, east and north. Please refer to our plan. There will be as many trees planted as necessary to create a good screen - mango trees have a thick foliage and are good screening trees.
A legally binding document should be prepared acknowledging the activities that occur in an agricultural production area.	This would be a requirement of approving this application as it would protect the rights of adjoining land owners to continue with the agricultural production of their property.	A legally binding document is not required as the Shire has the power to enforce the Town Planning Scheme and we are bound by the requirements under the Town Planning Scheme.
Should be outlined how potable water will be provided to the proposed chalets.	The applicant has stated that rainwater tanks will be installed and filtered water would be provided for guests.	Potable water will be filtered rainwater and will be provided to the chalets by a pipe.



Guidelines for Separation of Agricultural and Residential Land Uses

Establishment of Buffer Areas

August 2012

Definitions

Agricultural land use - The use of land for the production of food, fibre and timber, including grazing, cropping, horticulture and forestry.

Buffer area/zone - A buffer is formed to create an area of separation between conflicting land uses.

Buffer element - A natural or artificial feature within a buffer area that mitigates an adverse impact, including open ground, vegetation or constructed/acoustic barrier.

No-spray zone - An area in which direct application of the agricultural chemical is prohibited; this area is specified in distance between the closest point of direct chemical application and the nearest boundary of a site to be protected, unless otherwise specified on a product label (APVMA).

Registered pesticide - A pesticide that is registered under the Agvet Code of Western Australia Part 2

Residential development - Urban subdivision, low-density residential subdivision and rural allotments created primarily for residential purposes and other places used as human accommodation, excluding dwellings associated with bonafide agricultural holdings.

Sensitive land use - Land uses considered to be potentially sensitive to emissions from industry and infrastructure including residential developments, hospitals, hotels, motels, hostels, caravan parks, schools, hospitals, nursing homes, child care facilities, shopping centres, playgrounds, and some public buildings.

Separation distances - The total linear distance between a source and a sensitive receptor.

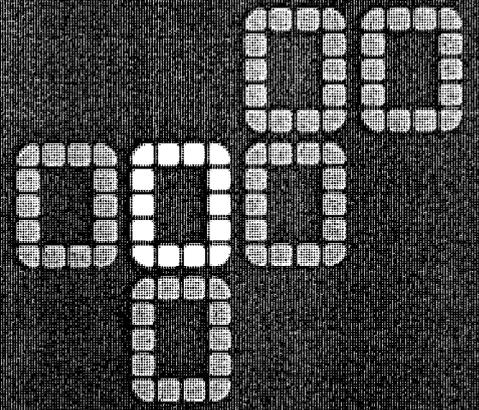
Spray Drift - The movement of pesticide away from the target area in the atmosphere. The three main forms of drift are droplet drift, vapour drift and particulate drift.

Vegetative barrier - A vegetative barrier is usually a tree or shrub line that is located on the downwind side of a sprayed area to protect an area susceptible to spray drift. Vegetation is sometimes planted deliberately to filter spray drift from the environment.

Abbreviations

APVMA - Australian Pesticides and Veterinary Medicine Authority, a Commonwealth government statutory authority established in 1993 to centralise the registration of all agricultural and veterinary chemical products and labels into the Australian marketplace

DOH - Department of Health



Delivering a Healthy WA

Introduction

This document has been developed to consolidate the current Department of Health (DOH) position for the establishment of buffer areas in new residential subdivisions where possible conflicts with existing agricultural land use exist. The need for a formal policy arises as an increasing number of residential developments encroach on land previously occupied for agricultural use and concerns are raised or health impacts reported. Buffer areas can reduce conflict, health impacts and resulting complaints from conflicting agricultural, residential and other urban land uses.

The DOH has largely adopted the best practice standards described by the Queensland Department of National Resources in their "Planning Guidelines: Separating Agricultural and Residential Land Uses – August 1997" and supported by CSIRO (2002). Other jurisdictions have used similar processes.

Purpose

This document provides specific requirements to assist local governments, developers, land owners and consultants in providing adequate separation from conflicting land uses. These guidelines should be used in conjunction with State Planning Policy 4.1 (draft for public comment WAPC July 2009) and *Guidance for the Assessment of Environmental Factors No 3 Separation distances between industrial and sensitive land uses* (Environmental Protection Authority, (June 2005).

All chemical use must comply with existing legislation. Spraying practices will also need to comply with the APVMA "no spray zone" which is being introduced to the labels of new and existing pesticides. A designated buffer area under these guidelines will contribute to the area included as a "no spray zone", allowing a greater portion of agricultural land to be available for crops where a large "no spray zone" applies.

Scope

This document provides recommendations on the minimum separation distance required between agricultural land use and residential land use based on current scientific knowledge and industry practice. These separation distances may be applied to other proposed sensitive land uses.

Single residential dwellings located in land zoned Rural, Agricultural or equivalent in local and regional planning schemes are excluded from this document.

Objective

The objective of this guideline is to avoid conflicts arising from proposed residential developments and other sensitive land use near existing agricultural land. This guideline will assist in minimising health and nuisance impacts from chemical use and dust.

Limitations

Considering the complexity in determining a safe buffer distance applicable to multiple situations it is important that the design of buffer areas is based on the best possible evidence and is conservative in its approach.

Vegetative buffers may not be suitable where the chemicals in use may result in vapour drift (eg. soil fumigants) or where herbicide spray drift would impact on the vegetative buffer. In these circumstances a 300m buffer distance would apply.

Safe application of chemicals, design and use of spray technology/equipment and requirements under existing legislation are not specifically covered by this document. Buffers are not substitutes for good spray management practices.

Establishment and maintenance of buffer areas

New residential developments should protect the rights of the existing agricultural producers to continue to perform farming activities on their land.

The following measures should be implemented at the earliest possible planning stage to minimise impacts on public health:

1. Where land is approved for subdivision or residential development the prospective proponent must be advised by the local government of the requirement for buffer areas to be included.
2. Applications for development are to consider and describe the existence and location of surrounding land uses, including viticultural and agricultural activities, and site the development in a position which will not result in the potential for land use conflict between neighbouring land uses.
3. Applications for a site being developed for residential purposes are to include buffer areas that are planned and funded by the proponent of that development, unless otherwise determined by mutual agreement with existing land owners (including land owned by State and Local Authorities).
4. Buffer areas should apply from the boundary to boundary of the conflicting land uses.
5. Consideration needs to be given to the time in which an area remains "mixed use". Buffer areas may be temporary and can be reserved for public open spaces or further residential development once conflicting agricultural land use has ceased. Residential subdivision applications may include future residential lots that will fall within the buffer area that will be constructed only when neighbouring agricultural activities have ceased.
6. Persons intending to live in or adjacent to an agricultural land use area need to be fully informed of the agricultural practices and their potential impact on health or amenity before they settle into the area.

7. Where a vegetative buffer is planned, the proposals must state who is responsible for planting and maintaining the buffer area vegetation. The vegetative buffer needs to be planted and established before building approval is granted. A legal agreement must be established that specifies the legal and ongoing obligations on the developers, local government and landowners.
8. Any alternative design is based on a thorough analysis of the specific site conditions by an expert and should be approved by the Environmental Protection Authority/ Department of Health.

EPA Guidelines require the following separation distances for common agricultural uses:

Industry	Description of Industry	Buffer Distances
Market Gardens	Broad Scale Operations	300-500m
Orchards		500m
Turf-farms and lawns		500m
Vineyards		500m

The precise design of the buffer will depend on many different factors including the chemicals used, method of application, the site, the proposed land-uses and the adjacent or nearby land use and characteristics including road reserves and existing vegetation.

The following minimum requirements will be considered suitable by the DoH:

1. A separation distance of 300m for to control spray drift, dust, smoke and ash.
2. Alternatively a 40 m separation distance can be used where a vegetative buffer has been adequately designed, implemented and maintained in accordance with these guidelines.
3. Vegetative buffers will not be operational until trees reach the minimum effective height to control spray drift. Residential areas should not be developed within 300m until this time.

Natural geographical features (watercourses and ridge lines), public open spaces, road reserves etc. can be used to meet the required separation distances. Areas reserved for public open spaces should not be designed for recreational use (eg. playground, community facilities) until agricultural activities are ceased.

In some circumstances a temporary, suitably designed constructed buffer with 50% porosity and of sufficient height may be accepted (ie. where residential development of existing agricultural land is likely to occur before a vegetative buffer can be established and chemicals used are of low public health risk). Temporary buffers are subject to the same design criteria as permanent ones to ensure their effectiveness. Constructed buffers should be submitted for approval as an alternative design.

Requirements for Vegetative buffers

To be effective barriers to spray drift, the vegetated buffers need to meet the following criteria:

- Be located as close as practicable to the point of release of the spray.
- A minimum total width of 40m made up of 10m cleared fire break area either side of a 20 m wide planted area.
- Contain random plantings of a variety of tree and shrub species of differing growth habitats, at spacings of 4-5m.
- Include species with long, thin (needle-like) and rough (furry/hairy) foliage which facilitates the more efficient capture of spray droplets and which are fast growing and hardy;
- Foliage should be from the base to the crown; mixed plantings of trees may be required to ensure there are no gaps in the lower canopy.
- Provide a permeable barrier which allows air to pass through the buffer. A porosity of 0.5 is acceptable (that is, approximately 50% of the screen should be air space).
- Have a mature tree height twice the height of the spray release height.
- Have mature height and width dimensions which do not detrimentally impact upon adjacent crop land.

Applications for development where biological buffers are proposed shall include a detailed landscaping plan indicating the extent of the buffer area, the location and spacing of trees and shrubs and a list of tree and shrub species. The application shall also contain details concerning the proposed ownership of the buffer area and the means by which the effectiveness of the buffer is to be maintained.

This document is available in alternative formats on request for a person with a disability.

SWEK Comments to Applicant's Response to Without Prejudice Conditions

	RESPONDENT'S PROPOSED CONDITION	APPLICANT'S REPLY	SWEK COMMENT
1	The proposed chalet development forming part of a tourist facility must only be used to accommodate short-stay guests, where occupation by any person is limited to a maximum of three (3) months in any twelve (12) month period. Any change of use will require consent from Council.	Agree.	Noted
2	All development shall occur in accordance with the submitted plans unless otherwise required or directed by Council or as set out in these conditions of approval. Any modifications to the proposed chalet development must be submitted to Council for re-assessment and issuance of a revised planning approval.	<p>The wording in the first sentence of this conditions makes it uncertain and lacking finality. The final sentence is superfluous, and does not reflect in a practical sense how an amendment to an existing development is to be treated. That is, in most cases there is no requirement to have the whole of an existing development reassessed for the purposes of an amendment to that development. This sentence as currently worded appears to impose a different process in relation to this development than that which would apply for any developments.</p> <p>The following amendments are proposes to address those issues:</p> <p>'All development shall occur in accordance with the submitted plans unless otherwise required or directed by Council or as set out in <u>and</u> these</p>	<p>The Shire has no objection to revising this condition, however notes that it should refer to the plans <u>as approved</u> as follows:</p> <p>'All development shall occur in accordance with the <u>approved</u> plans and these conditions of approval.'</p>

		conditions of approval. Any modifications to the proposed chalet development must be submitted to Council for re-assessment and issuance of a revised planning approval.	
3	<p>A management plan addressing how potential conflicts, impacts and compatibility with existing and potential agricultural land uses – both internal and external to the property – are to be managed as per the requirements of SPP2.5 must be developed in consultation with the Department of Agriculture and Food Western Australia and other relevant agencies or stakeholders, detailing measures to manage the following impacts:</p> <p>(a) Dust and noise; (b) Visual amenity; and (c) Biosecurity.</p>	<p>SPP2.5 does not provide particularly useful guidance in relation to the matters listed in (a) to (c). It is suggested that the reference to SPP2.5 be removed so that it is clear that this document does not provide the criteria by which the management plan is to be assessed.</p> <p>‘A management plan addressing how potential conflicts, impacts and compatibility with existing and potential agricultural land uses – both internal and external to the property – are to be managed as per the requirements of SPP2.5 must be developed in consultation with the Department of Agriculture and Food Western Australia and other relevant agencies or stakeholders, detailing measures to manage the following impacts:</p> <p>(a) Dust and noise; (b) Visual amenity; and (c) Biosecurity.</p>	<p>Agree.</p> <p>The condition should read as follows:</p> <p>‘A management plan addressing how potential conflicts, impacts and compatibility with existing and potential agricultural land uses – both internal and external to the property – are to be managed must be developed in consultation with the Department of Agriculture and Food Western Australia and other relevant agencies or stakeholders, detailing measures to manage the following impacts:</p> <p>(a) Dust and noise; (b) Visual amenity; and (c) Biosecurity.’</p>
4	The proposed management plan must be submitted to and approved by Council prior to construction of the proposed chalet	As the management plan is not intended to include any construction phase measures, there seems little benefit in	The management plan is required to be submitted prior to construction of any units

	<p>development. The approved management plan must be implemented and reviewed on the basis set out in the approved management plan.</p>	<p>waiting for the management plan to be approved prior to construction.</p> <p>We therefore suggest that the management plan be lodged at the same time as the application for a Building Permit is lodged, and that it must be approved prior to the use commencing.</p> <p><u>'The proposed management plan must be submitted at the same time as an application for a Building Permit is lodged, to and approved by Council prior to the commencement construction of the proposed chalet use development. The approved management plan must be implemented and reviewed on the basis set out in the approved management plan.</u></p>	<p>under clause 5.22.2 (a)(i) of the Scheme. This is to ensure that planning requirements are adequately addressed within the management plan prior to the commencement of construction.</p> <p>Although there is practical overlap between planning and building matters, as the management plan is a condition dealing with planning issues, the Shire does not consider it appropriate to link the management plan to the application for a Building Permit.</p> <p>Ideally, the Shire would like the management plan to be lodged at the same time as the application for planning approval.</p> <p>We refer to the draft biosecurity management plan attached as annexure 3 to the applicant's points for mediation and suggest that this document be used as a starting point and expanded to include the matters we discussed at the mediation in Perth on 15 September and the other measures to manage dust and noise and visual amenity.</p> <p>If you agree to amend and submit the management plan as part of the planning approval application then to progress the management plan in line with timeframes, and given the input already provided during the mediation process, the Shire will</p>
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			forward the management plan to DAFWA for their review and comment as part of the assessment process.
5	<p>Prior to the construction of the proposed chalet development, all promotional information intended to be displayed at the property or distributed to members of the public must be submitted to the Council for approval. Promotional material associated with the advertising and booking of the chalets must include the following statement:</p> <p>“You will be staying in an active agricultural area where normal farming practices may result in nuisances including odour, spray drift, noise, dust and smoke. These practices are likely to be carried out when you are staying in the chalets at the property.”</p>	<p>The Applicant is concerned with what this condition seeks to achieve. The Applicant agrees that this information be displayed to prospective guests at the time of booking. It does not appear beneficial for all promotional materials to include this information. In a legal sense, it is the information that is provided when the contract is entered into (ie, at the time of booking), that will carry the most weight.</p> <p>The Applicant therefore suggests that the condition be reworded as follows:</p> <p>‘The Applicant is to provide the following disclosure statement to prospective tenants at the time of booking. This disclosure statement must be provided as part of the terms and conditions provided to the prospective guest prior to booking taking place.</p> <p>“You will be staying in an active agricultural area where normal farming practices may result in nuisances including odour, spray drift, noise, dust and smoke. These practices are likely to <u>may</u> be carried out <u>by our farm, or by adjoining farms</u> when you are staying in the chalets at the property.”</p>	<p>This condition simply seeks to ensure that the promotional information to be displayed is approved by the Shire (as required under clause 5.22.2 (a) (ii) of the Scheme).</p> <p>However, the Shire is willing to reword the condition as follows:</p> <p>‘Prior to the construction of the proposed chalet development, all promotional information intended to be displayed shall be submitted to Council for approval. The Applicant is to provide the following disclosure statement to prospective <u>guests</u> at the time of booking. This disclosure statement must be provided as part of the terms and conditions provided to the prospective guest prior to booking taking place:</p> <p>“You will be staying in an active agricultural area where normal farming practices may result in nuisances including odour, spray drift, noise, dust and smoke. These practices may be carried out by our farm or adjoining farms when you are staying in <u>a chalet</u> at the property.”</p> <p>It is recommended that the promotional information is submitted along with the management plan for Council approval.</p>

6	<p>Prior to the initial occupation of the chalets by any guests, relevant officers must inspect the chalets to ensure biosecurity information is displayed in a prominent place.</p>	<p>Query whether this condition is required given the need for compliance with the management plan, which is covered by another condition of approval.</p> <p>It is the Applicant's view that this condition as currently worded should be removed, and that a condition be included to cover the Respondent's conditions 6 and 7, in the following terms: Prior to the initial occupation of the chalets by any guests, relevant officers must inspect the chalets to ensure biosecurity information is displayed in a prominent place.</p> <p>'Upon issuance of an Occupation Permit under the Building Act 2011 (if so required), or prior to the initial occupation of the chalets by any guests (whichever is the latter), relevant Shire officers are to inspect the development to confirm compliance with the management plan.'</p>	<p>The Shire agrees that the proposed conditions 6 and 7 can be covered in the management plan, and is willing to replace these conditions within the following:</p> <p>'Prior to the initial occupation of <u>each</u> of the chalets by any guests, relevant Shire Officers are to inspect the development to confirm compliance with the management plan.'</p>
7	<p>Prior to the initial occupation of the chalets by any guests, relevant officers must inspect procedures to ensure that all guests are made aware of the biosecurity issues and preventative measures.</p>	<p>Query whether this condition is required given the need for compliance with the management plan, which is covered by another condition of approval.</p> <p>It is the Applicant's view that this condition as currently worded should be removed, and that a condition be</p>	<p>As above.</p>

		<p>included to cover the Respondent's conditions 6 and 7, in the following terms:</p> <p style="text-align: center;">Prior to the initial occupation of the chalets by any guests, relevant officers must inspect procedures to ensure that all guests are made aware of the biosecurity issues and preventative measures.</p> <p>'Upon issuance of an Occupation Permit under the Building Act 2011 (if so required), or prior to the initial occupation of the chalets by any guests (whichever is the latter), relevant Shire officers are to inspect the development to confirm compliance with the management plan.'</p>	
8	The proposed chalet development must at all times remain subordinate in scale, scope and intensity to the predominant agricultural nature of the property as evidenced by the business plan referred to in condition 9.	<p>The Applicant agrees to this condition, save for the requirement for evidence by way of a business plan:</p> <p>The proposed chalet development must at all times remain subordinate in scale, scope and intensity to the predominant agricultural nature of the property as evidenced by the business plan referred to in condition 9.</p>	The Shire is willing to amend this condition to remove mention of the business plan.
9	Prior to the construction of the proposed chalet development, a business plan must be prepared showing the existing agricultural activity and proposed agricultural activity at the	<p>Disagree.</p> <p>The proposed use is either compliant with clause 5.22.2(c) of TPS7 or it is not. A business plan is not required to show how</p>	The Shire is willing to remove this condition.

	property and including the business plan for the proposed chalet development. The business plan must outline the proposed stages, timelines and milestones for undertaking agricultural production and the projected occupancy rates for the proposed chalet development. The business plan must be submitted to and endorsed by Council prior to the construction of the proposed chalet development.	the Applicant will further develop agricultural uses on the site in order to satisfy clause 5.22.2(c) in circumstances with the proposed use is prima facie compliant. If the Applicant suddenly (for argument's sake) removed all of its orchards, then the chalet use would not be compliant with proposed condition 8 in any event, without the need for a business plan to show this.	
10	Accurate records must be kept substantiating all activities associated with the proposed chalet development and the agricultural activities undertaken at the property including the measures taken to implement the approved management plan and endorsed business plan. The records must be made available to Council upon request.	Disagree.	The Shire is willing to remove this condition.
11	By 30 July each year, the following information must be submitted to Council: (a) The guest register showing dates of occupation and contact details for each guest. (b) A report detailing whether the proposed stages, timelines and milestones set out in the business plan have been met, details of the agricultural activity undertaken at the property,	The Applicant disagrees to the provision of information as set out in (b). The Applicant does agree to provide information to the Shire to evidence compliance with the Management Plan and compliance with the limitation on the period of occupancy. Please advise why there is a need to provide contact details for guests? There does not appear to be a planning reason for this information.	The Shire is willing to revise this condition as follows: 'By 30 July each year, the following information must be submitted to Council: (a) The guest register showing the name, address and dates of occupation for each guest. (b) Any documentation required to be provided under the approved management plan (if applicable)

	<p>details of the occupancy rates and an updated business plan (if required) for endorsement by Council.</p> <p>(c) Any documentation required to be provided under the approved management plan (if applicable) and the revised biosecurity measures (if any).</p>		<p>and the revised biosecurity measures, if any.'</p> <p>The name, address, date of arrival, date of departure and signature of each guest is the minimum information required under the Shire's Health Local Law in relation to Lodging Houses.</p>
12	<p>Prior to the construction of the proposed chalet development, the landowner/applicant must provide Council with a Statutory Declaration acknowledging that there is potential for high levels of nuisance (i.e. noise, dust, traffic, use of machinery, spray drift, odours, smoke, hours of operation and other relevant agricultural activities) to occur that can emanate from an agricultural activity undertaken in the surrounding area which may have an adverse effect on the habitation and enjoyment of the chalet occupants. The Statutory Declaration must include:</p> <p>(a) written waiver of the landowner/applicants' right to claim for nuisance or negligence against any owner or occupier that undertakes any lawful agricultural activity on a nearby property.</p> <p>(b) an undertaking not to take, or</p>	<p>Disagree.</p> <p>Apart from anything else, a Statutory Declaration has no legal weight to impose a restriction on the ability for a person to waive their rights at law. It is therefore ineffective for that purpose.</p> <p>The condition above requiring information in advertising material regarding staying on a working farm makes the same point.</p>	<p>The Shire is willing to remove this condition if the applicant accepts the condition regarding the section 70A notification below..</p>

	procure any other person to take, any action against any owner or occupier that undertakes any lawful agricultural activity on a nearby property.		
13	<p>A notification, pursuant to section 70A of the Transfer of Land Act 1893 (WA) is to be placed on the certificate of title to the property. The notification is to state as follows :</p> <ol style="list-style-type: none"> 1. This property is situated in an agricultural rural zone and is currently affected, or may in the future be affected by odours, spray drift, noise, dust, traffic, use of machinery, smoke. 2. The proposed chalet development forming part of a tourist facility constructed, or to be constructed on this property: <ol style="list-style-type: none"> 2.1. must only be used to accommodate short-stay guests, where occupation by any person is limited to a maximum of three (3) months in any twelve (12) month period. Any change of use will require consent from Council. 2.2. must at all times remain subordinate in scale, scope and intensity to the predominant agricultural nature of the property. 2.3. is subject to the preparation and 	<p>Disagree.</p> <p>Section 70A notifications are only imposed to evidence conditions which require an ongoing obligation and are unusual in nature. There is nothing unusual about the conditions imposed on this approval, and therefore a section 70A notification is not justified. Antonas and Town of Vincent [2006] WASAT 303; (2006) 45 SR (WA) 327.</p>	<p>The Shire does not agree to remove this condition.</p> <p>As you know, section 70A provides a method for notifying the public (and potential future purchasers) of any factor affecting the use or enjoyment of the land.</p> <p>The chalets will be constructed on land situated in a rural zone which gives rise to potential adverse impacts in the form of noise, odour, dust etc.</p> <p>The Shire considers it reasonable that a section 70A condition be imposed as the use and enjoyment of part of the land as chalets may be adversely affected by virtue of the noise, odour dust etc.</p> <p>Further, as you are no doubt aware, it is common practice for section 70A notifications to be included in relation to ancillary accommodation, rural workers dwellings, caretakers dwellings etc where restrictions apply as to who can occupy those dwellings.</p> <p>In this case, there are restrictions in</p>

	<p>implementation of a management plan detailing measures to manage the impacts of dust and noise, visual amenity and biosecurity approved by Council and the preparation of a business plan endorsed by Council.</p>		<p>relation to the maximum time that any person can occupy the chalets. This is an ongoing obligation that must be complied with and affects the use and enjoyment of the land.</p> <p>In like manner, the Shire considers it reasonable that the notifications set out in items 2.2 and 2.3 be included as they are both ongoing obligations that must be complied with and affect the use and enjoyment of the land.</p>
14	<p>Each chalet should be provided with at least one parking space.</p>	<p>Agree.</p>	<p>Noted.</p>
15	<p>A detailed landscaping plan must be submitted to and approved by Council prior to construction of the proposed chalet development. The landscaping plan must include the provision of screening vegetation which will shield the road frontage and neighbouring properties from the chalet.</p>	<p>Given the fact that there needs to be balance struck between:</p> <ul style="list-style-type: none"> (a) complying (as much as is necessary) to the Guidelines for Separation of Agricultural and Residential Land Uses – August 2012 regarding the width of buffers, and what those buffers are to consist of; (b) the requirements of biosecurity, to ensure that no host plants are not unreasonably close to the chalets; (c) that the buffer achieves an appropriate visual screen from the road and neighbouring properties; 	<p>The Shire is willing to remove proposed conditions 15 and 16 subject to the lodgement of an appropriate landscaping plan as part of the application.</p>

		<p>the Applicants considers that it would be prudent to prepare a landscaping plan and have it approved as part of the suite of plans the subject of this application, rather than impose a condition of approval requiring approval of the landscaping plan at a later date.</p> <p>The Applicant therefore proposes the lodgement of a landscaping plan as part of the application.</p> <p>Condition 15 and 16 could then be removed.</p>	
16	<p>The proposed landscaping plan must demonstrate how the vegetative buffer will also provide an effective barrier to chemical spray drift from on-site and off-site chemical sources. The vegetative buffer needs to meet the Requirement for Vegetative Buffers detailed in Healthy WA Guidelines for Separation of Agricultural and Residential Land Uses – August 2012.</p>	<p>Given the fact that there needs to be balance struck between:</p> <ul style="list-style-type: none"> (a) complying (as much as is necessary) to the Guidelines for Separation of Agricultural and Residential Land Uses – August 2012 regarding the width of buffers, and what those buffers are to consist of; (b) the requirements of biosecurity, to ensure that no host plants are not unreasonably close to the chalets; (c) that the buffer achieves an appropriate visual screen from the road and neighbouring properties; <p>the Applicants considers that it would</p>	As above.

		<p>be prudent to prepare a landscaping plan and have it approved as part of the suite of plans the subject of this application, rather than impose a condition of approval requiring approval of the landscaping plan at a later date.</p> <p>The Applicant therefore proposes the lodgement of a landscaping plan as part of the application.</p> <p>Condition 15 and 16 could then be removed.</p>	
17	<p>The approved landscaping must be maintained, and vegetation replaced where required ensuring an ongoing vegetative barrier is provided for the screening of the chalets and the protection of chalet occupants from chemical spray drift.</p>	<p>The Applicant proposes a minor amendment to this condition to require compliance with the plan, rather than avoiding outcomes which may not be within the capacity of the Applicant to absolutely control.</p> <p>The Applicant therefore proposes the following:</p> <p><u>'The approved landscaping must be maintained, and vegetation replaced where required to ensure ongoing compliance with the landscaping plan throughout the life of the chalet use and while the chalet buildings are in place. ensuring an ongoing vegetative barrier is provided for the screening of the chalets and the protection of chalet occupants from chemical spray drift.'</u></p>	<p>The Shire agrees to the proposed revised condition.</p> <p>'The approved landscaping must be maintained, and vegetation replaced where required to ensure ongoing compliance with the landscaping plan throughout the life of the chalet use and while the chalet buildings are in place.'</p>

18	Potable water is to be supplied to each chalet.	Agree.	Noted.
19	Prior to the construction of the proposed chalet development, the landowner/applicant must arrange for an investigation for soil and groundwater contamination to be carried out by a suitably qualified expert to determine if remediation is required for the proposed use of the property for chalets. If required, remediation of any contamination identified shall be completed prior to the construction of the proposed chalet development to the satisfaction of Council on advice from the Department of Environment Regulation, to ensure that the property is suitable for the proposed use.	Disagree. There is nothing in any piece of documentation from the Shire or from the Department of Environment suggesting that the land or groundwater might be contaminated in such a way to make the proposed use unsuitable. There therefore appears to be a lack of nexus between the condition imposed, and the application.	The Shire is willing to remove this condition.
20	Prior to the construction of the proposed chalet development, the landowner/applicant must provide a written undertaking to the satisfaction of Council that the landowner/applicant will at any time the property is on the market for sale, advise all prospective purchasers of the provisions of the local planning scheme and conditions that relate to the use and management of this property.	Disagree. The planning approval for the chalets is a right in rem which attaches to the land. Any prospective purchaser would presumably obtain a copy of the planning approval through the normal requisition process.	The Shire is willing to remove this condition.

13.3.3 Development Application for Motel Accommodation at Lot 2263 Casuarina Way, Kununurra

DATE:	16/12/2014
PROPONENT:	Ingle Pty Ltd
LOCATION:	Lot 2263 Casuarina Way, Kununurra
AUTHOR:	Jennifer Ninyette, Senior Planning Officer
REPORTING OFFICER:	Louise Gee, Director Community Development
FILE NO:	A1736P

PURPOSE

For Council to consider a development application for Motel Accommodation consisting of 20 rooms at Lot 2263 Casuarina Way, Kununurra.

BACKGROUND

An application for planning approval was lodged on 12 September 2014 by Laurie McKenzie for the permanent approval of Transient Workers Accommodation consisting of 20 rooms at Lot 2263 Casuarina Way, Kununurra.

The property is located on Lily Creek Lagoon in Lakeside. The land is zoned Tourist under *Town Planning Scheme No. 7 – Kununurra and Environs* (TPS 7) and contains an existing tourist resort/caravan park.



Location of Subject Site

An application was taken to Council on 21 April 2009, which proposed to place 5 four bedroom units at the property on a temporary basis to be used for the purpose of Transient Workers Accommodation. The Council granted temporary approval for the placement of these structures for a period of 5 years, conditional that a new application would be required for the permanent placement of these units and that necessary upgrade might be required.

Within the report to Council, the Shire Officer suggested that should the buildings be proposed for permanent placement, that a pitched roof would be required to appear consistent with the existing accommodation on the site.

Proposal

The applicant seeks permanent approval for the existing accommodation units at the site. It was stated by the applicant that 9 of the 20 rooms are currently occupied by seasonal workers or contractors and that there is a specific need for this style of accommodation in town. The applicant states that the average stay is between 2 to 4 weeks, however some workers will stay at the accommodation for the entire dry season.

The existing accommodation is located between the pool/restaurant complex and the camping areas with mature landscaping and vegetation surrounding the structures. In the original approval the applicant was required to submit a parking plan indicating 20 bays associated with the transient accommodation. This was not provided to the Shire after the approval and the applicant has since submitted a plan showing 20 bays.

A recent site inspection of the units has been undertaken and it is concluded that the structures are in good condition. Some photos of the structures are included in Attachment 2.

STATUTORY IMPLICATIONS

Town Planning Scheme No. 7 – Kununurra Townsite and Environs

The land at Lot 2263 Casuarina Way is zoned Tourist under TPS7. The objectives of this zone are to:

- a) *To encourage tourist accommodation and activity in areas adjacent to attractive natural and man-made features.*
- b) *To encourage tourist uses on land adjacent to the existing town centre and forming an approach to the town centre of Kununurra.*
- c) *To encourage a high standard of aesthetic quality, landscaping and presentation.*

Transient Accommodation is defined as:

Any habitable building permanently affixed to the ground by footings as required by Council and includes any caravan, transportable dwelling or any structure used for habitation for the purposes of accommodation and not occupied by the same tenant for a continuous period for more than 6 months in any 12 month period.

Transient Accommodation is classified as an AA use under TPS7 and therefore Council discretion is required for this use.

Tourist Accommodation is defined as:

Means a building or group of buildings substantially used for the temporary accommodation of tourists, visitors and travellers which may have facilities for the convenience of patrons such as restaurants, convention areas, and the like, and includes backpackers accommodation, chalets and guest houses, but does not include a building or place used for the purpose elsewhere specifically defined in this schedule.

Motel is defined in TPS 7 as:

Means land and buildings used or intended to be used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and to which a licence under the Liquor Licensing Act 1988 may have been granted.

POLICY IMPLICATIONS

There are no policy implications associated with this item.

FINANCIAL IMPLICATIONS

The applicant has paid the planning application fee of \$147.00

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 3.3.8 Ensure quality, consistent and responsive development and building assessment approval processes and enforcement

COMMUNITY CONSULTATION

Notification is not required as part of this application.

COMMENT

The location of the existing accommodation is well screened and vegetated and being positioned between the camping spaces and resort facilities means that it is only visible from within the park. From the recent inspection it is evident that the structures are in good condition, however, the previous report to Council did require that future upgrades may be necessary.

It is acknowledged that the majority of the other buildings have pitched roofs, although these are of varying degrees, and that a condition to change the roof pitch may make the units appear more as a motel structure. However, as the colouring and external materials of the units are consistent with the nearest surrounding buildings and structures, such as the swimming pool amenities block and camp kitchen, the difference in roof style is not overly noticeable and does not appear out of place.

Since the previous approval the applicant has built an awning off the front of the entryways to the units, solid concrete steps to the units, and tied down the structures. These additions have been completed to comply with the previous approval for the temporary accommodation units.

The applicant has provided some justification for the need of this development within the Shire and states that the accommodation is well utilised. In the submission it was also noted that some workers occupy the accommodation for the entire dry season, which would not comply with the definition of transient accommodation, or even tourist accommodation, if this was for a period of more than 6 months.

It is noted that all of the other existing accommodation buildings on the property have been classified and approved as motel rooms, and is considered and recommended that the units subject to this application may be better categorised as such on a permanent basis. The definition of motel does not specify a maximum time frame for occupation, and nor does the definition of hotel, which a motel is defined as being similar to.

Shire Officers have discussed the proposal to approve the units as motel rooms with the applicant who supports this recommendation.

Although the applicant has provided a plan showing 20 car parking bays associated with the transient accommodation the applicant has sought concession for the required number of bays based on the justification that the rooms are not always occupied and states that the type of tenants using the accommodation will often share vehicles. It is noted that the development standards table (Table 2) in the Scheme only requires one bay per every two bedrooms for tourist accommodation and one bay per every two motel units, and as such only 10 bays will be required.

Although Shire Officers have recommended that the rooms be classified as motel rooms it is acknowledged that they provide for 'budget' accommodation, and are located in a transitional area between the higher end motel units located at the front of the property and the caravan park located at the rear of the property and on the adjoining foreshore area.

Due to the transitional location of the rooms, the standard of the internal access roads (which are shared with the caravan park) and that the buildings are already established, Officers recommend that car parking be provided to a compact gravel standard.

ATTACHMENTS

Attachment 1 - Submission and Plans

Attachment 2 – Photos of Existing Structures

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council grants planning consent for Motel Accommodation at Lot 2263 Casuarina Way, Kununurra, subject to the following conditions:

1. Use and development shall be in accordance with the attached approved plan(s) and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the Shire.
2. The exterior of the motel accommodation shall be maintained in good condition and complementary in colour to the existing motel development and landscape values of the Resort.
3. The provision of ten (10) car parking bays, constructed to a minimum compact gravel standard and line marked, to be maintained to the satisfaction of the local government. In this regard the applicant is required to submit a plan within 3 months of this approval outlining the location of the required car parking on-site.

COUNCIL DECISION

Minute No. 10723

Moved: Cr K Wright

Seconded: Cr B Robinson

That Council grants planning consent for Motel Accommodation at Lot 2263 Casuarina Way, Kununurra, subject to the following conditions:

1. **Use and development shall be in accordance with the attached approved plan(s) and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the Shire.**
2. **The exterior of the motel accommodation shall be maintained in good condition and complementary in colour to the existing motel development and landscape values of the Resort.**
3. **The provision of ten (10) car parking bays, constructed to a minimum compact gravel standard and line marked, to be maintained to the satisfaction of the local government. In this regard the applicant is required to submit a plan within 3 months of this approval outlining the location of the required car parking on-site.**

Carried unanimously 8/0

Elle Davidson

From: Laurie McKenzie <laurie@lakeside.com.au>
Sent: Friday, 19 September 2014 12:18 PM
To: Elle Davidson
Subject: Transient Accommodation

Elle

The workers accommodation units have over the past few years been occupied by transient workers of which we currently have 9 rooms occupied of the 20 this is a seasonal load for workers or specific building projects when current, also place demand on this accommodation type.

We also see a need for weekly accommodation use, for pickers and believe we can offer workers a more up market product at a very competitive weekly price as an alternative to dormitory living or tented accommodation. where we can offer them their own room, air conditioned TV fridge and an en-suited facility all privately locked up.

The product would also help us maintain cheffing, catering and cleaning staff though out the year, rather than the very short tourist season.

The average stay would extend to approximately a 2 to 4 week stay however we do have some workers such as the team working on the diversion dam gates that have been here for the entire dry season on a fully catered package.

Pool, bar and other resort facilities are made available to all guest within nominated opening hours.

Laurie McKenzie

Director

Lakeside Resort "Kununurra With a View"

ph 08 91 69 1092 mob 041 892 1065

www.lakeside.com.au">www.lakeside.com.au

----- Original Message -----

From:
"Elle Davidson" <Elle.Davidson@swek.wa.gov.au>

To:
"Laurie McKenzie (laurie@lakeside.com.au)" <laurie@lakeside.com.au>
Cc:

Sent:
Fri, 19 Sep 2014 10:04:08 +0800
Subject:
Transient Accommodation

WordSection1">

Good morning Laurie,

As discussed, I understand that you are proposing to retain the existing transient workers accommodation at the site and would request some further detail around the tenancy of these

units. Could you please outline who currently occupies these units, the average and maximum length of stay and the occupancy rate?

Your assistance in this matter is greatly appreciated.

Regards

Elle Davidson *font-size: 12pt; mso-fareast-language: EN-AU;">*

Planning Officer

SHIRE of WYNDHAM | EAST KIMBERLEY

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

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C Please consider the environment before printing this e-mail *font-size: 10pt; mso-fareast-language: EN-AU;">*

Elle Davidson

From: Jennifer Ninnette
Sent: Tuesday, 26 August 2014 2:51 PM
To: Elle Davidson
Subject: FW: application for permanent approval of TRANSIT ACCOMMODATION
Application authority 17/09

Regards

Jennifer Ninnette
Senior Planning Officer

SHIRE of WYNDHAM | EAST KIMBERLEY

20 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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 Please consider the environment before printing this e-mail

From: Laurie McKenzie [<mailto:laurie@lakeside.com.au>]
Sent: Sunday, 27 July 2014 11:02 AM
To: Jennifer Ninnette
Subject: application for permanent approval of TRANSIT ACCOMMODATION Application authority 17/09

The Planning Dept,

Shire of Wyndham East Kimberley

Your re:01.1736.02:RP1190

Application is being sought to extent the approval of these units to permanent status on the following grounds.

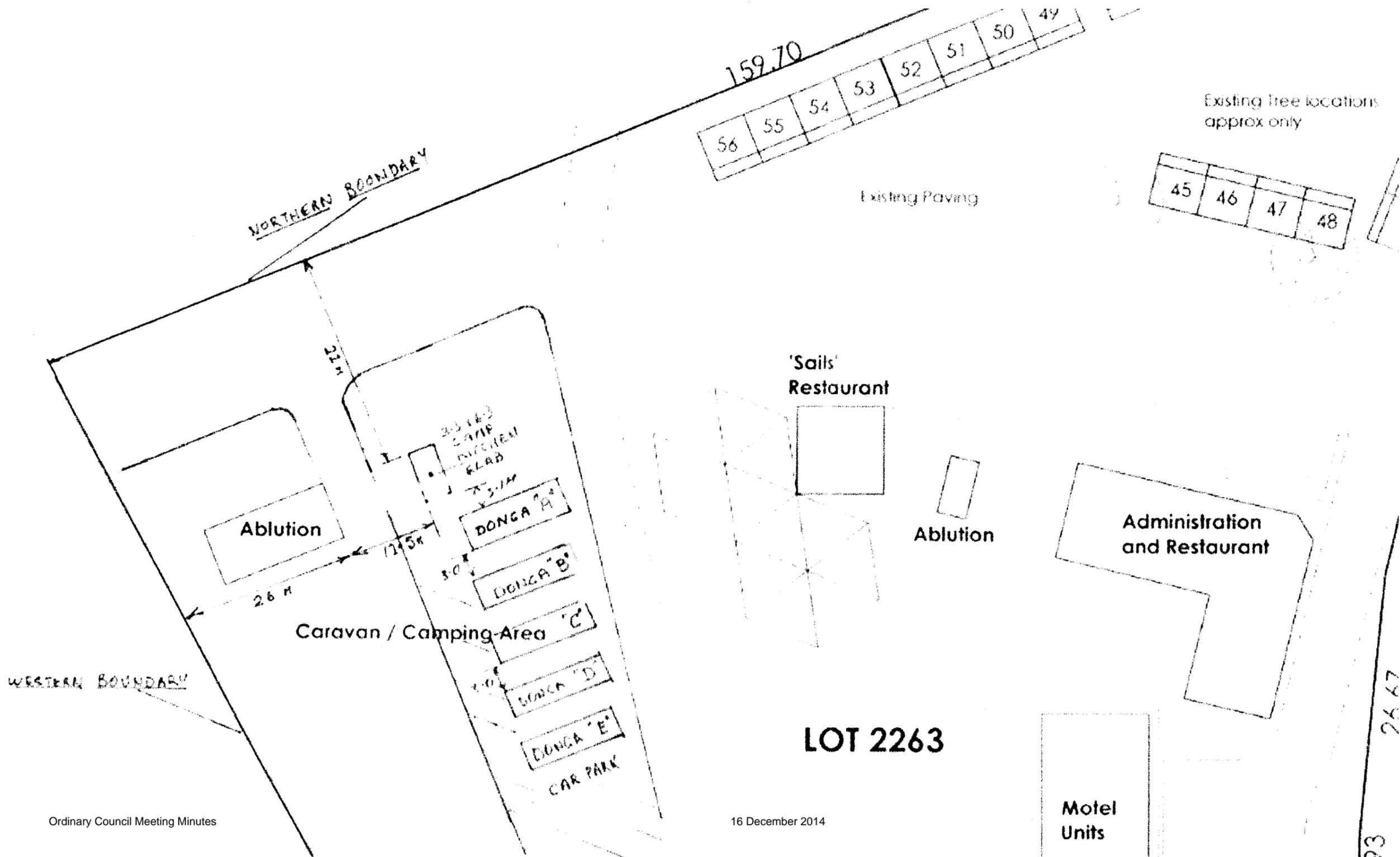
1. The retention of these units would provide yet a greater spread of accommodation standard within the Resort.
2. The units as they are installed are not visible from the existing Resort and can only be viewed from the caravan park.
3. No nuisance factor has arisen from there existence, nor complaint.
4. Having a greater spread of accommodation would enhance Kununurra's accommodation choice.

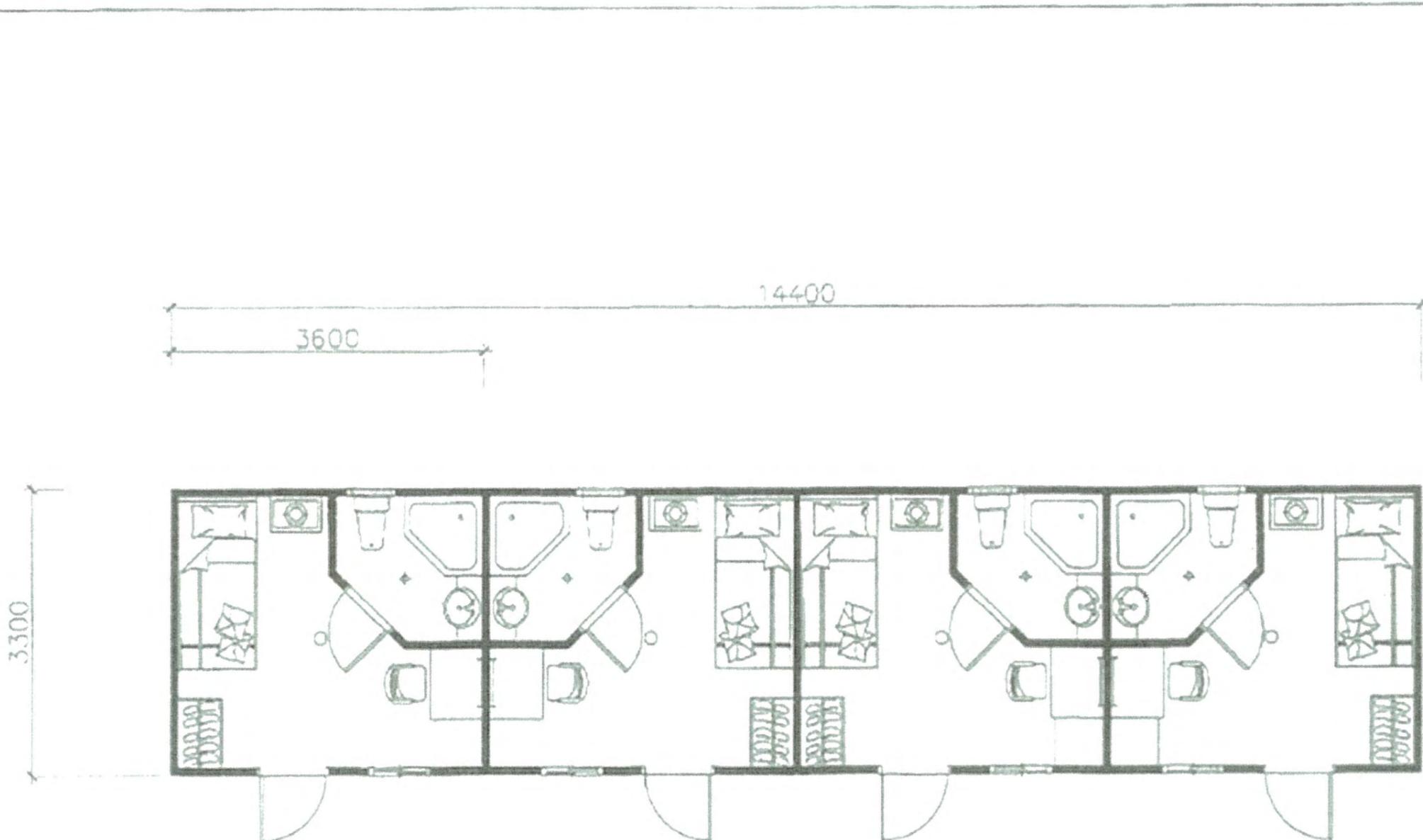
We seek to amend the approval in that any change to the structure would prove superfluous, expensive and unnecessary, as the current buildings are not seen apart from the caravan park where the main attraction is the lake, and totally water proof with no upgrading being required.

The unit complex is maintained in an as new condition, with vegetation now grown to disguise the existence of buildings.

Your sincerley

Laurence McKenzie





Shire of Wyndham-East Kimberley
 Planning Approval
 The plan / amended plan / modification is approved
 in accordance with the conditions of the Planning
 Approval granted 21/11/01
 Applic No 17/01
 Sheet 1 of 3
 NOTE: This Approval does not constitute a Building
 Certificate

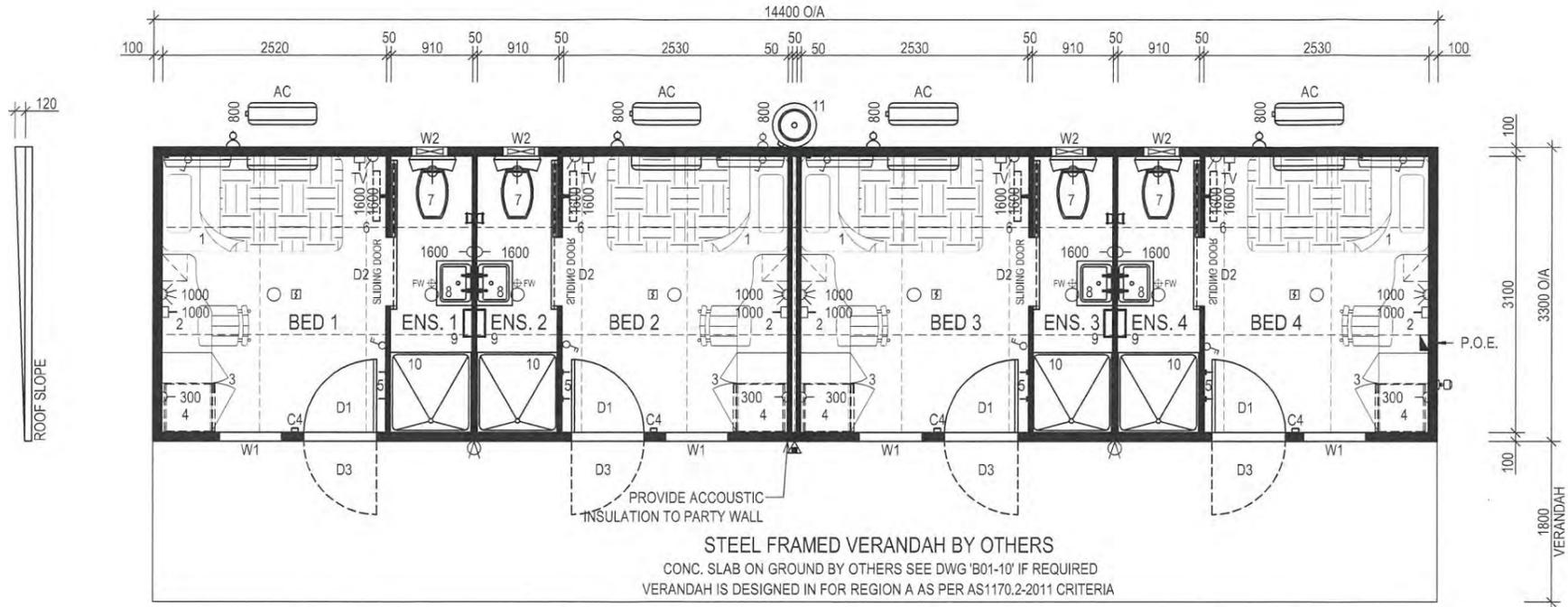
BUILDING DESIGN CRITERIA Wind Load - In Accordance with AS:1170.2:2002 REGION D, TERRAIN CATEGORY 2 Annual Probability of Exceedance 1:500 REGIONAL WIND SPEED - V500 = 88 m/s Built To: BUILDING CLASS 1B CLIMATE ZONES 1, 3, 4, 5 & 6	EXTERNAL DIMENSIONS - 14.4m x 3.3m INTERNAL DIMENSIONS - 14.20m x 3.10m = 44.02m ² BEDROOM - 2.53m x 3.10m = 7.84m ² ENSUITE - 0.91m x 3.10m = 2.82m ²	CEILING HEIGHT 2400
--	--	------------------------

FIRE LEGEND			ELECTRICAL LEGEND		
DESCRIPTION	QTY		DESCRIPTION	QTY	
SMOKE DETECTOR : HARD WIRED -w BATT B/UP	4		CIRCUIT BREAKER BOARD : (POINT of ENTRY)	1	
ABE TYPE FIRE EXTINGUISHER 4.5kg & SIGNAGE	1		SWITCH : LIGHT : SINGLE	4	
			SWITCH : LIGHT : DOUBLE	4	
			SWITCH : PHOTO-ELECTRIC : (PE CELL)	1	
			LIGHT : OYSTER FITTING	8	
			BUNK LIGHT : 18W FLUORESCENT : WALL MOUNTED	4	
			LIGHT : EXTERNAL BULKHEAD : W/PROOF	2	
			GPO : 10 AMP SINGLE : HEIGHT SHOWN	8	
			GPO : 10 AMP DOUBLE : HEIGHT SHOWN	4	
			GPO : 10 AMP 4 GANG : HEIGHT SHOWN	4	
			ISOLATOR : W/PROOF : HEIGHT SHOWN	5	
			TELEVISION POINT	4	
			DATA / COMMS POINT	4	
			FAN : EXHAUST : WALL MOUNTED c/w SELF CLOSING LOUVRES	4	

COLOUR SCHEDULE	
ROOF DECKING	- ZINCALUME
ROOF FLASHING	- DEEP OCEAN
EXTERNAL WALLS	- PAPER BARK
INTERNAL DOORS	- SURFMIST
CEILING	- MIRAGE PEARL
WINDOWS	- DEEP OCEAN
EXTERNAL DOOR FRAME	- DEEP OCEAN
VINYL TO BEDROOMS	- SLATE GREY
VINYL TO ENSUITE	- WOODLAND GREY
LOGOS	- YES
CUPBOARD DOOR & SIDE	- SOFT LEMON
CUPBOARD TOP & SHELVES	- WHITE
DESK TOP	- SOFT LEMON
DESK DRAWERS	- IRON STONE
CURTAINS	- BLUE/GREY
SKIRTING	- GREY
PERIMETER / BASE CHANNEL	- BLACK

PANEL WALL BUILDING SHORT SPECIFICATION - REGION D - 2011 NCC	
• CHASSIS - STEEL BEAMS c/w GALV. JOISTS 75 x 40 CEE SECTIONS @ MAX 400 CTRS	
• CHASSIS PAINT SPEC. - 425 ZINC PHOSPHATE PRIMER, 2 COATS ALKYD PRIMER WET ON WET - BLACK - FOR CORROSION INHIBITION	
• FLOORING - 22mm T&G AQUATITE TERMITE TREATED PARTICLE BOARD	
• FLOOR COVERING - 1.5mm VINYL FLOOR FINISH TO BEDROOMS - refer colour schedule	
• 2.0mm SLIP RESISTANT VINYL FLOOR FINISH TO ENSUITES c/w 100mm HIGH COVING BEHIND DOOR, (PVC SKIRTING TO ALL OTHER WALLS) - refer colour schedule	
• EXTERNAL WALLS - 100mm EPS CORE PANEL, R2.8 RATING c/w 0.6mm COLORBOND facings - refer colour schedule	
• INTERNAL WALLS - 50mm PANEL c/w 0.4mm COLORBOND facings - refer colour schedule	
• FLOOR INSULATION - R2.0 IST80 INSULATION WITH BUILDERS MESH UNDER FOR SUPPORT	
• PARTY WALL INSULATION - ACOUSTIC INSULATION within cavity wall	
• ROOF INSULATION - R2.5 POLYESTER INSULATION between ceiling joists with IST60	
• ANTI-CONDENSATION BLANKET under roof sheets	
• ROOF & CEILING FRAME - GALV. STEEL FRAMEWORK	
• ROOF CLADDING - SMARTSPAN or EQUIVALENT SHEETING - refer colour schedule	
• CEILING - PRE-FINISHED PLYWOOD c/w ALUMINIUM CORNICE - refer colour schedule	
• ROOF FLASHINGS & CORNER TRIMS - COLORBOND - refer colour schedule	
• DOOR FRAMES - METAL POWDERCOATED FINISH - refer colour schedule	
• INTERNAL DOOR FRAMES - ALUMINIUM POWDERCOATED FINISH - refer colour schedule	

EQUIPMENT LIST		
No.	DESCRIPTION	QTY
D1	2040h x 820w METAL PANEL EXTERNAL DOOR c/w KEYLOCK SET	4
D2	2040h x 820w HOLLOW CORE TIMBER INTERNAL SLIDING DOOR (2000h x 770w OPENING)	4
D3	2040h x 820w BARRIER DOOR c/w HANDLE/NO LOCK & DOOR CLOSER	4
W1	1200h x 700w AWNING WINDOW c/w FLYSCREEN, BLOCKOUT CURTAINS & CYCLONE SCREEN	4
W2	400h x 400w FIXED WINDOW c/w CYCLONE SCREENS	4
C4	75 x 50 x 2.0mm RHS INTERNAL COLUMN c/w BRACKET FIXING	4
AC	INVERTER SPLIT SYSTEM REVERSE CYCLE AIR CONDITIONER - 2.6kW	4
1	KING SIZE SINGLE ENSEMBLE BED	4
2	1100 LONG WRITING DESK c/w STEEL PADDED CHAIR & BEDSIDE DRAWERS	4
3	900w x 560d x 1800h HIGH MELAM. WARDROBE c/w 1 HALF SHELVES, 1 FULL WIDTH SHELF & HANGING SPACE	4
4	115L BAR FRIDGE	4
5	COAT HOOK	8
6	WALL MOUNTED TV BRACKET @ 1650 A.F.L. - CMW420	4
7	TOILET PAN c/w DUAL FLUSH CISTERN & PAPER HOLDER	4
8	S.S. HAND BASIN c/w MIRROR & SHELF OVER	4
9	300 LONG TOWEL RAIL	4
10	900 x 900 FIBREGLASS SHOWER UNIT c/w CURTAIN & RAIL	4
11	270 LIT Ordinary Council Meeting Minutes	1



PLAN VIEW
SCALE 1:50

DONGA'S 'B' 'C' 'D' & 'E' FLOOR PLAN

Fleetwood Portables
ISSUED TO PRODUCTION
Signature: B.F. 01.02.12

CLIENT APPROVAL		PAGE SIZE	PAGE	SCALE	Fleetwood	CLIENT:
CLIENT SIGNATURE	DATE	A2	1 of 9	1:50		FLEETWOOD PTY LTD
NOTE: These drawings have been approved for manufacturing. Should any changes be made after the approved date, the Contract will need to be reviewed.		DRAWN BY	DATE	CHECKED BY	DATE	LOCATION:
		JAG	01.02.12	BF	01.02.12	TBA
BUILDERS SIGNATURE	DATE	THIS DRAWING IS PROTECTED BY COPYRIGHT LAWS © 2011		DO NOT SCALE. REFER TO DIMENSIONS ONLY		TITLE:
		0	ISSUED 16 December 2014	JAG	01.02.12	4P STAFF QTRS I/ENS 14.4m x 3.3m - PLAN VIEW
		REV	DESCRIPTION	INIT	DATE	FLEETWOOD DWG No.
						SQ08366-B01-01
		FLEETWOOD INTERSTATE BRANCHES		555 WATERLOO CNR RD, BURTON S.A. 5110 PH: 8280 5900 FAX: 8280 5511		165 of 346
		DALGETY RD ALICE SPRINGS N.T. 0870 PH: 8952 1699 FAX: 8952 1177		58 MCKINNON RD, BERRIMAH, DARWIN N.T. 0820 PH: 8932 4900 FAX: 8932 4888		REVISION
						0



Existing Workers Accommodation

Verandah and parking associated with the accommodation

Inside one unit, each unit has a bed, desk, bar fridge, ablution and shower



Front of one unit with laundry facilities

Parking and landscaping associated with each unit



Rear of the units



13.3.4 Development Application for Change of Use – Offices and Storerooms at Lot 319 Laine Jones Drive, Kununurra

DATE:	16/12/2014
PROPONENT:	KGC Enterprises Pty Ltd
LOCATION:	Lot 319 Laine Jones Drive, Kununurra
AUTHOR:	Jennifer Ninnette, Senior Planning Officer
REPORTING OFFICER:	Louise Gee, Director Community Development
FILE NO:	A1970P

PURPOSE

For Council to consider a development application for Change of Use of a portion of a hangar at Lot 319 Laine Jones Drive, Kununurra.

BACKGROUND

An application for planning approval was lodged on 11 November 2014 by Kimberley Constructions for the approval of office and storeroom fit out at Lot 319 Laine Jones Drive, Kununurra.

The property is located on the northern side of Laine Jones Drive to the west of the East Kimberley Regional Airport terminal, and has airside access. The land is zoned Special Site - Airport under Town Planning Scheme No. 7 – Kununurra and Environs (TPS 7) and contains an existing hangar, with airside access, offices, meeting room, storage areas, amenities and reception/lounge.



Location of Subject Site

Proposal

The application seeks a Change of Use of the portion of the existing hangar to be enclosed to create additional office space (34m²) and enclosed lockable storage areas for air freight (70m²), with a mezzanine level (105m²) above for the storage of bulkier aircraft components.

The General Manager of Aviair has stated that the proposed alterations are to provide better facilities for the employees working in this area, and it is not the intent to increase the number of employees.

The applicant's submission and plans are provided at Attachment 1.

STATUTORY IMPLICATIONS

Town Planning Scheme No. 7 – Kununurra Townsite and Environs

The land at Lot 319 is zoned Special Site - Airport under *TPS7*.

The objective of the Special Site zone is to reflect those sites specifically established for a particular use. Land within the Special Site Zone may be used for the purposes specified on the Scheme Map and the schedule in Appendix No. 2 of the Scheme as applicable to that site and for no other purpose except for a use that Council deems is incidental to the predominant use.

Appendix 2 of *TPS 7* identifies the use of this Special Site as 'Airport', however states that other uses may be permitted by Council *provided that they are incidental to the predominant use of the land and/or deemed to be dependent on the function of the Airport*.

Therefore Council discretion is required in relation to the proposed alterations of the existing hangar.

POLICY IMPLICATIONS

There are no policy implications associated with this item.

FINANCIAL IMPLICATIONS

The applicant has paid the planning application fee of \$552.91

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 2.2.8: Support and advocate for further development of the East Kimberley regional airport to attract more aircraft and greater competition

East Kimberley Regional Airport Master Plan

The East Kimberley Regional Airport (EKRA) Master Plan identifies a number of land use types based on key business activities at the airport.

Land-use type 1 is proposed to accommodate aviation-related businesses that require airside access and therefore operate their own aircraft or have customers who require access via aircraft, such as light aircraft maintenance.

Land-use Type 4 is proposed to accommodate potential air cargo activities that may develop at the airport in the future.

The EKRA Master Plan also identified staged precincts for the development of available land at the airport in order to develop aviation-related activities and businesses whilst not infringing on the aeronautical requirements of the airport.

The site is identified as being within 'Precinct 1A' which is proposed to accommodate aviation-related businesses that require airside access and therefore operate their own aircraft or have customers who require access via aircraft, such as light aircraft maintenance.

COMMUNITY CONSULTATION

Notification is not required as part of this application.

COMMENT

The applicant has verbally advised that the internal alterations proposed are in response to improvements required by the Civil Aviation Safety Authority (CASA), to ensure that freight storage areas and work stations are enclosed and separate from the hangar space and bulkier parts and equipment are stored in areas to avoid damage, as well as business planning undertaken by the Aviair to improve processes, safety and efficiency of the business.

They have stated that the cool room and a number of work stations are already in place to be located within proposed storage areas and offices, in effect to separate these areas from the operational hangar space.

The proposed alterations and change of use within the existing hangar are considered to simply provide for the improvement and growth of an existing component of Aviair's operation which includes scenic air tours, charter aviation and air services, and which is deemed to be dependent on the function of the Airport.

With the proposed change of use a total of 18 car parking bays is required for which the applicant has accounted for 17 on the submitted site plan. It is acknowledged that the car parking area is already established and sealed, although not line marked, with sufficient space to fit the 18 minimum number of bays required.

ATTACHMENTS

Attachment 1 - Submission and Plans

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council grants planning consent for the Change of Use - Offices and Storerooms at Lot 319 Laine Jones Drive, Kununurra, subject to the following conditions:

1. Use and development shall be in accordance with the attached approved plan(s) and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the Shire.
2. The provision of a minimum of eighteen (18) car parking bays, to be line marked.

COUNCIL DECISION

Minute No. 10724

Moved: Cr K Wright

Seconded: Cr D Learbuch

That Council grants planning consent for the Change of Use - Offices and Storerooms at Lot 319 Laine Jones Drive, Kununurra, subject to the following conditions:

1. **Use and development shall be in accordance with the attached approved plan(s) and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the Shire.**
2. **The provision of a minimum of eighteen (18) car parking bays, to be line marked.**

Carried unanimously 8/0

AVIAIR DECLARATIONS RE: PROPOSED HANGAR BUILDING

1. Purpose of Building

The proposed building is to provide better facilities for the employees working in this area. It is not the intent of the company to increase the number of employees working in the area.

The current establishment has two main areas of operation

i. The Office and Lounge area provides workspace for the following FTE positions:

- | | | | |
|-----------------------------|---|---|---|
| a. General Manager | 1 | } | 7 |
| b. Chief Pilot | 1 | | |
| c. Operations Manager | 1 | | |
| d. Finance Officer | 1 | | |
| e. Reservations Coordinator | 1 | | |
| f. Reservations Officer | 1 | | |
| g. Maintenance Controller | 1 | | |



ii. The Maintenance Hangar area is the workplace for

- | | | | |
|-------------------------------------|---|---|---|
| a. Chief Engineer | 1 | } | 7 |
| b. Engineers | 4 | | |
| c. Stores and Logistics Coordinator | 1 | | |
| d. Freight Coordinator | 1 | | |

2. Mezzanine Floor Usage

The mezzanine floor is to be utilized for the storage of bulky aircraft components, primarily aircraft propellers and cowlings.

The bulkiness of these items are such that placement or movement of these items would pose a health or safety risk to an employee with a disability and access to this mezzanine storage area would be inappropriate.

These declarations are made to the best of my knowledge of the current establishment and future business planning concepts.



Peter Nottle
General Manager
Aviair Pty Ltd

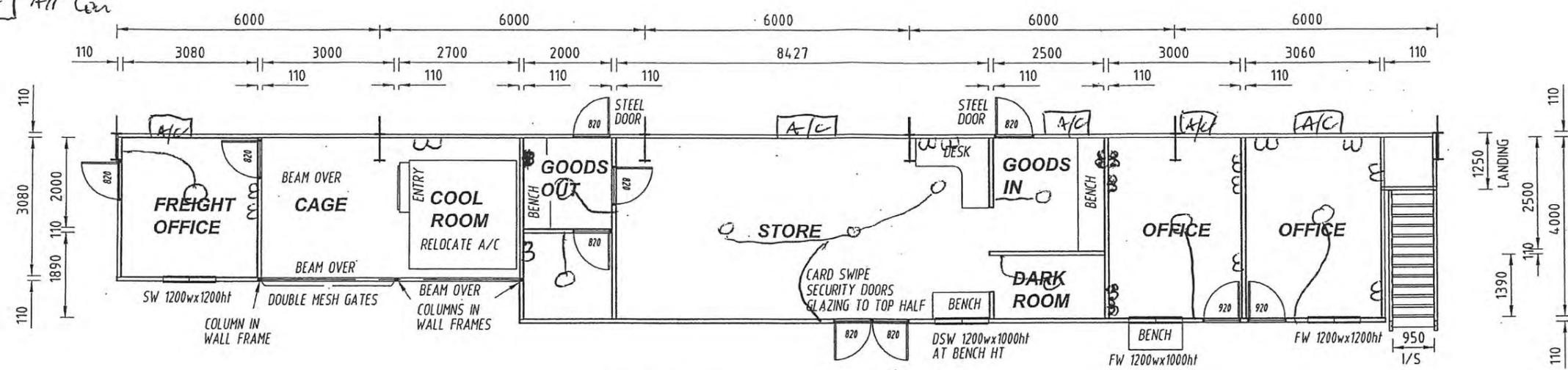
25 September 2014



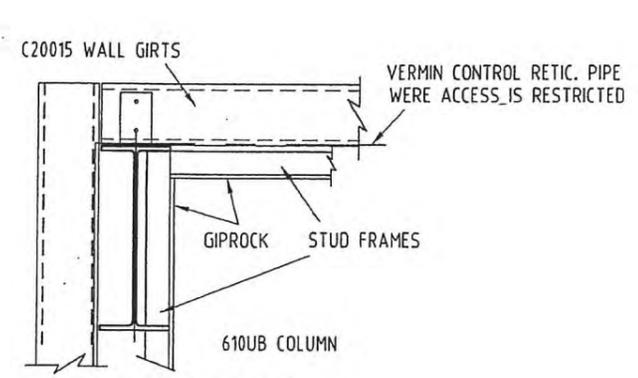
DPO 300mm
 DPO 1200mm
 Light

ELECTRICAL

A/C Air Con

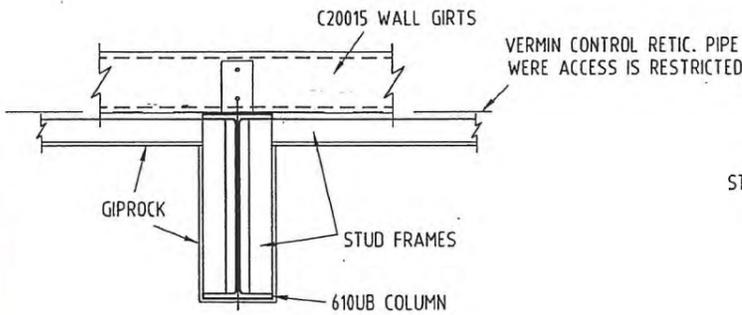


FLOOR PLAN

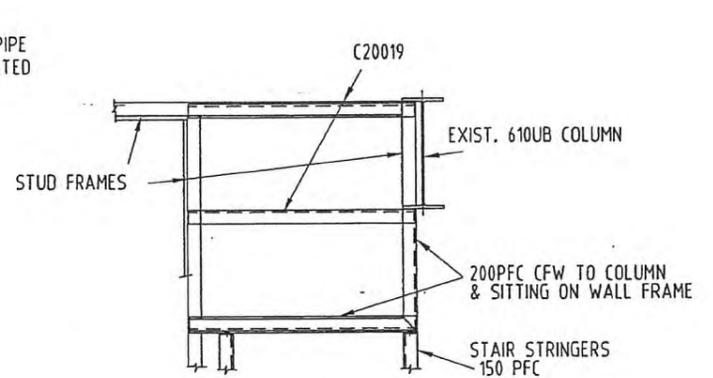


DETAIL AT END COLUMN
SCALE 1:25

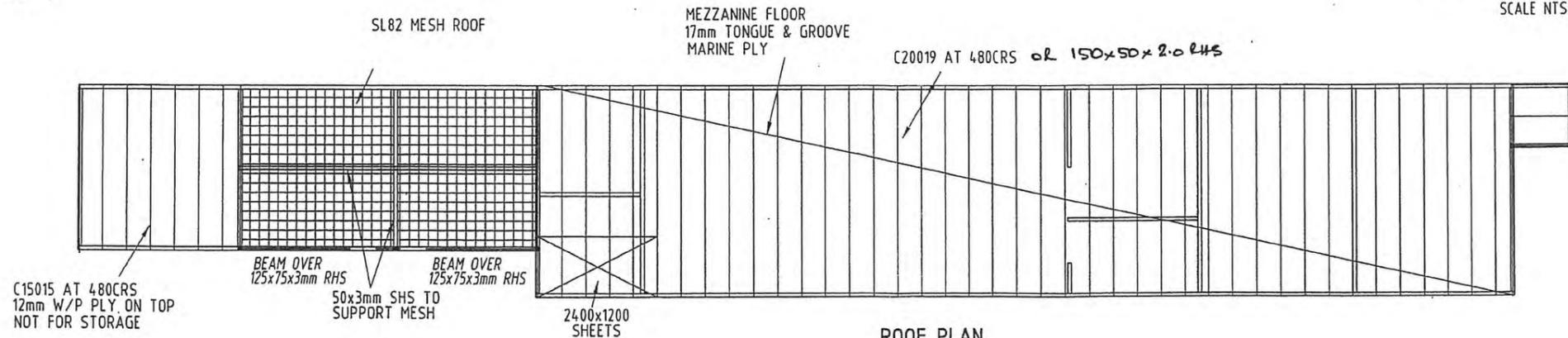
TECON AUSTRALIA PTY LTD
 CERTIFICATE OF DESIGN COMPLIANCE
 Job No. 14/0027W
Troy Olds
 Troy Olds
 Building Surveyor - Reg No 424
 Tecon Australia - Reg No 018



DETAIL AT MIDD COLUMNS
SCALE 1:25



DETAIL AT ACCESS STAIRS
SCALE NTS



ROOF PLAN

JWS CONSULTANTS
 - Structural Engineers -
 John Scott - Managing Director
 Unit 16 Vic Mall
 Darwin ph 89811166

John Scott 25.6.14
 14-218

D. R. READ THEAUSL P.O. BOX 348 KUNUNURRA, WA. 8743 TELEPHONE 08-91891832 FAX 08-91891830 MOBILE 0408-253728 EMAIL dread@agn.net.au				SCALE 1:100		NORTHERN DESIGN CONSULTANTS	
DR	DR	DATE	04-06-14	CONTRACT NO.	PROJECT		
DR	DR	DATE	04-06-14	EQUIPMENT NO.	SECTION		
JWS	JWS	DATE	25-06-14	TITLE		DRG. NO.	
APPROVED PROJECT ENGINEER				PROPOSED ADDITIONS TO EXISTING HANGER FOR SLINGAIR LOT 319 LAINE JONES DRIVE KUN.		SA-LJ-002	
APPROVED CLIENT REPRESENTATIVE				SHT 1 OF 1		REV. B	

13.3.5 Development Application for Change of Use – Motor Vehicle Repair at Lot 317 Laine Jones Drive, Kununurra

DATE:	16/12/2014
PROPONENT:	Brian Measey
LOCATION:	Lot 317 Laine Jones Drive, Kununurra
AUTHOR:	Jennifer Ninyette, Senior Planning Officer
REPORTING OFFICER:	Louise Gee, Director Community Development
FILE NO:	A5833P

PURPOSE

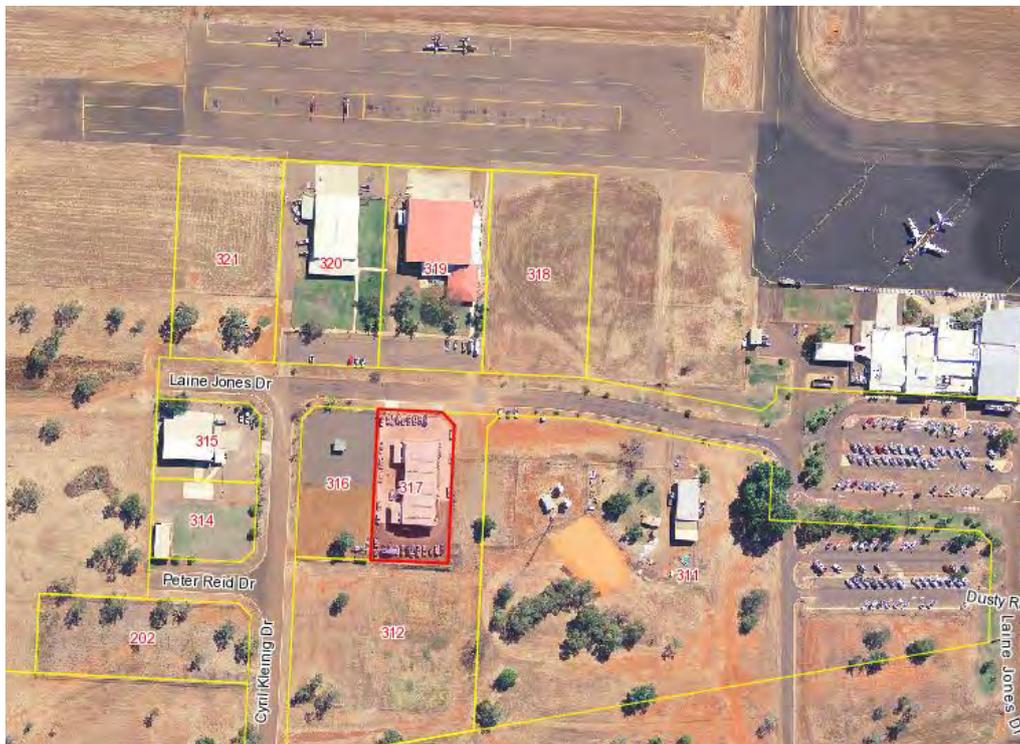
For Council to consider a development application for Change of Use –Motor Vehicle Repair at Lot 317 Laine Jones Drive, Kununurra.

BACKGROUND

An application for planning approval was lodged on 17 November 2014 by Brian Measey for an existing car rental depot to be used for private Motor Vehicle Repair at Lot 317 Laine Jones Drive, Kununurra.

The property is located at the East Kimberley Regional Airport on the southern side of Laine Jones Drive and has an area of 2693m². The land is zoned Special Site - Airport under Town Planning Scheme No.7 – Kununurra and Environs (TPS 7).

The property has already been developed as a car rental depot (Thrifty) with one large shed that includes reception, offices, and workshop, two covered car detailing and wash down bays and hardstand areas.



Location of Subject Site

Proposal

The applicant previously lodged an application to allow for private motor vehicle repair at this property in March 2014, which was considered by Council at the Ordinary Council Meeting of 29 April 2014, and refused as per the below minute:

Minute No. 10391

Moved: Cr K Wright

Seconded: Cr B Robinson

That Council refuses the planning application for Private Motor Vehicle Repairs at Lot 317 Laine Jones Drive, Kununurra as the use does not comply with the objectives under Town Planning Scheme No. 7 – Kununurra and Environs for airport related uses within Special Site – Airport as it is not deemed to be dependent on the function of the airport.

Carried 6/3

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

Proposal

The car rental agent proposes to continue to use the site predominantly as a car rental depot, however also wishes to undertake mechanical work on private vehicles to help supplement the business, particularly outside of the tourist season.

In the written submission provided by Salerno Law to support the application, it is again stated that a maximum of 10 private vehicles will be allowed on the premises at any one time, and are to be parked at the rear of the premises.

In order to maintain the professional image and market it is predominantly a car rental business, only signage for the promotion of Thrifty is allowed and therefore no additional signage is proposed in relation to the private mechanical works, and only Thrifty rental vehicles are to be parked at the front of the premises.

The submission and plans are provided at Attachment 1.

STATUTORY IMPLICATIONS

Town Planning Scheme No. 7 – Kununurra Townsite and Environs

The land at Lot 317 Laine Jones Drive is zoned Special Site - Airport under TPS7.

The objective of the Special Site zone is to reflect those sites specifically established for a particular use. Land within the Special Site Zone may be used for the purposes specified on the Scheme Map and the schedule in Appendix No. 2 of the Scheme as applicable to that site and for no other purpose except for a use that Council deems is incidental to the predominant use.

Appendix 2 of TPS 7 identifies the use of this Special Site as 'Airport', however states that other uses may be permitted by Council provided that they are incidental to the predominant use of the land and/or deemed to be dependent on the function of the Airport.

The proposed use would be Motor Vehicle Repair which is defined in TPS 7 as below:

Motor Vehicle Repair Station means land and buildings used for or in connection with the electrical and mechanical repairs and overhauls to motor vehicles. The term includes repairs to tyres, but does not include recapping or re-treading of tyres, panel beating, spray painting and chassis reshaping.

The proposed use is listed in Table 1 – Zoning Table however, the application is required to be determined by Council on the basis that the land is within a Special Site Zone.

POLICY IMPLICATIONS

There are no policy implications associated with this item.

FINANCIAL IMPLICATIONS

The applicant has paid the planning application fee of \$552.91

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 2.2.6: Support local initiatives that promote entrepreneurial activities and a greater diversity of industries in the East Kimberley

East Kimberley Regional Airport Master Plan

The East Kimberley Regional Airport (EKRA) Master Plan identifies a number of land use types based on key business activities at the airport.

Land-use Type 2 is to accommodate aviation-related commercial development without airside access.

The EKRA Master Plan also identified staged precincts for the development of available land at the airport in order to develop aviation-related activities and businesses whilst not infringing on the aeronautical requirements of the airport.

The subject site is identified as part of Precinct 2: Aviation Related Commercial Precinct without Airside Access. This document states that due to the location and nature of the land in this area, it is not possible to provide airside access, however, that a variety of business types exist that have an aviation connection and will benefit from a location at the airport. These businesses will either support the aeronautical activities at the airport, support the aviation-related businesses that own, operate or deal with aircraft or gain some benefit from the proximity to the air services from the airport.

COMMUNITY CONSULTATION

There is no community consultation required in relation to this item.

COMMENT

The land has been developed and is currently utilised as a car rental depot, which includes washing and detailing of, and mechanical repairs and maintenance to Thrifty's rental car fleet.

The change of use application proposes to also allow the mechanical repair of private vehicles in addition to Thrifty's rental car fleet, as a supplementary source of income which the application outlines is required in order for the car rental operation to be sustainable given the seasonal nature of car hire, the current economic climate, and to maintain staff on a year round basis.

In the initial application that was considered by Council at the April 2014 Ordinary Meeting of Council it included the placement of a sea container that was already on site and used to store tyres, and two additional signs (each 1.5m x 1m) to be attached to the wall of the building.

The current application differs in that the sea container is no longer required, and has since been removed from the site, and that no additional signage will be displayed in relation to the proposed mechanical work, which is a requirement of the Thrifty management.

As the land has been set aside as Special Site – Airport, Council's discretion is required to consider and permit other uses provided that they are incidental to the predominant use of the land and/or deemed to be dependent on the function of the Airport.

It is acknowledged that the proposed additional use will not change the appearance of the existing operations, with any private vehicles to be parked to the rear of the premise, and that the existing use (rental car depot) has previously been approved as a business that benefits from its proximity to the airport.

One of the reasons for refusing the initial application was on the basis that it would be difficult for Shire Officers to monitor the ongoing impacts of the proposed private mechanical activities to ensure that they are incidental to the predominant use of motor vehicle hire.

While this will still be difficult, it is noted that the Thrifty management will not allow it's agent to operate the proposed private mechanical works other than as incidental to Thrifty's predominant use.

ATTACHMENTS

Attachment 1 - Submission and Plans

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council grants planning consent for Change of Use – Private Motor Vehicle Repair at Lot 317 Laine Jones Drive, Kununurra, subject to the following conditions:

1. Use shall be in accordance with the attached approved plan(s) and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the Shire.
2. No additional signage to advertise private mechanical works are permitted on the site.
3. All vehicles associated with the use, including both rental cars and private vehicles, are to be parked onsite at all times.
4. A maximum of 10 private vehicles are permitted to be kept onsite at any time.
5. The private mechanical repairs are to remain incidental to the main use of the site as a Car Rental Depot.

COUNCIL DECISION

Minute No. 10725

Moved: Cr G King

Seconded: Cr R Dessert

That Council grants planning consent for Change of Use – Private Motor Vehicle Repair at Lot 317 Laine Jones Drive, Kununurra, subject to the following conditions:

- 1. Use shall be in accordance with the attached approved plan(s) and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the Shire.**
- 2. No additional signage to advertise private mechanical works are permitted on the site.**
- 3. All vehicles associated with the use, including both rental cars and private vehicles, are to be parked onsite at all times.**
- 4. A maximum of 10 private vehicles are permitted to be kept onsite at any time.**
- 5. The private mechanical repairs are to remain incidental to the main use of the site as a Car Rental Depot.**

Carried 5/3

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



Salerno Law

The human element in Law

14 November 2014

Shire of Wyndham East Kimberley (SWEK) Councillors
PO Box 614
Kununurra
WA 6743

Attention: Ms Jennifer Nynette
By Email: Jennifer.Nynette@swek.wa.gov.au

Dear Councillors

PROPOSED DEVELOPMENT: Additional Use - Thrifty Car Hire / Motor Vehicle Repair
LOCATION: 317 Laine Jones Drive, Kununurra (premises)

We act for Marsarmatt Holdings Pty Ltd, the owner of the land at 317 Laine Jones Drive, Kununurra (premises) and Territory Rent A Car Pty Ltd trading as Thrifty Car Rental (Thrifty).

Background

This is an application to the Shire of Wyndham East Kimberley (SWEK) Council (Council) for approval of an additional use of the premises.

Our client has previously submitted a similar application, lodged on 4 March 2014 for consideration by the Council.

Notably, the application was for a change of use (Motor Vehicle Repair) which was refused by Council on 8 May 2014, on the basis that it did not comply with Town Planning Scheme No. 7 (TPS 7) as *'it is not deemed to be dependant on the function of the airport'*.

Following further consultation with SWEK and legal advice, our client has instructed our office to renew its application to the Council, with variations and further explanation as to the circumstances which enable this application to fit within the objectives of the Special Site Use identified under TPS 7.

Ph 08 9169 2206 Fax 08 9169 2203

Circumstances surrounding the Application for Additional Use

We are instructed our client has invested significantly into development within our town of Kununurra.

Certainly it has developed the premises into an impressive car rental depot that includes a reception, offices, spacious workshop, two covered car detailing and wash down bays and hardstand areas as well as in excess of 30 designated parking bays on site. It is undeniably a visually appealing building and our client is the only car hire operator to date, to invest in developing a depot in the vicinity of the Airport.

Our client's business model is such that it appoints an agent in Kununurra to operate Thrifty who receives a percentage of the income from the business. Mr William Coole has been Thrifty's agent for several years.

We understand Thrifty's business is primarily dependant upon the Tourist trade, which of course is seasonal. We are instructed that rental sales can drop by up to 70% during the wet season, making the business unviable without a supplementary source of income.

Thrifty invests a great deal of time into training administrative staff in the use of its computer program and sales procedures. Retention of staff is therefore very important to the economic viability of Thrifty's business. Inversely, Thrifty's ability to retain employees year round (ensuring greater staff retention) will be dependant upon its economic viability.

We are instructed prior to the erection of the new premises, Thrifty's business operated from property located at Bandicoot Drive, whereby the current agent, Mr Coole (as well as the previous Agent) also operated a mechanical repair business. Mr Coole explains that he has been able to ensure the viability of his agency agreement with Thrifty, only because he has supplemented the car hire business with his own mechanical repair business.

Our client instructs that it has been notified by Mr Coole that without being able to supplement the seasonally reliant car hire business, that he will not be in a position to maintain the agency agreement with Thrifty. Our client fears it will be unable to find any agent to operate Thrifty here in Kununurra without the approval to supplement the car hire business with an additional business that is complimentary and incidental by nature.

Town Planning Scheme No 7 (TPS 7)

The premises are located upon land zoned Special Site Airport under TPS 7. The Special Site Schedule at Appendix 2 to TPS 7 identifies the purpose of this Special Site as Airport and specifies uses that can be approved as follows:

Other uses may be permitted by Council provided that they are incidental to the predominant use of the land and / or deemed to be dependant on the function of the Airport.

In other words, uses may be permitted if deemed dependant on the function of the Airport OR if incidental to the predominant use of the land.

Clearly the current approved use of the premises for a car hire business has been deemed to be dependant upon the function of the Airport.

This application for an additional use, in the form of a motor vehicle repair business, is on the basis that it is incidental to the predominant use of the land, being car hire.

Particulars of Proposed Additional Use

Thrifty's premises, in accordance with Shire approved plans, accommodates an expansive mechanical work shop, with an oil separator system, hoist and wash bays with suitable drainage. This workshop's primary purpose is to service Thrifty vehicles and could also service private motor vehicle repair work.

By reference to the attached plans marked Annexure A, we note the five parking bays at the front of the premises are marked 'display vehicle parking' and are designated for Thrifty car hire vehicles only. We note the rear of the premises has eleven parking bays.

Thrifty's policy will be to allow a maximum of 10 private vehicles on the premises at any one time, which will be moved to the rear of the premises for parking.

This will allow Thrifty to maintain a professional image and predominantly market its business of car rental.

We are further instructed that Thrifty's current policy does not allow any signage on the premises, excepting for the promotion of Thrifty. Therefore our client does not currently seek to apply for any additional signage.

We are also instructed the sea container previously occupying the rear of the premises has now been removed.

Conclusion

Certainly, it would appear beneficial to all to have businesses that support the greater Airport related functions, located in proximity to the Airport.

One of the primary concerns raised with respect to this proposal for the approval of an additional use, is whether the motor vehicle repair will be or remain incidental to the car hire business.

With respect, our client, the owner of Thrifty, has made a multi-million dollar investment in developing its car hire business here in Kununurra. Our client does not obtain any income or benefit from allowing its current agent, nor any future agents, to operate a motor vehicle repair business.

Our client instructs that it would be entirely unacceptable and uneconomical to its purposes, to allow its agent's motor vehicle repair to operate other than as incidental to Thrifty's predominant use.

However, in the interests of maintaining an economically viable business model for our client, it appears evident that due to the seasonal nature of car hire, in the current climate, a supplementary source of income will be required, in order for Thrifty Car Rental to be sustainable.

In reviewing this application, we ask that the Council carefully consider the benefits that flow to our community in having aviation supportive businesses investing and developing our Airport precinct. In circumstances where Thrifty is the only car rental business to significantly invest in land and buildings within the Airport precinct, we suggest it is incumbent upon a community supportive of development, to constructively deal with the economic realities of seasonally contingent business.

Yours faithfully
SALERNO LAW

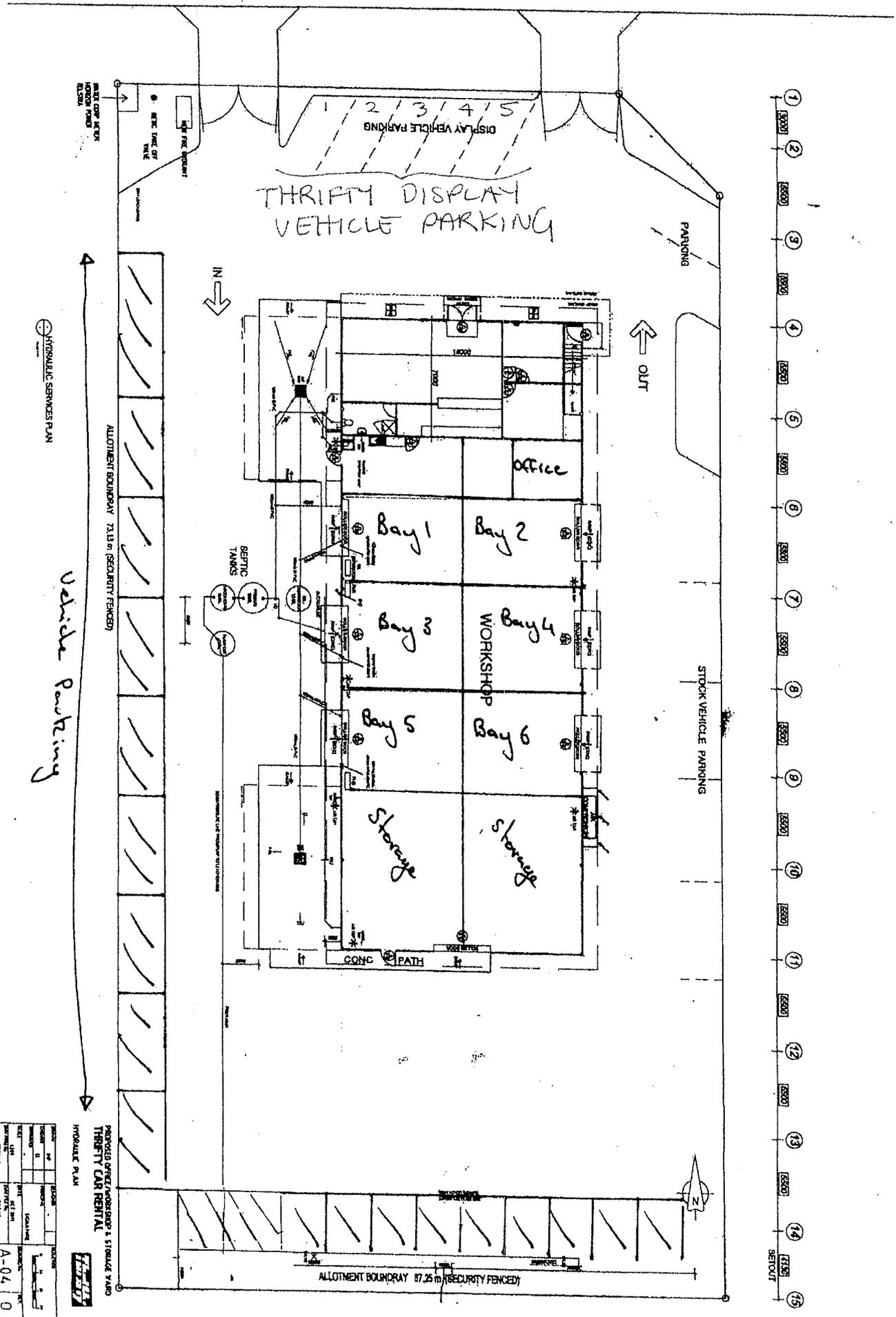
Per:

A handwritten signature in black ink, appearing to read 'E. Salerno', with a long horizontal flourish extending to the right.

Emma T. Salerno

Encl: Annexure A Site plan

ANNEXURE A



NO.	REVISION	DATE
1	ISSUED	15/12/14
2	REVISED	15/12/14
3	REVISED	15/12/14
4	REVISED	15/12/14
5	REVISED	15/12/14

PROJECT: OFFICE, WORKSHOP & STORAGE VARD
 THRIFTY CAR RENTAL
 HYDRAULIC PLAN
 A-04 | 0

13.3.6 Change of Use application for Retail Pharmacy at Lot 1493 (10B) Konkerberry Drive, Kununurra

DATE:	16/12/2014
PROPONENT:	Gareth and Diane Gearon
LOCATION:	Lot 1493 (10B) Konkerberry Drive, Kununurra
AUTHOR:	Jennifer Ninyette, Senior Planning Officer
REPORTING OFFICER:	Louise Gee, Director Community Development
FILE NO:	A272P

PURPOSE

For Council to consider a development application for a Retail Pharmacy at Lot 1493 (10B) Konkerberry Drive, Kununurra.

BACKGROUND

An application for planning approval was lodged on 27 October 2014 by Gareth & Diane Gearon for the approval of a Retail Pharmacy at Lot 1493 (10B) Konkerberry Drive, Kununurra.

The property is located on the southern side of Konkerberry Drive diagonally opposite to the Rain Tree Street intersection, and has been subdivided into 3 strata lots. The land is zoned Mixed Business under Town Planning Scheme No. 7 – Kununurra and Environs (TPS 7) and contains three existing sheds, one on each strata lot. This application relates to Strata Lot 2 (on Strata Plan 40246), addressed as 10B.



Location of Subject Site

An application was previously approved under delegation for a Pharmacy Warehouse on the subject Strata Lot 2 on 2 August 2013, with a revised approval issued on 27 November

2013, which included a condition that any change of use of the premises will require further planning approval.

Proposal

The applicant seeks for a Change of Use of the portion of the existing building, approved as a warehouse, to be used as a shop (40m²) and office (16m²), with 132m² to continue to be used as a warehouse.

The applicant has stated that the intent is to provide bulk processing and supply services in conjunction with their existing pharmacy premise at the Coles shopping complex. The proposal on Konkerberry Drive also requires a retail outlet with public access in order to provide medicines on behalf of the Pharmaceutical Benefits Scheme (PBS) and for pharmacy licencing purposes.

The applicant's submission and plans are provided at Attachment 1.

STATUTORY IMPLICATIONS

Town Planning Scheme No. 7 – Kununurra Townsite and Environs

The land at Lot 1493 Konkerberry Drive is zoned Mixed Business under TPS7. The objective of this zone is to 'encourage the establishment of predominantly showrooms related to manufacturing on-site and service industry and/or service trades centres'

The predominant use of the Strata Lot will still remain as warehouse, with the proposed office and shop areas to be incidental to this predominant use.

Warehouse is defined as:

Means premises used to store or display goods and may include sale by wholesale.

Office is defined as:

Means premises used for administration, clerical, technical, professional or other like business activities.

Warehouse and Office are both classified as an AA use in the Mixed Business Zone; however Officers have delegation to approve warehouses and offices in this zone.

Shop is defined as:

Means premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom or fast food outlet.

Shop is classified as an SA use in the Mixed Business Zone and therefore Council discretion is required for this use, after notice has been given in accordance with Scheme advertising requirements.

POLICY IMPLICATIONS

There are no policy implications associated with this item.

FINANCIAL IMPLICATIONS

The applicant has paid the planning application fee of \$295.00

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 2.4: High standard of health and community facilities and services available to all residents

Strategy 3.3.8 2.4.1: Advocate for improved health and community services

COMMUNITY CONSULTATION

The application has been advertised in accordance with clause 11.2 of the Scheme, with an advert being placed in the Kimberley Echo and notification letters being sent to adjoining neighbours giving 21 days for any submissions to be received, being on or before the 5 December 2014.

Only one submission has been received from a neighbouring landowner stating no objection. A Schedule of Submissions is provided at Attachment 2.

COMMENT

The premise is intended to be used for bulk processing and bulk supply of medicines to hospitals, institutions and health services located in Kununurra, Wyndham, Kalumburu, Warmun and Halls Creek, to free up space and time at the existing Kununurra Pharmacy.

The applicant is seeking to establish a small retail component to the approved pharmacy warehouse use, primarily to address requirements of pharmacy licensing authorities and to supply Commonwealth subsidised medicines.

This in effect will enable the premise to become a separate licenced pharmacy to the existing pharmacy in the Coles shopping complex, however the existing pharmacy is anticipated to remain as the main retail outlet due to its location, and its larger retail space.

With the proposed change of use a total of 5 car parking bays will be required to be provided which the applicant has accounted for on the submitted plan.

As the retail component would be classified as a Shop, the proposal may be approved at Council's discretion, following the proposal first being advertised. Notice of the application was sent to surrounding landowners and no objections were received.

ATTACHMENTS

Attachment 1 - Submission and Plans

Attachment 2 – Photos of Existing Structures

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council grants planning consent for Change of Use - Retail Pharmacy (Shop) at Lot 1493 (10B) Konkerberry Drive, Kununurra, subject to the following conditions:

1. Use and development shall be in accordance with the attached approved plan(s) and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
2. The provision of a minimum five (5) car parking bays, constructed to a minimum compacted gravel standard and line marked, to be maintained to the satisfaction of the local government.
3. Landscaping is to be established in accordance with the approved site plan and maintained to the satisfaction of the local government.

COUNCIL DECISION

Minute No. 10726

Moved: Cr K Wright

Seconded: Cr D Learbuch

That Council grants planning consent for Change of Use - Retail Pharmacy (Shop) at Lot 1493 (10B) Konkerberry Drive, Kununurra, subject to the following conditions:

1. **Use and development shall be in accordance with the attached approved plan(s) and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.**
2. **The provision of a minimum five (5) car parking bays, constructed to a minimum compacted gravel standard and line marked, to be maintained to the satisfaction of the local government.**
4. **Landscaping is to be established in accordance with the approved site plan and maintained to the satisfaction of the local government.**

Carried unanimously 8/0



Kununurra Pharmacy

Kununurra Shopping Centre
Konkerberry Drive
PO Box 236
KUNUNURRA WA 6743

ABN 37 688 358 986

Telephone (08) 9168 1111
Facsimile (08) 9168 1398 OR (08) 9168 1043
E-Mail kpharm@iinet.net.au

FREE CALL 1800 681 600

DATE: Friday, 24 October 2014

APPLICATION FOR PLANNING APPROVAL – CHANGE OF USE

(Part 2 of Lot 1493 Konkerberry Drive, KUNUNURRA WA 6743)

We enclose this explanatory letter in support of our application to have the Council approve use of the above property, which is zoned as Mixed Business, in a retail or shop capacity, specifically as a retail pharmacy.

At the moment we operate Kununurra Pharmacy in Kununurra Shopping Centre – a significant part of our business involves bulk supply of Commonwealth subsidised (via the Pharmaceutical benefits Scheme or PBS) medicines to local Aboriginal Health Services (AHS) and other hospitals, institutions and health services located in Warmun, Wyndham, Kalumburu, Halls Creek and Kununurra. We also bulk process and pack Dose Administration Aids (Webster Pak™ blister packs) for individual patients at those various health services and within the community at large.

These bulk processes have grown in scope and significance over the last 5-10 years and it is our intention to shift them out of our existing pharmacy to the premises at Konkerberry Drive; this will free up space and time at the existing pharmacy and, because it will require us to bring an additional pharmacist into town, it will also significantly reduce the workload on Diane and myself, with flow on benefits when it comes to being able to take time out of the business and/or employ locum relief pharmacists at the existing pharmacy (at the moment locums struggle with the load and complexity of what we do at our existing site).

In order to shift these bulk processing and supply services we need to open a retail pharmacy; it has to be a retail outlet with public access to allow us to provide services on behalf of the PBS and we have to be able to demonstrate local government approval of the use of the site for that purpose before pharmacy licencing authorities will approve the pharmacy premises. Note that the new pharmacy would be open to the public from a dispensing perspective but we do not anticipate this being a significant part of its overall daily business; the existing pharmacy is larger and better located in a general retail sense.

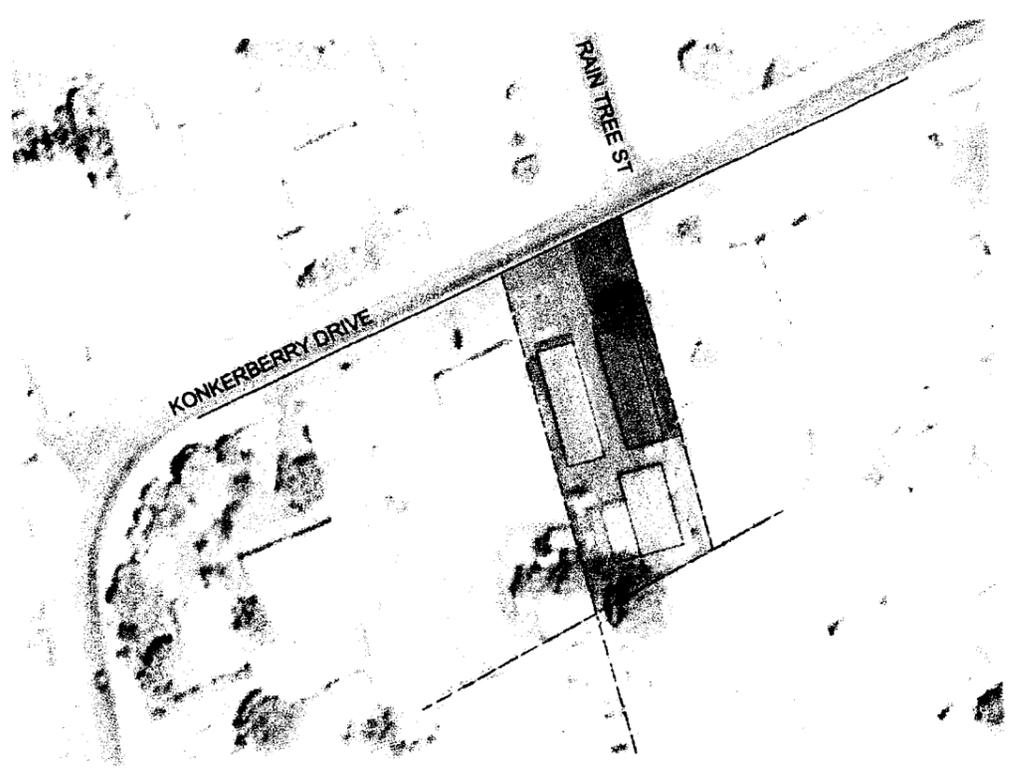
To open a retail pharmacy we therefore need discretional Council approval to have the above property approved for use in a retail or shop capacity.

We hope you consider our application favourably.

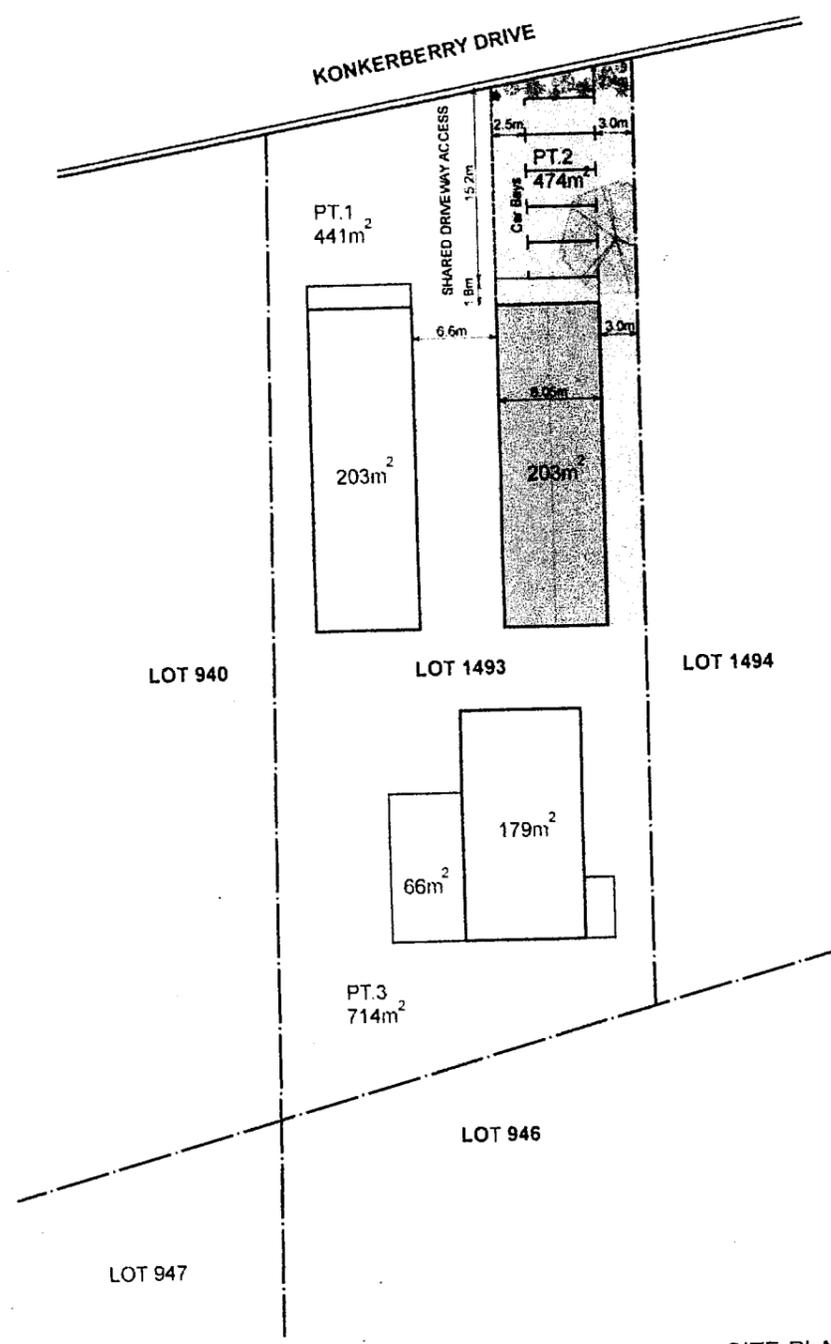
Sincerely,

Gareth Gearon B Pharm MPS
Ordinary Council Meeting Minutes

Diane Gearon B Pharm (Hons) MPS
188 of 346



LOCATION PLAN (NOT TO SCALE)



SITE PLAN @ 1:500



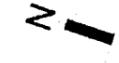
ORD HEALTH

Part 2 of Lot 1493 Konkerberry Drive, Kununurra, WA
 Strata Plan 40246
 Volume 2215, Folio 915 (Unit B)

LOCATION PLAN + SITE PLAN

For: Shire of Wyndham - East Kimberley

Date: 20 October 2014



PLAN @ 1:200

Lot 1494

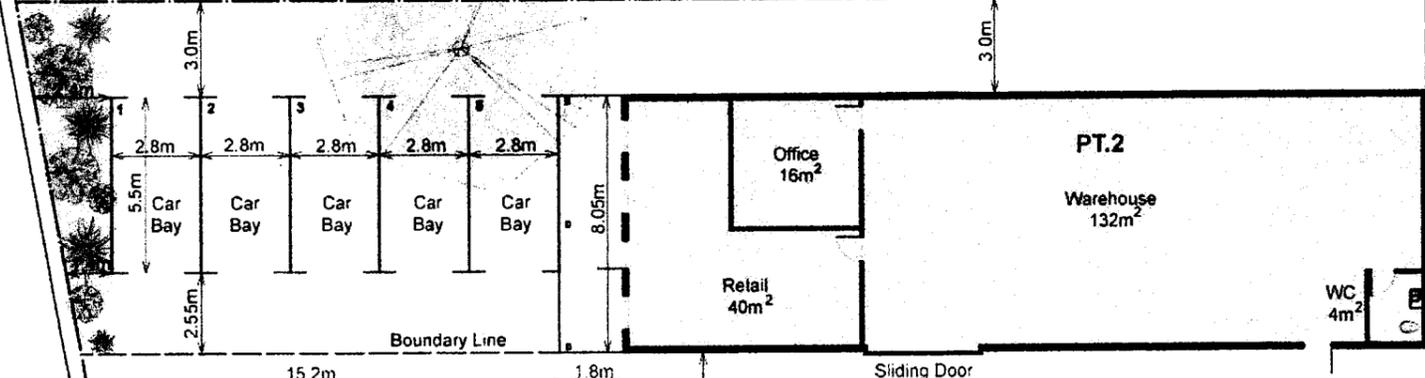
Existing Tree

Landscaping

Boundary Line

KONKERBERRY DRIVE

Boundary Line



SHARED DRIVEWAY ACCESS

Lot 1493

Boundary Line

6.4m

6.6m

PT.1

PT.3

12.8m

Boundary Line

Lot 970



ORD HEALTH

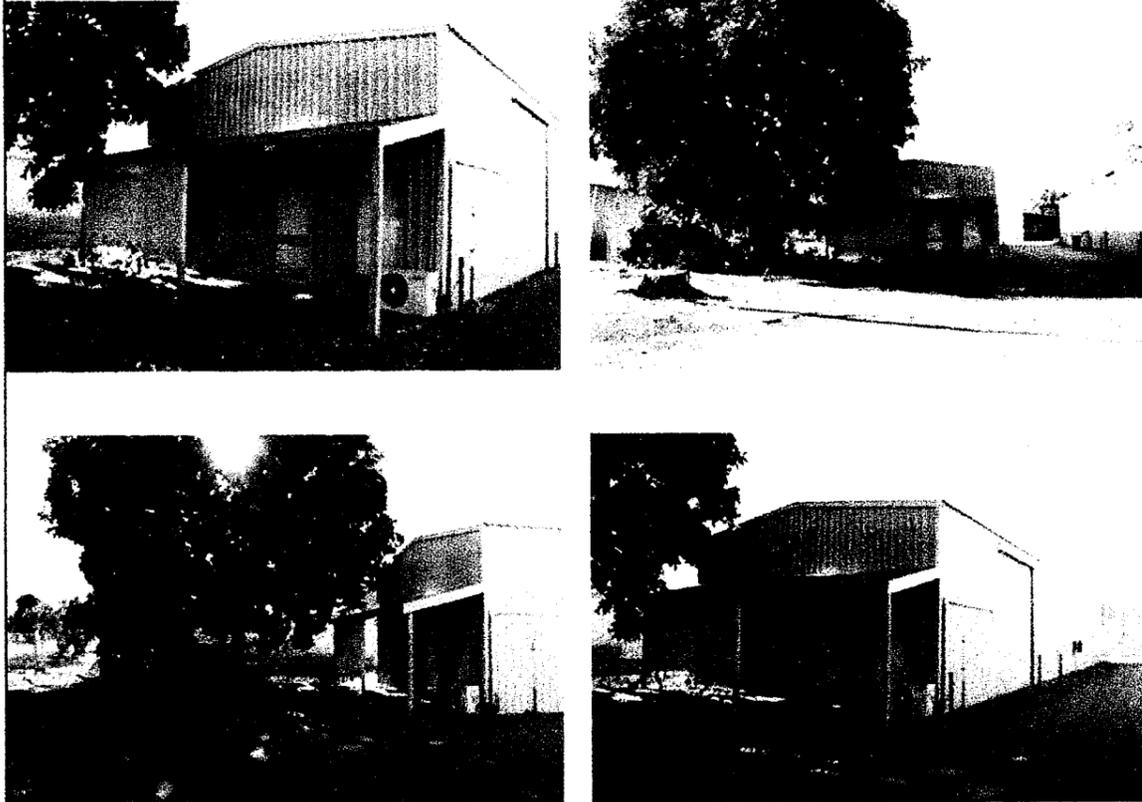
Part 2 of Lot 1493 Konkerberry Drive, Kununurra, WA
Strata Plan 40246
Volume 2215, Folio 915 (Unit B)

FLOOR PLAN

Date: 20 October 2014

For: Shire of Wyndham - East Kimberley

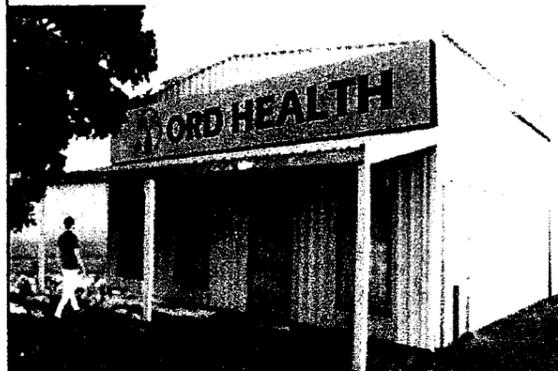
EXISTING SITE CONDITION - NORTHERN ELEVATION



PROPOSED NORTHERN ELEVATION @ 1:100



PROPOSED NORTHERN ELEVATION



ORD HEALTH

Part 2 of Lot 1493 Konkerberry Drive, Kununurra, WA
 Strata Plan 40246
 Volume 2215, Folio 915 (Unit B)

NORTHERN ELEVATION
 CURRENT CONDITION + PROPOSED ELEVATION

For: Shire of Wyndham - East Kimberley

Date: 20 October 2014

**SHIRE OF WYNDHAM - EAST KIMBERLEY
TOWN PLANNING SCHEME NO. 7 – KUNUNURRA AND ENVIRONS**

DA98/14 – Retail Pharmacy – Lot 1493 (10B) Konkerberry Drive, Kununurra

Schedule of Submissions

SUBMISSION NO. NAME & ADDRESS	OBJECTION OR SUPPORT	SUMMARY OF RESPONSES	COMMENTS
RESPONSE 1 Di Ausburn Kimbercrust Bakery PO Box 19 KUNUNURRA WA 6743	No Objection	No issue with the proposal for the Change of Use for the Retail Pharmacy at the address.	Noted.

13.3.7 Development Application for portion of Reserve 50467, Lot 509 of the Commercial Boating Facility, Kununurra

DATE:	16/12/2014
PROPONENT:	Ord River Houseboats
LOCATION:	Lot 509, Portion of Reserve 50467, Commercial Boating Facility, Kununurra
AUTHOR:	Jennifer Ninyette, Senior Planning Officer
REPORTING OFFICER:	Louise Gee, Director Community Development
FILE NO:	A7564P

PURPOSE

For Council to consider a development application for a marine based tourist facility at Lot 509 of the Commercial Boating Facility, portion of Reserve 50467, Kununurra.

BACKGROUND

An application for planning approval was lodged on 17 November 2014 by Ord River Houseboats for the development of a commercial base for a water based tourism operation at Lot 509 of the Commercial Boating Facility, Kununurra.

The site is located at the Lake Kununurra Commercial Boat Facility, off Millington Drive between the local landmarks known as Swim Beach and Ski Beach, and was previously leased to Alligator Airways. The land is Scheme Reserve for the purpose of Parks and Recreation and Special Foreshore under Town Planning Scheme No. 7 – Kununurra and Environs (TPS 7), is fenced and connected to power and contains an existing aerobic wastewater treatment unit (ATU) and water tank.



Location of Subject Site

The submission received is from the intended leaseholder, Ord River Houseboats, whom Council has resolved to enter into a 15 year lease for the purpose of water based tourism on Lake Kununurra. The applicant has agreed to enter into the lease (in late July), however wishes the lease to commence in January 2015, once they have the relevant approvals in place, including planning and building, clearing permits etc. so that development can commence once the lease is signed..

Proposal

The applicant seeks to develop the site as the commercial premise at which to base their existing houseboat operation.

The development proposed includes the excavation of two shallow inlets, each to be 8m wide and 15m long, to ensure that two houseboats can be moored outside of the main body of the river, as required by the Water Corporation.

Also proposed is a caretakers unit (95.8m²) with deck (24.7m²), and a combined utility and ablutions unit (19.77m²) also with deck area (11.8m²). Both of these buildings will be steel framed with Hardiplank cladding with skillion roof pitched at the same angle.

The site plan has also provided for 6 parking bays, although it is acknowledged that there is area for additional bays, and areas of landscaping.

Perimeter fencing is already in place along with an ATU, water tank and water pump system.

The applicant's submission and plans are provided at Attachment 1.

A building permit application and septic application will also be required to be submitted for the proposed development.

STATUTORY IMPLICATIONS

Town Planning Scheme No. 7 – Kununurra Townsite and Environs

The land is reserved Parks and Recreation and Special Foreshore under TPS7. The adjoining licenced area, Lot 514, is reserved as Special Foreshore.

The objective of the Parks and Recreation Reserve is 'to identify land utilised or intending to be utilised for local recreational needs. The objective of the Special Foreshore Reserve is 'to identify and protect significant lakes, rivers and irrigation channels and ensuring that environmental values are paramount in any consideration by the Council for applications for use of a waterway reserve.'

Clause 2.2.1 of the Scheme states that where an application for Planning Approval is made with respect to land within a Reserve, the Council shall have regard to the ultimate purposes intended for the reserve.

It is acknowledged that the existing reservation under TPS was in place prior to the creation of these lots for the purpose of a commercial boat facility.

Land Administration Act 1997

Land at Lot 509 is portion of Crown land reserved (Reserve 50467) for the purpose of 'Tourist Facility' with management order issued to the Shire of Wyndham East Kimberley with the power to lease.

Land at Lot 514 is portion of Crown land reserved (reserve 50468) for the purpose of 'Foreshore Protection, Tourist Facility and Public Access' with management order issued to the Shire of Wyndham East Kimberley with the power to licence.

Lease Provisions

The lease provides for the premises to be used for the purpose of the Lessee's Business being "*those activities and operations that are necessary for the conduct of a tourism business and recreation enterprise which enterprise operates waterborne craft on Lake Kununurra*"

The lease document also includes Design Guidelines in Schedule 2 which are provided at attachment 2.

POLICY IMPLICATIONS

There are no policy implications associated with this item.

FINANCIAL IMPLICATIONS

The applicant has paid the planning application fee of \$480.00

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

Lake Kununurra Foreshore and Aquatic Use Plan

Lot 509 is recognised in the Council adopted Lake Kununurra Foreshore and Aquatic Use Plan as within the Commercial Boating Facility. The Development Guidelines contained within this plan apply to this property as they do to the neighbouring properties, and are provided at Attachment 3.

It is noted that DG3 states 'that where greater than 50% of the 10 m 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'.

COMMUNITY CONSULTATION

Notification is not required in relation to this item.

COMMENT

The applicant seeks to develop the site for the purpose of establishing a base for a water based tourism venture as per the requirement of the lease they have agreed to enter into.

The applicant outlined in their EOI submission that use of the site would include the following day to day activities:

- Mooring of houseboat(s) according to the requirements of relevant authorities
- Greeting customers and providing inductions on the safe operation of the houseboats
- Conducting general maintenance and repairs

and following each hire:

- Removal of rubbish and linen
- Cleaning the interior and exterior of the houseboat
- Removal (pumping) of sullage
- Refilling water tank
- Recharging the 12 volt battery bank on the houseboat
- Refuelling the houseboat

The excavation of a proposed inlet was anticipated due to the requirements of the Water Corporation, and as per the development concept provided by the applicant in their EOI submission. However, instead of excavating one larger inlet the applicant is proposing to excavate two smaller inlets, to make use of two existing 'coves' within the shoreline and a small rock promontory between these.

The proposal also matches similar and adjoining development – fundamentally being tourism and water based use – as well as with respect to the scale of development that is proposed. It is also noted that the utility/ablution building and caretaker's dwelling will be consistent in colour to the existing buildings on the neighbouring Lot 508 (BBQ Boat site).

The amenity of the site will be preserved through maintaining existing riparian vegetation along the foreshore where possible and the proposed landscaping along the road frontage.

The development is generally consistent with both the design guidelines contained in the lease and the development guidelines contained in the Foreshore Plan, and any approval can be conditioned to ensure continued compliance with certain building, parking and landscaping standards.

As detailed in the development guidelines for the foreshore plan, the lessee should also submit a plan for the licenced foreshore area that details what actions they will be undertaking to protect this foreshore buffer and its bank.

Table 2 of Town Planning Scheme No. 7 – Kununurra and Environs does not provide for car parking provisions for tourism use, and therefore parking will need to be considered on client/visitor volumes.

The applicant has proposed for 2 bays to be provided for the caretaker's dwelling which will be required to be occupied by staff, and 4 additional bays for clients.

It is considered that hirers would be likely to car pool to the premises when hiring the houseboats and it is noted that the operator does provide a pick-up service primarily for clients that fly into Kununurra. The current houseboat accommodates 6 people overnight,

and it is noted that the applicant wishes to purchase a second houseboat in the future, so it is likely that 12 guests may hire the vessels at any one time. Based on this it is recommended that a minimum of 4 parking bays be provided for clients hiring the houseboats, being 2 per houseboat. In this regard, the on-site parking proposed, is considered adequate for the use.

It is acknowledged that the applicant has applied or is applying for other relevant approvals such as a bed and banks approval and clearing permit from the Department of Water and Development of Environment Regulation respectively.

ATTACHMENTS

Attachment 1 - Submission and Plans
Attachment 2 - Lease Design Guidelines
Attachment 3 – LKFAUP Design Guidelines

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council grants planning consent for a Marine Based Tourist Facility at Lot 509, portion of Reserve 50467, Kununurra, subject to the following conditions:

1. Use and development shall be in accordance with the attached approved plan(s) and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the Shire.
2. Additional plans must be submitted and approved by the Shire to show the elevations of the utilities/ablution unit and caretaker's dwelling. When approved the plans will be endorsed and form part of the approval. The plans must be drawn to scale and be in line with the site plan submitted with the application.
3. The caretaker's dwelling shall only be occupied by workers associated with the tourism use of the property.
4. The premise is to be connected to a potable water supply.
5. The provision of six (6) car parking bays, constructed to a minimum compact gravel standard and line marked, to be maintained to the satisfaction of the local government.
6. Landscaping and treatments to the site should ensure the development presents well to the road and the river, as well as providing reasonable amenity for the development. Landscaping to the front and the rear of the lot must provide a screen to the property when travelling along the road or the river.
7. Submission of an action plan for management and protection of the licenced foreshore area detailing:
 - what the area will be used for;
 - how the area will be protected from erosion;
 - any structures that will be located on the area; and
 - what activities will and will not take place on the area.
8. Obtain separate Council approval for the erection of any advertising signs

Cr G Taylor moves the motion. Cr B Robinson seconds.

Cr D Spackman and Cr K Wright proposes an amendment to the motion to include the wording "no development application is to be approved until the lease is signed and executed".

COUNCIL DECISION

Minute No. 10727

Moved: Cr D Spackman

Seconded: Cr K Wright

That Council grants planning consent subject to a lease being signed and executed for a Marine Based Tourist Facility at Lot 509, portion of Reserve 50467, Kununurra, subject to the following conditions:

- 1. Use and development shall be in accordance with the attached approved plan(s) and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the Shire.**
- 2. Additional plans must be submitted and approved by the Shire to show the elevations of the utilities/ablution unit and caretaker's dwelling. When approved the plans will be endorsed and form part of the approval. The plans must be drawn to scale and be in line with the site plan submitted with the application.**
- 3. The caretaker's dwelling shall only be occupied by workers associated with the tourism use of the property.**
- 4. The premise is to be connected to a potable water supply.**
- 5. The provision of six (6) car parking bays, constructed to a minimum compact gravel standard and line marked, to be maintained to the satisfaction of the local government.**
- 6. Landscaping and treatments to the site should ensure the development presents well to the road and the river, as well as providing reasonable amenity for the development. Landscaping to the front and the rear of the lot must provide a screen to the property when travelling along the road or the river.**
- 7. Submission of an action plan for management and protection of the licenced foreshore area detailing:
 - what the area will be used for;**
 - how the area will be protected from erosion;**
 - any structures that will be located on the area; and**
 - what activities will and will not take place on the area.****
- 8. Obtain separate Council approval for the erection of any advertising signs**

Tied 4/4

**For: Cr D Spackman, Cr K Wright, Cr G King, Cr D Learbuch
Against: Cr J Moulden, C R Dessert, Cr B Robinson, Cr G Taylor
Casting vote: Cr J Moulden
Motion lost 4/5**

COUNCIL DECISION

Minute No. 10728

Moved: Cr G Taylor

Seconded: Cr B Robinson

That Council grants planning consent for a Marine Based Tourist Facility at Lot 509, portion of Reserve 50467, Kununurra, subject to the following conditions:

- 1. Use and development shall be in accordance with the attached approved plan(s) and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the Shire.**
- 2. Additional plans must be submitted and approved by the Shire to show the elevations of the utilities/ablution unit and caretaker's dwelling. When approved the plans will be endorsed and form part of the approval. The plans must be drawn to scale and be in line with the site plan submitted with the application.**
- 3. The caretaker's dwelling shall only be occupied by workers associated with the tourism use of the property.**
- 4. The premise is to be connected to a potable water supply.**
- 5. The provision of six (6) car parking bays, constructed to a minimum compact gravel standard and line marked, to be maintained to the satisfaction of the local government.**
- 6. Landscaping and treatments to the site should ensure the development presents well to the road and the river, as well as providing reasonable amenity for the development. Landscaping to the front and the rear of the lot must provide a screen to the property when travelling along the road or the river.**
- 7. Submission of an action plan for management and protection of the licenced foreshore area detailing:
 - what the area will be used for;**
 - how the area will be protected from erosion;**
 - any structures that will be located on the area; and**
 - what activities will and will not take place on the area.****
- 8. Obtain separate Council approval for the erection of any advertising signs**

Tied 4/4

For: Cr J Moulden, C R Dessert, Cr B Robinson, Cr G Taylor

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

Casting vote: Cr J Moulden

Carried 5/4

7:47pm Cr J Moulden adjourns the meeting in accordance with Standing Orders Local Law 2003 clause 12.8, Right of the Person Presiding to Adjourn Without Explanation to Regain Order.

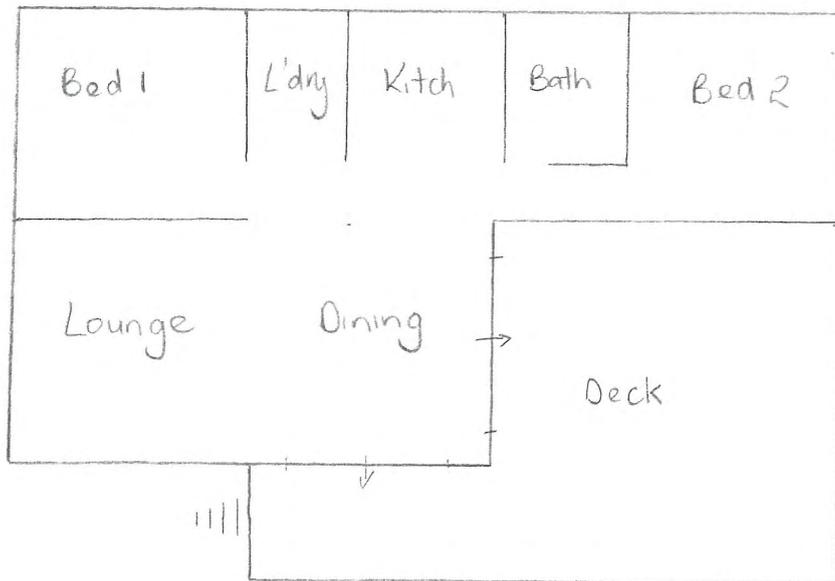
7:50pm, Cr J Moulden resumes the meeting.

14100 Overall

Standard Floorplan



Proposed Floorplan



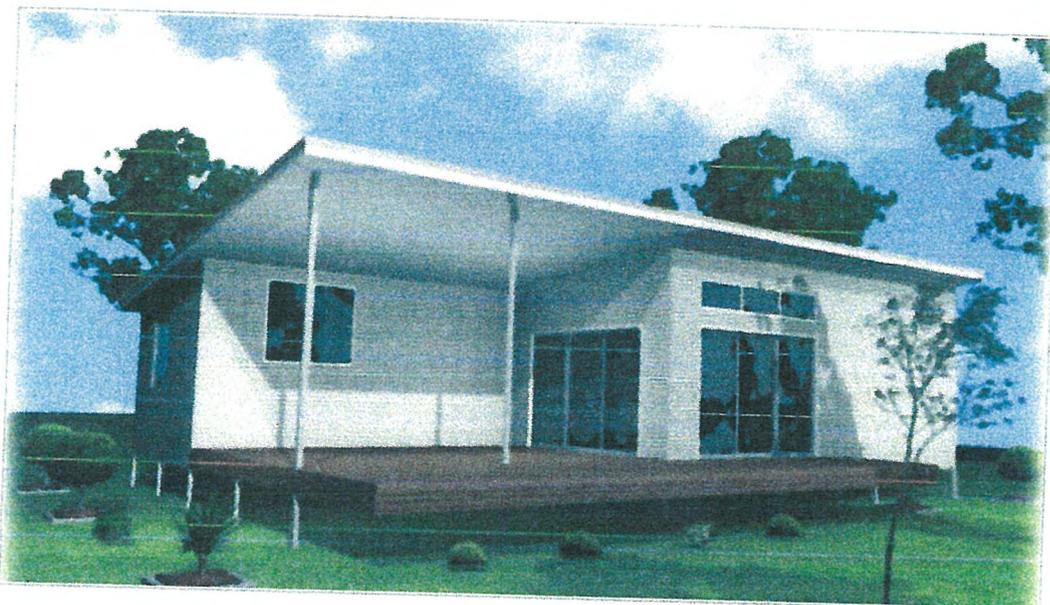
(i) The proposed buildings to be constructed within the site are (a) a Caretakers Unit – 95.8sqm building and 24.7sqm decking and (b) a combined Utility and Ablutions Unit – 19.77sqm building and 11.8sqm decking. The Caretakers Unit is 14.1m in length and 7.84m wide. The Utility/Ablutions Unit is 5.9m in length and 3.65m wide. The Caretakers Unit will be constructed on an elevated (approx. 300mm) floor system and the Utility/Ablutions Unit will be on a concrete slab.

(ii) The ceiling height of the both buildings is 2.7m. Both buildings have a skillion roof, pitched at the same angle.

(iii) Ordinary Corrugated Metal Decking will be steel framed with Duralum 2014 Primeline Newport cladding. A mid blue colour for the cladding will be used, with white doors/frames/trim.



The Wattle



6. Design Guidelines

POLICY:

6.1 Introduction

These guidelines are in addition to all other statutory requirements pertaining to building development, design and construction. For any instances where these design guidelines are found to conflict with the statutory requirements of the Lessor or other authorities i.e. the Local Planning Scheme or Building Code of Australia, the statutory requirements are to take precedence. These design guidelines apply to the Premises and Foreshore Area where applicable

6.2 Development Standards

Building and Works:

- (a) All new buildings must be designed and constructed to the Lessor's specifications and be inclusive of:
 - All external building materials to be of a muted colour that blends with the surrounding natural environment (non reflective materials must be used).
 - The following setbacks: 3 metres to the front and side boundaries and 5 metres to the licensed Foreshore Area.
 - Baffled lighting to reduce light spill from the premises.
 - Subsoil drainage around the perimeter of buildings (water sensitive urban design).
- (b) All impervious areas including vehicle crossovers and internal car parking, service, manoeuvring and lay down areas must be constructed and suitably drained to the Lessor's specifications.
- (c) All parking (private and customer) to be contained within the site and capable of accommodating coaches.
- (d) The development of a caretakers dwelling (subject to Lessor approval) shall have a total internal floor area of less than 100m², be generally consistent in materials choice to other buildings on the lot and must not be of a fully temporary transportable form (ie caravan, semi trailer, motor home etc).

Landscaping and Private Storage:

- (a) The front setback (minimum 3 metre wide) must be landscaped to the Lessor's satisfaction and must suitably screen all structures to the street.
- (b) All service, storage and bin areas must not be located within the front boundary setback of 3m and must be suitably screened from the public view (street and waterway).

- (c) All areas used for private or personal storage must be screened from the street and waterways to the Lessor's satisfaction.

Boundary Fencing:

- (a) The licensed Foreshore Area must not be fenced.
- (b) All Boundary fencing must be black chain mesh with no barbed or razor wire.

Environmental Protection:

- (a) All wastewater shall be disposed of in accordance with the Health (Treatment of Sewage and disposal of effluent and liquid waste) Regulations 1974, The WA Department of Health's Draft Country Sewerage Policy 2003, and the Department of Water's Water Quality Protection Note 70: Wastewater treatment and disposal – domestic systems. All systems must be approved by Shire's Environmental Health Officer or the WA Department of Health.
- (b) All dangerous goods (including fuel) stored and handled on site are to comply with the Dangerous Goods Safety Act 2004 and associated regulations and are to be stored and managed to the satisfaction of the Lessor. All lessees to have an emergency spill (Contamination Event) management plan in place including the storage of necessary containment equipment.
- (c) A 15 meter buffer from the Lake is to be maintained and stabilised using local native vegetation and grasses to the satisfaction of the Lessor and relevant Government agencies.

Suggested Design Solutions:

- (a) The use of light coloured materials with a solar absorbency of less than 0.35 is encouraged. This includes colourbond colours including Classic Cream, Surf-mist, Paperbark, Evening Haze, Shale Grey, Sandbank and Dune.
- (b) Where practical mechanical ventilation should be incorporated into the building design.
- (c) For advice on appropriate selection of native plants advice should be sought from the Lessor's Environmental Officer.
- (d) It is the Lessee's responsibility to provide safe and defined access for patrons in and around the premises.
- (e) Lighting for the premises to be based on high efficiency systems (ie T5 Triphospor Fluorescent lighting).
- (f) The use of energy efficient building design including solar hot water, shading of buildings, breezeways, landscaping, and photovoltaic cells.

4.1.1 Development guidelines

Development guidelines have been prepared to ensure consistent development along the foreshore that enables public access, preservation of the foreshore and is in tune with the natural assets of the area. These should be included in a Council Planning Policy. It is recommended that this policy be applied to the whole of the Lake Kununurra and Lily Lagoon foreshores. These guidelines have been developed in response to State legislation, policies and guidelines.

Development guidelines for the foreshores of Lake Kununurra and Lily Creek Lagoon, including all other associated inlets are:

- DG1 A minimum buffer area of 10 m 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.
- DG2 The use of muted colours that are sympathetic to the natural surrounds.
- DG3 Where greater than 50% of the 10 m 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.
- DG4 All revenue collected from foreshore leases is to be used to maintain the public foreshore area and its associated facilities.
- DG5 All works to the foreshore banks shall use only materials approved by the relevant management authority.
- DG6 Toilets, or other buildings, expelling liquid wastes should be connected to sewage or alternative waste disposal units and be approved by the Shire, Department of Water and Department of Environment and Conservation.
- DG7 Vehicle entry to the foreshore shall be restricted to authorised personnel only, through the use of bollards, chains or other fencing materials as approved.
- DG8 Signs are to be visually unobtrusive and kept to a minimum.
- DG9 Appropriate access routes along and to the foreshore, including pedestrian paths, cycle paths dual use paths and pedestrian access buffers, are to be developed and maintained by the

Shire.

- DG10 Foreshore locations capable of sustaining recreational pressures without environmental degradation shall be provided for recreational use.
- DG11 Views and vistas from within the foreshore precinct to the broader landscape and from the river and opposite banks to the foreshore are to be preserved.
- DG12 All existing areas of remnant riparian indigenous vegetation are to be protected and where possible enhanced.
- DG13 Degraded natural areas are to be rehabilitated by regenerating indigenous vegetation communities.
- DG14 Only top end native vegetation as approved by the management authority shall be used within the foreshore zone.
- DG15 Aboriginal and European heritage associations of the foreshore precincts are to be acknowledged, respected and protected.
- DG16 The water quality of the river and the groundwater resource within each precinct shall be preserved through adhering to the principles of water sensitive urban design including on site disposal of all stormwater where possible.
- DG17 Ecological corridors should be established to link natural areas in a continuous manner.
- DG18 Plans for structures within the waterways are to be submitted for approval by the Water Corporation to ensure protection of the dam infrastructure.

13.3.8 Development Application for Transient Accommodation at Lot 238 Weaber Plain Road, Kununurra

DATE:	16/12/2014
PROPONENT:	Fritz Bolten
LOCATION:	Lot 317 Laine Jones Drive, Kununurra
AUTHOR:	Jennifer Ninnette, Senior Planning Officer
REPORTING OFFICER:	Louise Gee, Director Community Development
FILE NO:	A57P

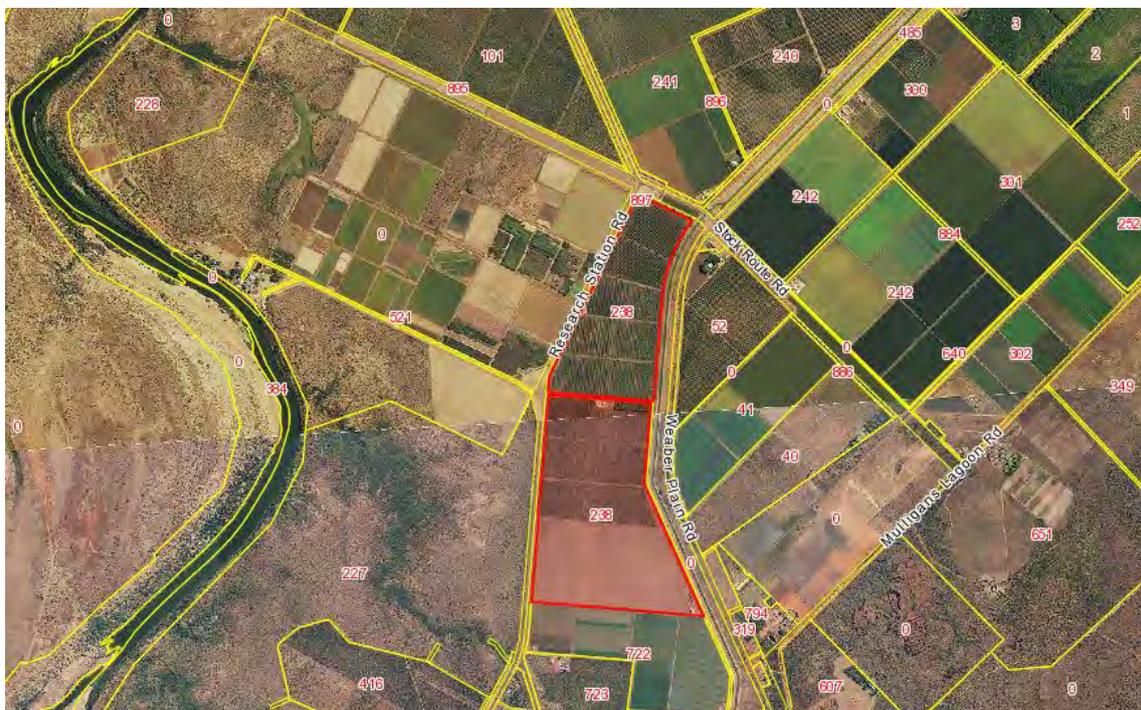
PURPOSE

For Council to consider a development application for Transient Accommodation at Lot 238 Weaber Plain Road, Kununurra.

BACKGROUND

An application for planning approval was lodged on 10 October 2014 by Fritz Bolten for the approval of Transient Accommodation at Lot 238 Weaber Plain Road, Kununurra.

The property is located in the ORIA and located between Weaber Plain and Research Station Road, and south of Stock Route Road. The land is zoned Rural Agriculture 1 under Town Planning Scheme No. 7 – Kununurra and Environs (TPS 7), has an area of 269.8ha which is predominantly sandalwood plantation and contains a hangar, storage shed and airstrip located in the south east corner of the property, a manager's residence and single bed caretaker's quarters located in the north east corner of the property and a storage shed in the middle of the property.



Location of Subject Site

Proposal

The applicant seeks to place an approximately 48m² (14.4m x 3.3m) transportable building on the site to accommodate seasonal/transient workers adjacent to the existing caretaker's quarters and in proximity to the manager's residence in the north east corner of the property.

The transportable building will consist of 4 rooms each with an ensuite, and it is intended that the existing caretaker's quarters will be converted to provide shared kitchen, lounge and laundry facilities for the workers occupying these rooms.

The applicant has stated that the accommodation will only be used to house additional seasonal staff for night shift and peak work periods, which is required to be located centrally to the farm operations to improve the productivity and safety of their business.

The applicant's submission and plans are provided at Attachment 1.

Access is via the north east corner of the property, for which original approval was granted by the Water Corporation in 2009 at the time of approving the Manager's Residence. However, legal access to the two land parcels that form Lot 238 are provided by easements from Research Station Road, as the whole property is bordered and essentially 'landlocked' by irrigation channel lots, including the M1 Channel reserve.

In 2011, the Water Corporation also granted approval for a reduced setback for the existing caretaker's quarters to the M1 Channel boundary.

A building permit application and septic application are also required.

STATUTORY IMPLICATIONS

Town Planning Scheme No. 7 – Kununurra Townsite and Environs

The land at Lot 238 Weaber Plain Road is zoned Rural Agriculture 1 under TPS7. The objective of this zone is 'that the land be retained for extensive agriculture and/or horticulture' and that the 'land shall be retained in viable farm sized lots to prevent subdivision and subsequent loss of this limited resource'.

Transient Accommodation is defined as:

Means any habitable building permanently affixed to the ground by footings as required by Council and includes any caravan, transportable dwelling or any structure used for habitation for the purposes of accommodation and not occupied by the same tenant for a continuous period for more than 6 months in any 12 month period.

Transient Accommodation is classified as an AA use in the Rural Agriculture 1 Zone and therefore Council discretion is required for this use.

Clause 5.22.3 of TPS 7 outlines that Council may permit the construction and occupation of transient accommodation in the Rural Agriculture 1 and 2 zones and General Rural Zone providing:

(g) That any occupant is directly employed in the agricultural sector;

- (h) *That such occupation is of a seasonal nature only relative to the agricultural use of the land and shall not be used for either permanent or short stay residential use.*
- (i) *That such accommodation does not consist of caravans, mobile homes, or transportable buildings unless such transportable buildings are permanently affixed to the site by footings as required by Council.*
- (j) *Such accommodation consists of principally bedrooms and communal ablutions and activity areas.*
- (k) *The applicant submit a management plan addressing how potential conflicts, impacts and compatibility with existing and potential agricultural land uses – both internal and external to the site – are to be managed as per the requirements of SPP2.5, and including but not limited to the following:*
- (i) *Prior to construction of any units the applicant shall submit a management plan developed in consultation with the Department of Agriculture and Food WA and other relevant agencies or stakeholders, detailing measures to manage the following impacts:*
 - a. *Dust and noise;*
 - b. *Visual amenity; and*
 - c. *Bio-security*
 - (ii) *Prior to construction, all promotional information intended to be displayed shall be submitted to Council for approval;*
 - (iii) *Prior to occupation, relevant officers shall inspect procedures to ensure that all workers are made aware of the biosecurity issues and preventative measures prior to taking up residence with the accommodation.*

POLICY IMPLICATIONS

Local Planning Policy 11 – Transient Accommodation (LPP11)

LPP 11 outlines the development of Transient Accommodation is not supported in circumstances where permanent accommodation arrangements are readily and practically available within existing townsites and in reasonable proximity to the workplace.

However, it acknowledges that Transient Accommodation may be required in certain circumstances due to:

- The remoteness of a workplace from existing townsites;
- The limited seasonal or temporary nature of the employment generating activity; and
- A severe shortage of land and housing supply.

The policy considers Transient Accommodation as a 'semi-permanent' facility for seasonal or part time workers as opposed to providing permanent accommodation for full-time

employees or other persons, which therefore should not be construed as a permanent long-term solution for transient workers or as a permanent housing alternative.

LPP11 states that applications for Transient Accommodation are to be considered by Council on individual merit, having regard to the Shire Town Planning Scheme, this Policy, other relevant Policies and any other relevant requirements.

The policy also acknowledges the general nature of changing circumstances, in terms of employment sectors generating a need for transient workforces and the resultant type, scale and locations of accommodation sought, and therefore may apply discretion and flexibility in allowing this form of development.

The objectives of the Policy are to:

- Uphold the general policy position of Council;
- Facilitate Transient Accommodation developments in appropriate locations;
- Minimise land-use conflict;
- Provide a reasonable level of amenity, and ensure the health and safety of transient workers residing within Transient Accommodation;
- Provide a functional living environment for transient workers residing within Transient Accommodation;
- Ensure the amenity and desired character of the site and surrounding area is maintained and protected;
- Provide guidance on the use of Transient Accommodation as seasonal temporary short-term accommodation for transient workers;
- Recognise that Transient Accommodation proposals will take varying forms depending upon site specific and case-by-case circumstances;
- Ensure compatibility with the predominant land use;
- Apply reasonable and relevant policy provisions to maintain a standard for Transient Accommodation; and
- Provide a level of clarity, guidance, certainty and consistency to applicants, the Shire and the community.

The policy outlines that in the case of rural transient accommodation all building should be clustered in close proximity to existing residential dwellings and/or other buildings, not be sited on existing productive rural land and must be appropriately set back from existing productive rural land to avoid land use conflicts such as spray drift, dust, odour and noise.

A copy of LPP 11 is provided as Attachment 2.

FINANCIAL IMPLICATIONS

The applicant has paid the planning application fee of \$147.00

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

Objective 2.2: Maintenance of economic diversity and greater community returns from investment in the region

Strategy 2.2.2: Support agricultural opportunities

COMMUNITY CONSULTATION

There is no community consultation required in relation to this item.

COMMENT

The application seeks to place a transportable building on the property to accommodate 4 additional workers to be employed during peak periods or to undertake limited stints of night shift, and be located in close proximity to farming operations.

The existing caretaker's quarters has been used to house seasonal workers in the past (either an individual or couple), and will be converted to provide communal activity areas and essential facilities as outlined under LPP11, including laundry facilities, cooking facilities, eating area, and a covered outdoor activity area with landscaped surrounds.

The site is accessed via Stock Route Road and is located in close proximity to the existing residential building on the property, with access via the channel road and is separated from the nearest farms (to the north and east) by channel infrastructure and road reserves.

The application generally complies with the objectives of Local Planning Policy 11 and clause 5.22.3 of TPS 7, however it is acknowledged that a management plan has not been submitted as per 5.22.3 (e).

The applicant has stated that dust and noise are managed well at the site, and biosecurity risks are very low. All staff are made aware of issues in relation to biosecurity which is addressed through farm hygiene practice.

It is acknowledged that due to the location of the proposed development, there is no land use conflict with agricultural activity on surrounding properties, and only onsite concerns are required to be addressed.

ATTACHMENTS

Attachment 1 - Submission and Plans

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council grants planning approval for Transient Accommodation at Lot 238 Weaber Plain Road, Kununurra, subject to the following conditions:

1. Use and development shall be in accordance with the attached approved plan(s) and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the Shire.
2. The proposed transient accommodation must only be used to accommodate seasonal workers directly employed in the agricultural sector, where occupation by any person is limited to a maximum of six (6) months in any twelve (12) month period. Any change of use will require consent from Council.
3. Occupation of the accommodation is of a seasonal nature only relative to the agricultural use of the land and shall not be used for either permanent or short stay residential use.
4. Prior to construction of the accommodation the applicant shall submit a management plan developed in consultation with the Department of Agriculture and Food Western Australia and other relevant agencies or stakeholders, detailing measures to manage the following impacts:
 - a. Dust and noise;
 - b. Visual amenity; and
 - c. Biosecurity.
5. Prior to construction, all biosecurity procedures and information intended to be displayed and provided shall be submitted to the local government for approval.
6. Prior to the use commencing (by way of initial occupation by any workers) relevant officers shall inspect procedures to ensure that all workers are made aware of the biosecurity issues and preventative measures.
7. The accommodation unit must not house more than 4 people at any one time.
8. A minimum of 2 car parking bays shall be provided for the development.
9. Adequate lighting must be provided to allow for pedestrian and vehicular safety and security throughout the development.
10. Entries to the accommodation unit are to be covered.
11. Existing landscaping is to be maintained to adequately screen the shared outdoor activity area from Weaber Plain Road.

Cr B Robinson proposes an alternate motion to defer the item until the required management plan is submitted to the planning officer for Council consideration.

COUNCIL DECISION

Minute No. 10729

Moved: Cr B Robinson

Seconded: Cr D Spackman

That council defer the item until the required management plan is submitted to the planning officer for Council consideration.

Carried 6/2

**For: Cr K Wright, Cr B Robinson, Cr D Spackman, Cr G Taylor, Cr D Learbuch,
Cr G King**

Against: Cr J Moulden, Cr R Dessert

11 November 2014



Jennifer
SWEK
PO Box 614
KUNUNURRA WA 6743

Dear Jennifer

RE: Lot 238 Research Station Road – Proposed Use of Building

We are a primary production business in the ORIA mainly growing annual grain crops. We have a need to accommodate seasonal staff.

One of the few things we understand about farming in Kununurra is that timeliness of key operations is of utmost importance. For us to execute these key tasks we require additional seasonal staff to support our full time team at Oasis Farms. To get the work done in a timely manner, we run machinery around the clock, nonstop. We do not want our full time team members to work night shift as we feel it is detrimental for family life. So we have opted to engage seasonal staff to join our team for night shift work and peak work load periods. Having high quality, private and quiet accommodation for these seasonal team members is very important for their wellbeing and productivity. It is also much easier for everyone to have accommodation close to our main work area and not in town, as that adds extra travel time to an already busy day. Being central to the farm operations adds to the productivity and safety of our business.

We have been using the current site for seasonal team members for a number of years, and feel it's now time for upgrades. We plan to change the current accommodation use to common room,

common cooking and laundry area. We have acquired a transportable building which we plan to fix to substantial permanent footing. This will give us greater flexibility in hiring seasonal staff. It will give the seasonal staff more privacy and comforts. This will increase productivity and safety on the farm. We have seasonal staff work with us from mid-April to the November each year.

This site has been used for permanent and temporary staff accommodation since 2010. Dust and noise are managed well. The site has nice landscaping around it. Bio security issues risks on the site are very low. We have well on farm hygiene practice. Bio security is of utmost importance to Oasis Farms as it is a major part of how we market the product we grow. All staff are made aware of issues in relation to Bio security. We are always informed well by relevant government departments in relation to bio security issues.

We hope the above has explained the need for our business to accommodate seasonal team members.

With thanks

A handwritten signature in black ink, appearing to read 'F. Bolten' with a flourish at the end.

Fritz Bolten



7 October 2014

Sharon McLachlan
Senior Building Surveyor
SWEK
PO Box 614
KUNUNURRA WA 6743

Dear Sharon

Lot 238 Research Station Road – Proposed Use of Building

Please find enclosed an Application for Planning Approval in relation to Lot 238 Research Station Rd. The purpose of the proposed building is to provide accommodation for seasonal/transient workers. This has become an increasing need as our farm has grown.

There is one converted container comprising four dongas with individual ensuites. The communal kitchen, living and lounge facilities will be provided from the existing shed and container living quarters as per building permit 037/2014.

Enclosed are the following:

- Site Plan
- Floor Plans
- Elevations

If you wish to discuss the attached application further please do not hesitate to contact me on 0418 911 030.

Yours sincerely,

A handwritten signature in black ink, appearing to read "F. Bolton".

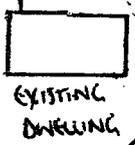
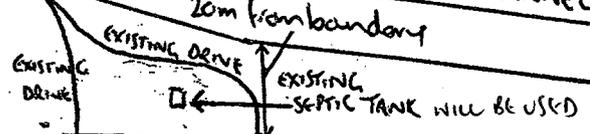
Fritz Bolton
Oasis Farms



WEAVER PLAINS RD
TO KUNUNURRA

NR2 CHANNEL

20m from boundary



EXISTING STED

32m from boundary

PROPOSED WORKER'S QUARTERS

STOCK ROUTE RD

LOT 238

SITE PLAN FOR PROPOSED WORKER'S QUARTERS

MR FRITZ BULTON



GAS FIELDS

SIMMONS FACTORY

Weeber Plain Rd

Research Station Rd

EXISTING HOUSE

26 m FROM BOUNDARY

EXISTING SIZED + LIVING QUARTERS

PROPOSED WORKER'S QUARTERS

3m FROM BOUNDARY

Research Station Rd

Research Station Rd



Research Station Rd

BUILDING DESIGN CRITERIA
 Wind Load - In Accordance with AS.1170.2:2002
REGION D, TERRAIN CATEGORY 2
 Annual Probability of Exceedance 1:500
 REGIONAL WIND SPEED - V500 = 88 m/s
Built To: BUILDING CLASS 1B
CLIMATE ZONES 1, 3, 4, 5 & 6

EXTERNAL DIMENSIONS - 14.4m x 3.3m
 INTERNAL DIMENSIONS - 14.20m x 3.10m = 44.02m²

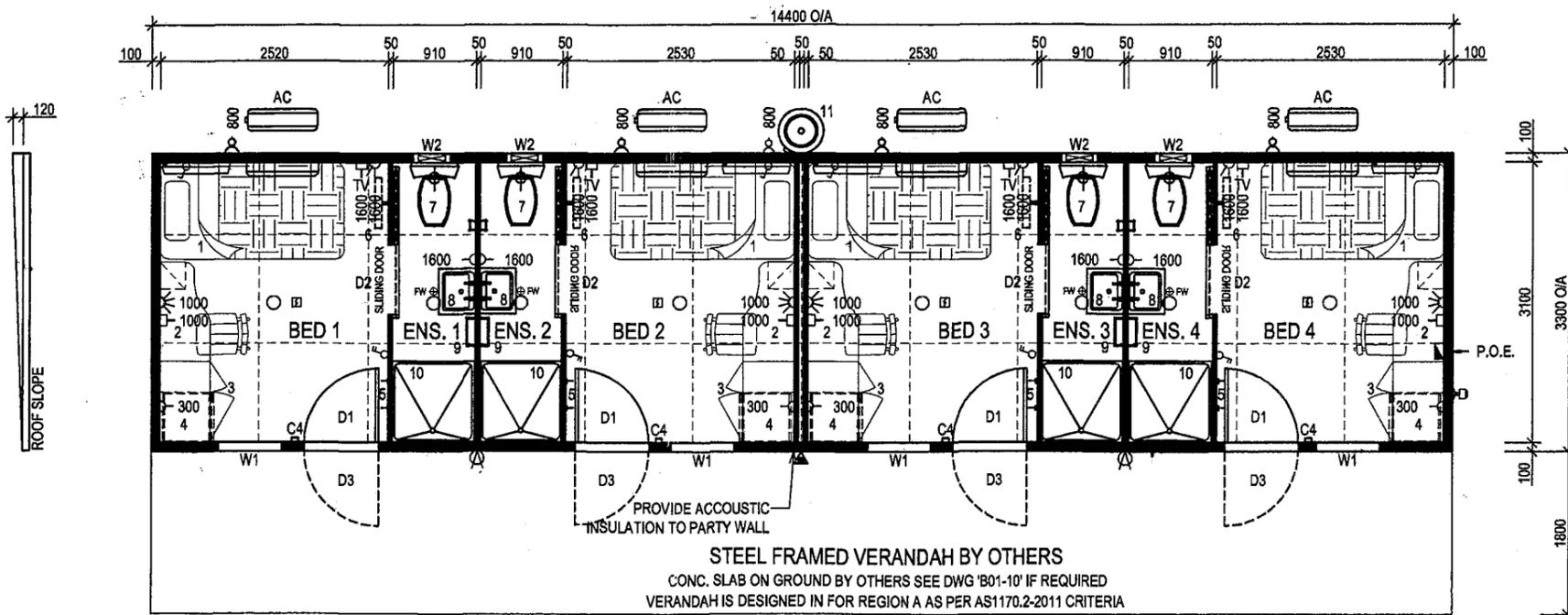
BEDROOM - 2.53m x 3.10m = 7.84m²
 ENSUITE - 0.91m x 3.10m = 2.82m²

CEILING HEIGHT
 2400

FIRE LEGEND			ELECTRICAL LEGEND		
DESCRIPTION	QTY		DESCRIPTION	QTY	
SMOKE DETECTOR : HARD WIRED -w BATT B/UP	4	☐	CIRCUIT BREAKER BOARD : (POINT of ENTRY)	1	☐
ABE TYPE FIRE EXTINGUISHER 4.5Kg & SIGNAGE	1	▲	SWITCH : LIGHT : SINGLE	4	⊗
			SWITCH : LIGHT : DOUBLE	4	⊗
			SWITCH : PHOTO-ELECTRIC : (PE CELL)	1	⊗
			LIGHT : OYSTER FITTING	8	⊗
			BUNK LIGHT : 18W FLUORESCENT : WALL MOUNTED	4	⊗
			LIGHT : EXTERNAL BULKHEAD : W/PROOF	2	⊗
			GPO : 10 AMP SINGLE : HEIGHT SHOWN	8	⊗
			GPO : 10 AMP DOUBLE : HEIGHT SHOWN	4	⊗
			GPO : 10 AMP 4 GANG : HEIGHT SHOWN	4	⊗
			ISOLATOR : W/PROOF : HEIGHT SHOWN	5	⊗
			TELEVISION POINT	4	⊗
			DATA / COMMS POINT	4	⊗
			FAN : EXHAUST : WALL MOUNTED c/w SELF CLOSING LOUVRES	4	⊗

COLOUR SCHEDULE

ROOF DECKING	- ZINCALUME
ROOF FLASHING	- DEEP OCEAN
EXTERNAL WALLS	- PAPER BARK
INTERNAL DOORS	- SURFMIST
CEILING	- MIRAGE PEARL
WINDOWS	- DEEP OCEAN
EXTERNAL DOOR FRAME	- DEEP OCEAN
VINYL TO BEDROOMS	- SLATE GREY
VINYL TO ENSUITE	- WOODLAND GREY
LOGOS	- YES
CUPBOARD DOOR & SIDE	- SOFT LEMON
CUPBOARD TOP & SHELVES	- WHITE
DESK TOP	- SOFT LEMON
DESK DRAWERS	- IRON STONE
CURTAINS	- BLUE/GREY
SKIRTING	- GREY
PERIMETER / BASE CHANNEL	- BLACK



PANEL WALL BUILDING SHORT SPECIFICATION - REGION D - 2011 NCC

- CHASSIS - STEEL BEAMS c/w GALV. JOISTS 75 x 40 CEE SECTIONS @ MAX 400 CTRS
- CHASSIS PAINT SPEC. - 425 ZINC PHOSPHATE PRIMER, 2 COATS ALKYD PRIMER WET ON WET - BLACK - FOR CORROSION INHIBITION
- FLOORING - 22mm T&G AQUATITE TERMITES TREATED PARTICLE BOARD
- FLOOR COVERING - 1.5mm VINYL FLOOR FINISH TO BEDROOMS - refer colour schedule
- 2.0mm SLIP RESISTANT VINYL FLOOR FINISH TO ENSUITES c/w 100mm HIGH COVING BEHIND DOOR, (PVC SKIRTING TO ALL OTHER WALLS) - refer colour schedule
- EXTERNAL WALLS - 100mm EPS CORE PANEL, R2.5 RATING c/w 0.6mm COLORBOND facings - refer colour schedule
- INTERNAL WALLS - 50mm PANEL c/w 0.4mm COLORBOND facings - refer colour schedule
- FLOOR INSULATION - R2.0 IST80 INSULATION WITH BUILDERS MESH UNDER FOR SUPPORT
- PARTY WALL INSULATION - ACOUSTIC INSULATION with cavity wall
- ROOF INSULATION - R2.5 POLYESTER INSULATION between ceiling joists with IST60 ANTI-CONDENSATION BLANKET under roof sheets
- ROOF & CEILING FRAME - GALV. STEEL FRAMEWORK
- ROOF CLADDING - SMARTSPAN or EQUIVALENT SHEETING - refer colour schedule
- CEILING - PRE-FINISHED PLYWOOD c/w ALUMINIUM CORNICE - refer colour schedule
- ROOF FLASHINGS & CORNER TRIMS - COLORBOND - refer colour schedule
- DOOR FRAMES - METAL POWDERCOATED FINISH - refer colour schedule
- INTERNAL DOOR FRAMES - ALUMINIUM POWDERCOATED FINISH - refer colour schedule



PLAN VIEW
SCALE 1:50

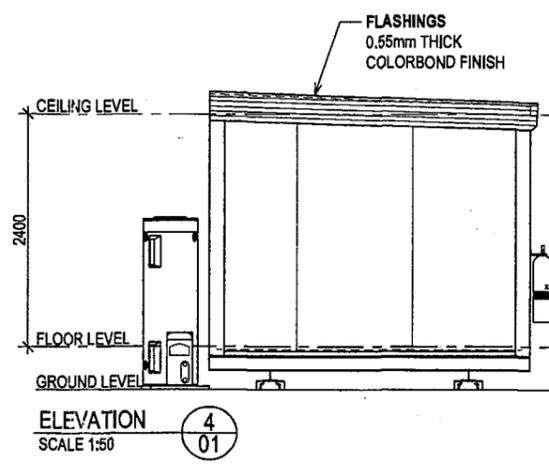
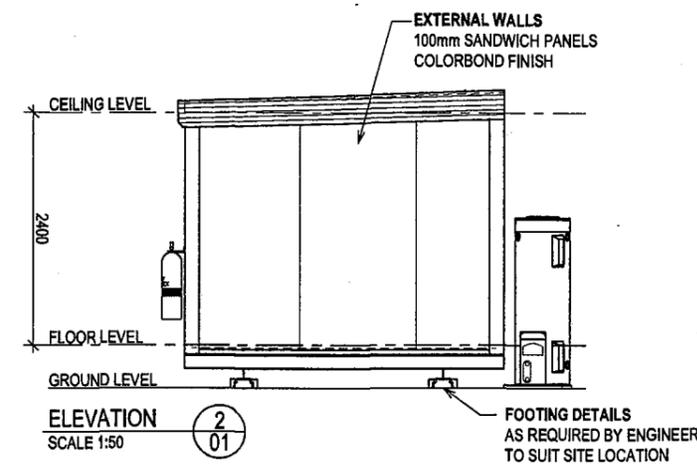
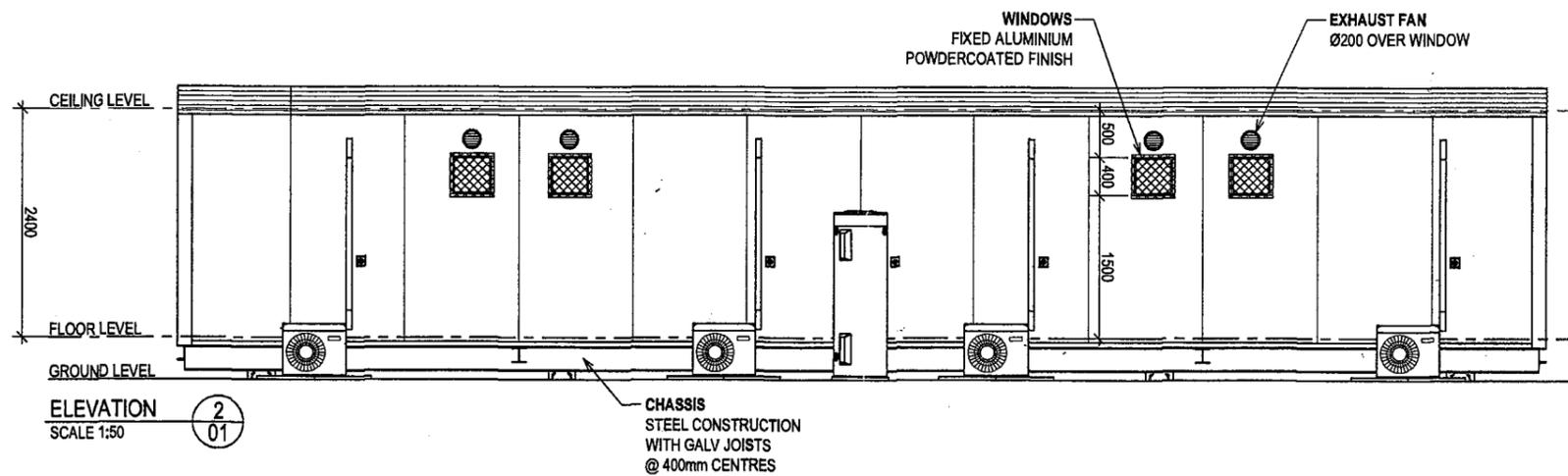
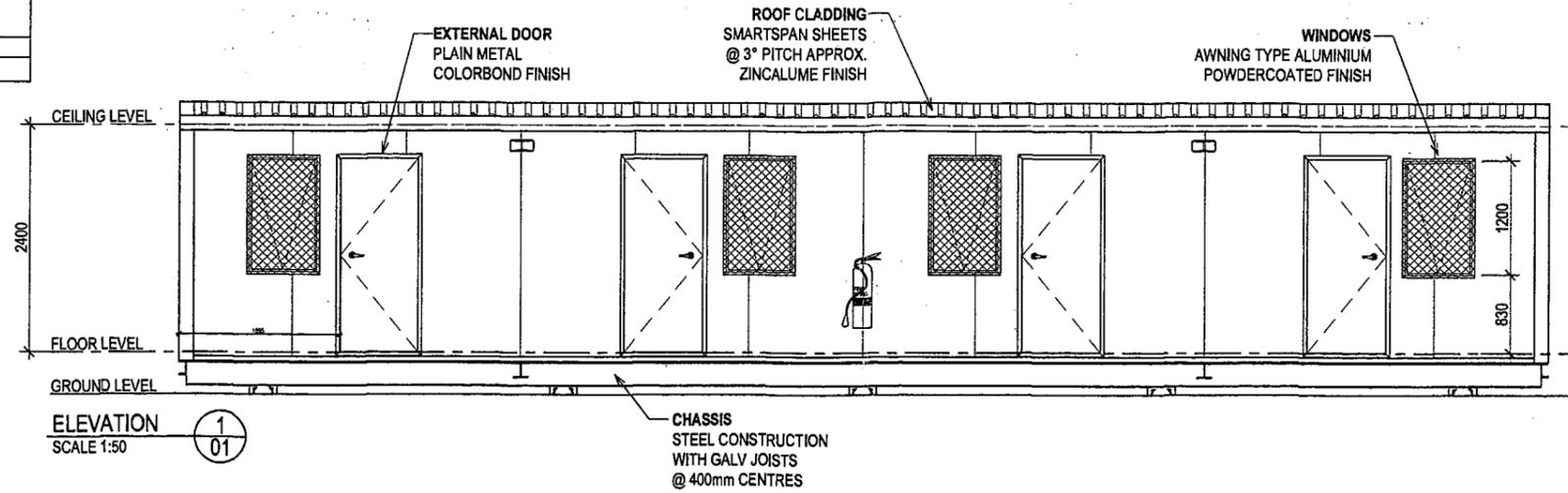
EQUIPMENT LIST

No.	DESCRIPTION	QTY
D1	2040h x 820w METAL PANEL EXTERNAL DOOR c/w KEYLOCK SET	4
D2	2040h x 820w HOLLOW CORE TIMBER INTERNAL SLIDING DOOR (2000h x 770w OPENING)	4
D3	2040h x 820w BARRIER DOOR c/w HANDLE/NO LOCK & DOOR CLOSER	4
W1	1200h x 700w AWNING WINDOW c/w FLYSCREEN, BLOCKOUT CURTAINS & CYCLONE SCREEN	4
W2	400h x 400w FIXED WINDOW c/w CYCLONE SCREENS	4
C4	75 x 50 x 2.0mm RHS INTERNAL COLUMN c/w BRACKET FIXING	4
AC	INVERTER SPLIT SYSTEM REVERSE CYCLE AIR CONDITIONER - 2.8kW	4
1	KING SIZE SINGLE ENSEMBLE BED	4
2	1100 LONG WRITING DESK c/w STEEL PADDED CHAIR & BEDSIDE DRAWERS	4
3	900w x 560d x 1800h HIGH MELAM. WARDROBE c/w 1 HALF SHELVES, 1 FULL WIDTH SHELF & HANGING SPACE	4
4	115L BAR FRIDGE	4
5	COAT HOOK	6
6	WALL MOUNTED TV BRACKET @ 1650 A.F.L. - CMW420	4
7	TOILET PAN c/w DUAL FLUSH CISTERN & PAPER HOLDER	4
8	S.S. HAND BASIN c/w MIRROR & SHELF OVER	4
9	300 LONG TOWEL RAIL	4
10	900 x 900 FIBREGLASS SHOWER UNIT c/w CURTAIN & RAIL	4
11	270 LITRE HEAT PUMP	1

Fleetwood Portables
ISSUED TO PRODUCTION
 Signature: B.F. 01.02.12

CLIENT APPROVAL		PAGE SIZE	PAGE	SCALE	Fleetwood	CLIENT:
CLIENT SIGNATURE	DATE	A2	1 of 9	1:50		FLEETWOOD PTY LTD
NOTE: These drawings have been approved for manufacturing. Should any changes be made after the approved date, the Contract will need to be reviewed.		DRAWN BY	DATE	CHECKED BY		DATE
16 December 2014		JAG	01.02.12	BF	01.02.12	TBA
BUILDERS SIGNATURE	DATE	0	ISSUED FOR PRODUCTION	JAG	01.02.12	TITLE:
REV DESCRIPTION		INIT	DATE	THIS DRAWING IS PROTECTED BY COPYRIGHT LAWS © 2011		4P STAFF QTRS / ENS 14.4m x 3.3m - PLAN VIEW
				DO NOT SCALE. REFER TO DIMENSIONS ONLY		FLEETWOOD DWG No.
				DALGETY RD ALICE SPRINGS N.T. 0870 PH: 8932 1689 FAX: 8932 1177		SQ08366-B01-01
				555 WATERLOO CNFR RD, BURTON S.A. 5170 PH: 8230 5500 FAX: 8230 5511		S9203
				58 MCKINNON RD, BERRIMAH, DARWIN N.T. 0820 PH: 8932 4800 FAX: 8932 4888		REVISION
						0

BUILDING DESIGN CRITERIA
 Wind Load - In Accordance with AS.1170.2:2002
REGION D, TERRAIN CATEGORY 2
 Annual Probability of Exceedance 1:500
 REGIONAL WIND SPEED - V500 = 88 m/s
Built To: BUILDING CLASS 1b
 CLIMATE ZONES 1



NOT FOR CONSTRUCTION

PRELIMINARY PLAN
 SUBJECT TO FINAL ENGINEERING AND ENERGY EFFICIENCY CONSULTANTS REPORT

CLIENT APPROVAL		PAGE SIZE		PAGE		SCALE		Fleetwood		CLIENT: FLEETWOOD PTY LTD	
CLIENT SIGNATURE	DATE	A2	2 of 10	1:50				1240 ABERNETHY RD HIGH WYCOMBE W.A. 6057		LOCATION: TBA	
NOTE: These drawings have been approved for manufacturing. Should any changes be made after the approved date, the Contract will need to be reviewed.		DRAWN BY	DATE	CHECKED BY	DATE	FLEETWOOD INTERSTATE BRANCHES		555 WATERLOO CIR RD, BURTON SA. 5110		TITLE: 4P STAFF QTRS 14.4m x 3.3m - ELEVATIONS	
BUILDERS SIGNATURE	DATE	JAG	20.05.11			555 WATERLOO CIR RD, BURTON SA. 5110		PH: 8280 5500 FAX: 8280 5511		FLEETWOOD DWG No.	
		A	ISSUED FOR APPROVAL	AP	29.01.13	58 MCKINNON RD, BERRIMAH, DARWIN N.T. 0820 PH: 8932 4900 FAX: 8932 4388		DALGETY RD ALICE SPRINGS N.T. 0670 PH: 8952 1099 FAX: 8952 1177		FLEETWOOD JOB No.	
		REV	DESCRIPTION	INIT	DATE	THIS DRAWING IS PROTECTED BY COPYRIGHT LAWS © 2011		DO NOT SCALE. REFER TO DIMENSIONS ONLY		SQ09332-B02-02	
										REVISION	
										A	



Shire of Wyndham East Kimberley Council Policy Manual

POLICY NO:	LPP 11
DIVISION:	Development Services
SUBJECT:	Transient Accommodation
REPORTING OFFICER:	Executive Manager Development Services
ENABLING LEGISLATION:	Town Planning Scheme No 7 – Kununurra & Environs Interim Development Order No.10

POLICY:

1.0 CONTEXT

Transient Accommodation is common within the Shire of Wyndham East Kimberley (SWEK) due to the seasonal and part time nature of employment associated with the agricultural sector and at a lesser scale, industrial, tourism and commercial enterprises.

There are various types of transient workforces including operational/seasonal and semi-permanent that can demand different forms, scales and locations for Transient Accommodation to serve the needs of individual employers.

This Policy attempts to provide additional clarity around the nature of Transient Accommodation and its permissibility and application within the SWEK district.

Further, it must be noted that Transient Accommodation does not generally apply to the mining and construction sectors where temporary accommodation camps are required for a fixed period applicable to a defined term of a project or activity. – refer to the Shire Local Planning Policy (LPP) 12 – Temporary Workers Accommodation.

2.0 INTERPRETATION AND PERMISSIBILITY

2.1 Definitions

Transient Accommodation is presently defined within the Shire Town Planning Scheme No.7 as:

Transient Accommodation - means any habitable building permanently affixed to the ground by footings as required by Council and includes any caravan, transportable dwelling or any structure used for habitation for the purposes of accommodation for a period not exceeding 6 months

For the purpose of this policy Transient Accommodation is further interpreted in three definitions as follows:

Rural Transient Accommodation 1 – applies to respective rural zones covered by Town Planning Scheme No.7 where the land parcel is equal to or less than 12 hectares in area and the total number persons to be housed in the accommodation does not exceed seven (7) persons directly employed in a related rural use on the subject property.

Rural Transient Accommodation 2 - applies to respective rural zones covered by Town Planning Scheme No.7 where the land parcel is greater than 12 hectares in area and the total number persons to be housed in the



Shire of Wyndham East Kimberley Council Policy Manual

accommodation does not exceed thirty (30) persons directly employed in a related rural use on the subject property.

Townsite Transient Accommodation – applies to the Kununurra townsite only where Transient Accommodation development is permissible under Town Planning Scheme No.7 and the total number of persons allowed to be housed in the accommodation does not exceed seven (7) persons on a lot containing another land use, of which the Transient Accommodation may or may not be ancillary too.

Notwithstanding the above definitions that are considered acceptable in terms of scale and density of development, the Council may consider applications which fall just outside of these interpretations with reference to the general intent and objectives of this Policy.

2.2 Scope

For the purposes of this Policy Transient Accommodation incorporates all buildings and structures, facilities and infrastructure/utilities required to accommodate a transient workforce.

2.3 Approval Requirements

The need for approval of Transient Accommodation is detailed within the Shire Planning Scheme or other statutory requirement, such as an Interim Development Order (IDO).

Where the proposed Transient Accommodation is not located within the Shire Planning Scheme area, and an application for planning approval is required through another statutory requirement, the Shire will assess the application pursuant to this Policy, the requirements of the Shire Planning Scheme relevant to the application for Transient Accommodation, and any other relevant requirements.

2.4 Permissibility

The land use permissibility of Transient Accommodation is detailed within the Shires Town Planning Schemes. Permissibility must be referenced through the Town Planning Scheme documents in the first instance.

3.0 GENERAL POLICY POSITION OF COUNCIL

3.1 Purpose

The Council of the Shire of Wyndham East Kimberley does not support the development of Transient Accommodation in circumstances where permanent accommodation arrangements are readily and practically available within existing townsites and in reasonable proximity to the workplace.

The Council does, however, acknowledge that Transient Accommodation may be required in certain circumstances due to:

- The remoteness of a workplace from existing townsites;
- The limited seasonal or temporary nature of the employment generating activity;
- and



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- A severe shortage of land and housing supply.

The Council considers Transient Accommodation as a 'semi-permanent' facility for seasonal or part time workers as opposed to providing permanent accommodation for full-time employees or other persons, and therefore should not be construed as a permanent long-term solution for transient workers or as a permanent housing alternative. In this context, the Council will consider applications for Transient Accommodation on individual merit, having regard to the Shire Town Planning Scheme, this Policy, other relevant Policies and any other relevant requirements.

The Council also acknowledges the general nature of changing circumstances, in terms of employment sectors generating a need for transient workforces and the resultant type, scale and locations of accommodation sought, and therefore may apply discretion and flexibility in allowing this form of development.

3.2 Amenity

The Shire accepts that lower levels of amenity than those which could be typically expected within permanent accommodation. However, all applications should as a minimum accord with the standards as prescribed in this Policy, Environmental and Health legislation and the Building Code of Australia.

3.3 Industrial Areas

The Council does not support the unrestrained proliferation of Transient Accommodation within townsites, especially within areas when industrial land uses are permitted, due to the potential for land use conflict and amenity concerns. Industries can generate a range of emissions and pollutants including noise, dust, vibration, gas, odour fumes and light spill, which may not be compatible with Transient Accommodation. The Council will therefore give due regard to the type and scale of surrounding industrial use and associated impacts before determining a development application.

Furthermore, the location of sensitive land uses, such as Transient Accommodation in proximity to industrial uses may compromise the ability of the industry and the broader industrial area to operate effectively, and may prevent certain industrial uses from developing or expanding. This will also be taken into consideration when determining an application for Transient Accommodation in a general or light industrial area.

3.5 Rezoning

The Council supports the establishment of small-scale townsite Transient Accommodation development in accordance with the Town Planning Scheme permissibility and provisions where acceptable levels of on-site amenity are proposed, and the amenity of the surrounding area is not compromised.

For medium-scale townsite Transient Accommodation the Council may require the land to be rezoned, subject to the applicant providing the necessary information and addressing the following aspects, at a minimum, to justify the proposal:

- Proximity to established townsite services, facilities and infrastructure, current and future/proposed surrounding zonings, reservations and land uses, lot sizes and proportions, amenity for transient workers and the surrounding areas;



Shire of Wyndham East Kimberley Council Policy Manual

- A development concept plan for the entire site, addressing the requirements of this Policy, the Shire Planning Scheme and any other relevant requirements.

4.0 OBJECTIVES

The objectives of the Policy are to:

- Uphold the general policy position of Council, as set out above;
- Facilitate Transient Accommodation developments in appropriate locations;
- Minimise land-use conflict;
- Provide a reasonable level of amenity, and ensure the health and safety of transient workers residing with Transient Accommodation;
- Provide a functional living environment for transient workers residing within Transient Accommodation;
- Ensure the amenity and desired character of the site and surrounding area is maintained and protected;
- Provide guidance on the use of Transient Accommodation as seasonal temporary short-term accommodation for transient workers;
- Recognise that Transient Accommodation proposals will take varying forms depending upon site specific and case-by-case circumstances;
- Ensure compatibility with the predominant land use;
- Apply reasonable and relevant policy provisions to maintain a standard for Transient Accommodation; and
- Provide a level of clarity, guidance, certainty and consistency to applicants, the Shire and the community.

These objectives will be given due regard in the assessment of all applications for Transient Accommodation.

5.0 SPECIFIC POLICY PROVISIONS

The following specific policy provisions will be applied in the assessment of applications for Transient Accommodation dealt with by this Policy in addition to the Shire Town Planning Scheme/s and other requirements.

5.1 Location

5.1.1 In the case of Rural Transient Accommodation all buildings must:

- be setback from front, side and rear boundaries in accordance with the requirements for each zone in the Shire Town Planning Scheme, and where possible should be clustered in close proximity to existing residential dwellings and/or other buildings;
- not be sited on existing productive rural land. The Shire may refer an application to the Department of Agriculture and Food and other relevant agencies for comment prior to making a determination, where there are concerns regarding the impact of the proposed development on the use of land for agriculture; and
- must be appropriately set back from existing productive rural land to avoid land use conflicts such as spray drift, dust, odour and noise.

5.1.2 In the case of Townsite Transient Accommodation:



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- The Transient Accommodation must be located to the rear of the lot behind primary land use to allow for appropriate screening from view from public places. In addition, or alternatively, the Shire may consider the provision of appropriate screening, through vegetation or other means, where the Transient Accommodation is visible from the street;
- Buildings for Transient Accommodation must be setback from front, side and rear boundaries in accordance with the requirements of each zone in the Shire Town Planning Scheme;
- Where the Shire considers that there may be a significant land use conflict between the Transient Accommodation and any existing use on the site or adjoining and nearby sites planning consent will not be granted.

5.1.3 Adequate separation must be provided between Transient Workforce Accommodation buildings to ensure privacy and amenity to occupants and to satisfy any relevant Building Code of Australia or Health Regulation requirements.

5.1.4 In accordance with State Planning Policy, Transient Accommodation:

- Must not be sited in a mining buffer area; and
- Will generally not be approved on land zoned for general industrial development, on lots containing, or with the potential to contain, general industrial uses and/or in close proximity to general industrial uses, unless there are extraordinary circumstances which can be provided and agreed to by the Shire as to why the Transient Accommodation is required.

5.1.5 Transient Accommodation must not be located in proximity to land containing, or with the potential to contain, agriculture, industry, mining and other land uses to the extent that:

- These land uses may adversely affect the amenity, health and safety of the transient workers; and
- The accommodation may adversely, detrimentally or prejudicially affect the use, or the continued use, of the land for its productive agriculture, industry, mining or other purpose.

5.1.6 In determining the compliance of an application with provisions 5.1.4 and 5.1.5 above, the Shire may refer the application to the Department of Health, Department of Environment and Conservation and Department of Industry and Resources, or their equivalent, for comment and recommendations.

5.2 Need

The applicant shall detail the need for the Transient Accommodation including an explanation as to why the transient workers cannot be accommodated through alternative arrangements within townsites.

5.3 Environment

The design and location of Transient Accommodation must not have an adverse impact on environmentally sensitive areas. Where there are concerns regarding the impact of a proposal on an environmentally sensitive area/s, the Shire may seek comment from the Department of Environment and Conservation and/or Environmental Protection Authority, or equivalent, prior to determining the application.



5.4 Amenity

In determining an application for Transient Accommodation, the Council will:

- 5.4.1 Take into consideration the level of amenity for the transient workers and may apply any condition of approval which has the effect of increasing the level of amenity proposed or ensuring that a reasonable level of amenity is maintained.
- 5.4.2 Have regard to current and proposed surrounding land zonings, reservations and land uses and the likely affect of the proposal on the level of amenity and desired character of these surrounding areas. The Council may impose any condition of approval which has the effect of maintaining the level of amenity or preserving the desired character of surrounding areas.

5.5 Fencing and Screening

- 5.5.1 Townsite Transient Accommodation sites shall have solid fencing on the side and rear boundaries and permeable fencing to the front boundary of the lot.
- 5.5.2 Transient Accommodation must be appropriately screened by vegetation or other means, to the satisfaction of the Council, from:
 - Public roads frequented by tourists;
 - Adjoining lots zoned for purposes other than rural, including rural-residential land or its equivalent;
 - Particular tourist, scenic, visual, natural or other attractions; and
 - In the case of rural accommodation, adjoining lots zoned for purposes other than rural, including rural-residential land or its equivalent.

5.6 Landscaping

- 5.6.1 The Council may require a landscaping plan for the development site detailing hard and vegetated landscaping should the Transient Accommodation be highly visible from a major road or have adverse effect on a neighbouring residence.
- 5.6.2 Natural vegetation should be retained in any development scenario wherever possible.

5.7 Open Space

- 5.7.1 At least 50% of the site for Transient Accommodation should be retained as open space. For the purposes of this Policy provision, open space will be calculated as per the definition contained within the Residential Design Codes of Western Australia.

5.8 Buildings

- 5.8.1 Transportable buildings for Transient Accommodation must be permanently affixed to the site by footings.



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- 5.8.2 All buildings and structures are to have a form and appearance, including materials and colours, which do not detract from the amenity and desired character of the area.

5.9 Essential Facilities

- 5.9.1 Transient Accommodation developments should be provided with the following essential facilities as a minimum:

- Ablution facilities including showers, toilets, laundry and associated facilities;
- A covered and/or sheltered entry area and desirably an outdoor activity area;
- An uncovered outdoor activity area, of which part may be shaded; and
- Kitchen/cooking facilities or a commercial kitchen and eating areas.

These facilities may be provided conjoining sleeping areas, provided they are for the exclusive use of those residents. These facilities may alternatively be provided within close proximity to sleeping areas and must be readily accessible by foot.

5.10 Storage

- 5.10.1 Adequate and secure storage space must be provided for the belongings of transient workers.

- 5.10.2 Adequate space must be provided for the storage of equipment and other materials required for the management, maintenance and upkeep of the Transient Accommodation development.

5.11 Lighting

- 5.11.1 Adequate lighting must be provided to allow for pedestrian and vehicular safety and security throughout the development. For Townsite Transient Workforce Accommodation, lighting shall be designed so as not to adversely impact neighbours.

5.12 Access and Transport

- 5.12.1 Internal pedestrian access is to be provided to and between all transient accommodation buildings and facilities by way of adequately paved pathways to the satisfaction of the Council;

- 5.12.2 One car parking space shall be provided for every two (2) transient workers (or part thereof) which can be accommodated within the development, where the transient workers have or are provided with access to private vehicles. The car parking spaces must be for the exclusive use of transient workers;

- 5.12.3 An application for Transient Accommodation shall detail;

- Any car parking arrangements for transient workers;
- Means of transport provided for transient workers to access employment;
- The ability for larger vehicles to access and leave the site in forward gear.



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5.12.4 Internal roads and access ways must be designed and constructed to the satisfaction of the Council.

5.13 Occupants

5.13.1 Occupants of the Transient Accommodation must be employed in the employment generating project associated with the Transient Accommodation.

5.14 Statutory Declarations

5.14.1 To ensure compliance with the Shire Planning Scheme and this Policy, the Shire may, as a condition of planning approval, require a statutory declaration from the applicant acknowledging that the Transient Accommodation will only be occupied in accordance with the stated definitions in this Policy.

5.16 Subdivision

5.16.1 The approval of Transient Accommodation by the Shire should not be construed to indicate support from the Shire for an application for subdivision of the land upon which the approval has been granted.

6.0 APPROVALS AND CONDITIONS

Notwithstanding any of the above policy provisions, the Shire may impose any condition of approval as it deems necessary to ensure compliance with the objectives of this policy, compliance with the Shire Planning Scheme, and compliance with any other relevant requirement.

ADOPTED:
REVIEWED:
AMENDED:

13.3.9 Disability Access and Inclusion Plan

DATE:	16/12/2014
AUTHOR:	Wayne Richards, Manager Community and Youth
REPORTING OFFICER:	Louise Gee, Director Community Development
FILE NO:	CS.09.2
DECLARATION OF FINANCIAL INTERESTS:	N/a

PURPOSE

For Council to adopt the reviewed Disability Access and Inclusion Plan.

BACKGROUND

The Shire's Disability Access and Inclusion Plan must be reviewed every two years with a thorough formal review required at the end of five years. The most recent formal review was completed and adopted two years ago at the December 2012 Ordinary Council Meeting and is now due for the biennial desktop review. The review was conducted by the Disability Access and Inclusion Planning Committee, Wayne Richards, Manager Community Services, Cr Don Learbuch and Cr Beau Robinson.

Leading into this review, officers received a bulletin from the Disability Services Commission stating that each Plan must include a seventh outcome, "People with disability have the same opportunities as other people to obtain and maintain employment within the public sector". Originally the due date for this amendment was July 2014 however this was later amended to July 2015. This amendment has been included in this review.

STATUTORY IMPLICATIONS

Under the Disability Services Act 1993 (amended 2004), it is a requirement for all Local Governments to have and report on a Disability Access and Inclusion Plan.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

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 2.4: High standard of health and community facilities and services available to all residents

Strategy 2.4.1: Advocate for improved health and community services

COMMUNITY CONSULTATION

During the review process, the Plan was forwarded to the Disability Services Commission for comment who, in turn, sought feedback from a local Parent Advocacy Group. The Disability Access Planning Committee offered to meet with this Parent Advisory Group however this did not eventuate, feedback from this group was provided in writing.

The Plan was then advertised for public comment in the Kimberley Echo on 9 October and 23 October and on the Shire website and Facebook for a period of 28 days. One comment was received regarding access to the Kununurra Hospital. This has been followed up however does not impact on the content of the Plan.

COMMENT

The reviewed Disability Access and Inclusion Plan 2013-2017 is attached, changes were primarily made on advice from the Parent Advisory Group as well as utilising the Disability Services Commission guide on the seventh outcome, "People with disability have the same opportunities as other people to obtain and maintain employment within the public sector".

ATTACHMENTS

Attachment 1 - Reviewed Disability Access and Inclusion Plan

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council endorse the Reviewed Disability Access and Inclusion Plan.

COUNCIL DECISION

Minute No. 10730

Moved: Cr B Robinson

Seconded: Cr D Spackman

That Council endorse the Reviewed Disability Access and Inclusion Plan.

Carried unanimously 8/0



SHIRE OF WYNDHAM | EAST KIMBERLEY

Disability Access & Inclusion Plan (DAIP)

2013-2017

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Acknowledgements

The Shire of Wyndham East Kimberley acknowledges the input received from many individuals and groups within the community, which has been invaluable in the review of the Disability Access and Inclusion Plan.

In particular, thanks are given to the Disability Access Planning Committee members, Disability Services Commission, Shire staff and individual community members.

Contact

If you would like further information or to provide feedback about this plan, please contact the Shire's Community Development team.

Phone: (08) 9168 4100

Email: mail@swek.wa.gov.au

Definitions

Disability Services Act 1993 (amended 2004) will be referred to as The Disability Services Act

Disability Access and Inclusion Plan will be referred to as DAIP

Disability Services Regulations (2004) will be referred to as The Regulations

This Plan is available in alternate formats such as large print, electronic format (disc or emailed), audio or Braille, on request.

Introduction:

The Shire of Wyndham East Kimberley is located in the ruggedly picturesque and sparsely populated north east corner of Western Australia (WA), stretching from the Northern Territory border to the northern most tip of WA. The Shire includes the towns of Kununurra and Wyndham, the township of Kalumburu, over 40 Indigenous communities and a number of other small settlements and station homesteads. The Shire covers 121,000 square kilometres and is one of the four local governments that make up the Kimberley region. The population, according to 2011 census data, is 7,799 and 38 percent of Shire residents identify as Indigenous.

Kununurra

Kununurra was formed in the early 1960s to service the construction of the Ord Irrigation Scheme. The town has seen the transformation of ancient river plains into one of the most diverse and productive agricultural areas in Australia. Harnessing the mighty Ord River opened up the area to horticulture, aquaculture, eco-tourism and agri-tourism.

Wyndham

Wyndham is the second largest town in the Shire and is the most northern town in Western Australia. The population of Wyndham stands at around 800 today, but was once a bustling town, with the arrival of news of gold discoveries at Halls Creek. The Wyndham Port was first established at the base of the Bastion Range in the 1880s and today provides for the state ship service, the import of fuel, ammonium nitrate, general freight and the export of live cattle, iron ore and nickel. It is also a key stopping point for cruise ships.

Functions, Facilities and Services (both in-house and contracted) provided by the Shire of Wyndham East Kimberley.

The Shire of Wyndham East Kimberley is responsible for the provision of a range of functions, facilities and services.

Services to property including:

Construction and maintenance of Shire-owned buildings, roads, footpaths and cycle facilities; land drainage and development; waste collection and disposal; litter control and street cleaning; street lighting; public landscaping and street tree planting and care; numbering of buildings and lots; and bush fire control.

Services to the community including:

Provision and maintenance of recreation areas, playing areas, parks, gardens, reserves and facilities for sporting and community groups; management of recreation centres and swimming pools and associated programs, activities and events; public halls; public library and information services; child care centre services; provision of youth facilities; community and cultural events.

Regulatory services including:

Planning of road systems, sub-divisions and town planning schemes; building approval for construction, additions or alterations to buildings; environmental health services including Aboriginal communities; and ranger services including dog control.

- Disability Services Commission Area Manager works in collaboration with LEMC to identify people with disability who may be at high risk during an emergency event.

General administration including:

The provision of general information to the public; the lodging of complaints; and the collection of payments such as rates, facility hire fees and dog licences.

Processes of government including:

Feedback is valuable to the Shire and is welcome.

People with disability in the Shire of Wyndham East Kimberley

What is disability?

A disability is any continuing condition that restricts everyday activities. The Disability Services Act (1993) defines 'disability' as meaning a disability:

- which is attributable to an intellectual, psychiatric, cognitive, neurological, sensory or physical impairment or a combination of those impairments
- which is permanent or likely to be permanent
- which may or may not be of a chronic or episodic nature
- which results in substantially reduced capacity of the person for communication, social interaction, learning or mobility and a need for continuing support services.

With the assistance of appropriate aids and services, the restrictions experienced by many people with a disability may be overcome.

Types of disability

The main categories of disability are physical, sensory, psychiatric, neurological, cognitive and intellectual. Many people with disability have multiple disabilities. A physical disability is the most common type of disability, followed by intellectual and sensory disability. Physical disability generally relates to disorders of the musculoskeletal, circulatory, respiratory and nervous systems. Sensory disability involves impairments in hearing and vision. Neurological and cognitive disability includes acquired disability such as multiple sclerosis or traumatic brain injury. Intellectual disability includes intellectual and developmental disability which relate to difficulties with thought processes, learning, communicating, remembering information and using it appropriately, making judgments and problem solving. Intellectual disability is the result of interaction between developmentally attributable cognitive impairment, attitudinal and environmental barriers. Psychiatric disorders resulting in disability may include anxiety disorders, phobias or depression.

It is estimated that there are almost 850 people with disability living within the Shire according to the current statistics (compiled by the WA Disability Services Commission based on Australian Bureau of Statistics (ABS) synthetic estimates). Over 59% of people with disability identified a physical condition as the main disabling condition followed by 27% identifying a psychological condition as the main disabling condition. In addition, 41% of people with a disability are aged between 24 and 44 years, with another 26% aged between 45 and 64 years. These factors inform

the type of strategies developed to improve access and inclusion for all the Shire's residents.

The influx of tourists during the 'dry season' and people from outlying indigenous communities during the 'wet season', must also be considered as the number of people with disability within the community during these periods may increase significantly. Planning for improved access and inclusion

The Disability Services Act 1993 (The Act) requires all Western Australian public authorities including local governments to develop, implement and review a Disability Access and Inclusion Plan (DAIP) to ensure that people with disability have equal access to facilities and services.

Other legislation underpinning access and inclusion includes the Western Australia Equal Opportunity Act 1984 and the Commonwealth Disability Discrimination Act 1992, both of which make it unlawful to discriminate on the basis of a person's disability.

Progress to date – current status and key achievements

The Shire of Wyndham East Kimberley is continuing to work towards the facilitation of services and access to public facilities for people with disability. The following are some of the key achievements.

- Shire's Quick and Annual Grant application forms require applicants to consider Disability Services Commission disability access checklist.
- Shire venues are accessible to ensure access and inclusion.
- Events are planned using the Creating Accessible Events checklist.
- A number of Shire facilities have been retrofitted through upgrade projects including;
 - Leisure Centre hall and gym
 - Kununurra Community Library
 - Regional Airport terminal
 - Wyndham fishing jetty
 - Wyndham Swimming Pool
- Staff training regarding disability awareness including access and inclusion strategies.
- Accessible complaints handling is promoted within grievance and complaints mechanisms and processes.
- Community consultation process included forums held at accessible venues.
- Council meetings are held at disability accessible venues.
- Promotion and application of the Companion Card, providing free entry for carers accompanying disabled persons to Shire services and facilities e.g. Kununurra Leisure Centre, Wyndham Recreation Centre and Wyndham Swimming Pool.
- Public library resources are available in various formats (e.g. large print and audio).
- Wyndham Pool upgrade included pool entry ramp with submersible wheel chair and rails, construction of accessible toilet and installation of compliant access ramps, hand rails and visual markers at facility entrance.

Access and Inclusion Policy Statement:

The Shire of Wyndham East Kimberley is committed to ensuring that the community is accessible for and inclusive of people with disability, their families and carers. People with disability – just like everyone else – have abilities, aspirations and contributions to make to their local communities.

The Shire of Wyndham East Kimberley interprets an accessible and inclusive community as one in which all Council functions, facilities and services (both in-house and contracted) are open, available and accessible to people with disability, providing them with equal opportunities within the community.

The Shire of Wyndham East Kimberley:

- recognises that people with disability are valued members of the community who make a variety of contributions to local social, economic and cultural life;
- believes that a community that recognises its diversity and supports the participation and inclusion of all of its members makes for a richer community life;
- believes that people with disability, their families and carers should be supported to remain in the community;
- is committed to consulting with people with disability, their families and carers, and service organisations in addressing barriers to access and inclusion;
- will ensure its agents and contractors work towards the desired outcomes in the Disability Access and Inclusion Plan;
- is committed to supporting local community groups and businesses to provide access and inclusion of people with disability; and
- is committed to achieving the seven desired outcomes of the DAIP

Seven outcomes for improved access and inclusion

The seven desired outcomes of the DAIP for improving access and inclusion are:

1. People with disability have equal opportunities to access the services of, and any events organised by, the relevant public authority.
2. People with disability have equal opportunities to access the buildings and other facilities of the relevant public authority.
3. People with disability receive information from the relevant public authority in a format that will enable them to access the information readily.
4. People with disability receive the same level and quality of service from the staff of the relevant public authority.
5. People with disability have equal opportunities to make complaints to the relevant public authority.
6. People with disability have equal opportunities to participate in any public consultation by the relevant public authority.
7. People with disability have the same opportunities as other people to obtain and maintain employment within the public sector.

Review of the Disability Access and Inclusion Plan:

Responsibility for the process

The Disability Access Planning Committee was established by the Council and meets biannually. The Committee is comprised of two elected members of Council, Shire officer/s and representatives from the community with personal and/or professional knowledge of disability issues including people with disability. The objective of the Committee is to oversee and advise on the implementation, review and evaluation of the DAIP. The draft DAIP is adopted by Council and it is the responsibility of all Shire officers to implement the relevant strategies and tasks.

Community Consultation Process

The Disability Access Planning Committee meets to identify access and inclusion barriers that people with disability and their families may experience in using the Council's functions, facilities and services. The Committee also develops strategies to address these identified barriers.

The process for developing and implementing the DAIP includes:

- Review of the previous DAIP and subsequent progress reports to identify achievements and actions still required;
- Consultation with key Shire staff; and
- Consultation with the community.

The community provides input into the development and implementation of the DAIP by:

- Liaising with representatives of the Disability Access Planning Committee;
- Talking to their elected Council representatives;
- Writing to the Council expressing their concerns;
- Making enquiries at the Shire's Administration Offices; and
- Responding to the Shire's requests for public submissions.

The Disability Services Regulations 2004 (The Regulations) outline the minimum consultation requirements for public authorities in relation to the development of Disability Access and Inclusion Plans. Local governments must call for submissions (either general or specific) by notice in a newspaper circulating in the local government area or on any website maintained by or on behalf of the local government. Other mechanisms should also be used including face to face consultation, notices around town and in communities.

Responsibility for implementing the DAIP

Implementation of the DAIP is the responsibility of all areas and staff of the Shire. The Act requires all public authorities to take all practical measures to ensure that the DAIP is implemented by its officers, employees, agents and contractors.

Communicating the plan to staff and the community

Communication of the DAIP to Shire councillors, staff, people with disability and the wider community will be achieved through the following actions:

- The DAIP will be endorsed by the Council on an annual basis;
- The Council will advise through its media releases (newspaper and radio) that copies of the DAIP are available to the community upon request and in alternate formats if required, including hard copy in standard and large print, electronic format, audio format on cassette or CD, by email and on the Shire's website; and
- As the DAIP is amended the Council's staff and the community will be advised of the availability of the updated plans, using the above methods.

Review and evaluation mechanisms

The Act requires that DAIPs be reviewed at least every five years. Whenever the DAIP is amended, a copy of the amended plan must be lodged with the WA Disability Services Commission. The Implementation Plan can be updated more frequently if desired.

Monitor and Review

A status report will be provided to management and the Council on progress and recommended changes to the Implementation Plan annually. The Council will formally consider these reports.

Evaluation

Evaluation mechanisms for the DAIP will include:

- The Council will consider the status reports on the disability access planning and implementation process;
- The Council will provide regular advice to the community regarding the implementation of the projects outlined in the Disability Access and Inclusion Plan;
- The Disability Access Planning Committee will seek to identify any additional barriers that have not already been identified;
- The Disability Access Planning Committee will use a continuing consultation process to include further community response;
- Elected members of the Council and the Shire Officers will provide feedback on how well the strategies are working and make suggestions for improvement;
- The Disability Access and Inclusion Plan will be amended based on the feedback received and endorsed by the Council and copies of the amended DAIP will be made available to the community;

- Following the Council's endorsement, the amended DAIP will be submitted to the WA Disability Services Commission;
- An overall evaluation will occur as part of the five-yearly review of the DAIP; and
- The community, Shire staff and Councillors will be consulted as part of any evaluation.

Reporting on the DAIP

The Disability Services Act requires the Shire to report on the implementation of its DAIP in its Annual Report outlining:

- Progress towards the seven desired outcomes of its DAIP;
- Progress of its agents and contractors towards meeting the seven desired outcomes; and
- The strategies used to inform agents and contractors of its DAIP.

The Shire is also required to report on progress in the prescribed format to the WA Disability Services Commission by 31 July each year.

Current and future strategies used to improve access and inclusion:

Current and future Strategies used to improve access and inclusion:

The following overarching strategies have been developed to address the seven desired outcome areas of the Disability Services Act and form the basis of the access and inclusion plan.

- The Council will undertake to review and modify its procedures and practices to improve access to its services.
- The Council will undertake to incorporate the priorities regarding access and inclusion as identified during the preparation and review of the Disability Access & Inclusion Plan. Capital Works will be carried out, as funds are made available.
- The Council will undertake to liaise with property developers to increase their awareness of the access requirements of people with disability.
- The Council will endeavour to produce all of its information relating to Council facilities, functions and services using clear and concise language and accessible formats.
- The Council will advise the community that, upon request, information about the Council's functions, facilities and services may be made available in alternate formats.
- The Council, in partnership with relevant agencies will provide opportunities to improve awareness throughout the community of the need for all people to be able to participate in community life.
- The Council will undertake training of its staff when appropriate to increase the recognition of and improved communication with all people.
- The Council will ensure that information is available in clear and concise language on how residents can participate in decision-making processes, public consultations, council meetings and grievance mechanisms.
- The Council will ensure that people with disability have the same opportunities as other people to obtain and maintain employment with the Shire.

OUTCOME 1: People with disability have equal opportunities to access the services of and any events organised by the Shire of Wyndham East Kimberley.

Area – Functions/Facilities/ Services	Barrier	Strategies	Responsibility	Timeline
Applies to all the Council's functions, facilities and services	Coordination of Shire plans and documents	Incorporate the objectives and strategies of the DAIP into the Shire's existing planning processes, particularly the Strategic Plan	All Managers	Ongoing – through statutory review processes
	Events not always planned with consideration of accessibility	Encourage, and where possible influence events, whether provided or funded, to use the Accessible Events Checklist to ensure accessibility and inclusion.	All Managers	Ongoing – each event
Libraries	Access to information	Provide large print books and audio for relevant community members	Manager Library	Ongoing
Community Services	Limited access for young people with disability to attend school holiday programs	Continue free admission to Kununurra Leisure Centre for carers accompanying people with disability.	Recreation and Leisure Coordinator	Ongoing – Annual Review
	Lack of awareness from staff and the community regarding entry policy	Promote and improve staff community awareness of the Companion Card	Manager Community Services	Ongoing - Annual Review
	Limited access to suitable equipment at Shire parks and recreation facilities	Consideration of accessible equipment when purchasing park equipment, gym equipment and other items available for public use.	Manager Community Services	Ongoing

OUTCOME 2: People with disability have equal opportunities to access buildings and other facilities of the Shire of Wyndham East Kimberley.

Area – Functions/Facilities/ Services	Barrier	Strategies	Responsibility	Timeline
All Shire facilities and buildings	Disability access requirements not met on some Shire buildings or facilities.	Review of Shire facilities and buildings in view of access for people with disability Early community consultation during the development phase of projects. Plan, build and maintain new facilities to be accessible as per National building codes /standards.	All Managers Property and Regulatory Services All project managers	Ongoing – each project
Toilets	Older public toilets constructed without disability access requirements	Any works to public toilet facilities to consider disability access requirements Upgrades and works to older public toilet facilities will ensure disability access requirements are met.	Property and Regulatory Services Infrastructure project managers	Ongoing - each project
Non-Shire buildings and facilities	Other Community members and visitors not aware of disability access measures or accessible facilities	Promotion of “You’re Welcome” program and similar.	Manager Community Services	Ongoing – annual review

OUTCOME 3: People with disability receive information from the Shire of Wyndham East Kimberley in a format that will enable them to access the information readily.

Area – Functions/Facilities/ Services	Barrier	Strategies	Responsibility	Timeline
Website	Difficulty in utilising relevant Shire online information, in particular the Shire Website.	Incorporate W3C web content guidelines and good practice standards into the new website design	Manager Information Services	Ongoing – Review Annually
Signage	Staff not aware of suitable formats Older signage not in suitable format	Staff training Audit of public signage and templates	Org Dev Coordinator Community Development Support Officer	Ongoing – Annual Training Annual
Public Notices	Notice Formats not compliant with DSC recommendations	Review of all public documents with regard to DSC guidelines	Governance Support Officer	Ongoing - Annual

OUTCOME 4: People with disability receive the same level and quality of service from the employees of the Shire of Wyndham East Kimberley.

Area – Functions/Facilities/ Services	Barrier	Strategies	Responsibility	Timeline
Applies to all Council’s functions, facilities and services	Council Officers may be unfamiliar with needs of people with a disability or those of culturally and linguistically diverse backgrounds	Key Council Officers are to receive disability awareness training and include in Council’s Training Manual and Induction pack. To work in collaboration with other agencies to achieve the best level of service possible for people with disability.	Corporate Services Org Dev Coordinator	Ongoing Ongoing
Availability of key Shire contacts regarding disability services	Lack of promotion of key personnel	Include names of contacts on SWEK website	Manager IT	Ongoing - Review Annually

OUTCOME 5: People with disability have equal opportunities to provide feedback to the Shire of Wyndham East Kimberley.

Area – Functions/Facilities/ Services	Barrier	Strategies	Responsibility	Timeline
Applies to all Councils functions, facilities and services	Current grievance mechanisms may not be accessible for people with disability	<p>Incorporate methods of providing feedback such as web-based forms into new website design.</p> <p>Ensure customer request system continues to capture feedback via phone, in person, written.</p>	<p>IT Administrator</p> <p>Team Leader Customer Service/Records</p>	<p>Ongoing Annual Review</p> <p>Ongoing Annual Review</p>
	Front line staff not possessing the skills to communicate effectively with people with disability.	<p>Ensure front line staff receive access and inclusion training.</p> <p>All staff and Councillors to apply high customer service standards and practices when engaging with people with disability Incorporate good practice in receiving feedback from people with disability into induction and disability awareness training for both staff and Councillors</p>	<p>Org Dev Coordinator</p> <p>Org Dev Coordinator</p>	<p>Ongoing Annual training</p> <p>Ongoing Annual Review</p>
	Reception Area not 'people with disability' friendly.	<p>Incorporate accessibility works to front counter area into forward capital works plan.</p>	<p>Director Corporate Services</p>	<p>June 2015</p>

OUTCOME 6: People with disability have equal opportunities to participate in any public consultation by the Shire of Wyndham East Kimberley.

Area – Functions/Facilities/ Services	Barrier	Strategies	Responsibility	Timeline
Applies to all Council's functions, facilities and services	View of people with disability may not be heard.	<p>Include appropriate questions about access and inclusion in general surveys and consultation</p> <p>Ensure all public consultations are held at venues with suitable disability access</p> <p>Ensure Disability Services Commission, people with disability and established community reference groups are actively included in consultation practices.</p>	<p>All Managers</p> <p>All Managers</p> <p>Community Development Officer</p>	Ongoing – Review each project
Written consultation	Surveys and written requests for input may not be in a suitable format	Ensure documents are available in suitable formats on request	All Managers	Ongoing

OUTCOME 7: People with disability have the same opportunities as other people to obtain and maintain employment within the public sector.

Area – Functions/Facilities/ Services	Barrier	Strategies	Responsibility	Timeline
Organisational Development	Difficulty for people with disability during the employment application process	<p>Ensure advertising for positions is available in suitable formats on request</p> <p>Ensure your website’s recruitment page is accessible and includes information on where people can apply.</p> <p>Ensure images and non-text items have text labels so that people with vision impairment can use the site using screen reading software. Check that any automated scanning and sorting software does not discriminate against people with disability.</p> <p>Ensure that all online tests and interviews are accessible and non-discriminatory.</p> <p>Provide the contact details of an individual who can offer more information about the specific role and alternative methods of application. This is especially important if the recruitment website you are advertising through does not meet the required accessible standard.</p>	Coordinator Organisational Development	Ongoing – Review Annually

Organisational Development	Creating an accessible and welcoming workplace	<p>Include "The Shire of Wyndham East Kimberley promotes a workplace that actively seeks to include, welcome and value unique contributions of all people. In all advertising and position descriptions</p> <p>Maintain a range of publications which aim to assist supervisors in ensuring an accessible and welcoming environment.</p> <p>Include equal opportunity information in induction processes, including information about disability</p> <p>Appoint workplace champions at all levels across the Shire to raise awareness of and build commitment to inclusive disability practices</p> <p>SWEK is committed to all staff undertaking online disability training.</p> <p>Encourage managers to attend disability training, including disability awareness in recruitment and selection training.</p>	Coordinator Organisational Development	Ongoing - Review Annually
Organisational Development	Prevent discrimination against people with disability	<p>Review how selection criteria and job descriptions may disadvantage people with disability and adjust inherent requirements accordingly</p> <p>Review job descriptions and adverts to ensure inclusive and non-discriminatory language is</p>	Coordinator Organisational Development	Ongoing - Review Annually

		used		
Governance	Poor perception or lack of knowledge of disability accessible employment practices within the Community	Share success stories across the public sector and the community.	Governance Officer	Ongoing
Organisational Development	Absence of recognition of inclusive disability employment practices in strategic documentation	Ensure Public Service Commission Disability Employment Strategy is made known and utilised in the development of the Workforce Plan	Coordinator Organisational Development	Ongoing
Corporate Services	Awareness raised of WA Disability Enterprises as an option for procurement of goods and services.	Incorporate recommendation from WALGA regarding encouraging procurement from WA Disability Enterprises in the Shire's Purchasing Policy	Director Corporate Services	Next Policy Review Date

13.3.10 Draft 2036 and Beyond, Regional Blueprint for the Kimberley

DATE:	16/12/2014
PROPONENT:	Kimberley Development Commission
LOCATION:	Kimberley Region
AUTHOR:	Louise Gee, Director Community Development
REPORTING OFFICER:	Louise Gee, Director Community Development
FILE NO:	LP.02.67
DECLARATION OF FINANCIAL INTERESTS:	Nil

PURPOSE

For Council to consider a submission on the draft 2036 and Beyond: A Regional Blueprint for the Kimberley.

BACKGROUND

The Kimberley Regional Investment Blueprint is an aspirational and future focused plan that has been designed to guide and shape the transformation of the Kimberley well into the future. The following six agendas have been identified to change the Kimberley:-

1. Regional Leadership and development readiness
2. Enhancing the Capability Services Sector
3. Aboriginal Advancement
4. Industry and Resources Development
5. Developing our Regional Centres
6. Infrastructure for driving growth.

The draft Regional Blueprint has been prepared by the Kimberley Development Commission in consultation with a wide range of stakeholders including State government departments, agencies, all Kimberley Local Governments, private corporations, chambers of commerce, aboriginal corporations, regional leaders and community organisations. An electronic copy of the draft Blueprint was forwarded to all Councillors on 27 November 2014 for their information.

STATUTORY IMPLICATIONS

Nil

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 1.3: Advocacy of East Kimberley issues and opportunities at regional, state and national levels

Strategy 1.3.1: Actively provide input to decision making at the Regional, State and Federal levels on behalf of the community

COMMUNITY CONSULTATION

N/A

COMMENT

The Kimberley Development Commission is seeking comment from stakeholders on the draft Kimberley Regional Blueprint. Public comment on the Blueprint closed on Wednesday 3 December 2014 however the Shire of Wyndham East Kimberley have received an extension to allow Council an opportunity to review and consider its submission.

The draft submission for Council's consideration is outlined in Attachment 1.

ATTACHMENTS

Attachment 1 - Draft Shire of Wyndham East Kimberley submission.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council endorse the attached submission on the Draft 2036 and Beyond: A Regional Blueprint for the Kimberley for forwarding to the Kimberley Development Commission.

COUNCIL DECISION

Minute No. 10731

Moved: Cr K Wright

Seconded: Cr D Learbuch

That Council endorse the attached submission on the Draft 2036 and Beyond: A Regional Blueprint for the Kimberley for forwarding to the Kimberley Development Commission.

Carried unanimously 8/0

Our Ref: LP.02.67/O-20160

Your Ref:

Enquiries:

17 December 2014

Kimberley Regional Blueprint
C/- CEO Kimberley Development Commission
PO Box 620
KUNUNURRA WA 6743

Dear Mr. Gooding

Draft 2036 and Beyond: A Regional Blueprint for the Kimberley

Thank you for the opportunity to provide comment on the draft Kimberley Regional Blueprint, Council is supportive of this document and is looking forward to being able to work with and support the Kimberley Development Commission in the implementation of this Plan to bring to fruition its Vision.

This Vision clearly aligns with the 10-year vision for the East Kimberley identified in the Shire of Wyndham East Kimberley Strategic Community Plan; *For the East Kimberley to be a thriving community with opportunities for all*. As identified in the draft Regional Blueprint it is imperative that there is alignment between stakeholder visions to ensure a pathway for future strategic collaborative work. It would also be recommended that this also needs to be applied to the alignment of the identified indicators of transformational change and those key performance indicators that local government have identified to monitor their Strategic Community Plan Goals and Objectives.

Council also considers the development of Regional Centres such as Kununurra as a key to supporting population growth and enhancement of the East Kimberley lifestyle, and therefore looks forward to the opportunity to work with the Commission in planning, developing and supporting a vibrant and viable Kununurra Regional Centre. Council has already developed strategic planning concepts and considers the further refinement and implementation of these concepts as a priority to support a revitalisation of its town centre.

Support is also provided for the other complimentary and strategic initiatives identified on page 59 of the draft Blueprint to enhance our community's capacity to attract and retain residents, i.e. growth planning; economic expansion; strategic transport infrastructure.

However, as recognised, growth planning needs to be sustainable and if not strategically planned can lead to land use conflicts. An increasing demand for rural residential, rural small holding development and incidental land uses in rural areas may result in the loss of agricultural land and productivity. It is therefore recommended that the identification and protection of priority agriculture land be included as a Challenge for the Growth of Agriculture

and Food (page 70 draft Blueprint), and an additional Strategy be included for the mapping and protection of priority agriculture land.

It is noted that the draft Blueprint is an aspirational and future focused plan that has been designed to guide and shape the transformation of the Kimberley well into the future, Council has therefore endeavoured to provide comments at a strategic level recognising that many of its required infrastructure and project 'gaps' to support a transformed East Kimberley align with the Strategies identified in the Blueprint.

It is hoped that the above comments assist the Commission with the review and finalisation of the 2036 and Beyond: A Regional Blueprint for the Kimberley.

Yours sincerely

Kevin Hannagan
Acting CEO

13.3.11 Reviewed CP/GOV-3100 Community Engagement Policy

DATE:	16/12/2014
AUTHOR:	Sharmayne Halliday, Community Development Officer
REPORTING OFFICER:	Louise Gee, Director Community Development
FILE NO:	CM.11.2
DECLARATION OF FINANCIAL INTERESTS:	Nil

PURPOSE

For Council to endorse the reviewed CP/GOV-3100 Community Engagement Policy.

BACKGROUND

The attached CP/GOV-3100 Community Engagement Policy was originally established to assist with community input in the development of the Strategic Community Plan and to ensure that Council undertakes a consistent approach to effective community engagement in the future. Amendments to the policy will continue to achieve this purpose. The policy was first adopted by Council on 20 September 2011 and then reviewed by Council on 19 February 2013.

The draft Community Engagement Policy was presented to the 13 May briefing session for comment and subsequently was advertised for public comment. Feedback received requested the addition of a more robust document that would provide more detail about the Community Engagement Process. This document, the Shire of Wyndham East Kimberley Community Engagement Guidelines, has now been produced and will be utilised as an operational procedure.

STATUTORY IMPLICATIONS

There are no statutory implications associated with this report.

POLICY IMPLICATIONS

The reviewed CP/GOV-3100 Community Engagement Policy Review is attached.

FINANCIAL IMPLICATIONS

Funding for community engagement is contained within existing adopted budgets, and is an integral component of project / service delivery.

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 1.1: Strong community engagement

Strategy 1.1.1: Investigate and implement options to encourage and integrate community input in Council planning, policies and decision making

COMMUNITY CONSULTATION

The reviewed CP/GOV-3100 Community Engagement Policy was advertised for public comment from Monday 23 June to Wednesday 23 July 2014. This was publicised on the Shire website and Facebook page, Public Notices for display in our Shire facilities, and in the SWEK News section of the Kimberley Echo in the 26 June edition along with the first 3 editions of July.

Several comments were received during the period with additional changes made to the Policy with consideration of these comments.

COMMENT

The final draft of this policy was presented to the 2 December Council briefing and is now presented for formal adoption.

ATTACHMENTS

Attachment 1 - Reviewed CP/GOV-3100 Community Engagement Policy.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council endorse the Reviewed CP/GOV-3100 Community Engagement Policy.

COUNCIL DECISION

Minute No. 10732

Moved: Cr K Wright

Seconded: Cr D Spackman

That Council endorse the Reviewed CP/GOV-3100 Community Engagement Policy.

Carried unanimously 8/0



Council Policy Number: CP/GOV-3100 Community Engagement Policy

i

OBJECTIVE:

To outline the principles for all community engagement activities conducted by the Shire of Wyndham East Kimberley.

- To utilise community input to assist in making more informed and sustainable decisions;
- To use engagement methods that are inclusive, flexible, and appropriate to those participating and the purpose of the engagement process;

The policy reflects the Shire's Strategic Community Plan Objective 1.1, Strong Community Engagement.

POLICY:

Scope & Limitations

The policy will be supported by community engagement guidelines that provide clarity on when it is appropriate to engage, and at what level.

Council's approach to community engagement is based on the International Association of Public Participation's (IAP2) Spectrum. The level of engagement should be determined by considering the issue, problem or opportunity requiring community engagement, the objectives to be achieved by engaging and the extent that the community can assist Council to make decisions.

The IAP2 Public Participation Spectrum:

	Inform	Consult	Involve	Collaborate	Empower
Community Participation Goal	To provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.	To obtain feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision-making in the hands of the public.
Promise to the Community	We will keep you informed	We will keep you informed, listen to and acknowledge aspirations and provide feedback on how public input influenced the decision	We will work with you to ensure that your concerns and aspirations are reflected in the alternatives developed and provide feedback on how community input influenced the decision	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide
Example Techniques	Fact sheets Websites Open Houses	Public comment Focus groups Surveys Public meetings	Workshops Deliberative polling	Advisory Committees Consensus building Participatory decision making	Citizen Juries Ballots Delegated decision

This policy will apply to Councillors and Shire staff. It also applies to contract workers, consultants and tenderers who are undertaking community engagement on behalf of council.

Community engagement is about involving the community in decisions that affect them in an appropriate manner. It is crucial to the successful development and implementation of effective policies and decisions and for improving services through understanding and responding to the needs and aspirations of the community.

Community engagement does not necessarily mean achieving consensus. However it does involve seeking broad informed agreement and the best possible outcome for the Council and community. It assists the Council to build rapport with the community ensuring that they feel their views are being recognised as part of the decision-making process.

The policy does not prevent Council from engaging with the community in addition to any statutory requirements, provided that any legislative timeframes are also met.

Background

Community engagement is recognised as crucial to effective, transparent and accountable governance in the public, community and private sectors. Effective engagement generates better decisions and can deliver more sustainable economic, environmental, social and cultural outcomes. Meaningful community engagement seeks to address barriers and build the capacity and confidence of all people to participate in and negotiate and partner with institutions that affect their lives.

Guiding Statement

Council's approach to community engagement will reflect the principles below. They represent Council's best practice approach in community engagement. They are not prescriptive but rather are used to guide the development, implementation and evaluation of the community engagement process.

Open and Inclusive:

- Recognise community participation as a right of all citizens and an integral component of informed decision-making;
- Create, support and promote opportunities for the community to participate in decision-making;
- Encourage involvement from a wide cross-section of the community using engagement processes that are accessible, inclusive and suitable to the audiences;
- Provide openness and commitment to ensuring that the community is well informed about Council's service delivery, planning and decision-making processes.

Mutual Trust, Respect and Accountability:

- Treat all participants in the engagement process with respect and dignity;
- Approach engagement from an impartial perspective, free from bias toward any stakeholder involved in the process;
- Ensure accountability, accessibility and ethical dealings with the community.

Early and Clear Engagement:

- Seek early engagement and regularly involve the community in decision making;
- Communicate clearly the objectives of the engagement process and provide community members with all available and relevant information as part of the consultation engagement process to ensure informed discussion;
- Communicate the parameters of the engagement process (what is and is not negotiable) to participants from the outset, including legislative requirements, Council's sphere of influence, conflicting community views, policy frameworks and context, budget constraints, etc;
- Acknowledge that planning is a crucial process to deliver successful outcomes and commit to developing and implementing community engagement plans.

Consideration and Feedback:

- Commitment to demonstrating that all community contributions and relevant data have been considered prior to making any decisions that affect the local community;
- Commitment to providing participants with feedback at key stages throughout the project and upon completion, and how community input influenced the decision.

Skills and Resources:

- Endeavour to ensure that sufficient timeframes and adequate resources are allocated to engagement processes;
- Coordinate community engagement processes where possible to optimise resources, ensure efficiency and avoid duplication;
- Recognise the skills required to undertake community engagement and provide staff and Councillors with opportunities for further skills development and training.

The Council's best practice will ensure that the community is notified of the level of community engagement that will be required within the decision-making process and why this was chosen.

Outcomes

The outcomes and benefits of effective community engagement include:

- Increased community awareness about Council's services, planning and program delivery;
- Increased awareness across Council of community views and the issues that should be considered as part of the decision-making process;
- Increased awareness of the needs, priorities and diversity of the local community, which in turn ensures that the Council's service provision and planning functions are aligned appropriately;
- Increased levels of community ownership and acceptance of decisions affecting the local government area;
- Council and the community working together to address local issues where appropriate;
- Potential for time, resources and cost savings for Council.

GOVERNANCE REFERENCES

Statutory Compliance	<i>Local Government (Administration) Regulations 1996</i>
Industry Compliance	<i>IAP2 Spectrum of Public Participation</i>
Organisational Compliance	<i>NA</i>
Process Links	<i>Community Engagement Guidelines</i>

POLICY ADMINISTRATION

Directorate		Officer Title		Contact:	
<i>Community Development</i>		<i>Sharmayne Halliday</i>		Ext: 179	
Date Effective	21/9/2011	CEO Approved			
Date Adopted	20/9/2011	Last Reviewed	27/05/2014		
Risk Rating	Low	Review Cycle	Annual	Next Due	05/2015
Organisational Compliance	NA				
Process Links	Community Engagement Guidelines				

13.3.12 Strategic Community Plan Review

DATE:	16/12/2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/A
AUTHOR:	Sharmayne Halliday, Community Development Officer
REPORTING OFFICER:	Louise Gee, Director Community Development
FILE NO:	CM.10.3
DECLARATION OF FINANCIAL INTERESTS:	N/A

PURPOSE

For Council to endorse the reviewed Strategic Community Plan document.

BACKGROUND

At the 11 March Briefing Session an item was presented to Council regarding the proposed review process for Council's 10 Year Strategic Community Plan. The final Strategic Community Plan 2012-2022 was endorsed by Council at the February 2013 Ordinary Council Meeting however to bring the review process into line with legislative deadlines and the budget review process, a review of the plan was scheduled to be completed by 30 June 2014.

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

Based on this direction, and given the Plan was released just 13 months prior, the decision was made to commence a desktop review, with a full review to be scheduled in 2016. This review was completed in August 2014; the Plan was then advertised for public comment for a 30 day period. This process is now complete.

STATUTORY IMPLICATIONS

The Department of Local Government's Integrated Planning and Reporting Framework specify that a Shire's Strategic Community Plan is to receive a desktop review every two years and a full review every four years. If changes are needed, then Council is required under Regulation 19C (9) of the Local Government Administration Regulations, to engage with its community and (9) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.

POLICY IMPLICATIONS

CP GOV – 3100 Community Engagement Policy.

Council's objectives for community engagement are:

- To utilise community input to assist in making more informed and sustainable decisions;
- To use engagement methods that are inclusive, flexible and appropriate to those participating, and the purpose of the engagement process.

FINANCIAL IMPLICATIONS

Funds for the amendment and reprinting of the Strategic Community Plan are included in the adopted 2014/15.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

Objective 1.1: Strong community engagement

Strategy 1.1.1: Investigate and implement options to encourage and integrate community input in Council planning, policies and decision making

COMMUNITY CONSULTATION

The Strategic Community Plan was initially presented to the Shire's Leadership Team and then to the Executive Management Team for comment. The draft reviewed document was then submitted to the 26 August 2014 Ordinary Council Meeting for endorsement to present to the community for comment.

The reviewed Strategic Community Plan document was advertised for public comment from Friday 5 September to Friday 17 October 2014, with confirmation that this would be a desktop review only with a full review scheduled to be conducted in 2016. The document was advertised at the following locations:

- Shire website;
- Facebook page;
- SWEK News section of the 11 September 2014 edition of the Kimberley Echo;
- Public Notice displayed within our Shire facilities; and
- Forwarded to the Shire's community contacts list.

There was only one response received through this process. This response, while valuable feedback, did not require an amendment to the reviewed Plan.

COMMENT

The reviewed Community Strategic Plan was presented to the 12 August Briefing session with amendments identified through "track changes".

No additional amendments were made to this document following the public comment period; the final draft of the Strategic Community Plan is attached.

ATTACHMENTS

Attachment 1 - Draft Reviewed Strategic Community Plan

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council endorse the final draft of the reviewed Strategic Community Plan.

COUNCIL DECISION

Minute No. 10733

Moved: Cr K Wright

Seconded: Cr D Learbuch

That Council endorse the final draft of the reviewed Strategic Community Plan.

Carried unanimously 8/0

SHIRE of
WYNDHAM
EAST KIMBERLEY

Strategic Community Plan 2012 - 2022



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Acknowledgements

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

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

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

Shire President's Message

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

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

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

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

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

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

John Moulden
Shire President



Introduction

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

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

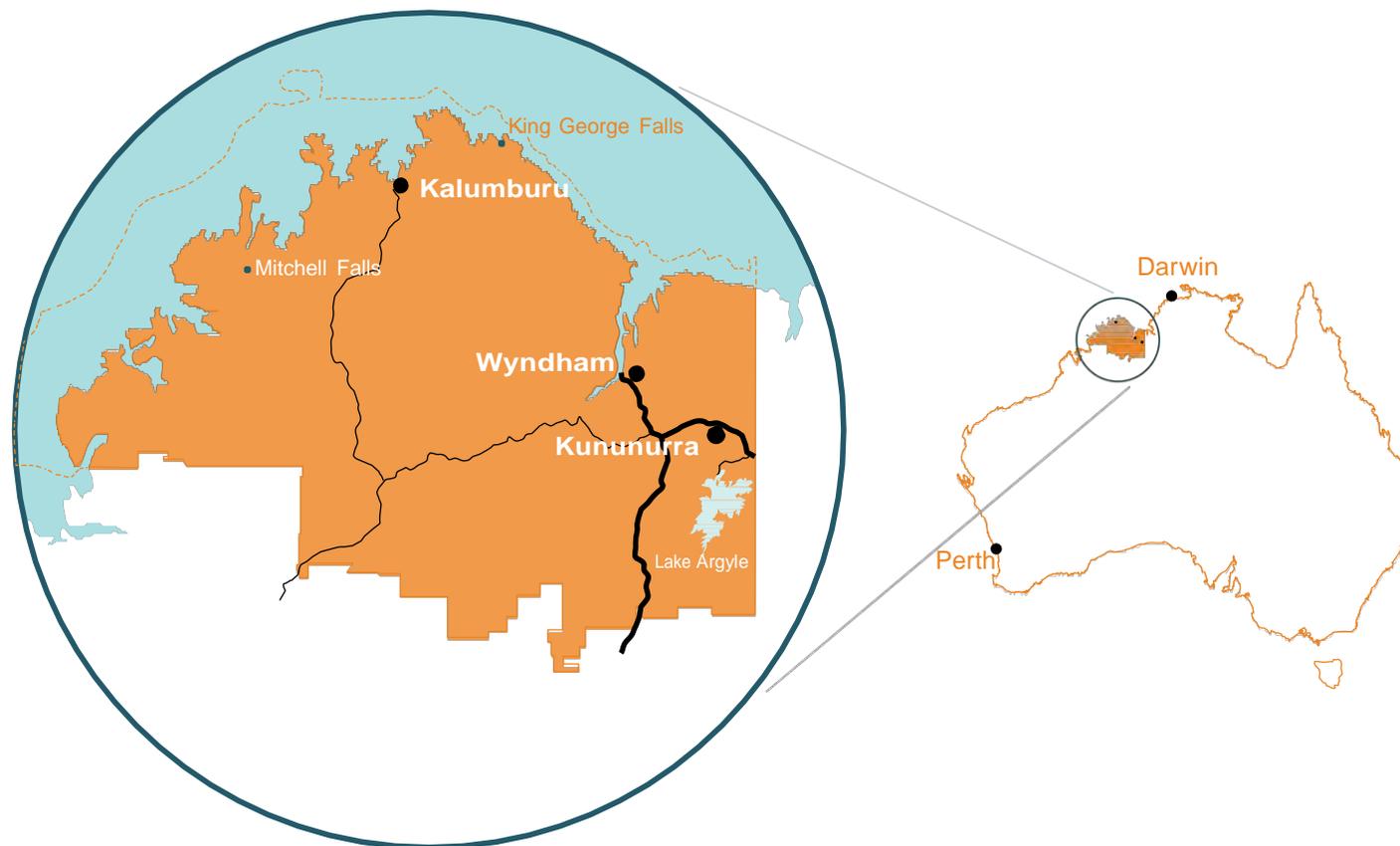


Figure 1: Profile map of the Shire of Wyndham East Kimberley

Kununurra

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



Smaller Communities

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



Wyndham

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

The Planning Process

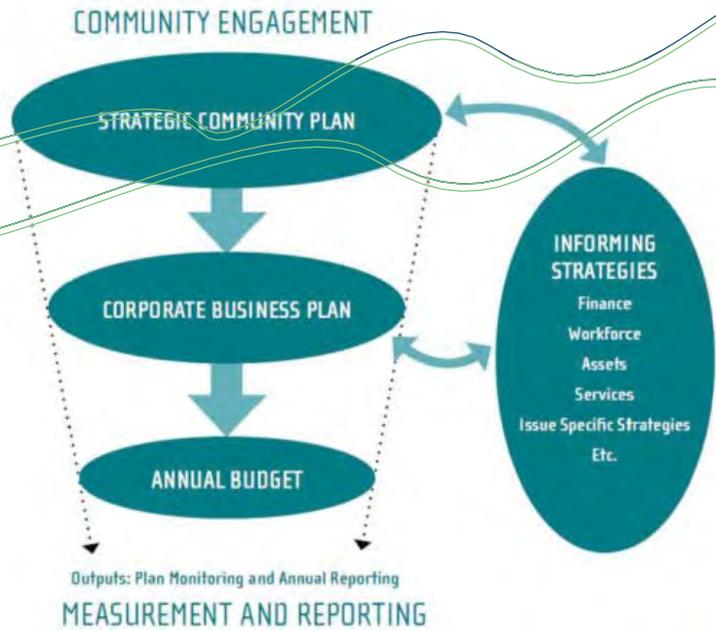
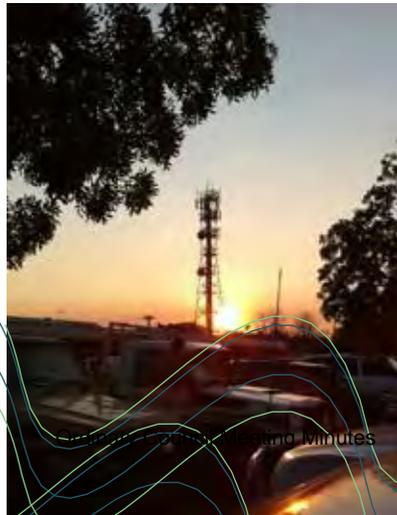
what is this plan about?

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

why is this plan important?

The purpose of this plan is to:

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



what is the integrated Planning and reporting Framework?

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

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

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

Shire Profile

Environment

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



Economics

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

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

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

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

Social

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

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

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



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



Social and lifestyle challenges

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

Cost of living:

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

Infrastructure:

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



Attraction and retention of key workers:

Attracting and retaining key workers is a big challenge for all employers in the East Kimberley. Some of the issues that affect staff retention are the high cost of living, remote location and, for families, limited schooling options. Statistics show the population has a disproportionately low number of teenagers between 15 – 19 years, which indicates that many families leave town when their children reach high school age. This means that there is diminished demand for facilities and services for this age group, so those that do stay in town find there are limited entertainment options. The same can be said for retirees. Statistically, there are very few 'over 50s' in the region, because they are choosing to retire elsewhere.

the gap between non-indigenous and indigenous residents

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

Opportunities

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

- greater opportunity to work in partnership with different levels of government – to facilitate discussion and to avoid duplication
- to promote racial harmony and address key social issues
- to enhance and build upon what residents feel are the East Kimberley's most attractive attributes
- build vibrancy and connectedness in our main town centres
- to ensure that new facilities are able to serve multiple purposes and are budgeted in consideration of expenses for their whole of life cost



- to improve educational opportunities that will have long-term benefits for the region including the availability of locally trained employees
- to seek opportunities for grants by working collaboratively with other agencies and organisations
- the potential to extend the runway at the East Kimberley Regional Airport in order to increase competition and therefore reduce airfares.



Community engagement

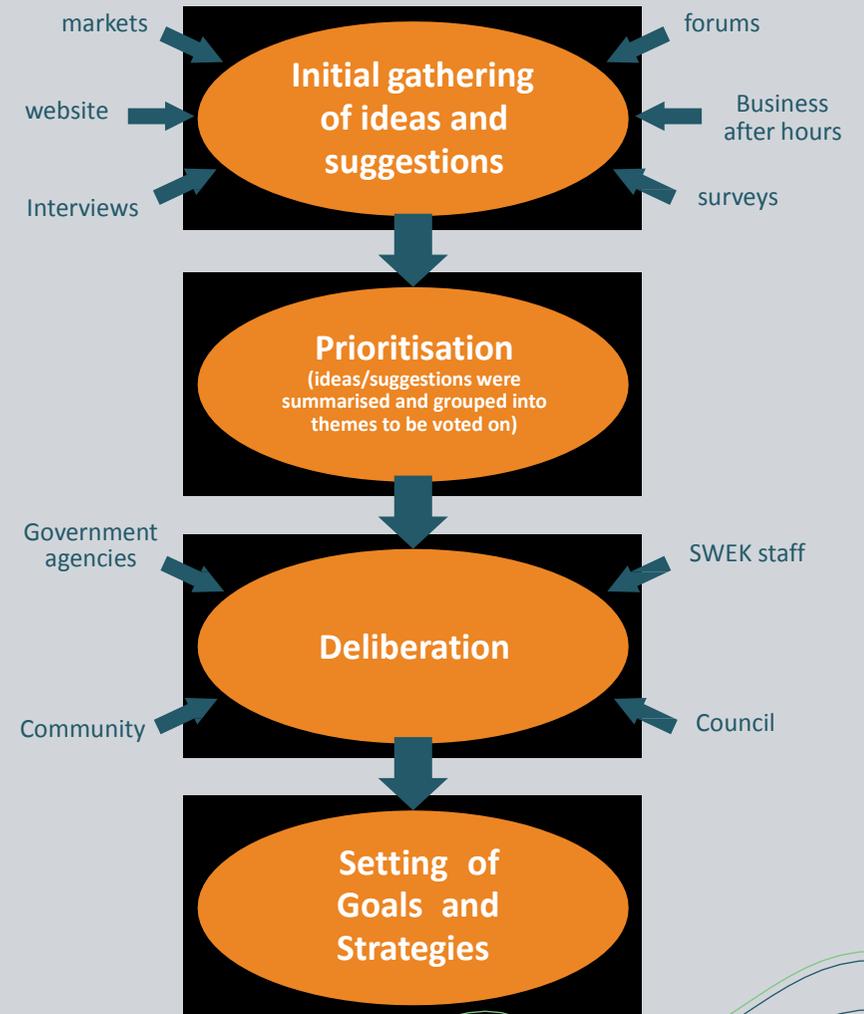
In May 2012, Council adopted a Community Engagement Strategy. As part of the strategy, Shire staff were trained on best practice techniques to engage with the community to gather their views about what should be included in the Plan. Over 2500 community members provided feedback through:

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

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



Figure 3: Community Engagement Process



Community Aspirations

Initial information gathering.

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

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



What we love ... We love the East Kimberley's natural landscape and beauty. We value opportunities to camp, fish and enjoy its open spaces and rivers. We enjoy the relaxed lifestyle and the strong sense of community, perhaps because the towns and communities are small.

"The weather is so beautiful at the moment it makes me want to get out and enjoy the amazing environment we are blessed with here in the Kimberley. I would love to see more walking trails along the Kununurra Foreshore and footpaths that link the town and Lakeside to the water so that I can walk along the lagoon and lake."

What we would like to change ... we would like affordable housing options and less litter around town. Cheaper flights and moving to the NT time zones would make our lives easier. We would like to see more rural and waterfront land release. We need to make our streets safer and encourage greater integration between different community members. We would also like to experience less racism in our community.

"I would like to see a better quality of education for children, safe houses for kids to go to and better quality services. We also need to retain good, dedicated, qualified staff in order to move forward in many areas of this community"

We would like to see more ... recycling, well linked bike and footpaths and walking trails and better maintained roads.



Key issues for agencies:

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

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



Challenges identified by agencies included:

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



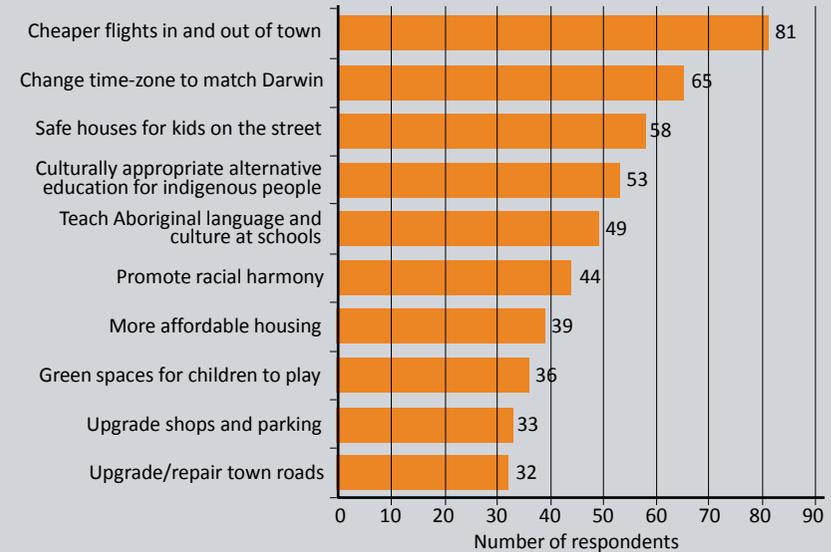
Prioritisation:

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

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

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

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



Deliberation:

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

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



Our Strategic Direction

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

Vision and Mission

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

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

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

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

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

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

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

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

The community said:

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



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



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

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

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

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

The community said:

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

Objective		Strategies	
2.1	A highly valuable East Kimberley economy that maximises social benefits	2.1.1	Encourage a mix of businesses that meet community needs
		2.1.2	Promote and support major events that benefit locals and attract visitors to the area



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



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



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

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

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

The community said:

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

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



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



Regard to current and future resource capacity

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

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

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

Operating and non-operating grants, subsidies and contributions made up 37% of the Shire's income in 2011/12. In 2012/13 the Shire has also experienced an approximate reduction of 11% reduction (\$369,481) in Commonwealth Financial Assistance Grants along with a further reduction of \$345,863. The Shire has been informed that for the 2013/14 financial year it can expect a further decrease of 10.6% (\$310,000) in Financial Assistance Grants.

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





In terms of asset renewal and asset maintenance, the Shire has an infrastructure funding gap in the order of \$8.230m/annum. This would require a rate rise in the order of 100% but obviously this is not sustainable for the community. Another major issue for the Shire is waste management and compliance with State / Federal Government standards and conditions. The Shire's recently developed informing Waste Strategy has identified major funding required for future landfill decommissioning (Kununurra) and establishment of a new landfill for Kununurra and extended site boundaries for Wyndham. The Shire will consider, service levels, infrastructure rationalisation, fees and charges etc. to try and reduce future large rate rises.

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

Performance Management

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

Objective		Performance Measures
1.1	Strong community engagement	Community satisfaction with Council's engagement and communication with the community
		Number of Facebook hits, number of website hits., number of advertisements, and number of media releases
1.2	Alignment of regional and local priorities with other agencies and community groups	Council representation on committees
		Contribution to the Working in Partnership group
		Shire representation on other agency groups such as Alcohol Accord
1.3	Advocacy of East Kimberley issues and opportunities at regional, state and national levels	Number of meetings held with visiting State and Federal government officials ie ministers
		Input provided to State and National plans, strategies and policies released for comment and WALGA info notes
1.4	Business innovation, efficiency and improved service	Community satisfaction with customer service
		Number of complaints received
		Operating surplus Ratio Debt
		service coverage ratio
		Reduced staff turnover

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

Objective		Performance Measures
2.1	A highly valuable East Kimberley economy that maximises social benefits.	Council's support for community events
		Business support for community events
2.2	Maintenance of economic diversity and greater community returns from investment in the region.	Number of building (commercial/industrial/residential) approvals
		Value of building (commercial/industrial/residential) approvals
		Small to medium enterprise sector supported through events and agency collaboration
2.3	Facilities are appropriate for their intended purpose and factor in whole of life costing and maintenance.	Asset consumption ratio
		Asset sustainability ratio
		Asset renewal funding ratio
2.4	High standard of health and community facilities and services available to all residents.	Community satisfaction with access to adequate health and medical facilities
		Community satisfaction with access to adequate educational facilities
2.5	East Kimberley residents have access to a broad range of educational opportunities.	

Performance Management

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

Objective		Performance Measures
3.1	A broad range of lifestyle opportunities and activities are available for East Kimberley residents.	Community satisfaction with Council owned boat ramps, parks and gardens, condition of rural roads and access to Lake Kununurra
3.2	Waste management and protection of environmental values.	Percentage of community waste diverted from landfill Community satisfaction with domestic waste collection Achievement of Statutory requirements Active local bush fire brigades
3.3	Towns are safe and inviting for locals and tourists	Community perception of safety and security in public places Number of offences against public property Use of Streetscape plans that incorporate Designing Out Crime Principles
3.4	Protection and enhancement of community facilities.	Community satisfaction with community facilities
3.5	An active outdoor lifestyle is encouraged and promoted.	Community satisfaction with council owned recreation facilities including pathways

Monitoring and reviewing the plan

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

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

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

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





Contact us

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13.4 CHIEF EXECUTIVE OFFICER

13.4.1 Use of Common Seal

DATE:	16/12/2014
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 FINANCIAL INTERESTS:	Nil

PURPOSE

For Council to receive this report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 19 November to 11 December 2014.

STATUTORY IMPLICATIONS

Local Government Act 1995

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

POLICY IMPLICATIONS

No policy implications apply in the preparation of this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this item.

STRATEGIC IMPLICATIONS

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

COMMENT

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

Date of Use	Document
26/11/14	Notification under section 70A

ATTACHMENTS

There are no attachments associated with this report.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 19 November to 11 December 2014.

COUNCIL DECISION

Minute No. 10734

**Moved: Cr D Spackman
Seconded: Cr B Robinson**

That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 19 November to 11 December 2014.

Carried unanimously 8/0

13.4.2 Delegated Authority Report

DATE:	16/12/2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Debbie McCallum
REPORTING OFFICER:	Kevin Hannagan, Acting CEO
FILE NO:	PL.02.1
DECLARATION OF FINANCIAL INTERESTS:	Nil

PURPOSE

To report to Council on the use of Delegated Authority by Officers for the period 1 to 30 November 2014.

BACKGROUND

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

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

STATUTORY IMPLICATIONS

Local Government Act 1995 - Sect 5.46

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

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

No policy implications apply in the preparation of this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this item.

STRATEGIC IMPLICATIONS

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

COMMUNITY CONSULTATION

Community consultation is not required in relation to this item.

COMMENT

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

ATTACHMENTS

Attachment 1 – Delegated Authority Report

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the Delegated Authority Report for the period 1 to 30 November 2014.

COUNCIL DECISION

Minute No. 10735

Moved: Cr K Wright

Seconded: Cr D Spackman

That Council receives the Delegated Authority Report for the period 1 to 30 November 2014.

Carried unanimously 8/0

13.4.3 Lease of Concession Stand, East Kimberley Regional Airport

DATE:	3/12/2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Kununurra Airport
AUTHOR:	Peter Friel, Mgr East Kimberley Regional Airport
REPORTING OFFICER:	Kevin Hannagan, Acting CEO
FILE NO:	N/A
DECLARATION OF INTERESTS:	NIL

PURPOSE

Inform Council of a submission received by Bradleigh Trading Pty Ltd, to enter in to a lease agreement for an unoccupied concession stand situated at the East Kimberley regional Airport.

Seek Councils instruction in respect to this request for occupancy by Bradleigh Trading Pty Ltd.

BACKGROUND

Bradleigh Trading has held a motor vehicle hire contract with Avis for a number of years and during that time has operated the business from the Avis concession stand area at the East Kimberley Regional Airport.

In August this year, Tender T3 14/15 was advertised for the lease of the 5 concession booth areas at the East Kimberley Regional Airport.

Resulting from this process, there were 3 respondents received for the 5 booth areas, namely, Budget, Thrifty and Avis, subsequently leaving 2 of the booth areas vacant.

In November this year, Bradleigh Trading submitted a letter to the East Kimberley Regional Airport Manager, advising of their request to lease one of the two vacant booths, so that they may continue to operate the Avis car hire business from within.

Bradleigh Trading has submitted a price of \$3,500 per annum for the subject area.

The booth spaces were valued by Opteon property advisors in July 2014. Results of this valuation show an expected rental return of \$5,000 per annum.

The booth requested, adjoins the Avis booth and has been unoccupied for 5 years. This is the first request received by the Council for a lease to be taken out on the subject vacant booth.

STATUTORY IMPLICATIONS

WA Local Government Act 1995, sect 3.58 (3)(4), which relates to the need to give state wide public notice of the proposed property disposition.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

An offer of \$3,500 has been made but the valuation was \$5,000 per annum

As well as the direct lease money income to the Shire, having a vehicle hire person on site 7 days a week will allow service to those “walk in” clients”, subsequently meaning a greater return to council through the newly implemented 8.5% charge on all vehicle hire contracts.

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 1.4.3: Maintain Council's long term financial viability

COMMUNITY CONSULTATION

NIL

COMMENT

The booth has remained vacant for 5 years, and in the recently advertised tender, there were no respondents for the subject booth, and historically there has been no demand for tenancy.

The author recognises that tender T3 14/15 stipulated that the booths were for “meet and greet” purposes. Due to the limited tender response received, it is recommended that the request submitted by Bradleigh Trading be given favourable consideration to allow the vacant booth’s permitted use to be changed to office / administrative duties.

Having a vehicle hire company representative on sight for the majority of the Airport opening hours, has, and will continue to provide a greater level of service to vehicle hire customers using the East Kimberley Regional Airport. Currently the 3 other vehicle hire companies are only present at the airport during the times of disembarkation from regular passenger transport airlines.

ATTACHMENTS

There are no attachments associated with the report.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Authorises the property (one concession booth at East Kimberley Regional Airport) to be advertised for disposal (lease) to Bradleigh Trading Pty Ltd as per the provisions of the WA Local Government Act 1995, sect 3.58(3)(4) "Disposing of property".
2. If no objections are received through public notification process, then;
 - Authorises the Chief Executive Officer to execute the new lease with Bradleigh Trading Pty Ltd for the vacant booth area at the East Kimberley Regional Airport with the following conditions;
 - Permitted use of administration and office duties allowed.
 - Lease to be an initial 1 year period, with an ongoing option of monthly extensions based on agreement between the lessor and the lessee, (the short lease period will allow Council the flexibility to instate new Car Hire tenants if the need arises).
 - Rent set at the property valuation level of \$5,000 per annum with normal CPI increases.
 - Commencement date 1 February 2015.

At 8:08pm Cr B Robinson leaves the meeting due to declaration of proximity interest with item 13.4.3 Lease of Concession Stand, East Kimberley Regional Airport.

At 8:08pm Cr K Wright leaves the meeting due to declaration of an indirect financial interest with item 13.4.3 Lease of Concession Stand, East Kimberley Regional Airport.

Cr D Spackman proposes a motion to re-admit Cr K Wright with voting rights for item 13.4.3, Lease of Concession Stand, East Kimberley Regional Airport.

COUNCIL DECISION

Minute No. 10736

**Moved: Cr D Spackman
Seconded: Cr G King**

That Council re-admits Cr K Wright with voting rights for item 13.4.3, Lease of Concession Stand, East Kimberley Regional Airport.

**Carried 4/2
For: Cr R Dessert, Cr D Spackman, Cr G King, Cr D Learbuch
Against: Cr J Moulden, Cr G Taylor**

8:09pm Cr Wright re-enters the meeting.

Cr K Wright moves the officer's recommendation replacing the word "instate" with "install".

COUNCIL DECISION

Minute No. 10737

**Moved: Cr K Wright
Seconded: Cr R Dessert**

That Council:

- 1. Authorises the property (one concession booth at East Kimberley Regional Airport) to be advertised for disposal (lease) to Bradleigh Trading Pty Ltd as per the provisions of the WA Local Government Act 1995, sect 3.58(3)(4) "Disposing of property".**
- 2. If no objections are received through public notification process, then;**
 - o Authorises the Chief Executive Officer to execute the new lease with Bradleigh Trading Pty Ltd for the vacant booth area at the East Kimberley Regional Airport with the following conditions;**
 - Permitted use of administration and office duties allowed.**
 - Lease to be an initial 1 year period, with an ongoing option of monthly extensions based on agreement between the lessor and the lessee, (the short lease period will allow Council the flexibility to install new Car Hire tenants if the need arises).**
 - Rent set at the property valuation level of \$5,000 per annum with normal CPI increases.**
 - Commencement date 1 February 2015.**

**Carried 6/1
For: Cr J Moulden, Cr R Dessert, Cr K Wright, Cr G Taylor, Cr G King, Cr Learbuch
Against: Cr D Spackman**

8:13pm, Cr G Taylor leaves the meeting
8:15pm, Cr G Taylor enters the meeting
8:18pm, Cr B Robinson enters the meeting

13.4.4 Council support for the Sunday Times / PerthNow's Fair Go for the West Campaign

DATE:	16/12/2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Debbie McCallum, Governance Officer
REPORTING OFFICER:	Kevin Hannagan, Acting Chief Executive Officer
FILE NO:	N/A

PURPOSE

The purpose of this report is to obtain Council support for the Sunday Times / PerthNow's Fair Go for the West Campaign.

BACKGROUND

The Sunday Times / PerthNow's 'Fair Go for the West campaign' has been introduced to petition the federal government to change its GST distribution formula to ensure WA gets an increased share on its GST revenue. The petition was launched in early November and has attracted wide spread media attention. To date there are more than 9000 West Australian supporters. *source 'The Australian newspaper'.

STATUTORY IMPLICATIONS

There are no statutory implications associated with this report.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

STRATEGIC IMPLICATIONS

There are no strategic implications associated with this report.

COMMUNITY CONSULTATION

Community consultation is not required in relation to this item.

COMMENT

If Council is to support the campaign, then the Shire will complete the online petition.

Participation in the petition would also be promoted to the community using the Shire's existing media channels, such as Facebook.

ATTACHMENTS

There are no attachments associated with this report.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council support the ongoing Sunday Times / PerthNow 'Fair Go for the West' campaign by:

1. The Shire completing the petition;
2. Promotes the petition through the Shire's Facebook page, website and any other appropriate media platforms.

COUNCIL DECISION

Minute No. 10738

Moved: Cr G King

Seconded: Cr B Robinson

That Council support the ongoing Sunday Times / PerthNow 'Fair Go for the West' campaign by:

- 1. The Shire completing the petition;**
- 2. Promotes the petition through the Shire's Facebook page, website and any other appropriate media platforms.**

Carried unanimously 8/0

13.4.5 Designation of Senior Employees Policy

DATE:	16/12/2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Kevin Hannagan, Acting CEO
REPORTING OFFICER:	Kevin Hannagan, Acting CEO
FILE NO:	N/A
DECLARATION OF INTERESTS:	Nil

PURPOSE

For Council to approve the Council Policy for Designation of Senior Employees.

BACKGROUND

To provide guidance to the Council and the Chief Executive Officer (CEO) for prescribing positions to be classified as 'Senior Employee'.

STATUTORY IMPLICATIONS

Local Government Act 1995

5.37. Senior employees

- (1) A local government may designate employees or persons belonging to a class of employee to be senior employees.*
- (2) The CEO is to inform the council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a), and the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.*
- (3) Unless subsection (4A) applies, if the position of a senior employee of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.*
- (4A) Subsection (3) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.*
- (4) For the avoidance of doubt, subsection (3) does not impose a requirement to advertise a position where a contract referred to in section 5.39 is renewed.*

[Section 5.37 amended by No. 49 of 2004 s. 45 and 46(4); No. 17 of 2009 s. 22.]

5.38. Annual review of certain employees' performances

The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

5.39. Contracts for CEO and senior employees

- (1) Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.*
- (1a) Despite subsection (1) —*

- (a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and
- (b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.
- (2) A contract under this section —
 - (a) in the case of an acting or temporary position, cannot be for a term exceeding one year;
 - (b) in every other case, cannot be for a term exceeding 5 years.
- (3) A contract under this section is of no effect unless —
 - (a) the expiry date is specified in the contract; and
 - (b) there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and
- (c) any other matter that has been prescribed as a matter to be included in the contract has been included.
- (4) A contract under this section is to be renewable and subject to subsection (5), may be varied.
- (5) A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.
- (6) Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.
- (7) A CEO is to be paid or provided with such remuneration as is determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7A.
- (8) A local government is to ensure that subsection (7) is complied with in entering into, or renewing, a contract of employment with a CEO.
 [Section 5.39 amended by No. 49 of 2004 s. 46(1)-(3); No. 2 of 2012 s. 13(correction to reprint in Gazette 28 Mar 2013 p. 1317).]

POLICY IMPLICATIONS

If approved by the Council, this policy would become a new Council Policy

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

Objective 1.4: Business innovation, efficiency and improved service

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

COMMUNITY CONSULTATION

None required.

COMMENT

It is prudent for Council to adopt a Council Policy determining which officers are Senior Employees in accordance with the Local Government Act. The Council needs to determine which officers are Senior Employees as the Chief Executive Officer in accordance with the LG Act must undertake certain processes related to Senior Employees before taking action.

It is proposed that class of employee titled 'Director' and who report directly to the Chief Executive Officer be designated Senior Employees.

ATTACHMENTS

Attachment 1 - CP/HR-3350 Designation of Senior Employees

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council adopts the proposed Council Policy (CP/HR-3350 Designation of Senior Employees).

COUNCIL DECISION

Minute No. 10739

Moved: Cr G Taylor

Seconded: Cr B Robinson

That Council adopts the proposed Council Policy (CP/HR-3350 Designation of Senior Employees).

Carried unanimously 8/0



POLICY NO	CP/HR-3350	
POLICY	Designation of Senior Employees	
RESPONSIBLE DIRECTORATE	Governance	
COUNCIL ADOPTION	Date:	Resolution No:
REVIEWED/MODIFIED	Date:	Resolution No:
	Date:	Resolution No:
LEGISLATION	<i>Local Government Act 1995 Section 5.37, 5.3, 5.39.</i>	
RELEVANT DELEGATIONS	Nil	

OBJECTIVES:

To provide guidance to the Council and the Chief Executive Officer (CEO) for prescribing the positions to be classified as a 'Senior Employee'.

POLICY STATEMENT/S:

1. Senior Employees

- (a) The class of employee whose position title commences with the word 'Director' and who report directly to the Chief Executive Officer are determined to be 'Senior Employee' for the purposes of the Local Government Act 1995 Section 5.37(1).
- (b) Appointment of a person to a Senior Employee position on a temporary or acting basis is in accordance with Local Government Act 1995 Section 5.39(1a).
- (c) The CEO is responsible for fulfilling the Shire's obligations in the management of Senior Employees as follows:
 - (i) Inform the Council of an intention to employ, dismiss, or create a new Senior Employee position (refer Local Government Act 1995 Section 5.37(2));
 - (ii) review the performance of each senior employee on an annual basis (refer Local Government Act Section 5.38); and
 - (iii) make determinations to exercise contract renewal options or re-negotiate existing employment contracts in accordance with the Local Government Act 1995 Section 5.37.

2. Other Employees

The CEO has authority (subject to sufficient funds being provided in the Shire's budget) to:

- (a) create new positions, other than Senior Employees [in accordance with the Local Government Act 1995 Section 5.37(2)];
- (b) determine the functions of new and existing positions;
- (c) determine the remuneration of new and existing positions;

(d) undertake the annual performance appraisals of all employees in accordance with the Local Government Act 1995 Section 5.38; and

(e) terminate existing positions, including determinations on employee redundancy if required.

13.4.6 Council Representation for the North Kimberley Land Conservation District Committee

DATE:	16/12/2014
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:	GN.05.7
DECLARATION OF INTERESTS:	Nil

PURPOSE

For Council to consider its representation on the North Kimberley Land Conservation District Committee for the current three year term.

BACKGROUND

Land conservation District Committees (LCDCs) are statutory committees appointed by the Commissioner to administer Land Conservation Districts in accordance with an Order proclaimed by the Governor. Their main function is to promote land management and carry out projects.

At the Ordinary Meeting of Council in May 2011, Cr John Moulden was appointed to be the Council representative:

COUNCIL DECISION

Minute No. 9470

Moved: Cr R Addis

Seconded: Cr K Wright

That Council appoint Cr J Moulden as its representative and Cr R Addis as proxy to the North Kimberley Land Conservation District Committee for the current three year term, expiring in September 2013.

Carried Unanimously 9/0

Note: Cr J Moulden accepted the nomination, advising that he would not be available until after the Census in August 2011 and would require a proxy to ensure Council's representation.

The request from the Department of Agriculture and Food (Attachment 1) advises that Cr John Moulden has put his name forward for re-appointment and that this needs to be confirmed by Council.

STATUTORY IMPLICATIONS

Membership of land conservation district committees (LCDCs) is set out in the *Soil and Land Conservation Act 1945* (the Act) and includes:

- The Commissioner of Soil and Land Conservation or his/her nominee.

- Representative(s) of the relevant local government(s) in the district (can be a councillor, employee of the local government or other person).
- A total of three persons representing the Western Australian Farmers Federation (WAFF) and/or the Pastoralists and Graziers Association (PGA), if agricultural and pastoral activities are a major land use within the district (does not have to be a member of WAFF or PGA, although this will usually be the case).
- Such other number of persons from the local community required to complete the membership, being people or organisations who are actively engaged in land use within the district (generally referred to as the 'land user' category).

The actual number of members on a particular LCDC is set by the Order establishing the district. This varies between LCDCs. The Commissioner of Soil and Land Conservation approves all appointments to LCDCs and members serve a maximum term of three years.

POLICY IMPLICATIONS

Council policies in relation to reimbursements of costs incurred while undertaking the role of Councillor are relevant to this matter.

FINANCIAL IMPLICATIONS

Travel costs to attend meetings would be the only financial implications.

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 1.3: Advocacy of East Kimberley issues and opportunities at regional, state and national levels

Strategy 1.3.1: Actively provide input to decision making at the Regional, State and Federal levels on behalf of the community

COMMUNITY CONSULTATION

None required.

COMMENT

Representation on the North Kimberley LCDC contributes to the strategic goals of the organisation and is a statutory requirement for the Department of Agriculture and Food.

The current three year term commences in December 2014 and expires in December 2017. Should the nominated Councillor become unable to fulfil the role in this time, Council will need to consider the matter again and provide a new representative.

ATTACHMENTS

Attachment 1 - Request from Department of Agriculture and Food

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council appoint Cr as its representative to the North Kimberley Land Conservation District Committee for the current three year term, expiring in December 2017.

Cr Wright moves the motion with amendments.

COUNCIL DECISION

Minute No. 10740

Moved: Cr K Wright

Seconded: Cr R Dessert

That Council appoint Cr John Moulden as its representative to the North Kimberley Land Conservation District Committee for the current three year term, expiring in December 2017, and that the minutes of the meetings be presented back to Council.

Carried unanimously 8/0

13.4.7 Requests for Information

DATE:	16/12/2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Kevin Hannagan, Chief Executive Officer
REPORTING OFFICER:	Kevin Hannagan, Chief Executive Officer
FILE NO:	N/A
DECLARATION OF INTERESTS:	Nil

PURPOSE

To inform Council on statistical records of information requests received for calendar year 2013 versus 2014.

BACKGROUND

Council has various mediums that the community can gain Council information from or make complaints about the Shire or Councillors outside of the normal day to day correspondence.

Those mediums are:

- Councillor Complaints to the Department of Local Government 'Standards Panel' (Complaints Officer);
- General Complaints to the Chief Executive Officer;
- Freedom of Information Requests (Fol Officer); and
- Enquiries from other Agencies (e.g. Department of Environment and Regulation, Crime and Corruption Commission, Department of Local Government)..

STATUTORY IMPLICATIONS

Nil.

POLICY IMPLICATIONS

It is proposed as part of the report recommendation that new Council Policies be developed.

FINANCIAL IMPLICATIONS

There are financial implications in the employment of consultants to undertake independent investigations and lost time of staff when the number of inquiries / complaints increase. Council does not currently have a budget item for these costs and may require reductions in services to the community in other areas to compensate. As such if the level of requests remains as high as it is, Council may need to consider a separate budget item of approximately \$30,000 in its 2015/16 Budget.

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 1.1: Strong community engagement

COMMUNITY CONSULTATION

N.A.

COMMENT

Below are statistics on information request types for 2013 vs 2014.

	2013		2014	
	No.	\$	No.	\$
Councillor Complaints	0	0	2	0
General Complaints	2	0	23	\$16,500
Freedom of Information	2	Est \$1,500	8	\$3,581 to date
Other Agencies	1	\$3,500	5	\$12,000

	5	\$5,000	38	\$32,081+

It is noted that it is difficult to put an exact cost on staff time in responding to these type of requests without a separate GL Code. Where possible an estimate of staff time costs have been included in the above. The 2014 requests involve considerable staff time, this is particularly relevant to Fol requests and it must be noted that 'pending' Fol requests are of a broad nature and will tie up considerable Shire resources. Another cost component is when the Shire is required to engage an investigator to provide independent assessment of the facts related to a complaint.

ATTACHMENTS

There are no attachments associated with the report.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That the Acting Chief Executive Officer develop the following for Council consideration in 2015:

1. Communications Policy
2. Customer Service Charter
3. Complaints Policy

COUNCIL DECISION

Minute No. 10741

Moved: Cr B Robinson

Seconded: Cr D Learbuch

That the Acting Chief Executive Officer develop the following for Council consideration in 2015:

- 1. Communications Policy**
- 2. Customer Service Charter**
- 3. Complaints Policy**

Carried unanimously 8/0

13.4.8 Approval for Cr Cooke to attend the January Ordinary Council Meeting by telephone or video conference

DATE:	16/12/2014
PROPONENT:	Cr Cooke
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

For the Council to consider a request from Cr Cooke to attend the January 2015 Ordinary Council Meeting by Telephone or Video Conference.

BACKGROUND

The January Ordinary Council Meeting will be held on the 27th January 2015. Cr Cooke will be unable to attend in person as she will be interstate on this date. As she already has a leave of absence for the December 2014 Ordinary Council Meeting, she has requested that she attend the 27th January 2015 meeting via telephone or video conference as she is unable to attend in person.

STATUTORY IMPLICATIONS

14A. Attendance by telephone etc. (Act s. 5.25(1)(ba))

- (1) A person who is not physically present at a meeting of a council or committee is to be taken to be present at the meeting if —*
 - (a) the person is simultaneously in audio contact, by telephone or other means of instantaneous communication, with each other person present at the meeting; and*
 - (b) the person is in a suitable place; and*
 - (c) the council has approved* of the arrangement.*
- (2) A council cannot give approval under subregulation (1)(c) if to do so would mean that at more than half of the meetings of the council, or committee, as the case may be, in that financial year, a person who was not physically present was taken to be present in accordance with this regulation.*
- (3) A person referred to in this regulation is no longer to be taken to be present at a meeting if the person ceases to be in instantaneous communication with each other person present at the meeting.*
- (4) In this regulation —*

suitable place means a place that the council has approved* as a suitable place for the purpose of this regulation and that is located —

 - (a) in a townsite or other residential area; and*
 - (b) 150 km or further from the place at which the meeting is to be held under regulation 12, measured along the shortest road route ordinarily used for travelling;*

townsite has the same meaning given to that term in the Land Administration Act 1997 section 3(1).

* Absolute majority required.

[Regulation 14A inserted in Gazette 31 Mar 2005 p. 1031.]

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

Objective 1.4: Business innovation, efficiency and improved service

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

COMMUNITY CONSULTATION

None Required

COMMENT

As per the requirements of the Local Government Act 1995, Cr Cooke is able to attend the meeting with simultaneous audio contact by telephone with each other person present at the meeting. The technology available in the Council Chambers allows for this.

Cr Cooke has advised that she would be in a 'suitable place' which is to be a private office in Kialla (town site), Victoria. This location is more than 150km from Kununurra Council Chambers where the meeting is to be held.

Cr Cooke has been physically present at more than half of the meetings of the Council in this financial year.

There is also the option for Cr Cooke to be present via video conference as the NBN wireless internet access that she will have available to her is suitable for this purpose. The Shire will need to confirm that this can be supported in the Council Chambers.

ATTACHMENTS

There are no attachments associated with the report.

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council approves Cr Cooke to attend the January Ordinary Council Meeting on the 27 January 2015 via Telephone or Video Conference.

COUNCIL DECISION

Minute No. 10742

**Moved: Cr D Learbuch
Seconded: Cr G Taylor**

That Council approves Cr Cooke to attend the January Ordinary Council Meeting on the 27 January 2015 via Telephone or Video Conference.

Carried 5/3

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

13.5 ELECTED MEMBER REPORTS

Shire President, Cr John Moulden

25 November	Local Planning Scheme 9 Workshop
26 November	East Kimberley Family Healing Gathering
27 November	SWEK - Aboriginal Lands Trust - Kununurra Workshop
	Awards Presentation at KDHS
2 December	Alcohol Accord Meeting
5 December	Thank a volunteer function
8 December	Lake Kununurra Foreshore Committee
9 December	Meeting with ANW
	Zone meeting in Halls Creek

Cr Keith Wright

28 November	KVC Board meeting followed by AGM
1 December	KVC Board meeting in the morning at KVC
5 December	Thank a volunteer function
7 December	Meeting with executives from Juniper Central. (Chief Executive Vaughan Harding, Exec Manager Residential Raelene Siford, Board Chairman Fred Boshart, Executive Manager Assets and Services Mick Burke).
9 December	Zone meeting in Halls Creek
15 December	EKMG board meeting

COUNCIL DECISION

Minute No. 10743

**Moved: Cr B Robinson
Seconded: Cr R Dessert**

That Council accepts the Elected Member reports for the period 13 November to 11 December 2014.

Carried unanimously 8/0

13.6 ACTING CHIEF EXECUTIVE OFFICER REPORTS

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

18 November	Water Corporation Meeting
21 November	FESA Meeting Kimberley Zone Video Conference
25 November	Local Planning Scheme 9 Workshop
26 November	East Kimberley Family Healing Gathering
27 November	SWEK - Aboriginal Lands Trust - Kununurra Workshop
28 November	Meeting with Regional Commander, DFES
2 December	Kimberley Zone Video Conference re IT Vision Report
3 December	Kimberley Zone CEO Video Conference re IT Vision Report Local Planning Scheme 9 Workshop
9 December	Australia's North West Board Meeting Zone Meeting in Halls Creek
12 December	Kimberley Zone Video Conference re IT Vision Report
15 December	EKMG Special General Meeting EKMG Committee Meeting

COUNCIL DECISION

Minute No. 10744

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

That Council accepts the Elected Member reports for the period 13 November to 11 December 2014.

Carried unanimously 8/0

14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

14.1 MOTION RECEIVED FROM CR G TAYLOR

Motion of which previous notice has been given.

December Ordinary Council Meeting

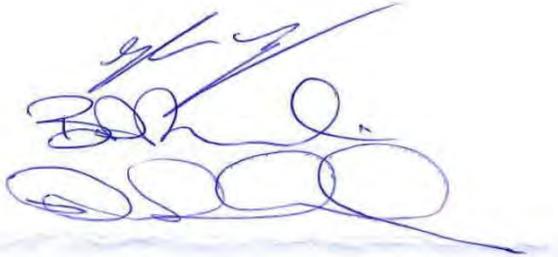
Cr Glenn Taylor

Date: 8 December 2014

Motion:

"Confidential item(s) material is not disclosed to Councillors prior to Council Meetings. Once the Council Meeting is moved behind closed doors, confidential material can then be distributed to Councillors for reading and debate".

Cr. GLENN TAYLOR :
Cr BEAN ROBINSON :
Cr DON LEARBUCH :



Cr K Wright moves to suspend Standing Orders Local Law 2003, clause 7.5 Limitation of Number of Speeches. Cr D Spackman seconds.

COUNCIL DECISION

Minute No. 10745

Moved: Cr K Wright

Seconded: Cr D Spackman

That Council suspends Standing Orders Local Law 7.5 Limitation on Number of Speeches.

Motion lost 3/5

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

Against: Cr J Moulden, Cr R Dessert, Cr B Robinson , Cr D Learnbuch, Cr G Taylor

Cr D Spackman moves the following motion:

That Council directs the CEO to bring to Council a draft whistle blower policy to the January Ordinary Council Meeting. Motion lapsed for want of a seconder.

COUNCIL DECISION

Minute No. 10746

Moved: Cr G Taylor

Seconded: Cr D Learbuch

That confidential item(s) material is not disclosed to Councillors prior to Council meetings. Once the Council meeting is moved behind closed doors, confidential material can then be distributed to Councillors for reading and debate.

Motion lost 2/6

For: Cr G Taylor, Cr D Learbuch

**Against: Cr J Moulden, Cr R Dessert, Cr K Wright, Cr G King, Cr D Spackman,
Cr B Robinson**

15. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

Cr Wright proposes a motion to bring agenda item 17.1 of the OCM Agenda, Kununurra Agricultural Society forward and out from behind closed doors.

COUNCIL DECISION

Minute No. 10747

Moved: Cr K Wright

Seconded: Cr G King

Cr Wright proposes a motion to bring agenda item 17.1 of the OCM Agenda, Kununurra Agricultural Society forward and out from behind closed doors.

Carried unanimously 8/0

16. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

16.1 KUNUNURRA AGRICULTURAL SOCIETY LEASE

DATE:	18/11/2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Part Lot 504 Coolibah Drive, Kununurra
AUTHOR:	Jennifer Ninyette, Senior Planning Officer
REPORTING OFFICER:	Louise Gee, Director Community Development
FILE NO:	CP.07.1

PURPOSE

To inform Council on the progress of the lease agreement between Kununurra Agricultural Society (KAS) and the Shire; and to consider the amendments requested by the Society to the lease agreement regarding costs incurred preparing the lease.

BACKGROUND

The Kununurra Agricultural Society Inc. has held a lease over portion of Reserve 29799, part Lot 504 Coolibah Drive, Kununurra. The lease was dated 1 July 1991 for a period of 21 years, expiring 30 June 2012, therefore currently the Kununurra Agricultural Society Inc. is operating as a tenant at will.

At the 22 January 2013 Ordinary Council Meeting it was resolved to offer a 21 year lease to the Kununurra Agricultural Society Inc.

Minute No. 9982

Moved: Cr J Parker

Seconded: Cr D Ausburn

That Council offers the Kununurra Agricultural Society a 21 year lease over portion of Reserve 29799, part Lot 504 Coolibah Drive, Kununurra, subject to the following:

That the annual rental amount is set at \$3,500 to be reviewed annually for first 3 years, and then reviewed every three years.

For: Cr J Moulden, Cr Di Ausburn, Cr J Parker, Cr Cissy Gore-Birch Gault, Cr J McCoy

Against: Cr R Dessert

Following this resolution, a lease was drafted and following significant negotiation including a number of clarifications and amendments, the Society has agreed with the terms and conditions of the proposed lease.

A summary of the actions, issues, negotiations and subsequent preparation and amendments in relation to the lease to date is provided in the time line of events at Attachment 1.

However, although agreement has been reached on the lease, which has also been approved by the Department of Lands on behalf of the Minister, more recent and lengthy delays have been caused in trying to ensure the Lease Plan meets the specific requirements of Landgate in order for the lease to be registered.

The ongoing operation of the KAS Temporary Caravan Park has also raised concerns with other caravan park operators. The KAS Temporary Caravan Park was originally established to cater for travellers with 'big rigs' and pets during the tourist season, at a time when no other caravan parks would accept them. However, as the majority of caravan parks now accept dogs and larger vehicles there is now a requirement for KAS to justify the need for the ongoing operation of a temporary caravan park.

STATUTORY IMPLICATIONS

Town Planning Scheme No. 7 – Kununurra and Environs

The land, being portion of Reserve 29799, is Scheme Reserve for the purpose of Parks and Recreation under Town Planning Scheme No. 7 – Kununurra and Environs.

The objective of the Parks and Recreation reserve is '*to identify and protect land utilised or intending to be utilised for local recreational needs*'.

Clause 2.2.1 of TPS states that where an application for Planning Approval is made with respect to land within a Scheme Reserve, the Council shall have regard to the ultimate purposes intended for the Reserve.

Land Administration Act 1997

Reserve 29799 is reserved under the *Land Administration Act 1997* (LAA) for the purpose of 'Recreation, Community Facilities, Caravan Park and Camping Ground'.

The Shire holds the management order for both reserves with power to lease for a maximum term of 21 years, subject to consent of the Minister for Lands.

Local Government Act 1995

Under section 3.58 of the Local Government Act 1995 (LGA), the leasing of land is included as a form of disposal of property and is required to be undertaken in accordance with this section of the LGA.

However, there are exemptions from the requirements outlined in regulation 30 of the Local Government (Functions & General) Regulations 1996, which sites that a disposition of land is an exempt disposition if –

- (i) the land is disposed of to a body, whether incorporated or not -
- (ii) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
- (iii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;"

As such, the proposed lease to the Society is considered to be an exempt disposition.

Under section 6.12 (Power to defer, grant discounts, waive or write of debts) clause(1)(b) of the LGA the local government may waive or grant concession in relation to any amount of money which is owed to the local government.

POLICY IMPLICATIONS

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

Council Policy: CP/PMG-3780: Leasing of Council Managed Reserve Land was adopted in July 2012 to inform the decision making process for Council, and ensure equity and consistency in community leasing arrangements. The policy is intended to:

- inform the public of minimum requirements and core principles in regard to community leases and to promote increased community usage, benefit, and strategic development of community facilities, and
- outline the responsibilities in regard to legal and other costs to prepare leases, payment for services (electricity and water), rates and taxes, and maintenance costs towards shared access roads, car parking areas etc.

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

- the strategic future requirement for the land.
- opportunities for increased community benefit i.e. collocation of facilities and development of multipurpose facilities.
- ongoing requirements and current position of the club/community group. It also outlines that a longer lease term may be granted at the discretion of Council if the club/community group can demonstrate need and financial sustainability through the lodgement of a business plan, which identifies the ongoing requirements and current position of that group as well as proposed future development and opportunities for collocation.

The aims of the Council leasing policy include the:

- Promotion of collocation and multipurpose development, where practicable, and strategic development of community facilities based on future requirements of the land and community needs.
- Assisting community groups in improving facilities and increasing capacity within the Shire that results in community strengthening and helps to build vibrant, inclusive and healthy communities.

A copy of this policy is provided at Attachment 3.

FINANCIAL IMPLICATIONS

The Shire has incurred substantial costs due to the extensive negotiations involved in the preparation of the lease with KAS. A table showing the payments made to Civic Legal to date in relation to the KAS are provided at Attachment 2. The costs to date associated with the current lease are as follows:

	COST (ex GST)
Feature Survey	\$3210.00
Valuation	\$2900.00
Preparation of "First" Draft Lease	\$6178.05
Clarification over the requirement for a Lease	\$9752.41
Preparation of 'Final' Lease	\$10,958.48
TOTAL	\$32,998.94

Opteon (Property Valuers) Pty Ltd provided a Valuation Report to the Shire and nominated the following annual lease rental amounts (exclusive of GST):

1. \$7,500 plus GST - With the operation of a temporary caravan park
2. \$18,000 plus GST - With the operation of a permanent caravan park

KAS currently pay \$750 per annum plus GST as tenant at will. Council resolved the new lease rental to be \$3,500, to be reviewed annually for the first three years, then for every three years thereafter.

It is noted that the lease also stipulates that KAS are required to pay an additional annual fee of \$1500 as a contribution towards the cost of irrigating the Leased Premises and maintaining the Access Area. KAS currently pay this amount in addition to the lease rent for contribution to irrigation of the oval surrounds.

To progress the preparation of the draft Lease following discussions with Council Opteon (Property Valuers) Pty Ltd have been engaged to provide a Valuation Report and nominated annual lease rental amounts for three different 'levels' of use i.e. community use; temporary caravan park; and permanent caravan park. The quoted cost of the Valuation Report is \$2,500 (ex GST).

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

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 3.5.2: Encourage Cooperation between sporting groups and assist them in building capacity.

COMMUNITY CONSULTATION

In accordance with Regulation 30 (2) (b) of the Local Government (Functions and General) Regulations 1996 this disposition of land is exempt from the requirements of Section 3.58 of the Local Government Act and therefore a public notice is not required.

COMMENT

Council are being informed of this action due to the duration of the process and to inform of the planned lease terms, and substantial costs involved.

At a meeting with Anthea Thomson, representative of KAS, on 25 September 2013, KAS requested the ability to negotiate the costs specified in clauses 11.1 (a),(c),(g)&(h).

In a response provided by the Shire's solicitor on 1 November 2013, which included a Table of Issues to address each of the issues raised by KAS, it was advised that the clause is fairly standard and that the Shire as Lessor is not prepared to negotiate these cost as and when they arise. However, the Shire did agree to bear the cost of the 'first draft' with the reasonable costs of any negotiations and subsequent amendments of the Lease to be borne by the Lessee. The clause was suggested to be amended as follows:

"Save and except the cost of preparing a first draft only of this Lease the Lessee must pay to the Lessor or as the Lessor directs all the Lessors reasonable costs, charges and expenses in connection with:"

On 7 November 2013, Shire Officer's met again with KAS to go through the Table of Issues, as KAS still had a number of concerns. One of these was again in relation to clause 11.1 (a), (c), (g) & (h).

KAS advised that the Society did not like the amended wording of 'first draft only', as they consider the first draft has been and gone and they are still not happy.

At this meeting Shire Officers advised that it is intended to relate to amendments made to the lease after we have a 'final' draft. Subsequently, the Shire suggested that this clause be amended to state that:

- The Lessee must pay to the Lessor or as the Lessor directs all the Lessors reasonable costs, charges and expenses in connection with future amendments of the Lease', or
- To replace 'first draft' with 'final draft.

The current clause 11.1 now reads as follows:

11.1 Costs and Expenses

Save and except the cost of negotiating, preparing, executing, settling and stamping this Lease, the Lessee must pay to the Lessor or as the Lessor directs all the Lessor's reasonable costs, charges and expenses in connection with:

- (a) any consent, approval or exercise of any right, waiver, variation, release, surrender or discharge in connection with this Lease, including but not limited to all costs and expenses of and incidental to the preparation and service of a notice under section 81 of the Property Law Act 1969 (WA);*
- (b) any inspection or report concerning the Leased Premises and the Lessee's Fixtures;*

- (c) any breach of the Lessee's Obligations;
 - (d) any work done at the request of the Lessee;
 - (e) the exercise or attempted exercise of the Lessor's Rights; and
 - (f) any action, suit or proceeding to which the Lessor is joined as a party as a result of the Lessee's occupation of the Leased Premises and the Lessee's Fixtures,
- and such costs, charges and expenses include, but are not limited to:
- (g) taxes and fees and fines and penalties which may be payable in connection with this Lease;
 - (h) all legal costs and expenses on a full indemnity basis; and
 - (i) all interest which the Lessor is entitled to claim.

A copy of the Lease document is provided at Attachment 4.

It is noted that Council's Leasing of Council Managed Land Policy states in section 8.4 that the "cost of the lease preparation (including costs advertising, valuation, legal fees), stamping and registration are to be met by the lessee".

The negotiations for the lease to KAS have been lengthy and the costs associated with the preparation of the lease have been substantially higher than that of other leases.

Just under a third of the legal costs associated with the Kununurra Agricultural Society were in relation to clarification over the requirement for a Lease, which is considered to be separate to the preparation of the lease document, and for which both parties should bear their own respective legal costs.

It is acknowledged that there was a verbal agreement between officers and KAS in early November 2013 that the Shire would agree to bear the cost of the 'first draft', and on this basis it is considered that the 'reasonable costs' that can be recouped are the costs for the valuation and the preparation of the 'final draft' of the document, being those costs incurred since December 2013.

At the Ordinary Council Meeting of 18 November 2014, Council considered this matter and resolved:

Minute No. 10684

Moved: Cr B Robinson

Seconded: Cr D Learbuch

That Council revokes Minute No 9982 of the Ordinary Council Meeting held on 22 January 2013.

Carried Unanimously 8/0

Minute No. 10689

Moved: Cr J Moulden

Seconded: Cr R Dessert

That Council defer the item 17.1 Kununurra Agricultural Society Lease to a briefing session for further consideration.

Carried 7/1

Since the November Ordinary Council Meeting, the KAS has presented their position and concerns to the Council at the December Briefing Session. KAS indicated that they intend to apply to operate as a permanent caravan park, however will not be able to do so in the next

12 months and therefore they may need to apply for a temporary caravan park licence again next year. They also advised that revenue raised from the operation of the temporary caravan park principally funds the maintenance of the grounds and not the annual show.

Based on discussion at the November Ordinary Council Meeting, Shire Officers have sought the lease document to be amended to provide provision for KAS, at any time during the term of the lease, to use the site for either of the following:

1. Community use;
2. Community use plus temporary caravan park
3. Community use plus permanent caravan park

The amended lease document also has reinstated the standard Costs and Expenses clause and is proposed to be for 21 years commencing as of 1 January 2015. A copy of this draft lease is provided at Attachment 5.

In order to determine appropriate levels of rent as shown in Item 6(a), (b) and (c) of the amended lease document, Shire Officers have sought a new valuation to be prepared. It is recommended that once the valuation has been received, the amended lease document with the recommended lease rental amounts should be forwarded to KAS for their review.

Following subsequent feedback from the KAS it is proposed that the matter will be again presented for Council's consideration to determine:

What base rental figures will be selected for each 'level' of use;
Any agreed changes to the lease document; and
What amount, if any, of the costs associated with the preparation and negotiation of the lease will be waived.

It is therefore recommended that Council:-

Include the rental amounts outlined in the commissioned Valuation Report when received by the Shire in the draft Lease (refer Attachment 5) for the following uses:

- (a) *If the Lessee has not obtained Permits to operate either a Temporary or Permanent Caravan Park and Camping Ground;*
 - (b) *If the Lessee has obtained Permits to operate a Temporary Caravan Park and Camping Ground; and*
 - (c) *If the Lessee has obtained Permits to operate a Permanent Caravan Park and Camping Ground*
1. ***Support the attached draft Lease (refer Attachment 5), commencing on 1 January 2015 for a term of 21 years, being forwarded to the Kununurra Agricultural Society Inc. for their review once the rental amounts are included.***
 2. ***Requests a further report be presented to Council following receipt of feedback from the Kununurra Agricultural Society Inc. on the draft Lease.***

ATTACHMENTS

Attachment 1 - Timeline of Events

Attachment 2 – Legal Costs since March 2010

Attachment 3 – Council Policy: CP/PMG-3780: Leasing of Council Managed Reserve Land

Attachment 4 – Lease Document

Attachment 5 – Amended Lease Document

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council support the issue of a lease to the Kununurra Agricultural Society Inc. to commence as of 1 December 2014 subject to:

1. Clause 11.1 Costs and Expenses of the Lease being replaced with the following standard clause;

The Lessee must pay to the Lessor or as the Lessor directs, all the Lessor's reasonable costs, charges and expenses in connection with:

- (a) *the negotiation, preparation, execution, settlement and stamping of this Lease;*
- (b) *any consent, approval or exercise of any right, waiver, variation, release, surrender or discharge in connection with this Lease, including but not limited to all costs and expenses of and incidental to the preparation and service of a notice under section 81 of the Property Law Act 1969 (WA);*
- (c) *any inspection or report concerning the Premises;*
- (d) *any breach of the Lessee's Covenants;*
- (e) *any work done at the request of the Lessee;*
- (f) *the exercise or attempted exercise of the Lessor's Rights;*
- (g) *any action, suit or proceeding to which the Lessor is joined as a party as a result of the Lessee's occupation of the Premises;*
- (h) *advertising costs in accordance with the Local Government Act 1995 (WA);*
- (i) *all valuation costs in respect of this Lease;*
and such costs, charges and expenses include, but are not limited to:
- (j) *taxes and fees and fines and penalties which may be payable in connection with this Lease;*
- (k) *all legal costs and expenses on a full indemnity basis or solicitor and own client basis whichever is the higher; and*
- (l) *all interest which the Lessor is entitled to claim.*

2. The Kununurra Agricultural Society Inc. being invoiced for an amount of \$13,858.48 being recovery of the valuation (\$2900) and legal costs for the preparation of the 'Final Draft' of the Lease (\$10,958.48).
3. Waive the Charge for the Preparation of "First' Draft Lease, \$6,178.05.

Cr Wright proposes a motion that the item be deferred until it is presented in a format which is easy to understand.

COUNCIL DECISION

Minute No. 10748

**Moved: Cr K Wright
Seconded: Cr G King**

That Council defers the item until it is presented in a format which is easy to understand.

Tied 4/4
For: Cr K Wright, Cr G King, Cr G Taylor, Cr R Dessert
Against: Cr J Moulden, Cr B Robinson, Cr D Learbuch, Cr D Spackman
Casting vote Cr J Moulden
Motion lost 5/4

Cr B Robinson moves the officer's recommendation with the addition of

4. That council obtain support in writing from the caravan park industry representatives for a permanent caravan park located within the offered leased land.
5. That council obtain in writing from KAS a financial relationship between the caravan park operation and the annual agricultural show as per council policy CP/PMG-3780.

Cr D Learbuch seconds.

COUNCIL DECISION

Minute No. 10749

**Moved: Cr B Robinson
Seconded: Cr D Learbuch**

That Council support the issue of a lease to the Kununurra Agricultural Society Inc. to commence as of 1 December 2014 subject to:

2. **Clause 11.1 Costs and Expenses of the Lease being replaced with the following standard clause;**

The Lessee must pay to the Lessor or as the Lessor directs, all the Lessor's reasonable costs, charges and expenses in connection with:

- (a) *the negotiation, preparation, execution, settlement and stamping of this Lease;***
- (b) *any consent, approval or exercise of any right, waiver, variation, release, surrender or discharge in connection with this Lease, including but not limited to all costs and expenses of and incidental to the preparation***

and service of a notice under section 81 of the Property Law Act 1969 (WA);

- (c) any inspection or report concerning the Premises;*
 - (d) any breach of the Lessee's Covenants;*
 - (e) any work done at the request of the Lessee;*
 - (f) the exercise or attempted exercise of the Lessor's Rights;*
 - (g) any action, suit or proceeding to which the Lessor is joined as a party as a result of the Lessee's occupation of the Premises;*
 - (h) advertising costs in accordance with the Local Government Act 1995 (WA);*
 - (i) all valuation costs in respect of this Lease;*
- and such costs, charges and expenses include, but are not limited to:*
- (j) taxes and fees and fines and penalties which may be payable in connection with this Lease;*
 - (k) all legal costs and expenses on a full indemnity basis or solicitor and own client basis whichever is the higher; and*
 - (l) all interest which the Lessor is entitled to claim.*

2. The Kununurra Agricultural Society Inc. being invoiced for an amount of \$13,858.48 being recovery of the valuation (\$2900) and legal costs for the preparation of the 'Final Draft' of the Lease (\$10,958.48).
3. Waive the Charge for the Preparation of "First' Draft Lease, \$6,178.05.
4. That council obtain support in writing from the caravan park industry representatives for a permanent caravan park located within the offered leased land.
5. That council obtain in writing from KAS a financial relationship between the caravan park operation and the annual ag show as per council policy CP/PMG-3780.

Motion lost 2/6

For: Cr B Robinson, Cr D Learbuch

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

Cr G Taylor proposes the following motion:

That Cr K Wright no longer be heard. The motion lapsed for want of a seconder.

Cr K Wright moves the officer's recommendation. Cr G King seconds.

COUNCIL DECISION

Minute No. 10750

Moved: Cr K Wright

Seconded: Cr G King

That Council support the issue of a lease to the Kununurra Agricultural Society Inc. to commence as of 1 December 2014 subject to:

1. Clause 11.1 Costs and Expenses of the Lease being replaced with the following standard clause;

The Lessee must pay to the Lessor or as the Lessor directs, all the Lessor's reasonable costs, charges and expenses in connection with:

- (a) *the negotiation, preparation, execution, settlement and stamping of this Lease;*
- (b) *any consent, approval or exercise of any right, waiver, variation, release, surrender or discharge in connection with this Lease, including but not limited to all costs and expenses of and incidental to the preparation and service of a notice under section 81 of the Property Law Act 1969 (WA);*
- (c) *any inspection or report concerning the Premises;*
- (d) *any breach of the Lessee's Covenants;*
- (e) *any work done at the request of the Lessee;*
- (f) *the exercise or attempted exercise of the Lessor's Rights;*
- (g) *any action, suit or proceeding to which the Lessor is joined as a party as a result of the Lessee's occupation of the Premises;*
- (h) *advertising costs in accordance with the Local Government Act 1995 (WA);*
- (i) *all valuation costs in respect of this Lease;*
and such costs, charges and expenses include, but are not limited to:
- (j) *taxes and fees and fines and penalties which may be payable in connection with this Lease;*
- (k) *all legal costs and expenses on a full indemnity basis or solicitor and own client basis whichever is the higher; and*
- (l) *all interest which the Lessor is entitled to claim.*

2. The Kununurra Agricultural Society Inc. being invoiced for an amount of \$13,858.48 being recovery of the valuation (\$2900) and legal costs for the preparation of the 'Final Draft' of the Lease (\$10,958.48).
3. Waive the Charge for the Preparation of "First' Draft Lease, \$6,178.05.

Tied 4/4

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

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

Casting vote Cr J Moulden

Motion lost 4/5

16.2 ACTING CHIEF EXECUTIVE OFFICER, DELEGATION OF POWERS AND DUTIES

DATE:	16/12/2014
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:	PL.02.2
DECLARATION OF INTERESTS:	Nil

PURPOSE

To inform the Council of an appointment under Delegation number 5 – Acting Chief Executive Officer.

BACKGROUND

In accordance with the *Local Government Act 1995* and the Shire of Wyndham East Kimberley's Delegation Register, the Chief Executive Officer can delegate the power and duty of Acting Chief Executive Officer while on approved leave.

STATUTORY IMPLICATIONS

Local Government Act 1995

5.44. CEO may delegate powers and duties to other employees

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

[Section 5.44 amended by No. 1 of 1998 s. 14(1).]

5.45. Other matters relevant to delegations under this Division

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

POLICY IMPLICATIONS

Shire of Wyndham East Kimberley Delegation Register 2014/15

5. ACTING CHIEF EXECUTIVE OFFICER

LEGISLATIVE POWER Local Government Act 1995, Section 5.36

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

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

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

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

Conditions

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

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

FINANCIAL IMPLICATIONS

The Acting Chief Executive Officer will be paid part Higher Duties for the period that they are delegated to be in this position.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

Objective 1.4: Business innovation, efficiency and improved service

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

COMMUNITY CONSULTATION

None Required

COMMENT

The current Acting CEO, Kevin Hannagan has been approved leave by the Shire President for a period of (7) working days, from Thursday 8 January 2015 to Friday 16 January 2015.

During this time Mr Hannagan will use his delegated authority to appoint Director Corporate Services, Natalie Octoman to perform the role of Acting Chief Executive Officer.

ATTACHMENTS

There are no attachments associated with the report.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council note the appointment of Natalie Octoman under delegated authority to the position of Acting Chief Executive Officer from Thursday 8 January 2015 to Friday 16 January 2015.

COUNCIL DECISION

Minute No. 10751

Moved: Cr K Wright

Seconded: Cr D Learbuch

That Council note the appointment of Natalie Octoman under delegated authority to the position of Acting Chief Executive Officer from Thursday 8 January 2015 to Friday 16 January 2015.

Carried unanimously 8/0

16.3 MODIFICATION OF THE PROVISION OF DOMESTIC WASTE VOUCHERS

DATE:	12/12/2014
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:	WM.15.15
DECLARATION OF INTERESTS:	Nil

PURPOSE

To request the Council to approve the provision of domestic waste vouchers related to Sulo bins to GRV Residential rated properties in Wyndham that do not currently receive a waste collection service.

BACKGROUND

At the Special Council Meeting on 2 September 2014 the Council passed the following resolution:

COUNCIL DECISION

Minute No. 10533

Moved: Cr R Dessert

Seconded: Cr D Learbuch

That the Council approves waste vouchers to be provided from 1 October 2014 to 30 September 2015 for properties within the following rating categories:

- a. GRV Residential***
- b. GRV Rural Residential***
- c. UV Rural Agriculture 1***
- d. UV Rural Agriculture 2***

Carried Unanimously 9/0

Contained within the Council Agenda Item was the following background information:

WASTE VOUCHERS

The Shire introduced the provision of waste vouchers with the distribution of Rates Notices for the 2013/14 financial year as a result of no longer accepting 'free' domestic waste from 1 October 2013.

In 2013/14 waste vouchers were provided only to those within the GRV Townsite, UV Rural Residential, UV Rural Agriculture 1 and UV Rural Agriculture 2 rating categories. All mining, pastoral and UV Other properties did not receive a voucher as it was deemed that these properties would not generally generate domestic waste.

It is proposed that a similar model is adopted for 2014/15 with waste vouchers being provided to all properties within the following rating categories:

- **GRV Residential**
- **UV Rural Residential**
- **UV Rural Agriculture 1 (recognising that there is generally a household on the land)**
- **UV Rural Agriculture 2 (recognising that there is generally a household on the land)**

and upon any properties currently in the GRV Other Vacant category, upon development, if the property is deemed to then be within one of the rating categories above, a waste voucher would then be provided.

The following domestic waste vouchers were issued with the annual rates notices for the period from 1 October 2014 to 30 September 2015:

- Yellow domestic waste voucher entitling the user to dispose of 1 cubic metre (6x4 Trailer plus 1 Sulo Bin or 4 Sulo Bins or 16 Domestic Bin Bags) of domestic waste.
- Red domestic waste voucher entitling the user to dispose of 52 x 240 Litres (equivalent size to a green rubbish Sulo Bin) of domestic waste.

In relation to the rating categories, the following waste vouchers were provided:

- GRV Residential – Yellow voucher
- UV Rural Agriculture 1 – Yellow and Red voucher
- UV Rural Agriculture 2 – Yellow and Red voucher
- UV Rural Residential – Yellow and Red voucher

Following the issue of the annual rates notices for 2014/15 Shire Officers were contacted by the owner of Assessment A252 to advise that their property is located in a rural area in Wyndham and that they do not receive a waste collection service and did not receive a domestic waste voucher for their Sulo bin for 2014/15 (being a red domestic waste voucher). Further investigations have revealed that there are a number of properties in the Wyndham area that are rated GRV Residential that do not receive a waste collection service.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The financial implications are a potential reduction in waste disposal income from the Wyndham landfill from any ratepayers in the affected area who are currently paying to take their domestic waste to the landfill. The financial implications of this are expected to be minimal.

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

Discussions and correspondence have been ongoing with affected ratepayers since this matter was brought to the attention of Shire Officers.

COMMENT

Most GRV Residential rated properties in the townships of Kununurra and Wyndham receive a waste collection service. The intention of providing the red domestic waste vouchers to properties rated Rural Agriculture 1, Rural Agriculture 2 and Rural Residential is to ensure that all properties that generate domestic waste but do not receive a waste collection service are provided with means by which to dispose of their domestic waste. It is therefore equitable to provide the red domestic waste vouchers to the GRV Residential rated properties in Wyndham that do not receive a waste collection service.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That the Council approve the provision of a red domestic waste voucher entitling the user to dispose of 52 x 240 Litres (equivalent size to a green rubbish Sulo Bin) of domestic waste for the period from 1 October 2014 to 30 September 2015 to all GRV Residential rated properties in Wyndham that do not currently receive a waste collection service.

COUNCIL DECISION

Minute No. 10752

Moved: Cr B Robinson

Seconded: Cr G Taylor

That the Council approve the provision of a red domestic waste voucher entitling the user to dispose of 52 x 240 Litres (equivalent size to a green rubbish Sulo Bin) of domestic waste for the period from 1 October 2014 to 30 September 2015 to all GRV Residential rated properties in Wyndham that do not currently receive a waste collection service.

Carried unanimously 8/0

16.4 WYNDHAM CHILD CARE CENTRE

DATE:	16/12/2014
LOCATION:	Wyndham Childcare Centre
AUTHOR:	Wayne Richards, Manager Community Services
REPORTING OFFICER:	Louise Gee, Director Community Development
FILE NO:	CS.12.1
ASSESSMENT NO:	N/a
DECLARATION OF FINANCIAL INTERESTS:	N/a

PURPOSE

For Council to consider whether additional financial support should be provided for the Wyndham Childcare Centre.

BACKGROUND

At the September Special Council Meeting Council resolved to:

Minute No. 10555

Moved: Cr K Wright

Seconded: Cr B Robinson

That the Council:

- 1. Maintains the current level of anticipated revenue and expenditure associated with the Wyndham Child Care Centre in the 2014/15 budget which will result in the service concluding on 31 December 2014;**
- 2. Requests the CEO, or their delegate, to support the Wyndham community in developing an alternative service model to be implemented from 1 January 2015;**
- 3. Requests the CEO, or their delegate, to provide a report back to the Council for consideration at a Council Meeting in December, to extend the operation of the Wyndham Child Care Centre for a period of 3-6 months if a satisfactory model has not been established for implementation by 1 January 2015.**

Carried Unanimously 9/0

Shire Officers have worked with members of the community to investigate the possibility of the community forming a Not for Profit organisation to operate childcare services at Wyndham. The need for child care in Wyndham was also discussed with local providers of child care and family support services. In addition, the closure was publicised in *an article by ABC Kimberley dated 22 September as well as receiving coverage by WIN News.*

During this process, one agency showed an interest and submitted a proposal detailing terms under which they may be able to operate a childcare service at Wyndham.

As the proposal included the lease or license of lot 44 Koolama, the Wyndham Childcare Centre, officers explored the requirements under the Local Government Act 1995 regarding the leasing of a Shire building.

Officers received advice from the Department of Local Government and Communities that as the Shire would be leasing the facility for the purpose of providing a childcare centre as per the management order for this land reserve, this was considered the performance of a function that the Shire has under a written law and therefore section 3.58 of the Act does not apply:

This section (section 3.58) does not apply to —

(c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law.

This information was presented to the 18 November Ordinary Council Meeting where the Council resolved as follows:

COUNCIL DECISION

Minute No. 10671

Moved: Cr G Taylor

Seconded: Cr B Robinson

That Council:

1. Seek proposals from external Organisations to provide child care services from 44 Koolama Street Wyndham, reserve 28976.

2. Delegate authority to the Acting Chief Executive Officer and Shire President under section 3.58(5)(c) of the Local Government Act, to negotiate with the preferred provider for the provision of a Licence or Lease to provide Child Care at 44 Koolama Street Wyndham, reserve 28976, as per the Management Order.

Carried Unanimously 8/0

On 25 November, information was sent to eleven childcare or family support providers including four that provided services in either Wyndham or Kununurra, and the Wyndham Community group. Of these, one organisation responded requesting further information. Through discussions with this respondent, the urgency to provide the service in early 2015 meant that they would not have enough time to thoroughly research a proposal. Therefore only one proposal was available for consideration.

On 5 December 2014, the Manager Community Services met with the Shire President, Acting Chief Executive Officer and Director Community Development regarding this proposal. It was resolved in accordance with the above Council Decision (Minute No. 10671) that the Shire negotiate with the provider based on their proposal.

STATUTORY IMPLICATIONS

There are no statutory implications associated with this report.

POLICY IMPLICATIONS

There are no policy implications with regard to this item.

FINANCIAL IMPLICATIONS

Costs associated with the Shire operating the Centre are estimated at \$500 per week assuming 2 staff and 5 children per day.

Additional costs would be incurred to recruit, relocate and house a Coordinator for such a short term placement estimated at \$1000.

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 2.4: High standard of health and community facilities and services available to all residents

Strategy 2.4.3: Support early childhood and family support services

COMMUNITY CONSULTATION

Communication with stakeholders has taken place with regard to the planning for this process. As the process has eventuated however, commercial interests have meant that details of arrangements have not been publicised to date. Once agreements are in place Officers will ensure all stakeholders are informed.

COMMENT

At the time of writing this report negotiations have not been completed with the preferred supplier however it is expected that both parties may be in a position to transfer the Service Approval on 30 January 2015 at the earliest.

A likely reopening date of 30 January 2015 would mean an absence of childcare for a number of families. To mitigate this, the Shire could continue to provide a service from the usual reopening date of 12 January 2015.

However, all employees with the qualifications required to fulfil the nominated supervisor role have resigned from the Shire, therefore the ongoing operation of the childcare service would necessitate the recruitment of a casual Coordinator for a few weeks prior to the handover of the service to the preferred supplier.

In addition, as the transfer of the Childcare Service Application will be submitted and under assessment the Shire's authorisation to deliver the service could be removed within this period.

Finally, while the Shire will leave all childcare resources at the property, there will be some removal of items such as IT infrastructure and paper records.

For these reasons it is not advised that the Shire allocate any further budget towards direct service provision at the Wyndham Childcare Centre

ATTACHMENTS

There are no attachments associated with the report.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council does not allocate further budget towards the operation of the Wyndham Childcare Centre due to impending transfer of service approval.

COUNCIL DECISION

Minute No. 10753

**Moved: Cr K Wright
Seconded: Cr G King**

That Council does not allocate further budget towards the operation of the Wyndham Childcare Centre due to impending transfer of service approval.

Carried unanimously 8/0

9:29pm, Cr D Spackman leaves the meeting due to declaration of interest with item 17.1 ET01 – 14/15 Provision of Wet Hire of Plant, Equipment and Construction Personnel for Road Maintenance and Construction

COUNCIL DECISION

Minute No. 10754

**Moved: Cr B Robinson
Seconded: Cr D Learbuch**

That council moves behind closed doors to consider item 17.1 ET01 – 14/15 Provision of Wet Hire of Plant, Equipment and Construction Personnel for Road Maintenance and Construction.

Carried unanimously 7/0

9:30pm, Council moves behind closed doors.

17. MATTERS BEHIND CLOSED DOORS

17.1 ET01-14/15 PROVISION OF WET HIRE OF PLANT, EQUIPMENT AND CONSTRUCTION PERSONNEL FOR ROAD MAINTENANCE AND CONSTRUCTION

DATE:	16/12/2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Peter Kerp, Manager Engineering Services
REPORTING OFFICER:	David Klye, Director Infrastructure
FILE NO:	CM.16.91
DECLARATION OF INTERESTS:	Nil

PURPOSE

To provide Council with details of the Tenders received for ET01-14/15 Provision of Wet Hire of Plant, Equipment and Construction Personnel for Road Maintenance and Construction, to document the results of the tender assessment and make recommendations regarding award of the Tender.

BACKGROUND

The Shire's current panel contract for wet plant hire expires on 31 December 2014. Tenders were called in November 2014 to establish a new local panel contract for Provision of Wet Hire of Plant, Equipment and Construction Personnel for Road Maintenance and Construction for access by the Shire. The tender process was administered by WALGA.

STATUTORY IMPLICATIONS

The process was undertaken in accordance with *Local Government Act 1995 Section 3.57*, and the *Local Government (Functions and General) Regulations 1996, Part 4, Division 2, regulation 11(1)*.

POLICY IMPLICATIONS

The process was undertaken in accordance with the Shire of Wyndham East Kimberley's Purchasing Policy F19.

FINANCIAL IMPLICATIONS

Engagement of contractors to provide wet plant hire and construction personnel will be funded from annual adopted operational and capital budget accounts.

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

Community consultation is not required in relation to this item.

COMMENT

Tenders for the provision of Wet Hire of Plant, Equipment and Construction Personnel for Road Maintenance and Construction were advertised in the West Australian on Saturday 1 November 2014 and also on the WALGA TenderLink E-Tendering Portal and the Kimberley Echo on Thursday 6 November 2014. Tenders closed at 11.00am, Thursday 20 November 2014.

Professional Procurement Consultancy Services of WALGA was engaged by the Shire of Wyndham East Kimberley to undertake a Request for Tender for Provision of Wet Hire of Plant, Equipment and Construction Personnel for Road Maintenance and Construction.

The scope of this engagement included:

- Preparation of Request for Tender documents;
- Process Management;
- Provision of three (3) Evaluators;
- Management of the Evaluation Process;
- Provision of a recommendation report;
- Contract Preparation.

The contract is for a three (3) year period with two (2) x one (1) year extension options, exercisable at the absolute discretion of the Shire of Wyndham East Kimberley.

A non-mandatory tender briefing session was held on Monday, 10 November 2014 at the Shire of Wyndham East Kimberley. This briefing session provided prospective Tenderers with a demonstration of how to perform an electronic submission in the WALGA Provider Portal. It also provided the opportunity to ask questions regarding the panel tender process and clarify any other uncertainties prior to closing.

Twenty three (23) submissions were received from the following organisations prior to Tenders closing 11.00am Thursday 20 November 2014.

Ablecon Pty Ltd t/a Kimberley Water Carting;
BLR Earthmoving Pty Ltd;
C&M Slingsby Pty Ltd;
Camlismar Pty Ltd;
Drainflow Services;
Fysh Grader Hire;
GLH Contracting;
Guerinoni & Sons;
Highways Traffic (Kimberley) Pty Ltd;
JAB Industries;
JSW Holdings;
Kimberley Contracting and Dozing;
Kimberley Excavations;
KVG Joint Venture Pty Ltd;

Martell Road Maintenance;
North Kimberley Transport;
Northern Development Company Pty Ltd;
Ord River Contracting
Plant Hire Services
Stabilico Pty Ltd
Sunlight Holdings Pty Ltd
Tanami Earthmoving Contractors, and
Youngs Earthmoving Pty Ltd

Full details of the assessment report covering Qualitative Criteria and Pricing Considerations are contained in the CONFIDENTIAL WALGA Recommendation Report ET01-14/15 Provision of Wet Hire of Plant, Equipment and Construction Personnel for Road Maintenance and Construction (Attachment 1).

An initial recommendation has been put forward by the WALGA Evaluation Panel for a panel comprising the qualitatively ranked top eight (8) companies. The top qualitatively scored eight (8) companies represent an eclectic and diverse range of businesses, all of which have wet plant hire capabilities to meet the Shire's needs.

The Evaluation Panel and Probity Advisor have determined (see Att 2) that one of the top 8 require further due diligence. This would undertake a more comprehensive financial assessment. At the time of writing this report that assessment was being undertaken. Further advice will be issued to Councillors under separate Confidential cover when information is received.

An additional company from the panel, with a qualitative rank of 14th, is also recommended as they deliver a specialist traffic management service that is not an in-house technical competency of any of the shortlisted eight (8) companies.

The evaluation process was undertaken entirely "out of house" by the Professional Procurement Consultancy Services of WALGA. The tender evaluation process was the subject of independent assessment by the Shire appointed Probity Advisor.

ATTACHMENTS - CONFIDENTIAL

Attachment 1 - WALGA Recommendation Report ET01 14/15 Provision of Wet Hire of Plant, Equipment and Construction Personnel for Road Maintenance and Construction (Provided under separate cover).

Attachment 2 –Emails regarding further due diligence on one of the top 8. (Provided under separate cover).

Attachment 3 – Probity advice (provided under separate cover)

Attachment 4 – Wet hire panel tender (provided under separate cover)

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council accept WALGA'S Professional Procurement Consultancy Services' report recommendation that the following companies be listed on the Preferred Supplier Panel for Tender ET01-14/15 Provision of Wet Hire of Plant, Equipment and Construction Personnel for Road Maintenance and Construction:

1.
2.
3.
4.
5.
6.
7.
8.
9.

WALGA'S Professional Procurement Consultancy Services' report recommended that the following companies be listed on the Preferred Supplier Panel for Tender ET01-14/15 Provision of Wet Hire of Plant, Equipment and Construction Personnel for Road Maintenance and Construction:

1. Ablecon Pty Ltd t/a Kimberley Water Carting;
2. North Kimberley Transport;
3. Guerinoni & Sons;
4. Highways Traffic (Kimberley) Pty Ltd;
5. Martell Road Maintenance;
6. JSW Holdings;
7. Sunlight Holdings Pty Ltd
8. Camlismar Pty Ltd;

Cr B Robinson revokes WALGA's recommendation. 1/3 members show of hands Cr D Learbuch and Cr G Taylor in support of the revocation.

COUNCIL DECISION

Minute No. 10755

**Moved: Cr B Robinson
Seconded: CrD Learbuch**

That Council revokes WALGA'S Professional Procurement Consultancy Services' report recommendation that the following companies be listed on the Preferred Supplier Panel for Tender ET01-14/15 Provision of Wet Hire of Plant, Equipment and Construction Personnel for Road Maintenance and Construction:

- 1. Ablecon Pty Ltd t/a Kimberley Water Carting;**
- 2. North Kimberley Transport;**
- 3. Guerinoni & Sons;**
- 4. Highways Traffic (Kimberley) Pty Ltd;**
- 5. Martell Road Maintenance;**
- 6. JSW Holdings;**
- 7. Sunlight Holdings Pty Ltd**
- 8. Camlismar Pty Ltd;**

Carried unanimously 7/0

Cr B Robinson moves the following motion with the addition of dot points 9 and 10:

COUNCIL DECISION

Minute No. 10756

Moved: Cr B Robinson

Seconded: CrD Learbuch

That Council accepts the following companies be awarded a position on the Preferred Supplier Panel for Tender ET01-14/15 Provision of Wet Hire of Plant, Equipment and Construction Personnel for Road Maintenance and Construction:

- 1. Ablecon Pty Ltd t/a Kimberley Water Carting;**
- 2. North Kimberley Transport;**
- 3. Guerinoni & Sons;**
- 4. Highways Traffic (Kimberley) Pty Ltd;**
- 5. Martell Road Maintenance;**
- 6. JSW Holdings;**
- 7. Sunlight Holdings Pty Ltd**
- 8. Camlismar Pty Ltd;**
- 9. KVG Joint Venture Pty Ltd;**
- 10. JAB Industries.**

Carried 5/2

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

Reason for change

The change from the original WALGA recommendation (addition of KVG Joint Venture Pty Ltd and JAB Industries) is outlined in the confidential emails provided under separate cover between the Acting CEO, WALGA and UHY Haines Norton.

9:49pm Cr D Spackman enters the meeting and is advised of the Council decision.

COUNCIL DECISION

Minute No. 10757

Moved: Cr R Dessert

Seconded: Cr B Robinson

That Council moves out from behind closed doors.

Carried unanimously 8/0

18. CLOSURE

The Shire President declares the meeting closed at 9:51pm.