

I hereby certify that the Minutes of the Ordinary Council Meeting held are a true and accurate record of the proceedings contained therein.

Shire President

Date



SHIRE OF WYNDHAM | EAST KIMBERLEY

MINUTES ORDINARY COUNCIL MEETING

23 February 2016

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

HELD ON TUESDAY, 23 FEBRUARY 2016 AT 5:00 PM

1. DECLARATIONS OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 5:00pm.

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

ATTENDANCE

Cr J Parker	Shire President
Cr K Wright	Councillor
Cr B Robinson	Councillor
Cr D Spackman	Councillor
Cr S Rushby	Councillor
Cr A Petherick	Councillor
Cr E Bolto	Councillor
G Foster	Acting Chief Executive Officer
N Octoman	Director Corporate Services
D Klye	Director Infrastructure
L Gee	Director Community Development
M Le Riche	Executive Assistant (Minute Taker)

GALLERY

Graziella Weller-Foster
Chris McLachlan
Glenn de Freitas
Jason Yates
Paul Cavanagh
Rob Storey
Mark Northover
Paul O'Neill
Barbara Venn

APOLOGIES

Nil

LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil

3. DECLARATION OF INTEREST

- Financial Interest

Councillor/Officer	Item	Title	Description of interest
L Gee	13.05.3	Review of Council Policy HR14 – Staff Severance	Review of Council Policy – Staff Severance applies to myself as a staff member
D Klye	13.05.3	Review of Council Policy HR14 – Staff Severance	As an employee I may benefit from the outcome of this item
N Octoman	13.05.3	Review of Council Policy HR14 – Staff Severance	As an employee of the Shire I may be impacted by this policy in the future
M Le Riche	13.05.3	Review of Council Policy HR14 – Staff Severance	Review of Council Policy on staff severance applies to me as a staff member
L Gee	14.01.4	Notice of Motion – Shire Decals for Vehicles	Notice of Motion will impact on provisions of employee contract
N Octoman	14.01.4	Notice of Motion – Shire Decals for Vehicles	As an employee, I am provided with a Shire vehicle whereby this notice of motion will have a direct impact on my employment conditions

- Impartiality Interest

Councillor/Officer	Item	Title	Description of interest
Cr D Spackman	13.04.9	Kununurra and Wyndham Liquor Restrictions	My parents own a Liquor License
Cr S Cooke	13.04.11	Temporary Caretaker – Rodeo Association	I am the treasurer of the association
Cr K Wright	16.01.1	Urgent Business Approved by Presiding Member – Relating to Kununurra Visitors Centre	Member of the Kununurra Visitor Centre

- Proximity Interest

NIL

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Question from Dennis Peart, Bell Springs Community - taken on notice at the 27 January 2016 Ordinary Council Meeting

Can you please give me the percentage of the Annual Wages cost to SWEK which is spent on Administration Staff versus the outdoor work crew who complete service activities, (such as maintenance and mowing). Can I have this for Wyndham and Kununurra and in a Dollar figure please.

The Shire does not disclose confidential information such as salary costings associated with individual Directorates, teams or staff. As per the Local Government Act 1995 (s.6.2(1)), the Shire produces annual budget reports detailing all revenue and expenditure in the required format. In addition, under the Local Government (Financial Management) Regulations 1996 – Reg 7, a Local Government is prohibited from keeping separate ward accounts or accounting for individual districts.

5. PUBLIC QUESTION TIME

Question from Christine McLachlan, Wyndham

Question 1

In the 2014-2015 Annual Report, the Shire President Message noted that a “road reseal programme and footpath upgrade” is scheduled for Wyndham in 2015-2016. Could you please advise which roads will be resealed before June 30th?

D Klye, Director of Infrastructure provides the following response;

Councillors have just been on a tour of Wyndham to inspect the roads and footpaths. Following this a list will be presented to Council for consideration as part of the budget process.

Question from Dennis Peart, Bell Springs Community

(note: questions were asked on behalf of Mr Peart by Mr Mark Northover at Mr Peart's written request)

Question 1

Can you please explain why you are accounting for different wards and statistics in response to my earlier question and why you have not answered my original question with the numbers which you should know?

G Foster, Acting Chief Executive Officer provides the following response:

It is against the Local Government Regulations to keep Ward accounts. Please refer to the previous answer provided to the earlier question.

Question 2

Is Council and the President aware that officers are not answering ratepayers valid questions satisfactorily?

G Foster, Acting Chief Executive Officer provides the following response:

The determination of what is considered to be valid or satisfactory is an individual response. What one person believes to be unsatisfactory may not.

Questions from Mark Northover, Kununurra

Question 1

Can either the Director of Corporate Services or the Director of Infrastructure explain why you had allocated significant staff funds to a tender that never existed.

Cr Jane Parker, Shire President provides the following response:

Thank you for your question which we have received in writing. We are not in a position to give you a specific answer now, but we will take the question on notice and a response will be provided.

Question 2

What percentage of the total rates (amount received) is remaining outstanding from the last 24 months and how has this varied over 5 years. I ask this because this question was asked last year and an answer was refused.

N Octoman, Director Corporate Services provides the following response;

I do not recall this question being asked previously as an answer would have been provided in due course as it is information provided to the Audit Committee, however I will take the question on notice and provide the information accordingly.

Cr Jane Parker, Shire President provides the following response:

Thank you for your question which we have received in writing. We are not in a position to give you a specific answer now, but we will take the question on notice and a response will be provided.

Question 3

What is happening at LILY CREEK boat ramp as I heard on the radio several months ago, the ramp was closed to the public due to construction, but there is no sign of anything happening since the tender was granted access last year?

D Klye, Director of Infrastructure provides the following response;

The Contractor was due to start work on 1 February 2016 but postponed the commencement date because of technical difficulties with its piling barge. The current scheduled commencement date is 29th February, however, this commencement date is not expected to be met due to a production problem with the piles. There has been no change in the commencement date communicated to the Shire but it is expected that work will commence some time during February.

Questions from Paul Cavanagh, Wyndham

Question 1

How are the retic pumps?

D Klye, Director Infrastructure provides the following response.

One of the pumps has been fixed and is operational. The other pump is awaiting some electrical works.

Question 2

Dead trees – are there plans to pull them out and plant new ones?

D Klye, Director Infrastructure provides the following response.

This is something we will consider as part of the budget process.

Question 3

When is the new area manager coming?

D Klye, Director Infrastructure provides the following response.

The recruitment process for the position of Wyndham Leading Hand is in progress and we hope to have someone in post shortly.

Question 4

Bastion toilet – heard it was closed. Why?

D Klye, Director Infrastructure provides the following response.

The Bastion toilet has been closed as we have had difficulty arranging to empty it. This will be rectified as soon as possible and subsequently reopened.

Questions from Christine McLachlan, Wyndham**Question 2**

Could you please advise why the Delegated Authority Report for development applications is no longer presented to council as an agenda item at council meetings? Is this information publicly available?

Cr Jane Parker, Shire President provides the following response:

Thank you for your question which we have received in writing. We are not in a position to give you a specific answer now, but we will take the question on notice and a response will be provided.

Question 3

An Inspection bore was installed at the entrance to the Wyndham Landfill site last year for the purpose of hydrogeological assessment. What have been the results of any water quality testing to date?

Cr Jane Parker, Shire President provides the following response:

Thank you for your question which we have received in writing. We are not in a position to give you a specific answer now, but we will take the question on notice and a response will be provided.

Questions from Mark Northover, Kununurra

Question 4

The annual report shows a FTE of 79, yet I have estimated there to be 70 – 80 current part time and full time indoor staff and 20-25 full and part time outdoor employees? Does Council have a strategic plan on staffing levels in general or for indoor vs outdoor numbers?

G Foster, Acting Chief Executive Officer provides the following response:

The Shire does not have a Workforce plan. This is one of a number of plans which are currently being worked on.

***Note: It has subsequently been discovered that there is a Shire Workforce plan however it is currently under review along with other plans.*

Question 5

How do you explain your organisations efficiencies, noting that most Gov. organisations recommend a 40:60 ratio (indoor to outdoor).

G Foster, Acting Chief Executive Officer provides the following response:

This is dependent on Council's requirements of the organisation at any given time.

Question 6

Could I have some data on the population variations in SWEK and the change SWEK income to resident/ratio before you consider the method of rating advocacy in 2016 please?

Cr Jane Parker, Shire President provides the following response:

We are waiting for the next Census which is scheduled for this year to provide us with that information.

Note: The following questions were received in writing and taken on notice to be responded to accordingly.

Question 7

In January I asked Council for the cost of defending the Legal Minor case claim to the value of app \$2,700 and was advised that the cost to that stage of \$6,500 not including staff time. Given that you have just had another hearing at Kununurra Magistrates court last week, with four senior staff in attendance for 3 hours each (allowing for discussion), could I please have the updated legal cost with the value of staff time included.

Question 8

CEO Carl Askew declined on behalf of Council last week a letter from the Small Business Commissioner recommending mediation on the small claim. Could I please then ask Council their final budgeted figure, inclusive of staff time to defend an account that was originally \$2,500. Given the major legal battle was initiated in 2014, and the additional court action is now rolling into October 2016, can I ask will council be budgeting an additional allowance for the second consecutive year?

Question 9

Can I ask if this is going to be a similar amount to the \$200,000 ratepayers funds wasted against expert advice in last years lost Storey/Biorac case?

6. APPLICATIONS FOR LEAVE OF ABSENCE

Cr Emily Bolto, Cr Jane Parker and Cr Alma Petherick applied for a leave of Absence for the March Ordinary Council Meeting on 29 March 2016

COUNCIL DECISION

Minute No. 11247

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

That Council accept the applications for leave of absence by Cr E Bolto, Cr J Parker and Cr A Petherick for the Ordinary Council Meeting to be held on 29 March 2016.

Carried 9/0

7. PETITIONS

NIL

8. CONFIRMATION OF MINUTES

**8.1 CONFIRMATION OF MINUTES OF ORDINARY COUNCIL MEETING 27
JANUARY 2016**

OFFICER'S RECOMMENDATION

**That Council confirms the Minutes of the Ordinary Council Meeting held on 27
January 2016**

Note: The Minutes of the Ordinary Council Meeting held on 27 January 2016 are provided under separate cover via www.swek.wa.gov.au

COUNCIL DECISION

Minute No. 11248

**Moved: Cr Wright
Seconded: Cr Robinson**

**That Council confirms the Minutes of the Ordinary Council Meeting held on 27
January 2016**

Carried Unanimously 9/0

8.2 CONFIRMATION OF MINUTES OF SPECIAL COUNCIL MEETING 27 JANUARY 2016

OFFICER'S RECOMMENDATION

**That Council confirms the Minutes of the Special Council Meeting held on 27
January 2016**

Note: The Minutes of the Special Council Meeting held on 27 January 2016 are provided under separate cover via www.swek.wa.gov.au

Cr Rushby moved an alternative motion

Alternative Motion:

- (a) With the addition of the following to the body of the minutes –
 - (i) No public advertising of the Special Council Meeting occurred
 - (ii) Councillor Rushby was not given the opportunity to return to the meeting prior to the official meeting closure
- (b) And the following amendment made to the addendum that had been added to the SCM minutes
 - (i) After the closure of the meeting, the Shire President vacated the chambers and personally approached Cr Rushby to advise the decision of the meeting, that the meeting had closed without her present and to continue further discussion.

COUNCIL DECISION

Minute No. 11249

**Moved: Cr S Rushby
Seconded: Cr K Wright**

**That Council confirms the Minutes of the Special Council Meeting held on 27
January 2016 with:**

- (a) the addition of the following to the body of the minutes –**
 - (i) No public advertising of the Special Council Meeting occurred**
 - (ii) Councillor Rushby was not given the opportunity to return to the meeting prior to the official meeting closure**
- (b) And the following amendment made to the addendum that had been added to the SCM minutes**
 - (i) After the closure of the meeting, the Shire President vacated the chambers and personally approached Cr Rushby to advise the decision of the meeting, that the meeting had closed without her present and to continue further discussion.**

**Carried 8/1
For: Cr K Wright, Cr J Parker, Cr S Rushby, Cr E Bolto,
Cr N Perry, Cr D Spackman, Cr S Cooke
Against: Cr B Robinson**

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Cr Jane Parker addressed the room:

I would like to apologise to Cr Rushby and the public for not following the Shire of Wyndham - East Kimberly Standing Orders Local Laws 2003, at the OCM on the 27th of January in Kununurra: firstly; by closing the Special meeting before inviting Cr Rushby and the Public back into chambers and informing them of the outcome of the motion (2.7 motion of which Meeting may be closed) before closing the meeting. And secondly; informing Cr Rushby in the councillors Tea room, of the decision of the council.

At the OCM on the 23rd of March in Wyndham: Cr Rushby informed me that I had not informed the gallery of my intention to call a Special Council Meeting after the OCM on the evening of 27th of January: I explained that after I had closed the OCM and the gallery had left, that three Councillors had informed me that they would call a Special Meeting if I did not. In hindsight I should not have called the Special Meeting myself.

10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

NIL

11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Steve Principe, Senior Sergeant 6961 – Officer in Charge, Kununurra Police Station, Western Australian Police

12. MINUTES OF COUNCIL COMMITTEE MEETINGS

NIL

13. REPORTS

13.1 MATTERS ARISING FROM COMMITTEES OF COUNCIL

13.01.1. Consideration of Recommendations Contained Within the Minutes of the Audit (Finance and Risk) Committee Meeting of 9 February 2016

DATE:	23 February 2016
AUTHOR:	Natalie Octoman, Director Corporate Services
RESPONSIBLE OFFICER:	Natalie Octoman, Director Corporate Services
FILE NO:	Various
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

COMMITTEE'S RECOMMENDATION 1

In relation to Item "7.1 - Compliance Audit Return" that the Audit (Finance and Risk) Committee recommends to the Council that it adopts the Compliance Audit Return for 2015..

COUNCIL DECISION

Minute No. 11250

Moved: Cr B Robinson

Seconded: Cr N Perry

In relation to Item "7.1 - Compliance Audit Return" that the Audit (Finance and Risk) Committee recommends to the Council that it adopts the Compliance Audit Return for 2015.

Carried 9/0

VOTING REQUIREMENT

Simple Majority

COMMITTEE'S RECOMMENDATION 2

In relation to Item "7.2 - *Standing Item - Leases*" that the Audit (Finance and Risk) Committee recommends to the Council that it notes the Confidential Lease Schedule and New and Renewal Lease Schedule attached.

COUNCIL DECISION

Minute No. 11251

Moved: Cr B Robinson

Seconded: Cr N Perry

In relation to Item "7.2 - *Standing Item - Leases*" that the Audit (Finance and Risk) Committee recommends to the Council that it notes the Confidential Lease Schedule and New and Renewal Lease Schedule attached.

Carried 9/0

VOTING REQUIREMENT

Simple Majority

COMMITTEE'S RECOMMENDATION 3

In relation to Item "7.3 - *Standing Item - Insurance Claims*" that the Audit (Finance and Risk) Committee recommends to the Council that it notes the Insurance Claims Register attached.

COUNCIL DECISION

Minute No. 11252

Moved: Cr B Robinson

Seconded: Cr N Perry

In relation to Item "7.3 - *Standing Item - Insurance Claims*" that the Audit (Finance and Risk) Committee recommends to the Council that it notes the Insurance Claims Register attached.

Carried 9/0

VOTING REQUIREMENT

Simple Majority

COMMITTEE'S RECOMMENDATION 4

In relation to Item *"7.4 - Standing Item - Sundry Debtors Report February 2016"* that the Audit (Finance and Risk) Committee reports to the Council that the actions being undertaken by the administration in regard to sundry debtors including sundry debts in legal process are sufficient and appropriate.

COUNCIL DECISION

Minute No. 11253

Moved: Cr B Robinson

Seconded: Cr N Perry

In relation to Item *"7.4 - Standing Item - Sundry Debtors Report February 2016"* that the Audit (Finance and Risk) Committee reports to the Council that the actions being undertaken by the administration in regard to sundry debtors including sundry debts in legal process are sufficient and appropriate.

Carried 9/0

VOTING REQUIREMENT

Simple Majority

COMMITTEE'S RECOMMENDATION 5

In relation to Item *"7.5 - Standing Item - Rates Debtors"*:

1. That the Audit (Finance and Risk) Committee reports to the Council that the actions being undertaken in regard to rates debtors, including rates debts in legal process are sufficient and appropriate.
2. That the Audit (Finance and Risk) Committee requests the Council to seek support from the CEO to:
 - a. investigate and report on the potential acquisition of property for the recovery of outstanding rates for Assessments A2574, A2569, A411 in accordance with relevant legislation; and
 - b. for a report to be included in the next Audit (Finance and Risk) Committee Meeting Agenda.

COUNCIL DECISION

Minute No. 11254

Moved: Cr B Robinson

Seconded: Cr N Perry

In relation to Item *“7.5 - Standing Item - Rates Debtors”*:

1. That the Audit (Finance and Risk) Committee reports to the Council that the actions being undertaken in regard to rates debtors, including rates debts in legal process are sufficient and appropriate.
2. That the Audit (Finance and Risk) Committee requests the Council to seek support from the CEO to:
 - a. investigate and report on the potential acquisition of property for the recovery of outstanding rates for Assessments A2574, A2569, A411 in accordance with relevant legislation; and
 - b. for a report to be included in the next Audit (Finance and Risk) Committee Meeting Agenda.

Carried 9/0

VOTING REQUIREMENT

Simple Majority

COMMITTEE'S RECOMMENDATION 6

In relation to Item “8.1 - Confidential Item - Review of Debt Collection Service Provision” that the Audit (Finance and Risk) Committee reports to the Council that it notes that the Shire will be undertaking a review of the provision of external debt collection services for rates and sundry debtors .

COUNCIL DECISION

Minute No. 11255

Moved: Cr B Robinson

Seconded: Cr N Perry

In relation to Item “8.1 - Confidential Item - Review of Debt Collection Service Provision” that the Audit (Finance and Risk) Committee reports to the Council that it notes that the Shire will be undertaking a review of the provision of external debt collection services for rates and sundry debtors.

Carried 9/0

PURPOSE

That the Council consider the recommendations from the Audit (Finance and Risk) Committee at its meeting of 9 February 2016.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices
Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The background and details supporting the recommendations are contained in the Audit (Finance and Risk) Committee meeting minutes.

STATUTORY IMPLICATIONS

Various - detailed within the Minutes of the 9 February 2016 Audit (Finance and Risk) Committee meeting.

POLICY IMPLICATIONS

Various - detailed within the Minutes of the 9 February 2016 Audit (Finance and Risk) Committee meeting.

FINANCIAL IMPLICATIONS

Various - detailed within the Minutes of the 9 February 2016 Audit (Finance and Risk) Committee meeting.

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 services

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

RISK IMPLICATIONS

Various - detailed within the Minutes of the 9 February 2016 Audit (Finance and Risk) Committee meeting.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

Various - detailed within the Minutes of the 9 February 2016 Audit (Finance and Risk) Committee meeting.

ATTACHMENTS

Nil

13.2 CORPORATE SERVICES

13.02.1 List of Accounts Paid from Municipal Fund and Trust Fund

DATE:	23 February 2016
AUTHOR:	Victoria Nakamya, Creditors Officer
RESPONSIBLE OFFICER:	Natalie Octoman, Director Corporate Services
FILE NO:	FM.09.5
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the listing of accounts paid from the Municipal and Trust funds, being:	
Municipal EFT 125483 – 125645 (06 January – 27 January 16)	\$ 614,438.39
Municipal cheques 51217 - 51243 (06 January – 27 January 16)	\$ 97,720.33
Trust cheques 852- 854 - (13 January 16)	\$ 955.30
Trust EFT 501089 – 501106 (04 January – 28 January 16)	\$ 13,715.80
Payroll (06 January – 28 January 16)	\$ 447,761.00
Direct bank debits (04 January – 21 January 16)	\$ 84,681.67
TOTAL	\$ 1,259,272.49

COUNCIL DECISION

Minute No. 11256

Moved: Cr K Wright

Seconded: Cr S Cooke

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

Municipal EFT 125483 – 125645 (06 January – 27 January 16)	\$ 614,438.39
Municipal cheques 51217 - 51243 (06 January – 27 January 16)	\$ 97,720.33
Trust cheques 852- 854 - (13 January 16)	\$ 955.30
Trust EFT 501089 – 501106 (04 January – 28 January 16)	\$ 13,715.80
Payroll (06 January – 28 January 16)	\$ 447,761.00
Direct bank debits (04 January – 21 January 16)	\$ 84,681.67
TOTAL	\$ 1,259,272.49

Carried 9/0

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*.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

In accordance with Council's Delegations Register 2015/16 which was adopted by the Council on the 22 September 2015, 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 5, 11, 12, 12(1)(a) and 13.

POLICY IMPLICATIONS

Sub-delegation 12 “Payments from the Municipal Fund and Trust Fund” applies subject to compliance with Council Policy CP/FIN-3204 Purchasing.

FINANCIAL IMPLICATIONS

Ongoing management of the Shire’s 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 1.4.1 : Ensure legislative compliance and follow best practice principles in planning and service delivery

Strategy 1.4.3: Maintain Council's long term financial viability

RISK IMPLICATIONS

Strategic Risk: Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

Operational Risk: Non-compliance with the DLG advisory standard and regulations.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

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.

ATTACHMENT 1**LIST OF ACCOUNTS SUBMITTED TO COUNCIL 23 FEBRUARY 2016**

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT125483	06/01/2016	ASK WASTE MANAGEMENT	TO6 14/15 - WASTE CONSULTANCY SERVICES - GENERAL OPERATIONAL ADVICE	981.75
EFT125484	06/01/2016	ATO CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	823.64
EFT125485	06/01/2016	ALLGEAR MOTORCYCLES	PARTS FOR P357	1,112.85
EFT125486	06/01/2016	APEX CRISIS MANAGEMENT	PLANNING AND DEVELOPMENT OF AERODROME EMERGENCY EXERCISE	19,620.00
EFT125487	06/01/2016	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	129.00
EFT125488	06/01/2016	AUSTRALIAN TAXATION OFFICE	PAYROLL DEDUCTIONS	73,595.00
EFT125489	06/01/2016	BLACKWOODS ATKINS PTY LTD	SUNSCREEN FOR OUTDOOR WORKFORCE, GREASE & RAGS - KNX DEPOT	203.72
EFT125490	06/01/2016	BOAB REFRIGERATION & AIRCON.	PARTS AND REPAIRS - AIRCONDITIONERS - EAST KIMBERLEY REGIONAL AIRPORT	7,544.00
EFT125491	06/01/2016	CDM HYDRAULICS PTY LTD	PARTS AND REPAIRS - P488, P354, P479	767.17
EFT125492	06/01/2016	CENTURION TRANSPORT	FREIGHT - PERTH TO KNX - ROAD MARKING PAINT - KUNUNURRA DEPOT	79.10
EFT125493	06/01/2016	COCA-COLA AMATIL	PURCHASE OF CONSUMABLES FOR RESALE - KUNUNURRA LEISURE CENTRE	313.25
EFT125494	06/01/2016	CR BEAU ROBINSON	MEMBER MEETING FEES 01/10/2015 -31/12/2015	3,964.28
EFT125495	06/01/2016	CR DARREN SPACKMAN	MEMBER MEETING FEES 01/10/2015 -31/12/2015	3,964.28
EFT125496	06/01/2016	CR DON LEARBUCH	MEMBER MEETING FEES 01/10/2015 -17/10/2015	732.53
EFT125497	06/01/2016	CR GARY KING	MEMBER MEETING FEES 01/10/2015 -17/10/2015	732.53
EFT125498	06/01/2016	CR KEITH WRIGHT	MEMBER MEETING FEES 01/10/2015 -31/12/2015	5,507.24
EFT125499	06/01/2016	CR SOPHIE ANN COOKE	MEMBER MEETING FEES 01/10/2015 -31/12/2015	3,964.28
EFT125500	06/01/2016	DATACOM SYSTEMS WA	12 MONTHS EMAIL, WIRELESS & WEBSERVER MAINTENANCE 2015-2016	1,848.00
EFT125501	06/01/2016	DAVEY TYRE & BATTERY SERVICE	BATTERIES, REPLACEMENT TYRE, ALIGNMENT & FITTING - P133, P130, P115	755.00
EFT125502	06/01/2016	DEPT. OF FIRE & EMERGENCY SERVICES	2015/16 EMERGENCY SERVICES LEVY - 2ND QUARTER CONTRIBUTION	103,425.94
EFT125503	06/01/2016	AUTO TOW & REPAIR	SERVICE - P122	593.85
EFT125504	06/01/2016	EK ENGINEERING	REPAIRS - P138	121.00
EFT125505	06/01/2016	EAST KIMBERLEY HARDWARE	VARIOUS HARDWARE ITEMS - KUNUNURRA ADMINISTRATION	171.60
EFT125506	06/01/2016	HART SPORT	SUPPLIES - TENNIS BALLS, WHISTLES, BASKETBALLS, SUNSCREEN - KLC	265.50
EFT125507	06/01/2016	IBAC PLUMBING PTY LTD	PLUMBING WORKS - CLEAR BLOCKED DRAINS - WYN POOL, KNX ADMIN	649.00
EFT125508	06/01/2016	J. CAV ELECTRICAL	RUN 3 PHASE POWER TO CARETAKERS RESIDENCE - WYNDHAM DEPOT	5,610.00
EFT125509	06/01/2016	KUNUNURRA MEDICAL	PRE-EMPLOYMENT MEDICAL- STAFF MEMBER AS PER EMPLOYMENT CONTRACT	123.75
EFT125510	06/01/2016	KIMBERLEY CAFE	CATERING - THANK A VOLUNTEER DAY BREAKFAST 2015	425.00
EFT125511	06/01/2016	KIMBERLEY COMMUNICATIONS	RESET TRIPLE J ANTENNA AFTER POWER OUTAGE - KUNUNURRA	110.00
EFT125512	06/01/2016	KIMBERLEY KOOL REFRIGERATION	REPAIRS - AIRCONDITIONERS AT KNX ADMIN, KLC, KYC	2,989.80
EFT125513	06/01/2016	KIMBERLEY TRAINING INSTITUTE	COURSE FEES - STAFF MEMBER AS PER EMPLOYMENT CONTRACT	2,892.15
EFT125514	06/01/2016	KIMBERLEY TREE SERVICES P/L	TREE REMOVAL - KUNUNURRA AIRPORT	330.00
EFT125515	06/01/2016	KUNUNURRA DIESEL SERVICE	FITTINGS - P357, SERVICE - P391	1,903.00

EFT125516	06/01/2016	KUNUNURRA HOME & GARDEN	CHEMICAL BUCKETS, MEASURING JUGS, CHAINS - KUNUNURRA LEISURE CENTRE	170.44
EFT125517	06/01/2016	KUNUNURRA PEST MANAGEMENT	PEST CONTROL TREATMENT - KUNUNURRA LEISURE CENTRE	285.00
EFT125518	06/01/2016	KUNUNURRA SECURITY SERVICE	SECURITY MONITORING AND PATROL - KUNUNURRA ADMINISTRATION	3,126.00
EFT125519	06/01/2016	L3 COMMUNICATIONS AUST.	SUPPLY OF SAMPLE TRAPS & EXPLOSIVES VERIFICATION KIT - KNX AIRPORT	1,233.10
EFT125520	06/01/2016	MARK CRUMBLIN TOWING	TRUCK HIRE & REMOVAL OF BARRIERS AROUND WYN LANDFILL SITE	440.00
EFT125521	06/01/2016	MAXXIA	PAYROLL DEDUCTIONS	6,054.10
EFT125522	06/01/2016	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	384.54
EFT125523	06/01/2016	ORBIT HEALTH & FITNESS SOLUTIONS	PARTS FOR GYM EXERCISE MACHINE - KUNUNURRA LEISURE CENTRE	41.29
EFT125524	06/01/2016	ORDCO	WEED CONTROL CHEMICALS - KUNUNURRA DEPOT	1,221.00
EFT125525	06/01/2016	OFFICE NATIONAL KUNUNURRA	DATE STAMPS - KUNUNURRA LIBRARY, ELECTRIC CASH REGISTER - WYNDHAM POOL	792.50
EFT125526	06/01/2016	ORD AGRICULTURAL EQUIPMENT	FILTERS AND BLADES FOR P495	245.50
EFT125527	06/01/2016	ORD MACHINING	REPAIRS - P138	68.75
EFT125528	06/01/2016	ORD VALLEY COUNTRY WOMEN'S ASN.	COMMUNITY GRANT - SPONSORSHIP OF THE 2016 BUSH DANCE	1,000.00
EFT125529	06/01/2016	SETON AUSTRALIA PTY LTD	WATERPROOF DIGITAL THERMOMETER - KUNUNURRA POOL	56.05
EFT125530	06/01/2016	SAI GLOBAL LIMITED	PURCHASE OF REUSABLE PDF AUSTRALIAN STANDARDS 2124 -1992	533.48
EFT125531	06/01/2016	SHIRE OF WYNDHAM EAST KIMBERLEY	PAYROLL DEDUCTIONS	460.00
EFT125532	06/01/2016	THE CANVAS SHED	SUPPLY SHADE SAIL FOR TODDLERS POOL - KUNUNURRA LEISURE CENTRE	2,011.90
EFT125533	06/01/2016	TOLL EXPRESS	FREIGHT- PERTH TO KNX DEPOT - SIGNAGE	146.12
EFT125534	06/01/2016	TYREPLUS KUNUNURRA	PUNCTURE REPAIRS - P357 , REPLACEMENT TYRES - P135	455.00
EFT125535	06/01/2016	VANDERFIELD NORTHWEST PTY LTD	PARTS AND SERVICE - P115, P111, P357	1,507.22
EFT125536	06/01/2016	WASTE MANAGEMENT ASSN. OF AUST.	MEMBERSHIP FEES - STAFF MEMBER AS PER EMPLOYMENT CONTRACT	299.00
EFT125537	06/01/2016	WESTRAC EQUIPMENT PTY LTD	SERVICE AND PARTS - P390	4,392.86
EFT125538	06/01/2016	WAGENER HOLDINGS PTY LTD	FREIGHT - 2015 CHRISTMAS BANNERS	385.00
EFT125539	06/01/2016	WYNDHAM PLUMBING & GAS PTY LTD	RENEWAL OF OUTLET VALVE ASSEMBLIES - WYNDHAM OVAL TOILETS	866.70
EFT125540	13/01/2016	AMPAC DEBT RECOVERY (WA) PTY LTD	DEBT COLLECTION COMMISSIONS AND COSTS - DEC 15	5.53
EFT125541	13/01/2016	ALLGEAR MOTORCYCLES	PARTS, HONDA BUSHCUTTERS, OIL AND REPAIRS - P356, P357	2,304.10
EFT125542	13/01/2016	BERM BACKHOE HIRE	CUT BACK VEGETATION - LAKEVIEW DRIVE KUNUNURRA	770.00
EFT125543	13/01/2016	CARPET, VINYL & TILE CENTRE	RE-GLUE VINYL SKIRTING - KUNUNURRA YOUTH CENTRE	198.00
EFT125544	13/01/2016	COMMERCIAL CLEANING	CLEANING - STAFF HOUSING PRIOR TO VACATING	1,320.00
EFT125545	13/01/2016	DAVEY TYRE & BATTERY SERVICE	PARTS - P479 & P493	532.00
EFT125546	13/01/2016	EK ENGINEERING	REPAIRS - P340	1,108.69
EFT125547	13/01/2016	EAST KIMBERLEY HARDWARE	VARIOUS HARDWARE ITEMS - KNX ADMIN, PARTS - P138, P356, P377	490.90
EFT125548	13/01/2016	GLIDEPATH AUSTRALIA PTY LTD	BI-ANNUAL INSPECTION OF EKRA BAGGAGE CONVEYANCE SYSTEMS	6,572.50
EFT125549	13/01/2016	IBAC PLUMBING PTY LTD	PLUMBING WKS & AEROBIC TREATMENT SERV. -TOILETS - CELEB. TREE PK & KLC	1,626.24

EFT125550	13/01/2016	JAB INDUSTRIES	SUPPLY OF STORM WATER PIPE - COOLIBAH DRIVE KUNUNURRA	1,100.00
EFT125551	13/01/2016	KUNUNURRA MEDICAL	IMMUNISATION - STAFF MEMBERS	132.00
EFT125552	13/01/2016	KIMBERLEY COMMUNICATIONS	RESET TRIPLE J AFTER OUTAGE, INSTALLATION OF TV AT KNX LEISURE CENTRE	633.35
EFT125553	13/01/2016	KIMBERLEY KOOL REFRIGERATION	REPAIRS TO AIRCONDITIONERS AT KUNUNURRA YOUTH CENTRE	1,875.50
EFT125554	13/01/2016	KUNUNURRA PANEL BEATING WORKS	SUPPLY AND FIT WINDSCREEN - P134	440.00
EFT125555	13/01/2016	LG ASSIST	RECRUITMENT ADVERTISING	275.00
EFT125556	13/01/2016	STAFF MEMBER	REFUND DUE TO OVERPAYMENT	44.35
EFT125557	13/01/2016	ORDCO	WEED CONTROL CHEMICALS - WYNDHAM DEPOT	363.00
EFT125558	13/01/2016	OLLIE'S IRRIGATION & PLUMBING	RETICULATION FITTINGS - KUNUNURRA DEPOT	123.42
EFT125559	13/01/2016	ORD AGRICULTURAL EQUIPMENT	BLADES AND BOLTS FOR P495, P491	326.92
EFT125560	13/01/2016	QUICK CORPORATE AUSTRALIA	STATIONERY ORDER - DECEMBER 15 - KUNUNURRA ADMINISTRATION	253.56
EFT125561	13/01/2016	SEEK LIMITED	RECRUITMENT ADVERTISING	2,753.96
EFT125562	13/01/2016	SGS ENVIRONMENTAL SERVICES	TESTING OF WATER SAMPLES - KUNUNURRA LANDFILL	2,734.60
EFT125563	13/01/2016	SHIRE OF BROOME	REIMBURSE KIMBERLEY ZONE MEETING COSTS DEC. 2015 - MINUTE NO. 10775	1,335.15
EFT125564	13/01/2016	TELFORD INDUSTRIES	POOL CHEMICALS - KUNUNURRA SWIMMING POOL	374.00
EFT125565	13/01/2016	TNT AUSTRALIA PTY LIMITED	FREIGHT- KUNUNURRA TO PERTH - HEALTH SAMPLES	115.43
EFT125566	13/01/2016	EAST KIMBERLEY TOWING	REMOVAL OF ABANDONED VEHICLES TO IMPOUND YARD	120.00
EFT125567	13/01/2016	UNITED PETROLEUM DISTRIBUTORS	OIL - P390, P488, FUEL COSTS - DECEMBER 15 - KUNUNURRA DEPOT	7,486.69
EFT125568	13/01/2016	VANDERFIELD NORTHWEST PTY LTD	SERVICE - P134	778.78
EFT125569	13/01/2016	WAGENER HOLDINGS PTY LTD	CHRISTMAS BANNERS - KUNUNURRA AND WYNDHAM	3,724.60
EFT125570	13/01/2016	WESTERN AUST. TREASURY CORP.	GOVERNMENT GUARANTEE FEE - LOANS - 01/07/15 - 31/12/15	23,524.59
EFT125571	13/01/2016	WYNDHAM SUPERMARKET	PROVISIONS AND MATERIALS - WYNDHAM ADMINISTRATION	273.65
EFT125572	21/01/2016	AMPAC DEBT RECOVERY (WA) PTY LTD	DEBT COLLECTION COMMISSIONS AND COSTS - NOVEMBER AND DECEMBER 15	6,380.00
EFT125573	21/01/2016	ATO CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	823.72
EFT125574	21/01/2016	ABACUS CASH SYSTEMS PTY LTD	SUPPLY AND FREIGHT SPEED COIN SORTER - BANK WEST AGENCY - WYNDHAM	385.00
EFT125575	21/01/2016	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	154.80
EFT125576	21/01/2016	AUSTRALIAN TAXATION OFFICE	BAS PAYMENT - DECEMBER 2015	12,528.00
EFT125577	21/01/2016	AUSTRALIAN TAXATION OFFICE	PAYROLL DEDUCTIONS	77,361.00
EFT125578	21/01/2016	BOC GASES AUSTRALIAN LIMITED	WELDING GASES AND BOTTLE RENTAL - DECEMBER 2015	242.99
EFT125579	21/01/2016	BLACKWOODS ATKINS PTY LTD	DRUM MUSTER MATERIALS - CLING WRAP	95.39
EFT125580	21/01/2016	BOAB REFRIGERATION & AIRCON.	SUPPLY AND FITTING OF WALL SENSOR FOR AIRCON. - EKR AIRPORT	385.00
EFT125581	21/01/2016	BUSHCAMP SURPLUS STORE	PROTECTIVE CLOTHING - OUTDOOR WORKFORCE	351.63
EFT125582	21/01/2016	COCA-COLA AMATIL	PURCHASE OF CONSUMABLES FOR RESALE - KUNUNURRA LEISURE CENTRE	386.15
EFT125583	21/01/2016	CROCODILE SIGNS PTY LTD	SIGNAGE - BOAT RAMP SIGN AND PARKING SIGNS - LILY CREEK BOAT RAMP	358.60
EFT125584	21/01/2016	EAST KIMBERLEY HARDWARE	VARIOUS HARDWARE ITEMS - P356, KLC AND KUNUNURRA ADMIN	306.40

EFT125585	21/01/2016	GHD PTY LTD	ET02-14/15 - EKRA RUNWAY EXTENSION & BUSINESS CASE - PROGRESS PMT	65,011.40
EFT125586	21/01/2016	GLIDEPATH AUSTRALIA PTY LTD	REPLACE CHECK IN SCALES DISPLAY - EAST KIMBERLEY REGIONAL AIRPORT	1,087.35
EFT125587	21/01/2016	HITACHI CONSTRUCTION MACHINERY	PARTS - P479	1,224.58
EFT125588	21/01/2016	IBAC PLUMBING PTY LTD	PLUMBING WORKS - LEAKING TAP & JAMMED VALVE HANDLE - KLC	488.40
EFT125589	21/01/2016	ICE AGE REFRIGERATION & AIRCON.	REPAIRS - LEAKING AIRCONDITIONERS IN KUNUNURRA ADMIN. SERVER ROOM	308.00
EFT125590	21/01/2016	KIMBERLEY COMMUNICATIONS	RECONNECT CCTV SYSTEM - TED BIRCH MEMORIAL REC. CENTRE WYNDHAM	160.00
EFT125591	21/01/2016	KIMBERLEY MARKETING	PURCHASE OF CONSUMABLES FOR RESALE - KUNUNURRA LEISURE CENTRE	916.34
EFT125592	21/01/2016	KIMBERLEY MOTORS	FUEL COSTS - NOVEMBER 15	1,925.63
EFT125593	21/01/2016	KUNUNURRA BETTA ELECTRICAL & GAS	PURCHASE OF TOASTER FOR PETER REID MEMORIAL HALL	79.95
EFT125594	21/01/2016	KUNUNURRA HOME & GARDEN	GAS BOTTLE REFILL, FLY BAIT REFILL, YARD BROOMS - KNX DEPOT	131.00
EFT125595	21/01/2016	KUNUNURRA LOCK & KEY	SUPPLY AND INSTALL LOCK, BOLTS & KEY CUTTING - KYC, KLC & KNX OVAL	1,371.50
EFT125596	21/01/2016	MAXXIA	PAYROLL DEDUCTIONS	6,053.56
EFT125597	21/01/2016	MCLEAN ENTERPRISES PTY LTD	FREIGHT- DARWIN TO KUNUNURRA - PARTS - P479	66.00
EFT125598	21/01/2016	NIGHT LOCK PTY LTD	SECURITY MONITORING - KUNUNURRA ADMINISTRATION	132.00
EFT125599	21/01/2016	OFFICE NATIONAL KUNUNURRA	STATIONERY ORDER - KUNUNURRA DEPOT, EAST KIMBERLEY REGIONAL AIRPORT	154.35
EFT125600	21/01/2016	PIVOTEL	SATELLITE PHONE COSTS - DECEMBER 15	65.00
EFT125601	21/01/2016	ROYAL LIFE SAVING (WA BRANCH)	AQUATICS CERTIFICATES - KUNUNURRA LEISURE CENTRE	26.10
EFT125602	21/01/2016	SGS ENVIRONMENTAL SERVICES	TESTING OF WATER SAMPLES - KUNUNURRA LANDFILL	708.40
EFT125603	21/01/2016	SHIRE OF WYNDHAM EAST KIMBERLEY	PAYROLL DEDUCTIONS	385.00
EFT125604	21/01/2016	ST JOHN AMBULANCE	FIRST AID SUPPLIES - KUNUNURRA LEISURE CENTRE	78.15
EFT125605	21/01/2016	TELFORD INDUSTRIES	POOL CHEMICALS - KUNUNURRA SWIMMING POOL	996.16
EFT125606	21/01/2016	TOLL EXPRESS	FREIGHT- KNX & WYN LIBRARY TO STATE LIBRARY PERTH	396.38
EFT125607	21/01/2016	THINK WATER KUNUNURRA	SUBMERSIBLE PUMP - BORES, POWER BOOSTER CONTROLLER - KNX LANDFILL	4,611.73
EFT125608	21/01/2016	TUCKERBOX	PROVISIONS AND MATERIALS - KNX ADMIN, EKR AIRPORT, KNX LIBRARY & KLC	1,839.36
EFT125609	21/01/2016	TYREPLUS KUNUNURRA	PUNCTURE REPAIRS P491, BATTERY P384	275.00
EFT125610	21/01/2016	VANDERFIELD NORTHWEST PTY LTD	REPAIRS, PARTS AND SERVICE - P388, P118, P111, P120, P124, P117, P116	5,901.49
EFT125611	21/01/2016	VORGE PTY LTD	PURCHASE OF CONSUMABLES FOR RESALE - KUNUNURRA LEISURE CENTRE	391.60
EFT125612	21/01/2016	WESTBOOKS	BOOK ORDER - WYNDHAM LIBRARY	404.78
EFT125613	27/01/2016	AMPAC DEBT RECOVERY (WA) PTY LTD	COMMISSIONS AND COSTS - DECEMBER 2015	21,705.72
EFT125614	27/01/2016	ASK WASTE MANAGEMENT	TO6 14/15 - WASTE CONSULTANCY SERVICES - GENERAL OPERATIONAL ADVICE	1,113.75
EFT125615	27/01/2016	ACTIVE NETWORK	CLASS SOFTWARE MAINT. AND SUPPORT RENEWAL - 03/01/2016-28/02/2017	3,625.00
EFT125616	27/01/2016	BEING THERE SOLUTIONS PTY LTD	VIDEO CONFERENCING SUBSCRIPTION - JANUARY 16	825.00
EFT125617	27/01/2016	BEST KIMBERLEY COMPUTING	PRINTING COSTS - KUNUNURRA AND WYNDHAM ADMIN - DECEMBER 15	1,753.95
EFT125618	27/01/2016	CAM MANAGEMENT SOLUTIONS	QUARTERLY CLOUD HOSTING FEE - JANUARY TO MARCH 2016	1,980.00
EFT125619	27/01/2016	COATES HIRE OPERATIONS PTY LTD	GENERATOR HIRE - DECEMBER 2015 - WYNDHAM LANDFILL	1,336.50

EFT125620	27/01/2016	DELRON CLEANING PTY LTD	CONTRACT CLEANING - KNX ADMIN, KYC, KLC & TOILETS - KUNUNURRA - DEC 15	16,254.88
EFT125621	27/01/2016	EAST KIMBERLEY HARDWARE	PARTS - P377 , ELECTRICAL TAPE - KUNUNURRA DEPOT	36.60
EFT125622	27/01/2016	EXPRESS VIRTUAL MEETINGS	TELECONFERENCE CHARGES - DECEMBER 15	144.58
EFT125623	27/01/2016	FIT EVENTS	EVENT TRAFFIC MANAGEMENT PLAN - AUSTRALIA DAY CELEBRATIONS - KNX	385.00
EFT125624	27/01/2016	IXOM OPERATIONS PTY LTD	STORAGE AND HANDLING OF CHLORINE - KUNUNURRA AND WYNDHAM POOLS	427.96
EFT125625	27/01/2016	KUNUNURRA VISITORS CENTRE	QUICK GRANT SCHEME - PAINTING EQUIPMENT FOR THE KNX VISITOR CENTRE	550.00
EFT125626	27/01/2016	KIMBERLEY MOTORS	FUEL COSTS - WYNDHAM DEPOT - DECEMBER 15	1,142.48
EFT125627	27/01/2016	KUNUNURRA COURIERS	DRINKING WATER SUPPLIES - KNX LANDFILL AND KNX ADMIN - DEC 15	100.00
EFT125628	27/01/2016	KUNUNURRA HOME & GARDEN	GATE EXTENSION FOR KLC HALL, MEASURING JUG & PLASTIC BUCKET - KNX POOL	110.00
EFT125629	27/01/2016	LANGFORD MACHINERY PTY LTD	REPAIRS - P351	805.00
EFT125630	27/01/2016	LAYTON TECHNOLOGY PTY LTD	SERVICE DESK & AUDIT WIZARD ANNUAL LICENSING - 15/01/2016 - 14/01/2017	1,639.00
EFT125631	27/01/2016	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	39.47
EFT125632	27/01/2016	MCLEODS BARRISTERS AND SOLICITORS	LEGAL ADVICE - PLANNING APPLICATION	3,774.18
EFT125633	27/01/2016	MCLEAN ENTERPRISES PTY LTD	FREIGHT- DARWIN TO KUNUNURRA - PARTS FOR P479	66.00
EFT125634	27/01/2016	MCMULLEN NOLAN GROUP PTY LTD	CAR PARK LINE MARKING - MESSMATE WY & COOLIBAH DRIVE KUNUNURRA	2,145.00
EFT125635	27/01/2016	METALAND KUNUNURRA	SIGNAGE - VARIOUS INCL. HIBISCUS DRIVE, FLAMETREE ST, COLEUS ST KNX	2,632.40
EFT125636	27/01/2016	MOORE STEPHENS	AUDIT CERTS – R2R & CLGF 2014/15. ADVICE TO CHAIR & PREP FOR AUDIT MTG	11,528.00
EFT125637	27/01/2016	NEC AUSTRALIA PTY LTD	NETWORK SUPPORT AND MONITORING	195.80
EFT125638	27/01/2016	ORD RIVER ELECTRICS	ELECTRICAL REPAIRS - KUNUNURRA YOUTH CENTRE & EKR AIRPORT	4,534.46
EFT125639	27/01/2016	OFFICE NATIONAL KUNUNURRA	STATIONERY ORDER - DECEMBER 15 - WYNDHAM ADMIN.	103.45
EFT125640	27/01/2016	RED SUN SPORTS	PLANNING APPLICATION FEE REFUND	147.00
EFT125641	27/01/2016	SHELF SUPPLY	DOG FOOD - KNX POUND, SAND BAGS - KUNUNURRA DEPOT	448.00
EFT125642	27/01/2016	TOLL EXPRESS	FREIGHT - PERTH TO KUNUNURRA - POOL CHEMICALS - KNX LEISURE CENTRE	354.11
EFT125643	27/01/2016	TUCKERBOX	PROVISIONS AND MATERIALS - KNX ADMIN, EKR AIRPORT, KNX LIBRARY & KLC	943.62
EFT125644	27/01/2016	UNITED PETROLEUM DISTRIBUTORS	FUEL COSTS - EAST KIMBERLEY REGIONAL AIRPORT - DECEMBER 15	2,106.11
EFT125645	27/01/2016	VANDERFIELD NORTHWEST PTY LTD	SERVICE - P113	397.21
TOTAL MUNICIPAL EFT PAYMENTS				614,438.39

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
51217	06/01/2016	CASH - PETTY CASH KNX AIRPORT	PETTY CASH REIMBURSEMENT - EAST KIMBERLEY REGIONAL AIRPORT	87.07
51218	06/01/2016	CR. ALMA PETHERICK	MEMBER MEETING FEES 01/10/2015 -31/12/2015	3,231.75
51219	06/01/2016	CR. BEATRICE JANE PARKER	SHIRE PRESIDENT'S ALLOWANCE & MEETING FEES 01/10/2015 -31/12/2015	9,402.87
51220	06/01/2016	CR. EMILY BOLTO	MEMBER MEETING FEES 01/10/2015 -31/12/2015	3,231.75
51221	06/01/2016	CR. NAOMI PERRY	MEMBER MEETING FEES 01/10/2015 -31/12/2015	3,231.75
51222	06/01/2016	CR. SIMONE RUSHBY	MEMBER MEETING FEES 01/10/2015 -31/12/2015	3,231.75
51223	06/01/2016	DEPARTMENT OF TRANSPORT	REGISTRATION - P113	305.10
51224	06/01/2016	GLENN MATTHEW TAYLOR	MEMBER MEETING FEES 01/10/2015 -17/10/2015	732.53
51225	06/01/2016	HEALTH INSURANCE FUND OF AUST LTD	PAYROLL DEDUCTIONS	42.75
51226	06/01/2016	HORIZON POWER	ELEC. INCL.MESSMATE PUMP, KNX LANDFILL, KNX OVAL LIGHTS 10/11-8/12/15	4,716.86
51227	06/01/2016	JOHN HAMILTON MOULDEN	SHIRE PRESIDENT'S ALLOWANCE AND MEETING FEES 1/10/2015 -17/10/2015	2,189.60
51228	06/01/2016	RAYMOND DESSERT	DEPUTY SHIRE PRESIDENT'S ALLOWANCE & MEETING FEES 01/10-17/10/2015	1,096.84
51229	06/01/2016	SHIRE OF HALLS CREEK	REIMBURSEMENT OF MICROCHIP COURSE QUALIFICATION FOR STAFF	2,400.00
51230	06/01/2016	WA ELECTORAL COMMISSION	ELECTION EXPENSES INCLUDING RETURNING OFFICER COSTS, ADVERTISING	19,218.20
51231	13/01/2016	AMLEC HOUSE PTY LTD	TECHNICAL ADVICE REGARDING CCTV - COST TO IMPLEMENT & MAINTAIN	594.00
51232	13/01/2016	HEALTH INSURANCE FUND OF AUST LTD	PAYROLL DEDUCTIONS	42.75
51233	13/01/2016	HORIZON POWER	ELEC. INCL. NICHOLSON PUMP, STREET LIGHTING - 1/12/2015-31/12/2015	22,102.41
51234	13/01/2016	TELSTRA	EXECUTIVE INTERNET AND LANDLINE COSTS - DECEMBER 2015	555.10
51235	20/01/2016	DEPARTMENT OF TRANSPORT	ANNUAL JETTY LICENSES - LILY CK, LAKEVIEW DV, OLD DARWIN RD, VIC. HWY	152.80
51236	20/01/2016	HORIZON POWER	ELEC. INCL. STAFF HSING, KELLY'S KNOB, IVANHOE PUMP 28/10/15-04/01/2016	1,912.44
51237	20/01/2016	TELSTRA	LANDLINE AND MOBILE PHONE COSTS - JANUARY 2016	9,381.57
51238	20/01/2016	WATER CORPORATION	SERVICE CHARGES & WATER USE - STAFF HOUSING - 1/1/2016 -29/2/2016	762.20
51239	27/01/2016	DA TUKKA TRUCK	REFUND OF TRADING IN PUBLIC PLACES FEE - CANCELLATION OF PERMIT	174.88
51240	27/01/2016	HEALTH INSURANCE FUND OF AUST LTD	PAYROLL DEDUCTIONS	65.90
51241	27/01/2016	HORIZON POWER	ELEC. INCL. KNX ADMIN, EKR AIRPORT 4/11/2015 - 8/1/2016	6,771.88
51242	27/01/2016	TELSTRA	EXECUTIVE INTERNET SERVICE - 8/12/2016 - 7/1/2016	147.78
51243	27/01/2016	WATER CORPORATION	WATER USE & SERV. CHARGES - EWIN CENTRE, STAFF HOUSING, 1/1-9/2/2016	1,937.80
TOTAL MUNICIPAL CHEQUE PAYMENTS				97,720.33

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
852	13/01/2016	BUILD. & CONST. IND.TRAINING FUND	BCITF COLLECTIONS FOR DECEMBER 2015	351.25
853	13/01/2016	SHIRE OF WYNDHAM EAST KIMBERLEY	BCITF COMMISSIONS FOR DECEMBER 2015	24.75
854	13/01/2016	EAST KIMBERLEY CONSTRUCTION P/L	KERB BOND REFUND - BP:073/2015	579.30
TOTAL TRUST CHEQUE PAYMENTS				955.30

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
501089	04/01/2016	TRUST DPI CLEARING	TRANSPORT CLEARING 04/01/16	1,286.30
501090	05/01/2016	TRUST DPI CLEARING	TRANSPORT CLEARING 05/01/16	1,223.40
501091	06/01/2016	TRUST DPI CLEARING	TRANSPORT CLEARING 06/01/16	41.50
501092	07/01/2016	TRUST DPI CLEARING	TRANSPORT CLEARING 07/01/16	370.70
501093	08/01/2016	TRUST DPI CLEARING	TRANSPORT CLEARING 08/01/16	936.40
501094	11/01/2016	TRUST DPI CLEARING	TRANSPORT CLEARING 11/01/16	793.05
501095	12/01/2016	TRUST DPI CLEARING	TRANSPORT CLEARING 12/01/16	352.90
501096	13/01/2016	TRUST DPI CLEARING	TRANSPORT CLEARING 13/01/16	647.55
501097	14/01/2016	TRUST DPI CLEARING	TRANSPORT CLEARING 14/01/16	1,280.40
501098	15/01/2016	TRUST DPI CLEARING	TRANSPORT CLEARING 15/01/16	787.30
501099	18/01/2016	TRUST DPI CLEARING	TRANSPORT CLEARING 18/01/16	375.55
501100	19/01/2016	TRUST DPI CLEARING	TRANSPORT CLEARING 19/01/16	2,059.30
501101	20/01/2016	TRUST DPI CLEARING	TRANSPORT CLEARING 20/01/16	1,105.00
501102	21/01/2016	TRUST DPI CLEARING	TRANSPORT CLEARING 21/01/16	305.60
501103	22/01/2016	TRUST DPI CLEARING	TRANSPORT CLEARING 22/01/16	471.35
501104	25/01/2016	TRUST DPI CLEARING	TRANSPORT CLEARING 25/01/16	397.95
501105	27/01/2016	TRUST DPI CLEARING	TRANSPORT CLEARING 27/01/16	906.00
501106	28/01/2016	TRUST DPI CLEARING	TRANSPORT CLEARING 28/01/16	375.55
TOTAL DIRECT DEBIT TRANSPORT PAYMENTS				13,715.80

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
	06/01/2016	PAYROLL	PAYROLL	216,893.76
	19/01/2016	PAYROLL	PAYROLL	1,361.76
	19/01/2016	PAYROLL	PAYROLL	7,771.07
	20/01/2016	PAYROLL	PAYROLL	214,906.80
	28/01/2016	PAYROLL	PAYROLL	6,827.61
TOTAL PAYROLL PAYMENTS				447,761.00

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
	04/01/2016	BANKWEST	BANK FEES	152.95
	04/01/2016	BANKWEST	EFTPOS FEES	1,271.46
	04/01/2016	BANKWEST	SHIRE OF WYNDHAM MERCH FEE003789854	71.83
	04/01/2016	NATIONAL AUSTRALIA BANK	BPAY FEES	294.43

06/01/2016	BANKWEST	1 MEDIUM DEPOSIT BOOK	4.50
07/01/2016	CLICKSUPER	EMPLOYEE SUPERANNUATION CONTRIBUTIONS	38,707.40
07/01/2016	MESSAGES ON HOLD	MESSAGES ON HOLD	507.00
20/01/2016	BANKWEST	PERIODICAL PAYMENT TO MASTERCARD	4,612.91
21/01/2016	CLICKSUPER	EMPLOYEE SUPERANNUATION CONTRIBUTIONS	37,827.43
21/01/2016	WRIGHT EXPRESS AUSTRALIA	PUMA FUEL CARDS DECEMBER 2015	1,231.76
		TOTAL DIRECT DEBIT PAYMENTS	84,681.67

***DETAILS OF MASTERCARD TRANSACTIONS INCLUDED IN DIRECT DEBIT 20/01/16**

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
	01/12/2015	PLANNING INSTITUTE AUSTRALIA	WEBINAR REGISTRATION FEE - STAFF MEMBER	65.00
	01/12/2015	FUSION BROADBAND	INTERNET UPGRADE FOR WYNDHAM ADMINISTRATION OFFICE	187.00
	01/12/2015	COLES KUNUNURRA	CATERING FOR ELECTED MEMBER TRAINING & DEC 15 COUNCIL BRIEFING	68.43
	02/12/2015	COLES KUNUNURRA	REFRESHMENTS FOR COUNCIL TEA ROOM	25.13
	03/12/2015	AVIATION ID	ASIC CARD RENEWAL FOR EAST KIMBERLEY REGIONAL AIRPORT STAFF	222.00
	04/12/2015	AUSTRALIAN INSTITUTE OF MGT. WA	PROFESSIONAL MEMBERSHIP - STAFF MEMBER AS PER EMPLOYMENT CONTRACT	150.00
	07/12/2015	ROLLER SHUTTER WHOLESALERS	SECURITY SPRINGS FOR AUTOMATIC ROLLER DOORS - EKR AIRPORT	90.00
	11/12/2015	VIRGIN AIRLINES	FLIGHTS KNX-PER-KNX 13/12 & 15/12/2015 STAFF MEMBER - ATTEND TRAINING	1,045.70
	11/12/2015	KIMBERLEY HOTEL HALLS CREEK	ACCOM. AND MEALS - STAFF MEMBER - ATTEND TRAINING 7-11/12/2015	722.15
	11/12/2015	KIMBERLEY HOTEL HALLS CREEK	ACCOM. AND MEALS - STAFF MEMBER - ATTEND TRAINING 7-11/12/2015	817.60
	14/12/2015	MESSAGE MEDIA	SERVER SMS ALERT NOTIFICATION SERVICE	5.85
	14/12/2015	EAST KIMBERLEY HARWARE	PROTECTIVE CASE FOR PORTABLE PROJECTOR - KUNUNURRA ADMINISTRATION	116.40
	14/12/2015	JAYCAR	REPLACEMENT PARTS FOR COUNCIL CHAMBERS - KNX ADMIN	366.20
	15/12/2015	AUSTRALIA DAY COUNCIL OF SA	DECORATIONS FOR 2016 AUSTRALIA DAY CELEBRATIONS	342.50
	22/12/2015	AUSTRALIA POST KUNUNURRA	CORDLESS TELEPHONE FOR USE DURING PHONE SYSTEM OUTAGE - KNX ADMIN	89.95
	23/12/2015	TUCKERBOX	MOBILE PHONE FOR USE DURING SYSTEM OUTAGE - KUNUNURRA ADMIN	99.00
	23/12/2015	DEPT OF ENVIRONMENT REGULATION	CLEARING PERMIT - LANDFILL COVER MATERIAL FOR REHABILITATION	200.00

13.2.2. Monthly Statement of Financial Activity for the Period Ended 31 January 2016

DATE:	23 February 2016
AUTHOR:	Niroshini Nandasiri, Asset Management Accountant
RESPONSIBLE OFFICER:	Natalie Octoman, Director Corporate Services
FILE NO:	FM.09.5
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the monthly financial report as at 31 January 2016.

COUNCIL DECISION

Minute No. 11257

Moved: Cr B Robinson

Seconded: Cr N Perry

That Council receives the monthly financial report as at 31 January 2016.

Carried 9/0

PURPOSE

For Council to receive the monthly financial report for the period ended 31 January 2016.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Council is 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

RISK IMPLICATIONS

Strategic Risk: Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

Operational Risk: Non-compliance with the DLG advisory standard and regulations.

COMMUNITY ENGAGEMENT

The Shire of Wyndham East Kimberley's CP/GOV-3100 Community Engagement Policy has been considered in relation to this item.

No community engagement is required.

COMMENTS

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

This report has incorporated the budget adjustments that were adopted by the Council at the December Ordinary Meeting of Council (Minute #: 11203).

ATTACHMENTS

Attachment 1 - Statement of Financial Activity as at 31 January 2016.



Shire of Wyndham East Kimberley

Monthly Financial Report 2015/2016

As at 31 January 2016

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 January 2016

	YTD Actual 2015/16 \$	YTD Budget 2015/16 \$	YTD Variance 2015/16 \$	%	
Revenue					
General Purpose Funding	1,629,774	1,480,852	148,921	10%	▲
Governance	87,939	123,710	(35,771)	-29%	▼
Law, Order, Public Safety	47,424	48,803	(1,379)	-3%	▼
Health	97,537	108,709	(11,171)	-10%	▼
Education and Welfare	7,242	7,232	10	0%	▲
Housing	64,507	68,845	(4,338)	-6%	▼
Community Amenities	2,136,985	2,104,190	32,795	2%	▲
Recreation and Culture	460,902	497,846	(36,944)	-7%	▼
Transport	2,361,254	2,383,509	(22,255)	-1%	▼
Economic Services	38,630	56,499	(17,869)	-32%	▼
Other Property and Services	262,455	247,191	15,264	6%	▲
	<u>7,194,650</u>	<u>7,127,386</u>	<u>67,264</u>	<u>1%</u>	<u>▲</u>
Expenses					
General Purpose Funding	(300,156)	(308,363)	8,208	-3%	▼
Governance	(444,653)	(513,014)	68,361	-13%	▼
Law, Order, Public Safety	(299,280)	(346,219)	46,940	-14%	▼
Health	(183,202)	(183,369)	167	0%	▼
Education and Welfare	(136,283)	(174,409)	38,127	-22%	▼
Housing	(466,434)	(362,219)	(104,214)	29%	▲
Community Amenities	(2,081,450)	(2,154,553)	73,103	-3%	▼
Recreation & Culture	(3,711,686)	(3,743,401)	31,716	-1%	▼
Transport	(5,509,095)	(5,671,015)	161,920	-3%	▼
Economic Services	(220,536)	(182,352)	(38,184)	21%	▲
Other Property and Services	(878,890)	(914,266)	35,376	-4%	▲
	<u>(14,231,664)</u>	<u>(14,553,181)</u>	<u>321,517</u>	<u>-2%</u>	<u>▼</u>
Adjustments for Cash Budget Requirements:					
Non-Cash Expenditure and Revenue					
(Profit)/Loss on Asset Disposals	116,165	(40,211)	156,376	-389%	▲
Movement in Accruals and Provisions	0	0	0	0%	▼
Depreciation on Assets	4,223,060	4,203,323	19,737	0%	▲
Capital Expenditure and Revenue					
Purchase Land Held for Resale	0	0	0	0%	▲
Purchase Land and Buildings	(229,999)	(100,000)	(129,999)	130%	▲
Purchase Infrastructure Assets - Roads	(3,565,857)	(4,331,189)	765,332	-18%	▼
Purchase Infrastructure Assets - Footpaths	0	(109,315)	109,315	-100%	▼
Purchase Infrastructure Assets - Drainage	(82,828)	(90,495)	7,667	-8%	▼
Purchase Infrastructure Assets - Other	(663,886)	(1,370,989)	707,103	-52%	▼
Purchase Plant and Equipment	(25,727)	(1,048,859)	1,023,132	-98%	▼
Purchase Furniture and Equipment	(10,939)	(28,100)	17,161	-61%	▼
Grants / Contributions for Development of Assets	1,107,527	1,764,179	(656,652)	-37%	▼
Proceeds from Disposal of Assets	370,618	217,322	153,296	71%	▲
Proceeds from Sale of Land Held for Resale	0	0	0	0%	▼
Repayment of Debentures	(537,790)	(537,790)	(0)	0%	▲
Proceeds from New Debentures	0	0	0	0%	▼
Transfers to Reserves (Restricted Assets)	(99,175)	0	(99,175)	0%	▲
Transfers from Reserves (Restricted Assets)	6,934,511	4,293,954	2,640,557	61%	▲
ADD Estimated Surplus/(Deficit) July 1 B/Fwd	197,606	197,606	0	0%	▲
LESS Estimated Surplus/(Deficit) June 30 C/Fwd	10,756,195	5,545,204	5,210,992	94%	▲
Amount Required to be Raised from Rates	<u>10,059,923</u>	<u>9,951,565</u>	<u>108,358</u>	<u>1%</u>	<u>▲</u>

Shire of Wyndham East Kimberley

Note to Statement of Financial Activity

Net Current Assets

as at 31 January 2016

Composition of Estimated Net Current Asset Position

	YTD Actual 2015/16	Brought Forward** 1 July 2015
CURRENT ASSETS		
Cash - Municipal (Restricted & Unrestricted)*	10,171,542	2,861,225
Cash - Restricted Reserves	7,414,023	14,169,235
Receivables	3,872,369	3,770,714
Inventories & Other Financial Assets	8,232	17,214
	<u>21,466,166</u>	<u>20,818,388</u>
LESS: CURRENT LIABILITIES		
Payables and Provisions	(3,332,106)	(6,451,547)
Less:		
Restricted - Reserves	(7,414,023)	(14,169,235)
NET CURRENT ASSET POSITION	<u>10,720,037</u>	<u>197,606</u>
Less:		
Restricted - Unspent Grants	(1,415,449)	
Restricted - Unspent Loans	(1,035,127)	
ADJUSTED NET CURRENT ASSET POSITION	<u><u>8,269,461</u></u>	

* **Cash - Municipal brought forward balances represented by:**

Cash on Hand	1,700	1,700
Cash at Bank - Municipal		
Unrestricted	7,719,266	(422,960)
Restricted - Unspent Grants	1,415,449	2,093,999
Restricted - Unspent Loans	1,035,127	1,188,486
	<u>10,171,542</u>	<u>2,861,225</u>

** B/F balance includes the restricted grants and loans, however on 01 July 2015 these funds are transferred to the Municipal account.

Shire of Wyndham East Kimberley

Notes to Statement of Financial Activity

For the Period Ended 31 January 2016

Explanation of Material Variances (between YTD Budget and YTD Actual)

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

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

Operating

Recurrent Income - Excluding Rates ▲

Rates

Rates Revenue - Interim Rates

109,400 ▲

Council determined not to include a budget allocation for interim rates in the first instance given the uncertainty and fluctuation throughout the financial year. This will be reviewed as part of the Mid Year Budget Review process, however a significant portion is related to back rates. Higher income due to increased number of claims lodged which offsets expense, will be amended during the Mid Year Budget Review to increase anticipated revenue.

Recovery of Legal Expenses - Rates

28,200 ▲

General Purpose Funding ▲

Interest Income - Municipal Fund

69,000 ▲

Higher income due to additional investments being made during the year that relate to Municipal funds. Will be reviewed during the Mid Year Budget Review.

Interest Income - Reserve Fund

23,300 ▲

A number of Term Deposits rolled over in January which resulted in the Interest earned being brought to account. Interest is only reported when the Term Deposit falls due. The Shire is achieving good rates in the region of 2.75%. This is additional revenue is likely to continue to year end.

Governance ▼

LGIS Members Experience Income - Other Governance

(25,000) ▼

As the related expenditure has not occurred to date, the recovery of those cost has not yet been requested from LGIS. This account is a cost recovery action. Thus no net impact on overall result.

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 ▲

Rubbish Disposal Charges

42,000 ▲

Higher income than anticipated. Currently \$87,000 above 14/15 result at same time. Budget will be increased in the Mid Year Review process.

Recreation and Culture ▼

Design and Feasibility New Recreation Facility Grant

(25,000) ▼

\$25,000 in Grants have been acquired. Further grant funding being sourced. Under expenditure in costs offsets this.

Transport ▼

Aircraft Landing Fees - East Kimberley Regional Airport

(37,000) ▼

Mid Year Budget discussions indicates that we set an ambitious revenue stream from Domestic Aviation usage which has not eventuated as yet. This budget will be amend down as part of that process. Higher revenues are expected as we enter the Dry season, however it is unlikely to meet budget forecasts.

Passenger Head Tax - East Kimberley Regional Airport

(38,500) ▼

Passenger revenue has been below target in most months so far, indicating reduced passenger numbers. Revenue was anticipated to reduce by 15% in 15/16 this reduction is more than anticipated. Revenues are down by \$60,000 in comparison to 14/15 for the same period.

Leases - East Kimberley Regional Airport Terminal

72,700 ▲

Increased income from rental car leases which are based on turnover. Will be amended during the Mid Year Budget Review.

Economic Services ▼

No material variances to report

Shire of Wyndham East Kimberley
Notes to Statement of Financial Activity
For the Period Ended 31 January 2016

Explanation of Material Variances (between YTD Budget and YTD Actual)

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

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

Recurrent Income (Continued)

Other Property and Services ▲

Insurance Claim Revenue - Wyndham Depot	128,900	▲	Progress claims related to Wyndham Depot reinstatement which offsets with expenditure incurred. Budget to be amended in Mid Year Review.
Profit on Sale of Assets - Plant Operation	(123,100)	▼	Asset Disposal action February 16. No variation is expected to the annual plan at this time.

Recurrent Expenditure ▼

General Purpose Funding ▼

Valuation Expenses - Rates	20,400	▼	Timing variance. Awaiting confirmation from Valuer General's office to commence UV to GRV transition project.
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Governance ▼

Election Expenses	(22,100)	▼	Timing variance. Awaiting supplier invoice.
Integrated Planning Framework (IPF) - Asset Management	(22,500)	▼	Timing variance. Budget profile to be amended as part of Mid Year Budget Review.
Audit Fees	35,400	▲	Timing variance. Invoice received earlier than expected. Budget for this amount was profiled in February.

Law, Order and Public Safety ▼

Firebreaks	(21,100)	▼	Potential savings which will be amended as part of Mid Year Budget Review. Expenditure is subject to weather conditions.
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Health ▼

No material variances to report

Education and Welfare ▼

No material variances to report

Housing ▲

Loss on Sale of Assets - Staff Housing	115,400	▲	Non cash item. Sale of house. 6 Eugenia St. Budget required to reflect complete transaction in Mid Year Budget Review with transfer of net proceeds to the Asset Management Reserve as per council resolution.
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Community Amenities ▼

Tip Maintenance	(46,600)	▼	Savings in cost for Plant Operating costs and reduced material costs which are in the main a result from the new waste capping covers saving on soils to cover daily waste. Mid Year Budget Review will adjust this budget.
Consultants - Local Planning Strategy	(55,900)	▼	Timing variance. Budget profile to be amended as part of Mid Year Budget Review. Currently Budgeted as January \$50,000 however needs to be profiled across future months.
Kununurra Business & structure Planning	(30,000)	▼	Timing variance. Budget profile to be amended as part of Mid Year Budget Review.

Recreation and Culture ▼

Building Operating - Kununurra Youth Centre MUN	22,200	▲	Timing variance. Budget profile to be amended as part of Mid Year Budget Review.
Direct Salaries - Kununurra Swimming Complex	(31,600)	▼	Year to date costs indicate that cost are expected to be close to budget at year end. Possible minor savings due to vacancies from earlier in the year.
Design and feasibility of new Recreation facility	(50,000)	▼	As noted above in the revenue offset account the Shire has been awaiting successful Grant applications before incurring costs.
Building Maintenance - Kununurra Leisure Centre	(43,900)	▼	Budget transfer required to building operating due to the nature of expense. Lower expense is expected offset by building operating expenses come year end.
Building Operating - Kununurra Leisure Centre	20,600	▲	Budget transfer required to building maintenance due to the nature of expense. Higher expense is expected offset by building operating expenses come year end.
Parks and Gardens Maintenance - Wyndham	(21,500)	▼	Timing variance. Budget profile to be adjusted in Mid Year Budget Review.

Shire of Wyndham East Kimberley
Notes to Statement of Financial Activity
For the Period Ended 31 January 2016

Explanation of Material Variances (between YTD Budget and YTD Actual)

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

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

Recurrent Expenditure (Continued)

Transport

	▼		
Administration Salary and Wages Allocated - Streets, Roads & Bridges - Non Capital	(142,700)	▼	Non cash item. Variance due to asset depreciation changed between sub programme. Off sets with budget held in other accounts.
Admin Overheads Allocated - Streets, Roads & Bridges - Non Capital	95,900	▲	Non cash item. Variance due to asset depreciation changed between sub programme. Off sets with budget held in maintenance account. (below)
Admin Overheads Allocated - Streets, Roads & Bridges - Maintenance	(67,900)	▼	Non cash item. Variance due to asset depreciation changed between sub programme. Off sets with budget held in non-capital account.(above)
Rural Road Maintenance	(94,900)	▼	Includes timing variance (Seasonal conditions) and savings. Timing variance due to plant cost allocations (Cost to increase in Dry Season) which is a internal charge and the potential savings will be reflected in the Mid Year Budget Review.
Plant Operating Costs - East Kimberley Regional Airport	20,200	▲	Higher expenses than anticipated, which will be amended during the Mid Year Budget Review.
Consultancy Fees - East Kimberley Regional Airport	(22,000)	▼	Timing variance. Budget profile to be adjusted in Mid Year Review. Required for National Competition Policy work. RFQ to be scoped shortly.
Airport Terminal Building Maintenance - East Kimberley Regional Airport	(28,600)	▼	Includes timing variance and savings. The potential savings will be reflected in the Mid Year Budget Review.
Direct Salaries - East Kimberley Regional Airport	(30,300)	▼	Recruitment vacancies in early part of the year. December and January close to Budget. Savings will be amended a part of the Mid Year Budget Review.
Administration Salary and Wages Allocated - East Kimberley Regional Airport	25,900	▲	Non cash item. Budget profile to be adjusted in Mid Year Review.
Admin Overheads Allocated - East Kimberley Regional Airport	22,400	▲	Non cash item. Budget profile to be adjusted in Mid Year Review.

Economic Services

	▲		
Bio Security Expenses Medfly Eradication Program	24,200	▲	Budget adjustment required. Expenditure was unknown at time of setting budget, however expenditure is funded from the Biosecurity Reserve as previously adopted by the council, therefore no impact.

Other Property and Services

	▲		
Direct Salaries - Operations	38,700	▲	Timing variance. Higher expense due to a staff termination payment made and journal entries will be processed to provision accounts in February 2016 to reflect YTD expense.
Indirect Salaries - Outdoor Workforce	126,900	▲	Offset by variance in Direct Salaries - Outdoor workforce. To be amended in Mid Year Budget Review.
Direct Salaries - Outdoor Workforce	(185,900)	▼	Offset by variance in Indirect Salaries - Outdoor workforce. To be amended in Mid Year Budget Review.
Administration Salary and Wages Allocated - Public Works Overheads	(21,000)	▼	Non cash item. Budget profile to be adjusted in Mid Year Budget Review.
Admin Overheads Allocated - Public Works Overheads	46,800	▲	Non cash item. Budget profile to be adjusted in Mid Year Budget Review.
Engineering Consultancy	(49,800)	▼	Potential savings, which will be amended during the Mid Year Budget Review.
Administration Salary and Wages Allocated - General /	292,200	▼	Non cash item. Budget profile to be adjusted in Mid Year Budget Review.
Direct Salaries - Financial Services	(142,100)	▼	Earlier vacancies, now being filled in 2016. One position to transfer budget to Governance will reduce this variance.
ABC Allocations	(105,500)	▲	Non cash item. Budget profile allocations to be realigned as part of Mid Year Budget review.
Synergy Training and Assistance - Information Services	(20,800)	▼	Timing Variance. Training planned in February 2016.
Plant Operating Cost Allocated	174,000	▼	Non cash item. Variance due to asset disposals. Budget to be amended at the budget review.
POC Internal Repair wages	29,500	▲	To be funded from savings in other POC Accounts
POC Fuel and Oils	(33,700)	▼	For review at Mid Year Budget Review. Potential savings to be reviewed. Recent good cost savings due to cost of fuel reducing.
POC Parts and Repairs	(36,300)	▼	For review at Mid Year Budget Review. Potential savings to be reviewed. Could increase as we prepare for dry season work.
Loss on Sale of Assets - Plant Operation	(82,100)	▼	Timing variance. Disposal of assets deferred until later in the year.

Shire of Wyndham East Kimberley
Notes to Statement of Financial Activity
For the Period Ended 31 January 2016

Explanation of Material Variances (between YTD Budget and YTD Actual)

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

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

Non Cash Expenditure and Revenue

Adjustments and Accruals

Loss on Sale of Assets - Staff Housing	(115,400)	▼	Disposal of assets as per Council approval. Refer to previous expense charge.
Profit on Sale of Assets - Plant Operation	(123,100)	▲	Timing variance. Disposal of assets deferred until later in the year.
Loss on Sale of Assets - Plant Operation	82,100	▼	Timing variance. Disposal of assets deferred until later in the year.

Capital

Purchase Land Held for Resale

No material variances to report ▲

Purchase Land and Buildings

Wyn depot fire damage reinstatement - Buildings (129,419) ▲ Offset by Insurance reimbursement

Purchase Infrastructure Assets - Roads

Kalumburu Road - Re-sheet	(89,200)	▼	Project completed. Awaiting supplier invoice. Timing variance only
Bridges (5116) - D4 Weaber Plain Rd	(150,000)	▼	Project completed. Awaiting supplier invoice. Timing variance only
Goomig Roads Reseal 2nd coat	(529,300)	▼	Project completed, savings will be transfer back to the reserve. Budget to be amended at the Mid Year Budget Review.

Purchase Infrastructure Assets - Footpaths

Footpath renewal (109,300) ▼ Timing variance. Work to be commenced April 2016. (Dry season)

Purchase Infrastructure Assets - Drainage

No material variances to report ▼

Purchase Infrastructure Assets - Other

Wyndham Childcare Centre - Koolama St Land swap	(32,800)	▼	Timing variance. Awaiting documents from Department of Lands
Playspace and playground equipment	(50,000)	▼	Timing variance. Budget profile to be adjusted in Mid Year Budget Review.
Runway Resurficing Overlay MUN	35,900	▲	Timing variance. Budget profile to be adjusted in Mid Year Budget Review.
Lily Creek Lagoon Boat Ramp and Jetty	(651,500)	▼	Timing variance. Work to be commenced Feb/March 2016.

Purchase Plant and Equipment

Airport Plant - Purchase Price	(130,000)	▼	Timing variance. Replacement process to commence in Feb 2016.
Heavy Plant - Purchase Price	(883,100)	▼	Timing variance. Replacement process to commence in Feb 2016.

Purchase Furniture and Equipment

No material variances to report ▲

Shire of Wyndham East Kimberley
Notes to Statement of Financial Activity
For the Period Ended 31 January 2016

Explanation of Material Variances (between YTD Budget and YTD Actual)

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

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

Grants / Contributions for Development of Assets	▼	
Disability Access Building Modifications Grant	25,000	▼ Unsuccessful in the bid for funding therefore budget amendment to be made for both revenue and expenditure in Mid Year Budget Review.
Aboriginal Roads Funding - Federal Grants	92,600	▼ Budget profiling, Now April to June, to be amended as part of Mid Year Budget Review.
Aboriginal Roads Funding - State Grants	29,400	▼ Budget profiling, Now April to June, to be amended as part of Mid Year Budget Review.
State Local Road Black Spot - Income MUN	(40,800)	▲ Budget profiling, Now April to June, to be amended as part of Mid Year Budget Review.
RADS Funding (Regional Airports Development Scheme) MUN	231,900	▼ Timing variance. Acquittals in process.
Grant Income - Lily Creek Lagoon Boat Ramp and Jetty	318,500	▼ Timing variance. Grant income based on progress claim for the project.
Proceeds from Disposal of Assets	▲	
Sale of 6 Eugenia Street Kununurra	(338,800)	▲ Council determined not to incorporate a budget for the sale given the uncertainty of the housing market. Funds to be transferred to Asset Management Reserve as per Council Resolution, as part of Mid Year Budget review.
Heavy Plant - Trade Value	197,300	▼ Timing variance. Disposal of assets differed until later in the year.
Medium Plant - Trade Value MUN	(20,700)	▲ Timing variance. Purchases now planned for Feb/March 16 to match disposals
Debentures	▲	
No material variances to report		
Reserves	▲	
Airport General Reserve - Transfer to Reserve	69,100	▲ Timing variance, Budget profile to be reviewed as part of Mid Year Review.
Goomig Farmlands Road Reserve - Transfer from Rese	(2,640,600)	▲ Timing variance, Budget profile to be reviewed as part of Mid Year Review.

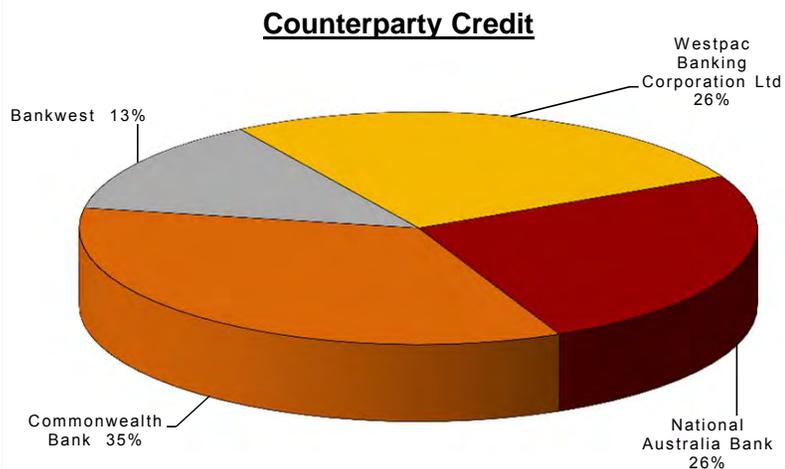
Shire of Wyndham East Kimberley

Statement of Financial Activity Budget Remaining to Collect/Spend as at 31 January 2016

	YTD Actual 2015/16 \$	Annual Budget 2015/16 \$	Revised Annual Budget 2015/16 \$	Budget Remaining (Revised Budget less 2015/16 \$	%	
Revenue						
General Purpose Funding	1,629,774	2,547,115	2,547,115	917,341	36%	▼
Governance	87,939	150,872	158,872	70,933	47%	▼
Law, Order, Public Safety	47,424	58,613	58,613	11,189	19%	▼
Health	97,537	92,506	128,574	31,037	34%	▲
Education and Welfare	7,242	11,500	11,500	4,258	37%	▼
Housing	64,507	121,590	121,590	57,083	47%	▼
Community Amenities	2,136,985	2,534,733	2,534,733	397,748	16%	▼
Recreation and Culture	460,902	997,143	997,143	536,241	54%	▼
Transport	2,361,254	4,160,621	4,160,621	1,799,367	43%	▼
Economic Services	38,630	96,365	96,365	57,735	60%	▼
Other Property and Services	262,455	371,933	371,933	109,478	29%	▼
	<u>7,194,650</u>	<u>11,142,991</u>	<u>11,187,059</u>	<u>3,992,409</u>		<u>36%</u> ▼
Expenses						
General Purpose Funding	(300,156)	(573,835)	(573,835)	(273,679)	48%	▼
Governance	(444,653)	(930,227)	(936,227)	(491,574)	53%	▼
Law, Order, Public Safety	(299,280)	(592,391)	(607,280)	(308,000)	52%	▼
Health	(183,202)	(299,639)	(339,915)	(156,713)	52%	▼
Education and Welfare	(136,283)	(243,541)	(287,186)	(150,903)	62%	▼
Housing	(466,434)	(604,444)	(604,912)	(138,478)	23%	▼
Community Amenities	(2,081,450)	(4,144,548)	(4,138,074)	(2,056,624)	50%	▼
Recreation & Culture	(3,711,686)	(6,897,090)	(7,052,658)	(3,340,972)	48%	▼
Transport	(5,509,095)	(8,601,589)	(10,159,583)	(4,650,488)	54%	▼
Economic Services	(220,536)	(330,981)	(326,592)	(106,056)	32%	▼
Other Property and Services	(878,890)	(1,633,139)	(1,648,831)	(769,940)	47%	▼
	<u>(14,231,664)</u>	<u>(24,851,424)</u>	<u>(26,675,093)</u>	<u>(12,443,429)</u>		<u>50%</u> ▼
Adjustments for Cash Budget Requirements:						
Non-Cash Expenditure and Revenue						
(Profit)/Loss on Asset Disposals	116,165	(40,211)	(40,211)	(156,376)	389%	▼
Movement in Accruals and Provisions	0	0	0	0	0%	▼
Depreciation on Assets	4,223,060	5,765,188	7,185,788	2,962,728	51%	▼
Capital Expenditure and Revenue						
Purchase Land Held for Resale	0	0	0	0	0%	▼
Purchase Land and Buildings	(229,999)	(187,830)	(209,069)	20,930	-11%	▲
Purchase Infrastructure Assets - Roads	(3,565,857)	(5,978,884)	(6,052,901)	(2,487,044)	42%	▼
Purchase Infrastructure Assets - Footpaths	0	(109,315)	(109,315)	(109,315)	100%	▼
Purchase Infrastructure Assets - Drainage	(82,828)	(552,970)	(569,270)	(486,442)	88%	▼
Purchase Infrastructure Assets - Other	(663,886)	(6,501,870)	(3,956,178)	(3,292,292)	51%	▼
Purchase Plant and Equipment	(25,727)	(1,501,043)	(1,501,043)	(1,475,316)	98%	▼
Purchase Furniture and Equipment	(10,939)	(191,100)	(191,100)	(180,161)	94%	▼
Grants / Contributions for Development of Assets	1,107,527	5,621,304	3,975,405	2,867,879	51%	▼
Proceeds from Disposal of Assets	370,618	363,237	363,237	(7,381)	-2%	▲
Proceeds from Sale of Land Held for Resale	0	0	0	0	0%	▼
Repayment of Debentures	(537,790)	(954,447)	(954,447)	(416,657)	44%	▼
Proceeds from New Debentures	0	0	0	0	0%	▼
Transfers to Reserves (Restricted Assets)	(99,175)	(6,707,472)	(5,648,118)	(5,548,943)	83%	▼
Transfers from Reserves (Restricted Assets)	6,934,511	16,576,747	13,315,433	6,380,922	38%	▼
ADD Estimated Surplus/(Deficit) July 1 B/Fwd	197,606	(1,665,875)	197,606	0	0%	▲
LESS Estimated Surplus/(Deficit) June 30 C/Fwd	10,756,195	178,591	269,348	(10,486,847)	-5872%	▲
Amount Required to be Raised from Rates	<u>10,059,923</u>	<u>9,951,565</u>	<u>9,951,565</u>	<u>(108,358)</u>		<u>-1%</u> ▲

REPORT ON INVESTMENT PORTFOLIO AS AT 31 JANUARY 2016

INVESTMENT POLICY - CP FIN - 3203												
S&P Rating		Portfolio Credit Framework	Counterparty Credit Framework									
Long Term	Short Term	Direct Investment Maximum %		Institution Name	S&P Rating	Term to Maturity	Interest Rate	Maturity Date	Principal	Interest on Maturity	% of portfolio	
AAA	A-1+	100%	45%									
AA	A-1	100%	35%									
A	A-2	60%	20%									
<small>Note: "S & P" relates to Standard & Poors credit rating agency</small>												
TERM TO MATURITY FRAMEWORK				MUNICIPAL FUNDS								
Overall Portfolio Term to Maturity Limits				CBA	A-1+/AA	2 Months	2.75%	28-Mar-16	1,006,479.72	4,613.03	9%	
Portfolio % < 1 year		100% max 40% min		CBA		2 Months	2.75%	28-Mar-16	1,006,479.72	4,613.03	9%	
Portfolio % > 1 year		60%		CBA		2 Months	2.75%	28-Mar-16	1,006,479.72	4,613.03	9%	
Portfolio % > 3 year		35%		Westpac		3 Months	3.00%	27-Apr-16	1,007,284.38	7,554.63	9%	
				Westpac		3 Months	3.00%	27-Apr-16	1,007,284.38	7,554.63	9%	
Individual Investment Maturity Limits				TOTAL MUNICIPAL INVESTMENTS								
Authorised Deposit Institution		12 Months						5,034,007.92	28,948.36	43%		
State/Commonwealth Government Bonds		3 years		RESERVE FUNDS								
				NAB	A-1+/AA	3 Months	2.98%	15-Mar-16	754,027.79	5,540.55	6%	
				CBA		1 Month	2.35%	8-Feb-16	1,034,519.58	2,131.39	9%	
				NAB		3 Months	2.75%	27-Mar-16	1,798,652.89	8,130.90	15%	
				Westpac		3 Months	3.00%	27-Apr-16	1,089,760.12	8,173.20	9%	
				Bankwest		3 Months	2.95%	23-Feb-16	541,265.37	4,024.64	5%	
				Bankwest		4 Months	2.90%	16-Mar-16	1,030,893.50	9,828.79	9%	
				TOTAL RESERVE INVESTMENTS				6,249,119.25	37,829.48	53%		
				TRUST FUNDS - T292								
				NAB	A-1+/AA	2 Months	2.77%	28-Mar-16	442,228.40	2,013.66	4%	
				TOTAL TRUST INVESTMENTS				442,228.40	2,013.66	4%		
				TOTAL INVESTMENTS HELD & INTEREST PAID				11,725,355.57	68,791.51	100%		



13.3 INFRASTRUCTURE

13.03.1. Road Construction Policy

DATE:	23 February 2016
AUTHOR:	David Klye, Director Infrastructure
RESPONSIBLE OFFICER:	David Klye, Director Infrastructure
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council adopt the reviewed policy E5 Road Construction Specifications, renamed to CP-OPS 3655 - Road Construction as attached.

ALTERNATIVE MOTION:

Cr Wright moved an alternative motion that Council:

- A. Defer the item to a Councillor Workshop and,
- B. Invite a Main Roads WA expert in road hierarchy to present at the workshop

Cr Robinson foreshadows a motion on the Officers Recommendation

COUNCIL DECISION

Minute No. 11258

Moved: Cr K Wright

Seconded: Cr S Rushby

That Council:

- A) Defer a decision on the reviewed policy E5 Road Construction Specifications, renamed to CP-OPS 3655 - Road Construction as attached to a Councillor workshop and,**
- B) Invite a Main Roads WA expert on road hierarchy to present at the workshop.**

Carried 7/2

**For: Cr J Parker, Cr K Wright, Cr A Petherick, Cr S Rushby,
Cr N Perry, Cr S Cooke, Cr D Spackman
Against: Cr B Robinson, Cr E Bolto**

REASON FOR VARYING THE OFFICER'S RECOMMENDATION

There is concern that the lack of road hierarchy may affect applications for grant funding in relation to the rebuilding of roads. Subsequently the input of Main Roads WA in relation to the policy is considered to be advantageous.

PURPOSE

For Council to consider a review of its policy, E5 Road Construction Specification.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

At its 28 July 2004 meeting, Council adopted a policy titled E5 Road Construction Specification. A copy of the E5 Road Construction Specifications is attached to this report as Attachment 1.

COUNCIL DECISION

MINUTE NO 6795

Moved Cr K Wright / J Nelson

That Council:

- 1. Repeal all current Engineering policies in their entirety.***
- 2. Endorse the modified Engineering policies as attached.***

CARRIED UNANIMOUSLY (7-0)

At its 24 November 2015 meeting, Council resolved the following;

COUNCIL DECISION

Minute No. 11184

Moved: Cr K Wright

Seconded: Cr N Perry

That Council defer item 13.3.1 Road Construction Specification Policy to a briefing session.

Carried 8/1

For: Cr J Parker, Cr K Wright, Cr D Spackman, Cr S Cooke, Cr S Rushby, Cr N Perry, Cr A Petherick, Cr E Bolto

Against: Cr B Robinson

STATUTORY IMPLICATIONS

The *Local Government Act 1995* Section 3.1 and the *Main Roads Act 1930* Section 24 applies to this item.

POLICY IMPLICATIONS

The proposal establishes Council's policy position in relation to acceptable standards of road construction and planning within the Shire.

FINANCIAL IMPLICATIONS

There are no direct additional financial implications in adopting the revised policy.

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: Assets 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

RISK IMPLICATIONS

Risk:

Inability to deliver levels of service expected by the community

Controls:

- Current budget and service levels
- Develop agreed standards of service and communicate with the community

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

A copy of the proposed revised policy is attached as Attachment 2 - CP-OPS 3655 - Road Construction. The proposal differs to the previous version of the policy adopted in 2004 by providing overall guidance on the types of road the Shire requires according to road type and by referring to comprehensive technical specifications for road and drainage design and construction. The proposed Policy contains minimal technical specifications regarding road construction as policy should focus on strategic matters and not contain technical and operational detail and specifications.

The Main Roads Western Australia Standards and Technical supplements and guides to the design and construction of roads and bridges and associated environmental aspects including

the Main Roads Western Australia Supplement to Austroads Guide to Road Design have now been included in the specifications.

The recommended policy provides for improved township amenity, driver visibility and safety, on street parking and access for service vehicles including street sweeping and garbage collection.

For information, the technical specification for road construction is attached as Attachment 3. This information is detailed technical information required for the construction of roads and is of an operational nature and is included only to provide context for the policy. The Road and Drainage Construction Specification will be finalised by staff and promulgated following Council's decision on the Road Construction policy.

ATTACHMENTS

Attachment 1 - E5 Road Construction Specification

Attachment 2 - CP-OPS 3655 - Road Construction

Attachment 3 - TS-OPS- 4647 - Roads and Drainage Construction Specification



Shire of Wyndham East Kimberley
Council Policy Manual
E5

POLICY No:	E5
DIVISION:	Engineering
SUBJECT:	Road Construction Specifications
REPORTING OFFICER:	Executive Manager Engineering and Development Services
ENABLING LEGISLATION:	Local Government Act 1995 Section 5.52.3

OBJECTIVE:

To provide an appropriate safe and maintainable road network throughout the Shire.

POLICY:

Road Widths and Standards

Residential and Commercial

- Less than 100 vehicles per day - 6 metres seal between kerbs
- More than 100 vehicles per day - 7.5 metre seal between kerbs.
- Distributor Roads - 9 metre seal between kerbs.

Industrial

- 9 metre seal between kerbs.

Rural

- Less than 50 vehicles per day - 8 metre gravel formation, 6 metre running surface (2 x 3 trafficable lanes 2 x 1 metre shoulders)
- 50 to 150 vehicles per day - 9 metres gravel formation, 6 metre seal.
- over 150 vehicles per day - 10.5 metre gravel formation, 7.5 metre seal.

Rural Residential

- 9 metre gravel formation 6 metre seal

Drainage Standards

Townsites

- Residential - underground pipe drainage to be capable of accommodating a one in five year storm/flood.
- Commercial/Industrial - underground pipe drainage to be capable of accommodating a one in ten year storm/flood.

Kerbing Standards

- Central Business District - barrier kerbing for all new and replacement kerbing.
- All Other Areas - Semi-mountable kerbing for all new and replacement kerbing.
- All kerbing on side of road required for drainage to be constructed in kerb and channel formation, all other kerbing must be keyed into the road surface.

Footpath Standards

- Main Thoroughfares - dual use concrete paths 2.4 metres wide are to be installed on major urban thoroughfares. Paths to be constructed at back of kerblines but must not interfere or obstruct access to service utilities.
- All Other Thoroughfares - Concrete paths are to be installed, 2.1 metres wide on all other roads. Path to be constructed at back of kerb if appropriate, but must not interfere or obstruct access to service utilities.
- Service Conduit - All concrete paths to have service conduit line installed under path for water, etc. where required.

ADOPTED: 20 July 2004

REVIEWED:

AMENDED:



POLICY NO	CP/OPS 3655	
POLICY	Road Construction	
RESPONSIBLE DIRECTORATE	Infrastructure	
RESPONSIBLE OFFICER	Director Infrastructure	
COUNCIL ADOPTION	Date: 20/07/2004	Resolution No: 6795
REVIEWED/MODIFIED	Date: /2016	Resolution No: Insert Here
	Date:	Resolution No:
REVIEW DUE	Date: March 2018	
LEGISLATION	Local Government Act 1995, Section 3.1 Local Government (Uniform Local Provisions) Regulations 1996 Sections 15(1) and 15(2)	
RELATED POLICIES	CP/FIN-3216 Asset Management	
RELATED ORGANISATIONAL DIRECTIVES	Technical Specification TS/OPS – 4647 Road and Drainage Construction	

PURPOSE:

The primary objectives are to:

- (a) Provide a safe, efficient and effective road system for the Shire;
- (b) Facilitate the upgrading of existing roads to standardised widths, alignments and standards of construction;
- (c) Provide sufficient road reserve width to accommodate all required public utilities required now and into the future as part of a Road Construction; and
- (d) Provide a rational and consistent basis for the construction of roads and any financial contributions required for such construction.

DEFINITIONS:

“**Road**” means the road reserve, inclusive of pavement, shoulders, drains, bridges, Footpaths and verges.

“**Shire**” means the Shire of Wyndham East Kimberley

The meaning of all the other terms not specifically defined in this policy shall be the Same as the definitions contained in the Local Government Act 1995.

POLICY STATEMENTS:

Urban road design shall accord with the Western Australian Planning Commission (WAPC) Livable Neighborhoods operational policy that was developed specifically to guide planning for subdivision of Greenfield and large urban infill sites. The WAPC Livable Neighborhoods operational policy was developed in Perth and is acknowledged as Perth-centric. For this reason some modification of the policy has been made to suit the Shire of Wyndham East

Kimberley. The following minimums shall apply to the construction or reconstruction of roads associated with new developments in addition to the WAPC Livable Neighborhoods operational policy;

Urban Residential

These are defined in the Liveable Neighbourhoods Guide as *Neighbourhood Connectors* and *Access Streets*. *Access Street D*, *Laneway/Rear Lane* and *Small Town Centre Street* categories are not applicable.

- Urban access street pavements shall be sealed with a minimum width of 7.2 metres between kerbs within a minimum 20 metre wide road reserve.
- The diameter between kerbs for a cul-de-sac shall be a minimum of 18.0 metres. (“T” turning heads are not acceptable)
- Concrete footpaths on at least one side of the road shall connect to existing footpaths.

Industrial, Commercial and Thoroughfares

- Pavements shall be subject to a minimum seal width of 7.2 metres between kerbs within a minimum 20 metre wide road reserve.
- Concrete footpaths on at least one side of the road to connect to existing footpaths.

Rural Residential

- Pavements shall be subject to a minimum seal width of 7.2 metres with 1.0 metre shoulders within a minimum 20 metre wide road reserve.
- Unsealed gravel footpath to one side of the road to connect to existing footpaths where possible.

Gravel Roads

- 9.2 metre gravel formation with a minimum 7.2 metre wide running surface and 1.0 m shoulders within a minimum 20 metre wide road reserve.

Road Upgrading

The Shire may request contributions from developers to upgrade existing roads as a condition of approval of adjoining applications for:

- (a) Subdivisions, when any additional lots are created; and
- (b) Development, other than single dwellings and outbuildings.

If the proposed subdivision or development is located on an unsealed road, Council may determine that the developer shall contribute towards road construction or upgrade to connect the development to the nearest sealed road the upgrade may include including services and drainage.

Construction Standards

All construction works shall be carried out in accordance with the approved engineering Drawings and specifications to the complete satisfaction of the CEO and in accordance with current, accepted engineering practice. Refer to the Shire’s Technical Specification 4647 TS-OPS 3655 Road and Drainage Construction.

EXPLANATORY NOTES:

The Road Construction Specification Policy is intended to give firm direction for construction standards.

APPLICATION/S:

This policy applies to all Shire managed property within the Shire of Wyndham East Kimberley.

RISK:

Risk: Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

Control: Implementation, review policies and procedures in accordance with review schedule.

Risk: Inability to deliver consistent levels of service expected by the community.

Control: Implementation, review policies and procedures in accordance with review schedule..



TECHNICAL SPECIFICATION NO	TS/OPS 4647
TECHNICAL SPECIFICATION	Road and Drainage Construction Specification
RESPONSIBLE DIRECTORATE	INFRASTRUCTURE
CEO APPROVAL	Signature: _____ Date February 2016
REVIEWED/MODIFIED	Date: February 2016
REVIEW DUE	Date: March 2018
LEGISLATION	N/A
RELATED POLICIES	CP-OPS 3655 Road Construction Specification
RELATED ORGANISATIONAL DIRECTIVES	None

OBJECTIVES:

The primary objective is to provide clear guidance for the design of safe, efficient and effective roads and road systems for the Shire;

DEFINITIONS:

“**Consulting Engineer**” or “**Consultant**” means the Engineer appointed by the subdivider to design, document and supervise construction of the works.

“**Council**” means the Council of the Shire of Wyndham East Kimberley (Local Government Act 1995).

“**Engineer**” means the Shire’s Engineer or firm of Consulting Engineers, or their representatives, appointed by Council from time to time to act on its behalf.

“**Highway**” means Victoria Highway or Great Northern Highway within the Shire.

“**Road**” means the road reserve, inclusive of pavement, shoulders, kerbs, culverts, drains, bridges, fords and verges.

“**Shire**” means the Shire of Wyndham East Kimberley.

“**Street**” shall have the same meaning as the definition of the term contained in the Local Government Act 1995 which reads:

“Street” includes a highway and a thoroughfare which the public are allowed to use and includes every part of the highway or thoroughfare, and other things including bridges and culverts, appurtenant to it.”

The meaning of all the other terms not specifically defined in this policy shall be the same as the definitions contained in the *Local Government Act 1995*.



SPECIFICATION:

All Road works are to be carried out to the complete satisfaction of the Shire and in accordance with best accepted engineering practice. As a guide, refer to the Shire's adopted Road Construction Policy.

Road Widths & Pavement

Urban Residential

- a) Urban access street pavements shall be sealed with a minimum width of 7.2 metres between kerbs within a 20 metre road reserve.
- b) All urban Roads (roads within a town site) shall be sealed and include kerb to both sides of the road.
- c) The diameter between kerbs for a cul-de-sac shall be a minimum of 18.0 metres ("T" turning heads are not acceptable).
- d) Concrete footpaths on at least one side of the road connecting to existing footpaths.

Industrial, Commercial and Thorough fares

- a) Pavements shall be subject to a minimum seal width of 7.2 metres between kerbs within a minimum 20 metre wide road reserve.
- b) Concrete footpaths on at least one side of the road to connect to existing footpaths.

Rural Residential

- a) Pavements shall be subject to a minimum seal width of 7.2 metres between kerbs within a minimum 20 metre wide road reserve.
- b) Where there are no kerbs, the pavement shall be subject to a minimum seal width of 7.2 metres with 1.0 metre shoulders and have constructed embayments required for any public transport stops, stipulated by the Shire.
- c) All Rural Roads (roads not within a town site) shall as a minimum be formed with drainage to both sides of the road.
- d) Unsealed gravel footpath to one side of the road connecting to existing footpaths where possible.

Gravel Roads

- a) All Rural Roads (roads not within a town site) shall as a minimum be formed with drainage to both sides of the road.
- b) Gravel roads shall have a minimum 9.2 metre wide gravel formation with a minimum 7.2 metre running surface and 1.0 m shoulders within a minimum 20 metre wide road reserve with drains with adequate offshoot drains as stipulated by the Shire.

All road reserve widths are subject to the lands topography, the existing and proposed vegetation and a site specific analysis to ensure the road reserve width proposed is sufficient and able to incorporate drainage infrastructure.



Any Geotechnical Report must include existing or proposed service locations to verge and reserves including depth and orientation.

Where roadside drainage, by nature of contour, flows at a rate exceeding 1 metre per second in an unlined drain or 2 metres per second in a lined drain, a Shire approved treatment is to be employed to restrict flows to below these limits.

Road Design

All Roads should be designed generally in accordance with the Institution of Public Works Engineering Australia (WA Division Inc) Subdivisional Guidelines together with the relevant Austroads and ARRB guidelines and publications which include:

- a) Guide to Road Design – Parts 1 to 8 (Austroads);
- b) Turning Path Templates (Austroads);
- c) Guide to Road Safety – Parts 1 to 9 (Austroads);
- d) Guide to Traffic Management – Parts 1 to 13 (Austroads);
- e) Guide to Pavement Technology – Parts 1 to 10 (Austroads); and
- f) Sealed Local Roads Manual (ARRB).
- g) Main Roads Western Australia Standards and Technical supplements and guides to the design and construction of roads and bridges and associated environmental aspects including the Main Roads Western Australia Supplement to Austroads Guide to Road Design.

Other aspects to be considered include aboriginal heritage, the design of roads to minimise environmental impacts, designing road grades as close to existing contours as practicable and the provision of adequate lot access.

Verges shall have sufficient width for the provision of trunk and reticulation services and Property connections, and shall be a minimum width of 5.0m unless approved otherwise by the Shire CEO.

The minimum design speed for access roads shall be 60km/h, collector roads 70 km/h and arterial roads 90km/h.

Road signage denoting aspects of road design are to be incorporated as per Australian Standards where applicable to indicate changes in road alignments or junctions e.g.: “T”, “Floodways”, “S” for sharp turns, “Crest”, Street Names, “No Through Road” for cul-de-sac configuration etc.

Design Approval

The preliminary design and final design drawings for all Roads must be prepared by a qualified Civil Engineer or suitably qualified or experienced person (as approved by the Shire). Design drawings and specifications should be to the extent and in accordance with that recommended in this Technical Specification.



Road Access

Every lot is entitled to one access where it adjoins a public road, provided that:

- a) Access is to be located considering vehicular safety factors, to the satisfaction of the Shire;
- b) Access to the Highway is to be to the satisfaction of Main Roads Western Australia;
- c) Where the property has two road frontages, access is to be to the road of lesser importance as determined by the CEO; and
- d) Only one access to each property is permitted unless otherwise approved by the Shire.
- e) The CEO will consider approval of an application for an additional access to a property. Any such application should clearly state why an additional access is required and include a traffic safety report from a traffic engineer.

Roads shall be designed to enable access to lots at an absolute maximum grade of 16%. All crossovers to lots are to be constructed in accordance with the Shire's specifications. It is recommended that contact be made with the Shire in respect to crossover design and construction standards, and requirements.

Road Upgrading

Council may request contributions for construction to upgrade existing roads as a condition of approval of adjoining applications for:

- a) Subdivisions, when any additional lots are created; and
- b) Development, other than single dwellings and outbuildings.

If the proposed subdivision or development is located on an unsealed road, Council may determine that the developer shall contribute towards road construction or upgrade to connect the development to the nearest sealed road the upgrade may include including services and drainage.

Construction Standards

All construction works shall be carried out in accordance with the approved engineering drawings and specifications, and shall be subject to inspection at various stages of the works by the Shire. Final approval of the road works shall only be given when the whole of the works have been constructed to the true meaning and intent of the approved engineering drawings and specifications and to the satisfaction of the Shire.

Geotechnical Report

For the construction of new roads, a geotechnical report is required to determine "best practice" for aspects of subdivision drainage plans and outcomes. Rural Residential drainage design is the responsibility of the developer and must be designed and constructed in an accepted engineering manner with Shire approved outcomes. A geotechnical report should be considered prior to preparation of subdivision engineering drawings.

Clearing & Stripping

The clearing and stripping of land for roads shall only be to the minimum extents necessary to accommodate the proposed road works and public utility services.



Adequate precautions must be taken to ensure that no damage occurs to trees, vegetation, fences, services and other installations outside the designated areas of the road works. Any survey pegs or marks which are disturbed shall be reinstated by a licensed land surveyor.

Earthworks

Earthworks shall be performed in a safe manner at all times. Material may be obtained from borrow pits within road reserves with the prior permission from the Shire and no surplus material shall be disposed of in road reserves.

All fill used in earthworks shall be clean, granular material obtained from general and road works excavations and shall not be contaminated with roots or other impurities. The fill shall be placed in even layers not greater than 300mm thick and each layer shall be compacted to at least 95% of the modified maximum dry density (MMDD) of the material when tested in accordance with AS 1289.

Signage etc.

Traffic control devices, sign posts, guide posts, street nameplates, guide signs and warning signs shall be provided by the contractor in accordance with AS 1742 unless otherwise approved by the Shire.

Roadworks

Roadworks shall comply with the Institution of Public Works Engineering Australia (WA Division Inc) Subdivisional Guidelines subject to the approval of the Shire.

Kerbing

Kerbing shall be keyed kerbing, and shall satisfy the Institution of Public Works Engineering Australia (WA Division Inc) Subdivisional Guidelines, and shall be to satisfaction of the Shire.

Drainage

Drainage shall satisfy the Institution of Public Works Engineering Australia (WA Division Inc) Subdivisional Guidelines unless the Shire approves otherwise.

Footpaths

The Shire requires concrete pathways which shall be reinforced with SL71 reinforcement mesh, and shall satisfy the Institution of Public Works Engineering Australia (WA Division Inc) Subdivisional Guidelines.

Where Asphalt pathways are proposed they shall satisfy the Institution of Public Works Engineering Australia (WA Division Inc) Subdivisional Guidelines to the satisfaction of the Shire.

Streetscapes and Public Open Spaces

Streetscapes and public open spaces shall satisfy the Institution of Public Works Engineering Australia (WA Division Inc) Subdivisional Guidelines, and where alternatives are proposed they shall be subject to the approval of the Shire.



Street Lighting

Street Lighting is a requirement at intersections, roundabouts and cul-de-sac heads.

A street lighting design plan is required as part of any subdivision submission, and shall comply with the Institution of Public Works Engineering Australia (WA Division Inc) Subdivisional Guidelines, which the Shire will approve.

EXPLANATORY NOTES:

The Road Construction Specification Policy is intended to give firm direction for construction standards.

APPLICATION/S:

This policy applies to all Shire managed property within the Shire of Wyndham East Kimberley.

13.4 COMMUNITY DEVELOPMENT

13.04.01. Renewal of Caravan Parks and Camping Grounds Licences

DATE:	23 February 2016
AUTHOR:	Ebony Daniell, Environmental Health Officer
RESPONSIBLE OFFICER:	Louise Gee, Director Community Development
ASSESSMENT NO:	N/A
FILE NO:	PH.12.5
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council approve the renewal of licences under the Caravan Parks and Camping Grounds Act 1995 for: Ivanhoe Village Caravan Resort, El Questro Station Township, Wyndham Town Caravan Park, Bachsten Creek Bush Camp, Kimberleyland Holiday Park, Home Valley Station - Pentecost Camp, Home Valley Station, Drysdale River Station, Ellenbrae Station, Kalumburu Mission Camping Ground, Kununurra Lakeside Resort, Town Caravan Park, Discovery Holiday Park - Lake Kununurra, Lake Argyle Resort and Mount Elizabeth Station as shown in Attachment One.

COUNCIL DECISION

Minute No. 11259

Moved: Cr S Cooke

Seconded: Cr K Wright

That Council approve the renewal of licences under the Caravan Parks and Camping Grounds Act 1995 for: Ivanhoe Village Caravan Resort, El Questro Station Township, Wyndham Town Caravan Park, Bachsten Creek Bush Camp, Kimberleyland Holiday Park, Home Valley Station - Pentecost Camp, Home Valley Station, Drysdale River Station, Ellenbrae Station, Kalumburu Mission Camping Ground, Kununurra Lakeside Resort, Town Caravan Park, Discovery Holiday Park - Lake Kununurra, Lake Argyle Resort and Mount Elizabeth Station as shown in Attachment One.

Carried 9/0

PURPOSE

For Council to approve the renewal of licences issued under the Caravan Parks and Camping Grounds Act for:

- Ivanhoe Village Caravan Resort
- El Questro Station Township
- Wyndham Town Caravan Park
- Bachsten Creek Bush Camp
- Kimberleyland Holiday Park
- Home Valley Station - Pentecost River Camp
- Home Valley Station
- Drysdale River Station
- Ellenbrae Station
- Kalumburu Mission Camping Ground
- Kununurra Lakeside Resort
- Town Caravan Park
- Discovery Holiday Park - Lake Kununurra
- Lake Argyle Resort
- Mount Elizabeth Station

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Caravan parks and camping grounds must be licenced under the Caravan Parks and Camping Grounds Act 1995. Licences remain in force for one year at which time an Application for Grant or Renewal of Licence must be submitted to the Local Government. Licence renewal requires approval by Council.

STATUTORY IMPLICATIONS

Caravan Parks and Camping Grounds Act 1995

6. Caravan park or camping ground not to be operated without a licence

(1) On and after the appointed day a person must not operate a facility, or a facility of a prescribed type, unless the person holds the appropriate licence under this Act in relation to that facility.

Penalty: \$5 000.

(2) In subsection (1) —

appointed day means such day as is fixed by the Minister by notice published in the *Government Gazette* to be the appointed day for the purpose of that subsection ².

7. Application for the grant or renewal of a licence
- (1) An application for the grant or renewal of a licence for a facility is to be —
- (a) made to the local government in the appropriate prescribed form;
 - (b) accompanied by the appropriate fee prescribed; and
 - (c) accompanied by any information that the local government reasonably requires for a proper consideration of the application.
- (2) An applicant is to provide the local government with any further information that the local government by notice in writing requires the applicant to provide in respect of an application.
- (3) An applicant must, if required to do so by the local government, verify by statutory declaration any information contained in, or given in connection with, an application.
- (4) Subject to this section, a local government may grant or renew a licence and at any time may impose conditions on that licence.
- (5) Before granting a licence a local government must ensure that —
- (a) the applicant has complied with the requirements of this Act;
 - (b) the applicant is the owner of the land on which the facility is situated, or is to be situated, or has the written approval of the owner of that land to apply for a licence.
- (6) A local government may refuse to renew a licence if —
- (a) the licence holder has been convicted of an offence against this Act or any other written law relating to caravanning or camping which, in the opinion of the local government, renders the licence holder an unsuitable person to hold a licence;
 - (b) a condition imposed on the licence has been contravened; or
 - (c) the licence was obtained by fraud or misrepresentation.
- (7) Where a local government refuses to grant or renew a licence it must give notice in writing of that decision to the applicant.
- (8) Notice of a decision under this section is to state that the applicant or licence holder is entitled to apply to the State Administrative Tribunal for a review of the decision.

8. Duration of licence

A licence remains in force for the prescribed period unless —

- (a) it is provided otherwise in the licence; or
- (b) it is cancelled.

Caravan Parks and Camping Grounds Regulations 1997

52. Duration of licence

The prescribed period for the purposes of section 8 of the Act is one year from the day on which the licence was granted or renewed.

POLICY IMPLICATIONS

Overflow sites in caravan parks and camping grounds are approved in accordance with Council Policy CP/HTH-3761 Licensing of overflow sites in caravan parks and camping grounds. All licenses have been assessed and comply with this Policy.

FINANCIAL IMPLICATIONS

Licence renewal fees which have been paid for the facilities being considered total \$7,334.00

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: Access to appropriate health, family and community services

Strategy 2.4.2 : Ensure community compliance with Environmental Health regulations

RISK IMPLICATIONS

Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

There are no new licences for approval, all are renewals for existing parks. All applications have been assessed and are recommended for renewal.

ATTACHMENTS

Attachment 1 - Caravan Park Licences



PO BOX 614 KUNUNURRA WA 6743

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

SHIRE of WYNDHAM | EAST KIMBERLEY

Caravan Parks and Camping Grounds Act 1995, sec 7(4)**LICENCE**

Expiry Date	31 December 2016	
Local Government	Shire of Wyndham East Kimberley	
Type of Licence	Caravan Park & Camping Ground	
Facility Details	DISCOVERY HOLIDAY PARK LAKE KUNUNURRA	
	Lakeview Drive Lot 274 Levee Bank Road KUNUNURRA WA 6743	
Licence Holder/s details	Name: Discovery Holiday Parks	
	Postal address: PO Box 52 KUNUNURRA WA 6743	
	Phone number: 9168 1031	
	Email: kununurra.managers@discoveryparks.com.au	
Licence Conditions	Conditions: Nil	
	Special conditions to which section 13 of the Act applies: Nil	
Details of sites authorised	Long Stay Sites <i>To be occupied consecutively by the one person or group of persons for any period of time</i>	29
	Short Stay Sites <i>To be occupied consecutively by the one person or group of persons for no longer than 3 consecutive months</i>	65
	Camp Sites <i>Sites which may be occupied by those camping (includes to camp in a vehicle but not a caravan)</i>	19
Overflow area details	Short Stay Sites <i>To be occupied consecutively by the one person or group of persons for no longer than 3 consecutive months</i>	10
	Conditions: 1. Overflow area to be opened from 1 May to 31 July 2016 only.	
Issued by:	Shire of Wyndham East Kimberley	Date:

SHIRE of WYNDHAM | EAST KIMBERLEY

Caravan Parks and Camping Grounds Act 1995, sec 7(4)

LICENCE



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Expiry Date	31 December 2016	
Local Government	Shire of Wyndham East Kimberley	
Type of Licence	Caravan Park & Camping Ground	
Facility Details	TOWN CARAVAN PARK	
	40 Bloodwood Drive KUNUNURRA WA 6743	
Licence Holder/s details	Name: Top End Properties	
	Postal address: PO Box 593 BRAESIDE VIC 3195	
	Phone number: 0413 870 071	
	Email: peter@morrison.net.au	
Licence Conditions	Conditions: Nil	
	Special conditions to which section 13 of the Act applies: Nil	
Details of sites authorised	Long Stay Sites <i>To be occupied consecutively by the one person or group of persons for any period of time</i>	8
	Short Stay Sites <i>To be occupied consecutively by the one person or group of persons for no longer than 3 consecutive months</i>	32
	Camp Sites <i>Sites which may be occupied by those camping (includes to camp in a vehicle but not a caravan)</i>	2
Overflow area details	Camp Sites <i>Sites which may be occupied by those camping (includes to camp in a vehicle but not a caravan)</i>	4
	Conditions: 1. Overflow area to be open from 1 June to 31 August 2016 only.	
Issued by:	Shire of Wyndham East Kimberley	Date:



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Caravan Parks and Camping Grounds Act 1995, sec 7(4)

LICENCE

Expiry Date	31 December 2016	
Local Government	Shire of Wyndham East Kimberley	
Type of Licence	Caravan Park & Camping Ground	
Facility Details	KIMBERLEYLAND HOLIDAY PARK	
	1519 Victoria Highway KUNUNURRA WA 6743	
Licence Holder/s details	Name: Kimberleyland Holiday Park	
	Postal address: PO Box 261 KUNUNURRA WA 6743	
	Phone number: 9168 1280	
	Email: stay@kimberleyland.com.au	
Licence Conditions	Conditions: Nil	
	Special conditions to which section 13 of the Act applies: Nil	
Details of sites authorised	Long Stay Sites <i>To be occupied consecutively by the one person or group of persons for any period of time</i>	71
	Short Stay Sites <i>To be occupied consecutively by the one person or group of persons for no longer than 3 consecutive months</i>	118
	Camp Sites <i>Sites which may be occupied by those camping (includes to camp in a vehicle but not a caravan)</i>	38
Issued by:	Shire of Wyndham East Kimberley	Date:

SHIRE of WYNDHAM | EAST KIMBERLEY

Caravan Parks and Camping Grounds Act 1995, sec 7(4)**LICENCE**

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Expiry Date	31 December 2016	
Local Government	Shire of Wyndham East Kimberley	
Type of Licence	Caravan Park & Camping Ground	
Facility Details	LAKE ARGYLE RESORT	
	3001 Lake Argyle Road, LAKE ARGYLE WA 6743	
Licence Holder/s details	Name: Paradise Resorts Australia	
	Postal address: PO Box 616 KUNUNURRA WA 6743	
	Phone number: 08 9168 7777	
	Email: accounts@lakeargyle.com	
Licence Conditions	Conditions: Nil	
	Special conditions to which section 13 of the Act applies: Nil	
Details of sites authorised	Long Stay Sites <i>To be occupied consecutively by the one person or group of persons for any period of time</i>	7
	Short Stay Sites <i>To be occupied consecutively by the one person or group of persons for no longer than 3 consecutive months</i>	105
	Camp Sites <i>Sites which may be occupied by those camping (includes to camp in a vehicle but not a caravan)</i>	20
Overflow area details	Camp Sites <i>Sites which may be occupied by those camping (includes to camp in a vehicle but not a caravan)</i>	26
	Conditions: 1. Overflow area to be open from 1 June to 31 August 2016 only.	
Issued by:	Shire of Wyndham East Kimberley	Date:

KUNUNURRA
20 COOLIBAH DRIVE

WYNDHAM
KOOLAMA STREET

HOURS
8.00am - 4.00pm
Monday to Friday

SWEK

SHIRE of WYNDHAM | EAST KIMBERLEY

Caravan Parks and Camping Grounds Act 1995, sec 7(4)

LICENCE



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Expiry Date	31 December 2016	
Local Government	Shire of Wyndham East Kimberley	
Type of Licence	Caravan Park	
Facility Details	KUNUNURRA LAKESIDE RESORT	
	Lot 50 Casuarina Way KUNUNURRA WA 6743	
Licence Holder/s details	Name: Ingle Pty. Ltd.	
	Postal address: PO Box 1129 KUNUNURRA WA 6743	
	Phone number: 0418 921 065	
	Email: laurie@lakeside.com.au	
Licence Conditions	Conditions: Nil	
	Special conditions to which section 13 of the Act applies: Nil	
Details of sites authorised	Long Stay Sites <i>To be occupied consecutively by the one person or group of persons for any period of time</i>	8
	Short Stay Sites <i>To be occupied consecutively by the one person or group of persons for no longer than 3 consecutive months</i>	46
Overflow area details	Short Stay Sites <i>Sites which may be occupied by those camping (includes to camp in a vehicle but not a caravan)</i>	6
	Conditions: 1. Overflow area to be open from 1 June to 31 August 2016 only.	
Issued by:	Shire of Wyndham East Kimberley	Date:

Caravan Parks and Camping Grounds Act 1995, sec 7(4)

LICENCE



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Expiry Date	31 December 2016	
Local Government	Shire of Wyndham East Kimberley	
Type of Licence	Caravan Park & Camping Ground	
Facility Details	WYNDHAM TOWN CARAVAN PARK	
	2 Connor Street WYNDHAM WA 6740	
Licence Holder/s details	Name: Sharyn & Clem Bermingham	
	Postal address: PO Box 401 WYNDHAM WA 6740	
	Phone number: 08 9161 1064	
	Email: wyndhamcaravanpark@gmail.com	
Licence Conditions	Conditions: Nil	
	Special conditions to which section 13 of the Act applies: Nil	
Details of sites authorised	Long Stay Sites <i>To be occupied consecutively by the one person or group of persons for any period of time</i>	20
	Short Stay Sites <i>To be occupied consecutively by the one person or group of persons for no longer than 3 consecutive months</i>	44
	Camp Sites <i>Sites which may be occupied by those camping (includes to camp in a vehicle but not a caravan)</i>	20
Overflow area details	Short Stay Sites <i>To be occupied consecutively by the one person or group of persons for no longer than 3 consecutive months</i>	6
	Conditions: 1. Overflow area to be open from 1 June to 31 August 2016 only.	
Issued by:	Shire of Wyndham East Kimberley	Date:



Caravan Parks and Camping Grounds Act 1995, sec 7(4)

LICENCE

Expiry Date	31 December 2016	
Local Government	Shire of Wyndham East Kimberley	
Type of Licence	Nature Based Park	
Facility Details	ELLENBRAE STATION	
	Lot Loc 7 Gibb River Road KUNUNURRA WA 6743	
Licence Holder/s details	Name: Grollo Group Pty Ltd	
	Postal address: PMB 23 KUNUNURRA WA 6743	
	Phone number: 9161 4325	
	Email: info@ellenbraestation.com.au	
Licence Conditions	Conditions: Nil	
	Special conditions to which section 13 of the Act applies: Nil	
Details of sites authorised	<p>Short Stay Sites</p> <p><i>To be occupied consecutively by the one person or group of persons for no longer than 3 consecutive months</i></p>	16
Issued by:	Shire of Wyndham East Kimberley	Date:

**Caravan Parks and Camping Grounds Act 1995, sec 7(4)****LICENCE**

Expiry Date	31 December 2016	
Local Government	Shire of Wyndham East Kimberley	
Type of Licence	Nature Based Park	
Facility Details	BACHSTEN CREEK BUSH CAMP	
	Location 6 Bachsten Creek WA 6728	
Licence Holder/s details	Name: Richard and Elizabeth Jane	
	Postal address: PO Box 7 DERBY WA 6728	
	Phone number: 91911547	
	Email: info@bushtracksafaris.com.au	
Licence Conditions	Conditions: Nil	
	Special conditions to which section 13 of the Act applies: Nil	
Details of sites authorised	Camp Sites <i>Sites which may be occupied by those camping (includes to camp in a vehicle but not a caravan)</i>	10
Issued by:	Shire of Wyndham East Kimberley	Date:



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 ABN | 35 647 145 756

Caravan Parks and Camping Grounds Act 1995, sec 7(4)

LICENCE

Expiry Date	31 December 2016	
Local Government	Shire of Wyndham East Kimberley	
Type of Licence	Nature Based Park	
Facility Details	DRYSDALE RIVER STATION	
	Lot Loc 20 Gibb River Road, Drysdale River WA 6743	
Licence Holder/s details	Name: Anne Koeyers	
	Postal address: PMB 9, KUNUNURRA WA 6743	
	Phone number: 9161 4326	
	Email: Drysdale@drysdaleriver.com.au	
Licence Conditions	Conditions: Nil	
	Special conditions to which section 13 of the Act applies: Nil	
Details of sites authorised	<p>Camp Sites <i>Sites which may be occupied by those camping (includes to camp in a vehicle but not a caravan)</i></p>	100
Issued by:	Shire of Wyndham East Kimberley	Date:

SHIRE of WYNDHAM | EAST KIMBERLEY

Caravan Parks and Camping Grounds Act 1995, sec 7(4)

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 ABN | 35 647 145 756

Expiry Date	31 December 2016	
Local Government	Shire of Wyndham East Kimberley	
Type of Licence	Nature Based Park	
Facility Details	HOME VALLEY STATION – PENTECOST RIVER CAMP	
	Lot 8 Gibb River Road DURACK WA 6743	
Licence Holder/s details	Name: Lynn Stollery (Home Valley Station)	
	Postal address: PMB 15 KUNUNURRA WA 6743	
	Phone number: 9161 4322	
	Email: manager@hvstation.com.au	
Licence Conditions	Conditions: Nil	
	Special conditions to which section 13 of the Act applies: Nil	
Details of sites authorised	<p>Camp Sites</p> <p><i>Sites which may be occupied by those camping (includes to camp in a vehicle but not a caravan)</i></p>	100
Issued by:	Shire of Wyndham East Kimberley	Date:

SHIRE of WYNDHAM | EAST KIMBERLEY

Caravan Parks and Camping Grounds Act 1995, sec 7(4)

LICENCE



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 ABN | 35 647 145 756

Expiry Date	31 December 2016	
Local Government	Shire of Wyndham East Kimberley	
Type of Licence	Nature Based Park	
Facility Details	HOME VALLEY STATION	
	Lot 8 Gibb River Road DURACK WA 6743	
Licence Holder/s details	Name: Lynn Stollery (Home Valley Station)	
	Postal address: PMB 15 KUNUNURRA WA 6743	
	Phone number: 9161 4322	
	Email: manager@hvstation.com.au	
Licence Conditions	Conditions: Nil	
	Special conditions to which section 13 of the Act applies: Nil	
Details of sites authorised	<p>Camp Sites</p> <p><i>Sites which may be occupied by those camping (includes to camp in a vehicle but not a caravan)</i></p>	200
Issued by:	Shire of Wyndham East Kimberley	Date:



Caravan Parks and Camping Grounds Act 1995, sec 7(4)

LICENCE

Expiry Date	31 December 2016	
Local Government	Shire of Wyndham East Kimberley	
Type of Licence	Nature Based Park	
Facility Details	KALUMBURU MISSION CAMPING GROUND	
	Kalumburu Mission, KALUMBURU WA 6740	
Licence Holder/s details	Name: Bishop Christopher Saunders	
	Postal address: PMB 293 WYNDHAM WA 6740	
	Phone number: 9161 4333	
	Email: kalumburumission@bigpond.com	
Licence Conditions	Conditions: Nil	
	Special conditions to which section 13 of the Act applies: Nil	
Details of sites authorised	<p>Camp Sites</p> <p><i>Sites which may be occupied by those camping (includes to camp in a vehicle but not a caravan)</i></p>	20
Issued by:	Shire of Wyndham East Kimberley	Date:



SHIRE of WYNDHAM | EAST KIMBERLEY

Caravan Parks and Camping Grounds Act 1995, sec 7(4)

LICENCE

PO BOX 614 KUNUNURRA WA 6743

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

Expiry Date	31 December 2016	
Local Government	Shire of Wyndham East Kimberley	
Type of Licence	Nature Based Park	
Facility Details	EL QUESTRO STATION TOWNSHIP	
	Gibb River Road, KUNUNURRA WA 6743	
Licence Holder/s details	Name: Delaware North El Questro	
	Postal address: Level 2, 630 Church St, RICHMOND VIC 3121	
	Phone number: 9161 4318	
	Email: llitwack@delawarenorth.com	
Licence Conditions	Conditions: Nil	
	Special conditions to which section 13 of the Act applies: Nil	
Details of sites authorised	Short Stay Sites <i>To be occupied consecutively by the one person or group of persons for no longer than 3 consecutive months</i>	60
	Camp Sites <i>Sites which may be occupied by those camping (includes to camp in a vehicle but not a caravan)</i>	200
Issued by:	Shire of Wyndham East Kimberley	Date:

SHIRE of WYNDHAM | EAST KIMBERLEY

Caravan Parks and Camping Grounds Act 1995, sec 7(4)

LICENCE



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ABN | 35 647 145 756

Expiry Date	31 December 2016	
Local Government	Shire of Wyndham East Kimberley	
Type of Licence	Caravan Park & Camping Ground	
Facility Details	IVANHOE VILLAGE CARAVAN RESORT	
	214 Coolibah Drive KUNUNURRA WA 6743	
Licence Holder/s details	Name: Kununurra Resorts Pty Ltd	
	Postal address: PO Box 232, KUNUNURRA WA 6743	
	Phone number: 9169 1995	
	Email: wildtravel@bigpond.com	
Licence Conditions	Conditions: Nil	
	Special conditions to which section 13 of the Act applies: Nil	
Details of sites authorised	Long Stay Sites <i>To be occupied consecutively by the one person or group of persons for any period of time</i>	35
	Short Stay Sites <i>To be occupied consecutively by the one person or group of persons for no longer than 3 consecutive months</i>	115
	Camp Sites <i>Sites which may be occupied by those camping (includes to camp in a vehicle but not a caravan)</i>	30
Overflow area details	Short Stay Sites <i>To be occupied consecutively by the one person or group of persons for no longer than 3 consecutive months</i>	10
	Conditions: 1. Overflow area to be open from 1 June to 31 August 2016 only.	
Issued by:	Shire of Wyndham East Kimberley	Date:



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Caravan Parks and Camping Grounds Act 1995, sec 7(4)

LICENCE

Expiry Date	31 December 2016	
Local Government	Shire of Wyndham East Kimberley	
Type of Licence	Nature Based Park	
Facility Details	MOUNT ELIZABETH STATION	
	Loc 23 Gibb River/ Kalumburu Roads, Mount Elizabeth Station via Derby WA 6728	
Licence Holder/s details	Name: Peter and Patricia Lacy	
	Postal address: PMB 923 WYNDHAM WA 6740	
	Phone number: 9191 4644	
	Email: mt.elizabeth@bigpond.com	
Licence Conditions	Conditions: Nil	
	Special conditions to which section 13 of the Act applies: Nil	
Details of sites authorised	Camp Sites <i>Sites which may be occupied by those camping (includes to camp in a vehicle but not a caravan)</i>	40
Issued by:	Shire of Wyndham East Kimberley	Date:

13.04.02. Taylor's Carnival Temporary Caravan Park Licence

DATE:	23 February 2016
AUTHOR:	Chiquita dos Reis, Environmental Health Officer
RESPONSIBLE OFFICER:	Louise Gee, Director Community Development
ASSESSMENT NO:	A5214, A7621
FILE NO:	PH.12.5
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council grant a temporary caravan park licence to Taylor's Carnival for 2 short stay sites in Wyndham and Kununurra from 27 April to 1 May 2016 and from 4 May to 8 May 2016 respectively, subject to the following conditions:

- 1. Only event participants and staff associated with the Carnival are to be accommodated in the park.**
- 2. Taylors Carnival will utilise the existing ablution facilities at the Wyndham and Kununurra Town Ovals.**
- 3. All wastewater (including sullage water) is to be collected and removed from site to be disposed of at an approved wastewater dump point.**
- 4. Rubbish bins are to be sealed and provided within 90 metres of every site. All rubbish is to be removed from site and disposed at an approved waste facility.**
- 5. Fire extinguisher/s are to be located within 90 metres of every site.**

COUNCIL DECISION

Minute No. 11260

Moved: Cr K Wright

Seconded: Cr S Cooke

That Council grant a temporary caravan park licence to Taylor's Carnival for 2 short stay sites in Wyndham and Kununurra from 27 April to 1 May 2016 and from 4 May to 8 May 2016 respectively, subject to the following conditions:

- 1. Only event participants and staff associated with the Carnival are to be accommodated in the park.**
- 2. Taylors Carnival will utilise the existing ablution facilities at the Wyndham and Kununurra Town Ovals.**
- 3. All wastewater (including sullage water) is to be collected and removed from site to be disposed of at an approved wastewater dump point.**
- 4. Rubbish bins are to be sealed and provided within 90 metres of every site. All rubbish is to be removed from site and disposed at an approved waste facility.**
- 5. Fire extinguisher/s are to be located within 90 metres of every site.**

Carried 9/0

PURPOSE

For Council to consider an application made by Taylor's Carnival for a Temporary Caravan Park and Camping Ground Licence at the Wyndham Town Oval (Lot 1236 Great Northern Highway, Wyndham) and Kununurra Town Oval (Lot 510 Chestnut Avenue, Kununurra).

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Taylor's Carnival Fun Fair is an annual event held at the Town Oval in Wyndham and Kununurra. In 2016 the event will run from 27 April to 1 May 2016 in Wyndham and from 4 May to 8 May 2016 in Kununurra. As part of the event a number of participants travel to Wyndham and Kununurra to take part in the carnival. The Taylor's Carnival Fun Fair have applied for a temporary caravan park and camping ground licence from Wednesday 27 April to 1 May 2016 at the Wyndham Town Oval and from 4 May to 8 May 2016 at the Kununurra Town Oval.

STATUTORY IMPLICATIONS

Caravan Parks and Camping Grounds Act 1995 (the Act)

- s. 7(5) Before granting a licence a local government must ensure that —*
- (a) the applicant has complied with the requirements of this Act;*
 - (b) the applicant is the owner of the land on which the facility is situated, or is to be situated, or has the written approval of the owner of that land to apply for a licence.*

Caravan Parks and Camping Grounds Regulations 1997 (the Regulations)

r. 47. Applications not dealt with within time are taken to be refused

(1) If within —

(a) 63 days of receiving an application for a licence; or

(b) 35 days of receiving an application for a renewal of a licence, the local government to which the application was made has not informed the applicant whether or not the application has been granted, the applicant may give the chief executive officer of the local government a notice requiring the local government to inform the applicant, within 14 days, whether or not the application is granted.

(2) If within 14 days after receiving a notice referred to in subregulation (1), the local government has not informed the applicant whether or not the application is granted, the local government is to be taken to have refused the application and the applicant may make an application for review to the State Administrative Tribunal under section 27 of the Act.

r. 54 Temporary licence

(1) A local government may, on payment of the fee set out in item 3 of Schedule 3, grant a temporary licence for a facility which is to remain in force for such period of less than one year, as is provided in the licence.

(2) A local government is to endorse on a temporary licence for a facility as conditions of the licence —

(a) the maximum number of sites that may be used at the facility;

(b) the maximum number of sites of particular types that may be used at the facility;

and

(c) the services and facilities that are to be provided.

POLICY IMPLICATIONS

Council Policy CP/HTH-3762 Licensing of Temporary Caravan Parks and Camping Grounds (the Policy)

Council Policy CP/HTH-3762 provides guidelines for the approval of temporary licences. The Policy provides for a reduction in the amenity requirements of the Regulations which is considered appropriate as temporary licences are usually issued only for a short time.

Guiding Statement 2 of the Policy requires the applicant to detail the need for a temporary facility with particular due regard to:

- providing justification for the temporary facility (why it's needed, the main users)
- impact on existing caravan parks and camping grounds within a 50km radius.

FINANCIAL IMPLICATIONS

If Taylor's Carnival Fun Fair is granted a temporary licence they will be invoiced for a licence fee to be calculated in accordance with Schedule 3 of the Regulations. For 2 short stay sites for 10 nights the minimum fee of \$100 will be applicable.

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: Access to appropriate health, family and community services

Strategy 2.4.2: Ensure community compliance with Environmental Health regulations

COMMUNITY ENGAGEMENT

The Shire of Wyndham East Kimberley's CP/GOV-3100 Community Engagement Policy has been considered in relation to this item.

No community engagement is required

COMMENTS

To be licenced as a Caravan Park and Camping Ground compliance must be demonstrated with the Policy and the Regulations.

The proposed caravan park licence meets the requirements of the Policy with respect to Guiding Statement 2:

- Justification - The need for the licence is to accommodate event participants and allow them to be on site near their equipment for the duration of their stay in Wyndham and Kununurra.
- Impact on existing parks - the licence will accommodate only event participants who travel to Wyndham and Kununurra for the purpose of participating in the Carnival. It is not considered to have a negative impact on existing parks and is not competing for the normal tourist market.

The justification and short duration of the proposed licence makes it acceptable for Council to approve lesser services and facilities as part of the licence in accordance with the Policy

ATTACHMENTS

There are no attachments associated with the report.

13.04.03. Council Policy Review - Property Street Numbering Policy

DATE:	23 February 2016
AUTHOR:	Jennifer Ninnette, Senior Planning Officer
RESPONSIBLE OFFICER:	Louise Gee, Director Community Development
ASSESSMENT NO:	N/A
FILE NO:	CM.11.2
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

<p>That Council</p> <ol style="list-style-type: none">1. Repeal Council Policy F9 - Street Addressing Guidelines2. Adopt draft Policy CP/PMG-3782 - Property Street Numbering.
--

<p><u>COUNCIL DECISION</u></p> <p>Minute No. 11261</p> <p>Moved: Cr S Cooke Seconded: Cr E Bolto</p> <p>That the motion be put</p> <p style="text-align: right;">Carried 8/1</p> <p style="text-align: center;">For: Cr N Perry, Cr J Parker, Cr S Cooke, Cr E Bolto, Cr B Robinson, Cr K Wright, Cr A Petherick, Cr S Rushby Against: Cr D Spackman</p>
--

COUNCIL DECISION

Minute No. 11262

Moved: Cr N Perry

Seconded: Cr E Bolto

That Council

- 1. Repeal Council Policy F9 - Street Addressing Guidelines**
- 2. Adopt draft Policy CP/PMG-3782 - Property Street Numbering.**

Carried: 8/1

**For: Cr N Perry, Cr J Parker, Cr S Cooke, Cr E Bolto, Cr B Robinson,
Cr K Wright, Cr A Petherick, Cr S Rushby**

Against: Cr D Spackman

PURPOSE

For Council to consider the review of Council Policy F9 - Street Addressing Guidelines

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Council Policy F9 - Street Numbering Guidelines was prepared to ensure uniformity in numbering of streets in future land releases within townsite areas, and was last reviewed in 2007. A copy of this Policy is provided as Attachment 1.

Landgate maintains property street address details for land within Western Australia in conjunction with input from local government authorities who are responsible for allocating street addresses for each property. Information is captured for both urban and rural properties, however within the Shire most properties outside of townsite areas do not have a street address allocated, and are referred to by their lot number, as each property has a legal land description consisting of a Lot on Plan.

To ensure consistency of street addressing within Western Australia as well as across Australia, an *Australian/New Zealand Standard 4819:2011: Rural and urban addressing* has also been developed, primarily to help local governments to fulfil their responsibility for allocating accurate addresses. This is important to enable emergency services, as well as other service providers, to accurately identify properties.

The draft reviewed Policy is proposed to supplement the existing Australian/New Zealand Standard, and to provide guidance for landowners and developers in relation to addressing

of new developments, redevelopment, and the process for allocating street addresses for rural properties.

The draft Policy was considered for adoption at the Ordinary Council Meeting held in December 2015, however was deferred to the next Council meeting on the basis that 'the wording of the Policy needs to be tightened up'. Officers have discussed the draft Policy with Council and made a number of minor amendments to specify:

- that street numbers are to be clearly displayed and visible and legible from the road, and
- the renumbering of existing properties will not be supported.

A copy of the reviewed draft Policy is provided at Attachment 2.

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 2.7 Role of council

- (1) The council -
 - (a) governs the local government's affairs; and
 - (b) is responsible for the performance of the local government's functions.

- (2) Without limiting subsection (1), the council is to -
 - (a) oversee the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies.

POLICY IMPLICATIONS

The review of the Policy will provide guidance for the local government to allocate accurate street addresses for properties within the Shire.

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 services

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

RISK IMPLICATIONS

Risk: Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

Control: Review policies and procedures in accordance with review schedule.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

The draft reviewed Policy is proposed to supplement the existing Australian/New Zealand Standard, and to provide guidance for landowners and developers in relation to the addressing of new developments, redevelopment, and the process for allocating street addresses for rural properties.

Although, this Policy was initially adopted as a Finance and Administration policy, it is currently listed in Council's Policy Manual as a Planning and Development Policy. It is therefore intended for this Policy to be renumbered as a Property Management Policy.

It is acknowledged that the majority of properties outside of townsite areas do not have a street address allocated and instead are referred to by their lot number, however that street addresses will need to be allocated for both new and existing rural properties in future. It is also noted that properties within townsite areas may be utilising incorrect street numbers or that street numbers may not be legibly displayed.

On this basis it is also intended that Shire Officers will investigate, for the further consideration of Council, possible funding sources, options and costs involved for the Shire to undertake:

1. a rural street addressing initiative to allocate street numbers in rural areas, and
2. a kerb numbering program within townsite areas,

in order to ensure the accurate and uniform display of street addresses across the Shire.

ATTACHMENTS

Attachment 1 - Council Policy F9 - Street Addressing Guidelines

Attachment 2 - Draft Policy CP/PMG-3782 - Property Street Numbering



Shire of Wyndham East Kimberley
Council Policy Manual
F9

POLICY No:	F9
DIVISION	Finance
SUBJECT:	Street Numbering Guidelines
REPORTING OFFICER	Director Finance & Administration
ENABLING LEGISLATION	Local Government Act 1995

OBJECTIVE:

Ensure uniformity in numbering of streets in future land releases.

POLICY:

Number Allocation

- Streets running in a North/South direction are to commence numbering at the southern end.
- Streets running in an East/West direction are to commence numbering at the eastern end.
- Odd numbers commence on the left hand side and even numbers on the right hand side working away from the commencement point.
- Loop road numbering is to commence from the southern point for roads traversing north to south or from the eastern point for roads traversing east to west.
- Meandering road numbering shall start preferably at a southern starting point followed by an eastern starting point.
- Cul-de-Sacs shall have odd numbers on the left side of the street and even numbers on the right.
- Lots with more than one frontage may choose preferred option.

Frontage Definition

Residential Areas

One number per 20 metres of street frontage and every full 20 metres thereof. This condition to extend to undeveloped land, reserve land, and land with potential to develop.

Composite Zones

As per residential zones.

Town Centre Zone

One number per 10 metres of street frontage and every full 10 metres thereof. This condition to extend to undeveloped land, reserve land and land with potential to develop.

Industrial Zone

One number per 40 metres of street frontage and every full 40 metres thereof. This condition to extend to undeveloped land, reserve land and land with potential to develop.

Multiple Development

- A two unit development shall be demarcated "A" and "B" after allocated street number.
- A three or more unit development shall be demarcated with unit number after allocated street number.
- Where a building or complex traverses more than one frontage the lowest number must be used.

Placement

Number are to be reflective, affixed to the eaves of the house situated closest to the vehicle access of the property. The street number must not be obstructed by foliage or other materials.

Local Government Act 1995 Schedule 3.1(2) will be enacted in terms of non-compliance

ADOPTED: 17/07/1997
REVIEWED:
AMENDED:



POLICY NO	CP/PMG-3782	
POLICY	Property Street Numbering Policy	
RESPONSIBLE DIRECTORATE	Community Development	
RESPONSIBLE OFFICER	Senior Planning Officer	
COUNCIL ADOPTION	Date:	Resolution No:
REVIEWED/MODIFIED	Date:	Resolution No:
	Date:	Resolution No:
REVIEW DUE	Date:	
LEGISLATION	<i>Local Government Act 1995 Australian/New Zealand Standard 4819:2011: Rural and Urban Addressing</i>	
RELATED POLICIES		
RELATED ORGANISATIONAL DIRECTIVES		

PURPOSE:

The provisions of this policy apply to the numbering of new properties and the numbering or renumbering of existing properties.

At the time of subdivision all new properties will be allocated street numbers.

There are a large number of properties that do not have existing street numbers, principally located outside of townsites, which will be required to be allocated in the future.

On occasions, it may also be necessary to adjust or modify existing street address numbers to cater for the development or redevelopment of areas, particularly as a result of infill subdivision/development proposals.

The objectives of this policy are to:

- To provide a consistent approach for the street numbering of properties within the Shire;
- To determine the allocation of street numbers to properties within the Shire in accordance with Australian/New Zealand Standard 4819:2011: Rural and Urban Addressing;
- To outline the process and procedure of numbering and renumbering properties within the Shire.

DEFINITIONS:

Occupier is that same meaning given to it under the Local Government Act 1995.

Owner is that same meaning given to it under the Local Government Act 1995.

Property means land in the Shire of Wyndham East Kimberley and includes houses, buildings, works, reserves, school, public utilities and structures in or upon the land and includes developed or undeveloped land.

POLICY STATEMENTS:

1. Identification of Street Address

- 1.1 Properties will be allocated a street number within the street from which the primary access to the property is gained.
- 1.2 Street numbers are to be reflective and affixed upon a conspicuous and visible place on the front of a building on the property or on a fence, post, wall or kerb adjacent to the road fronting the property. Numbers are to be clearly displayed and visible and legible from the road.

2. Allocation of Street Numbers for new properties

- 2.1 The allocation of street numbers for new properties is to be undertaken in accordance with AS/NZS 4819:2011: Rural and Urban Addressing.
- 2.2 In addition to the above AS/NZS, the Shire will allocate street numbers as follows:
 - (a) In accordance with a logical sequence of numbers along the street.
 - (b) One street number will be allocated per lot, however additional numbers will be reserved, as required, on the following basis:
 - One number per 20 metres of street frontage in residential, mixed use, composite and light industrial areas;
 - One number per 10 meters of street frontage in town centre areas;
 - One number per 40 metres of street frontage in general industrial areas
 - In accordance with the distance-based address numbering method for rural areas.
 - (c) Where a lot has two frontages (corner lot) two street numbers will be set aside, one from each of the streets adjacent to the lot. The number initially allocated to a corner lot will be determined by the street with the smaller frontage, or if developed, the street from which access to the property is gained. The unused number will be reserved in case of future use.
 - (d) Where one number is available yet more than one building requires numbering, developments will be allocated alphabetical suffixes, for example 1A, 1B, 1C and 1D, however cannot exceed four such suffixes.
 - (e) Where one number is available yet more than four buildings/tenancies require numbering, they will be allocated with a numerical prefix, for example 1/12, 2/12, 3/12 etc. Further requirement for street numbering shall follow the AS/NZS 4819:2011.
 - (f) The start point for street addressing is to commence from the start point of the road. For roads located between two other roads, the start point is the intersection of the road where access is most common, or the closest to the town centre.

3. Renumbering of existing properties

- 3.1 The Shire will consider a request for a change in street number or will initiate renumbering of properties in the following circumstances:
 - To achieve a logical sequence of street numbering within the street;

- In response to difficulties associated with the identification of a property;
- Where the ability remains to accommodate the future allocation of numbers to properties where the development potential exists; and
- Where the change is in accordance with AS/NZS: Rural and Urban Addressing.

3.2 The Shire will resist requests for street renumbering:

- Where the existing allocated street number is considered to be 'unlucky';
- For religious reasons;
- To improve the feng shui of a property;
- For personal preference;
- Where the existing street number is considered to be 'not good for business';
- Where the property is difficult to sell;
- Where the number is considered to devalue the property; or
- Where the request is contrary to the provisions of this policy.

3.3 The numbering of existing properties is to be undertaken in accordance with Clauses 2.1 and 2.2.

3.4 An existing dwelling shall retain the number and a new dwelling shall be allocated an alpha suffix if there is only one street number available. In battle-axe lots the front property shall retain the number and the rear be allocated a suffix.

3.5 Requests for a change of street address that comply with AS/NZS 4819:2011 and which do not affect any other property can be approved.

3.6 If other properties are affected by a request, the Shire will consult with those owners, and if any objections are received a report will be presented to Council.

3.7 Where a change of street address is approved, the Shire will notify Landgate. Landgate will include the new/amended address in the State of Western Australia's Address Database. The following agencies and organisations will also be notified by the Shire:

- Australian Electoral Commission;
- Western Australian Planning Commission;
- Telstra;
- Horizon Power;
- Water Corporation;
- St John Ambulance;
- Department Fire and Emergency Services;

3.8 All costs associated with the change of street address notifications remains the responsibility of the property owner/developer. This includes the replacement or relocation of numbers on buildings, signs, fences, kerbs or posts, to be clearly displayed and visible and legible from the road.

EXPLANATORY NOTES:

Under the Local Government Act 1995, the Shire is responsible for allocating street numbers, whilst Landgate has State Government custodial responsibility for management of the State of Western Australia's Street Address dataset.

This policy outlines the process for determining the allocation of street numbers to properties within the Shire in accordance with Australian/New Zealand Standard 4819:2011: Rural and Urban Addressing.

This policy should be read in conjunction with the AS/NZS 4819:2011: Rural and Urban Addressing.

RISK:

Risk: Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

Control: Review policies and procedures in accordance with review schedule.

13.04.04. Wyndham Community Resource Centre

DATE:	23/02/2016
AUTHOR:	Louise Gee, Director Community Development
RESPONSIBLE OFFICER:	Louise Gee, Director Community Development
ASSESSMENT NO:	N/A
FILE NO:	CS12.12 and CS12.13
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:-

- 1. Continue to provide Community Resource Network services in accordance with its agreement with the Department of Regional Development. This agreement is for the provision of Community Resource Network services for a period of three years from 1 July 2014 to 30 June 2017.**
- 2. Request the CEO to call for Expressions Of Interest from the Wyndham community for the production of the Community Newsletter - The Bastion Bulletin.**

COUNCIL DECISION

Minute No. 11263

**Moved: Cr B Robinson
Seconded: Cr E Bolto**

That Council:

- 1. Continue to provide Community Resource Network services in accordance with its agreement with the Department of Regional Development. This agreement is for the provision of Community Resource Network services for a period of three years from 1 July 2014 to 30 June 2017.**
- 2. Request the CEO to call for Expressions Of Interest from the Wyndham community for the production of the Community Newsletter - The Bastion Bulletin.**

Carried 9/0

PURPOSE

For Council to consider whether it wishes to continue to provide Community Resource Network Services at Wyndham or to request the Department of Regional Development to negotiate directly with community organisations for the provision of these Services.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Facilitator - bring stakeholders together

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

In May/June 2013 the Department of Regional Development and Lands requested the Shire to operate the Wyndham Community Resource Centre (CRC) from the Shire's administrative centre in Wyndham. Prior to this the Wyndham Community Resource Centre was operated as an incorporated body with a staff of three (3) and a management committee, with the CRC located at 26 Koojarra Street, Wyndham. It is understood that the Wyndham Community Resource Centre Inc. closed its doors on 3 May 2013 as it was insolvent.

At the 16 July 2013 Ordinary Council Meeting Council considered the request from the Department of Regional Development and Lands to provide Community Resource Network Services from its Wyndham administration centre. It was identified that the operation of this service from the Wyndham administration centre would require some minor modification to the front office and required the employment of a CRC coordinator, at an estimated cost of \$153,000. It was anticipated that the Shire would incur a minor deficit if it was to provide this service.

After considering this matter Council resolved that:

Minute No. 10130

That Council:

1. *Advises the Department of Regional Development and Lands that it is prepared to undertake the provision of services for the operation of the Wyndham Community Resource Centre in line with the Financial Assistance Agreement and funding schedules and subject to assurance being given with respect to the provision of funding as described in the grant schedules in view of the Shire's expenditure for the capital upgrade of the building.*
2. *Prepares a business plan for the Wyndham CRC for the 2013/14 financial period.*
3. *Enters into a Memorandum of Understanding for the transfer of ownership of all unencumbered fixtures and fittings contained in and around the current CRC building in Wyndham.*

On the 30 July 2013 a Financial Assistance Agreement between the Department of Regional Development and Lands, and the Shire was executed for the period 1 July 2013 to 30 June 2014. This Agreement included the following funding:-

1. \$60,000 to assist with the operation of the CRC
2. \$5,000 to assist the CRC in developing and maintaining high standards of management and governance
3. \$60,000 for building refurbishment
4. \$30,000 to assist with the purchase, repair or upgrade of CRC equipment, fixtures and fittings

At the conclusion of the above Agreement the Shire executed a new agreement with the Department of Regional Development for the provision of Community Resource Network services for a period of three years from 1 July 2014 to 30 June 2017. This Agreement provided funding of \$100,000 per annum (ex. GST) for the provision of these services.

The following outlines the contracted service level outcomes:-

1. Strategies to facilitate access to Government information and services

Outcome Area	Service Level Outcome
Government Access Point	24 community members use the CRC Government Access point per quarter
CRC website	CRC adds 10 calendar events to the CRC website per quarter CRC adds 8 content items to the CRC website per quarter
Westlink Broadcast Screenings	CRC advertises 1 Westlink broadcast screening per quarter

2. Economic and business development initiatives

Outcome Area	Service Level Outcome
Employment Pathway Development	CRC maintains 2 active referral relationships per quarter
Business Development referral relationships	CRC maintains 2 active referral relationships per quarter
Business Development Activities	CRC facilitates 1 Business Development Initiative or Seminar per quarter

3. Social development initiatives

Outcome Area	Service Level Outcome
Social Development referral relationships	CRC maintains 8 active referral relationships per quarter
Social Development Activities	CRC facilitates 3 General Community Initiatives or Events per quarter 24 participants in General Community Initiatives or Events per quarter CRC facilitates 2 Targeted Events or Initiatives per quarter 10 participants in Targeted Events or Initiatives per quarter
Local Community Information Activities	CRC facilitates 1 Community Information Activity per quarter

STATUTORY IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Outlined below is the budget for the Wyndham CRC for the period 2013/14 to 2015/16:-

		Income	Expenditure	Variance
2013/14	Actual	\$187,938.98	\$96,952.68	\$-90,986.30
2014/15	Actual	\$134,789.72	\$106,552.47	\$-28,237.25
2015/16	Current	\$112,400.00	\$142,019.00	\$29,619.00

The variances above are attributable to the receipt and expenditure of grant funding; therefore the overall operation of the Wyndham Community Resource Centre is relatively cost neutral to the Shire. However, the Wyndham Community Resource Centre Coordinator is, when required, supported by Shire staff i.e. community initiatives, events, managerial guidance, and funding for this support is not included in the Wyndham CRC Budget.

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 3.1: A broad range of lifestyle opportunities and activities are available for East Kimberley residents

Strategy 3.1.4 : Facilitate activities that link communities.

RISK IMPLICATIONS

N/A

COMMUNITY ENGAGEMENT

Engagement will take place in accordance with the Shire's Community Engagement Guidelines and will include public notice of an Expression of Interest for the production of the community newsletter - The Bastion Bulletin.

COMMENTS

On 18 December 2015 the Wyndham Community Resource Centre Coordinator resigned, therefore before recruitment of this position is progressed there is an opportunity for Council to review whether it wishes to continue to provide this service or whether it requests the

Department of Regional Development to initiate discussions directly with community organisations to gauge their interest in managing the Wyndham CRC.

To ensure that the services provided by the Wyndham Community Resource Centre are not disrupted and the Shire continues to meet its contractual grant funding commitments with the Department of Regional Development the Wyndham Office Coordinator will be undertaking the required duties and responsibilities of the vacant position. The Shire has contacted the Regional Coordinator, Department of Regional Development to discuss the option available to the Council if they did not wish to continue with the provision of the CRC service, outlined below is the advice received:-

“ It would be appreciated if you could provide contact details for any Incorporated Not for Profit Organisations that you feel may have the capacity to manage a CRC.

DRD would then negotiate directly with these Organisations to gauge their interest in managing the Wyndham CRC.”

State government review of Community Resource Centre Service Provision

The Department of Regional Development has engaged Curtin University to undertake a review of all contracted Community Resources Centre's across the State. The review has involved a visit to the Wyndham and Kununurra CRC's, and the completion of a survey; randomised community surveys have also been completed.

It is anticipated that a report from Curtin University will be provided to the Department of Regional Development by March 2016. The recommendations of this report will be utilised by the Department in the development and structure of future CRC contractual agreements.

Production of the Community Newsletter – The Bastion Bulletin

When the Shire took over the responsibility for the operation of the Wyndham Community Resource Centre in July 2013 it also took over the responsibility for the production, printing and dissemination of the monthly community newsletter – The Bastion Bulletin. The production of The Bastion Bulletin is not a contracted service level requirement.

The production of the Bulletin has presented some concern given it is a “community” publication but is produced by the Shire. Therefore, like all other media matters it is required to follow organisational processes i.e. approved by the Chief Executive Officer, prior to publication, and meet the values and objectives of the Shire of Wyndham East Kimberley Code of Conduct. The Bastion Bulletin consists primarily of articles submitted by community

members, a key community member who contributes to the Bulletin has advised the Shire that they will no longer contribute articles if they are to be reviewed and potentially censored by the Chief Executive Officer.

The estimated income to be received from the sale of The Bastion Bulletin in 2015/16 is \$4,900; this income would not cover production and printing costs. To ensure that the production of The Bastion Bulletin continues, it has been agreed that the future role of the CRC will be formatting, printing and dissemination only and there will be no involvement in the writing or editing of any articles. These are existing services provided by the CRC; however it is considered that an Expression of Interest should also be undertaken to determine if the production of The Bastion can be undertaken by a community organisation. This is recommended as the production of The Bastion Bulletin is not a contractual requirement of the Wyndham Community Resource Centre, and it would place the ownership and control of the publication back in the “control” of the local Wyndham community.

ATTACHMENTS

Nil

13.04.06. Council Policy Review - Directional Signage Policy

DATE:	23/02/2016
AUTHOR:	Roy Adam, Planning Officer
RESPONSIBLE OFFICER:	Louise Gee, Director Community Development
FILE NO:	CM.11.2
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council

- 1. Repeal Council Policy E9 - Traffic Signs - Directional Signage**
- 2. Adopt draft Policy CP/OPS-3655 - Directional Signage**
- 3. Request the CEO to investigate options for the Shire to charge an annual fee for the provision of Business Directional signage.**

COUNCIL DECISION

Minute No. 11264

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

That Council

- 1. Repeal Council Policy E9 - Traffic Signs - Directional Signage**
- 2. Adopt draft Policy CP/OPS-3655 - Directional Signage**
- 3. Request the CEO to investigate options for the Shire to charge an annual fee for the provision of Business Directional signage.**

Carried 5/4

**For: Cr J Parker, Cr S Cooke, Cr E Bolto, Cr B Robinson, Cr N Perry
Against: Cr K Wright, Cr S Rushby, Cr D Spackman, Cr A Petherick**

PURPOSE

For the Council to consider the review of Council Policy “E9 Traffic Signs - Directional Signage”.

NATURE OF COUNCIL’S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The existing Policy “E9 - Traffic Signs - Directional Signage” was adopted in 2004 and is dated. It is considered that its content should be updated due to growing requirements for signage and observed gaps in the functioning of the existing Policy.

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 2.7 Role of council

- (1) The council -
 - (a) governs the local government’s affairs; and
 - (b) is responsible for the performance of the local government’s functions.
- (2) Without limiting subsection (1), the council is to -
 - (a) oversee the allocation of the local government’s finances and resources; and
 - (b) determine the local government’s policies.

POLICY IMPLICATIONS

The review of the Policy will provide guidance for the Shire in the assessment of directional signage permits, and the erection of directional signage infrastructure. The Policy aims to ensure that any signage is located strategically to maximise effect while minimising visual pollution and providing good amenity.

FINANCIAL IMPLICATIONS

Directional signage is included in the Fees and Charges 2015/16: *“Purchase of signs and installation: Actual Costs + 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 3.3: Towns are safe and inviting for locals and tourists

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

RISK IMPLICATIONS

Risk: Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

Controls: Review policies and procedures in accordance with review schedule.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

Council may note that this Policy is primarily based upon Australian Standards guidelines in regards to the types of signs described, form and installation. However, a departure from these standards has been included as “Business Directional” signs for individual business names (on blue and white signs).

The primary additions to the existing (2004) policy that have been included in the draft are as follows:

- 1) The Shire has responsibility for Tourist Signage as a local authority (on local roads) which was previously a Tourism WA matter. Provisions have been added accordingly.
- 2) A provision on arranging “sign stacks” from top-bottom has been included. It is considered that this provision will improve legibility and simplicity - particularly for motorists and the travelling public.
- 3) A complete description of the various (five) sign types that may be considered as directional signs. This covers Road Name, Tourist, Community Facility, Service and Business Directional signs.

While these may be partially self-explanatory an attachment has been included to illustrate Tourist, Community Facility and Service symbols.

Council may note that Road Name signs currently incorporate a Shire logo. Including this logo is at Council's discretion and it is considered that the Policy is a suitable method of recording that position.

ATTACHMENTS

Attachment 1 - Council Policy "E9 - Traffic Signs - Directional Signage"

Attachment 2 - Draft Directional Signage policy

Attachment 3 - Tourist, Community Facility and Service sign symbols



Shire of Wyndham East Kimberley
Council Policy Manual
 E9

POLICY No:	E9
DIVISION:	Engineering
SUBJECT:	Traffic Signs - Directional Signage
REPORTING OFFICER:	Executive Manager Engineering and Development Services
ENABLING LEGISLATION:	R301 Road Traffic Code

OBJECTIVE:

To provide directional signage along roads to provide guidance and assistance where required for motorists to locate businesses, services and facilities.

POLICY:

1. Directional signs shall be located at intersections and shall comprise 200mm wide aluminium fingerboard plates with 120mm high white lettering on a blue background conforming to Australian Standard AS1742 guide signs. Tourist attraction directional signs shall have a brown background. The signs shall be 1.5 metres in length and supported at each end with a steel pole. The sign writing shall identify the business name only. Business logos maximum height 120mm are permitted and may be in the business colours. Signs on roads controlled by Main Roads WA must conform to their policy on roadside advertising.
2. The stack signs shall be located to the satisfaction of the Executive Manager Engineering & Development Services to ensure traffic safety.
3. A maximum of six sign panels may be located at any one intersection including road nameplates and other traffic sign panels. More may be permitted, at the discretion of the Executive Manager Engineering & DEvelopment Services, but may require the replacement of the support poles.
4. Directional signage to a destination shall be permitted from one origin point only and shall be the most direct route requiring the least number of signs as determined by the Council.
5. Consent for directional signs may be revoked by the Council at any time and the sign(s) removed, including to facilitate the provision of directional signs to an alternate business, service or facility which the Council at its discretion may determine has a higher priority to occupy the sign site.

6. Where directional signage is approved the applicant shall meet the Council's estimated cost of supplying and installing the signs prior to works proceeding and shall meet the cost of repairs and replacement including from accidental damage, vandalism and wear and tear when required by the Council, failing which the signage may be removed by the Council.
7. Existing previously approved directional signage not conforming to this policy shall be permitted to remain in place until replacement is required or a period of five years expires from adoption of this policy.

ADOPTED: 20 July 2004
REVIEWED:
AMENDED:



POLICY NO	CP/OPS-3655	
POLICY	Directional Signage	
RESPONSIBLE DIRECTORATE	Infrastructure	
RESPONSIBLE OFFICER	Director Infrastructure	
COUNCIL ADOPTION	Date: 20 July 2004	Resolution No:
REVIEWED/MODIFIED	Date:	Resolution No:
	Date:	Resolution No:
REVIEW DUE	Date:	
LEGISLATION	<i>Local Government Act 1995</i>	
RELATED POLICIES	-	
RELATED ORGANISATIONAL DIRECTIVES	-	

PURPOSE:

To provide road users with clear and uniform roadside information, while preventing signage proliferation.

While the Shire is mindful that effective signage is important for business, emergency services and community purposes, it aims to ensure that any signage is located strategically to maximise effect while minimising visual pollution and providing good amenity.

DEFINITIONS:

Street Name sign: (white background with black lettering) shows name and the Shire logo.

Tourist sign: (brown background with white lettering) guides travellers to recognised tourist attractions and approved tourist services. Examples are:

- *Tourist features* which are generally of a non-commercial nature and include scenic lookouts, historical markers and geographical features.
- *Tourist attractions* which may (or not) be commercially operated services and include monuments, craft centres and distilleries.

Community Facility sign: (blue background with white lettering) guides visitors and locals to community facilities, typically not-for-profit facilities, and business precincts. Examples are:

- Government facilities (airport, police station, hospital);
- Post Office;
- Recreational grounds or facilities (ovals, boat ramps);
- Educational institutions (school, library);
- Public cultural facilities (gallery, museum);
- Places of public worship;
- Locations of regional significance (parks); and
- Commercial and industrial precincts.

Service sign: (blue background with white symbol) uses symbols to guide motorists and road users to roadside stopping places, certain commercial services and community facilities. Examples include although are not limited to rest areas, restaurants and boat ramps.

Business Directional sign: (blue background with white lettering) guides visitors and locals to individual businesses.

POLICY STATEMENTS:

1. Format and Layout

All signs are to be consistent with Australian Standards (AS1742, AS 1744) and Main Roads WA standards (Signs Index 1.7 - Tourist Signs) with regard to design and installation specifications.

The Shire logo shall be incorporated on street name signs to the extent that the logo will not cause word or letter narrowing.

Where arranged in a stack arrangement (or “sign stack”), sign blades shall be ordered as:

- (i) Street Name at the top (black lettering on a white background);
- (ii) Tourist (white lettering on brown background);
- (iii) Community Facility (white lettering on blue background);
- (iv) Service (white image on blue background); and
- (v) Business Directional (white lettering on blue background).

Within sign stacks ordering precedence shall be from the closest attraction/service/business to the furthest attraction/service/business.

A maximum number of five (5) sign blades under the street name sign shall be permitted in any one location or intersection.

In the event that a sign stack is full and a new request for signage for a similar service is presented, the Shire may reconfigure the stack by removing the existing signs and erecting a generic symbolic sign.

New applications for signs may be refused at a location whereby the maximum number of sign blades is exceeded.

2. Justification

The Shire must be satisfied that any proposed directional signage will be practically useful, effective, and not merely an extended form of advertising.

Applications for the installation of new or replacement tourist attraction or service signs shall be made to the Shire. Assessment will consider the proposal against the National Tourist Signing Eligibility Guidelines.

3. Relevant Authorities

The consent of Main Roads WA is to be obtained for all signage under its control. These roads comprise Victoria Highway, Great Northern Highway and Gibb River Road.

4. Costs and Maintenance

Unless otherwise directed, all signs are to be erected and maintained by the Shire at the expense of the applicant.

The Shire reserves the right to remove badly damaged or dangerous signs without notice. In this instance the Shire will endeavour to contact the original applicant to convey that the sign has been removed and advise on the replacement process.

EXPLANATORY NOTES:

To ensure consistency in design and installation all signs are to be consistent with:

- AS 1742.2 Manual of Uniform Traffic Control Devices. Traffic Control Devices for General Use;
- AS1742.5 Manual of Uniform Traffic Control Devices. Street Names and Community Facility Signs;
- AS1742.6 Manual of Uniform Traffic Control Devices. Service and Tourist Signs for Motorists;
- AS1744 Forms of Letters and Numerals for Road Signs;
- Main Roads WA - Signs Index 1.7 - Tourist Signs; and
- National Tourism Sign Reference Group – National Tourist Signing Eligibility Guidelines.

RISK:

Risk: Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

Controls: Review policies and procedures in accordance with review schedule.

Tourist, Community Facility and Service sign symbols

The following standard abbreviations and symbols may be used.

SYMBOL - Tourist	APPLICATION
	Historic Sites
	Tourist Attraction
	Winery
SYMBOL – Community Facility/Service	
	Information Bay
	Caravan Park
	Hotel, Motel, Guesthouse, Bed & Breakfast
	Refreshments or Cafeteria
	Restaurant or Licensed Restaurant
	Fuel
	Public Telephone
	Public Toilets
	Boat Ramp
	Picnic, Barbeque
	Parking
	Airport

13.04.07. Request for Dual Naming - Barnett River Gorge, Gibb River Road

DATE:	23 February 2016
AUTHOR:	Jennifer Ninnette, Senior Planning Officer
RESPONSIBLE OFFICER:	Louise Gee, Director Community Development
ASSESSMENT NO:	A2574P
FILE NO:	LP.03.2
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council resolve to undertake community consultation in relation to the proposal for dual naming or renaming of the Barnett River Gorge.

COUNCIL DECISION

Minute No. 11265

Moved: Cr S Cooke

Seconded: Cr E Bolto

That Council resolve to undertake community consultation in relation to the proposal for dual naming or renaming of the Barnett River Gorge.

Carried 7/2

**For: Cr J Parker, Cr S Rushby, Cr K Wright, Cr N Perry, Cr S Cooke,
Cr E Bolto, Cr B Robinson**

Against: Cr D Spackman, Cr A Petherick

PURPOSE

For Council to consider advertising the proposition to include or rename the "Barnett River Gorge" to include the indigenous Ngariyin name, 'Jingarrin' on the Gibb River Road.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Facilitator - bring stakeholders together

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Shire has recently received a proposal from the Kimberley Land Council regarding the dual naming or renaming of the 'Barnett River Gorge' topographical feature to include the Indigenous name of the site 'Jingarrin', for which the Ngariyin Indigenous group are the Traditional Owners.

The proponent has stated that an Elder and Traditional Owner for Barnett River Gorge, located within the Gibb River pastoral lease approximately 43km west of the Ngallagunda community, has requested for the Ngariyin name of the site to be included on the sign. A copy of the email correspondence and photograph from the proponent is provided as Attachments 1 - 2.

However, in order for the signposted name to be changed, the recognition of the Indigenous name for the topographical feature (gorge) will need to be approved by the Geographic Names Committee (GNC) which also requires the support of the local government.

The Geographic Names section of Landgate have confirmed that the gorge has been officially named after the Barnett River, however have advised that they would be receptive to a request to include the indigenous name, and that there are a number of options available to the Shire regarding the name for this feature.

The first option is to dual name the feature to be Jingarrin / Barnett River Gorge, and the second option is the complete renaming of the gorge to Jingarrin Gorge and the archiving (to make historic) the Barnett River Gorge name on the basis that this name is descriptive only.

However, if the second option is to be considered, then the renaming of the Barnett River Gorge Road access road would also be considered as a part of the proposal. Landgate has advised that as this road is not used for addressing purposes and again is a descriptive name, amending the road to match the gorge would also be considered appropriate by Landgate, and Jignarrin Road would be their first preference as double-barrelled names are not supported.

STATUTORY IMPLICATIONS

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

Any person, community group, organisation, government department or local authority can request a new name or an amendment to an existing name, however consultation is required with the relevant local authority.

The GNC has produced a document titled *Principles, Guidelines and Procedures* which provides a guide for nomenclature of topographic features. Generally, the document recommends that names should be sourced from Indigenous languages identified with the general area; descriptive names appropriate to features; names of pioneers who were relevant to the area; names of people who died during war service; and names associated with historical events connected with the area.

The GNC recognises the significance of the indigenous name and encourages the continued recognition of Indigenous heritage in the community, and is acknowledged by a preference being given to Indigenous names where possible.

The GNC Policies and Standards outline that dual naming shall be considered when a feature already has a name of non-Indigenous origin which is widely accepted within the community. They may occur where a topographical feature has been given an official name which includes both the Indigenous name and the introduced English name.

Dual naming is not considered preferable to one name, and in each case the proposal should be investigated to establish if the Indigenous name would have enough community support to replace the existing name. A dual name must be Indigenous to the local area, and will only be assigned where there is definite evidence, preferably historic, in the form of written or oral tradition that the feature has two names.

The GNC Policies and Standards strongly advise that comment be sought from appropriate local residents and community groups which can be used as supporting information for the local government's consideration. The document also outlines that there must be a genuine effort to encourage public involvement in the decision-making process, and that information must be disseminated to a broad range of stakeholders and interested parties via a variety of methods.

The policy and standards outline that any names for topographical features should be researched thoroughly and then referred to relevant community groups and/or local authorities for consultation, which should include, but not be restricted to the following:

- Department of Parks and Wildlife
- Department of Aboriginal Affairs
- Royal Historical Society of WA
- Progress Associations
- Ratepayer Associations

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

There are likely to be minor costs associated with advertising, with the main cost likely to be between \$200 - \$300 for the placement of an advert in the Kimberley Echo.

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

Objective 1.4: Business innovation, efficiency and improved services

Strategy 1.1.1: Investigate and implement options to encourage and integrate community input in Council planning, policies and decisions making.

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

RISK IMPLICATIONS

Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

COMMUNITY ENGAGEMENT

Engagement will take place in accordance with the Shire's Community Engagement Guidelines and will include:

A newspaper advertisement in the Kimberley Echo and notice via the Shire's facebook page with information and submission forms available at the Shire's offices and website, and notification letters being sent to any relevant individuals, community groups or agencies that may have an interest in this proposition, giving a period of 30 days for the community to comment.

COMMENTS

It is acknowledged that the naming proposal of the 'Barnett River Gorge' to include the Indigenous name is significant to the tribal elders of the area to reflect their culture to the local and wider community, and the Geographic Names section of Landgate have advised that there are two options available, being:

1. To dual name the feature to be Jigngarrin / Barnett River Gorge, or
2. To rename the gorge to Jigngarrin Gorge and the archive (to make historic) the Barnett River Gorge name.

However, any renaming application must include evidence of community consultation (copies of responses and the information disseminated into the Community) in support for the change. This should also include evidence from indigenous communities to ensure that the correct source for the spelling and origin are provided and recorded for historical purposes.

Therefore, Officers are seeking Council's resolution to initiate the process by undertaking community consultation on both of the suggested options. If initiated, Officers will undertake the consultation process and compile sufficient information and evidence to support either the renaming or dual naming of the gorge, and to ensure compliance with the guidelines set out by the Geographic Names Committee.

The Shire in the interim has requested additional information from the Kimberley Land Council, such as confirmation of the spelling, origin and pronunciation to support the application.

Once consultation has been undertaken the matter will again be considered by Council to determine which option is supported by Council. Council's decision will then be forwarded onto the Geographic Names Committee for their consideration.

ATTACHMENTS

Attachment 1-2 - Correspondence from the Kimberley Land Council

Jennifer Ninyette

From: Katherine Mitchell <katherine.mitchell@klc.org.au>
Sent: Wednesday, 6 January 2016 1:42 PM
To: Mail
Cc: Danyel Wolff
Subject: I-33177 - RD.09.22 - Request to change signposted place name on Gibb River Road
Attachments: P8270092.jpg

Happy New Year SWEK,

I have been asked by Mr Alfie White (Elder and Traditional Owner for Jigngarrin/Barnett Gorge on Gibb River Station) and the Ngallagunda Aboriginal Corporation to request that the sign to Barnett River Gorge 3 on Gibb River Station on the Gibb River Road (see attached photo) be changed to include the Ngarinyin name for the gorge which is Jigngarrin, so the sign would read "Jigngarrin (Barnett River Gorge)".

I have been advised by Peter Southern at WA Main Roads that an application to change signposted place names must first be submitted to the local shire for comment or endorsement before proceeding with any further action. Peter advised that if endorsed by the shire, this can then be forwarded to Landgate who will pass it on to the Geographical Names Committee for assessment and approval. Should approval be given, WA Main Roads will require documentation of the approval before amending the sign.

Could you please let me know what the process is for submitting an application for this change to SWEK?

Thanks in advance for your assistance.

Kind regards, Kat



Kat Mitchell | Wilinggin Healthy Country Coordinator (Derby)

Lot 285 Loch Street | PO Box 377 | Derby WA 6728

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Getting back country, looking after country and getting control of our future



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13.04.08. Scheme Amendment No. 20 - Town Planning Scheme No. 6 - Wyndham Townsite

DATE:	23 February 2016
AUTHOR:	Jennifer Ninnette, Senior Planning Officer
RESPONSIBLE OFFICER:	Louise Gee, Director Community Development
ASSESSMENT NO:	NA
FILE NO:	LP.02.1
DISCLOSURE OF INTERESTS:	Nil.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council,			
1. In pursuance of Section 75 of the <i>Planning and Development Act 2005</i> , resolves to amend Town Planning Scheme No. 6 (Wyndham Townsite) by:			
(a) Deleting the following clauses from the Scheme Text, as they have been superseded by the deemed provisions set out in the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> Schedule 2:			
<i>Part</i>	<i>Clause Title(s)</i>	<i>Clause(s)</i>	<i>Page No.</i>
Part II - Reserves	Matters to be Considered by Council	2.2	8
Part III – Zones and Policies	Policies	3.3 (3.3.1, 3.3.2, 3.3.3, 3.3.4, 3.3.5)	13
Part V – Development Requirements	Development of Land	5.1.1, 5.1.2(c), 5.1.2(e), 5.1.2(f), 5.1.2(g)	15
	Residential Development: Residential Planning Codes	5.4.1, 5.4.3	16
	Residential Zone	5.5.3	17

Part VIII – Control of Advertising	Power to Control Advertisements, Existing Advertisements, Consideration of Applications, Discontinuance	8.1 (8.1.1 - 8.1.2), 8.2, 8.3, 8.5	27
	Derelict or Poorly Maintained, Signs, Notices	8.6, 8.7 (8.7.1, 8.7.2, 8.7.3)	28
Part IX – Conservation and/or Preservation of Places of Heritage Value	Places of Heritage Value, Amendment to Schedule of Places of Heritage Value, Notice of Amendment to Schedule of Places of Heritage Value, Development Control	9.1, 9.2, 9.3, 9.4	31-32
	Policies, Waiver of Scheme Provisions and Building Code of Australia, Arbitration, Purchase of Land, Agreements	9.5, 9.6, 9.7, 9.8, 9.9	32 - 33
Part X – Planning Consent	Application for Planning Consent, Advertising of Applications	10.1 (10.1.1 - 10.1.2), 10.2 (10.2.1, 10.2.2, 10.2.3), 10.2.4, 10.2.5	34 - 35
	Determination of Applications, Deemed Refusal	10.3 (10.3.1, 10.3.2, 10.3.3, 10.3.4), 10.4 (10.4.1, 10.4.2, 10.4.3)	35
Part XI – Administration	Powers of the Scheme, Offences	11.1, 11.2.1	36
Appendix V	Information Sheet for Advertisement Approval	Whole Appendix	53
Appendix VI	Application Form for Planning Consent	Whole Appendix	54 - 55
Appendix VII	Notice of Public Advertisement of Development Proposal	Whole Appendix	56

Appendix VIII	Decision on Application for Planning Consent	Whole Appendix	57
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(b) Deleting the following clauses from the Scheme Text, as they are covered by provisions set out in the Planning and Development Act 2005:

<i>Part</i>	<i>Clause Title(s)</i>	<i>Clause(s)</i>	<i>Page No.</i>
Part II – Reserves	Compensation	2.3 (2.3.1, 2.3.2, 2.3.3)	8
Part V – Development Requirements	Development of Land	5.1.2(a), 5.1.2(b),	15
Part VIII – Control of Advertising	Enforcement and Penalties	8.9	28
Part XI – Administration	Offences, Notices, Claims for Compensation, Appeals	11.2.2, 11.3 (11.3.1, 11.3.2), 11.4, 11.5	36

(c) Removing the following clauses from the Scheme Text and inserting them into Schedule A – Supplemental Provisions:

<i>Part No.</i>	<i>Clause Title(s)</i>	<i>Clause(s)</i>	<i>Page No.</i>
Part V – Development Requirements	Development of Land	5.1.2(d)	15

(d) Inserting the following provisions into Schedule A – Supplemental Provisions:

New Clause	Part Clause Replaced
<p><i>The erection or extension of a single house on a lot in the Special Rural or Rural/ Pastoral zones, and where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:</i></p> <p><i>(i) entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990; or</i></p> <p><i>(ii) the subject of an order under the Heritage of Western Australia Act 1990 Part 6; or</i></p> <p><i>(iii) included on a heritage list prepared in accordance with this Scheme; or</i></p> <p><i>(iv) within an area designated under the Scheme as a heritage area; or</i></p> <p><i>(v) the subject of a heritage agreement entered into under the Heritage of Western Australia Act 1990 section 29.</i></p>	<p>5.1.2(f)</p>
<p><i>The erection or extension of an outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a permitted (“P”) use and where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:</i></p> <p><i>(i) entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990; or</i></p> <p><i>(i) the subject of an order under the Heritage of Western Australia Act 1990 Part 6; or</i></p> <p><i>(ii) included on a heritage list prepared in accordance with this Scheme; or</i></p> <p><i>(iii) within an area designated under the Scheme as a heritage area; or</i></p> <p><i>(iv) the subject of a heritage agreement entered into under the Heritage of Western Australia Act 1990 section 29.</i></p>	<p>5.1.2(f)</p>

<p><i>The signage and advertisements contained in Table 5 of this Scheme do not require development approval. subject to provisions of the Main Roads (Control of Advertisements) Regulations 1996, those advertisements listed in Table 5, unless the sign is to be erected or installed –</i></p> <p><i>(i) On a place included on a heritage list prepared in accordance with this Scheme; or</i> <i>(ii) On land located within an area designated under this Scheme as a heritage area.</i></p>	8.4
<p><i>The erection of a boundary fence in a zone where the R Codes do not apply, except otherwise required by the Scheme.</i></p>	5.1.2(g)

(e) Deleting the following definitions from Schedule 1, as they have been superseded by the definitions in the deemed provisions set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2:

<i>Definitions Removed</i>	<i>Page No.</i>
<i>Absolute Majority</i>	37
<i>Act</i>	37
<i>Advertisement</i>	37
<i>Owner</i>	44
<i>Residential Planning Codes</i>	45
<i>Zone</i>	48

(f) Amending the following clauses by removing the cross reference to the clause deleted by the amendment and replace them with cross reference to deemed provisions set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2

<i>Part</i>	<i>Clause No.</i>	<i>Cross Reference Clause Removed</i>	<i>Cross Reference to Deemed Provisions</i>	<i>Page No.</i>
Part III – Zones and Policies	3.2.2	10.2	Clause 64 of the deemed provisions	9
	3.2.5 (b)	10.2	part 8 of the deemed provisions	13

Part VI – Amenity Control	6.4	10.3	part 9 of the deemed provisions	23
	6.7	Part X	part 7 of the deemed provisions	24

(g) Amending the following clauses by removing the cross reference to the clause deleted by the amendment and replace them with cross reference to the *Planning and Development Act 2005*:

<i>Part</i>	<i>Clause No.</i>	<i>Cross Reference Clause Removed</i>	<i>Page No.</i>
Part VI – Amenity Control	6.1	11.3	23

(h) Deleting reference to the following terms and replace them with the corresponding term throughout the scheme:

<i>Deleted Term</i>	<i>Replacement Term</i>
Aged and Dependent Persons Dwelling	Ancillary Accommodation
Building Code of Australia (BCA)	Building Code
Residential Planning Codes	Residential Design Codes
Planning Consent	Development Approval

(i) Updating the following clauses and definitions as detailed below:

Part	Clause No.	Details of Change	Page No.
Part I – Preliminary	1.8.2	<p>Include reference to words and expressions in Part 1 of the deemed provisions as follows:</p> <p><i>In the Scheme unless the context otherwise requires, or unless it is otherwise provided herein, words and expressions have the respective meanings given to them in Appendix 1, Planning and Development (local Planning Schemes) Regulation - deemed provisions and the Residential Design Codes.</i></p>	7

Part V - Development	5.5.2	Delete second paragraph and amend third paragraph to read as follows: <i>For residential zoned land, subdivision and development shall have due regard to a Structure Plan approved by the Western Australian Planning Commission in accordance with part 4 of the deemed provisions.</i>	17
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(j) Modifying the zoning table to make Ancillary Accommodation a 'P' use in the Residential zone;

(k) Removing Clause 8.8 on the basis that Council has previously repealed the Signs, Hoarding and Bill Posting Bylaws.

(l) Renumbering the remaining scheme provisions and schedules sequentially and update any cross referencing to the new clause numbers as required.

2. Forward Amendment No. 20 to Town Planning Scheme No. 6 – Wyndham Townsite to the Environmental Protection Authority for review, pursuant to Section 81 of the Planning and Development Act (2005) and the Western Australian Planning Commission for assessment and recommendation to the Minister for Planning.

<p><u>COUNCIL DECISION</u></p> <p>Minute No. 11266</p> <p>Moved: Cr K Wright Seconded: Cr B Robinson</p> <p>That Council,</p> <p>2. In pursuance of Section 75 of the <i>Planning and Development Act 2005</i>, resolves to amend Town Planning Scheme No. 6 (Wyndham Townsite) by:</p> <p>(b) Deleting the following clauses from the Scheme Text, as they have been superseded by the deemed provisions set out in the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> Schedule 2:</p>
--

Part	Clause Title(s)	Clause(s)	Page No.
Part II - Reserves	Matters to be Considered by Council	2.2	8
Part III – Zones and Policies	Policies	3.3 (3.3.1, 3.3.2, 3.3.3, 3.3.4, 3.3.5)	13
Part V – Development Requirements	Development of Land	5.1.1, 5.1.2(c), 5.1.2(e), 5.1.2(f), 5.1.2(g)	15
	Residential Development: Residential Planning Codes	5.4.1, 5.4.3	16
	Residential Zone	5.5.3	17
Part VIII – Control of Advertising	Power to Control Advertisements, Existing Advertisements, Consideration of Applications, Discontinuance	8.1 (8.1.1 - 8.1.2), 8.2, 8.3, 8.5	27
	Derelict or Poorly Maintained, Signs, Notices	8.6, 8.7 (8.7.1, 8.7.2, 8.7.3)	28
Part IX – Conservation and/or Preservation of Places of Heritage Value	Places of Heritage Value, Amendment to Schedule of Places of Heritage Value, Notice of Amendment to Schedule of Places of Heritage Value, Development Control	9.1, 9.2, 9.3, 9.4	31-32
	Policies, Waiver of Scheme Provisions and Building Code of Australia, Arbitration, Purchase of Land, Agreements	9.5, 9.6, 9.7, 9.8, 9.9	32 - 33

Part X – Planning Consent	Application for Planning Consent, Advertising of Applications	10.1 (10.1.1 - 10.1.2), 10.2 (10.2.1, 10.2.2, 10.2.3), 10.2.4, 10.2.5	34 - 35
	Determination of Applications, Deemed Refusal	10.3 (10.3.1, 10.3.2, 10.3.3, 10.3.4), 10.4 (10.4.1, 10.4.2, 10.4.3)	35
Part XI – Administration	Powers of the Scheme, Offences	11.1, 11.2.1	36
Appendix V	Information Sheet for Advertisement Approval	Whole Appendix	53
Appendix VI	Application Form for Planning Consent	Whole Appendix	54 - 55
Appendix VII	Notice of Public Advertisement of Development Proposal	Whole Appendix	56
Appendix VIII	Decision on Application for Planning Consent	Whole Appendix	57

(b) Deleting the following clauses from the Scheme Text, as they are covered by provisions set out in the Planning and Development Act 2005:

<i>Part</i>	<i>Clause Title(s)</i>	<i>Clause(s)</i>	<i>Page No.</i>
Part II – Reserves	Compensation	2.3 (2.3.1, 2.3.2, 2.3.3)	8
Part V – Development Requirements	Development of Land	5.1.2(a), 5.1.2(b),	15
Part VIII – Control of Advertising	Enforcement and Penalties	8.9	28
Part XI – Administration	Offences, Notices, Claims for Compensation, Appeals	11.2.2, 11.3 (11.3.1, 11.3.2), 11.4, 11.5	36

(c) Removing the following clauses from the Scheme Text and inserting them into Schedule A – Supplemental Provisions:

Part No.	Clause Title(s)	Clause(s)	Page No.
Part V – Development Requirements	Development of Land	5.1.2(d)	15

(d) Inserting the following provisions into Schedule A – Supplemental Provisions:

New Clause	Part Clause Replaced
<p><i>The erection or extension of a single house on a lot in the Special Rural or Rural/ Pastoral zones, and where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:</i></p> <p><i>(i) entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990; or</i></p> <p><i>(ii) the subject of an order under the Heritage of Western Australia Act 1990 Part 6; or</i></p> <p><i>(iii) included on a heritage list prepared in accordance with this Scheme; or</i></p> <p><i>(iv) within an area designated under the Scheme as a heritage area; or</i></p> <p><i>(v) the subject of a heritage agreement entered into under the Heritage of Western Australia Act 1990 section 29.</i></p>	5.1.2(f)

<p><i>The erection or extension of an outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a permitted (“P”) use and where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:</i></p> <p><i>(i) entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990; or</i></p> <p><i>(i) the subject of an order under the Heritage of Western Australia Act 1990 Part 6; or</i></p> <p><i>(ii) included on a heritage list prepared in accordance with this Scheme; or</i></p> <p><i>(iii) within an area designated under the Scheme as a heritage area; or</i></p> <p><i>(iv) the subject of a heritage agreement entered into under the Heritage of Western Australia Act 1990 section 29.</i></p>	<p>5.1.2(f)</p>
<p><i>The signage and advertisements contained in Table 5 of this Scheme do not require development approval. subject to provisions of the Main Roads (Control of Advertisements) Regulations 1996, those advertisements listed in Table 5, unless the sign is to be erected or installed –</i></p> <p><i>(i) On a place included on a heritage list prepared in accordance with this Scheme; or</i></p> <p><i>(ii) On land located within an area designated under this Scheme as a heritage area.</i></p>	<p>8.4</p>
<p><i>The erection of a boundary fence in a zone where the R Codes do not apply, except otherwise required by the Scheme.</i></p>	<p>5.1.2(g)</p>

(e) Deleting the following definitions from Schedule 1, as they have been superseded by the definitions in the deemed provisions set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2:

<i>Definitions Removed</i>	<i>Page No.</i>
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<i>Residential Planning Codes</i>	45
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(f) Amending the following clauses by removing the cross reference to the clause deleted by the amendment and replace them with cross reference to deemed provisions set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2

<i>Part</i>	<i>Clause No.</i>	<i>Cross Reference Clause Removed</i>	<i>Cross Reference to Deemed Provisions</i>	<i>Page No.</i>
Part III – Zones and Policies	3.2.2	10.2	Clause 64 of the deemed provisions	9
	3.2.5 (b)	10.2	part 8 of the deemed provisions	13
Part VI – Amenity Control	6.4	10.3	part 9 of the deemed provisions	23
	6.7	Part X	part 7 of the deemed provisions	24

(g) Amending the following clauses by removing the cross reference to the clause deleted by the amendment and replace them with cross reference to the *Planning and Development Act 2005*:

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Part V - Development	5.5.2	<p>Delete second paragraph and amend third paragraph to read as follows:</p> <p><i>For residential zoned land, subdivision and development shall have due regard to a Structure Plan approved by the Western Australian Planning Commission in accordance with part 4 of the deemed provisions.</i></p>	17

(j) Modifying the zoning table to make Ancillary Accommodation a ‘P’ use in the Residential zone;

(k) Removing Clause 8.8 on the basis that Council has previously repealed the Signs, Hoarding and Bill Posting Bylaws.

(l) Renumbering the remaining scheme provisions and schedules sequentially and update any cross referencing to the new clause numbers as required.

2. Forward Amendment No. 20 to Town Planning Scheme No. 6 – Wyndham Townsite to the Environmental Protection Authority for review, pursuant to Section 81 of the Planning and Development Act (2005) and the Western Australian Planning Commission for assessment and recommendation to the Minister for Planning.

Carried 9/0

PURPOSE

For Council to resolve to amend Town Planning Scheme No. 6 - Wyndham Townsite to incorporate the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The *Planning and Development (Local Planning Schemes) Regulations 2015* came into effect on 19 October 2015. Schedule 2 of these Regulations include deemed provisions (the deemed provisions), which are predominantly in regard to the administrative functions of a scheme.

Section 257B of the *Planning and Development Act 2005* (the Act) apply to all planning schemes throughout Western Australia, and take precedence if there is any inconsistency between existing scheme provisions and the deemed provisions.

Therefore in order to incorporate the deemed provisions, each local government is required to review each planning scheme and identify the clauses that are to be replaced (deleted) or amended by the relevant clause of the deemed provisions. A number of clauses that have not been incorporated into the deemed provisions can also be deleted from local planning schemes as they are governed by sections of the Act.

The Act also provides for supplemental provisions, to the deemed provisions, to be approved by the Minister. These supplemental provisions should be included in a schedule to the scheme (Schedule A). These supplemental provisions are specific to each scheme, and are in addition to the deemed provisions. The supplemental provisions cannot conflict with, or purport to reverse deemed provisions. Generally supplemental provisions will be in regard to Part 3 - Heritage and Clause 61 - Development that does not require development approval.

A marked up version of the proposed amendments to the existing planning scheme is provided at Attachment 1. The amendment report is provided at Attachment 2.

In the interim local governments have been required to strikethrough those parts of existing planning schemes that have been superseded by the deemed provisions, which results in schemes looking untidy and difficult to read.

STATUTORY IMPLICATIONS

Planning and Development Act 2005

Under section 257B of the *Planning and Development Act 2005* (the Act) the deemed provisions apply to all planning schemes throughout Western Australia on the 19 October 2015, and take precedence if there is any inconsistency with existing scheme provisions.

Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations)

Under regulation 34 of the Regulations, the definition of a basic amendment includes an amendment to delete provisions that have been superseded by the deemed provisions in Schedule 2 of the Regulations. The definition also includes amendments to ensure consistency with another Act that applies to the scheme.

A basic amendment to a local planning scheme can be undertaken to remove superseded clauses and resolve any conflicts in remaining provisions.

The process for a basic amendment is contained in Division 4 of the Regulations which in summary, is as follows:

1. the amendment is initiated by the local government;
2. the amendment is referred to the EPA under s. 81 of the Act;
3. the amendment is then forwarded directly to the WAPC for assessment and recommendation to the Minister.

The Department of Planning has advised that as the amendment is administrative in nature, the amendment report should be succinct. Therefore the amendment does not have to reproduce every clause of the scheme word for word but it must clearly articulate the clauses that are being deleted or amended.

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 services

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

RISK IMPLICATIONS

Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

COMMUNITY ENGAGEMENT

No community engagement is required.

Under the *Planning and Development (Local Planning Schemes) Regulations 2015* a basic amendment is not required to be advertised.

COMMENTS

As outlined, the proposed amendment is administrative in nature and will assist in the reading and administration of the scheme, until such time as it is replaced by Local Planning Scheme No. 9, by removing any provisions that are replaced by the deemed provisions, and resolving any provisions that are in conflict with the deemed provisions.

Under the Regulations a resolution to prepare or adopt an amendment to a local planning scheme must be in a form approved by the WAPC, and must:

- (a) specify whether, in the opinion of the local government, the amendment is a complex, standard, or basic amendment; and
- (b) include an explanation of the reason for the local government forming that opinion.

The amendment report has been drafted using the template provided by the Department of Planning for the specific purpose of incorporating the deemed provisions. Therefore the report and the Officer's Recommendation have been prepared in a form approved by the WAPC, and the amendment report specifies that it is a basic amendment.

ATTACHMENTS

Attachment 1 - Marked up changes to TPS 6

Attachment 2 - Amendment Report - Amendment No. 20 to TPS 6

[GO TO CONTENTS PAGE](#)

SHIRE OF WYNDHAM-EAST KIMBERLEY

TOWN PLANNING SCHEME NO. 6 WYNDHAM TOWNSITE

Updated to include amd 15 gg 13/6/06

DISCLAIMER

This is a copy of the Town Planning Scheme produced from an electronic version of the Scheme held and maintained by the Department of Planning. Whilst all care has been taken to accurately portray the current Scheme provisions, no responsibility shall be taken for any omissions or errors in this documentation.

Consultation with the respective Local Government Authority should be made to view a legal version of the Scheme.

Please advise the Department of Planning of any errors or omissions in this document.

Prepared by the Department of Planning

Original Town Planning Scheme Gazettal Date: 21 January 1994

SHIRE OF WYNDHAM EAST KIMBERLEY

TOWN PLANNING SCHEME NO 6

WYNDHAM TOWNSITE

The Wyndham East Kimberley Shire Council, under and by virtue of the powers conferred upon it by the *Town Planning and Development Act, 1928* (as amended) hereinafter referred to as The Act, hereby makes the following Town Planning Scheme for the purposes laid down in The Act.

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PART I - PRELIMINARY

1.1 CITATION

This Town Planning Scheme may be cited as the **Shire of Wyndham - East Kimberley Town Planning Scheme No 6 - Wyndham**, hereinafter called 'the Scheme' and shall come into operation on the publication of the Scheme in the Government Gazette.

1.2 RESPONSIBLE AUTHORITY

The Authority responsible for implementing the Scheme is the Council of the **Shire of Wyndham - East Kimberley** hereinafter called '**the Council**'.

1.3 SCHEME AREA

The Scheme applies to part of the **Shire of Wyndham - East Kimberley** as shown on the Scheme Map by the Broken black border and which area is hereinafter called the **Scheme Area**.

1.4 REVOCATION OF PREVIOUS SCHEME

The Shire of Wyndham-East Kimberley Town Planning Scheme No 5 - Wyndham, which was published in the Government Gazette on the Twelfth day of October, 1984 and amended from time to time, is hereby revoked.

1.5 CONTENTS OF SCHEME

The Scheme comprises:

- (a) The Scheme Text
- (b) The Scheme Maps
- (c) The Policy Statements - which form part of the Scheme Review Report.

1.6 ARRANGEMENT OF SCHEME TEXT

The Scheme Text is divided into the following parts:-

Part I	Preliminary
Part II	Reserves
Part III	Zones and Policies
Part IV	Non-Conforming Uses
Part V	Development Requirements
Part VI	Amenity Control
Part VII	Car Parking
Part VIII	Control of Advertising
Part IX	Conservation and/or Preservation of Places of Heritage Value
Part X	Planning Consent
Part XI	Administration

1.7 SCHEME OBJECTIVES

The broad objectives of the Scheme are as follows:

- a) to set aside land for the continued development of the town in areas appropriate for urban development.
- b) to limit the development of land considered inappropriate for urban uses because of the adverse effects of inundation and other physical constraints.
- c) to reserve land for public purposes.

- d) to zone the balance of the land within the Scheme Area for various purposes described in the Scheme.
- e) to provide development policies and controls for the purpose of securing land, maintaining an orderly and properly planned use and development of land within the Scheme Area.
- f) to set policies for the preservation of sites and places of historic and heritage value.

1.8 INTERPRETATIONS

- 1.8.1 Except as provided in **Clause 1.8.2** and **1.8.3** the words and expressions of the Scheme have their normal and common meaning.
- 1.8.2 In the Scheme unless the context otherwise requires, or unless it is otherwise provided herein, words and expressions have the respective meanings given to them in **Appendix 1, Planning and Development (Local Planning Schemes) Regulations 2015 - deemed provisions** and the **Residential Planning Design Codes**.
- 1.8.3 Where a word or term is defined in the **Residential Planning Design Codes** then notwithstanding anything else in the Scheme that word or term when used in respect of residential development has the meaning given to it in the **Residential Planning Design Codes**.

PART II - RESERVES

2.1 SCHEME RESERVES

The lands shown as Scheme Reserves on the Scheme Map, hereinafter called '**Reserves**' are lands reserved under the Scheme for the purposes shown on the Scheme Map and are listed hereunder:-

Major Road
Public Purposes (as marked)
Parks and Recreation

~~2.2 MATTERS TO BE CONSIDERED BY COUNCIL~~

~~Where an application for Development Approval Planning Consent is made with respect to land within a Reserve, the Council shall have regard to the ultimate purposes intended for the Reserve and the Council shall, in the case of land reserved for the purposes of a Public Authority, confer with that Authority before granting its consent.~~

~~2.3 COMPENSATION~~

~~2.3.1 Where the Council refuses Planning Consent for the development of a Reserve on the ground that the land is reserved for the purposes shown on the Scheme Map, or grants consent subject to conditions that are unacceptable to the applicant the owner of the land may, if the land is injuriously affected thereby, claim compensation for such injurious affection.~~

~~2.3.2 Claims for such compensation shall be lodged at the office of the Council not later than **six months** after the date of the decision of the Council refusing Planning Consent or granting it subject to conditions that are unacceptable to the applicant.~~

~~2.3.3 In lieu of paying compensation the Council may purchase the land affected by such decision of the Council at a price representing the unaffected value of the land at the time of refusal of Planning Consent or of the grant of consent subject to conditions that are unacceptable to the applicant.~~

PART III - ZONES AND POLICIES

3.1 ZONES AND POLICY STATEMENTS

The Scheme Area is divided into Zones and Policy Areas. Each Policy Area is the subject of a Policy Statement relating to the predominant use and strategy for future development of that Policy Area.

3.2 ZONES

3.2.1 Creation of Zones

There are hereby created the zones set out hereunder:-

Town Centre Zone
Residential Zone
Industrial Zone
Rural/Pastoral Zone
Special Rural Zone
Special Site Zone (as marked)
Settlement Zone AMD 15 GG 13/6/06

These **Zones** and the development provisions relating to them shall be read in conjunction with the **Policy Statements** as adopted by the Council pursuant to this Part.

The zones are delineated and depicted on the **Scheme Map** according to the legend thereon.

3.2.2 Zoning Table

The Zoning Table indicates, subject to the provisions of the Scheme, the several uses permitted in the Scheme Area in the various zones, such uses being determined by cross reference between the list of **Use Classes** on the left hand side of the **Table 1** and the list of **Zones** at the top of the Zoning Table.

The symbols used in the cross reference in the **Zoning Table** have the following means:

- 'P' means that the use is permitted provided it complies with the relevant standards and requirements laid down in the Scheme and all conditions (if any) imposed by the Council in granting **Development Approval Planning Consent**;
- 'IP' means a use that is not permitted unless such use is incidental to the predominant use of the land as determined by the Council;
- 'AA' means that the Council may, at its discretion, permit the use;
- 'SA' means that the Council may, at its discretion, permit the use after notice of application has been given in accordance with **Clause 64 of the deemed provisions 10.2**.

3.2.3 Where no symbol appears in the cross reference of a use class against a Zone in the Zoning Table a use of that class is not permitted in that Zone.

3.2.4 Where in the Zoning Table a particular use is mentioned it is deemed to be excluded from any other use class which by its more general terms might otherwise include such particular use.

TABLE I - ZONING

KEY TO COLUMNS

- | | |
|------------------|-------------------|
| 1. TOWN CENTRE | 5. RURAL/PASTORAL |
| 2. RESIDENTIAL | 6. SPECIAL SITE |
| 3. INDUSTRIAL | 7. SETTLEMENT |
| 4. SPECIAL RURAL | AMD 15 GG 13/6/06 |

USE CLASSES	ZONES						
	1	2	3	4	5	6	7
Commercial							
Amusement Facility	AA						PREDOMINANT USES TO BE LIMITED TO THOSE SPECIFICALLY MARKED ON THE SCHEME MAP. PREDOMINANT USES TO BE LIMITED TO THOSE INCLUDED IN A COMMUNITY LAYOUT PLAN ENDORSED BY THE COMMUNITY < THE COUNCIL AND THE WA PLANNING COMMISSION
Car Park	P	AA	P	AA	AA		
Dry Cleaning Premises	AA		P				
Fast Food Outlet	P						
Funeral Parlour	SA		AA				
Health Studio	AA		AA				
Home Occupation	AA	AA	AA	AA	AA		
Hotel	AA						
Laundromat	AA		P				
Motel	AA						
Night Club	AA						
Motor Vehicle or Marine Sales Premises	AA		P				
Motor Vehicle Hire	AA		P				
Office	P	AA	IP	IP	IP		
Office - Professional	P						
Reception Centre	P						
Restricted Premises	AA		AA				
Restaurant	P						
Service Station	SA		AA				
Shop	P	SA	AA				
Showroom	P		P				
Tavern	AA						
Warehouse	AA		P				
Residential							
Single House	AA	P		P	P		
Grouped Dwelling	P	AA					
Multiple Dwelling	P	AA					
Ancillary Dwelling Aged and Dependent Persons Dwelling	AA	P AA					
Caretaker's Dwelling	IP		IP	IP	IP		
Residential Building	AA	AA					

TABLE I - ZONING (Continued)

KEY TO COLUMNS

- | | |
|------------------|-------------------|
| 1. TOWN CENTRE | 5. RURAL/PASTORAL |
| 2. RESIDENTIAL | 6. SPECIAL SITE |
| 3. INDUSTRIAL | 7. SETTLEMENT |
| 4. SPECIAL RURAL | |

USE CLASSES	ZONES						
	1	2	3	4	5	6	7
Community							
Civic Building	P	AA					
Club Premises	AA		SA	AA	AA		
Consulting Rooms	P	SA	SA	AA			
Day Care Centre	P	SA		SA			
Educational Establishment	P		AA				
Fire Brigade Depot	P		P	P			
Hospital	SA	SA					
Kennels/Cattery			AA	SA	SA		
Kindergarten	P	SA					
Medical Centre	P	SA					
Public Utility	P	P	P	P	P		
Public Worship	P	SA					
Radio & TV Installation	SA	P	AA	AA	AA		
Veterinary Consulting Rooms or Hospital	SA		AA		AA		
Industrial							
Fuel Depot			P				
Industry - General			P				
Industry - Light	SA		P				
Industry - Service	SA		P				
Industry - Extractive					SA		
Industry - Hazardous			SA				
Industry - Cottage	AA	AA	AA	AA	AA		
Motor Vehicle Repair	SA		P				
Motor Wrecking			AA				
Salvage yard			P				
Transport Depot			P				
Recreation							
Equestrian Centre				P	P		
Private Recreation	AA		SA	AA	AA		

PREDOMINANT USES TO BE LIMITED TO THOSE SPECIFICALLY MARKED ON THE SCHEME MAP.

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

TABLE I – ZONING (Continued)

KEY TO COLUMNS

- | | |
|------------------|-------------------|
| 1. TOWN CENTRE | 5. RURAL/PASTORAL |
| 2. RESIDENTIAL | 6. SPECIAL SITE |
| 3. INDUSTRIAL | 7. SETTLEMENT |
| 4. SPECIAL RURAL | |

USE CLASSES	ZONES						
	1	2	3	4	5	6	7
Recreation (Cont'd)							
Public Amusement	AA						
Public Recreation	P	P	P	P	P		
Rural							
Rural Pursuit				P	P		
Stables				P	AA		

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

- 3.2.5 If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use classes the Council may:
- (a) determine that the use is not consistent with the objectives and purpose of the Policy Statement and particular zone and is therefore not permitted,
 - or**
 - (b) determine by absolute majority that the proposed use may be consistent with the objectives and purposes of the Policy Statement and Zones and thereafter follow the advertising procedures of **Clause 10.2 Part 8 of the deemed provisions** in considering an Application for **Development Approval Planning Consent**.

3.3 POLICIES

3.3.1 Power to Make Policies

~~In order to achieve the objectives of the Scheme, the Council may make Town Planning Scheme Policies relating to parts or all of the Scheme Area and relating to one or more of the aspects of the control of development.~~

~~The Policy Statements in the Scheme Review Report shall be deemed to be the Policy Statements prepared pursuant to this section.~~

3.3.2 Procedure of Policy Making

~~A Town Planning Scheme Policy shall become operative only after the following procedures have been completed:~~

- ~~a) The Council having prepared and resolved to adopt a draft Town Planning Scheme Policy, shall advertise a summary of the draft Policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the draft Policy may be inspected, in what form, and during what period (being not less than 21 days) representations may be made to the Council;~~
- ~~b) The Council shall review its draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the draft Policy with or without amendment, or not proceed with the draft Policy;~~
- ~~e) Following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the Scheme documents for inspection during normal office hours.~~

3.3.3 Policy Amendment

~~A Town Planning Scheme Policy may only be altered or rescinded by:~~

- ~~a) preparation and final adoption of a new Policy pursuant to this Clause, specifically worded to supersede an existing Policy.~~
- ~~b) publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.~~

3.3.4 The Scheme Shall Prevail

~~A Town Planning Scheme Policy shall not bind the Council in the respect of any Application for Planning Consent but the Council shall take into account the provisions of the Policy and Objectives which the Policy was designed to achieve before making its decision.~~

3.3.5 Policy Statements Shall be Consistent with the Scheme

~~The Policy Statements prepared pursuant to this Part shall be consistent with the intent of the Objectives, Zones and general provisions of the Scheme.~~

PART IV - NON-CONFORMING USES

4.1 NON-CONFORMING USE RIGHTS

No provision of the Scheme shall prevent:

- (a) the continued use of any land or building for the purpose for which it was being lawfully used at the time of coming into force of the Scheme;
- or**
- (b) the carrying out of any development thereon for which, immediately prior to that time, a permit or permits, lawfully required to authorise the development to be carried out, were duly obtained and are current.

4.2 EXTENSION OF NON-CONFORMING USE

A person shall not alter or extend a non-conforming use or erect alter or extend a building used in conjunction with a non-conforming use without first having applied for and obtained the **Development Approval Planning Consent** of the Council under the Scheme and unless in conformity with any other provisions and requirements contained in the Scheme.

4.3 CHANGE OF NON-CONFORMING USE

Notwithstanding anything contained in the Zoning Table the Council may grant its **Development Approval Planning Consent** to the change of use of any land from a non-conforming use to another use if the proposed use is, in the opinion of the Council, less detrimental to the amenity of the locality than the non-conforming use and is, in the opinion of the Council, closer to the intended uses of the zone or reserve.

4.4 DISCONTINUANCE OF NON-CONFORMING USE

- 4.4.1 When a non-conforming use of any land or building has been discontinued for a period of **six months** or more such land or building shall not thereafter be used otherwise than in conformity with the provisions of the Scheme.
- 4.4.2 The Council may effect the discontinuance of a non-conforming use by the purchase of the affected property, or by the payment of compensation to the owner or the occupier or to both the owner and the occupier of that property, and may enter into an agreement with the owner for that purpose.

4.5 DESTRUCTION OF BUILDINGS

If any building is, at the gazettal date, being used for a non-conforming use, and is subsequently destroyed or damaged to an extent of **75 percent** or more of its value the land on which the building is built shall not thereafter be used otherwise than in conformity with the Scheme, and the buildings shall not be repaired or rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner or position not permitted by the Scheme.

PART V - DEVELOPMENT REQUIREMENTS

5.1 ~~DEVELOPMENT OF LAND~~

5.1.1 ~~Subject to Clause 5.12 a person shall not commence or carry out development of land zoned or reserved under the Scheme without first having applied for and obtained the Planning Consent of the Council under the Scheme.~~

5.1.2 ~~The Planning Consent of the Council is not required for the following development of land:~~

a) ~~the use of land in a Reserve, where such land is held by the Council or vested in a public authority;~~

~~(i) for the purpose for which the land is reserved under the Scheme;~~

~~or~~

~~(ii) in the case of land vested in a public authority, for any purpose for which such land may be lawfully used by that authority.~~

b) ~~the carrying out of any works on, in, over or under a street or road by a public authority acting pursuant to the provisions of any Act;~~

c) ~~the carrying out of any works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building;~~

d) ~~the carrying out of works urgently necessary in the public safety or for the safety or security of plant or equipment or for the maintenance of essential services;~~

e) ~~the erection of a boundary fence as otherwise required by the Scheme;~~

f) ~~the erection on a lot of a single dwelling house, including the ancillary outbuildings, in a zone where the proposed use is designated with the symbol 'P' in the cross-reference to that zone in the zoning table;~~

g) ~~the erection of an outbuilding of an area less than 60m².~~

5.2 LAND SUBJECT TO INUNDATION

A building, except with the approval of Council, shall not be constructed upon any land within an area considered by Council as being liable to flooding.

On approving any building within the Scheme Area, the Council may set minimum levels for any floor or appurtenant area of the building.

5.3 DISCRETION TO MODIFY DEVELOPMENT STANDARDS

If a development, other than a residential development, the subject of an application for ~~Development Approval~~ ~~Planning Consent~~, does not comply with a standard or requirement prescribed by the Scheme with respect to that development the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.

The power conferred by this Clause may only be exercised if the Council is satisfied that:

a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and preservation of the amenities of the locality;

b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality;

and

- c) the spirit and purpose of the requirement or standard will not be unreasonably departed from thereby.

5.4 RESIDENTIAL DEVELOPMENT : RESIDENTIAL **PLANNING DESIGN** CODES

~~5.4.1 For the purpose of this Scheme ' Residential Planning Codes' means the Residential Planning Codes set out in Appendix 2 to the Statement of Planning Policy No. 1, together with any amendments thereto.~~

- 5.4.2 A copy of the Residential **Planning Design** Codes as amended, shall be kept and made available for public inspection at the offices of the Council.

~~5.4.3 In the event of their being any inconsistency between the Residential Planning Codes identified by Clauses 5.4.1 and 5.4.2, the provisions in the document identified in **Clause 5.4.1** shall prevail.~~

- 5.4.4 Unless otherwise provided for in the Scheme the development of land for any of the residential purposes dealt with by the Residential **Planning Design** Codes shall conform to the provisions of those codes and the schedules to those codes.

- 5.4.5 The Residential Coding of the land shall be in accordance with that shown on the Scheme Map (as bordered).

- 5.4.6 Any Application for **Development Approval Planning Consent** of any residential building other than a single dwelling shall be accompanied by a plan showing the proposed landscaping on site.

The landscape plan shall show:

- a) the location and general nature of planted areas;
- b) the location and nature of materials to be used on non-planted areas;
- c) the location and size of any outbuildings or other minor proposed structures.

The applicant shall commence the implementation of the approved landscape plan within **six calendar months** of the completion of all other approved works and shall complete the works no later than **six calendar months** following approval to occupy any building.

5.5 RESIDENTIAL ZONE

5.5.1 Objectives

The Council's objectives are:

- a) for the allocation and density coding of the Residential zone throughout the Scheme Area to be designed to provide for the development of the Scheme Area in such a way as will:-
 - 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 choice sites;
 - ii) promote and safeguard health, safety, convenience, the general public welfare and the amenity of the residential areas.
- b) Notwithstanding that a proposed development conforms in all other respects with the requirements of the Scheme, Council may at its discretion refuse to grant approval if in its opinion such development would by its siting or construction result in significant deterioration of the amenity or landscape quality of the town.

5.5.2 Structure Plan

It is the intention of the Council to ensure that the subdivision and development of land within the future residential areas as shown on the Policy Map takes place only after comprehensive planning ensures the maximum possible benefits of urban design and servicing.

~~In this regard the Council, before supporting or approving any proposal for rezoning, subdivision or development of any land within the future residential areas, shall require the preparation of a Structure Plan for the whole of the area or for any particular part or parts as considered appropriate by the Council.~~

~~For residential zoned land, subdivision of the land and development shall have due regard to be approved in accordance with the adopted a Structure Plan approved by the Western Australian Planning Commission providing the land is zoned Residential in accordance with part 4 of the deemed provisions.~~

~~5.5.3 The Structure Plan shall show:~~

- ~~i) the topography of the area,~~
- ~~ii) existing road system,~~
- ~~iii) location and standards of any future roads,~~
- ~~iv) location of shopping, community amenities and recreation areas,~~
- ~~v) proposed population and residential densities,~~
- ~~vi) existing and proposed services,~~
- ~~vii) staging of the development,~~
- ~~viii) any other information as shall be requested by the Council.~~

5.6 TOWN CENTRE ZONE

5.6.1 Objectives

The Council's objectives for controlling development within the Town Centre Zone are:

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

5.6.2 Upper Floors

Where the ground floor of a two-storey building is used for the purposes of commerce, the upper floors of such building may be used for such purposes as may be permitted by Council and may include shops, offices or residential development.

Residential uses in such circumstances are to be confined to upper storey only.

5.6.3 Site Coverage

The site coverage of up to 200% may be permitted subject to the satisfaction of the Council on matters relating to access, car parking, rear access and loading docks and any other matters the Council shall consider relevant.

5.6.4 Conditions and Standards

The development conditions and standards shall be in accordance with **Table 2**.

TABLE 2 TOWN CENTRE ZONE - SITE REQUIREMENTS

Land Use	Min. Lot Area	Min. Frontage	Min. Setbacks	
	(m ²)	(metres)	Front	Rear
Church	1500	30	9	6
Clinic	850	20	9	6
Consulting Rooms	250	6	0	6
Hall	2000	30	9	6
Hotel	5000	50	10	10
Motel	2500	40	10	10
Residential Building	1000	25	6	6
Office	250	6	0	6
Service Industry	1000	25	0	9
Service Station	1500	40	10	10
Petrol Filling Station	1500	40	10	10
Shop	250	6	0	6
Showroom	250	6	0	0
Tavern	2000	25	0	9
Warehouse	250	10	6	9

**On a corner lot frontage may comprise that length facing either street.*

**Side setbacks shall be in accordance with the provisions of the Building Code of Australia*

5.6.5 Loading and Unloading

Where areas for the loading and unloading of vehicles carrying goods and commodities to and from the premises are to be provided they shall be constructed and maintained in accordance with an approved plan relating thereto.

5.6.6 Residential Development in the Town Centre Zone

Residential development within the Town Centre Zone may be permitted in accordance with the provisions of the R50 code.

5.7 INDUSTRIAL ZONE

5.7.1 Objective

The Council's objective is to contain industrial uses and development in specific areas.

The port area is specifically set aside for the use and development of activities related to bulk storage, cargo handling, and any other industry applicable to the area.

The industry zone shall be designated to accommodate smaller industries such as localised general, light industry and service trades uses where there is the maximum benefit and access by the public and the minimum detrimental effect to the residential area and the town centre precinct.

5.7.2 Development Standards

Development and site requirements shall be in accordance with the following provisions:

TABLE 3 - INDUSTRIAL ZONE						
Zone	Min. Lot Area	Effective Frontage	Building Setbacks			Maximum Site Coverage
			Front	Side	Rear	
Port Industry	-	-	-	-	-	-
Industry	1000m ²	15m	9m ¹	5m ²	7.5m	75%

¹ Front Setbacks

In the case of a service trade or industry in the Town Centre Zone, where there is proposed a shop front, the Council may approve a front setback of zero.

² Side Setbacks

- a) 5 metres on any one side to permit access to the rear of the lot.
- b) a minimum of 1.2 metres on any other side,
- or**
- c) depending upon the building height and material as prescribed in the Building Code of Australia
- or**
- d) zero in the case of a parapet wall with a satisfactory fire rating in accordance with the Building Code of Australia.

5.7.3 Factory Unit Development

The development of factory tenement buildings, for the purpose of providing multiple factory units in one lot, shall not be permitted unless the following requirements are complied with:

- i) no factory unit shall have a floor area of less than 100m²;
- ii) each factory unit shall have a service yard appurtenant to it which shall be a minimum of 50% of the unit floor area;
- iii) access to the office attached to the factory unit and the major access to the unit itself shall not be through the service yard;
- iv) off street parking may be provided as an overall area on site and shall provide for all employees with a minimum staff parking requirement of four bays per unit;
- v) Customer parking shall be provided as an additional figure of one bay per unit.

5.7.4 Residential Uses in the Industrial Zone

Council may permit the development and occupancy of a single house upon a lot for the purposes of caretaker's dwelling for security and management providing the occupants of that residential unit are directly related to the operations of the predominant permitted use.

5.7.5 Landscape Treatment

Where a building is approved upon a lot and is set back from the front boundary of that lot Council shall require the provision of landscape treatment between the frontage of any building and the front boundary.

Such landscape treatment may include a car parking area. Implementation of an

approved landscape plan shall occur within six calendar months of;

- a) the completion of any other approved works,
- or**
- b) the date of occupancy, if occupancy commences prior to the completion of the development.

5.7.6 Storage of Materials

No dumping, storage of waste or materials, or construction, servicing or maintenance shall be carried out between the front building line and the street frontage but shall not prohibit the display of finished goods or goods for sale or ready for delivery.

5.7.7 Loading and Unloading

Areas for loading and unloading of vehicles, particularly road trains, carrying goods and commodities to or from premises shall be provided and maintained in accordance with the approved plan relating thereto.

5.7.8 Vehicle Wrecking

The wrecking or storage of wrecked vehicles or parts thereof shall not be permitted in front of the building setback.

5.7.9 Carports/Pergolas

Council may approve the construction of a carport or pergola or like structure between the building line and the front boundary providing:

- (a) that any such structure remains open sided and not in-filled with any material which would ordinarily prevent the free passage of light and air, but may include lattice, battens or mesh as approved by Council:
- (b) that any activity beneath the structure does not include any industrial use and is only used for car parking, landscaping, display purposes or any other uses the Council may deem fit.

5.7.10 Transient Accommodation

Council may permit the construction and occupation of a Residential Building on an Industrial Zoned lot providing:

- (i) that any occupant is directly related to the business or industrial activity carried out on the lot;
- (ii) that there shall be a limit of seven days of occupation by any such transient worker.

5.8 RURAL/PASTORAL ZONE

5.8.1 Objectives

The Council's objectives for this Zone are:

- a) to maintain the rural character of the land:
- b) to prohibit the use of any land which may be incompatible to the existing uses or which may adversely affect the expansion of the urban area;
- c) to prohibit the erection of any structure other than a fence on the land subject to inundation.

5.8.2 Building Setbacks

Setbacks of buildings shall be in accordance with **Table 4**.

ZONE	TABLE 4 - RURAL ZONES		
	BUILDING SETBACKS (m)		
	Front	Side	Rear
Rural/Pastoral Zone	30	10	10
Special Rural Zone	10	10	10

5.8.3 Transient Accommodation

Council may permit the construction and occupation of a Residential Building on a lot zoned Rural/Pastoral Zone providing:

- (i) that any occupant is directly related to the business or activity carried out on the lot;
- (ii) that in the case of seasonal activity the duration of occupation shall be limited to not more than thirty days without consent of Council.

5.9 SPECIAL RURAL ZONE

5.9.1 Objectives

The Council's objectives for this Zone are:

- a) to provide for the provision of land for people wishing to reside on a small rural holding;
- b) to prohibit the use of any land which may be incompatible to or adversely affect the amenity of the surrounding land uses;
- c) to maintain the rural/residential character of the land.

5.9.2 Building Setbacks

Setbacks of any building shall be in accordance with **Table 4**.

5.9.3 Permitted Uses

Council shall permit development and land uses as specified in **Appendix 2**.

5.10 SPECIAL SITE ZONE

5.10.1 Special Sites Schedule

The Special sites Schedule in **Appendix No 3** shall be in accordance with the Scheme Maps.

5.10.2 Application of Development Standards

Land within the **Special Sites Zone** may be used for the purposes specified on the Scheme Map and the schedule in **Appendix No 3** as applicable to that site and for no other purpose except for a use that Council deems is incidental to the predominant use.

Council may apply such development standards to a proposal as it thinks fit providing such standards are not less than pertaining to similar uses permitted under the Scheme.

5.11 SETTLEMENT ZONE
AMD 15 GG 13/6/06

5.11.1 Objective

The Council's objective for this Zone is to improve the general health, safety and amenity of Aboriginal communities by supporting the preparation, endorsement and implementation of Community Layout Plans.

5.11.2 Preparation and Endorsement of Community Layout Plan
AMD 15 GG 13/6/06

- (a) Council's dealings in regard to communities in the Settlement zone shall be in accordance with Statement of Planning Policy No. 3.2 – Planning for Aboriginal Communities.
- (b) Community Layout Plans may be prepared for either the whole or part of any land within the Settlement Zone. The plans should be prepared in accordance with the Guidelines for the Preparation of Community Layout Plans for Western Australian Aboriginal Communities and with any other relevant State or Commonwealth Government policy.
- (c) A Community Layout Plan may provide for a mix of land uses which may include residential, community, administration, rural, and health, and small business activities for the support and benefit of the community, where these are consistent with improving the residential amenity in the locality;
- (d) The Council shall not consider a layout plan, or any modification to an approved layout plan, unless the affected community has had an opportunity to comment on the contents of the plan or amendments to an approved plan.
- (e) Council shall assess the planning merits of the plan and then resolve to either approve, refuse or approve with any modification(s) that Council considers necessary.

4.11.3 Development Requirements

- (a) Development in the zone is to be consistent with a Community Layout Plan endorsed by the Community, Council and Western Australian Planning Commission;
- (b) Where an endorsed Community Layout Plan is not in place, development is to be assessed using the best information available, which may include draft Community Layout Plans, 'as constructed' drawings or advice from relevant servicing agencies or organisations;
- (c) Essential services and community infrastructure provided in conjunction with development of land within the zone should be consistent with the adopted Community Layout Plan.

PART VI - AMENITY CONTROL

6.1 UNTIDY SITES

To maintain an acceptable standard of amenity the Council may, by written notice as provided for in ~~Clause 11.3 the Act~~ require the owner, occupier, or lessee of any land to undertake such works as may be necessary to restore or upgrade the conditions of that property to a standard commensurate with those generally prevailing in the vicinity.

6.2 VEHICLES, CARAVANS, BOATS AND TRAILERS IN RESIDENTIAL AREAS

Except as hereinafter provided, no person within any lot zoned Residential Zone may without the written approval of the Council:

- a) allow any commercial vehicle or truck to remain or be parked for a period of more than forty eight hours consecutively;
- b) repair, maintain, service or clean a commercial vehicle or truck;
- c) keep, park, repair or store any boat, trailer, caravan or any material not specifically for the immediate use by the occupant in front of the building setback line.

6.3 TRANSPORTABLE HOMES

Council may permit the erection or placement of any new transported, transportable or prefabricated home on a lot providing that the design of the building is to the satisfaction of the Council and in its opinion does not adversely affect the amenity of other properties in the vicinity.

6.4 TEMPORARY ACCOMMODATION

Where a caravan or other temporary accommodation is proposed or used in the establishment of an industry or in any zone or for the accommodation of a seasonal or otherwise temporary workforce, Council may grant approval for the establishment and occupancy of such temporary accommodation for a period not exceeding **three calendar months**.

Extensions to this period may be granted where the applicant can show cause, to the satisfaction of the Council why such extension of a similar period should be granted.

Occupancy of such temporary accommodation shall only be permitted to persons directly engaged in the development or industry or development of that lot upon which the accommodation standards or in employment related to the industry specified on an Application for ~~Development Approval Planning Consent~~ as approved by Council in accordance with **Part 9 of the deemed provisions Clause 10.3**.

6.5 DERELICT VEHICLES

Council shall not permit the storage and/or wrecking of any vehicle on any street verge or on any lot between the front boundary and the front setback line within any Zone.

6.6 HOME OCCUPATION/COTTAGE INDUSTRIES

6.6.1 Council shall not permit any Home Occupation or Cottage Industry unless:

- a) ~~Development Approval Planning consent~~ is granted in accordance with ~~Part X of the Scheme part 9 of the deemed provisions~~. The Council may limit the period of validity of a permitted Cottage Industry and shall review the register from time to time as the Council deems fit;
- b) the applicant provides the following information;
 - i) location of the home occupation/industry;

- ii) the area of the floor space to be devoted to the activity;
- iii) the times and conditions of the operation;

iv) demonstrate that there is a demand for the goods and services.

6.6.2 Nothing in the Scheme shall prevent the Council from implementing any by-law which it may amend from time to time to control any home occupation or cottage industry and where any conflict between those by-laws and this Scheme the by-laws shall prevail.

6.7 OUTBUILDINGS

No outbuilding exceeding 60m² in area shall be erected on any lot without the consent of the Council in accordance with ~~Part X~~ **part 7 of the deemed provisions**, and:

a) no part of any outbuilding shall be within 0.75 metres of any side or rear boundary;

or

b) as required under the Residential **Planning Design** Codes (as amended), and;

c) any additional setback as required by any servicing authority and;

d) as otherwise stated in any other part of the Scheme.

6.8 REAR ACCESS AND LOADING DOCKS

When considering any application for **Development Approval Planning Consent** the Council shall have regard to and may require the provision of loading docks and/or rear access. In particular, the Council may impose conditions concerning:

a) the size of loading docks;

b) the means of providing rear access of adequate width and design so as to ensure that transport vehicles shall be able to proceed in a forward direction.

PART VII - CAR PARKING

7.1 CAR PARKING REQUIREMENTS

Any person shall not develop or use land or erect, use or adapt any building for any purpose unless car parking spaces of the number specified in **Appendix 4** are constructed and maintained in accordance with the provisions of the Scheme.

Where an application is made for **Development Approval Planning Consent** and the purposes for which the land or building is to be used is not specified in **Appendix 4** the Council shall determine the number of car parking spaces to be provided on the land having regard to the nature of the proposed development, the number of employees likely to be on the site, the prevention of the obstruction of roads and streets, and the orderly and proper planning of the locality and the preservation of its amenities.

7.2 CONDITIONS OF DEVELOPMENT APPROVAL PLANNING CONSENT

When considering an application for **Development Approval Planning Consent** the Council shall have regard to, and may impose conditions on the number and location of the car parking spaces to be provided.

In particular the Council shall have regard to:-

- a) the means of access to each parking space,
- b) the location of the spaces on the site and their affect upon the amenity of any adjoining properties,
- c) the extent to which the spaces are located within the building setback areas,
- d) the location of the spaces other than on the lot if such spaces are to be provided in conjunction with a public car park,
- e) the location of the proposed public footpaths, vehicular crossings, and the effect of both pedestrian and vehicular traffic movements and safety.

7.3 OFF STREET PARKING

Where public off street parking facilities are located or are proposed to be located in the near vicinity of land or building being the subject of an application for **Development Approval Planning Consent** the Council may approve such application notwithstanding that the required number of car parking spaces are not to be provided on site subject to:

- a) the Council being satisfied that off street parking facilities are sufficient to cater for the requirements of the land or buildings,
- b) the applicant entering into an agreement with the Council to pay for the cost of providing and maintaining the required number of spaces as required.

7.4 SHARED OR COMBINED PARKING

Where the number of car parking spaces proposed to be provided on land or in a building is subject to an application for Planning consent is less than the number required to be provided pursuant to the Scheme, the Council may approve the application if it can be demonstrated that off street parking facilities in the near vicinity are available to cater for the requirements of the proposal and that arrangements to the satisfaction of the Council have been made to enable those facilities to be used for that purpose.

7.5 STANDARDS

The dimensions of car parking spaces, parking angles, driveway widths and landscaping details shall be in accordance with **Appendix 4**.

The Council may vary the dimensions specified:

- (a) by up to 10% where obstructions, site dimensions or topography result in the loss of a car parking space in any run of car parking spaces.
- (b) when the provisions of a car parking space dimensions are enlarged to accommodate wider vehicles. In such cases the area set aside shall not be less than if the standards specified in **Appendix 4** where applied.

7.6 LANDSCAPING, CONSTRUCTION AND MAINTENANCE

The owner or occupier of premises on which car parking spaces are provided shall ensure that the parking area is landscaped with shade trees, the car parking is laid out, drained and maintained in accordance with the approved plan relating thereto.

7.7 TOWN CENTRE ZONE

In the Town Centre Zone, if the Council is satisfied that adequate constructed car parking is to be provided in close proximity to a proposed development, notwithstanding the provisions of **Appendix 4** it may accept a cash payment in lieu of the provision of car parking spaces but subject to the following requirements:-

- a) a cash-in-lieu payment shall not be less than the estimated cost to the owner of providing and constructing the parking spaces required by the Scheme, plus the value, as estimated by the Valuer General of Western Australia, of that area of land which would have been occupied by the parking spaces;
- b) before the Council agrees to accept a cash payment in-lieu of parking spaces, the Council must have already provided a public car park nearby, or must have firm proposals for providing a public car park within a period of not more than **eighteen months** from the time of agreeing to accept the cash payment;
- c) payments made under this Clause shall be paid into a special fund to be used to provide public car parks in the near vicinity.

PART VIII – CONTROL OF ADVERTISING

8.1 – POWER TO CONTROL ADVERTISEMENTS

~~8.1.1. For the purpose of this Scheme, the erection, placement and display of advertisements and the use of land or buildings for that purpose is development within the definition of the Act requiring, except as otherwise provided, the prior approval of the Council. Such Planning consent is required in addition to any licence pursuant to Council's Signs and Hoarding and Bill Posting Bylaws.~~

~~8.1.2. Applications for Council's Consent to this Part shall be submitted in accordance with the provisions of **Part X** of the Scheme and shall be accompanied by a completed **Additional Information Sheet** in the form set out at **Appendix 5** giving details of the advertisement(s) to be erected, placed or displayed on the land.~~

8.2 – EXISTING ADVERTISEMENTS

~~Advertisements which:~~

~~(a) — Were lawfully erected, placed or displayed prior to the approval of this Scheme~~
~~or~~

~~(b) — May be erected, placed or displayed pursuant to a license or other approval granted by the Council prior to the approval of this Scheme, hereinafter in this Part referred to as existing advertisements;~~

~~May, except as otherwise provided, continue to be displayed or be erected and displayed in accordance with the license or approval as appropriate.~~

8.3 – CONSIDERATION OF APPLICATIONS

~~Without limiting the generality of the matters which may be taken into account when making a decision upon an application for approval to erect, place or display an advertisement, Council shall examine each such application in the light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed including its historic or landscape significance and traffic safety, and the amenity of adjacent areas which may be affected.~~

8.4 – EXEMPTIONS FROM THE REQUIREMENT TO OBTAIN CONSENT

~~Subject to the provisions of the Main Roads (Control of Signs) Regulations 1983 and notwithstanding the provisions of **Clause 8.1.1**, the Council's prior consent is not required in respect of those advertisements listed in **Table 5** which for the purpose of this Part are referred to as 'exempted advertisements'.~~

~~The exemptions listed in **Table 5** do not apply to buildings, conservation areas or landscape protection zones which are either:~~

~~i) — listed by the Heritage Council;~~

~~ii) — listed on the register of the National Estate;~~

~~iii) — included in the local authority town planning scheme because of their heritage or landscape value.~~

8.5 – DISCONTINUANCE

~~Notwithstanding the Scheme objectives and **Clause 8.4**, where the Council can demonstrate exceptional circumstances which cause an exempted or existing advertisement to seriously conflict with the objectives of this Part, it may by notice in writing (giving clear reasons) require the advertiser to remove, relocate, adapt or otherwise modify the advertisement within a period of~~

time specified in the notice.

8.6 DERELICT OR POORLY MAINTAINED SIGNS

Where, in the opinion of the Council, an advertisement has been permitted to deteriorate to a point where it conflicts with the objectives of the Scheme or it ceases to be effective for the purpose for which it was erected or displayed, Council may by notice in writing require the advertiser to:

a) ~~repair, repaint or otherwise restore the advertisement to a standard specified by Council in the notice,~~

or

b) ~~remove the advertisement.~~

8.7 NOTICES

8.7.1 ~~'The advertiser' shall be interpreted as any one or any group comprised of the owner, occupier, licensee.~~

8.7.2 ~~Any notice served in exceptional circumstances pursuant to **Clause 8.5** or pursuant to **Clause 8.6** shall be served upon the advertiser and shall specify:~~

(i) ~~the advertisement(s) the subject of the notice,~~

(ii) ~~full details of the action or alternative courses of action to be taken by the advertiser to comply with the notice,~~

iii) ~~the period, not being less than 60 days, within which the action specified shall be completed by the advertiser.~~

8.7.3 ~~Any person upon whom a notice is served pursuant to this Part may, within a period of 60 days from the date of the notice, appeal to the Hon. Minister for Planning or the **Town Planning Appeal Tribunal** in accordance with **Part V** of the **Act**, and where any such appeal is lodged the effect of the notice shall be suspended until the decision to uphold, quash or vary the notice is known and shall thereafter have effect according to that decision.~~

8.8 SCHEME TO PREVAIL

Where the provisions of this **Part** are found to be at variance with the provisions of the Council's Signs, Hoarding and Bill Posting Bylaws, the provisions of the Scheme shall prevail.

8.9 ENFORCEMENT AND PENALTIES

The offences and penalties provisions specified in Clause 11.2 apply to the advertiser in this **Part**.

TABLE 5 - EXEMPTED ADVERTISEMENTS PURSUANT TO CLAUSE 61(1)(m)

LAND USE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT	EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGN
Dwellings	One professional name-plate as appropriate.	0.2m ²
Home Occupation	One advertisement describing the nature of the home occupation.	0.2m ²
Places of Worship, Meeting Halls and Places of Public Assembly.	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m ²
Cinemas, Theatres and Drive-in Theatres.	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed 5m ²
Shops, Showrooms and other uses appropriate to a Shopping Area.	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to a compliance with the requirements of the Signs, Hoarding and Bill Posting Bylaws.	Not Applicable
Industrial and Warehouse Premises.	<p>A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building.</p> <p>A maximum of two free-standing advertisement signs not exceeding 5m in height above ground level.</p>	<p>Total area of any such advertisements shall not exceed 15m²</p> <p>Maximum permissible total area shall not exceed 10m² and individual advertisement signs shall not exceed 6m².</p>
Showroom, race courses, major racing tracks, sports stadia, major sporting grounds and complexes.	All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned, either from other private land or from public places and streets.	N/A
Public Places and Reserves.	<p>a) Advertisement signs (illuminated and non-illuminated) relating to the functions of Government, a public authority or Council of a municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and</p> <p>b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the Council of a municipality, and</p> <p>c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p>
Railway Property and Reserves.	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station.	No sign shall exceed 2m ² in area.
Advertisements within Buildings.	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	N/A

**TABLE 5 - EXEMPTED ADVERTISEMENTS PURSUANT TO
CLAUSE 61(1)(m) (Continued)**

LAND USE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT	EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGN
All classes of buildings other than single family dwellings.	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m ²
TEMPORARY SIGNS	EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGN
<p>Building Construction Sites (advertisement signs displayed only for the duration of the construction as follows:</p> <p>i) Dwellings</p> <p>ii) Multiple Dwellings, Shops Commercial & Industrial projects.</p> <p>iii) Large development or redevelopment projects involving shopping centres, office or other buildings exceeding 3 storeys in height.</p>	<p>One advertisement per street frontage containing details of the project and the contractors undertaking the construction work.</p> <p>One sign as for (i) above.</p> <p>One sign as for (i) above..</p> <p>One additional sign showing the name of the project builder</p>	<p>2m²</p> <p>5m²</p> <p>10m²</p> <p>5m²</p>
Sales of Goods or Livestock.	One sign per lot displayed for a period not exceeding 3 months advertising the sale of goods or livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose.	2m ²
<p>Property Transactions.</p> <p>Advertisement signs displayed for the duration of a period over which property transactions are offered and negotiated as follows:</p> <p>a) Dwellings</p> <p>b) Multiple dwellings, shops Commercial & Industrial Properties.</p> <p>c) Large properties comprised of shopping centres, buildings in excess of four storeys and rural properties in excess of 5ha.</p>	<p>One sign per street frontage for each property relating to the sale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed.</p> <p>One sign as for (a) above.</p> <p>One sign as for (a) above.</p>	<p>Each sign shall not exceed an area of 2m².</p> <p>Each sign shall not exceed an area of 5m².</p> <p>Each sign shall not exceed an area of 10m².</p>
<p>Display Homes.</p> <p>Advertising signs displayed for the period over which homes are on display for public inspection.</p>	<p>i) One sign for each dwelling on display.</p> <p>ii) In addition to (i) above one sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display.</p>	<p>2m²</p> <p>5m²</p>

~~PART IX – CONSERVATION AND/OR PRESERVATION OF PLACES OF HERITAGE VALUE~~

~~9.1 – PLACES OF HERITAGE VALUE~~

~~The places described in the Schedule of Places of Heritage Value (**Appendix 9**) and shown on the Scheme Map are considered by Council to be components of the natural and cultural environment of the Town of Wyndham, which have aesthetic, historic, scientific or social value for future generations as well as for the present community and therefore are worthy of conservation and/or preservation.~~

~~9.2 – AMENDMENT TO SCHEDULE OF PLACES OF HERITAGE VALUE~~

~~The Council may by amendment to the Scheme in accordance with the Act and Regulations made thereunder:-~~

- ~~(a) – delete from **Appendix 9** a place of heritage value described therein;~~
- ~~(b) – insert, subject to the provisions of the following clauses in **Appendix 9** a place of heritage value as described in the Amendment.~~

~~9.3 – NOTICE OF AMENDMENT TO SCHEDULE OF PLACES OF HERITAGE VALUE~~

~~If the Council resolves to amend the Scheme by inserting in **Appendix 9** a place of heritage value, it shall forthwith give written notice of that resolution to:-~~

- ~~(a) – the owner of the land on which the plan is situated;~~
- ~~(b) – the occupier of the land, if such person is not the owner;~~
- ~~(c) – all other persons whose names appear on the Certificate of Title to the land as having an interest therein.~~

~~In addition to these notices the Council may give notice of a resolution to one or more of the following bodies:-~~

- ~~(a) – Department of Planning and Urban Development;~~
- ~~(b) – Heritage Council of Western Australia;~~
- ~~(c) – National Trust of Australia (WA);~~
- ~~(d) – Registrar of Aboriginal Sites;~~

~~or~~

- ~~(e) – any other person or body who in the opinion of the Council has an interest in the object, place or thing or could give to Council information to assist in arriving at a decision whether or not to proceed with the proposed amendment.~~

~~9.4 – DEVELOPMENT CONTROL~~

~~Notwithstanding the provisions of any part of this Scheme Text expressing a contrary intent, no development at or on a place of heritage value or within a lot or lots upon which such a place exists may be commenced without the Planning Consent of the Council.~~

~~Without limiting the generality of the foregoing, development in this context includes the following:~~

- ~~(a) – alteration (whether internal or external), the demolition, the adaption or modification of any building or structure;~~

- (b) ~~works resulting in a change in the external appearance of a building or structure, including the treatment of the external surfaces thereof;~~
- (c) ~~erection of any new building or structure;~~
- (d) ~~removal of vegetation whether indigenous or exotic or the felling, lopping or topping of trees other than the normal maintenance of lawns or gardens of where the building or place is under threat of damage by such vegetation or classified noxious weed;~~
- (e) ~~erection or display of any advertisement sign.~~

9.5 POLICIES

The Council

~~The Council may in accordance with the provisions of the Scheme make and adopt a policy or policy plan or code with respect to the places of heritage value described in **Appendix 9** generally or with special reference to any one or more of them. No such policy or code or any part thereof shall conflict with the provisions of the Scheme.~~

9.6 WAIVER OF SCHEME PROVISIONS AND BUILDING CODE OF AUSTRALIA

~~9.6.1 In the interests of conserving places of heritage value, the Council may, subject to the provisions of **Part X** of the Scheme, grant approval to proposals for the maintenance and repair, reconstruction or restoration of any building or place notwithstanding that the proposal may not comply with either the other provisions of the Scheme or with the Building Code of Australia.~~

~~9.6.2 Where, in the interests of conserving or preserving places of heritage value, it is not appropriate, in the opinion of the Council to grant Planning Consent to a particular development proposal but that alternative arrangements can be made to accommodate the required development in a better form and/or at a different location, the Council may, notwithstanding non-compliance with the Building Code of Australia, the Residential Codes or any other provision of the Scheme, approve the alternative development or may permit the transfer of part or all of the development potential from the lot concerned to one or more of the nearby lots provided that the overall general objectives of the Scheme will not be jeopardised thereby.~~

~~9.6.3 Where in the interests of conserving a place of heritage value, it is appropriate in the opinion of the Council to grant Planning Consent to the use of a building so classified for a purpose for which it may be suited, the Council may approve any such use notwithstanding that it may not comply with the zoning and/or development provisions of the Scheme.~~

9.7 ARBITRATION

~~If the parties cannot agree upon the amount of compensation which may become payable pursuant to the Scheme it shall be determined by arbitration in accordance with the Arbitration Act, 1895.~~

9.8 PURCHASE OF LAND

~~The Council may purchase or, subject to the Act, resume the land on which a place of heritage value described in **Appendix 9** is situated or so much thereof as is in the opinion of the Council necessary for the conservation of that place. The Council may, in lieu of paying compensation pursuant to **Clause 9.7** above, elect to purchase or resume the property concerned.~~

9.9 AGREEMENTS

~~The Council may enter into agreements:-~~

- ~~(a) with the owners or occupiers of land on which the places described in **Appendix 9** are situated or the subject of a proposed amendment to the Scheme for the inclusion thereof in that Appendix for the conservation of the place of heritage value.~~
- ~~(b) with any person or organisation for the conservation of a place of heritage value described in **Appendix 9** or, if the owner therefore agrees, for the conservation of an object, place or thing which in the opinion of the Council is worthy of conservation even though it is not described in that Appendix.~~
- ~~(c) relating to the determination and setting of compensation.~~

PART X - PLANNING CONSENT

10.1 APPLICATION FOR PLANNING CONSENT

~~10.1.1~~ Every application for Planning consent shall be made in the form prescribed in **Appendix 6** to the Scheme and shall be accompanied by such plans and other information as is required by the Scheme.

~~10.1.2~~ Unless Council waives any particular requirement every application for Planning Consent shall be accompanied by:-

~~(a)~~ A plan or plans to a scale of not less than 1:500 showing:

~~(i)~~ street names, lot number(s), north point and the dimensions of the site;

~~(ii)~~ the location and proposed use of any existing buildings to be retained and the location and use of buildings proposed to be erected on the site;

~~(iii)~~ the existing and proposed means of access for pedestrians and vehicles to and from the site;

~~(iv)~~ the location, number, dimensions and layout of all car parking spaces intended to be provided;

~~(v)~~ the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from these areas;

~~(vi)~~ the location, dimensions and design of any landscaped, open storage or trade display area and particulars of the manner in which it is proposed to develop the same;

~~(vii)~~ the location of any underground services.

~~(b)~~ plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain;

~~(c)~~ any other plan or information that the Council may reasonably require to enable the application to be determined.

10.2 ADVERTISING OF APPLICATIONS

~~10.2.1~~ Where an application is made for Planning Consent to commence or carry out development which involves an 'SA' use the Council shall not grant consent to that application unless notice of the application is first given in accordance with the provisions of this Clause.

~~10.2.2~~ Where an application is made for Planning Consent to commence or carry out development which involves an 'AA' use, or for any other development which requires the Planning Consent of the Council, the Council may give notice of the application in accordance with the provisions of this clause.

~~10.2.3~~ Where the Council is required or decides to give notice of an application for Planning Consent which involves an 'SA' use the Council shall cause one or more of the following to be carried out:-

~~(a)~~ notice of the proposed development to be served on the owners and occupiers of land within an area determined by the Council as likely to be affected by the granting of Planning Consent stating that submissions may be made to the Council within twenty-one days of the service of such notice;

~~(b) — notice of the proposed development to be published in a newspaper circulating in the Scheme Area stating that submissions may be made to the Council within **twenty one days** from the publication thereof;~~

~~(c) — a sign or signs displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty one days from the date of publication of the notice referred to in paragraph **(b)** of this clause.~~

~~10.2.4 — The notice referred to in **Clause 10.2.3(a)** and **(b)** shall be in the form contained in **Appendix 7** with such modifications as circumstances require.~~

~~10.2.5 — After expiration of **twenty one days** from the serving of notice of the proposed development, the publication of notice or the erection of a sign or signs, whichever is the later, the Council shall consider and determine the application.~~

~~10.3 — DETERMINATION OF APPLICATIONS~~

~~10.3.1 — In determining an application for Planning Consent the Council may consult with any authority which, in the circumstances, it thinks appropriate.~~

~~10.3.2 — The Council having regard to any matter which it is required by the Scheme to consider, to the purpose for which the land is reserved, zoned or approved for use under the Scheme, to the purpose for which land in the locality is used, and to the orderly and proper planning of the locality and the preservation of the amenities of the locality, may refuse to approve any application for Planning Consent or may grant its approval unconditionally or subject to such conditions as it thinks fit.~~

~~10.3.3 — The Council shall issue its decision in respect of an application for Planning Consent in the form prescribed in **Appendix 8** to the Scheme.~~

~~10.3.4 — Where the Council approves an application for Planning Consent under this Scheme the Council may limit the time for which that consent remains valid.~~

~~10.4 — DEEMED REFUSAL~~

~~10.4.1 — Where the Council has not within **sixty days** of the receipt by it of an application for Planning Consent either conveyed its decision to the applicant or given notice of the application in accordance with **Clause 10.2** the application may be deemed to have been refused.~~

~~10.4.2 — Where the Council has given notice of an application for Planning Consent in accordance with **Clause 10.2** and where the Council has not within **ninety days** of receipt by it of the application conveyed its decision to the applicant, the application may be deemed to have been refused.~~

~~10.4.3 — Notwithstanding that an application for Planning Consent may be deemed to have been refused under **Clauses 10.4.1** or **10.4.2** the Council may issue a decision in respect of the application at any time after the expiry of the **sixty day** or **ninety day period** specified in those clauses, as the case may be.~~

PART XI – ADMINISTRATION

11.1 – POWERS OF THE SCHEME

~~The Council in implementing the Scheme has, in addition to all other powers vested in it, the following powers:~~

- ~~(a) — the Council may enter into an agreement with any owner, occupier or other person having an interest in land affected by the provisions of the Scheme in respect of any matters pertaining to the Scheme;~~
- ~~(b) — the Council may acquire any land or buildings in the district pursuant to the provisions of the Scheme or the Act. The Council may deal with or dispose of any land which it has acquired pursuant to the provisions of the Scheme or the Act in accordance with law and for such purpose may make such agreements with other owners as it considers fit;~~
- ~~(c) — an officer of the Council, authorised by the Council for the purpose, may at all reasonable times enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being served;~~

11.2 – OFFENCES

~~11.2.1 — A person shall not erect, alter or add to or commence to erect, alter or add to a building or use or change the use of any land, building or part of a building for any purpose:~~

- ~~(a) — otherwise than in accordance with the provisions of the Scheme;~~
- ~~(b) — unless all consents required by the Scheme have been granted and issued;~~
- ~~(c) — unless all conditions imposed upon the granting and issue of any consent required by the Scheme have been and continue to be complied with;~~
- ~~(d) — unless all standards laid down and all requirements prescribed by the Scheme or determined by the Council pursuant to the Scheme with respect to that building or that use of that land or building of that part have been and continue to be complied with.~~

~~11.2.2 — A person who fails to comply with any of the provisions of the **Scheme** is guilty of an offence and without prejudice to any other remedy given herein is liable to the penalties prescribed by the **Act**.~~

11.3 – NOTICES

~~11.3.1 — **Twenty eight (28) days** written notice is hereby prescribed as the notice to be given pursuant to **Section 10** of the **Act**.~~

~~11.3.2 — The Council may recover expenses under **Section 10(2)** of the **Act** in a court of competent jurisdiction.~~

11.4 – CLAIMS FOR COMPENSATION

~~Except where otherwise provided in the Scheme, the time limit for the making of claims for compensation pursuant to **Section 11(1)** of the **Act** is **six (6) months** after the date of publication of the Scheme in the Government Gazette.~~

11.5 – APPEALS

~~An applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with **Part V** of the **Act** and the rules and regulations made pursuant to the **Act**.~~

SCHEDULE A - SUPPLEMENTAL PROVISIONS TO THE DEEMED PROVISIONS

These provisions are to be read in conjunction with the deemed provisions (Schedule 2) contained in the Planning and Development (Local Planning Schemes) Regulations 2015.

- Clause 61(1) (k) the erection or extension of a single house on a lot in the Special Rural or Rural/Pastoral zones, and where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:
- (i) entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990; or
 - (ii) the subject of an order under the Heritage of Western Australia Act 1990 Part 6; or
 - (iii) included on a heritage list prepared in accordance with this Scheme; or
 - (iv) within an area designated under the Scheme as a heritage area; or
 - (v) the subject of a heritage agreement entered into under the Heritage of Western Australia Act 1990 section 29.
- Clause 61(1)(l) the erection or extension of an outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a permitted ("P") use and where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:
- (i) entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990; or
 - (ii) the subject of an order under the Heritage of Western Australia Act 1990 Part 6; or
 - (iii) included on a heritage list prepared in accordance with this Scheme; or
 - (iv) within an area designated under the Scheme as a heritage area; or
 - (v) the subject of a heritage agreement entered into under the Heritage of Western Australia Act 1990 section 29.
- Clause 61(1)(m) The signage and advertisements contained in Table 5 of this Scheme do not require development approval. subject to provisions of the *Main Roads (Control of Advertisements) Regulations 1996*, those advertisements listed in Table 5, unless the sign is to be erected or installed –
- (i) On a place included on a heritage list prepared in accordance with this Scheme; or
 - (ii) On land located within an area designated under this Scheme as a heritage area;
- Clause 61(1)(n) The erection of a boundary fence in a zone where the R Codes do not apply, except otherwise required by the Scheme.
- Clause 61(1)(o) The carrying out of works urgently necessary to ensure public safety, for the safety or security of plant or equipment or for the maintenance of essential services.
- Clause 61(2)(g) the use of land in a Reserve, where such land is held by the Council or vested in a public authority;
- (i) for the purpose for which the land reserved under the Scheme;
- or
- (ii) in the case of land vested in a public authority, for any purpose for which such land may be lawfully used by that authority.

APPENDIX I - INTERPRETATIONS

Abattoir: - means land and buildings used for the slaughter of animals for human consumption and the treatment of carcasses, offal and by-products.

~~**Absolute Majority:** - shall have the same meaning as is given to it in and for the purposes of the Local Government Act 1960 (as amended).~~

~~**Act:** - means the Town Planning and Development Act, 1928 (as amended).~~

~~**Advertisement:** - means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements and Advertising sign shall be construed accordingly but does not include:~~

- ~~a) - an advertising sign of less than 2m² in area relating to the carrying out of building or similar work on land on which it is displayed, not being land which is normally used for those purposes;~~
- ~~b) - an advertising sign of less than 2m² in area announcing a local event of a religious, educational, cultural, political, social or recreational character not promoted or carried on for commercial purposes;~~
- ~~c) - an advertising sign of less than 2m² in area relating to the prospective sale or letting of the land or building on which it is displayed;~~
- ~~d) - an advertising sign exhibited upon any land vested in or owned by the Minister for Railways which is directed only to persons upon or entering a railway station or platform or bus station, and~~
- ~~e) - directional signs, street signs and other like signs erected by a public authority.~~

Airfield: - means land and buildings used in connection with the operation of aeroplanes, including a passenger terminal, offices, parking and servicing of aircraft, and car parking, but not including occasional or seasonal use of temporary facilities for purposes associated with agriculture.

Amenity Building: - means a building or part of a building that employees or persons engaged in an industry or business use for their personal comfort, convenience or enjoyment or leisure as distinct from the work of the industry or business.

Amusement Facility: - means land and buildings, open to the public, used for not more than two amusement machines where such use is incidental to the predominant use.

Amusement Machine: - means a machine, device or games table, mechanically or electronically powered, that releases or makes available balls, discs or other items for projection in or on the machine by the use of springs, flippers, paddles or cues, or electronic devices which are controlled or partly controlled by computer associated with electronic screen(s) operated by one or more players for amusement or recreation.

Amusement Parlour: - means land and buildings, open to the public, where the predominant use is amusement by amusement machines and where there are more than two amusement machines operating within the premises.

Battle-axe lot: - means a lot having access to a public road by means of an access trip included in the Certificate of Title of that lot.

Betting Agency: - means a building operated in accordance with the Totalisator Agency Board Betting Act 1960 (as amended).

Builder's Storage Yard: - means land and buildings used for the storage of building material, pipes, or other similar items related to any trade; and may include manufacture, assembly and dismantling processes incidental to the predominant use.

Building: - shall have the same meaning as is given to it in and for the purposes of the Residential ~~Planning-Design~~ Codes.

Building Envelope: - means an area of land within a lot marked on a plan forming part of the Scheme outside which building development is not permitted.

Building Line: - means the line between which and any public place or public reserve a building may not be erected except by or under the authority of an Act.

Building Setback: - means the shortest horizontal distance between a boundary or other specified point and the position at which a building may be erected.

Camping Area: - means land used for the lodging of persons in tents or other temporary shelter.

Caravan Park: - means an area of land specifically set aside for the parking of caravans and park homes or for the erection of camps on bays or tent sites allocated for that purpose.

Caretaker's Dwelling: - means a building used as a dwelling by a person having the care of the building, plant, equipment or grounds associated with an industry, business, office or recreation area carried on or existing on the same site.

Car Park: - means land and buildings used primarily for parking private cars or taxis whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any land or buildings in which cars are displayed for sale.

Cattery: - means the use of an approved out-building constructed in accordance with the Health Act Model By-laws Series 'A' Part One - General Sanitary Provisions (as amended) for the purpose of keeping more than three (3) cats over the age of three (3) months.

Civic Building: - means a building designed, used or intended to be used by a Government Department, an instrumentality of the Crown, or the Council for administrative, recreational or other purpose.

Civic Use: - means land and buildings used by a Government Department, an instrumentality of the Crown, or the Council, for administrative, recreational or other purpose.

Club Premises: - means land and buildings used or designed for use by a legally constituted club or association or other body of persons united by a common interest whether such building or premises be licensed under the provisions of the Liquor Act, 1970 (as amended) or not and which building or premises are not otherwise classified under the provisions of the Scheme.

Commission: - means the State Planning Commission constituted under the State Planning Act 1985.

Community Service Depot: - means land and buildings used for the garaging of vehicles and equipment used to provide a community service such as a fire brigade, ambulance and the like.

Consulting Rooms: - means a building (other than a hospital or medical centre) used by no more than two practitioners who are legally qualified medical practitioners or dentists, physiotherapists, chiropractors, and persons ordinarily associated with a practitioner, in the prevention or treatment of physical or mental injuries or ailments, and the two practitioners may be of the one profession or any combination of professions or practices.

Convenience Store: - means land and buildings used for the retail sale of convenience goods being those goods commonly sold in supermarkets, delicatessens and newsagents but including the sale of petrol and operated during hours which include but which may extend beyond normal trading hours and providing associated parking. The buildings associated with a convenience store shall not exceed 200m² gross leasable area.

Day Care Centre: - means land and buildings used for the daily or occasional care of children in accordance with the Child Welfare (Care Centres) Regulations, 1968 (as amended).

Development: - shall have the same meaning given it in and for the purposes of the Act.

Display Home Centre: - means a group of two or more dwellings which are intended to be open for public inspection.

District: - means the Municipal District of the **Shire of Wyndham-East Kimberley**.

Dog Kennels: - means land and buildings used for the boarding and breeding of dogs where such premises are registered or required to be registered by the Council; and may include the sale of dogs where such use is incidental to the predominant use.

Drive-In Theatre: - means land and buildings used to make provision for an audience to view the entertainment while seated in motor vehicles.

Dry Cleaning Agency - means a building at which the public may lodge and receive articles for dry cleaning and where in some instances subject to the provisions of the Health Act a limited amount of dry cleaning may be carried out on the premises.

Dry cleaning Premises: - means land and buildings used for the cleaning of garments and other fabrics by chemical processes.

Eating House: - means any house, building or structure or any part thereof in which meals are served to the public for gain or reward and the expression includes a restaurant or cafe. The term does not include:

- a) any premises in respect of which an hotel licence, tavern licence, a restaurant licence or winehouse licence has been granted under the Liquor Act;
- b) any residential building;
- c) any building or structure used temporarily for serving meals to the public at any fair, show, military encampment, races or other sports, games or amusements.

Educational Establishment: - means a school, college, university, technical institute, academy or other educational centre, but does not include a reformatory or institutional home.

Effective Frontage: - means the width of a lot at the minimum distance from the street alignment at which buildings may be constructed, and shall be calculated as follows:

- a) where the side boundaries of a lot are parallel to one another, the length of a line drawn at right angles to such boundaries;
- b) where the side boundaries of a lot are not parallel to one another, the length of a line drawn parallel to the street frontage and intersecting the side boundaries at the minimum distance from the street alignment at which buildings may be constructed;
- c) where a lot is of such irregular proportions or on such steep grade that neither of the foregoing methods can reasonably be applied, such length as determined by the Council.

Equestrian Centre: - means land and buildings used for the stabling and exercise of horses and includes facilities for events of a competitive nature.

Factory Unit Building: - means an industrial building designed, used or adapted for use as two or more separately occupied production or storage areas.

Family Care Centre: - means land and buildings used for the purpose of a Family Care Centre as defined in Child Welfare (Care Centres) Regulations, 1968 (as amended).

Fast Food Outlet: - means land and buildings used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a fish shop.

Fish Shop: - means a building where wet fish and similar foods are displayed and offered for sale.

Floor Area: - shall have the same meaning given to it for the purposes of the Building Code of Australia.

Frontage: - means the boundary line or lines between a site and the street or streets upon which the site abuts.

Fuel Depot: - means land and buildings used for the storage and sale in bulk of solid or liquid gaseous fuel, but does not include a service station.

Funeral Parlour: - means land and buildings occupied by an undertaker where bodies are stored and prepared for burial or cremation.

Garden Centre: - means land and buildings used for the sale and display of garden products, including garden ornaments, plants, seeds, domestic garden implements and motorised implements and the display but not manufacture of pre-fabricated garden buildings.

Gazetted Date: - means the date on which this Scheme is published in the Government Gazette.

Gross Leasable Area: - means in relating to a building, the area of all floors capable of being occupied by a tenant for his exclusive use, which area is measured from the centre lines of joint partitions or walls and from the outside faces of external walls or the building alignment, including shop fronts, basements, mezzanines and storage areas.

Harbour Installations: - means land and buildings used for and incidental to the purposes of loading, unloading and maintaining ships.

Health Centre: - means a maternal or X-ray centre, a district clinic, a masseur's establishment, or a medical clinic.

Health Studio: - means land and buildings designed and equipped for physical exercise, recreation and sporting activities including outdoor recreation.

Hire Service: - means land and buildings used for the storage and hire of machinery and other bulky equipment.

Home Occupation: - means a business or activity carried on with the written permission of the Council within a dwelling house or the curtilage of a house by a person resident therein or within a domestic outbuilding by a person resident in the dwelling house to which it is appurtenant that:

- a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interferences, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, liquid wastes or waste products or the unsightly appearance of the dwelling house or domestic outbuilding or the land on which the business is conducted.
- b) does not entail employment of any person not a member of the occupier's family;
- c) does not occupy an area greater than twenty square metres;
- e) does not display a sign exceeding 0.2m² in area;
- f) in the opinion of the Council it is compatible with the principal uses to which land in the zone in which it is located may be put and will not in the opinion of the Council generate a volume of traffic that would prejudice the amenity of the area;
- g) does not entail the presence, use or calling of a vehicle of more than two tonnes tare weight;
- h) does not entail the presence of more than one commercial vehicle and does not include provision for the fuelling or repairing of motor vehicles within the curtilage of the dwelling house or domestic outbuilding.

- i) does not entail the offering for sale or display of motor vehicles machinery or goods (other than goods manufactured or serviced on the premises); and
- j) does not entail a source of power other than an electric motor of not more than 0.373 kilowatts (0.5 h.p.).

Hospital: - means a building in which persons are received and lodged for medical treatment or care and includes a maternity hospital.

Hospital Special Purposes: - means a building used or designed for use wholly or principally for the purpose of a hospital or sanatorium for the treatment of infectious or contagious diseases, or hospital for the treatment of the mentally ill or similar use.

Hotel: - means land and buildings providing accommodation for the public the subject of a Hotel Licence granted under the provisions of the Liquor Act, 1970 (as amended).

Industry: - means the carrying out of any process in the course of trade or business for gain, for and incidental to the one or more of the following:

- a) the winning, processing or treatment of mineral;
- b) the making, altering, repairing, or ornamentation, painting, finishing, cleaning, packing or canning or adapting, or the breaking up or demolition of any article or part of an article;
- c) the generation of electricity or the production of gas;
- d) the manufacture of edible goods;

and includes, when carried out on land upon which the process is carried out and in connection with that process, the storage of goods, any work of administration or accounting, or the wholesaling of goods, and the use of land for the amenity of but does not include:

- i) the carrying out of agriculture.
- ii) site work on buildings, work or land;
- iii) in the case of edible goods the preparation of food for sale from the premises.

Industry - Cottage: - means an industry which produces arts and crafts goods which cannot be carried out under the provisions relating to a "home occupation" and that:

- a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection, due to the emission of light, noise, vibration, steam, soot, ash, dust, grit, oil, liquid wastes or waste products,
- b) where operated in a Residential Zone, does not entail the employment of any person not a member of the occupier's family normally resident on the land.
- c) is conducted and an out-building which is compatible to the zone and its amenity and does not occupy an area in excess of 55m².
- d) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located, and;
- e) does not display a sign exceeding 0.2m² in area.

Industry Extractive: - means an industry which involves:

- a) the extraction of sand, gravel, clay, turf, soil, rock, stone, minerals, or similar substance from the land, and also the storage, treatment or manufacture of products from those materials is extracted or on land adjacent thereto; or

- b) the production of salt by the evaporation of sea water.

Industry General: - means an industry which by reason of the processes involved or the method of manufacture or the nature of the materials used or produced requires isolation from other buildings.

Industry Hazardous: - means an industry which by reason of the processes involved or the method of manufacture or the nature of the materials used or produced requires isolation from other buildings.

Industry Light: - means an industry:

- a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water or other waste products, and
- b) the establishment of which will not or the conduct of which does not impose an undue load on any existing or projected service for the supply or provision of water, gas, electricity, sewerage facilities, or any other like services.

Industry Noxious: - means an industry in which the processes involved constitute an offensive trade within the meaning of the Health Act, 1911 - 1979 (as amended), but does not include a fish shop, dry cleaning premises, marine collectors yard, laundromat, piggery or poultry farm.

Industry Rural: - means an industry handling, treating, processing or packing primary products grown, reared or produced in the locality, and a workshop servicing plant or equipment used for rural purposes in the locality.

Industry Service: - means a light industry carried out on land or in buildings which may have a retail shop front and from which goods manufactured on the premises may be sold, or land and buildings having a retail shop front and used as a depot for receiving goods to be serviced.

Kindergarten: - means land and buildings used as a school for developing the intelligence of young children by object-lessons, toys, games, singing and similar methods.

Land: - shall have the same meaning given to it in and for the purposes of, the Act.

Laundromat: - means a building, open to the public, in which coin-operated or other washing machines, with or without provision for drying clothes, are available for use.

Liquor Store: - means a building the subject of a Store Licence granted under the provisions of the Liquor Act, 1970 (as amended).

Lot: - shall have the same meaning given to it in and for the purposes of, the Act and "allotment" has the same meaning.

Marine Collector's Yard: - means land and buildings used for the storage of marine stores under the provisions of the Marine Stores Act, 1902 (as amended) and Marine Dealer's Yard and Marine Store have the same meaning.

Marine Filling Station: - means land and buildings used for the storage and supply of liquid fuels and lubricants for marine craft, but in which no industry is carried on; but does not include a service station.

Market: - means land and buildings used for a fair, a farmers' or producers' market, or a swapmeet in which the business or selling carried on or the entertainment provided is by independent operators or stall holders carrying on their business or activities independently of the market operator save for the payment where appropriate of a fee or rental.

Medical Centre: - means a building (other than a hospital) that contains or is designed to contain facilities not only for the practitioner or practitioners mentioned under the interpretations of consulting rooms but also for ancillary services such as chemists, pathologists and radiologists.

Milk Depot: - means land and buildings to which milk is delivered for distribution to consumers but in which milk is not processed or pasteurised.

Mobile Home: - means any vehicle or similar relocatable structure having been manufactured with wheels (whether or not such wheels have been removed) and having no footings other than wheels, jacks or skirtings, and so designed or constructed as to permit independent occupancy for continuous dwelling purposes incorporating its own facilities including bathroom and toilet facilities.

Mobile Home Park: - means land upon which two or more mobile homes, occupied for dwelling purposes, are located regardless of whether or not a charge is made for such accommodation.

Motel: - means land and buildings used or intended to be used to accommodate patron in a manner similar to a Hotel or Boarding House but in which special provision is made for the accommodation of patrons with motor vehicles.

Motor Vehicle and Marine Sales Premises: - means land and buildings used for the display and sale of new or second hand motorcycles, cars, trucks, caravans and boats or any one or more of them and may include, the servicing of motor vehicles sold from the site.

Motor Vehicle Hire Station: - means land and buildings used for the hiring out of motor vehicles and when conducted on the same site, the storage and cleaning of motor vehicles for hire but does not include mechanical repair or servicing of such vehicles.

Motor Vehicle Repair Station: - means land and buildings used for the mechanical repair and overhaul of motor vehicles including tyre recapping, retreading, panel beating, spray painting and chassis reshaping.

Motor Vehicle Wash Station: - means land and buildings where vehicles are washed and cleaned by or primarily by mechanical means.

Motor Vehicle Wrecking Premises: - means land and buildings used for the storage, breaking up or dismantling of motor vehicles and includes the sale of second-hand motor vehicle accessories and spare parts.

Multiple Occupancy: means the use and occupation of a rural holding at a residential density higher than normally associated with traditional rural living and which may be characterised by the following:

- a) an approved agreement for management of and responsibility for the whole or parts of the holding;
- b) more than one separate dwelling unit for use by families or unrelated groups of persons;
- c) a defined area for separate occupation for residential and ancillary uses.

Museum: - means land and buildings used for storing and exhibiting objects illustrative of antiquities, natural history, art, nature and curiosities.

Non-conforming Use: - means a use of land which, though lawful immediately prior to the coming into operation of this Scheme, is not in conformity with the Scheme.

Nursery: - means land and buildings used for the propagation, rearing and sale of products associated with horticultural and garden decor.

Office: - means a building used for the conduct of administration, the practice of a profession, the carrying on of agencies, banks, typist and secretarial services, and services of a similar nature.

Owner: - in relation to any land includes the Crown and every person who jointly or severally whether at law or in equity:

- a) — is entitled to the land for an estate in fee simple in possession; or
- b) — is a person to whom the Crown has lawfully contracted to grant the fee simple of the land;
or
- c) — is a lessor or licensee from the Crown; or
- d) — is entitled to receive or is in receipt of, or if the land were let to a tenant, would be entitled to receive the rents and profits thereof, whether as a beneficial owner, trustee, mortgagee in possession, or otherwise.

Park Home: - means a movable dwelling, not being a vehicle as defined under the Road Traffic Act 1974 - 1982 but constructed and maintained on its own chassis and wheels and capable of mobility at all times although stabilised by jacks and provided with skirtings and so designed and constructed as to permit independent occupancy for dwelling purposes.

Park Home Park: - means an area of land set aside exclusively for the parking of park homes occupied for residential purposes whether for short or long stay purposes, but includes the provision of buildings and uses incidental to the predominant use of the land, including ablution blocks, recreation areas, office and storage space, and as approved by Council, a shop or kiosk and refuelling facilities, but the term shall be interpreted to exclude the parking of caravans, camper trailer and the erection of tents.

Petrol Filling Station: - means land and buildings used for the supply of petroleum products and motor vehicle accessories.

Piggery: - shall have the same meaning given to it in and for the purposes of the Health Act, 1911 - 1979 (as amended).

Plot Ratio: - except for a single house, attached house, grouped dwelling or multiple dwelling where it shall have the same meaning given to it in the Residential Planning Design Codes, plot ratio means the ratio of the gross total of the areas of all floors to the area of land within the site boundaries, and in calculating the gross total of the areas of all floors the areas shall be measured over any walls provided that lift shafts, stairs, toilets and amenities, external wall thicknesses, plant rooms and the gross floor area of any floor space used for the parking of wheeled vehicles including access to and from that space within the building shall not be included.

Potable Water: - means water in which levels of physical, chemical and bacteriological constituents do not exceed the maximum permissible levels set out in 'International Standards for Drinking Water - Third Edition, World Health Organisation - 1971'.

Poultry Farm: - means land and buildings used for hatching, rearing or keeping of poultry for either egg or meat production which does not constitute an offensive trade within the meaning of the Health Act, 1911-1979 (as amended).

Prison: - shall have the same meaning given to it in and for the purposes of the Prisons Act, 1981 (as amended).

Private Hotel: - means land and buildings used for residential purposes the subject of a Limited Hotel Licence granted under the provisions of the Liquor Act 1970 (as amended).

Private Recreation: - means land used for parks, gardens, playgrounds, sports arenas, or other grounds for recreation which are not normally open to the public without charge.

Produce Store: - means land and buildings wherein fertilisers and grain are displayed and offered for sale.

Professional Office: - means a building used for the purposes of his profession by an accountant, architect, artist, author, barrister, chiroprapist, consular official, dentist, doctor, engineer, masseur, nurse, physiotherapist, quantity surveyor, solicitor, surveyor, teacher (other than a dancing teacher or a music teacher), town planner, or valuer, or a person having an occupation of a similar nature, and professional Person has a corresponding interpretation.

Public Amusement: - means land and buildings used for the amusement or entertainment of the public, with or without charge.

Public Authority: - shall have the same meaning given to it in and for the purposes of the Act.

Public Mall: - means any public street or right-of-way designed especially for pedestrians who shall have the right of way and vehicle access shall be restricted to service vehicles at times specified by the Council.

Public Recreation: - means land used for a public park, public gardens, foreshore reserve, playground or other grounds for recreation which are normally open to the public without charge.

Public Utility: - means any work or undertaking constructed or maintained by a public authority or the Council as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services.

Public Worship - Place Of: - means land and buildings used for the religious activities of a church but does not include an institution for primary, secondary, or higher education or a residential training institution.

Radio and T.V. Installation: - means land and buildings used for the transmission, relay and reception of signals and pictures, both commercial and domestic, but does not include domestic radio and television receivers.

Reception Centre: - means land and buildings used by parties for functions on formal or ceremonious occasions, but not for unhosted use for general entertainment purposes.

Reformatory: - means land and buildings used for the confinement or detention in custody of juvenile offenders against the law with a view to their reformation.

Residential Building: - means a building or portion of a building, together with rooms and outbuildings separate from such building but ancillary thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation.

- temporarily by two or more persons, or
- permanently by seven or more persons,

who do not comprise a single family; but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school.

~~**Residential Planning Codes:** - means the Residential Planning Codes, set out in appendix 2 to the Statement of Planning Policy No 1 together with any amendments thereto as published in the Government Gazette on December 13, 1991.~~

Restaurant: - means a building wherein food is prepared for sale and consumption within the building and the expression shall include a licensed restaurant, and a restaurant at which food for consumption outside the building is sold where the sale of food for consumption outside the building is not the principal part of the business.

Restoration: - means any work or process on at or in respect of a building structure or place which wholly or partly brings back the building structure or place to its original condition or which reinstates its historic or natural character either by rebuilding or repairing its fabric or by removing accretions or additions.

Restricted Premises: - means any premises, part or parts thereof, used or designed to be used primarily for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of:

- a) publications that are classified as restricted publications pursuant to the Indecent Publications and a Articles Act 1902 (s amended); or
- b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity.

Rural Pursuit: - means the use of land for any of the purposes set out hereunder and shall include such buildings normally associated therewith:

- a) the growing of vegetables, fruit, cereals or food crops;
- b) the rearing or agistment of goats, sheep, cattle or beasts of burden;
- c) the stabling, agistment or training of horses;
- d) the growing of trees, plants, shrubs, or flowers for replanting in domestic, commercial or industrial gardens;
- e) the sale of produce grown solely on the lot;

but does not include the following except as approved by the Council:

- i) the keeping of pigs;
- ii) poultry farming;
- iii) the processing, treatment or packing of produce;
- iv) the breeding, rearing or boarding of domestic pets.

Salvage Yard: - means land and buildings used for the storage and sale of materials salvaged from the erection, demolition, dismantling or renovating of, or fire or flood damage to structures including (but without limiting the generality of the foregoing) buildings, machinery, vehicles and boats.

Sawmill: - means land and buildings where logs or large pieces of timber are sawn but does not include a joinery works unless logs or large pieces of timber are sawn therein.

Schedule: - means a schedule to the Scheme.

Service Station: - means land and buildings used for the supply of petroleum products and motor vehicle accessories and for carrying out greasing, tyre repairs and minor mechanical repairs and may include a cafeteria, restaurant or shop incidental to the primary use, but does not include transport depot, panel beating, spray painting, major repairs or wrecking.

Shared Dwelling: - means a building used primarily for living purposes by not more than five persons residing therein as a single household; the term also includes such outbuildings and recreational uses and gardens as are ordinarily used therewith, but does not include a private hotel, motel or boarding house.

Shop: - means a building wherein goods are kept, exposed or offered for sale by retail, but does not include a bank, fuel depot, market, service station, milk depot, marine collector's yard, timber yards or land and buildings used for the sale of vehicles or for any purpose falling within the definition of industry.

Showroom: - means a building wherein goods are displayed and may be offered for sale by wholesale and/or by retail of: foodstuffs, liquor or beverages; items of clothing or apparel, magazines, books or paper products; medical or pharmaceutical products; china, glassware or domestic hardware; and items of personal adornment.

Special Rural Use: - means used carried out under the interpretation of Rural Pursuit, but does not include:

- a) any commercial production;
- b) any use which involves ground water consumption greater than the allowance determined by the ~~Western Australian Water Authority~~ Department of Water;
- c) piggeries or other intensive animal husbandry;
- d) except with the consent of the Council, the stabling, agistment, or training of horses;
- e) other uses considered by Council to be detrimental to the public health or amenity of the area.

Sports Ground: - means any land used for any sport, but does not include land within the curtilage of a dwelling, if not used commercially.

Stables: - means land and buildings used for the housing and keeping of horses.

Storey: - means for other than residential development, that portion of a building which is situated between the top of the floor next above it: and if there is no floor above it, that portion between the top of the floor and the ceiling above it.

Tavern: - means land and buildings the subject of a Tavern Licence granted under the provisions of the Liquor Act, 1970 (as amended).

Temporary Accommodation: - means any habitable building not permanently affixed to the ground and includes any caravan, transportable dwelling, or any structure used for habitation for the purposes of accommodation for a period not exceeding six months.

Trade Display: - means land and buildings used for the display of trade goods and equipment for the purposes of advertisement.

Transport Depot: - means land and buildings used for the garaging of motor vehicles used or intended to be used for carrying goods or persons for hire or reward or for any consideration, or for the transfer of goods or persons from one such motor vehicle to another of such motor vehicles and includes maintenance, management and repair of the vehicles used, but not of other vehicles.

Transportable Home: - means any structure designed for human habitation that is partly or wholly prefabricated at any place other than on the lot upon which it is to be erected.

Veterinary Consulting Rooms: - means a building in which a veterinary surgeon or veterinarian treats the minor ailments of domestic animals and household pets as patients but in which animals or pets do not remain overnight.

Veterinary Hospital: - means a building used in connection with the treatment of sick animals and includes the accommodation of sick animals.

Video Sales and/or Hire: - means premises used for the sale or hire of video equipment or tapes used in video recorders.

Warehouse: - means a building wherein goods are stored and may be offered for sale by wholesale.

Waterway: - means an artificial channel, lake, harbour or embayment, for the navigational, irrigation, ornamental, and recreation purposes, or for any of those purposes; and includes any addition to or alteration of a waterway as so defined.

Wayside Stall: - means a building situated on private land which offers for sale to the general public produce or any commodity which is produced on the land upon which the buildings are located.

Wholesale: - means the sale of any goods to any person or persons other than the ultimate consumer of those goods by a person or his trustee, registered as a 'wholesale merchant' for Sales Tax purposes under the provisions of the Sales Tax Assessment Act No. 1 1930, (as amended).

Wine House: - means land and buildings the subject of a Wine House Licence granted under the provisions of the Liquor Act 1970, (as amended).

~~**Zone:** - means a portion of the Scheme area shown on the map by distinctive colouring, patterns, symbols, hatching, or edging for the purpose of indicating the restrictions imposed by the Scheme on the erection and use of buildings or for the use of land, but does not include reserved land.~~

Zoological Gardens: - means land and buildings used for the keeping, breeding or display of fauna and the term includes Zoo but does not include kennels or keeping, breeding or showing of domestic pets.

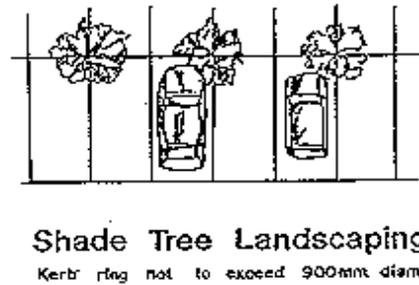
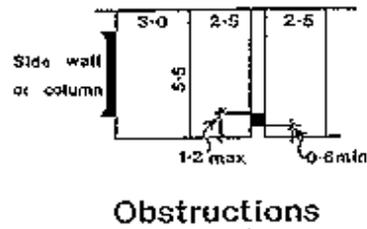
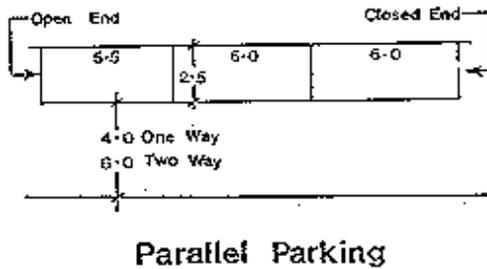
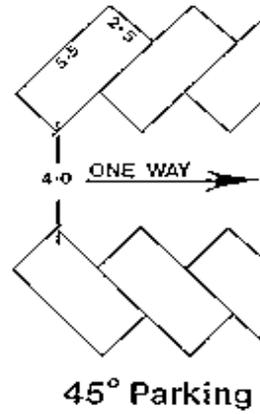
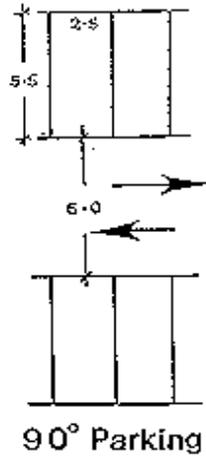
APPENDIX II - SPECIAL RURAL ZONE

Specified Area of Locality	Special Provisions Referring to
<p><i>SR1</i> Six Mile Wedge Drive Lots 1278 - 1280 Lots 1298 - 1231</p> <p>Cole Avenue Lots 439 and 588</p> <p>Gt. Northern Highway Lots 1268, 1294, 1297, 1288 - 1293, 467, 1271, 1364, 1365, 1371 and 1368.</p> <p>Bastion Boulevard Lots 1281 - 1287, 1295 and 1296</p>	<p>1) Subdivision of lots to be in accordance with the a plan approved by the Commission.</p> <p>2) Permitted Uses Agriculture, horticulture and other intensive agriculture, agistment of horses, cattle sheep and goats, but excluding pigs and kennels. Recreational uses. Equestrian Centre. A dwelling and ancillary buildings for the development and maintenance of the predominant use.</p> <p>3) Uses Not Permitted Any industrial use, including the wrecking of motor vehicles and the storage of derelict machinery. Any extractive industry.</p> <p>4) Uses Not Permitted unless Special Approval is Granted by Council (AA). Home Occupation or Home Industry not related to the predominant use.</p> <p>5) Uses Incidental to the Predominant Use (IP)</p> <p>6) Building Setbacks No structure other than a fence shall be permitted within: 10 metres from the front boundary 10 metres from a side boundary 10 metres from a rear boundary</p> <p>7) Caravans/Temporary Accommodation Occupation of temporary accommodation shall be in accordance with Clause 6.4 of the Scheme.</p>

APPENDIX III - SPECIAL SITES SCHEDULE

Lot No	Location	Purpose	Development Provisions
1	Great Northern Highway	Service Station/ Roadhouse	As determined by Council
472	Great Northern Highway	Club	As determined by Council
475	Great Northern Highway	Service Station	As determined by Council
728, 722, 1300, 721	Great Northern Highway	Motel	As determined by Council
Res. 22538 55, 412	Cable Street	Caravan Park	As determined by Council
1372	Great Northern Highway	Service Station	As determined by Council
1370	Great Northern Highway	Alcohol & Drug Rehabilitation Centre	As determined by Council
3	Barytes Road, West Side	Zoological Gardens and Ancillary Purposes	As determined by Council.
1005, 1006	Koolama Street	Health Centre (Alcohol Drying Out Centre)	As determined by Council

APPENDIX NO. 3 - CARPARKING LAYOUTS



- 90° & 45° Parking - 5.5m x 2.5m
- Parallel Parking - 6.0m x 2.5m
- OR - 5.5m x 2.5m where Open Ended
- Driveway - Widths 90° - 6.0m access
- 45° - 4.0m one way access
- Parallel - 4.0m one way "
- 6.0m two way "

CARPARKING LAYOUTS

APPENDIX IV - CAR PARKING REQUIREMENTS

Use	No Car Parking Spaces
Single House Attached House Grouped Dwelling	As prescribed within the provisions of the Residential Planning Design Codes
Shop	1 for every 15m ² floor area
Office	1 for every 40m ² floor area
Warehouse/Showroom	1 for every 100m ² floor area
Industry - Service	1 for every 20m ² floor area & 1 for every 50m ² service area
Industry - Light	1 for every 50m ² floor area
Industry - General	1 for every 50m ² floor area
Factoryette	4 for every unit & 1 for customer parking
Licensed Hotel	1 for every bedroom & 1 for every 4m ² of public bar/lounge floor area
Motel	1 for every bedroom & 1 for every 25m ² gross floor area of service building
Tavern	1 for every 4m ² public floor area
Residential Building	1 for every bedroom & 1 for every staff member
Eating House/Restaurant	1 for every 4 seats
Private Club	1 for every 4 persons accommodated
Church	1 for every 4 persons accommodated
Hospital	1 for every 4 beds provided & 1 for every person employed
Medical Centre	3 for every consulting room
Motor Repair Station/Service Station	2 for every working bay & 1 for each employee
Library/Museum	1 for every 35m ² floor area
Take-Away Food Outlet	1 for every 10m ² floor area
T.A.B.	1 for every 10m ² floor area

APPENDIX V - INFORMATION SHEET FOR ADVERTISEMENT APPROVAL

SHIRE OF WYNDHAM - EAST KIMBERLEY

CONTROL OF ADVERTISEMENTS

**ADDITIONAL INFORMATION SHEET
FOR ADVERTISEMENT APPROVAL**

(to be completed in addition to Application for Approval to Commence Development)

1. Name of Advertiser (if different from owner):

.....

2. Address in Full:

.....

3. Description of Property upon which advertisement is to be displayed, including full details of its proposed position within that property:

.....
.....
.....

4. Details of Proposed Sign:

Height: Width: Depth:

Colours to be used:

.....
.....

Height above ground (top level of Advertisement:

(to underside).....

Materials to be used:

Illuminated: Yes/No

If Yes, state whether steady, moving, flashing alternating, digital, animated or scintillating, etc.

If Yes, state intensity of light source:

.....

5. State period of time for which advertisement is required:

.....

6. Details of signs, if any, to be removed if this application is approved:

.....

N.B. Application should be supported by a photograph or photographs of the premises showing superimposed thereon the proposed position for the advertisement and those advertisements to be removed detailed in **6** above.

Signature of Advertiser(s):

(if different from land owners)

Date:

APPENDIX VI - APPLICATION FORM FOR PLANNING CONSENT

SHIRE OF WYNDHAM - EAST KIMBERLEY

APPLICATION FORM FOR PLANNING CONSENT

1. Surname of Applicant Given Names

Full Address

2. Surname of Landowner
(If different from above Given Names

Address

3. Submitted by

4. Address for Correspondence

5. Locality of Development

6. Title Details of Land

7. Name of Road Serving Property

8. State Type of Development

Nature and size of all buildings proposed

.....

Materials to be used on External Surface of Buildings

.....

General Treatment of Open Portions of the Site

Details of Car Parking and Landscaping Proposals

.....

Approximate Cost of Proposed Development

Estimated Time for Construction

.....

Signature of Owner Signature of Applicant or Agent
(Both signatures are required if applicant is not the owner)

Date Date

NOTE: This form should be completed and forwarded to the Wyndham - East Kimberley Shire Council together with 2 COPIES of plans showing complete details of the development, including a site plan showing the relationship of the land to the area generally.

In areas where close development exist, or is in the course of construction, plans shall show the siting of buildings and uses on lots immediately adjoining the subject land.

All applications shall be accompanied by:

~~(a) — a location plan showing the land and the subject of the application and its relationship to surrounding lots and streets;~~

~~and in the case of an application for the erection of new buildings:~~

~~(b) — a site plan or plans showing:~~

~~(i) — the position, type and use of any new buildings and improvements proposed on the land;~~

~~(ii) — the position, type and use of any new buildings and improvements proposed on the land;~~

~~(iii) — the position of any trees on the site showing those to be removed and those to be retained;~~

~~(iv) — areas to be landscaped, surfaced for parking or developed for any other purpose within the site;~~

~~(v) — contours and any earthworks to be undertaken as a part of the development;~~

~~(vi) — the location and description of any buildings, places or objects (see Section 2.4);~~

~~(vii) — the method by which stormwater run-off is to be contained on the site or discharged from the site;~~

~~or in the case of an application for a change in the use of land and/or buildings;~~

~~(c) — a site plan and, where applicable, floor plan(s) of the existing buildings(s) indicating the uses to be made of the land and the respective buildings or portions of the building(s).~~

~~APPENDIX VII - NOTICE OF PUBLIC ADVERTISEMENT OF DEVELOPMENT PROPOSAL~~

~~SHIRE OF WYNDHAM - EAST KIMBERLEY~~

~~NOTICE OF PUBLIC ADVERTISEMENT OF DEVELOPMENT PROPOSAL~~

~~It is HEREBY NOTIFIED for public information and comment that the Council has received an application to develop land for the purpose described hereunder:-~~

~~LAND DESCRIPTION~~

~~LOT No.....STREET.....~~

~~PROPOSAL.....~~

~~.....~~

~~.....~~

~~.....~~

~~.....~~

~~Details of the proposal are available for inspection at the Council Office.~~

~~Comments on the proposal may be submitted to the Council in writing on or before the~~

~~..... day of..... 19.....~~

~~.....~~

~~**SHIRE CLERK**~~

~~.....~~

~~**DATE**~~

~~APPENDIX VIII - DECISION ON APPLICATION FOR PLANNING CONSENT~~

~~SHIRE OF WYNDHAM - EAST KIMBERLEY~~

~~DECISION ON APPLICATION FOR PLANNING CONSENT~~

~~The Council or its delegated officer having considered the application
dated
submitted by.....
on behalf of.....
hereby advise that it has decided to:~~

~~REFUSE/GRANT APPROVAL: _____ TO COMMENCE DEVELOPMENT~~

~~TO DISPLAY AN ADVERTISEMENT~~

~~subject to the conditions for the following reasons:-~~

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

~~SHIRE CLERK.....~~

~~DATE.....~~

APPENDIX IX - SCHEDULE OF PLACES OF HERITAGE VALUE

Lot No	Location	Land Use
Reserve 34340	Barytes Road (Port area)	Protection of Ruins (The Residency)
Multiple	Port Town Centre Precinct O'Donnell Street	Multiple uses incl. shops, residential, public purposes,
Reserve 17291	Great Northern Highway One Mile	Pioneer Cemetery (1886 - 1922)
Reserve 20359	Reginald Street (Gully)	Cemetery (1922 - 1968)
Reserve 19746	Three Mile	Old Cemetery (Afghan)
Reserve 33684	Great Northern Highway Nine Mile	Preservation of Historic Relics Round Stone Storeroom
Lot 58	Connor Street	Ruins of Three Mile Hotel

ADOPTION

Adopted by Resolution of the Council of the Shire of WYNDHAM-EAST KIMBERLEY at the Ordinary Meeting of the Council held on the 19th day of March 1992.

.....
PRESIDENT

Dated 26 March 1992

.....
SHIRE CLERK

Dated 26 March 1992

FINAL APPROVAL

1. Adopted by Resolution of the Council of the Shire of Wyndham-East Kimberley at the Ordinary Meeting of the Council held on the 18th day of February 1993 and the Seal of the Municipality was pursuant to that Resolution hereunder affixed in the presence of:

.....
PRESIDENT
(DEPUTY)

.....
SHIRE CLERK

This Scheme Text is to be read in conjunction with the approved maps of the Scheme described in Clause 1.5 of this Scheme and to which formal approval was given by the Hon Minister for Planning on the date shown below.

2. Recommended/Submitted for final approval by the State Planning Commission:

.....
for Chairman,
State Planning Commission

3. Final approval granted:

.....
SARAH ARTHUR
for Hon Minister for Planning

Dated 3 December 1993

PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME

SHIRE OF WYNDHAM EAST KIMBERLEY

TOWN PLANNING SCHEME NO. 6 – WYNDHAM TOWNSITE

AMENDMENT NO. 20

RESOLVED that the Council, in pursuance of Section 75 of the *Planning and Development Act 2005*, amend the above local planning scheme by:

1. Deleting the following clauses from the Scheme Text, as they have been superseded by the deemed provisions set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2:

Part	Clause Title(s)	Clause(s)	Page No.
Part II - Reserves	Matters to be considered by Council	2.2	8
Part III – Zones and Policies	Policies	3.3 (3.3.1, 3.3.2, 3.3.3, 3.3.4, 3.3.5)	13
Part V – Development Requirements	Development of Land	5.1.1, 5.1.2(c), 5.1.2(e), 5.1.2(f), 5.1.2(g)	15
	Residential Development: Residential Planning Codes	5.4.1, 5.4.3	16
	Residential Zone	5.5.3	17
Part VIII – Control of Advertising	Power to Control Advertisements, Existing Advertisements, Consideration of Applications, Discontinuance	8.1 (8.1.1 - 8.1.2), 8.2, 8.3, 8.5	27
	Derelict or Poorly Maintained, Signs, Notices	8.6, 8.7 (8.7.1, 8.7.2, 8.7.3)	28
Part IX – Conservation and/or Preservation of Places of Heritage Value	Places of Heritage Value, Amendment to Schedule of Places of Heritage Value, Notice of Amendment to Schedule of Places of Heritage Value, Development Control	9.1, 9.2, 9.3, 9.4	31-32
	Policies, Waiver of Scheme Provisions and Building Code of	9.5, 9.6, 9.7, 9.8, 9.9	32 - 33

	Australia, Arbitration, Purchase of Land, Agreements		
Part X – Planning Consent	Application for Planning Consent, Advertising of Applications	10.1 (10.1.1 - 10.1.2), 10.2 (10.2.1, 10.2.2, 10.2.3), 10.2.4, 10.2.5	34 - 35
	Determination of Applications, Deemed Refusal	10.3 (10.3.1, 10.3.2, 10.3.3, 10.3.4), 10.4 (10.4.1, 10.4.2, 10.4.3)	35
Part XI – Administration	Powers of the Scheme, Offences	11.1, 11.2.1	36
Appendix V	Information Sheet for Advertisement Approval	Whole Appendix	53
Appendix VI	Application Form for Planning Consent	Whole Appendix	54 - 55
Appendix VII	Notice of Public Advertisement of Development Proposal	Whole Appendix	56
Appendix VIII	Decision on Application for Planning Consent	Whole Appendix	57

2. Deleting the following clauses from the Scheme Text, as they are covered by provisions set out in the Planning and Development Act 2005:

Part	Clause Title(s)	Clause(s)	Page No.
Part II – Reserves	Compensation	2.3 (2.3.1, 2.3.2, 2.3.3)	8
Part V – Development Requirements	Development of Land	5.1.2(a), 5.1.2(b),	15
Part VIII – Control of Advertising	Enforcement and Penalties	8.9	28
Part XI – Administration	Offences, Notices, Claims for Compensation, Appeals	11.2.2, 11.3 (11.3.1, 11.3.2), 11.4, 11.5	36

3. Removing the following clauses from the Scheme Text and inserting them into Schedule A – Supplemental Provisions:

Part No.	Clause Title(s)	Clause(s)	Page No.
Part V – Development Requirements	Development of Land	5.1.2(d)	15

4. Inserting the following provisions into Schedule A – Supplemental Provisions:

New Clause	Part Clause replaced
<p><i>The erection or extension of a single house on a lot in the Special Rural or Rural/ Pastoral zones, and where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:</i></p> <p><i>(i) entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990; or</i></p> <p><i>(ii) the subject of an order under the Heritage of Western Australia Act 1990 Part 6; or</i></p> <p><i>(iii) included on a heritage list prepared in accordance with this Scheme; or</i></p> <p><i>(iv) within an area designated under the Scheme as a heritage area; or</i></p> <p><i>(v) the subject of a heritage agreement entered into under the Heritage of Western Australia Act 1990 section 29.</i></p>	5.1.2(f)
<p><i>the erection or extension of an outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a permitted (“P”) use and where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:</i></p> <p><i>(i) entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990; or</i></p> <p><i>(i) the subject of an order under the Heritage of Western Australia Act 1990 Part 6; or</i></p> <p><i>(ii) included on a heritage list prepared in accordance with this Scheme; or</i></p> <p><i>(iii) within an area designated under the Scheme as a heritage area; or</i></p> <p><i>(iv) the subject of a heritage agreement entered into under the Heritage of Western Australia Act 1990 section 29.</i></p>	5.1.2(f)
<p><i>the signage and advertisements contained in Table 5 of this Scheme do not require development approval. subject to provisions of the Main Roads (Control of Advertisements) Regulations 1996, those advertisements listed in Table 5, unless the sign is to be erected or installed –</i></p> <p><i>(i) On a place included on a heritage list prepared in accordance with this Scheme; or</i></p> <p><i>(ii) On land located within an area designated under this Scheme as a heritage area.</i></p>	8.4
<p><i>The erection of a boundary fence in a zone where the R Codes do not apply, except otherwise required by the Scheme.</i></p>	5.1.2(g)

5. Deleting the following definitions from Schedule 1, as they have been superseded by the definitions in the deemed provisions set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2:

Definitions Removed	Page No.
<i>Absolute Majority</i>	37
<i>Act</i>	37
<i>Advertisement</i>	37
<i>Owner</i>	44
<i>Residential Planning Codes</i>	45
<i>Zone</i>	48

6. Amending the following clauses by removing the cross reference to the clause deleted by the amendment and replace them with cross reference to deemed provisions set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2

Part	Clause No.	Cross Reference Clause Removed	Cross Reference to Deemed Provisions	Page No.
Part III – Zones and Policies	3.2.2	10.2	Clause 64 of the deemed provisions	9
	3.2.5 (b)	10.2	part 8 of the deemed provisions	13
Part VI – Amenity Control	6.4	10.3	part 9 of the deemed provisions	23
	6.6.1	Part X	Part 9 of the deemed provisions	24
	6.7	Part X	part 7 of the deemed provisions	24

7. Amending the following clauses by removing the cross reference to the clause deleted by the amendment and replace them with cross reference to the *Planning and Development Act 2005*:

Part	Clause No.	Cross Reference Clause Removed	Page No.
Part VI – Amenity Control	6.1	11.3	23

8. Deleting reference to the following terms and replace them with the corresponding term throughout the scheme:

Deleted Term	Replacement Term
Aged and Dependent Persons Dwelling	Ancillary Accommodation
Building Code of Australia (BCA)	Building Code

AMENDMENT REPORT

Purpose

The amendment removes scheme provisions and definitions that are superseded by the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) coming into effect on 19 October 2015.

The deletion of the provisions from the scheme will ensure that provisions that may, or may be seen to conflict, with the deemed provisions are removed. The deletion of the provisions will also assist in the day to day administration of the scheme by removing provisions which are no longer required.

The Regulations provide for supplemental provisions to be included for a number of the deemed provisions. The amendment introduces the supplemental provisions schedule and moves provisions into this schedule to ensure retention of all the existing scheme provisions, which are not superseded by the deemed provision, including exemptions from the requirement for development approval.

A number of the provisions being deleted are cross referenced elsewhere in the scheme. The amendment updates these cross references to reference the deemed provisions. Terms referred to in the scheme also require updating throughout the scheme.

With the deletion and movement of a number of the scheme provisions, those provisions which remain in the scheme will need to be renumbered to assist in the Scheme amendments.

Amendment Type

The amendment is a basic amendment, in accordance with part (c) of the basic amendment definition contained in Regulation 34.

PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF WYNDHAM EAST KIMBERLEY

TOWN PLANNING SCHEME NO. 6 – WYNDHAM TOWNSITE

AMENDMENT NO. 20

The Shire of Wyndham East Kimberley in pursuance of Section 75 of the *Planning and Development Act 2005* hereby amends the above local planning scheme by:

- Deleting the following clauses from the Scheme Text, as they have been superseded by the deemed provisions set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2:

Part	Clause Title(s)	Clause(s)	Page No.
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	Residential Zone	5.5.3	17
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	Derelict or Poorly Maintained, Signs, Notices	8.6, 8.7 (8.7.1, 8.7.2, 8.7.3)	28
Part IX – Conservation and/or Preservation of Places of Heritage Value	Places of Heritage Value, Amendment to Schedule of Places of Heritage Value, Notice of Amendment to Schedule of Places of Heritage Value, Development Control	9.1, 9.2, 9.3, 9.4	31-32
	Policies, Waiver of Scheme Provisions and Building Code of Australia, Arbitration, Purchase of Land, Agreements	9.5, 9.6, 9.7, 9.8, 9.9	32 - 33
Part X – Planning Consent	Application for Planning Consent, Advertising of Applications	10.1 (10.1.1 - 10.1.2),	34 - 35

		10.2 (10.2.1, 10.2.2, 10.2.3), 10.2.4, 10.2.5	
	Determination of Applications, Deemed Refusal	10.3 (10.3.1, 10.3.2, 10.3.3, 10.3.4), 10.4 (10.4.1, 10.4.2, 10.4.3)	35
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Part VIII – Control of Advertising	Enforcement and Penalties	8.9	28
Part XI – Administration	Offences, Notices, Claims for Compensation, Appeals	11.2.2, 11.3 (11.3.1, 11.3.2), 11.4, 11.5	36

3. Removing the following clauses from the Scheme Text and inserting them into Schedule A – Supplemental Provisions:

Part No.	Clause Title(s)	Clause(s)	Page No.
Part V – Development Requirements	Development of Land	5.1.2(d)	15

4. Inserting the following provisions into Schedule A – Supplemental Provisions:

New Clause	Part Clause replaced
<p><i>The erection or extension of a single house on a lot in the Special Rural or Rural/ Pastoral zones, and where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:</i></p> <p><i>(i) entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990; or</i></p> <p><i>(ii) the subject of an order under the Heritage of Western Australia Act 1990 Part 6; or</i></p> <p><i>(iii) included on a heritage list prepared in accordance with this Scheme; or</i></p> <p><i>(iv) within an area designated under the Scheme as a heritage area; or</i></p> <p><i>(v) the subject of a heritage agreement entered into under the Heritage of Western Australia Act 1990 section 29.</i></p>	5.1.2(f)
<p><i>the erection or extension of an outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a permitted (“P”) use and where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:</i></p> <p><i>(i) entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990; or</i></p> <p><i>(i) the subject of an order under the Heritage of Western Australia Act 1990 Part 6; or</i></p> <p><i>(ii) included on a heritage list prepared in accordance with this Scheme; or</i></p> <p><i>(iii) within an area designated under the Scheme as a heritage area; or</i></p> <p><i>(iv) the subject of a heritage agreement entered into under the Heritage of Western Australia Act 1990 section 29.</i></p>	5.1.2(f)
<p><i>the signage and advertisements contained in Table 5 of this Scheme do not require development approval. subject to provisions of the Main Roads (Control of Advertisements) Regulations 1996, those advertisements listed in Table 5, unless the sign is to be erected or installed –</i></p> <p><i>(i) On a place included on a heritage list prepared in accordance with this Scheme; or</i></p> <p><i>(ii) On land located within an area designated under this Scheme as a heritage area.</i></p>	8.4
<p><i>The erection of a boundary fence in a zone where the R Codes do not apply, except otherwise required by the Scheme.</i></p>	5.1.2(g)

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6. Amending the following clauses by removing the cross reference to the clause deleted by the amendment and replace them with cross reference to deemed provisions set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2

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Part VI – Amenity Control	6.4	10.3	part 9 of the deemed provisions	23
	6.6.1	Part X	Part 9 of the deemed provisions	24
	6.7	Part X	part 7 of the deemed provisions	24

7. Amending the following clauses by removing the cross reference to the clause deleted by the amendment and replace them with cross reference to the *Planning and Development Act 2005*:

Part	Clause No.	Cross Reference Clause Removed	Page No.
Part VI – Amenity Control	6.1	11.3	23

8. Deleting reference to the following terms and replace them with the corresponding term throughout the scheme:

Deleted Term	Replacement Term
Aged and Dependent Persons Dwelling	Ancillary Accommodation
Building Code of Australia (BCA)	Building Code

Residential Planning Codes	Residential Design Codes
Planning Consent	Development Approval

9. Updating the following clauses and definitions as detailed below:

Part	Clause No.	Details of Change	Page No.
Part I – Preliminary	1.8.2	<p>Include reference to words and expressions in Part 1 of the deemed provisions as follows:</p> <p><i>In the Scheme unless the context otherwise requires, or unless it is otherwise provided herein, words and expressions have the respective meanings given to them in Appendix 1, Planning and Development (Local Planning Schemes) Regulations 2015 - deemed provisions and the Residential Design Codes.</i></p>	7
Part V - Development	5.5.2	<p>Delete second paragraph and amend third paragraph to read as follows:</p> <p><i>For residential zoned land, subdivision and development shall have due regard to a Structure Plan approved by the Western Australian Planning Commission in accordance with part 4 of the deemed provisions.</i></p>	17

10. Modifying the zoning table to make Ancillary Accommodation a 'P' use in the Residential zone;
11. Removing Clause 8.8 on the basis that Council has previously repealed the Signs, Hoarding and Bill Posting Bylaws.
12. Renumbering the remaining scheme provisions and schedules sequentially and update any cross referencing to the new clause numbers as required.

Adopted by resolution of the Council of the Shire of Wyndham East Kimberley
at the meeting of the Council held on the day of 20 .

.....
SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

WAPC RECOMMENDED/SUBMITTED FOR APPROVAL

.....
DELEGATED UNDER S.16 OF THE
PLANNING AND DEVELOPMENT ACT 2005

DATE.....

APPROVAL GRANTED

.....
MINISTER FOR PLANNING
S.87 OF THE *PLANNING AND DEVELOPMENT ACT 2005*

DATE.....

Cr D Spackman declares an Impartiality Interest in the item as his parents own a liquor license.

13.04.09. Kununurra and Wyndham Liquor Restrictions

DATE:	23-02-2016
AUTHOR:	Louise Gee, Director Community Development
RESPONSIBLE OFFICER:	Louise Gee, Director Community Development
ASSESSMENT NO:	
FILE NO:	CR.22.12
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council requests the CEO to write a Letter of Support to accompany Senior Sergeant Steve Principe's submission to the Director of Liquor Licensing requesting consideration to halve the current daily allowance of takeaway alcohol for a 12 month trial period due to the amount of community harm caused by alcohol consumption.

Cr S Cooke moves an amendment:

- b) that the restrictions not come into effect until (a minimum) six months into the trial of the cashless debit card to ensure accuracy of data from both trials

Cr D Spackman foreshadowed a Motion:

That Council wait until information has been received from the trial of TAMS and the cashless debit card be brought before Council to send the letter of support.

COUNCIL DECISION

Minute No. 11266

Moved: Cr B Robinson
Seconded: Cr S Cooke

That the motion be put

Carried 9/0

COUNCIL DECISION

Minute No. 11267

Moved: Cr S Cooke

Seconded: Cr N Perry

That Council:

- A) requests the CEO to write a Letter of Support to accompany Senior Sergeant Steve Principe's submission to the Director of Liquor Licensing requesting consideration to halve the current daily allowance of takeaway alcohol for a 12 month trial period due to the amount of community harm caused by alcohol consumption.**
- B) that the letter request that the restrictions not come into effect until (a minimum) six months into the trial of the cashless debit card to ensure accuracy of data from both trials**

Carried 5/4

**For: Cr J Parker, Cr N Perry, Cr S Cooke, Cr E Bolto, Cr B Robinson
Against: Cr K Wright, Cr A Petherick, Cr D Spackman, Cr S Rushby**

PURPOSE

For Council to consider writing a letter of support for Senior Sergeant Steve Principe, Officer in Charge Kununurra Police, for submission to the Director of Liquor Licensing requesting that the current liquor restrictions for takeaway alcohol within the Shire of Wyndham East Kimberley be reduced from two cartons to one for a 12 month trial period.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Advocator - advocate and support initiatives on behalf of the community and the Kimberley

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

On March 16, 2009 the Director of Liquor Licensing announced a number of restrictions on the sale and supply of takeaway liquor (i.e. packaged liquor) in the area of Western Australia north of 20 degrees south, under section 64 of the *Liquor Control Act 1998*. The restrictions were introduced to help address the level of alcohol-related harm that is prevalent in the Kimberley region.

As from 30 March 2009, the following restrictions applied to liquor licenses in area of the state north of 20 degrees south:

- The sale of packaged liquor (with an alcohol content of more than 6%) in individual containers of more than 1L is prohibited. This includes spirits and 2L cask wine.

- The sale of all packaged beer in individual glass containers of more than 400ml is prohibited. This includes so-called “king brown” bottles.

The restrictions only applied to the sale and supply in the above mentioned containers and did not impact on the public's ability to purchase cartons/blocks/keys of beer, or 750ml bottles of wine or spirits. However, Kununurra and Wyndham licensees and service providers negotiated a range of voluntary restrictions and conditions on the sale of alcohol. These included:

- Restricting the availability of cask wine and fortified wine after 5:00pm
- Stopping the sale of packaged liquor at the request of police during funerals and special events.

On 30 November 2010, the Director of Liquor Licensing released his decision in relation to restricting the sale and supply of packaged liquor in Kununurra and Wyndham under section 64 of the *Liquor Control Act 1998*. It was his decision that, as of the 7 February 2011, each relevant license that authorises the sale of packaged liquor be subjected to the following conditions indefinitely:

1. Having regard to condition 3(b) below, packaged liquor may only be sold and supplied on a day other than a Sunday, Good Friday, Christmas or ANZAC Day – from 12:00pm to 8:00pm.
2. The sale and supply of packaged liquor for consumption on premises is prohibited before 12:00pm, except where it is sold or supplied ancillary to a meal or to a lodger.
3. The sale and supply of packaged liquor may only be sold or supplied in the following quantities:
 - a. where the liquor contains less than 2.7% concentration of ethanol at 20 degrees Celsius – in any quantity;
 - b. where the liquor contains greater than 2.7% but no more than 7% concentration of ethanol at 20 degrees Celsius – a maximum cumulative quantity of 11.5L per customer per day; and where the liquor contains greater than 3.5% concentration of ethanol; at 20 degrees Celsius that liquor can only be sold between 5:00pm and 8:00pm;
 - c. where the liquor contains greater than 7% but no more than 15% concentration of ethanol at 20 degrees Celsius – a maximum cumulative quantity of 1.5L per customer per day; and
 - d. where the liquor contains greater than 15% of ethanol at 20 degrees Celsius – a maximum cumulative quantity of 1L per customer per day.

A person may purchase liquor in quantities provided for by (b) plus either (c) or (d) but not both.

After re-examination of these conditions in light of evidence that alcohol-related issues were shifting to later in the evening the Director of Liquor Licensing amended the timing of sales of full strength alcohol to the hours of 2pm - 8pm. This was again reviewed in November 2012, with the current mandated restrictions in Kununurra and Wyndham available in Attachment 1.

The misuse of alcohol continues as a significant problem within the Shire of Wyndham East Kimberley. Aside from links to numerous social issues such as crime, violence, anti-social behaviour, and low school attendance, it also places a strain on valuable resources within the community such as policing and health care.

Due to the possibility that an individual will purchase their limit at one outlet and then purchase additional alcohol from another outlet, the Kununurra Wyndham Alcohol Accord has recently implemented a 12 month trial of a Takeaway Alcohol Management System (TAMS) within the Shire, which commenced on 14 December 2015. The TAMS is an identification scanning mechanism which monitors the volume of alcohol an individual has purchased in any one day.

To minimise harm the Australian Government has announced that it is trialling a new way of delivering welfare payments which will limit the amount of cash available for spending on alcohol, gambling and drugs. Community leaders in Kununurra and Wyndham have confirmed that they want to take part in the trial of the Cashless Debit Card, which will look and operate like a normal bank card, except it cannot be used to buy alcohol or gambling products, or to withdraw cash. The trial is anticipated to commence in the Shire of Wyndham East Kimberley in April / May 2016.

STATUTORY IMPLICATIONS

Mechanisms available to address harm caused due to the use of liquor are provided under sections 64 and 175(1a) of the *Liquor Control Act 1988*.

Section 175(1a) enables the Governor, on the recommendation of the Minister to declare an area of the state a restricted area that prohibits the bringing in, possession and consumption of liquor in the declared area. In addition, penalties apply where a person commits an offence against the regulations and in this regard, the Police have the necessary powers to seize and dispose of opened or unopened containers of liquor that are brought into the restricted area illegally.

Section 64 of the Act allows for the Director of Liquor Licensing, where it is in the public interest, to impose conditions on licensees restricting the sale and supply of liquor from licensed premises. A condition may include a limitation, prohibition or an authorisation on

any licence or permit and can relate to any aspect of business carried out under the licence, or any activity that takes place at the licensed premises.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

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 3.3.6 : Collaborate with Police and other agencies to review and make recommendations with regard to improved safety and reduced vandalism in towns.

RISK IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

No community engagement is required.

It should be noted that under sections 64 (1C) of the *Liquor Control Act 1988* "For the purposes of deciding whether to impose, vary or cancel a condition under this section, the licensing authority may consult with all or any of the following persons —

- (a) the Commissioner of Police;
- (b) the relevant local government;
- (c) the Executive Director, Public Health;
- (d) any other person, body or authority the licensing authority considers may be able to provide information relevant to the decision".

COMMENTS

Misuse of alcohol continues as a significant problem within the Shire. This is evident in the information provided to the Director of Liquor Licensing in regards to an Application for Conditional Grant of a Liquor Store Licence (Attachment 2) within Kununurra, which was issued on 15 December 2015. Data and statistics on the issues were provided by many parties in their objection to the application.

The Commissioner of Police provided data extracted from the Police Incident Management System (IMS) which indicated that:

- Between January 2013 and December 2013 there were 744 recorded incidents in Kununurra of which 323 were alcohol-related. 239 of the incidents were domestic assaults with 207 involving alcohol.
- Between January 2014 and December 2014 there were 675 recorded incidents in Kununurra of which 328 were alcohol-related. 227 of the incidents were domestic assaults with 181 involving alcohol.
- Approximately 60% of all recent sexual assault offences reported are alcohol-related.
- The rate of domestic assault offences involving the presence of alcohol is more than 4 times that of non-alcohol related offences of the same type.

The Commissioner of Police also provided a statement from Senior Sergeant Steve Principe in which he stated that “Kununurra, like most Kimberley towns, experience high incidents of alcohol fuelled violence which has an extreme negative effect on communities. This negative effect has a flow-on impact for dysfunctional families, poor school attendance, juvenile offending and finally a loss of cultural awareness and belonging.”

The Executive Director of Public Health submitted an intervention in the application to make representations regarding harm or ill-health issues that arise in respect of the application, in which they provided a range of data relating to the existing level of alcohol-related harm in Kununurra, including:

- Total hospitalisation rate for ‘all alcohol-related conditions’ for residents of Kununurra was significantly higher (4.31 times) than the corresponding State rate;
- Over one in three patients attending Kununurra Hospital Emergency Department for alcohol/drug toxic effect were assessed by triage staff as requiring urgent treatment;
- Almost four in five domestic assault offences in Kununurra were recorded as alcohol-related which is higher than both the State and Kimberley District, and this rate has increased since 2010;
- Over two thirds of verified non-domestic assault offences in Kununurra were recorded as alcohol-related;
- Over 85% of reported drink-driving offences in Kununurra in 2014 involved packaged liquor consumption; and
- Alcohol as a primary drug of concern, accounts for at least three quarters of all treatment episodes for Kununurra clients.

At the 2 February 2016 Kununurra Wyndham Alcohol Accord meeting Senior Sergeant Steve Principe raised concern that although the TAMS is addressing one of the barriers of

the restrictions, and the future commencement of the Cashless Debit Card trial within the Shire will contribute positively, he believes that there is a need for immediate action to reduce the supply of alcohol to the community to help combat the extreme social harm currently facing our community. He then raised the following motion:

The Kununurra Alcohol Accord writes directly to the Director of Liquor Licensing to consider halving the current restrictions of takeaway alcohol due to the amount of community harm caused by alcohol consumption in Kununurra.

Lost 2/3

For: Shire of Wyndham East Kimberley, OIC Kununurra Police

*Against: Vaggs Liquor Wyndham, Hotel Kununurra, and Gullivers
Tavern*

Abstained: Ord River Sports Club

After the motion was lost, Senior Sergeant Steve Principe advised that he would take it upon himself to contact the Director of Liquor Licensing individually to request the amendment. An emailed request was received from Senior Sergeant Principe following the meeting requesting Council support in halving the current restrictions of takeaway alcohol (Attachment 3).

ATTACHMENTS

Attachment 1 - Liquor Restrictions in Kununurra and Wyndham

Attachment 2 - Decision of the Director Liquor Licensing

Attachment 3 - Email Steve Principe OIC - Kununurra Police Station dated 2 February 2016



DEPARTMENT OF RACING, GAMING AND LIQUOR

LIQUOR RESTRICTIONS IN KUNUNURRA & WYNDHAM

This fact sheet provides information about purchasing and consuming liquor in Kununurra & Wyndham, Western Australia.

... **on public roads and in private vehicles** is an offence (except where a permit or licence applies). This includes drinking in a motor vehicle on any public road or street.

... **in parks and other public places** is an offence without the consent of the owner or controlling authority. This includes areas such as parks, reserves, beaches and so on.

- The sale and supply of liquor for consumption at hotel or tavern premises is prohibited before 12 noon except where it is sold ancillary to a meal (or to a lodger at hotel premises).
- Takeaway alcohol restrictions are detailed below:

	Alcohol Strength	Trading hours	Quantity (per person, per day)
a)	Low strength alcohol (i.e. 2.7% or less)	Monday to Saturday 12pm to 8pm	No limit
b)	Mid to full strength alcohol (i.e. 2.7% to 7%)	Monday to Saturday 12pm to 8pm	22.5 litres (e.g. two cartons of beer)
c)	Full strength alcohol (i.e. 7% to 15%)	Monday to Saturday 12pm to 8pm	4.5 litres (e.g. six bottles of wine)
d)	Greater than 15% (e.g. some spirits, wines,	Monday to Saturday 12pm to 8pm	1 litre

Liquor may be purchased in the quantities specified in either (b) or (c) or (d) or half quantity combinations of (b) and (c).

- Special exemptions* for takeaway liquor apply to:
 - Station owners;
 - Liquor merchants;
 - Mail order sales; and
 - A person who has pre-ordered using a Bulk Purchase Order Form at least 72 hours in advance of pick-up/delivery.
- *conditions apply

Kimberley Wide Restrictions

In addition to the liquor restrictions specific to Kununurra and Wyndham, the following liquor restrictions exist for the entire Kimberley region:

- Takeaway liquor may not be sold:
 - in individual containers of more than one litre of liquor with an alcohol content of 6% or more (for example, wine casks of more than one litre); and
 - in glass bottles of 400ml or more of beer.

DECISION OF DIRECTOR OF LIQUOR LICENSING

APPLICANT:	KUNUNURRA LIQUOR PTY LTD
PREMISES:	LIQUOR BARONS KUNUNURRA
PREMISES ADDRESS:	116 COOLIBAH DRIVE KUNUNURRA
APPLICATION ID:	A000177322
NATURE OF APPLICATION:	APPLICATION FOR CONDITIONAL GRANT OF A LIQUOR STORE LICENCE
DATE OF DETERMINATION:	15 DECEMBER 2015

Introduction

- 1 This is an application by Kununurra Liquor Pty Ltd (the applicant) for the conditional grant of a liquor store licence for premises to be known as Liquor Barons Kununurra and located at 116 Coolibah Drive, Kununurra. The application is made pursuant to s 47 and s 62 of the *Liquor Control Act 1988* (the Act).
- 2 The application was advertised for public comment in accordance with instructions issued by the Director of Liquor Licensing. Pursuant to s 74 of the Act, objections to the application were lodged by the Commissioner of Police (the Commissioner), the Australian Broadcasting Corporation (ABC), Dr Robert Phair and Kimberley Accommodation (East) Pty Ltd (licensee of Hotel Kununurra) (licensee objector). The Executive Director Public Health (EDPH) intervened in the application pursuant to s 69 of the Act.
- 3 The application will be determined on the written materials lodged, as permitted under s 13 and s 16 of the Act. The evidence and submissions of the parties are briefly summarised as follows.

The applicant's evidence and submissions

- 4 The proposed liquor store will be located in the "town centre zone", which is a commercial precinct containing retail outlets, a Subway fast food store and business offices including ABC Radio, real estate, I.T. services, art gallery and legal services. According to the applicant, the liquor store is a new concept for the locality because it will provide a comfortable, convenient, modern browse style liquor store with a fashionable fit-out and supply a selection of fine wines, premium beers and spirits.
- 5 The proposed liquor store will be approximately 174m² and feature 13 cool room doors which will provide ample space for chilled liquor products for the convenience of shoppers. The cool room will be approximately 52m². It is proposed to also offer ancillary products and services such as cool drinks, water and juice; ice; wine stoppers and accessories and gourmet cheeses, olive oils and other products sourced from

Margaret River. The applicant also proposes to establish a wine club, with fortnightly seminars and wine tastings.

- 6 The applicant submitted a Public Interest Assessment (PIA) to support its application. According to the applicant, Australian Bureau of Statistics demographics show a regional locality with positive socio-economic indicators of employment, income, rent and mortgage repayments. This indicates a stable population with high employment rates leading to higher than average income. It was also submitted that the population of the town is expected to grow substantially in the future and tourism remains a strong contributor to the local economy.
- 7 Although Kununurra has a high Aboriginal population (25.8%), this is lower than other major towns in the Kimberley, such as Broome (32.2%), Wyndham (51%), Fitzroy Crossing (66.6%) and Halls Creek (74.5%). It was therefore concluded by the applicant that while this at-risk group is over represented in the locality when compared to the State average, in a regional context, the figure is low. It was also submitted that employment in mining, construction, transport and warehousing in Kununurra and Wyndham has led to a strong local economy and a lower dependence on government assistance.
- 8 In acknowledging that restrictions have been imposed on the sale of packaged liquor in Kununurra by the Director of Liquor Licensing, the applicant submitted that it is committed to trading in accordance with those restrictions, however it was the applicant's view that problem drinkers would not be attracted to its proposed liquor store because it will not offer cheap, discounted liquor. The applicant has also prepared a harm minimisation plan.
- 9 In terms of existing alcohol-related harm in the locality, the applicant submitted that the number of reported alcohol-related offences per 1,000 of population in 2011 in Kununurra was favourable when compared to other towns in the Kimberley. The rate of offending in Kununurra was 50.1, Derby 58.9, Halls Creek 88.7, Broome 93.3, Wyndham 115.6 and Fitzroy Crossing 215.9. The applicant concluded that the locality surrounding the proposed liquor store has a relatively lower incidence of alcohol-related crime compared to what appears to be generally accepted in other areas of the Kimberley region.
- 10 In further support of the application, the applicant lodged 113 witness questionnaires and, according to the applicant, all the respondents were supportive of the application. Although some respondents raised concerns about the impact of the application, they nonetheless indicated that they would use the proposed store.
- 11 The applicant was of the view that the closure of the Liquorland store in Kununurra in August 2014 meant the town had one less packaged liquor outlet, which also deprived the town of its only browse style liquor store, as the two remaining outlets are drive through facilities.

- 12 In conclusion, the applicant submitted that the grant of the application was in the public interest because:
- the requirement of consumers in terms of choice, diversity and convenience in regard to package liquor services are not currently being met in the locality, and will be met by the proposed liquor store;
 - the population in the locality is growing fast and therefore has an increasing need of retail services in general and packaged liquor services specifically;
 - currently locals only have the option of drive through bottleshops to purchase packaged liquor or to purchase online and wait for delivery;
 - the proposed intended manner of trade is geared to attracting a clientele that is focused on quality and value. The proposed liquor store will not be attractive to those seeking quick cheap liquor; and
 - the proposed liquor store offers a different concept than the existing packaged liquor outlets including a browse style layout, higher quality products, wine tasting and appreciation, gourmet regional products and excellent customer service, it will be catering to the diverse requirements of the public for packaged liquor services and it can be seen as the proper development of the industry, as it is very responsibly and carefully designed and will be owned and managed by an experienced and capable licensee.

The objectors' evidence and submissions

The Commissioner of Police

- 13 Pursuant to s 73(1) of the Act the Commissioner objected to the application on the following grounds:
- the grant of the application would not be in the public interest; and
 - the grant of the application would cause undue harm or ill-health to people, or any group of people, due to the use of liquor.
- 14 It was submitted that WA police have extensive knowledge regarding contemporary issues relating to the locality surrounding the proposed liquor store. These issues include public drunkenness, vagrancy, domestic and non-domestic assault and public nuisance. The Commissioner acknowledged that the town of Kununurra is a regional hub for the East Kimberley area and the gateway to the Northern Territory, and as a result, it was submitted that the locality experiences a high number of transient inhabitants who utilise the community services in the town or are passing through on their way to other localities.
- 15 Although the population of the Kimberley district may be increasing, as contended by the applicant, it was submitted by the Commissioner that the expansion of the district

does not necessarily justify the grant of the application, particularly in light of the current issues in the locality.

- 16 According to the Commissioner, Aboriginal people represent 25.8% of the population of Kununurra, compared to the State average of 3.1%. It is clear that the locality is highly represented by the Aboriginal population. Further, this figure does not represent the transient nature of Aboriginal people, who may frequent the locality from time to time, but do not permanently reside there. Aboriginal people are at-risk of alcohol-related harm and as such, the impact of a licensed premises needs to be carefully scrutinised to ensure this demographic of people are not negatively and unduly impacted.
- 17 In addition, there is a higher presence of children and young people in the locality compared to the State average. This at-risk group is susceptible to the risk of harm from others who have consumed alcohol.
- 18 Data extracted from the Police Incident Management System (IMS) indicates that between January 2013 and December 2013 there were 744 recorded incidents in Kununurra, of which 323 were alcohol-related, whilst in the 12 months ending December 2014, there were 675 recorded incidents with 328 being alcohol-related. Specifically, in 2013 there were 239 domestic assaults, with 207 involving alcohol and in 2014 there were 227 domestic assaults of which 181 involved alcohol. The Commissioner pointed out that approximately 60% of all recent sexual assault offences reported are alcohol-related and the rate of domestic assault offences involving the presence of alcohol is more than four times that of non-alcohol related offences of the same type.
- 19 It was submitted by the Commissioner that an analysis of the crime data indicates that the town of Kununurra experiences a high level of alcohol-related harm, which is both serious and unacceptable, particularly in relation to domestic and non-domestic assault offences.
- 20 The Commissioner referenced research data which shows a relationship between outlet density and rates of domestic violence. Packaged liquor sales were also correlated with an increased likelihood of violence.
- 21 Consequently, it was submitted by the Commissioner that there is a very high and serious level of alcohol-related harm in the locality, and even a small risk of increase in this existing level of harm is unacceptable. According to the Commissioner, the grant of the application will increase the availability of alcohol in the locality and this will result in an increase in alcohol-related harm in the locality beyond that which it currently experiences.
- 22 The Commissioner submitted letters from the following persons:
 - Ms Mary Crowley, CEO of the Aboriginal Family Law Services (AFLS). AFLS provides assistance to at-risk people in the locality, which includes Aboriginal

people and children and young people. Ms Crowley provided an insight into the work of AFLS within the local community and the problems presently experienced by the existing at-risk groups due to the abuse of alcohol;

- Mr James Back, Executive Officer for Reconciliation Western Australia. Reconciliation WA does not support the application because of the existing problems of alcohol abuse in the region, which manifests itself in domestic violence, lateral violence and social unrest; and
- Ms Rachell Fewster, operator of Subway Kununurra. According to Ms Fewster Subway customers include many at-risk persons, and having a liquor store in such close proximity may pose a safety risk to younger staff members of Subway.

23 The Commissioner also provided a statement from the Officer in Charge (OIC) of the Kununurra Police Station who stated that following the closure of Liquorland Kununurra there was a dramatic reduction in the demand for policing services and the shopping centre immediately experienced reduced incidents of anti-social behaviour. According to the OIC, Kununurra, like most Kimberley towns, experience high incidents of alcohol fuelled violence which has an extreme negative effect on communities. This negative effect has a flow-on impact for dysfunctional families, poor school attendance, juvenile offending and finally a loss of cultural awareness and belonging. It was also raised by the OIC that the proposed liquor store will be located in the middle of Kununurra near important local infrastructure which has a high flow of local traffic. This location would potentially place intoxicated persons at high risk of severe injury due to traffic flow, as well as a return to high levels of anti-social behaviour in the CBD.

24 Consequently, it was submitted by the Commissioner that whilst the closure of the Liquorland store resulted in a reduction in amenities for the locality, the town continues to suffer from anti-social behaviour and crime as a result of the alcohol abuse. The grant of the application will increase the level of anti-social behaviours as observed in the past.

Australian Broadcasting Corporation

25 It was submitted by the ABC that undue offence, annoyance, disturbance or inconvenience to its staff that work at the ABC's studio/office at 114B Coolibah Drive would be likely to occur if the application is granted. The proposed liquor store will be located next door to the ABC studios.

26 It was submitted that there are already problems in the area with inebriated people gathering in the car park area behind the row of premises from 106-116 Coolibah Drive and inebriated people hanging around outside the ABC studio.

27 According to the objector, if the application is granted, these occurrences would only increase, thereby negatively impacting on staff.

Dr Rob Phair

- 28 Dr Phair has worked at the Kununurra Hospital for the past five years and has witnessed firsthand in the Emergency Department and on the ward, the destructive effects of alcohol abuse on the most vulnerable members of the community. According to Dr Phair, there is a very significant, on-going issue in the local community with alcohol abuse. This problem also extends to remote communities nearby, in particular Warmun, where he also works.
- 29 According to Dr Phair, the closure of the Liquorland store had a beneficial effect on the safety and amenity of the main town shopping centre.
- 30 In these circumstances, it was submitted that the grant of a new liquor store licence in the town would only have an adverse effect on the local community.

Kimberley Accommodation (East) Pty Ltd (licensee of Hotel Kununurra)

- 31 It was submitted that Kununurra currently experiences high rates of offences against the person and alcohol-related crime, harm and ill-health and duplicating and increasing the density of alcohol outlets may result in an unacceptable increase in the levels of violence currently experienced in the locality. In this regard, the licensee objector provided a range of data to support this contention.
- 32 According to the licensee objector, Kununurra has a long history of alcohol-related harm or ill-health being experienced by members of the community, and as a result of that harm or ill-health, restrictions were imposed to limit the availability of alcohol within the community. Although restrictions were first imposed in 2011, the problems experienced by this community with respect to alcohol abuse have existed for a much greater period. As early as 2001, the Supreme Court varied a decision of the Liquor Licensing Court so that a proposed hotel licence in Kununurra could not sell packaged liquor to members of the general public due to concerns about alcohol-related harm in the community.
- 33 The licensee objector also questioned the probative value of the applicants witness questionnaires and submitted that the questionnaire is fundamentally flawed because of the way the questions were framed.
- 34 It was submitted that the onus is on the applicant to satisfy the licensing authority that the grant of the application is in the public interest and in respect of this application, the applicant has attempted to downplay the existing level of alcohol-related harm in Kununurra. Although the applicant will have in place harm minimisation strategies, in reality, it was submitted that the applicant will have no control over the manner in which liquor purchased from the store will be consumed by members of the public, including at-risk groups.

- 35 In conclusion, it was submitted by the licensee objector that while the applicant may argue that the grant of the present application will simply, in light of the closure of Liquorland Kununurra, maintain the status quo (there would still be three packaged liquor outlets in Kununurra), given the present levels of alcohol-related harm, it is not in the public interest for the status quo to be maintained. Minimising the risk of increasing the existing level of harm in the community should outweigh any benefits to the community by the grant of the application.

The intervener's evidence and submissions

- 36 The EDPH intervened in the application to make representations regarding harm or ill-health issues that arise in respect of the application. The intervention was premised on the following:
- there are factors associated with the proposed location, and characteristics of the liquor store, that have the potential to increase the risk of harm in Kununurra;
 - there are at-risk groups in the locality who currently experience alcohol-related harm, both directly and indirectly;
 - local stakeholders advise that alcohol is a key contributor to harm and problems experienced in Kununurra;
 - Kununurra is subject to current liquor restrictions as a result of concern regarding alcohol-related harm in the area;
 - Kununurra experiences alcohol-related harm, which is above the State rate, including –
 - alcohol-related domestic assaults; and
 - alcohol-related hospitalisations.
 - clients attending treatment services in Kununurra predominantly report alcohol as the primary drug of concern.
- 37 It was submitted by the EDPH that the grant of the application will reintroduce a third packaged liquor retailer into a locality that already experiences negative health and social impacts related to the consumption of alcohol. The EDPH provided a range of data relating to the existing level of alcohol-related harm in Kununurra, including:
- total hospitalisation rate for 'all alcohol-related conditions' for residents of Kununurra was significantly higher (4.31 times) than the corresponding State rate;
 - over one in three patients attending Kununurra Hospital Emergency Department for alcohol/drug toxic effect were assessed by triage staff as requiring urgent treatment;

-
- almost four in five domestic assault offences in Kununurra were recorded as alcohol-related which is higher than both the State and Kimberley District, and this rate has increased since 2010;
 - over two thirds of verified non-domestic assault offences in Kununurra were recorded as alcohol-related;
 - over 85% of reported drink-driving offences in Kununurra in 2014 involved packaged liquor consumption; and
 - alcohol as a primary drug of concern, accounts for at least three quarters of all treatment episodes for Kununurra clients.
- 38 It was noted by the EDPH that Liquorland Kununurra closed in August 2014 and a comparison of alcohol-related domestic assault offences recorded since the closure of this store indicates that the offence rate per 1,000 persons is lower after the closure of this store than before.
- 39 According to the EDPH, in addition to Aboriginal people who reside within Kununurra locality, there are also a number of Aboriginal communities located in close proximity to Kununurra and during the wet season members of outlying communities come to Kununurra. While in Australia, there are fewer drinkers in the Aboriginal population compared to the non-Aboriginal population, and while Aboriginal people also drink less frequently, a greater percentage of Aboriginal people who do drink, consume alcohol at levels that pose both a short-term and long-term risks for their health. Harmful use of alcohol can be seen as a result of the disadvantage experienced by many Aboriginal people. Some Aboriginal people find themselves trapped within a cycle of poverty and poor health, disconnected from country and marginalised within society. These issues have impacted on the physical, mental, social, emotional and spiritual wellbeing of Aboriginal people.
- 40 The EDPH provided a statement from the Coordinator of the Kimberley Community Alcohol and Drug Service (KCADS) based in Kununurra. KCADS provide assessment, counselling, referrals and support to people who are experiencing problems relating to alcohol and other drugs. According to the Coordinator, alcohol abuse impacts on clients, families and the community in a number of ways, including;
- violence in the home and on the streets;
 - anti-social behaviour;
 - drinking in public places;
 - young, unsupervised children wandering the streets at night;
 - relationship and family breakdowns within the home and extended family;
 - alcohol dependence; and

- crime.
- 41 From the Coordinator's experience, many referrals to the KCADS have occurred in relation to people's consumption of packaged liquor, with regular drinkers making up the greatest proportion of clients experiencing alcohol-related issues.
- 42 It was submitted by the EDPH that the Kununurra Hospital will have approximately 13,300 clients present to the Emergency Department in 2014/15. According to the hospital's Director of Nursing, who provided a statement to the EDPH, alcohol has an enormous impact on the town resulting in presentations to the Emergency Department for domestic violence, head injuries, physical assaults and sexual abuse. Long term alcohol abuse also results in presentations for malnutrition, diabetes, renal failure and other chronic disease.
- 43 According to the EDPH, research literature establishes a correlation between the availability of alcohol and the frequency and range of social and health problems. Also, the socio-economic circumstances of communities can influence drinking behaviour and drinking behaviours can in turn, influence socio-economic circumstances – it can best be described as a cycle where both factors influence and impact on each other.
- 44 It was therefore submitted by the EDPH that this application presents harm and ill-health concerns based on a combination of risk factors including, the central location of the proposed premises, at-risk groups for alcohol-related harm living in Kununurra, and alcohol-related harm currently occurring in the locality.

Determination

- 45 The law relating to the grant of a liquor store licence is well established. A brief summary of the relevant legal provisions are:
- the Act imposes an onus on an applicant for the grant of a licence to satisfy the licensing authority that the grant of the application is in the public interest (s 38(2)), and the burden of persuasion imposed on the applicant must be satisfied by evidence adduced in any particular case;
 - an intervener carries no onus to establish their assertions of fact or opinion (refer *Re Gull Liquor* (1999) 20 SR (WA) 321) while the burden of establishing the validity of any objection lies on the objector (s 73(10));
 - in determining whether the grant of an application is 'in the public interest' I am required to exercise a discretionary value judgment confined only by the scope and purpose of the Act (refer *Water Conservation and Irrigation Commission (NSW) v Browning* (1947) 74 CLR 492; *O'Sullivan v Farrer* (1989) 168 CLR 210; *Palace Securities Pty Ltd v Director of Liquor Licensing* [1992] 7WAR 241; and *Re Minister for Resources: ex parte Cazaly Iron Pty Ltd* (2007) WASCA 175).

- the factual matters which the licensing authority is bound to take into account when determining whether the grant of an application is 'in the public interest' are those relevant to the primary and secondary objects of the Act as set out in s 5;
- the licensing authority is also entitled (but not bound) to take into account the factual matters set out in s 38(4) of the Act as part of the public interest considerations; and
- the licensing authority must deal with each application on its merits (s 33) but has an absolute discretion to grant or refuse an application for any reason that the licensing authority considers in the public interest (refer *Woolworths Ltd v Director of Liquor Licensing* [2012] WASC; *Palace Securities v Director of Liquor Licensing* (1992) 7 WAR).

46 The primary objects of the Act are:

- to regulate the sale, supply and consumption of liquor;
- to minimise harm caused to people, or any group of people, due to the use of liquor; and
- to cater for the requirements of consumers for liquor and related services, with regard to the proper development of the liquor industry, the tourism industry and other hospitality industries in the State.

47 The secondary objects of the Act are:

- to facilitate the use and development of licensed facilities, including their use and development for the performance of live original music, reflecting the diversity of the requirements of consumers in the State;
- to provide adequate controls over, and over the persons directly or indirectly involved in, the sale, disposal and consumption of liquor; and
- to provide a flexible system, with as little formality or technicality as may be practicable, for the administration of this Act.

48 The applicant seeks to establish a 174m² browse style liquor store in the town of Kununurra. The proposed liquor store will be located within a commercial precinct in the centre of town and provide a selection of fine wines, premium beers, spirits and ancillary services and products. There are two existing packaged liquor outlets in town: Gulliver's Tavern and the Kununurra Hotel. A third outlet, Liquorland Kununurra, which operated under a liquor store licence, ceased trading in August 2014.

49 One of the objects of the Act is to cater to the requirements of consumers for liquor and related services. In this regard, the applicant submitted that the only liquor store in town closed in 2014 thereby depriving the local community of a browse facility and an alternative to the hotels, which primarily operate a drive-through packaged liquor

component. The applicant also proposes to offer a selection of premium liquor products and ancillary services such as a wine club and wine tastings. The applicant submitted over 100 witness questionnaires, from members of the public, expressing their subjective views that the proposed services to be offered would be of benefit to them.

- 50 Although the applicant referred to the witness questionnaires as objective evidence of consumer requirements, in truth it is nothing more than the subjective belief of the person completing the questionnaire. It is a matter for the licensing authority to determine whether that subjective belief is objectively reasonable. The Liquor Commission in a number of previous decisions has expressed reservations about the weight that may be applied to surveys. This has been because, among other reasons, the outcome of surveys is dependent upon the method of selection and sampling of respondents, the objectivity of the surveys and petitions, the type of questions asked, and the geographical and demographic composition and nature of the locality.
- 51 Nonetheless, in consideration of this evidence, and the applicant's proposed manner of trade, I find that the grant of the application would be catering to the requirements of consumers for liquor and related services, consistent with object 5(1)(c) of the Act. However, the application must also be considered in the context of the other objects of the Act, one of which is to minimise alcohol-related harm in the community.
- 52 The application attracted a number of objections and an intervention from the EDPH. The common ground of the objections and intervention is that Kununurra currently experiences high rates of alcohol-related harm and anti-social behaviour and the grant of the application is likely to increase the existing level of harm in the community. A variety of evidence was submitted to support this contention, some of it objective whilst other evidence was submitted from people providing services to the community, in particular services to at-risk persons who experience problems with alcohol abuse.
- 53 Some key data reflecting the existing level of alcohol-related harm in Kununurra is:
- total hospitalisation rate for 'all alcohol-related conditions' for residents of Kununurra was significantly higher (4.31 times) than the corresponding State rate;
 - over one in three patients attending Kununurra Hospital Emergency Department for alcohol/drug toxic effect were assessed by triage staff as requiring urgent treatment;
 - almost four in five domestic assault offences in Kununurra were recorded as alcohol-related which is higher than both the State and Kimberley District, and this rate has increased since 2010;
 - over two thirds of verified non-domestic assault offences in Kununurra were recorded as alcohol-related;

- over 85% of reported drink-driving offences in Kununurra in 2014 involved packaged liquor consumption;
 - alcohol as a primary drug of concern, accounts for at least three quarters of all treatment episodes for Kununurra clients;
 - between January 2013 and December 2013 there were 744 recorded incidents in Kununurra, of which 323 were alcohol-related, whilst in the 12 months ending December 2014, there were 675 recorded incidents with 328 being alcohol-related;
 - in 2013 there were 239 domestic assaults, with 207 involving alcohol and in 2014 there were 227 domestic assaults of which 181 involved alcohol; and
 - approximately 60% of all recent sexual assault offences reported are alcohol-related and the rate of domestic assault offences involving the presence of alcohol is more than four times that of non-alcohol related offences of the same type.
- 54 The applicant compared alcohol-related crime in Kununurra to other towns in the Kimberley and concluded that the locality surrounding the proposed liquor store has a relatively lower incidence of alcohol-related crime compared to what appears to be generally accepted in other areas of the Kimberley region and therefore this reflects favourably on the rates of crime in Kununurra and supports the grant of the application. In my view, this assertion completely ignores the reality and extent of the problems associated with alcohol abuse in Kununurra and the wider Kimberley area, where considerable resources are deployed to reduce crime and dysfunction in this region.
- 55 The applicant also submitted that the locality has some positive socio-economic indicators; however, the Australian Bureau of Statistics Socio-Economic Indexes for Areas (SEIFA) indicates Kununurra is a relatively disadvantaged suburb. This is corroborated by the existing harm data.
- 56 Further, the applicant submitted that its proposed liquor store will replace the Liquorland store in terms of providing a browse facility and the proposal is for an upmarket store that targets the middle class. The applicant was therefore of the view that the grant of the licence would not contribute to alcohol-related harm in the locality in any measureable way.
- 57 Although the applicant claims that its target market is the middle class and it has a harm minimisation plan, main stream liquor products will be available at the liquor store, as evidenced by the applicant's proposed 'Draft Product Range'.
- 58 Harm associated with packaged liquor occurs away from the premises. In LC 24/2012 the Liquor Commission found that [at 32]:

“Although effective management of packaged liquor outlets may be a component of addressing the health issues in relation to alcohol, it has

however limited application to such components as outlet density, secondary supply, and harm that occurs in the home or place of consumption.”

59 I also note that restrictions on the sale of packaged liquor in Kununurra were imposed by the Director of Liquor Licensing in February 2011 as a result of concerns about the extent of alcohol-related harm in the community. Whilst those restrictions have been modified, nonetheless, restrictions remain in place. As far back as 2001, the extent of alcohol-related problems in Kununurra were acknowledged by the Supreme Court (refer *Executive Director of Public Health v Lily Creek International & Ors* [2001] WASCA 410)

59 The evidence indicates that since the closure of Liquorland Kununurra there has been a decline in alcohol-related anti-social behaviour and crime in the town. This establishes a clear nexus between the sale and supply of packaged liquor and the resultant harms in this community.

60 Clearly, in my view, the evidence creates a tension between the harm minimisation object of the Act (5(1)(b)) and object 5(1)(c), which is catering to the requirements of consumers. In such circumstances, I am required to weigh and balance those competing interests (refer *Executive Director of Health v Lily Creek International Pty Ltd & Ors* [2000] WASCA 258).

61 In deciding whether the grant of the application is in the public interest, I am also guided by the observation of Tamberlin J In *McKinnon v Secretary, Department of Treasury* [2005] FCAFC 142 where he said:

“The reference to “the public interest” appears in an extensive range of legislative provisions upon which tribunals and courts are required to make determinations as to what decision will be in the public interest. This expression is, on the authorities, one that does not have any fixed meaning. It is of the widest import and is generally not defined or described in the legislative framework, nor, generally speaking, can it be defined. It is not desirable that the courts or tribunals, in an attempt to prescribe some generally applicable rule, should give a description of the public interest that confines this expression.

The expression “in the public interest” directs attention to that conclusion or determination which best serves the advancement of the interest or welfare of the public, society or the nation and its content will depend on each particular set of circumstances.”

62 Further guidance can also be obtained from Wheeler J in *Lily Creek* supra, where she said:

“The Act directs attention to the minimisation of alcohol related harm generally (s 5(1)(b)). The relevant question for the Court, in that case, is

the level of alcohol related harm, due to the use of liquor, which is likely to result from the grant of an application. This does not mean that only the increased harm which may result from the specific premises in question is to be considered; rather it seems to me that must necessarily be assessed against any existing harm or ill health so as to assess the overall level which is likely to result if a particular application is granted. Where, as occurs in probably the majority of cases, the existing level of alcohol related harm is no greater than that which appears to be commonly accepted in the community, the distinction is probably not significant. However, where there is already a very high and serious level of alcohol related harm in a community, it may be that the Court would find a relatively small risk of increase in that level of harm to be unacceptable. In other words, it is not the "risk" of harm in some abstract sense which is relevant, but rather the risk having regard to the proved circumstances of the particular area in relation to which the application is made."

- 63 In my view, Kununurra already experiences high-rates of alcohol-related harm. This is evidenced by alcohol-related data pertaining to emergency department presentations, hospitalisations, domestic and non-domestic assaults, drink-driving data and alcohol treatment episodes. The evidence of the Coordinator of the East Kimberley Community Alcohol and Drug Service, the Director of Nursing at the Emergency Department of the Kununurra Hospital, Dr Phair and Ms Crowley also support this conclusion.
- 64 The level of harm, due to the use of liquor, which is likely to result if the application is granted, is a relevant consideration to the determination of the application. This does not mean that only the increased harm which may result from the specific premises in question is to be considered; rather it must be assessed against any existing harm or ill-health so as to assess the overall level which is likely to result. Whether such harm or ill-health will arise requires an element of prediction (refer *Malec v JC Hutton* (1990) 169 CLR683).
- 65 It was submitted by the EDPH that national and international research establishes a positive correlation between alcohol availability and harm in the community.
- 66 Edelman J in (*Liquorland (Australia) Pty Ltd v Executive Director of Public Health* [2013] WASC51) said:

"In assessing the overall question of whether granting the application is in the public interest it is relevant to consider the baseline level of risk and, in that context, the effect of an increase in risk from the baseline level. It may be that where an existing level of risk is greater, a small increase in risk is less likely to be tolerated. Similarly, it is relevant that there are existing 'at risk' persons who might be further affected."

- 67 In consideration of the evidence as a whole, I find, on the balance of probability, that the grant of this application has the potential to increase the already high level of alcohol-related harm that presently exists in the locality and it is likely to negatively impact on at-risk persons who reside in the locality or resort to the locality from time to time. In my view, the best interests of the local community would not be served by a further packaged liquor outlet.
- 68 The onus falls upon the applicant to satisfy the licensing authority that the grant of the application is in the public interest. The applicant's evidence and submissions fall well short of discharging this obligation, particularly in view of the extensive evidence highlighting the existing alcohol-related problems in the local community.
- 69 Therefore, in the exercise of my discretion under the Act, I conclude that greater weight should be given to the wellbeing of the local community and the harm minimisation object of the Act over the benefits some members of the community may experience through the introduction of a browse style packaged liquor facility. The evidence overwhelmingly establishes that the abuse of alcohol is having a significant negative impact on the residents of, and visitors to, Kununurra. Although the closure of Liquorland Kununurra may have reduced the amenities in the town, it nonetheless had a positive benefit in terms of reducing alcohol-related domestic assaults and anti-social behaviour.
- 70 I find that the grant of the application is not the public interest and the application is refused.
- 71 Parties to this matter dissatisfied with the outcome may seek a review of the Decision under s 25 of the Act. The application for review must be lodged with the Liquor Commission within one month after the date upon which the parties receive notice of this Decision.
- 72 This matter has been determined by me under delegation pursuant to s 15 of the Act.



Peter Minchin
DELEGATE OF THE DIRECTOR OF LIQUOR LICENSING

Sharmayne Halliday

From: PRINCIPE Steve [PD06961] <steve.principe@police.wa.gov.au>
Sent: Tuesday, 2 February 2016 3:30 PM
To: Sharmayne Halliday
Subject: FW: Changes to Kununurra restricts for takeaway alcohol.

Follow Up Flag: Follow up
Flag Status: Completed

Hi Sharmayne,

As discussed at today's Accord meeting I have been motivated in approaching the Liquor ACCORD to write to the Director of Liquor Licensing requesting that the current liquor restrictions for takeaway alcohol be halved for a trial period of 12 months.

The reason behind this decision is due to public feedback and comments on social media on how high and ineffective the current restrictions are and from the crime and health data provided to the director of liquor licensing when reviewing the application for the third liquor store licence for Kununurra recently.

I am part of the District Leadership Group and after speaking to various government heads and not for profit leaders it is evident that there is great concern for families and children who are caught up in the alcohol abuse cycle going on in our community.

I believe there is a need for immediate action to reduce the supply of alcohol due to social harm being experienced by vulnerable members of the community and I seek the support of the shire in my endeavours to illicit support from the Director of Liquor Licensing.

Some of the issues experienced due to alcohol abuse includes;

- Increase reports of domestic violence,
- Antisocial behaviour,
- Increased reports of vandalism,
- Poor school attendance due to lack of parental guidance (due to level of intoxication),
- Children left alone and unsupervised,
- Large numbers of children roaming the streets (8 -15yr olds) due to domestic violence at home, no food, gambling, sexual predators, etc.
- No motivation to seek employment or further education,
- Mental health related hospital admissions as well as alcohol related admissions.
- Alcohol related road trauma,
- Alcohol related sexual assaults,
- Self-harm reports.

The introduction of TAMS (when fully operational) will prevent community members from doubling up on the current limits and the New Welfare card to be trialled in May will only reduce disposable income to purchase alcohol which could be hindered by royalty payments.

A real reduction in the current limits will have an immediate positive effect on the community as past enforced restrictions (funerals in 2015) had immediate effect on alcohol related hospital admissions and calls for police assistance .

If you require any further information please don't hesitate to contact me.

See below details referred to by the Director of Liquor Licensing for Kununurra.

- local residents attend hospital for alcohol related conditions 4.31 times more than the state average,
- Alcohol is the primary drug of concern for at least three quarters of all medical treatment episodes in Kununurra,
- One in three patients that attend hospital for toxic alcohol/drug treatment need urgent attention,
- Four in five domestic offences in Kununurra are alcohol related which is higher than the state or Kimberley District rate since 2010,
- Two thirds of assaults in Kununurra are alcohol related,
- Over 85% of drink drivers have involved package liquor consumption,
- Approximately 60% of sexual assault offences are alcohol related.

Kind regards

Steve PRINCIPE



Steve Principe | Senior Sergeant 6961 – Officer In Charge
 Kununurra Police Station | Western Australia Police
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13.04.10. Scheme Amendment 41 - Town Planning Scheme No. 7 - Kununurra and Environs

DATE:	23 February 2016
AUTHOR:	Jennifer Ninyette, Senior Planning Officer
RESPONSIBLE OFFICER:	Louise Gee, Director Community Development
ASSESSMENT NO:	NA
FILE NO:	LP.02.2
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

<p>That Council,</p> <p>1. In pursuance of Section 75 of the <i>Planning and Development Act 2005</i>, resolves to amend Town Planning Scheme No. 7 (Kununurra and Environs) by:</p> <p>(a) Deleting the following clauses from the Scheme Text, as they have been superseded by the deemed provisions set out in the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> Schedule 2:</p>			
<i>Part</i>	<i>Clause Title(s)</i>	<i>Clause(s)</i>	<i>Page No.</i>
Part II - Reserves	Matters to be Considered by the Council	2.2 (2.2.1)	9
Part V – General Development Requirements	Requirement for Planning Approval, Approval Not Required	5.1 (5.1.1), 5.2.1(c), 5.2.1(e), 5.2.1(f), 5.2.1(g), 5.2.1(h)	19
	Residential Development: Residential Planning Codes	5.7.6	25

Part VI – Overall Planning Areas	Structure Plan Preparation and Adoption, Appeals	6.7.3, 6.7.4, 6.7.5, 6.7.6, 6.8	39
Part IX - Control of Advertising	Power to Control Advertisements, Existing Advertisements, Consideration of Applications, Discontinuance	9.1 (9.1.1 - 9.1.2), 9.2, 9.3, 9.5	43
	Derelict or Poorly Maintained Signs, Notices	9.6, 9.7 (9.7.1)	44
Part X – Conservation and Preservation of Places of Heritage Value	Heritage Precincts and Places of Cultural Significance	10.1 (10.1.1, 10.1.2, 10.1.3, 10.1.4, 10.1.5, 10.1.6, 10.1.7)	45 - 47
Part XI – Planning Approval	Application for Planning Approval, Advertising of Applications	11.1 (11.1.1 - 11.1.2), 11.2 (11.2.1, 11.2.2, 11.2.3), 11.2.4	48 - 49
	Determination of Applications, Deemed Refusal, Term of Planning Approval	11.3 (11.3.1, 11.3.2, 11.3.3, 11.3.4), 11.4 (11.4.1, 11.4.2, 11.4.3), 11.5 (11.5.1, 11.5.2)	49
	Unauthorised Existing Developments, Amending or Revoking a Planning Approval	11.6 (11.6.1, 11.6.2), 11.7.1	50
Part XII – Enforcement, Administration and Policies	Powers of the Scheme, Offences	12.1, 12.2.1	51
	Local Planning Policies, Delegation	12.6 (12.6.1, 12.6.2, 12.6.3, 12.6.4, 12.6.5), 12.7 (12.7.1, 12.7.2, 12.7.3, 12.7.4, 12.7.5)	52 - 53
Appendix 3	Additional Information for Advertisements	Whole Appendix	80

Appendix 4	Form of Application for Planning Approval	Whole Appendix	81
Appendix 5	Notice of Public Advertisement of Planning Proposal	Whole Appendix	82
Appendix 6	Notice of Determination on Application for Planning Approval	Whole Appendix	83

(b) Deleting the following clauses from the Scheme Text, as they are covered by provisions set out in the Planning and Development Act 2005:

<i>Part</i>	<i>Clause Title(s)</i>	<i>Clause(s)</i>	<i>Page No.</i>
Part II – Reserves	Compensation	2.3 (2.3.1, 2.3.2, 2.3.3)	9
Part V – General Development Requirements	Planning Approval not Required	5.2.1(a), 5.2.1(b)	19
Part IX– Control of Advertising	Enforcement and Penalties	9.9	44
Part XII – Enforcement, Administration and Policies	Offences, Notices, Claims for Compensation	12.2.2, 12.3 (12.3.1, 12.3.2), 12.4, 12.5	51 - 52

(c) Removing the following clauses from the Scheme Text and inserting them into Schedule A – Supplemental Provisions:

<i>Part No.</i>	<i>Clause Title(s)</i>	<i>Clause(s)</i>	<i>Page No.</i>
Part V – General Development Requirements	Planning Approval Not Required	5.2.1(d)	19

(d) Inserting the following provisions into Schedule A – Supplemental Provisions:

New Clause	Part Clause Replaced
<p><i>The erection or extension of a single house on a lot in the General Rural, Rural Agriculture 1, Rural Agricultural 2, Rural Living and Rural Smallholding zones, and where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:</i></p> <p><i>(i) entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990; or</i></p> <p><i>(ii) the subject of an order under the Heritage of Western Australia Act 1990 Part 6; or</i></p> <p><i>(iii) included on a heritage list prepared in accordance with this Scheme; or</i></p> <p><i>(iv) within an area designated under the Scheme as a heritage area; or</i></p> <p><i>(v) the subject of a heritage agreement entered into under the Heritage of Western Australia Act 1990 section 29.</i></p>	<p>5.2.1(f)</p>
<p><i>The erection or extension of an outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a permitted (“P”) in the General Rural, Rural Agriculture 1, Rural Agricultural 2, Rural Living and Rural Smallholding zones, and where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:</i></p> <p><i>(i) entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990; or</i></p> <p><i>(i) the subject of an order under the Heritage of Western Australia Act 1990 Part 6; or</i></p> <p><i>(ii) included on a heritage list prepared in accordance with this Scheme; or</i></p> <p><i>(iii) within an area designated under the Scheme as a heritage area; or</i></p> <p><i>(iv) the subject of a heritage agreement entered into under the Heritage of Western Australia Act 1990 section 29.</i></p>	<p>5.2.1(f)</p>

<p><i>The signage and advertisements contained in Appendix 7 of this Scheme do not require development approval, unless the sign is to be erected or installed –</i></p> <p><i>(i) On a place included on a heritage list prepared in accordance with this Scheme; or</i> <i>(ii) On land located within an area designated under this Scheme as a heritage area.</i></p>	<p>9.4</p>
<p><i>The erection of a boundary fence in a zone where the R Codes do not apply, except otherwise required by the Scheme.</i></p>	<p>5.2.1(e)</p>

(e) Deleting the following definitions from Schedule 1, as they have been superseded by the definitions in the deemed provisions set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2:

<i>Definitions Removed</i>	<i>Page No.</i>
<i>Absolute Majority</i>	55
<i>Act</i>	55
<i>Advertisement</i>	55
<i>Amenity</i>	55
<i>Building Code of Australia</i>	57
<i>Cultural Heritage Significance</i>	59
<i>Heritage Area</i>	62
<i>Heritage List</i>	62
<i>Local Planning Strategy</i>	65
<i>Owner</i>	69
<i>Residential Planning Codes</i>	72
<i>Structure Plan</i>	74
<i>Substantial Commencement</i>	74
<i>Substantially Commenced</i>	74
<i>Zone</i>	76

(f) Amending the following clauses by removing the cross reference to the clause deleted by the amendment and replace them with cross reference to deemed provisions set out in the *Planning and Development (Local Planning Scheme) Regulations 2015 Schedule 2*

<i>Part</i>	<i>Clause No.</i>	<i>Cross Reference Clause Removed</i>	<i>Cross Reference to Deemed Provisions</i>	<i>Page No.</i>
Part III – Zones	3.1.2	Part XII	Part 2 of the deemed provisions	11
Part V – General Development Requirements	5.5.2(a)	11.2	Part 8 of the deemed provisions	20
Part VI – Overall Planning Areas	6.4	6.7	part 4 of the deemed provisions	36
	6.5.5	6.7, 6.7.5 and 6.7.6	Part 4 of the deemed provisions	37
Appendix 2A – Additional Site Requirements	3 – condition 1	11.2	part 6 of the deemed provisions	78

(g) Amending the following clauses by removing the cross reference to the clause deleted by the amendment and replace them with cross reference to the *Planning and Development Act 2005*:

<i>Part</i>	<i>Clause No.</i>	<i>Cross Reference Clause Removed</i>	<i>Page No.</i>
Part III – Zones	3.1.4	11.2	11
Part VII – Amenity Control	7.1	12.3	40

(h) Deleting reference to the following terms and replace them with the corresponding term throughout the scheme:

<i>Deleted Term</i>	<i>Replacement Term</i>
Aged and Dependent Persons Dwelling	Ancillary Accommodation
Building Code of Australia (BCA)	Building Code
Residential Planning Codes	Residential Design Codes
Planning Approval	Development Approval
Water and Rivers Commission	Department of Water

(i) Updating the following clauses and definitions as detailed below:

Part	Clause No.	Details of Change	Page No.
Part I – Preliminary	1.8.2	<p>Include reference to words and expressions in Part 1 of the deemed provisions as follows:</p> <p><i>In the Scheme unless the context otherwise requires, or unless it is otherwise provided herein, words and expressions have the respective meanings given to them in Appendix 1, Planning and Development (Local Planning Schemes) Regulations 2015 - deemed provisions for local planning schemes, and the Residential Design Codes.</i></p>	8
Part V – General Development Requirements	5.9.1(b)	<p>Amend clause to read as follows:</p> <p><i>To ensure that subdivision and development of land within the zone is consistent with a structure plan approved by the W.A. Planning Commission in accordance with Part 4 of the deemed provisions. .</i></p>	26
	5.11.2	<p>Remove the words '<i>adopted by Council and</i>' from the paragraph.</p>	27

Part IV – Overall Planning Areas	6.1	Amend clause to read as follows: <i>The Scheme map indicates a number of overall planning areas wherein Council will not support development or subdivision proposals until such time as the requirements pertaining to each particular area, as listed below have been satisfied and a structure plan has been approved by the Western Australian Planning Commission, in accordance with Part 4 of the deemed provisions.</i>	36
	6.6	Amend clause to read as follows: <i>A structure plan shall be prepared prior to subdivision in accordance with Part 4 of the deemed provisions.</i>	37

(j) Modifying the zoning table to make Ancillary Accommodation a ‘P’ use in the Residential zone;

(k) Removing Clause 9.8 on the basis that Council has previously repealed the Signs, Hoarding and Bill Posting Bylaws.

(l) Renumbering the remaining scheme provisions and schedules sequentially and update any cross referencing to the new clause numbers as required.

2. Forward Amendment No. 41 to Town Planning Scheme No. 7 – Kununurra and Environs to the Environmental Protection Authority for review, pursuant to Section 81 of the Planning and Development Act (2005) and the Western Australian Planning Commission for assessment and recommendation to the Minister for Planning.

COUNCIL DECISION

Minute No. 11268

Moved: Cr K Wright

Seconded: Cr S Rushby

That Council,

2. In pursuance of Section 75 of the *Planning and Development Act 2005*, resolves to amend Town Planning Scheme No. 7 (Kununurra and Environs) by:

(b) Deleting the following clauses from the Scheme Text, as they have been superseded by the deemed provisions set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2:

<i>Part</i>	<i>Clause Title(s)</i>	<i>Clause(s)</i>	<i>Page No.</i>
Part II - Reserves	Matters to be Considered by the Council	2.2 (2.2.1)	9
Part V – General Development Requirements	Requirement for Planning Approval, Approval Not Required	5.1 (5.1.1), 5.2.1(c), 5.2.1(e), 5.2.1(f), 5.2.1(g), 5.2.1(h)	19
	Residential Development: Residential Planning Codes	5.7.6	25

Part VI – Overall Planning Areas	Structure Plan Preparation and Adoption, Appeals	6.7.3, 6.7.4, 6.7.5, 6.7.6, 6.8	39
Part IX - Control of Advertising	Power to Control Advertisements, Existing Advertisements, Consideration of Applications, Discontinuance	9.1 (9.1.1 - 9.1.2), 9.2, 9.3, 9.5	43
	Derelict or Poorly Maintained Signs, Notices	9.6, 9.7 (9.7.1)	44
Part X – Conservation and Preservation of Places of Heritage Value	Heritage Precincts and Places of Cultural Significance	10.1 (10.1.1, 10.1.2, 10.1.3, 10.1.4, 10.1.5, 10.1.6, 10.1.7)	45 - 47
Part XI – Planning Approval	Application for Planning Approval, Advertising of Applications	11.1 (11.1.1 - 11.1.2), 11.2 (11.2.1, 11.2.2, 11.2.3), 11.2.4	48 - 49
	Determination of Applications, Deemed Refusal, Term of Planning Approval	11.3 (11.3.1, 11.3.2, 11.3.3, 11.3.4), 11.4 (11.4.1, 11.4.2, 11.4.3), 11.5 (11.5.1, 11.5.2)	49
	Unauthorised Existing Developments, Amending or Revoking a Planning Approval	11.6 (11.6.1, 11.6.2), 11.7.1	50
Part XII – Enforcement, Administration and Policies	Powers of the Scheme, Offences	12.1, 12.2.1	51
	Local Planning Policies, Delegation	12.6 (12.6.1, 12.6.2, 12.6.3, 12.6.4, 12.6.5), 12.7 (12.7.1, 12.7.2, 12.7.3, 12.7.4, 12.7.5)	52 - 53
Appendix 3	Additional Information for Advertisements	Whole Appendix	80

Appendix 4	Form of Application for Planning Approval	Whole Appendix	81
Appendix 5	Notice of Public Advertisement of Planning Proposal	Whole Appendix	82
Appendix 6	Notice of Determination on Application for Planning Approval	Whole Appendix	83

(b) Deleting the following clauses from the Scheme Text, as they are covered by provisions set out in the Planning and Development Act 2005:

<i>Part</i>	<i>Clause Title(s)</i>	<i>Clause(s)</i>	<i>Page No.</i>
Part II – Reserves	Compensation	2.3 (2.3.1, 2.3.2, 2.3.3)	9
Part V – General Development Requirements	Planning Approval not Required	5.2.1(a), 5.2.1(b)	19
Part IX– Control of Advertising	Enforcement and Penalties	9.9	44
Part XII – Enforcement, Administration and Policies	Offences, Notices, Claims for Compensation	12.2.2, 12.3 (12.3.1, 12.3.2), 12.4, 12.5	51 - 52

(c) Removing the following clauses from the Scheme Text and inserting them into Schedule A – Supplemental Provisions:

<i>Part No.</i>	<i>Clause Title(s)</i>	<i>Clause(s)</i>	<i>Page No.</i>
Part V – General Development Requirements	Planning Approval Not Required	5.2.1(d)	19

(d) Inserting the following provisions into Schedule A – Supplemental Provisions:

<i>New Clause</i>	<i>Part Clause Replaced</i>
<p><i>The erection or extension of a single house on a lot in the General Rural, Rural Agriculture 1, Rural Agricultural 2, Rural Living and Rural Smallholding zones, and where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:</i></p> <p><i>(i) entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990; or</i></p> <p><i>(ii) the subject of an order under the Heritage of Western Australia Act 1990 Part 6; or</i></p> <p><i>(iii) included on a heritage list prepared in accordance with this Scheme; or</i></p> <p><i>(iv) within an area designated under the Scheme as a heritage area; or</i></p> <p><i>(v) the subject of a heritage agreement entered into under the Heritage of Western Australia Act 1990 section 29.</i></p>	<p>5.2.1(f)</p>
<p><i>The erection or extension of an outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a permitted (“P”) in the General Rural, Rural Agriculture 1, Rural Agricultural 2, Rural Living and Rural Smallholding zones, and where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:</i></p> <p><i>(i) entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990; or</i></p> <p><i>(i) the subject of an order under the Heritage of Western Australia Act 1990 Part 6; or</i></p> <p><i>(ii) included on a heritage list prepared in accordance with this Scheme; or</i></p> <p><i>(iii) within an area designated under the Scheme as a heritage area; or</i></p> <p><i>(iv) the subject of a heritage agreement entered into under the Heritage of Western Australia Act 1990 section 29.</i></p>	<p>5.2.1(f)</p>

<p>The signage and advertisements contained in Appendix 7 of this Scheme do not require development approval, unless the sign is to be erected or installed –</p> <p>(i) On a place included on a heritage list prepared in accordance with this Scheme; or (ii) On land located within an area designated under this Scheme as a heritage area.</p>	<p>9.4</p>
<p>The erection of a boundary fence in a zone where the R Codes do not apply, except otherwise required by the Scheme.</p>	<p>5.2.1(e)</p>

(e) Deleting the following definitions from Schedule 1, as they have been superseded by the definitions in the deemed provisions set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2:

Definitions Removed	Page No.
Absolute Majority	55
Act	55
Advertisement	55
Amenity	55
Building Code of Australia	57
Cultural Heritage Significance	59
Heritage Area	62
Heritage List	62
Local Planning Strategy	65
Owner	69
Residential Planning Codes	72
Structure Plan	74
Substantial Commencement	74
Substantially Commenced	74
Zone	76

(f) Amending the following clauses by removing the cross reference to the clause deleted by the amendment and replace them with cross reference to deemed provisions set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2

<i>Part</i>	<i>Clause No.</i>	<i>Cross Reference Clause Removed</i>	<i>Cross Reference to Deemed Provisions</i>	<i>Page No.</i>
Part III – Zones	3.1.2	Part XII	Part 2 of the deemed provisions	11
Part V – General Development Requirements	5.5.2(a)	11.2	Part 8 of the deemed provisions	20
Part VI – Overall Planning Areas	6.4	6.7	part 4 of the deemed provisions	36
	6.5.5	6.7, 6.7.5 and 6.7.6	Part 4 of the deemed provisions	37
Appendix 2A – Additional Site Requirements	3 – condition 1	11.2	part 6 of the deemed provisions	78

(g) Amending the following clauses by removing the cross reference to the clause deleted by the amendment and replace them with cross reference to the *Planning and Development Act 2005*:

<i>Part</i>	<i>Clause No.</i>	<i>Cross Reference Clause Removed</i>	<i>Page No.</i>
Part III – Zones	3.1.4	11.2	11
Part VII – Amenity Control	7.1	12.3	40

(h) Deleting reference to the following terms and replace them with the corresponding term throughout the scheme:

<i>Deleted Term</i>	<i>Replacement Term</i>
Aged and Dependent Persons Dwelling	Ancillary Accommodation
Building Code of Australia (BCA)	Building Code
Residential Planning Codes	Residential Design Codes
Planning Approval	Development Approval
Water and Rivers Commission	Department of Water

(i) Updating the following clauses and definitions as detailed below:

Part	Clause No.	Details of Change	Page No.
Part I – Preliminary	1.8.2	<p>Include reference to words and expressions in Part 1 of the deemed provisions as follows:</p> <p><i>In the Scheme unless the context otherwise requires, or unless it is otherwise provided herein, words and expressions have the respective meanings given to them in Appendix 1, Planning and Development (Local Planning Schemes) Regulations 2015 - deemed provisions for local planning schemes, and the Residential Design Codes.</i></p>	8
Part V – General Development Requirements	5.9.1(b)	<p>Amend clause to read as follows:</p> <p><i>To ensure that subdivision and development of land within the zone is consistent with a structure plan approved by the W.A. Planning Commission in accordance with Part 4 of the deemed provisions. .</i></p>	26
	5.11.2	<p>Remove the words 'adopted by Council and' from the paragraph.</p>	27

Part IV – Overall Planning Areas	6.1	Amend clause to read as follows: <i>The Scheme map indicates a number of overall planning areas wherein Council will not support development or subdivision proposals until such time as the requirements pertaining to each particular area, as listed below have been satisfied and a structure plan has been approved by the Western Australian Planning Commission, in accordance with Part 4 of the deemed provisions.</i>	36
	6.6	Amend clause to read as follows: <i>A structure plan shall be prepared prior to subdivision in accordance with Part 4 of the deemed provisions.</i>	37

(j) Modifying the zoning table to make Ancillary Accommodation a ‘P’ use in the Residential zone;

(k) Removing Clause 9.8 on the basis that Council has previously repealed the Signs, Hoarding and Bill Posting Bylaws.

(l) Renumbering the remaining scheme provisions and schedules sequentially and update any cross referencing to the new clause numbers as required.

2. Forward Amendment No. 41 to Town Planning Scheme No. 7 – Kununurra and Environs to the Environmental Protection Authority for review, pursuant to Section 81 of the Planning and Development Act (2005) and the Western Australian Planning Commission for assessment and recommendation to the Minister for Planning.

Carried 9/0

PURPOSE

For Council to resolve to amend Town Planning Scheme No. 7 - Kununurra and Environs to incorporate the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

NATURE OF COUNCIL’S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The *Planning and Development (Local Planning Schemes) Regulations 2015* come into effect on 19 October 2015. Schedule 2 of these Regulations include deemed provisions (the deemed provisions), which are predominantly in regard to the administrative functions of a scheme.

Section 257B of the *Planning and Development Act 2005* (the Act) apply to all planning schemes throughout Western Australia, and take precedence if there is any inconsistency between existing scheme provisions and the deemed provisions.

Therefore in order to incorporate the deemed provisions, each local government is required to review each planning scheme and identify the clauses that are to be replaced (deleted) or amended by the relevant clause of the deemed provisions. A number of clauses that have not been incorporated into the deemed provisions can also be deleted from local planning schemes as they are governed by sections of the Act.

The Act also provides for supplemental provisions, to the deemed provisions, to be approved by the Minister. These supplemental provisions should be included in a schedule to the scheme (Schedule A). These supplemental provisions are specific to each scheme, and are in addition to the deemed provisions. The supplemental provisions cannot conflict with, or purport to reverse deemed provisions. Generally supplemental provisions will be in regard to Part 3 - Heritage and Clause 61 - Development that does not require development approval.

A Marked up version of the proposed amendments to the existing planning scheme is provided at Attachment 1. The amendment report is provided at Attachment 2.

In the interim local governments have been required to strikethrough those parts of existing planning schemes that have been superseded by the deemed provisions, which results in schemes looking untidy and difficult to read.

STATUTORY IMPLICATIONS

Planning and Development Act 2005

Under section 257B of the *Planning and Development Act 2005* (the Act) the deemed provisions apply to all planning schemes throughout Western Australia on the 19 October 2015, and take precedence if there is any inconsistency with existing scheme provisions.

Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations)

Under regulation 34 of the Regulations, the definition of a basic amendment includes an amendment to delete provisions that have been superseded by the deemed provisions in Schedule 2 of the Regulations. The definition also includes amendments to ensure consistency with another Act that applies to the scheme.

A basic amendment to a local planning scheme can be undertaken to remove superseded clauses and resolve any conflicts in remaining provisions.

The process for a basic amendment is contained in Division 4 of the Regulations which in summary, is as follows:

1. the amendment is initiated by the local government;
2. the amendment is referred to the EPA under s. 81 of the Act;
3. the amendment is then forwarded directly to the WAPC for assessment and recommendation to the Minister.

The Department of Planning has advised that as the amendment is administrative in nature, the amendment report should be succinct. Therefore the amendment does not have to reproduce every clause of the scheme word for word but it must clearly articulate the clauses that are being deleted or amended.

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 services

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

RISK IMPLICATIONS

Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

COMMUNITY ENGAGEMENT

No community engagement is required.

Under the *Planning and Development Local Planning Schemes) Regulations 2015* a basic amendment is not required to be advertised.

COMMENTS

As outlined, the proposed amendment is administrative in nature and will assist in the reading and administration of the scheme, until such time as it is replaced by Local Planning Scheme No. 9, by removing any provisions that are replaced by the deemed provisions, and resolving any provisions that are in conflict with the deemed provisions.

Under the Regulations a resolution to prepare or adopt an amendment to a local planning scheme must be in a form approved by the WAPC, and must

- (a) specify whether, in the opinion of the local government, the amendment is a complex, standard, or basic amendment; and
- (b) include an explanation of the reason for the local government forming that opinion.

The amendment report has been drafted using the template provided by the Department of Planning for the specific purpose of incorporating the deemed provisions. Therefore the report and the Officer's Recommendation have been prepared in a form approved by the WAPC, and the amendment report specifies that it is a basic amendment.

ATTACHMENTS

Attachment 1 - Mark up changes to TPS 7

Attachment 2 - Amendment Report - Amendment No. 41 to TPS 7

[GO TO CONTENTS PAGE](#)

SHIRE OF WYNDHAM-EAST KIMBERLEY

TOWN PLANNING SCHEME NO. 7

KUNUNURRA AND ENVIRONS

UPDATED TO INLCUDE AMD 39 GG 4/1/13

DISCLAIMER

This is a copy of the Town Planning Scheme produced from an electronic version of the Scheme held and maintained by the Department for Planning and Infrastructure. Whilst all care has been taken to accurately portray the current Scheme provisions, no responsibility shall be taken for any omissions or errors in this documentation.

Consultation with the respective Local Government Authority should be made to view a legal version of the Scheme.

Please advise the Department for Planning and Infrastructure of any errors or omissions in this document.

Date Produced: 7 January 2013

Prepared by the Department for Planning and Infrastructure

Date of Original Town Planning Scheme Gazetted: 19 January 2001

AMDT NO	GAZETAL DATE	UPDATED		DETAILS
		WHEN	BY	
18	19/2/10	11/3/10	NM	Amended Table 1 – Zoning Table to include “Art and Craft Centre”, “Cabin”, “Chalet” and “Museum”. Schedule 1 – Definitions, deleted definition “Nursery”, inserted “Chalet” and “Cabin” and edited “Transient Accommodation”. Amended Clause 5.21.1, 5.21.2 and re-numbered 5.21.2 to 5.21.3.
22	18/12/09	11/3/10	NM	Inserted Clause 5.21.1, 5.21.2, renumbered the previous Clause 5.21 to Clause 5.22 and related schemes. Renumbered Clauses 5.22 – 5.27. Entered an extra bullet point into Clause 6.5.1. Modified Table 1 – Zoning table to including Class 16: Rural Smallholding.
31	19/3/10	24/3/10	NM	Inserted “Lot 505 and a portion of lot 501 Coolibah Drive, Kununurra” as ‘A3’ in the Additional Uses Schedule.
3	19/09/06	25/11/10	NM	Inserted new provision (6.6 – Overall Planning Area No. 5 – Weero Road Rural Residential Area). Renumbered section 6.6 to 6.7, section 6.7 to section 6.8, and references throughout section 6 to 6.6 (now 6.7) and section 6.7 (6.8) accordingly.
07	12/04/11	18/04/11	NM	Replaced Clause 6.2.
39	4/1/13	7/1/13	NM	Replaced Clause 5.5.

SHIRE OF WYNDHAM - EAST KIMBERLEY
TOWN PLANNING SCHEME NO. 7
SCHEME TEXT (KUNUNURRA
AND ENVIRONS)

PREPARED FOR:

Shire of Wyndham-East Kimberley

PREPARED BY:

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December 2000

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PART I - PRELIMINARY

1.1 CITATION

1.1.1 This Town Planning Scheme may be cited as the Shire of Wyndham - East Kimberley Town Planning Scheme No 7 - Kununurra and Environs hereinafter called 'the Scheme' and shall come into operation on the publication of the Scheme in the Government Gazette.

1.2 RESPONSIBLE AUTHORITY

1.2.1 The Authority responsible for implementing the Scheme is the Council of the Shire of Wyndham - East Kimberley hereinafter called 'the Council'.

1.3 SCHEME AREA

1.3.1 The Scheme applies to that part of the Shire of Wyndham - East Kimberley as shown on the Scheme Map by the broken black border and which area is hereinafter called the Scheme Area.

1.4 REVOCATION OF PREVIOUS SCHEME

1.4.1 The Shire of Wyndham-East Kimberley Town Planning Scheme No 4 - Kununurra, which was published in the Government Gazette on the March 1, 1985, and amended from time to time, is hereby revoked.

1.5 CONTENTS OF THE SCHEME

1.5.1 The Scheme comprises:

- (a) The Scheme Text
- (b) The Scheme Maps (Sheets 1 to 20)

1.6 ARRANGEMENT OF THE SCHEME TEXT

1.6.1 The Scheme Text is divided into the following parts:-

- Part I Preliminary
- Part II Reserves
- Part III Zones
- Part IV Non-Conforming Uses
- Part V General Development Requirements
- Part VI Overall Planning Areas
- Part VII Amenity Control
- Part VIII Car Parking Standards and Provisions

~~Part IX Control of Advertising~~

~~Part X Conservation and/or Preservation of Places of Heritage Value~~

~~Part XI Planning Approval~~

~~Part XII Administration~~

1.7 SCHEME OBJECTIVES

1.7.1 The broad objectives of the Scheme are as follows:

- (a) to set aside land for the continued development of the town in areas appropriate for urban development;
- (b) to prevent the development of land near the townsite considered inappropriate for urban uses because of the adverse affects of inundation and other physical constraints;
- (c) to reserve land for public purposes;
- (d) to zone land outside the townsite area for specific rural and industrial uses;
- (e) to zone and reserve land for landscape conservation and protection;
- (f) to devise and implement policies for the lakeside areas for the provision of land for recreation, landscape protection and specific development as part of a major lakeside park system;
- (g) to zone the balance of the land within the Scheme Area for the various purposes described in the Scheme;
- (h) to provide development policies and controls for the purpose of securing land, maintaining an orderly and properly planned use and development of land within the Scheme Area;
- (i) to set policies for the preservation of sites and places of historic and heritage value;
- (j) to protect and enhance the environmental values and natural resources of the Scheme Area and to promote ecologically sustainable landuse and development;
- (k) to recognise the objectives of the State Planning Strategy.

1.8 INTERPRETATIONS

1.8.1 Except as provided in Clauses 1.8.2 and 1.8.3 the words and expressions of the Scheme have their normal and common meaning.

1.8.2 In the Scheme unless the context otherwise requires, or unless it is otherwise provided herein, words and expressions have the respective meanings given to them in Appendix 1, *Planning and Development (Local Planning Schemes) Regulations 2015 - deemed provisions for local planning schemes*, and the Residential *Planning Design Codes*.

1.8.3 Where a word or term is defined in the Residential *Planning Design Codes* then notwithstanding anything else in the Scheme that word or term when used in respect of residential development has the meaning given to it in the Residential *Planning Design Codes*.

PART II - RESERVES

2.1 SCHEME RESERVES

2.1.1 The lands shown as Scheme Reserves on the Scheme Map, hereinafter called 'Reserves' are lands reserved under the Scheme for the purposes shown on the Scheme Map and are listed hereunder:

Major Road Reserve

Parks and Recreation Reserve

Public Purposes Reserve

Waterway Reserve

Special Foreshore Reserve

Conservation/Environmental Protection Reserve

~~**2.2 MATTERS TO BE CONSIDERED BY THE COUNCIL**~~

~~**2.2.1** 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 and the Council shall, in the case of land reserved for the purposes of a Public Authority, confer with that Authority before granting its approval.~~

~~**2.3 COMPENSATION**~~

~~**2.3.1** Where the Council refuses Planning Approval for the development of a Scheme Reserve on the ground that the land is reserved for the purposes shown on the Scheme Map, or grants approval subject to conditions that are unacceptable to the applicant the owner of the land may, if the land is injuriously affected thereby, claim compensation for such injurious affection.~~

~~**2.3.2** Claims for such compensation shall be lodged at the office of the Council not later than six months after the date of the decision of the Council refusing Planning Approval or granting it subject to conditions that are unacceptable to the applicant.~~

~~**2.3.3** In lieu of paying compensation the Council may purchase the land affected by such decision of the Council at a price representing the unaffected value of the land at the time of refusal of Planning Approval or of the grant of approval subject to conditions that are unacceptable to the applicant.~~

2.4 OBJECTIVES FOR RESERVES

2.4.1 Major Road Reserve

To identify land required for existing and future major roads such as the future Kununurra By-pass road and existing Victoria Highway Reserve.

2.4.2 Park and Recreation Reserve

To identify and protect land utilised or intending to be utilised for local recreational needs.

2.4.3 Public Purpose Reserve

To identify and protect land required for public utilities, community purposes and educational facilities.

2.4.4 Waterway Reserve

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.

2.4.5 Special Foreshore Reserve

To identify and protect those foreshore areas that have special conservation values particularly in regard to flora and fauna values and ensuring that areas of significance are ultimately identified and recorded through appropriate studies.

2.4.6 Conservation/Environmental Protection Reserve

To identify and protect those areas of conservation significance particularly within existing National Parks and other conservation reserves.

PART III - ZONES

3.1 ZONES AND DEVELOPMENT TABLE

3.1.1 The Scheme Area is divided into 14 Zones set out hereunder:-

Town Centre Zone
Local Centre Zone
Tourist Zone
Residential Zone
Residential Development Zone
Light Industry Zone
Mixed Business Zone
Rural Industry Zone
Composite Industry Zone
General Rural Zone
Rural Agriculture 1 Zone
Rural Agriculture 2 Zone
Rural Living Zone
Special Site Zone
Settlement Zone *AMD 15 GG 13/6/06*

3.1.2 The zones are delineated and depicted on the Scheme Map according to the legend thereon. These zones and the development provisions relating to them shall be read in conjunction with Policy Statements as adopted by the Council from time to time **in accordance with pursuant to Part XII Part 2 of the deemed provisions.**

3.1.3 Table 1 indicates, subject to the provisions of the Scheme, the various uses permitted in the Scheme Area in the various zones. Such uses are determined by cross reference between the list of Use Classes on the left hand side of the Table 1 and the list of Zones at the top of the Zoning Table.

3.1.4 The symbols used in the cross reference in the Zoning Table have the following meanings:

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

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

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

'SA' means that the Council may, at its discretion, permit the use after notice of application has been given in accordance with **Clause 11.2 the Planning and Development Act 2005 (as amended).**

'X' means a use that is not permitted by the Scheme. *AMD 14 GG 13/6/06*

~~3.1.5 Where no symbol appears in the cross reference of a use class against a Zone in the Zoning Table a use of that class is not permitted in that Zone.~~
DELETED BY AMD 14 GG 13/6/06 & SUBSEQUENT CLAUSES RENUMBERED.

3.1.5 Where in the Zoning Table a particular use is mentioned it is deemed to be excluded from any other use class which by its more general terms might otherwise include such particular use.

3.1.6 If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use classes the Council may:-

(a) determine that the use is not consistent with the objectives and purpose of the particular zone and policy statement and is therefore not permitted,

or

(a) determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the particular zone and policy statement and thereafter the Council will consider the application as an "SA" use.

3.1.7 Additional Uses *AMD 6 GG 13/6/03*

Despite anything contained in the Zoning Table, the land specified in Appendix 2A may be used for the specific use or uses that are listed in addition to any uses permissible in the zone in which the land is situated subject to the conditions set out in Appendix 2A with respect to that land.

TABLE 1 - ZONING TABLE

AMD 14 GG 13/6/06

USE CLASSES:

- | | | | |
|----|-------------------------|-----|---|
| 1. | TOWN CENTRE | 9. | COMPOSITE INDUSTRY |
| 2. | LOCAL CENTRE | 10. | GENERAL RURAL |
| 3. | TOURIST | 11. | RURAL AGRICULTURE 1 |
| 4. | RESIDENTIAL | 12. | RURAL AGRICULTURE 2 |
| 5. | RESIDENTIAL DEVELOPMENT | 13. | RURAL LIVING |
| 6. | LIGHT INDUSTRY | 14. | SPECIAL SITE |
| 7. | MIXED BUSINESS | 15. | SETTLEMENT AMD 15 GG 13/6/06 |
| 8. | RURAL INDUSTRY | 16. | RURAL SMALLHOLDING AMD22
GG 18/12/09 |

USE CLASSES	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
COMMERCIAL																
Amusement Parlour AMD 14 GG 13/6/06	P	AA	AA	X	X	X	AA	X	X	X	X	X	X			X
Art and Craft Centre AMD 18 GG 19/2/10	P	X	AA	X	X	IP	SA	X	SA	IP	IP	IP	IP			
Art Gallery AMD 18 GG 19/2/10	P	X	AA	X	X	IP	SA	X	SA	IP	IP	IP	IP			IP
Bakery – Retail AMD 14 GG 13/6/06	P	SA	SA	X	X	AA	P	X	SA	X	X	X	X			X
Bakery – Wholesale AMD 14 GG 13/6/06	X	X	X	X	X	P	P	X	SA	X	X	X	X			X
Bed and Breakfast AMD 18 GG 19/2/10	AA	X	P	SA	SA	X	X	X	X	IP	IP	IP	AA			IP
Boarding House	P	X	P	SA	AA	X	SA	X	X	X	X	X	X			X
Brewery AMD 22 GG 19/2/10	X	X	X	X	X	X	X	AA	X	IP	SA	SA	IP			X
Cabin AMD 18 GG 19/2/10	X	X	P	X	X	X	X	X	X	IP	IP	IP	X			
Car Park AMD 14 GG 13/6/06	P	P	P	AA	AA	IP	IP	IP	IP	IP	IP	X	X			X
Caravan Park AMD 14 GG 13/6/06	P	X	AA	X	X	X	SA	SA	X	X	X	X	X			X
Camping Ground AMD 14 GG 13/6/06	SA	X	SA	X	X	X	SA	X	X	X	X	X	X			X
Chalet AMD 18 GG 19/2/10	X	X	P	X	X	X	X	X	X	IP	IP	IP	X			
Convenience Store AMD 14 GG 13/6/06	P	P	P	X	X	AA	AA	IP	X	X	X	X	X			X
Drive-In Theatre AMD 14 GG 13/6/06	AA	X	SA	X	X	AA	X	X	X	X	X	X	X			X
Dry Cleaning Premises	P	X	X	X	X	P	AA	X	X	X	X	X	X			X
Farm Stay AMD 18 GG 19/2/10	X	X	X	X	X	X	X	X	X	IP	IP	IP	SA			IP
Farm Supply Centre AMD 14 GG 13/6/06	X	X	X	X	X	P	P	P	SA	X	X	X	X			X
Fast Food Outlet AMD 14 GG 13/6/06	P	P	SA	X	X	AA	AA	X	X	X	X	X	X			X
Fish Shop	<i>DELETED BY AMD 14 GG 13/6/06</i>															
Funeral Parlour AMD 14 GG 13/6/06	AA	X	X	X	X	AA	SA	X	X	X	X	X	X			X
Garden Centre AMD 14 GG 13/6/06	P	AA	X	X	X	P	P	AA	AA	AA	AA	AA	AA			AA
Health Studio AMD 14 GG 13/6/06	P	AA	AA	X	X	SA	AA	X	X	X	X	X	X			X
Home Business AMD 14 GG 13/6/06	X	X	X	X	X	X	X	X	AA	AA	AA	AA	AA			AA
Home Occupation AMD 14 GG 13/6/06	P	X	X	P	P	X	X	X	AA	P	P	P	P			P
Hotel	P	X	P	X	X	X	SA	X	X	X	X	X	X			X

PREDOMINANT USES TO BE LIMITED TO THOSE SPECIFICALLY MARKED ON THE SCHEME MAP OR LISTED IN APPENDIX 2.

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

TABLE 1 - ZONING TABLE (Cont'd)

USE CLASSES:

- | | | | |
|----|-------------------------|-----|---------------------|
| 1. | TOWN CENTRE | 9. | COMPOSITE INDUSTRY |
| 2. | LOCAL CENTRE | 10. | GENERAL RURAL |
| 3. | TOURIST | 11. | RURAL AGRICULTURE 1 |
| 4. | RESIDENTIAL | 12. | RURAL AGRICULTURE 2 |
| 5. | RESIDENTIAL DEVELOPMENT | 13. | RURAL LIVING |
| 6. | LIGHT INDUSTRY | 14. | SPECIAL SITE |
| 7. | MIXED BUSINESS | 15. | SETTLEMENT |
| 8. | RURAL INDUSTRY | | |

USE CLASSES	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	
Laundromat <small>AMD 14 GG 13/6/06</small>	P	P	AA	X	X	P	P	X	X	X	X	X	X	PREDOMINANT USES TO BE LIMITED TO THAT SPECIFICALLY MARKED ON THE SCHEME MAP OR LISTED IN APPENDIX 2.	PREDOMINANT USES TO BE LIMITED TO THOSE INCLUDED IN A COMMUNITY LAYOUT PLAN ENDORSED BY THE COMMUNITY, THE COUNCIL AND THE WA PLANNING COMMISSION	X	
Lunch Bar <small>AMD 14 GG 13/6/06</small>	P	P	P	X	X	AA	P	AA	SA	X	X	X	X			X	X
Marine Filling Station <small>AMD 14 GG 13/6/06</small>	X	X	SA	X	X	AA	AA	X	X	X	X	X	X			X	X
Market <small>AMD 14 GG 13/6/06</small>	P	SA	X	X	X	AA	AA	AA	AA	AA	X	X	X			X	X
Motel	P	X	P	X	X	X	SA	X	X	X	X	X	X			X	X
Motor Vehicle/Marine Sales Premises	P	X	X	X	X	P	P	X	X	X	X	X	X			X	X
Motor Vehicle Hire <small>AMD 14 GG 13/6/06</small>	P	X	P	X	X	P	P	X	AA	X	X	X	X			X	X
Motor Vehicle Wash Station <small>AMD 14 GG 13/6/06</small>	SA	X	SA	X	X	SA	SA	SA	SA	X	X	X	X			X	X
Museum <small>AMD 18 GG 19/2/10</small>	P	X	AA	X	X	X	X	X	X	IP	X	X	X			X	X
Night Club <small>AMD 14 GG 13/6/06</small>	AA	X	AA	X	X	X	SA	X	X	X	X	X	X			X	X
Office <small>AMD 14 GG 13/6/06</small>	P	P	IP	X	X	IP	AA	IP	IP	IP	IP	IP	IP			IP	IP
Plant Nursery <small>AMD 18 GG 19/2/10</small>	AA	AA	X	X	X	P	P	AA	AA	IP	IP	IP	IP			IP	IP
Reception Centre <small>AMD 14 GG 13/6/06</small>	P	X	AA	X	X	X	X	X	X	X	X	X	X			X	X
Restricted Premises <small>AMD 14 GG 13/6/06</small>	SA	SA	X	X	X	SA	SA	X	X	X	X	X	X			X	X
COMMERCIAL (Cont'd)																	
Restaurant <small>AMD 18 GG 19/2/10</small>	P	P	P	X	X	X	AA	X	X	SA	SA	SA	X			X	X
Road House <small>AMD 14 GG 13/6/06</small>	SA	SA	SA	X	X	AA	AA	SA	SA	X	X	X	X	X	X		
Service Station <small>AMD 14 GG 13/6/06</small>	X	X	X	X	X	P	P	SA	SA	X	X	X	X	X	X		
Shop <small>AMD 18 GG 19/2/10</small>	P	P	AA	X	X	X	SA	X	X	X	X	X	X	X	X		
Showroom <small>AMD 14 GG 13/6/06</small>	P	X	X	X	X	P	P	SA	AA	X	X	X	X	X	X		
Tavern	P	X	SA	X	X	X	X	X	X	X	X	X	X	X	X		
Tourist Accommodation <small>AMD 18 GG 19/2/10</small>	P	X	P	X	X	X	X	X	X	X	X	X	X	X	X		
Warehouse <small>AMD 14 GG 13/6/06</small>	AA	X	X	X	X	P	AA	SA	AA	X	X	X	X	X	X		
Wayside Stall <small>AMD 18 GG 19/2/10</small>	X	X	X	X	X	X	X	AA	AA	IP	IP	IP	AA	X	X		
Winery <small>AMD 18 GG 19/2/10</small>	X	X	X	X	X	X	X	AA	X	IP	SA	SA	IP	X	X		
RESIDENTIAL																	
Aged & Dependent Persons Dwelling Ancillary Accommodation <small>AMD 14 GG 13/6/06</small>	AA	X	X	AA	AA	X	X	X	X	X	X	X	X	X	X		

TABLE 1 - ZONING TABLE (Cont'd)

USE CLASSES:

- | | | | |
|----|-------------------------|-----|---------------------|
| 1. | TOWN CENTRE | 9. | COMPOSITE INDUSTRY |
| 2. | LOCAL CENTRE | 10. | GENERAL RURAL |
| 3. | TOURIST | 11. | RURAL AGRICULTURE 1 |
| 4. | RESIDENTIAL | 12. | RURAL AGRICULTURE 2 |
| 5. | RESIDENTIAL DEVELOPMENT | 13. | RURAL LIVING |
| 6. | LIGHT INDUSTRY | 14. | SPECIAL SITE |
| 7. | MIXED BUSINESS | 15. | SETTLEMENT |
| 8. | RURAL INDUSTRY | | |

USE CLASSES	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16		
Caretaker's Dwelling <i>AMD 13 GG 26/10/04; AMD 14 GG 13/6/06</i>	IP	IP	IP	X	X	IP*	IP	IP	AA	IP	IP	IP	X			X		
Community Home	AA	X	X	P	P	P	X	X	X	X	X	X	X					X
Grouped Dwelling <i>AMD 14 GG 13/6/06</i>	AA	X	SA	AA	AA	X	X	X	X	X	X	X	X					X
Multiple Dwelling <i>AMD 14 GG 13/6/06</i>	AA	X	SA	AA	AA	X	X	X	X	X	X	X	X					X
Residential Building <i>AMD 14 GG 13/6/06</i>	AA	X	SA	SA	SA	X	SA	X	X	X	X	X	X					X
Single Dwelling	X	X	X	P	P	X	X	X	AA	P	P	P	P					P
Transient Accommodation <i>AMD 14 GG 13/6/06</i>	X	X	AA	X	X	SA	SA	X	AA	AA	AA	AA	X					X
INSTITUTIONAL																		
Civic Building <i>AMD 14 GG 13/6/06</i>	P	AA	X	SA	SA	SA	SA	X	SA	X	X	AA	AA			PREDOMINANT USES TO BE LIMITED TO THAT SPECIFICALLY MARKED ON THE SCHEME MAP OR LISTED IN APPENDIX 2. PREDOMINANT USES TO BE LIMITED TO THOSE INCLUDED IN A COMMUNITY LAYOUT PLAN ENDORSED BY THE COMMUNITY, THE COUNCIL AND THE WA PLANNING COMMISSION	COMMISSION	AA
Club Premises <i>AMD 14 GG 13/6/06</i>	P	AA	SA	X	X	X	AA	X	X	X	X	X	X					X
Community Service Depot <i>AMD 14 GG 13/6/06</i>	AA	X	X	AA	AA	P	P	AA	AA	AA	AA	AA	AA					AA
Consulting Rooms	P	P	X	SA	SA	X	SA	X	X	X	X	X	X					X
Day Care Centre <i>AMD 14 GG 13/6/06</i>	P	AA	X	SA	SA	X	SA	X	X	X	X	X	X					X
Detention Centre <i>AMD 14 GG 13/6/06</i>	X	X	X	X	X	X	X	SA	X	X	X	X	X					X
Education Establishment <i>AMD 14 GG 13/6/06</i>	P	AA	X	SA	SA	AA	AA	X	X	AA	AA	AA	X					X
Hospital	P	X	X	X	X	X	X	X	X	X	X	X	X					X
Kennels/Cattery	X	X	X	X	X	SA	SA	AA	X	SA	SA	SA	X					X
Kindergarten	AA	AA	X	SA	SA	X	X	X	X	X	X	X	X					X
Medical Centre	P	P	X	SA	SA	X	P	X	X	X	X	X	X					X
Public Amusement <i>AMD 14 GG 13/6/06</i>	P	AA	AA	X	X	X	SA	X	SA	X	X	X	X					X
Public Worship	P	X	X	SA	SA	X	X	X	X	X	X	X	X					X
Radio & TV Installation	SA	AA	X	SA	SA	AA	AA	AA	X	AA	AA	AA	X					X
Veterinary Consulting Room or Hospital <i>AMD 14 GG 13/6/06</i>	AA	X	X	X	X	AA	AA	AA	X	X	X	X	X					X
INDUSTRIAL																		
Abattoir	X	X	X	X	X	X	X	SA	X	AA	SA	X	X					X
Boat Building Facility <i>AMD 14 GG 13/6/06</i>	X	X	X	X	X	P	SA	X	AA	X	X	X	X					X

TABLE 1 - ZONING TABLE (Cont'd)

USE CLASSES:

- | | | | |
|----|-------------------------|-----|---------------------|
| 1. | TOWN CENTRE | 9. | COMPOSITE INDUSTRY |
| 2. | LOCAL CENTRE | 10. | GENERAL RURAL |
| 3. | TOURIST | 11. | RURAL AGRICULTURE 1 |
| 4. | RESIDENTIAL | 12. | RURAL AGRICULTURE 2 |
| 5. | RESIDENTIAL DEVELOPMENT | 13. | RURAL LIVING |
| 6. | LIGHT INDUSTRY | 14. | SPECIAL SITE |
| 7. | MIXED BUSINESS | 15. | SETTLEMENT |
| 8. | RURAL INDUSTRY | | |

USE CLASSES	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	
Factory Units <small>AMD 14 GG 13/6/06</small>	X	X	X	X	X	P	P	AA	AA	X	X	X	X			X	
Fuel Depot <small>AMD 14 GG 13/6/06</small>	X	X	X	X	X	AA	AA	AA	AA	X	X	X	X			X	X
Industry: General	X	X	X	X	X	AA	AA	X	X	X	X	X	X			X	X
Light	X	X	X	X	X	P	AA	AA	AA	X	X	X	X			X	X
Service	X	X	X	X	X	P	AA	AA	AA	X	X	X	X			X	X
Extractive <small>AMD 14 GG 13/6/06</small>	X	X	X	X	X	X	X	SA	X	AA	AA	X	X			X	X
Hazardous	X	X	X	X	X	X	X	SA	X	X	X	X	X			X	X
Noxious	X	X	X	X	X	X	X	SA	X	X	X	X	X			X	X
Cottage <small>AMD 14 GG 13/6/06</small>	AA	X	AA	SA	SA			SA	SA								
Rural <small>AMD 14 GG 13/6/06</small>	X	X	X	X	X	X	X	P	AA	P	SA	SA	X			X	X
Motor Vehicle Repair	AA	AA	X	X	X	P	P	AA	AA	X	X	X	X	X	X	X	
Motor Wrecking	X	X	X	X	X	AA	X	X	X	X	X	X	X	X	X	X	
Salvage Yard	X	X	X	X	X	AA	X	X	X	X	X	X	X	X	X	X	
Transport Depot	X	X	X	X	X	AA	X	AA	AA	X	SA	X	X	X	X	X	
RURAL																	
Airfield	X	X	X	X	X	X	X	X	X	AA	AA	X	X	PREDOMINANT USES TO BE LIMITED TO THAT SPECIFICALLY MARKED ON THE SCHEME MAP OR LISTED IN APPENDIX 2.	PREDOMINANT USES TO BE LIMITED TO THOSE INCLUDED IN A COMMUNITY LAYOUT PLAN ENDORSED BY THE COMMUNITY, THE COUNCIL AND THE WA PLANNING COMMISSION	X	
Aquaculture <small>AMD 14 GG 13/6/06</small>	X	X	X	X	X	SA	X	AA	X	SA	SA	SA	X			X	X
Equestrian Centre	X	X	X	X	X	X	X	X	X	P	AA	SA	X			X	X
Intensive Agriculture <small>AMD 14 GG 13/6/06</small>	X	X	X	X	X	X	X	X	X	P	P	P	X			X	X
Milk Depot <small>AMD 14 GG 13/6/06</small>	X	X	X	X	X	AA	P	P	X	AA	SA	SA	X			X	X
Piggery	X	X	X	X	X	X	X	X	X	AA	AA	X	X			X	X
Poultry Farming	X	X	X	X	X	X	X	SA	X	AA	AA	SA	X			X	X
Private Recreation <small>AMD 14 GG 13/6/06</small>	AA	AA	AA	X	X	X	AA	X	X	X	X	X	X			X	X
Public Recreation <small>AMD 14 GG 13/6/06</small>	P	P	P	P	P	P	P	P	X	P	P	P	P			P	P
Rural Pursuit	X	X	X	X	X	X	X	X	X	P	P	P	SA			SA	SA
Stable <small>AMD 14 GG 13/6/06</small>	X	X	X	X	X	X	X	AA	X	P	P	P	P	P	P		
Zoological Gardens	X	X	X	X	X	X	X	X	X	AA	AA	SA	X	X	X		

* refer also to Clause 5.13.1(b) AMD 13 GG 26/10/04

PART IV - NON-CONFORMING USES

4.1 NON-CONFORMING USE RIGHTS

4.1.1 No provision of the Scheme shall prevent:

- (a) the continued use of any land or building for the purpose for which it was being lawfully used at the time of coming into force of the Scheme;
- (b) the carrying out of any development thereon for which, immediately prior to that time, a permit or permits, lawfully required to authorise the development to be carried out, were duly obtained and are current.

4.2 EXTENSION OF NON-CONFORMING USE RIGHTS

4.2.1 A person shall not alter or extend a non-conforming use or erect alter or extend a building more than 20% of the existing floor area of the building or buildings existing at the time of the gazettal of the scheme used in conjunction with a non-conforming use without first having applied for and obtained the **Development Planning** approval of the Council under the Scheme and unless in conformity with any other provisions and requirements contained in the Scheme and any relevant policy.

4.3 CHANGE OF NON-CONFORMING USES

4.3.1 Notwithstanding anything contained in the Zoning Table the Council may grant its **Development Planning** approval to the change of use of any land from a non-conforming use to another use if the proposed use is, in the opinion of the Council, less detrimental to the amenity of the locality than the non-conforming use and is, in the opinion of the Council, closer to the intended uses of the zone or reserve.

4.4 DISCONTINUANCE OF NON-CONFORMING USE

4.4.1 When a non-conforming use of any land or building has been discontinued for a period of six months or more such land or building shall not thereafter be used otherwise than in conformity with the provisions of the Scheme.

4.4.2 The Council may effect the discontinuance of a non-conforming use by the purchase of the affected property, or by the payment of compensation to the owner or the occupier or to both the owner and the occupier of that property, and may enter into an agreement with the owner for that purpose.

4.5 DESTRUCTION OF BUILDINGS

4.5.1 If any building is, at the gazettal date, being used for a non-conforming use, and is subsequently destroyed or damaged to an extent of 75 percent or more of its value the land on which the building is built shall not thereafter be used otherwise than in conformity with the Scheme, and the buildings shall not be repaired or rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner or position not permitted by the Scheme.

PART V - GENERAL DEVELOPMENT REQUIREMENTS

5.1 — REQUIREMENT FOR PLANNING APPROVAL

~~5.1.1 — In order to give full effect to the provisions and objectives of this Scheme, all development, including a change in the use of land, except as otherwise provided, requires the prior approval of the Council in each case. Accordingly, no person shall commence or carry out any development, including a change in the use of any land, without first having applied for and obtained the planning approval of the Council pursuant to the provisions of this Part.~~

5.2 — PLANNING APPROVAL NOT REQUIRED

~~5.2.1 — The Planning Approval of the Council is not required for the following development of land:~~

- ~~(a) — the use of land in a Reserve, where such land is held by the Council or vested in a public authority;
 - ~~(i) — for the purpose for which the land reserved under the Scheme;~~~~

~~or~~

 - ~~(ii) — in the case of land vested in a public authority, for any purpose for which such land may be lawfully used by that authority.~~
- ~~(b) — the carrying out of any works on, in, over or under a street or road by a public authority acting pursuant to the provisions of any Act;~~
- ~~(c) — the carrying out of any works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building;~~
- ~~(d) — the carrying out of works urgently necessary in the public interest of safety or for the safety or security of plant or equipment or for the maintenance of essential services;~~
- ~~(e) — the erection of a boundary fence except as otherwise required by the Scheme;~~
- ~~(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;~~
- ~~(g) — the erection of an outbuilding of an area less than 60 m² in area;~~
- ~~(h) — a home office — AMD 13 GG 26/10/04~~

5.3 DEVELOPMENT STANDARDS TABLE - TABLE 2

5.3.1 The Development Standards Table specifies the standards and requirements with which the various uses permitted within the Scheme area must comply.

5.3.2 Subject to the provisions of this Scheme, no person shall develop or use any land or building in any zone within the Scheme area for any of the purposes mentioned in the

Zoning Table unless development or building is in conformity with the provisions of the Scheme and the standards set out in the Development Standards Table.

5.3.3 Where a particular use is not mentioned in the Development Standards Table, the development requirements shall be determined by the Council.

5.3.4 Where an application is for more than one use on the same site and different standards apply for each use, subject to the provisions of this Scheme, the Council will determine what standard shall apply.

5.4 BUILDING LEVELS, HEIGHT AND SEWER TREATMENT BUFFER AREA

5.4.1 A building, except with the approval of the Council, shall not be constructed upon any land within an area considered by Council as being liable to flooding and in this regard the Council shall consult with the Western Australian Water Corporation and the ~~Water and Rivers Commission~~ Department of Water prior to granting development planning approval.

5.4.2 On approving any building within the Scheme Area, the Council may set minimum levels for any floor and appurtenant area of the building in order to avoid potential flood problems.

5.4.3 A building (including a dwelling house) shall not be erected on land to which this Scheme applies where the building contains more than three storeys or the perpendicular distance from its highest point to the natural ground level of the land on which it is erected exceeds 10 metres.

5.4.4 Notwithstanding clause 5.4.3, reference to a building does not include reference to:

- (a) an aerial
- (b) a chimney stack
- (c) a mast
- (d) a pole
- (e) a receiving or transmission tower
- (f) a silo
- (g) a utility installation
- (h) a ventilator
- (i) a windmill
- (j) a building in the Light Industry, Rural Agriculture 1, General Rural and Rural Industry Zones.

5.4.5 Development within 500 metres of the Kununurra sewer treatment works may not be approved by the Council if such development includes a permanent residential or temporary residential component including tourist accommodation in the event that Council considers that such development may be affected by the odour buffer area.

5.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

AMD 39 GG 4/1/13

5.5.1 Except for development in respect of which the Residential ~~Planning Design~~ Codes apply, if a development is the subject of an application for development planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Council may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.

5.5.2 In considering an application for development planning approval under this clause, where, in the opinion of the Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the local government is to -

- (a) consult the affected parties in accordance with Part 8 of the deemed provisions. ~~by following one or more of the provisions for advertising uses under clause 11.2;~~ and

- (b) have regard to any expressed views prior to making its determination to grant the variation.

5.5.3 The power conferred by this clause may only be exercised if the Council is satisfied that -

- (a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and preservation of the amenities of the locality; and
- (b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality;
- (c) the spirit and purpose of the requirement or standard will not be unreasonably departed from thereby.

TABLE 2 - DEVELOPMENT STANDARDS

Landuse or Development	Minimum Setbacks			Parking	Landscaping	Special Conditions
	Street	Side	Rear			
Automotive Sales/Hire	9m	BCA	BCA	One bay every 50m ² GFA up to 200m ² in area thereafter one bay every 200m ² GFA or part thereof	Landscaping is to be applied in accordance with Council Policy unless specified by the Scheme	
Caravan Park / Camping Ground	9m	3m	3m	One per site plus one visitor space for every ten sites		
Childminding facility/kindergarten	6m *	3m	6m	One bay for every employee and one bay for every four children attending		Safe pickup and setdown areas shall be developed as directed by Council
Consulting Rooms (Medical)	7.5m *	1m	6m	Four spaces per practitioner		
Fast Food Outlet	9m *	3m	6m	One bay for every 10m ² GFA or part thereof or one bay every four seats provided whichever is greater		
Health Studio/Centre	9m *	BCA	BCA	One bay for every 20m ² GFA (including swimming pools) or part thereof		
Hotel/Tavern	10m *	5m	10m	One bay per two bedrooms plus one for every 6m ² of bar and public area		
Industry-General	9m	BCA	BCA	One bay for every 100m ² GFA or part thereof		

BCA means Building Code of Australia (1988) as amended.

GFA means Gross Floor Area

* Nil in town centre zone

Landuse or Development	Minimum Setbacks			Parking	Landscaping	Special Conditions
	Street	Side	Rear			
Industry Light	9m	BCA	BCA	One bay for every 65m ² GFA up to 200m ² then one bay every 100m ² thereafter or part thereof	Landscaping is to be applied in accordance with Council Policy unless specified by the Scheme	
Industrial Unit Building (Multiple Occupancy)	9m	Parapet 1 side 6m the other side	BCA	Two bays per Industrial unit or one bay for every 100m ² of part thereof GFA whichever is greater		
Motel	9m	3m	3m	One bay per two units plus one bay for every four seats in any restaurant		
Office	9m *	BCA	BCA	One bay for every 40m ² GFA or part thereof		
Open Air Display	2m	1m	1m	One bay for every 50m ² or part thereof		No storage structures are permitted within the Open Air Display Area
Public Assembly. Public Worship (place of)	9m *	3m	3m	One bay for every eight seats provided		
Reception Centre	9m *	3m	6m	One bay for every 10m ² GFA or one bay for every four seats provided whichever is the greater		
Restaurant	9m *	3m*	6m*	One bay for every 10m ² GFA or one bay for every 4 seats whichever is the greater		

BCA means Building Code of Australia (1988) as amended.

GFA means Gross Floor Area

* Nil in town centre zone

Landuse or Development	Minimum Setbacks			Parking	Landscaping	Special Conditions
	Street	Side	Rear			
Residential Building or Residential Hotel or Boarding House	9m*	3m*	6m*	One space per two beds	Landscaping is to be applied in accordance with Council Policy unless specified by the Scheme	
Service Station	11.5m Canopy 3m	3m Canopy 3m	3m Canopy 3m	Two bays plus one bay for every employee with a total minimum of four bays		Subject to meeting Australian Petroleum Institute Code of Practice for Underground Fuel Storage Facilities
Shop	9m *	BCA	BCA	1 bay per 20m ² GFA		
Showroom	9m *	BCA	BCA	One bay for every 50 m ² GFA or part thereof and thereafter one bay every 100m ² GFA or part thereof		
Tourist Accommodation	9m *	BCA	BCA	One bay per 2 bedrooms of accommodation		Council may reduce the parking requirement if the predominant mode of transport by visitors utilising the premises is by coach (particularly backpackers accommodation)
Veterinary Consulting Rooms	7.5m	1m	6m	Four bays plus one bay per employee		
Warehouse	9m	BCA	BCA	One bay every 100m ² GFA or part thereof		No storage of goods outside warehouse building unless specifically approved by the Council

BCA means Building Code of Australia (1988) as amended.

GFA means Gross Floor Area

* Nil in town centre zone

5.6 LANDSCAPING

5.6.1 Any Application for **Development Planning** Approval for any building other than a single dwelling may be required by Council to be accompanied by a plan showing the proposed landscaping of the site and comprising:

- (a) the location and general nature of planted areas,
- (b) the location and nature of materials to be used on non-planted areas,
- (c) the location and size of any outbuildings or other minor proposed structures.

5.6.2 The applicant shall commence the implementation of any approved landscape plan within six calendar months of the completion of all other approved works and shall complete the works no later than six calendar months following approval to occupy any building.

5.7 RESIDENTIAL DEVELOPMENT: RESIDENTIAL **PLANNING DESIGN** CODES

5.7.1 For the purpose of this Scheme 'Residential **Planning Design** Codes' means the Residential **Planning Design** Codes set out in Appendix 2 to the Statement of Planning Policy No 1, together with any amendments thereto.

5.7.2 A copy of the Residential **Planning Design** Codes, as amended, shall be kept and made available for public inspection at the offices of the Council.

5.7.3 In the event of there being any inconsistency between the Residential **Planning Design** Codes identified by Clauses 5.7.1 and 5.7.2, the provisions in the document identified in Clause 5.7.1 shall prevail.

5.7.4 Unless otherwise provided for in the Scheme the development of land for any residential purposes dealt with by the Residential **Planning Design** Codes shall conform to the provisions of those codes and the schedules to those codes.

5.7.5 The Residential Coding of land shall be in accordance with that shown on the Scheme Map.

~~5.7.6 For the purposes of development in the Residential Development zone, the residential planning code applicable to residential development shall be that shown on a Structure Plan prepared and approved under the procedures outlined in Part VI of this Scheme.~~

5.7.7 Where a site has dual coding Council may approve residential development at a density exceeding that applicable to the R15 Code if it is generally consistent with the design criteria in Council Policy relating to design of higher density residential uses in established residential areas.

5.8 RESIDENTIAL ZONE

5.8.1 Objectives

- (a) to allocate a density coding for the Residential zone throughout the Scheme Area designed to:
 - (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 choice 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.

5.9 RESIDENTIAL DEVELOPMENT ZONE

5.9.1 Objectives:

- (a) To identify opportunities for the future subdivision and development of land for the purposes of single and group residential purposes together with, if determined necessary by Council, associated community and recreational facilities.
- (b) To ensure that subdivision and development of land within the zone is consistent with a structure plan ~~adopted by Council and endorsed~~ approved by the W.A. Planning Commission in accordance with the Part 4 of the deemed provisions. ~~prepared in accordance with Clause 6.6 of this scheme.~~

5.10 TOWN CENTRE ZONE

5.10.1 Objectives:

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

5.10.2 Upper Floors

Where the ground floor of a two-storey building is used for the purpose of commerce, the upper floors of such building may be used for such purposes as may be permitted by the Council and may include shops, offices or residential development. Residential uses in such circumstances are to be confined to the upper storey only.

5.10.3 Service Areas

Where areas for the loading and unloading of vehicles carrying goods and commodities to and from the premises are to be provided they shall be constructed and maintained in accordance with an approved plan relating thereto and shall provide for on-site loading and unloading of a size not less than 10 m² necessary for service vehicles. The design of such areas shall also require all entry and exit movements from and to the adjoining street or right-of-way system to be in a forward direction.

5.10.4 Group Residential Development in the Town Centre Zone

Group Residential development within the Town Centre Zone may be permitted in accordance with the provisions of the R 50 Code, however will first be determined to be compatible with the Council's overall Town Centre policy or strategy and any adjoining development.

5.10.5 Consideration of ~~Development Planning~~ Approval

In considering an application for ~~development planning~~ approval for a proposed development (including additions and alterations to existing development) in the town centre zone, the Council shall have regard to the following:

- a) Any town centre strategy or policy as adopted from Council from time to time that provides guidelines on the manner in which development shall relate to streetscapes and general development precincts identified in such town centre strategies.
- b) The colour and texture of external building materials.
- c) Building size, height, bulk, and roof pitch.
- d) Setback and location of the building on its lot.

- e) Architectural style and design details of the building.
- f) Function of the building.
- g) Relationship to surrounding development.
- h) Parking and landscaping requirements.
- i) Other characteristics to be considered by Council to be relevant.

5.10.6 Landscaping

In considering an application for **development planning** approval for a proposed development in the Town Centre Zone the Council may impose landscaping requirements to a maximum of 10% of the site area. Such landscaping will be required to compliment any streetscape landscaping that Council has undertaken or is implementing.

5.11 LOCAL CENTRE ZONE

5.11.1 Objective

- (a) To provide for commercial and retail development in residential areas remote from the existing town centre in order to cater for local service and shopping needs in the Lakeside and associated residential areas;
- (b) to ensure that land uses proposed within the Local Centre zone are consistent with the local residential needs and do not detract from the commercial viability of the existing town centre retail area.

5.11.2 Development Requirements

In considering an application for **development planning** approval for a proposed development, the Council will ensure that the proposed development is consistent with the local residential needs of the immediate residential area and are consistent with the original intentions of any structure planning **adopted by Council and** approved by the Western Australian Planning Commission for residential development areas and areas contained within overall planning areas.

5.11.3 In considering an application for planning approval for a proposed development within the Local Centre zone the provisions of the Clause 5.10.5 apply with the exception of Clause 5.10.5 (a).

5.11.4 For a lot in the Local Centre zone which abuts a lot in the Residential zone, setbacks shall comply with the Residential **Planning Design** Code applicable to the abutting lot.

5.12 MIXED BUSINESS ZONE

5.12.1 Objective

- (a) To encourage the establishment of predominantly showrooms related to manufacturing on-site and service industry and/or service trades centres;
- (b) to only permit the establishment of a caretakers dwelling if such dwelling is considered necessary by Council for operational and security purposes of the business already established on-site.

5.12.2 Consideration of **Development Planning Approval**

In considering an application for **Development Planning** Approval for a proposed development, the provisions of Clause 5.10.5(b) to (i) shall apply.

5.13 LIGHT INDUSTRY ZONE

5.13.1 Objective

- (a) To provide for areas for the establishment of light industrial pursuits such as small scale manufacturing, service industry pursuits, prefabrication and vehicle repairs and storage;
- (b) To ensure that residential uses are not established in the area unless the residential use is a caretaker's dwelling associated with an established industrial use, and that the Council is satisfied that the proposed residential use will not compromise existing industrial activity both on the site and any adjoining site and that it is contained on land zoned Light Industry zone at the date of the gazettal of Town Planning Scheme No. 7.
AMD 7 GG 29/7/03; AMD 13 GG 26/10/04

5.13.2 Development Requirements for Caretaker's Dwelling

AMD 7 GG 29/7/03

The provisions of this clause are to apply to all applications for caretakers' dwellings in the Light Industry zone.

- a) a caretaker's dwelling is not to be developed and/or occupied on a lot unless that lot has been developed and is being used in accordance with the Scheme;
- b) only one caretaker's dwelling is permitted on a lot or parent lot of a strata or a survey strata lot created under the Strata Titles Act 1985;
- c) a caravan or park home is not to be permitted as a caretaker's dwelling for either permanent or temporary occupation;
- d) a caretaker's dwelling is to be screened and/or fenced from the street frontage of the lot to the satisfaction of the local government and whatever possible is to be sited at the rear of other buildings on the lot;
- e) a caretaker's dwelling is to contain 3 bedrooms only within a total floor area that does not exceed 110 square metres measured from the internal face of walls;
- f) open verandahs may be permitted but must not be enclosed by any means unless the total floor area remains within the 100 square metres referred to in paragraph (e).

5.14 RURAL INDUSTRY ZONE

5.14.1 Objective

- (a) To create opportunities within the agricultural area for the establishment of industries related to agricultural pursuits and primary production.

5.15 COMPOSITE INDUSTRY ZONE

5.15.1 Objective

- a) to provide for the establishment of minor industrial pursuits and single residential development on the same lot with particular regard being given to operating hours, levels of development, and potential impact of the development on adjoining composite industrial zone lots and future rural residential uses in the locality.

5.15.2 Development Requirements

Within a lot situated within the Composite Industry zone a person may only:

- a) Develop or establish a light industry where a residence is erected first and forms an integral part of the development.
- b) Allow the residence to be occupied by either the owner, manager or employee of the light industry established on the premises.
- c) Generally allows family or dependants to be employed in the industrial pursuit.
- d) Establish an industry that is of a nature as determined by Council that can operate compatibly with residential living and with minimal impact on adjoining residential uses.
- e) Establish an industry that is essentially a single person operation and is not reliant on attracting passing trade or customers.
- f) Develop single residential use in accordance with the R15 code.
- g) Develop industrial use in accordance with standards specified in Tables 1 and 2 of the Scheme.

5.15.3 Subdivision

Subdivision of land within the zone that is inconsistent with the subdivision layout shown on the Scheme map will not be supported.

5.16 DEVELOPMENT IN THE LIGHT INDUSTRY, RURAL INDUSTRY AND MIXED BUSINESS ZONES

5.16.1 Storage of Materials

No dumping, storage of waste or materials, or construction, servicing or maintenance shall be carried out between the front building line and the street frontage but shall not prohibit the display of finished goods or goods for sale or ready for delivery.

5.16.2 Loading and Unloading

Areas for loading and unloading of vehicles, particularly road trains, carrying goods and commodities to or from premises shall be provided and maintained in accordance with the approved plan and constructed in accordance with requirements as specified by Council.

5.16.3 Vehicle Wrecking

The wrecking or storage of wrecked vehicles or parts thereof shall not be permitted in front of the building setback.

5.16.4 Development Within Front Setback Area

The Council may approve the construction of a carport or pergola or like structure between the building line and the front boundary providing:

- (a) that any such structure remains open sided and not in-filled with any material which would ordinarily prevent the free passage of light and air, but may include lattice, battens or mesh as approved by the Council;
- (b) that any activity beneath such structure does not include any industrial use and is only used for car parking, landscaping, display purposes or any other uses the Council may deem fit.

5.16.5 Environmental Buffers

The Council, in assessing development applications within these zones, shall have due regard for appropriate buffers as outlined under relevant Environmental

Protection Authority Guidelines and Policies and in any event, Council may impose conditions specifically on a development approval to comply with appropriate conditions in order to prevent pollution impacts on surrounding properties.

5.16.6 Landscaping

The Council may require the first 5 metres of the front setback on any lot to be landscaped to the satisfaction of Council. Where a lot has frontage to two streets, the Council may vary the landscaping requirement only where the setback is reduced, in which case the whole of the setback so reduced shall be landscaped to the satisfaction of Council.

5.17 GENERAL RURAL ZONE

5.17.1 Objectives

- (a) to permit the continued use of the land for grazing and agricultural purposes;
- (b) to prohibit any industrial or urban development or land use which may adversely affect the above;

5.18 RURAL AGRICULTURE 1 ZONE

5.18.1 Objective

- (a) that the land be retained for extensive agriculture and/or horticulture. The land shall be retained in viable farm sized lots to prevent subdivision and subsequent loss of this limited resource.

5.19 RURAL AGRICULTURE 2 ZONE

5.19.1 Objectives

- (a) to ensure the adequate supply of land for intensive agricultural and horticultural holdings in localities of adequate water supply and suitable soil types;
- (b) To promote the use of these lots for the production of horticultural crops and associated uses. *AMD 13 GG 26/10/04*

5.20 RURAL LIVING ZONE

5.20.1 Objective

- (a) to provide for the provision of land for people wishing to reside on a small rural holding;
- (b) to prohibit the use of any land which may be incompatible to or adversely affect the amenity of the surrounding land uses;
- (c) to maintain the rural/residential character of the land;
- (d) to ensure adequate services are provided to sustain a rural residential community;

5.20.2 Development Requirements For the Rural Living Zone

- a) In addition to a building license, the Council's **development planning** approval is required for development including a single house.

- b) Not more than one dwelling per lot shall be erected, but the Council may at its discretion approve ancillary accommodation and other uses in accordance with table No. 1.
- c) In order to conserve the rural environment or features of important landscaping, trees shall be retained unless their removal is required for the purposes of access, building development and fire protection.
- d) Any person who keeps an animal or animals or who uses any land for the exercise or training of an animal or animals shall be responsible for appropriate measures to prevent noise, odour, or dust pollution or soil erosion to the satisfaction of Council. In considering an application for **development planning** approval for a proposed development Council may impose conditions relating to the prevention of over stocking, erosion and any other practise detrimental to the amenity of the Rural Living Zone.
- e) In considering an application for planning approval for a proposed development, the Council shall have regard to the provision of adequate potable water supply either by ground water or rainwater roof catchment, the need for bushfire protection measures to be introduced and satisfactory details of effluent methodology and drainage management.

5.21 RURAL SMALLHOLDING ZONE *AMD 22 GG 18/12/09*

5.21.1 Objective:

- (a) to provide appropriate land for people wishing to reside on rural lifestyle lots;
- (b) to ensure that adjoining agricultural uses are protected with appropriate separation between agricultural and residential development; and
- (c) to protect productive agricultural land on site by retaining areas suitable for horticulture in larger lots.

5.21.2 Development Requirements

In considering an application for **Development Planning** Approval for a proposed development, the provisions of Clause 5.20.2 a) to e) shall apply to the Rural Smallholding Zone.

5.22 DEVELOPMENT IN THE RURAL AGRICULTURE 1, RURAL AGRICULTURE 2 GENERAL RURAL, RURAL LIVING AND RURAL SMALLHOLDING ZONES *AMD 22 GG 18/12/09*

5.22.1 Setbacks *AMD 18 GG 19/2/10*

- (a) Setbacks for Agricultural Development

TABLE 3 - RURAL ZONES			
Zone	Building Setbacks (m)		
	Front	Side	Rear
General Rural	20	10	20
Rural Agriculture 1	20	20	20
Rural Agriculture 2	20	20	20
Rural Living	10	5	10
Rural Smallholding	10	5	10

- (b) Setbacks for Incidental Development in Rural Agriculture 1 and Rural Agriculture 2 zones

TABLE 3A – RURAL AGRICULTURE 1 AND RURAL AGRICULTURE 2 ZONES			
Zone	Building Setbacks (m)		
	Front	Side	Rear
Rural Agriculture 1	20	100	100
Rural Agriculture 2	20	35	35

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 the 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 procedures to ensure that all workers are made aware of the biosecurity issues and preventative measures prior to take residence with the accommodation.
- (b) The proponent submit an Agriculture Impact Statement, in accordance with the information prescribed in 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.

5.22.3 Transient Accommodation *AMD 18 GG 19/2/10*

Council may permit the construction and occupation of a transient accommodation the Rural Agriculture 1 and 2 zones and General Rural Zone lot providing:-

- (a) that any occupant is directly employed in the agricultural sector;
- (b) 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.
- (c) 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.
- (d) such accommodation consists of principally bedrooms and communal ablutions and activity areas.
- (e) 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) bio-security.
 - ii. prior to the 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 procedures to ensure that all workers are made aware of the biosecurity issues and preventative measures prior to taking up residence with the accommodation.

5.23 SPECIAL SITE ZONE *AMD 22 GG 18/12/09; AMD 22 GG 18/12/09*

5.23.1 Objective

To reflect those sites specifically established for a particular use.

5.23.2 Development in a Special Site Zone

- (a) Land within the Special Sites Zone may be used for the purposes specified on the Scheme Map and the schedule in Appendix No 2 as applicable to that site and for no other purpose except for a use that Council deems is incidental to the predominant use.
- (b) Council may apply such development standards to a proposal as it thinks fit providing such standards are not less than pertaining to similar uses permitted under the Scheme.

5.24 TOURIST ZONE

AMD 22 GG 18/12/09

5.24.1 Objective

- (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 the approach to the town centre of Kununurra.
- (f) To encourage a high standard of aesthetic quality, landscaping and presentation.

5.24.2 Residential Use in the Tourist Zone

Council may approve the use of a tourist site in the Tourist Zone for permanent residential purposes to a maximum of 30% of the number of units, rooms or caravans/cabins approved for the site.

5.25 SETTLEMENT ZONE

AMD 22 GG 18/12/09

5.25.1 Objective

The Council's objective for this Zone is to improve the general health, safety and amenity of Aboriginal communities by supporting the preparation, endorsement and implementation of Community Layout Plans.

5.25.2 Preparation and Endorsement of Community Layout Plans

- a) Council's dealings in regard to communities in the Settlement zone shall be in accordance with Statement of Planning Policy No. 3.2 – Planning for Aboriginal Communities.
- b) Community Layout Plans may be prepared for either the whole or part of any land within the Settlement Zone. The plans should be prepared in accordance with the Guidelines for the Preparation of Community Layout Plans for Western Australian Aboriginal Communities and with any other relevant State or Commonwealth Government policy.
- c) A Community Layout Plan may provide for a mix of land uses which may include residential, community, administration, rural, and health, and small business activities for the support and benefit of the community, where these are consistent with improving the residential amenity in the locality;
- d) The Council shall not consider a layout plan, or any modification to an approved layout plan, unless the affected community has had an opportunity to comment on the contents of the plan or amendments to an approved plan.
- e) The Council shall assess the planning merits of the plan and then resolve to either approve, refuse or approve with any modification(s) that Council

considers necessary.

5.25.3 Development Requirements

- a) Development in the zone is to be consistent with a Community Layout Plan endorsed by the Community, Council and Western Australian Planning Commission;
- b) Where an endorsed Community Layout Plan is not in place, development is to be assessed using the best information available, which may include draft Community Layout Plans, 'as constructed' drawings or advice from relevant servicing agencies or organisations;
- c) Essential services and community infrastructure provided in conjunction with development of land within the zone should be consistent with the adopted Community Layout Plan.

5.26 PLANNING POLICIES

AMD 22 GG 18/12/09; AMD 22 GG 18/12/09

In dealing with applications for Amendment to this Scheme, subdivision and/or development, Council is required to pay due regard to the Policy Statements for the Policy Areas within the Scheme.

5.27 SUBDIVISION

AMD 22 GG 18/12/09; AMD 22 GG 18/12/09

Subdivision of land below the recommended minimum size of lots in the policies to accommodate residential land uses in a rural setting will not be supported on land outside the Rural Living Zone.

PART VI - OVERALL PLANNING AREAS

6.1 OBJECTIVE

The Scheme map indicates a number of overall planning areas wherein Council will not support development or subdivision proposals until such time as the requirements pertaining to each particular area, as listed below have been satisfied and a structure plan has been ~~prepared and adopted~~ approved by the Western Australian Planning Commission, in accordance with Part 4 of the deemed provisions. ~~as outlined in Clause 6.7.~~

6.2 OVERALL PLANNING AREA NO. 1 – EAST CREEK RESIDENTIAL EXPANSION AREA

AMD 37 GG 12/04/11

- 6.2.1 The area shall be established for residential development providing for a range of residential densities and dwelling types in accordance with a structure plan.
- 6.2.2 In considering a structure plan for the locality, Council will only support commercial development to a level it considers consistent with the convenience shopping needs of the projected residential population within the Overall Planning Area and surrounding residential areas.
- 6.2.3 Structure planning shall have specific regard to the need for appropriate interface treatments between Victoria Highway future subdivision area, the adjacent drainage areas to the north of the Overall Planning Area and Mirima National Park.
- 6.2.4 Structure planning will be prepared in consultation with the Department of Environment and Conservation in relation to the adjoining Mirima National Park, with particular reference to wildlife corridors between the Park and adjoining areas.

6.3 OVERALL PLANNING AREA NO. 2 - WEABER PLAINS ROAD LIGHT INDUSTRIAL AREA

- 6.3.1 The land will be developed as an extension of the Weaber Plains Road industrial area for light industrial purposes.
- 6.3.2 In addition to requirements ~~outlined in clause 6.7 set out in Part 4~~ structure planning for the locality shall have specific regard to:
 - (a) setback from the steep sandstone ridges;
 - (b) inclusion of an open space buffer between the eastern boundary and the ridge face;
 - (c) landscaped buffer strip between Weaber Plains Road and western boundary of development;
 - (d) strategic access points to the industrial area from Weaber Plains Road;
 - (e) retention of isolated rock outcrops in open space reserves;
 - (f) retention of drainage lines in specified reservations;
 - (g) range of lot sizes providing for varying industrial needs; and
 - (h) servicing of lots.
- 6.3.3 Structure planning for the area will also be prepared in consultation with the Department of Conservation and Land Management in relation to the adjoining Mirima National Park and the Structure Plan shall address any concerns raised in relation to the identification and preservation of stands of significant vegetation worthy of retention and the provision of a wildlife corridor linking the National Park to the M1 irrigation channel.

6.4 OVERALL PLANNING AREA NO. 3 - STOCKMAN ROAD RURAL RESIDENTIAL AREA

- 6.4.1** The area is to be established as a rural-residential subdivision area creating a variety of lot sizes but not less than 2 hectares.
- 6.4.2** Structure planning where necessary will be required to recognise proximity to drainage areas, existing and future uses and zones and in particular where applicable, the adjacent composite industry zone and special use zone.
- 6.4.3** Structure planning will need to specifically address the geo-technical suitability of the area for building development, effluent disposal and ground water availability.
- 6.4.4** Structure planning for the area will also be prepared in consultation with the Department of Conservation and Land Management in relation to the adjoining Mirima National Park and the Structure Plan shall address any concerns raised in relation to the identification and preservation of stands of significant vegetation worthy of retention and the provision of a wildlife corridor linking the National Park to Lake Kununurra.

6.5 OVERALL PLANNING AREA NO. 4 – OLD DARWIN ROAD PRECINCT

- 6.5.1** The area is to be considered for the purposes of the following:
- Farmstay Tourist Development
 - Agricultural Uses
 - Subdivision for the purposes of agriculture based on appropriate land capability and agricultural management plans, tourism uses and other uses consistent with approved Structure Plans for the precinct.
 - Subdivision for the purpose of providing Rural Smallholding subdivision creating a variety of lot sizes with a minimum of 4 hectares.
- 6.5.2** Structure planning is specifically required to address the compatibility of proposed uses with existing agricultural and horticultural activity and ensure that the future use of prime agricultural land for agricultural purposes is not compromised.
- 6.5.3** Structure planning will need to confirm that the proposed uses and/or subdivision framework are compatible with the continued broad acre agricultural pursuits that exist within the overall planning area
- 6.5.4** Structure planning shall demonstrate that the ultimate proposed land uses would have no impact on the adjoining Emu Creek wetland areas.
- 6.5.5** Following the preparation and adoption of a structure plan for this area in accordance with ~~Part 4 of the deemed provisions Clause 6.7 of this Scheme and notwithstanding Clause 6.7.5 and Clause 6.7.6~~ the development or subdivision of the area will be preceded by an appropriate scheme amendment to rezone the land in accordance with the adopted Structure Plan.

6.6 OVERALL PLANNING AREA NO. 5 – WEERO ROAD RURAL RESIDENTIAL AREA

AMD 3 GG 19/9/06

- 6.6.1** ~~In accordance with section 6.7 of the scheme A structure plan shall be prepared prior to subdivision in accordance with Part 4 of the deemed provisions. will be provided with subdivision application.~~
- 6.6.2** The structure plan will address the compatibility of rural residential uses with existing agricultural and horticultural activity on surrounding lots and will ensure that the future use of prime agricultural land for agricultural purposes is not comprised and shall include the following measures:
- a) Residential buildings will be prohibited within 150 metres of the boundary of Lot 20 and all plantings of non-local vegetation will be prohibited within 100 metres of the boundary of abutting Lot 20 and/or Lot 781. The 100 metre buffer will be maintained with intensively planted local vegetation. These restrictions will be

given further protection through the placement of restrictive covenants on certificates of title under section 129BA of the *Transfer of Land Act 1893* (as amended). Such covenants are to prohibit residential development, prohibit the planting of non-local flora and to mandate the retention of a planted buffer within the respective exclusion areas.

The advice of the Department of Environment and Conservation is to be sought in relation to appropriate local species for planting.

- b) Prior to any certificates of title being issued a 100 metre vegetation buffer shall be planted on all lots abutting Lot 20 and/or Lot 781 which shall be planted in accordance with a vegetation plan approved by the Shire in consultation with the Department of Environment and conservation in relation to appropriate local species.
- c) A 300m wide notification area(s) on proposed rural residential lots which are within 300m of the boundary of abutting Lot 20 and/or Lot 781, implemented through the placement of memorials on title under section 165 of the *Planning and Development Act 2005*. Such memorials are to advise that the lots are in close proximity to an existing agricultural operation and may be adversely affected by virtue of odour, noise, dust, light emissions from that land use and/or spray drift from agricultural chemicals.
- d) All lots abutting Lot 20 will be a minimum of 40 ha in area.
- e) A notation is to be made on the structure plan to advise prospective purchasers of Scheme provisions that apply to the land.

6.6.3 Structure planning will address access to the Kununurra bypass, provide adequate fire separation distances, groundwater and drainage issues, on-site waste disposal, geotechnical suitability, creation of wildfire corridors, preservation of natural features, remnant vegetation and environmental considerations. Consultation in this regard will be required with the Department of Environment and Conservation, Health Department, Main Roads Western Australia, Department of Water and any other relevant agencies.

6.6.4 Structure planning in relation to the foreshore is required to include, but not limited to, the following specific elements:

- a) A road interface between the foreshore and rural residential lots;
- b) An area in the north western most corner of Lot 21 to be included in the foreshore reserve for the purposes of providing facilities for community use, including car parking, recreational areas and facilities;
- c) Confirmation of the existing Special Foreshore Reserve being of sufficient width. This may require resurvey and should be conducted in consultation with the Department of Environment and Conservation; and
- d) Setbacks to the foreshore reserve to be sufficient to address any potential flooding and erosion issues.

6.6.5 The area is to be established as a rural residential subdivision area creating a variety of lot sizes, but not less than 1 hectare, in accordance with the local planning strategy endorsed by the Council and the Commission.

6.6.6 Lots below 4 hectares are not required to connect to a reticulated water supply in accordance with regional variation to Statement of Planning Policy 2.5 endorsed by the Commission.

6.7 STRUCTURE PLAN PREPARATION AND ADOPTION

AMD 3 GG 19/9/06

6.7.1 Overall Planning Areas

It is a requirement of this scheme that the subdivision and development of land within the Overall Planning Areas as shown on the Scheme Map takes place only after comprehensive planning in accordance with the objectives for each area.

6.7.2 The Council, before supporting or approving any proposal for subdivision or development of any land within the Overall Planning Area, shall require the

preparation of a Structure Plan for the whole of the area or for any particular part or parts as considered appropriate by the Council.

6.7.3 ~~The Structure Plan shall address:-~~

- ~~(a) the topography of the area;~~
- ~~(b) existing road system;~~
- ~~(c) location and standards of any future roads and overall access patterns;~~
- ~~(d) location of shopping, community amenities and recreation areas consistent with the projected needs of the locality;~~
- ~~(e) proposed population and residential densities where appropriate;~~
- ~~(f) existing and proposed services;~~
- ~~(g) staging of the development;~~
- ~~(h) any other information as shall be requested by the Council including specific R Code designations.~~
- ~~(i) geo-technical suitability of the land for development and where necessary for rural-residential development proposals, the availability of ground water;~~
- ~~(j) drainage considerations;~~
- ~~(k) general environmental considerations including flora and fauna impacts, pollution, groundwater quality and any other environmental issues identified by Council.~~

6.7.4 ~~Upon submission of a structure plan, Council shall thereafter follow the advertising procedures outlined in Clause 11.2 except that the submission period shall be extended to 60 days.~~

6.7.5 ~~Upon the close of the submission period referred to in clause 6.6.4 the Council shall consider any submissions made, resolve to modify the plan as it sees fit, adopt the plan as the basis for future subdivisional development of the area and refer the structure plan to the WA Planning Commission within 60 days with a request that the Commission endorse the plan as the basis for the future subdivision and development of the subject area.~~

6.7.6 ~~Upon receipt of the Commission's endorsement, Council shall adopt the plan including any modifications determined necessary by the Commission as the basis for future subdivision and development of the locality to which the structure plan applies.~~

6.8 APPEALS

AMD 3 GG 19/9/06

~~Any decision or conditions made or imposed by Council and/or the Western Australian Planning Commission constitutes an exercise of discretion and therefore enables an appeal right to be exercised as outlined in Clause 12.5.1. of this Scheme.~~

PART VII - AMENITY CONTROL

7.1 UNTIDY SITES

To maintain an acceptable standard of amenity the Council may, by written notice as provided for in ~~Clause 12.3~~ the Act require the owner, occupier, or lessee of any land to undertake such works as may be necessary to restore or upgrade the conditions of that property to a standard commensurate with those generally prevailing in the vicinity.

7.2 STORAGE OF CARAVANS, BOATS AND TRAILERS IN RESIDENTIAL AREAS

In the interest of amenity, caravans, boats and trailers in residential areas shall be stored behind the front boundary.

Except as hereinafter provided, no person within any lot zoned Residential or Residential Development may without the written approval of the Council:

- (a) allow any commercial vehicle or truck to remain or be parked for a period of more than forty eight hours consecutively including the parking on the verge;
- (b) repair, maintain, service or clean a commercial vehicle or truck;
- (c) keep, park, repair or store any boat, trailer, caravan or any material not specifically for the immediate use by the occupant in front of the building setback line.

7.3 DERELICT VEHICLES

Council shall not permit the storage and/or wrecking of any vehicle on any street verge or on any lot between the front boundary and the front setback line within any Zone.

7.4 HOME OCCUPATION/COTTAGE INDUSTRIES

7.4.1 The Council may limit the period of validity of an approved Home Occupation or Cottage Industry.

7.4.2 ~~Development Planning~~ approval granted to a home occupation or cottage industry:

- (a) is granted to the applicant;
- (b) is not capable of being transferred or assigned to any other person;
- (c) does not run with the land in respect of which it is granted.

7.5 REAR ACCESS AND LOADING DOCKS

7.5.1 When considering any application for ~~Development Planning~~ approval the Council shall have regard to and may require the provision of loading docks and/or rear access. In particular, the Council may impose conditions concerning:

- (a) the size of loading docks;
- (b) the means of providing rear access of adequate width and design so as to ensure that transport vehicles shall be able to proceed in a forward direction;
- (c) the landscaping and/or screening of loading docks and/or rear access.

PART VIII - CAR PARKING - STANDARDS AND PROVISIONS

8.1 CAR PARKING REQUIREMENTS

- 8.1.1** Car parking shall be provided for each development in accordance with the requirements of the Residential **Planning Design** Codes and Table 2 of this Scheme.
- 8.1.2** The minimum internal dimensions of any car bay for non-residential development shall be 5.5m x 2.8 wide provided that:
- (a) where a bay abuts a wall or other barrier the minimum width shall be not less than 3.5m;
 - (b) where a parallel parking bay is provided the minimum length shall be not less than 7.0m.
- 8.1.3** Car parking requirements shall be calculated by rounding up to the nearest whole number when considering parking requirements outlined in Table 2.
- 8.1.4** The minimum width of access drives shall be as described in Table 4.

TABLE 4 - MINIMUM WIDTH OF ACCESS DRIVES		
Angle of Parking	Driveway Width (m)	Traffic Direction
0° (Parallel)	3.5	1 way
30°	4.0	1 way
45°	4.0	1 way
60°	5.0	1 way
90° (right angle)	6.5	2 way

8.2 DESIGN OF PARKING AREAS

- 8.2.1** Parking spaces may, with the approval of the Council, be located within the street setback area, provided that:
- (a) Council may require a minimum of 1m width of landscaped area along the length of the car park;
 - (b) in the Town Centre zone, separate pedestrian access from the street to the premises is provided.
- 8.2.2** Where the maximum dimension of any open car parking area exceeds 20 metres in length or width, trees and garden planting equivalent in area up to 10 per cent of the parking area shall be provided within the car parking area for the purpose of shade and visual relief.

8.3 CONSTRUCTION AND MAINTENANCE

- 8.3.1** Parking areas shall be constructed and line marked in accordance with the plan approved by Council and thereafter maintained to the satisfaction of the Council.

8.4 CASH IN LIEU PROVISION OF CAR PARKING SPACES

- 8.4.1** Where a person who applies for **development planning** approval is required to provide car parking spaces in accordance with the Scheme that person may, if the Council so agrees,

make a cash payment to the Council in lieu of the provision of all or any of the required number of car parking spaces.

- 8.4.2** The cash-in-lieu payment shall not be less than the estimated cost to the owner or developer of providing and constructing the parking spaces required by the Scheme plus the value of that area of the land which would have been occupied by the parking spaces.
- 8.4.3** The estimated cost of the land referred to in clause 8.4.2 shall be determined by the Valuer General or by a licensed valuer appointed by the Council.
- 8.4.4** The estimated cost of development of the parking bays referred to in clause 8.4.2 shall be determined by the Council or by a person nominated by the Council who is competent in the field of architecture or engineering.
- 8.4.5** The moneys received by the Council under clause 8.4.1 shall be paid into a separate car-parking fund and shall only be used for the acquisition or development of land as a public car park or to reimburse the Council any expenses it has incurred including loan repayments, within the locality and shall relate as much as practicable to the development of the land the subject of the payment.
- 8.4.6** The Council may make or adopt a policy defining the areas within which it considers payment of cash-in-lieu of the provision of car parking spaces to be acceptable.
- 8.4.7** If the parties cannot agree upon the amount payable, it shall be determined by arbitration in accordance with the Commercial Arbitration Act 1985. The costs of the arbitration shall be borne by the applicant.

~~PART IX – CONTROL OF ADVERTISING~~

~~9.1 – POWER TO CONTROL ADVERTISEMENTS~~

~~9.1.1 For the purpose of this Scheme, the erection, placement and display of advertisements and the use of land or buildings for that purpose is development within the definition of the Act requiring, except as otherwise provided, the prior approval of the Council. Such planning approval is required in addition to any licence pursuant to Council's Signs and Hoarding and Bill Posting Bylaws.~~

~~9.1.2 Applications for Council's approval to this Part shall be submitted in accordance with the provisions of Part XI of the Scheme and shall be accompanied by a completed Additional Information Sheet in the form set out at Appendix 3 giving details of the advertisement(s) to be erected, placed or displayed on the land.~~

~~9.2 – EXISTING ADVERTISEMENTS~~

~~Advertisements which:~~

- ~~(a) were lawfully erected, placed or displayed prior to the approval of this Scheme,~~
- ~~(b) may be erected, placed or displayed pursuant to a licence or other approval granted by the Council prior to the approval of this Scheme, hereinafter in this Part referred to as existing advertisements;~~

~~may, except as otherwise provided, continue to be displayed or be erected and displayed in accordance with the licence or approval as appropriate.~~

~~9.3 – CONSIDERATION OF APPLICATIONS~~

~~Without limiting the generality of the matters which may be taken into account when making a decision upon an application for approval to erect, place or display an advertisement, Council shall examine each such application in the light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed including its historic or landscape significance and traffic safety, and the amenity of adjacent areas which may be affected.~~

~~9.4 – EXEMPTIONS FROM THE REQUIREMENT TO OBTAIN APPROVAL~~

~~Subject to the provisions of the Main Roads (Control of Signs) Regulations 1983 and notwithstanding the provisions of Clause 9.1.1, the Council's prior approval is not required in respect of those advertisements listed in Appendix 7 which for the purpose of this Part are referred to as 'exempted advertisements'. The exemptions listed in Appendix 7 do not apply to buildings, conservation areas or landscape protection zones which are either:~~

- ~~(a) listed in the Register of Heritage Places (Heritage Act of WA 1990);-~~
- ~~(b) listed on the register of the National Estate;~~
- ~~(c) included in local authority town planning scheme because of their heritage or landscape value.~~

~~9.5 – DISCONTINUANCE~~

~~Notwithstanding the Scheme objectives and Clause 9.4, where the Council can demonstrate exceptional circumstances which cause an exempted or existing advertisement to seriously conflict with the objectives of this Part, it may by notice in writing (giving clear reasons) require the advertiser to remove, relocate, adapt or otherwise modify the advertisement within a period of time specified in the notice.~~

~~9.6 DERELICT OR POORLY MAINTAINED SIGN~~

~~Where, in the opinion of the Council, an advertisement has been permitted to deteriorate to a point where it conflicts with the objectives of the Scheme or it ceases to be effective for the purpose for which it was erected or displayed, Council may by notice in writing require the advertiser to:~~

- ~~(a) — repair, repaint or otherwise restore the advertisement to a standard specified by Council in the notice;~~
- ~~(b) — remove the advertisement.~~

~~9.7 NOTICES~~

~~**9.7.1** — The advertiser' shall be interpreted as any one or any group comprised of the owner, occupier, licensee.~~

~~Any notice served in exceptional circumstances pursuant to Clause 9.5 or pursuant to Clause 9.6 shall be served upon the advertiser and shall specify:-~~

- ~~(a) — the advertisement(s) the subject of the notice;~~
- ~~(b) — full details of the action or alternative courses of action to be taken by the advertiser to comply with the notice;~~
- ~~(c) — the period, not being less than 60 days, within which the action specified shall be completed by the advertiser.~~

~~Any person upon whom a notice is served pursuant to this Part may, within a period of 60 days from the date of the notice, appeal to the Hon. Minister for Planning or the Town Planning Appeal Tribunal in accordance with Part V of the Act, and where any such appeal is lodged the effect of the notice shall be suspended until the decision to uphold, quash or vary the notice is known and shall thereafter have effect according to that decision.~~

~~9.8 SCHEME TO PREVAIL~~

~~Where the provisions of this Part are found to be at variance with the provisions of the Council's Signs, Hoarding and Bill Posting Bylaws, the provisions of the Scheme shall prevail.~~

~~9.9 ENFORCEMENT AND PENALTIES~~

~~The offences and penalties provisions specified in Clause 12.2 of the Scheme apply to the advertiser in this Part.~~

~~PART X — CONSERVATION AND PRESERVATION OF PLACES OF HERITAGE VALUE~~

~~10.1 — HERITAGE — PRECINCTS AND PLACES OF CULTURAL SIGNIFICANCE~~

~~10.1.1 — Purpose and Intent~~

~~The purpose and intent of the heritage provisions are:~~

- ~~(a) — to facilitate the conservation of places of heritage value;~~
- ~~(b) — to ensure as far as possible that development occurs with due regard to heritage values.~~

~~10.1.2 — Heritage List~~

~~The Council shall establish and maintain a Heritage List of places considered by the Council to be of heritage significance.~~

~~For the purposes of this Clause, the Heritage List means the Municipal Inventory, as amended from time to time, prepared by the Council pursuant to Section 45 of the Heritage of Western Australia Act 1990 (as amended), or such parts thereof as described in the Municipal Inventory.~~

~~The Council shall keep copies of the Heritage List with the Scheme documents for public inspection during normal office hours.~~

~~10.1.3 — Designation of Heritage Precincts~~

~~The Council may designate an area of land to be a heritage precinct where, in the opinion of the Council, special planning control is needed to conserve and enhance the heritage values and character of the area.~~

~~The Council shall adopt for each heritage precinct a policy statement which shall comprise:~~

- ~~(a) — a map showing the boundaries of the precinct;~~
- ~~(b) — a list of places of heritage significance;~~
- ~~(c) — objectives and guidelines for the conservation of the precinct.~~

~~The Council shall keep a copy of the policy statement for any designated heritage precinct with the Scheme documents for the public inspection during normal office hours.~~

~~The procedure to be followed by the Council in designating a heritage precinct shall be as follows:~~

- ~~(a) — the Council shall notify in writing each owner of land affected by the proposal;~~
- ~~(b) — the Council shall advertise the proposal by way of a notice in a newspaper circulating in the district, by the erection of a sign in a prominent location in the area affected by the designation, and by such other methods as the Council consider necessary to ensure widespread notice of the proposal, describing the area subject of the proposed designation and where the policy statement which applies to the precinct may be inspected;~~
- ~~(c) — the Council shall invite submissions on the proposal within 28 days of the date specified in the notice referred to immediately above;~~

- ~~(d) — the Council shall carry out such other consultations as it thinks fit;~~
- ~~(e) — the Council shall consider any submissions made and resolve to designate the heritage precinct with or without modification or reject the proposal after consideration of submissions;~~
- ~~(f) — the Council shall forward notice of its decision to the Heritage Council of WA and Western Australian Planning Commission.~~

~~The Council may modify or may cancel a heritage precinct or any policy statement which relates to it by following the procedure set out in above.~~

10.1.4 Applications for Planning Approval

~~In dealing with any matters which may affect a heritage precinct or individual entry on the Heritage List, including any application for planning approval, Council shall have regard to any heritage policy of the Council.~~

~~The Council may, in considering any application that may effect a heritage precinct or individual entry on the Heritage List, solicit the views of the Heritage Council of WA and any other relevant bodies, and take those views into account when determining the application.~~

~~Notwithstanding any existing assessment on record, Council may require a heritage assessment to be carried out prior to the approval for any development proposed in a heritage precinct or individual entry listed on the Heritage List.~~

~~For the purposes of sub-clause 5.1.1 of the Scheme the term 'development' shall have the meaning as set out in the Town Planning and Development Act (as amended) but shall also include, in relation to any place entered in the Heritage List or contained within a heritage precinct, any act or thing that is likely to significantly change the external character of the building, object, structure or place.~~

10.1.5 Formalities of Application

~~In addition to the application formalities prescribed in sub-clause 10.1.4 and any formalities or requirements associated with applications for planning approval contained in any other provision of the Scheme, the Council may require an applicant for planning approval, where the proposed development may affect a place of cultural heritage significance or a heritage precinct, to provide one or more of the following to assist the Council in its determination of the application:~~

- ~~(a) — street elevations drawn to a scale not smaller than 1:100 showing the proposed development and the whole of the existing development on each lot immediately adjoining the land the subject of the application, and drawn as one continuous elevation;~~
- ~~(b) — in addition to a site plan, a plan of the proposed development site showing existing and proposed ground levels over the whole of the land the subject of the application, and the location, type and height of all existing structures and of all existing vegetation exceeding 2 metres in height, and marking any existing structures and vegetation proposed to be removed; such plan shall be drawn to the same scale as the site plan;~~
- ~~(c) — a detailed schedule of all finishes, including materials and colours of the proposed development and, unless the Council exempts the applicant from the requirement or any part of it, the finishes of the existing developments on the subject lot and on each lot immediately adjoining the subject lot; and~~
- ~~(d) — any other information which the Council indicates that it considers relevant.~~

~~10.1.6 Variations to Scheme Provisions~~

~~Where desirable to facilitate the conservation of a heritage place or to enhance or preserve heritage values, the Council may vary any provision of the Scheme provided that, where in the Council's opinion the variation of a provision is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for variation, the Council shall:~~

- ~~(a) consult the affected parties by following one or more of the provisions dealing with the advertising of uses pursuant to Clause 11.2.3; and~~
- ~~(b) have regard to any expressed views prior to making its decision to grant the variation.~~

~~10.1.7 Heritage Agreement~~

~~In granting variations under sub-clause 10.1.6 the Council may enter into a heritage agreement under Part 4 of the Heritage of Western Australia Act 1990 which an owner who would benefit from the variation. The agreement may specify the owner's obligations and contain memorials noted on relevant Certificates of Title.~~

~~PART XI – PLANNING APPROVAL~~

~~11.1 – APPLICATION FOR PLANNING APPROVAL~~

~~11.1.1~~ Every application for Planning Approval shall be made in the form prescribed in Appendix 4 to the Scheme and shall be accompanied by such plans and other information as is required by the Scheme.

~~11.1.2~~ Unless Council waives any particular requirement every application for Planning Approval shall be accompanied by:-

- ~~(a)~~ A plan or plans to a scale of not less than 1: 500 showing:
 - ~~(i)~~ street names, lot number(s), north point and the dimensions of the site;
 - ~~(ii)~~ the location and proposed use of any existing buildings to be retained and the location and use of buildings proposed to be erected on the site;
 - ~~(iii)~~ the existing and proposed means of access for pedestrians and vehicles to and from the site;
 - ~~(iv)~~ the location, number, dimensions and layout of all car parking spaces intended to be provided;
 - ~~(v)~~ the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods of commodities to and from the site and the means of access to and from those areas;
 - ~~(vi)~~ the location, dimensions and design of any landscaped, open storage or trade display area and particulars of the manner in which it is proposed to develop the same;
 - ~~(vii)~~ the location of any underground services.
- ~~(b)~~ plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain;
- ~~(c)~~ any other plan or information that the Council may reasonably require to enable the application to be determined.

~~11.2 – ADVERTISING OF APPLICATIONS~~

~~11.2.1~~ Where an application is made for Planning Approval to commence or carry out development which involves an 'SA' use the Council shall not grant approval to that application unless notice of the application is first given in accordance with the provisions of this Clause.

~~11.2.2~~ Where an application is made for Planning Approval to commence or carry out development which involves an 'AA' use, or for any other development which requires the Planning Approval of the Council, the Council may give notice of the application in accordance with the provisions of this clause.

~~11.2.3~~ Where the Council is required or decides to give notice of an application for Planning Approval which involves an 'SA' use the Council shall cause one or more of the following to be carried out:-

- ~~(a)~~ notice of the proposed development to be served on the owners and occupiers of land within an area determined by the Council as likely to be

~~affected by the granting of Planning Approval stating that submissions may be made to the Council within twenty one days of the service of such notice;~~

~~(b) — notice of the proposed development to be published in a newspaper circulating in the Scheme Area stating that submissions may be made to the Council within twenty one days from the publication thereof;~~

~~(c) — a sign or signs displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty one days from the date of publication of the notice referred to in paragraph (b) of this clause.~~

~~11.2.4 The notice referred to in Clause 11.2.3(a) and 11.2.3(b) shall be in the form contained in Appendix 5 with such modifications as circumstances require.~~

~~11.3 — DETERMINATION OF APPLICATIONS~~

~~11.3.1 In determining an application for Planning Approval the Council may consult with any authority which, in the circumstances, it considers appropriate.~~

~~11.3.2 The Council having regard to any matter which it is required by the Scheme to consider, to the purpose for which the land is reserved, zoned or approved for use under the Scheme, to the purpose for which land in the locality is used, and to the orderly and proper planning of the locality and the preservation of the amenities of the locality, may refuse to approve any application for Planning Approval or may grant its approval unconditionally or subject to such conditions as it thinks fit.~~

~~11.3.3 The Council shall issue its decision in respect of an application for Planning Approval in the form prescribed in Appendix 6 to the Scheme.~~

~~11.3.4 DELETED BY AMD 13 GG 26/10/04~~

~~11.4 — DEEMED REFUSAL~~

~~11.4.1 Where the Council has not within sixty days of the receipt by it of an application for Planning Approval conveyed its decision to the applicant, the application may be deemed to have been refused.~~

~~11.4.2 Where the Council has given notice of an application for Planning Approval in accordance with Clause 11.2 and where the Council has not within ninety days of receipt by it of the application conveyed its decision to the applicant, the application may be deemed to have been refused.~~

~~11.4.3 Notwithstanding that an application for Planning Approval may be deemed to have been refused under Clauses 11.4.1 or 11.4.2 the Council may issue a decision in respect of the application at any time after the expiry of the sixty day or ninety day period specified in those clauses, as the case may be.~~

~~11.5 — TERM OF PLANNING APPROVAL~~

~~AMD 13 GG 26/10/04~~

~~11.5.1 Where the local Government grants planning approval for the development of land — (a)~~

~~the development approved is to be substantially commenced within two years, or such other period as specified in the approval, after the date of the determination; and~~

~~(b) — the approval lapses if the development has not substantially commenced before the expiration of that period.~~

~~11.5.2 A written request may be made to the local government for an extension of the term of planning approval at any time prior to the expiry of the approval period in sub clause 11.5.1 (a).~~

~~11.6 UNAUTHORISED EXISTING DEVELOPMENTS~~

~~AMD 13 GG 26/10/04~~

~~11.6.1 The local Government may grant planning approval to a use or development already commenced or carried out regardless of when it was commenced or carried out, if the development conforms to the provisions of the Scheme.~~

~~11.6.2 Development which was unlawfully commenced is not rendered lawful by the occurrence of any subsequent event except the granting of planning approval and the continuation of the development unlawfully commenced is taken to be lawful upon the granting of planning approval.~~

~~Note: 1. Applications for planning approval to an existing development are made under Clause 11.1~~

~~2. The approval by the local government of an existing development does not affect the power of the local government to take appropriate action for a break of the Scheme or the Act in respect of the commencement or carrying out of development without planning approval~~

~~11.7 AMENDING OR REVOKING A PLANNING APPROVAL~~

~~AMD 13 GG 26/10/04~~

~~11.7.1 The Local Government may, on written application from the owner of land in respect of which planning approval has been granted, revoke or amend the planning approval, prior to the commencement of the use or development the subject of the planning approval.~~

~~PART XII – ENFORCEMENT, ADMINISTRATION AND POLICIES~~

~~12.1 – POWERS OF THE SCHEME~~

~~The Council in implementing the Scheme has, in addition to all other powers vested in it, the following powers:~~

- ~~(a) — the Council may enter into an agreement with any owner, occupier or other person having an interest in land affected by the provisions of the Scheme in respect of any matters pertaining to the Scheme;~~
- ~~(b) — the Council may acquire any land or buildings in the district pursuant to the provisions of the Scheme or the Act. The Council may deal with or dispose of any land which it has acquired pursuant to the provisions of the Scheme or the Act in accordance with law and for such purpose may make such agreement with other owners as it considers fit;~~
- ~~(c) — an officer of the Council, authorised by the Council for the purpose, may at all reasonable times enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being served.~~

~~12.2 – OFFENCES~~

~~12.2.1 A person shall not erect, alter or add to or commence to erect, alter or add to a building or use or change the use of any land, building or part of a building for any purpose:-~~

- ~~(a) — otherwise than in accordance with the provisions of the Scheme;~~
- ~~(b) — unless all approvals required by the Scheme have been granted and issued;-~~
- ~~(c) — unless all conditions imposed upon the granting and issue of any approval required by the Scheme have been and continue to be complied with;~~
- ~~(d) — unless all standards laid down and all requirements prescribed by the Scheme or determined by the Council pursuant to the Scheme with respect to that building or that use of that land or building of that part have been and continue to be complied with.~~

~~12.2.2 A person who fails to comply with any of the provisions of the Scheme is guilty of an offence and without prejudice to any other remedy given herein is liable to the penalties prescribed by the Act.~~

~~12.3 – NOTICES~~

~~12.3.1 Twenty eight (28) days written notice is hereby prescribed as the notice to be given pursuant to Section 10 of the Act.~~

~~12.3.2 The Council may recover expenses under Section 10(2) of the Act in a court of competent jurisdiction.~~

~~12.4 – CLAIMS FOR COMPENSATION~~

~~12.4.1 Except where otherwise provided in the Scheme, the time limit for the making of claims for compensation pursuant to Section 11(1) of the Act is six (6) months after the date of publication of the Scheme in the Government Gazette.~~

~~12.5 — APPEALS~~

~~12.5.1 — An applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with Part V of the Act and the rules and regulations made pursuant to the Act.~~

~~12.6 — LOCAL PLANNING POLICIES~~

~~12.6.1 — The Council may prepare a Local Planning Policy in respect to any matter related to the planning and development of the Scheme Area so as to apply:~~

- ~~a) generally or for a particular class or classes of matters and;~~
- ~~b) throughout the Scheme Area or in one or more parts of the Scheme Area;~~

~~and may amend or add to or rescind a Policy so prepared.~~

~~12.6.2 — Any Local Planning Policy prepared under this part shall be consistent with the Scheme and where any inconsistency arises the Scheme shall prevail.~~

~~12.6.3 — A Local Planning Policy is not part of the Scheme and shall not bind the Council in respect of any application for planning approval but the council shall have due regard to the provisions of any Policy and the objectives with the Policy is designed to achieve before making its decision.~~

~~12.6.4 — A Local Planning Policy shall become operative only after the following procedures have been completed:~~

- ~~a) The Council having prepared and adopted a draft Policy shall publish a notice once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area giving details of where the draft Policy may be inspected, the subject and nature of the Policy and in what form and during what period (being not less than 21 days) submission may be made.~~
- ~~b) The Council may review the draft Policy in the light of any submissions made and shall then resolve either to finally adopt the draft Policy with or without modification, or not to proceed with the draft Policy.~~
- ~~c) Following final adoption of a Policy, motivation of the final adoption shall be published once in a newspaper circulating within the Scheme area.~~
- ~~d) Where, in the opinion of the Council, the provisions of any Policy affects the interest of the Commission, a copy of the policy shall be forwarded to the Commission.~~
- ~~e) The Council shall keep copies of any Policy with the Scheme documents for public inspection during normal office hours.~~
- ~~f) Any amendment or addition to a Policy shall follow the procedures set out in a) — d) above.~~

~~12.6.5 — A Local Planning Policy may be rescinded by:~~

- ~~a) the preparation or final adoption of a new Policy pursuant to Clause 12.6.4 specifically worded to supersede an existing Policy; and~~
- ~~b) publication of a formal notice of rescission by the Council twice in a local newspaper circulating in the local government district.~~

~~12.7 — DELEGATION~~

~~12.7.1 — The Council may delegate to an officer or to a Committee of the Council all or any part of the powers conferred on the Council by virtue of the Scheme.~~

~~12.7.2 A delegation of power pursuant to the provisions of this clause has effect and may be exercised according to its tenor but is revocable at the will of the Council and does not preclude the Council from exercising the power the subject of the delegation.~~

~~12.7.3 The performance of the function by a delegate under clause 12.7.1 shall be deemed to be the performance of the function by the Council in all circumstances where the Council is able to delegate its powers.~~

~~12.7.4 A person who is or has been a delegate of the Council is not personally liable for anything done or omitted in good faith in, or in connection with, the exercise or purported exercise of any powers conferred, or the carrying out of any duty imposed on the Council by this Scheme.~~

~~12.7.5 A resolution to revoke or amend a delegation under this clause may be passed by a simple majority.~~

SCHEDULE A - SUPPLEMENTAL PROVISIONS TO THE DEEMED PROVISIONS

These provisions are to be read in conjunction with the deemed provisions (Schedule 2) contained in the Planning and Development (Local Planning Schemes) Regulations 2015.

- Clause 61(1) (k) the erection or extension of a single house on a lot in the General Rural, Rural Agriculture 1, Rural Agricultural 2, Rural Living and Rural Smallholding zones, and where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:
- (i) entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990; or
 - (ii) the subject of an order under the Heritage of Western Australia Act 1990 Part 6; or
 - (iii) included on a heritage list prepared in accordance with this Scheme; or
 - (iv) within an area designated under the Scheme as a heritage area; or
 - (v) the subject of a heritage agreement entered into under the Heritage of Western Australia Act 1990 section 29.
- Clause 61(1)(l) the erection or extension of an outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a permitted ("P") in the General Rural, Rural Agriculture 1, Rural Agricultural 2, Rural Living and Rural Smallholding zones, and where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:
- (i) entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990; or
 - (i) the subject of an order under the Heritage of Western Australia Act 1990 Part 6; or
 - (ii) included on a heritage list prepared in accordance with this Scheme; or
 - (iii) within an area designated under the Scheme as a heritage area;
- or
- (iv) the subject of a heritage agreement entered into under the Heritage of Western Australia Act 1990 section 29.
- Clause 61(1)(m) The signage and advertisements contained in Appendix 7 of this Scheme do not require development approval, unless the sign is to be erected or installed –
- (i) On a place included on a heritage list prepared in accordance with this Scheme; or
 - (ii) On land located within an area designated under this Scheme as a heritage area.
- Clause 61(1)(n) The erection of a boundary fence in a zone where the R Codes do not apply, except otherwise required by the Scheme.
- Clause 61(1)(o) The carrying out of works urgently necessary to ensure public safety, for the safety or security of plant or equipment or for the maintenance of essential services.

APPENDIX 1 - DEFINITIONS

Abattoir	means any land or buildings used for the slaughter of animals for human consumption and the treatment of carcasses, offal and by-products.
Absolute Majority	shall have the same meanings as given to the term in and for the purposes of the Local Government Act, 1995.
Act	means the Town Planning & Development Act, 1928.
Administration Office	means any land or buildings used for office purposes of an administrative nature including financial, secretarial and advertising services.
Advertisement AMD 13 GG 26/10/04	means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements. The term includes any airborne device anchored to any land or building and any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising;
Advertising Device	means any word, letter, model, sign, placard, board, notice device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of advertisement, announcement of direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements. The term includes any airborne device anchored to any land or building and any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising.
Aged Persons Hostel	means any land or buildings used for the accommodation of aged persons in independent units and where meals and other facilities are provided.
Agriculture	means any land or buildings used for the raising of stock or crops but excludes intensive agriculture, piggeries, poultry farms and animal husbandry.
Agroforestry AMD 13 GG 26/10/04	means land used commercially for tree production and agriculture where trees are planted in blocks of more than one hectare;
Airfield	means land and buildings used in connection with the operation of aeroplanes, including a passenger terminal, offices, parking and servicing of aircraft, and car parking, and includes occasional or seasonal use of temporary facilities for purposes associated with agriculture.
Amenity	means all those factors which combine to form the character of the area to residents and passers by and shall include the present and likely future amenity.
Ambulance Depot	means any land or buildings used for the parking and maintenance of ambulances.

Amusement Facility	means any land or buildings, open to the public, used for not more than two amusement machines where such use is incidental to the predominant use.
Amusement Machine	means any machine, game, device or games table, whether mechanical, electronic or computer powered, or a combination of these, operated by one or more players for amusement and recreation.
Amusement Parlour	means land and building, open to the public, where the predominant use is amusement by means of amusement machines and where there are more than two amusement machines operating within the premises.
Ancillary Use	means a use which is incidental to the predominant use of land and buildings.
Animal Boarding	means any land or building used to board domestic pets.
Animal Establishment <i>AMD 13 GG 26/10/04</i>	means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry – intensive or veterinary centre;
Animal Husbandry	means any land or buildings used for the breeding, keeping or rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat, or fur production), and other livestock in feedlots.
Appendix	means an appendix to the Scheme.
Aquaculture	shall have the same meaning as given to the term in and for the purposes of the Fish Resources Management Act 1994.
Art and Craft Centre	means any land or buildings used to manufacture, display, and sell, works of art or craft.
Art Gallery	means any land or buildings used to display art.
Auction Mart	means any land or building on or in which goods are exposed or offered for sale by auction, but does not include a place used for the sale of auction of fresh food, fruit, vegetables or livestock.
Bakery - Retail <i>AMD 14 GG 13/6/06</i>	means any land or buildings used for the baking of bread and/or pastry and/or cake products and the retail sale of these products from the premises.
Bakery – Wholesale <i>AMD 14 GG 13/6/06</i>	means any land or buildings used for the baking of bread and/or pastry and/or cake products but does not include the retail sale of these products from the premises.
Bank	means any land or building used for banking purposes.
Battle-axe Lot	means a lot having access to a public road by means of an access strip included in the Certificate of Title of that lot.
Beauty Therapist	means any land or buildings used for beauty therapy purposes.
Bed and Breakfast <i>AMD 13 GG 26/10/04</i>	means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast;

Betting Agency	means a building operated in accordance with the Totalisator Agency Betting Board Act 1960.
Boarding House	means a building in which provision is made for lodging or boarding more than four persons (but not the travelling public), exclusive of the family of the keeper, for hire or reward.
Boat Building Facility <i>AMD 14 GG 13/6/06</i>	means any land or buildings used for the construction of boats.
Boat Launching Facility	means any land or building used to launch or retrieve boats into and from the water and may include a boat ramp or slip way.
Brewery <i>AMD 14 GG 13/6/06</i>	means any land or buildings used for brewing or distilling of beverages (alcoholic or non-alcoholic).
Building	means any structure or appurtenance thereto whether fixed or movable, temporary or permanent, placed or erected upon land, and the term shall include dwellings and buildings appurtenant to dwellings such as carports, garages, verandahs and retaining walls, but shall exclude a boundary fence, pergolas, garden sheds and the like, and swimming pools where no part is more than 600mm above surrounding ground level.
Building Code of Australia	means the Building Code of Australia 1990.
Building Envelope	means an area of land within a lot marked on a plan approved by the responsible authority within which all buildings and effluent disposal facilities on the lot must be contained.
Building Setback	means the shortest horizontal distance between a boundary or other specified point and the position at which a building may be erected.
Business College	means any land or buildings used for business education.
Cabin <i>AMD 18 GG 19/2/10</i>	Means an individual self contained similar to a chalet but may lack en-suite facilities and may only comprise one room and is designed for 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.
Cafe	means restaurant.
Camping Area	means any land used for the lodging of persons in tents.
Camping and Caravan Park	means any land used to allow accommodation in caravans, cabins and tents.
Caretaker's Dwelling	means a building used as a dwelling by a person having the care of the building, plant, equipment or grounds associated with an industry, business, office, rural activity or recreation area carried on or existing on the same site.
Car Park	means land and buildings used primarily for parking vehicles open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any land or buildings in which cars are displayed for sale, and does not include car parking areas provided in compliance with development approvals.
Cattery	means the use of an approved out-building constructed in accordance with the Health Act Model By-laws Series 'A' Part One - General Sanitary Provisions 1927 (as amended) for the

	purpose of keeping more than three (3) cats over the age of three (3) months.
Chalet <i>AMD 18 GG 19/2/10</i>	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.
Child Care Centre	means any land or buildings used for the care of children.
Child Day Care Centre	means any land or buildings used for the daily or occasional care of children in accordance with the Child Care Act 1972 but does not include a child family-care centre.
Child Family Care Centre	means a child care facility conducted in a private dwelling where children are received for care in accordance with the Child Care Act 1972 but does not include a child day care centre.
Cinema/Theatre	means any land or building where the public may view a motion picture or theatrical production.
Civic Building	means any land or buildings used by a Government Department, an instrumentality of the Crown, or the Council, for administrative, recreational or other purpose, and includes a hall or library, or a centre for cultural recreational, social or other community purpose.
Club Premises	means any land or buildings used by a legally constituted club or association or other body of persons united by a common interest and which building or premises are not otherwise classified under the provisions of the Scheme.
College	means any land or buildings used for post school academic studies but excludes a university.
Commercial Vehicle	means a vehicle whether licensed or not which is used or designed for use for business, trade or commercial purposes or in conjunction with a business, trade or profession and without limiting the generality of the foregoing includes any utility, van, truck, trailer, tractor and any attachment to any of them or any article designed to be attached to any of them, and any bus or any earthmoving machine whether self propelled or not. The term shall not include a vehicle designed for use as a passenger car or any trailer or other thing most commonly used as an attachment to a passenger car, or a van, utility or light truck which is rated by the manufacturer as being suitable to carry loads of not more than 1.5 tonnes.
Commission	means the Western Australian Planning Commission constituted under the Western Australian Planning Commission Act 1985.
Communication antennae-domestic	means any mast, antennae, aerial, satellite dish or other associated equipment used for the reception or transmission of television or radio signals or for other electronic communications where such device is consistent with the predominant style and size of other such devices in the locality, and provided that neither its vertical nor horizontal dimensions exceed one metre.
Communication antennae-commercial	means any mast, antennae, aerial, satellite dish or other associated equipment used for the reception or transmission of television or radio signals or for other electronic communications where its vertical or horizontal dimensions exceed one metre but

does not include telecommunications infrastructure.

Community Purpose	means the use of land or buildings designed or adapted primarily for the provision of educational, social and recreational facilities and services by organisations involved in activities for community benefit.
Community Home	means a building used primarily for living purposes by a group of physically or intellectually handicapped or socially disadvantaged persons living together with or without paid supervision or care and managed by a constituted community based organisation, a recognised voluntary charitable or religious organisation, a Government Department or instrumentality of the Crown.
Community Service Depot	means land and buildings used for the garaging of vehicles and equipment used to provide a community service such as a fire brigade, ambulance and the like.
Conservation	<p>means, in relation to any place on the Heritage List or a designated Heritage Area, the management of that place or precinct in a manner that will:</p> <ul style="list-style-type: none">(a) enable the cultural heritage significance of that place or precinct to be retained; and(b) yield the greatest sustainable benefit for the present community without diminishing the cultural heritage significance of that place or area, and may include the preservation, stabilisation, protection, restoration, reconstruction, adaption and maintenance of that place or area in accordance with relevant professional standard, and the provision of an appropriate visual setting.
Consulting Room(s) <i>AMD 13 GG 26/10/04</i>	means premises used by no more than 2 health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care;
Consulting Room(s) Home	means any land or buildings ancillary to a residence used by no more than one health consultant for the investigation or treatment of human injuries or ailments and for general patient care.
Contractor's Yard	means any land or buildings used for the storage of contractor's plant and equipment, including prefabricated or transportable buildings and materials.
Convenience Store	means land and or buildings used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens and newsagents but including the sale of petrol and operated during hours which include but which may extend beyond normal trading hours and providing associated parking. The buildings associated with a convenience store shall not exceed 300m ² gross leasable area.
Corrective Institution <i>AMD 13 GG 26/10/04</i>	means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility;
Council	shall have the same meaning as given to the term in and for the purposes of the Local Government Act 1995.

~~**Cultural Heritage Significance** means, in relation to any place on the Heritage List or a designated Heritage Area, the relative value which that place or area has in terms of its aesthetic, historic, scientific or social significance, for the present community and future generations.~~

Day Care Centre	means land and buildings used for the daily or occasional care of children in accordance with the Child Welfare (Care Centres) Regulations, 1968 (as amended).
Detention Centre	shall have the same meaning as given to the term in and for the purposes of the Young Offenders Act 1994.
Development	shall have the same meaning given to it in and for the purposes of the Act.
Display Home	means a dwelling intended to be open for public inspection as an example of a dwelling design.
District	shall have the meaning as given to the term in and for the purposes of the Local Government Act 1995.
Dog Kennels	means any land or buildings used for the boarding and breeding of dogs where such premises are registered or required to be registered by the Council, and may include the sale of dogs.
Drive-In Cinema	means land and buildings used to make provision for an audience to view the entertainment while seated in motor vehicles.
Dry Cleaning Premises	means any land or buildings used for the cleaning of garments and other fabrics by chemical processes.
Education Centre	means any land or buildings used for the purpose of education.
Educational Establishment <i>AMD 13 GG 26/10/04</i>	means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre;
Electoral Office	means any land or buildings used for electoral purposes.
Entertainment Centre	means any land or buildings used for the purposes of entertainment.
Equestrian Activity	means any land and buildings used for the showing, competition or training of horses and includes a riding school.
Exhibition Centre <i>AMD 13 GG 26/10/04</i>	means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature, and includes a museum or art gallery;
Facade	means the exposed faces of a building towards roads or open space or the frontal outward appearance of the building.
Factory Unit Building	means a building or structure, or a group of buildings or structures on one lot, in which are carried on two or more separate industries or storage areas not owned or managed by the same person, or in which provision is made for the carrying on of two or more separate industries or storage areas not owned or managed by the same person.
Family Care Centre	means land and buildings used for the purposes of a Family Care Centre as defined in the Child Welfare (Care Centres) Regulations, 1968 (as amended).
Farm Stay	means land and buildings utilised for short stay tourist accommodation comprising a maximum of two self contained two bedroom cottages located no further than 30 metres from the

	external wall of an existing residential dwelling and such cottages will not exceed 80m ² internal floor area.
Farm Supply Centre	means any land or buildings used for the sale of farm supplies, including vegetable seed, fertilisers, agricultural chemicals, stock foods, tractors, farm equipment, implements or components, or irrigation equipment.
Fast Food Outlet AMD 13 GG 26/10/04	means premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a fish shop or lunch bar;
Fire Brigade Depot	means any land or buildings used for the parking and maintenance of fire engines and trucks.
Fish Shop	means a building where wet fish and similar foods are displayed and offered for sale. AMD 14 GG 13/6/06
Floor Area AMD 13 GG 26/10/04	has the same meaning as in the <i>Building Code of Australia 1996</i> published by the Australian Building Codes Board;
Frontage AMD 13 GG 26/10/04	when used in relation to a building that is used for – <ul style="list-style-type: none"> (a) residential purposes, has the same meaning as in the Residential Planning-Design Codes; and (b) purposes other than residential purposes, means the road alignment at the front of a lot and, if a lot abuts 2 or more roads, the one to which the building or proposed building faces;
Fuel Depot	means any land or building used for the storage and sale in bulk of solid or liquid or gaseous fuel, but does not include a service station and specifically excludes the sale by retail into the final users vehicle of such fuel from the premises.
Funeral Parlour	means any land and buildings used to prepare and store bodies for burial or cremation and may include facilities to conduct memorial services.
Garden Centre	means land and buildings used for the sale and display of garden products, including garden ornaments, plants, seeds, domestic garden implements and motorised implements and the display but not manufacture of pre-fabricated garden buildings.
Gazettal Date	means the date on which this Scheme came into force, being the date on which notice of the Minister's approval of the Scheme is published in the Government Gazette.
Gross Floor Area	shall have the same meaning as Floor Area in the Building Code of Australia 1990 .
Gross Leaseable Area	means in relation to a building, the area of all floors capable of being occupied for exclusive use, which area is measured from the centre lines of joint partitions or walls and from the outside faces of external walls or the building alignment, including shop fronts, basements, mezzanines and storage areas.
Hairdresser Premises	means any land or buildings used for hairdressing purposes.
Harbour Installations	means any land or buildings used for and incidental to the purposes of loading, unloading and maintaining ships.

Health Club	means any land or buildings used for physical exercise and associated activities.
Health Consultant	means a person practising in the investigation or treatment of human injuries or ailments or for general patient care.
Height	when used in relation to a building that is used for: <ul style="list-style-type: none"> (a) residential purposes, has the same meaning given to it in and for the purpose of the Residential Planning Design Codes; or (b) purposes other than residential purposes, means the measurement taken from the natural ground level immediately in front of the centre of the face of the building to a level of the top of the eaves, parapet or flat roof, whichever is the highest.
Heritage Area	means an area which is of cultural heritage significance and of such distinctive nature or character that special controls are considered necessary to retain and enhance that character, even though each individual place in the area may not itself be of significance.
Heritage List	means a list of those places which, in the opinion of the council, are of such cultural heritage significance to the local government that conservation and protection under the provisions of this scheme is warranted.
Hire Service	means land and buildings used for the storage and or hire of machinery and other bulky equipment.
Hobby Farm	means any land or buildings used for the keeping of farm animals or the growing of vegetables, fruit or flowers for non commercial purposes or sale.
Home Business <i>AMD 13 GG 26/10/04</i>	means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which - <ul style="list-style-type: none"> (a) does not employ more than 2 people not members of the occupier's household; (b) will not cause injury to or adversely affect the amenity of the neighbourhood; (c) does not occupy an area greater than 20 square metres; (d) does not involve the retail sale, display or hire of goods of any nature; (e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and (f) does not involve the use of an essential service of greater capacity than normally required in the zone;
Home Occupation <i>AMD 13 GG 26/10/04</i>	means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which -

- (a) does not employ any person not a member of the occupier's household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 20 square metres;
- (d) does not display a sign exceeding 0.2 square metres;
- (e) does not involve the retail sale, display or hire of goods of any nature;
- (f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (g) does not involve the use of an essential service of greater capacity than normally required in the zone;

Home Office

AMD 13 GG 26/10/04

means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not –

- (a) entail clients or customers travelling to and from the dwelling;
- (b) involve any advertising signs on the premises; or
- (c) require any external change to the appearance of the dwelling;

Home Store

AMD 13 GG 26/10/04

means any shop with a net lettable area not exceeding 100 square metres attached to a dwelling and which is operated by a person resident in the dwelling.

Hospital

AMD 13 GG 26/10/04

means premises in which persons are admitted and lodged for medical treatment or care and includes a maternity hospital;

Hotel

AMD 13 GG 26/10/04

means premises providing accommodation the subject of a hotel licence under the *Liquor Licensing Act 1988*, and may include a better agency on those premises, but does not include a tavern or motel;

Incidental Use

AMD 13 GG 26/10/04

means a use of premises which is ancillary and subordinate to the predominant use;

Industry

AMD 13 GG 26/10/04

means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes premises on the same land used for -

- (a) the storage of goods;
- (b) the work of administration or accounting;
- (c) the selling of goods by wholesale or retail; or
- (d) the provision of amenities for employees, incidental to any of those industrial operations;

AMD 13 GG 26/10/04

which does not fall within the definition of a home occupation and which -

- (a) does not cause injury to or adversely affect the amenity of the neighbourhood;
- (b) where operated in a residential zone, does not employ any person other than a member of the occupier's household;
- (c) is conducted in an out-building which is compatible with the principal uses to which land in the zone in which it is located may be put;
- (d) does not occupy an area in excess of 50 square metres; and
- (e) does not display a sign exceeding 0.2 square metres in area.

Industry – Extractive
AMD 13 GG 26/10/04

means an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar material from the land and includes the treatment and storage of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which the materials are extracted, but does not include industry – mining;

Industry – General
AMD 13 GG 26/10/04

means an industry other than a cottage, extractive, light, mining, rural or service industry;

Industry - Hazardous

means an industry which, when in operation and when all measures proposed to minimise its impact on the locality have been employed (including measures to isolate the industry from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality, to human health, life or property, or to the biophysical environment. Examples of such industry include oil refineries and chemical plants but would generally exclude light, rural or environment. Examples of such industry include oil refineries and chemical plants but would generally exclude light, rural or services industries.

Industry – Light
AMD 13 GG 26/10/04

means an industry -

- (a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises do not cause any injury to or adversely affect the amenity of the locality;
- (b) the establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services;

Industry - Noxious

means an industry which is subject to licensing as "Prescribed Premises" under the Environmental Protection Act 1986.

Industry – Rural
AMD 13 GG 26/10/04

means -

- (a) an industry handling, treating, processing or packing rural products; or

	(b) a workshop servicing plant or equipment used for rural purposes;
Industry – Service AMD 13 GG 26/10/04	means - (a) an industry – light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or (b) premises having a retail shop front and used as a depot for receiving goods to be serviced;
Intensive Agriculture AMD 13 GG 26/10/04	means premises used for trade or commercial purposes, including outbuildings and earthworks, associated with the following - (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruits or nuts; (b) the establishment and operation of plant or fruit nurseries; (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms); or (d) aquaculture;
Kindergarten	means land and buildings used as a school for developing the intelligence of young children by object lessons, toys, games, singing and similar methods.
Land	shall have the same meaning given to the term in and for the purposes of the Act.
Landscape Supplies	means any land or buildings used for the storage and sale of items such as woodchips, logs, rocks, sand stone and other such materials.
Laundromat	means any land or building, open to the public in which washing machines, with or without provision for drying clothes, are available for use.
Library	means any land or buildings or part thereof used for the storage and distribution on loan of books and other resource or reference material.
Liquor Store	means any land or buildings the subject of a liquor store licence granted under the provisions of the Liquor Licensing Act 1988.
Local Government AMD 13 GG 26/10/04	means the Shire of Wyndham-East Kimberley;
Local Planning Strategy AMD 13 GG 26/10/04	means the Local Planning Strategy in respect of the Scheme, as endorsed by the Commission under regulation 12B of the Town Planning Regulations 1967 and amended from time to time;
Lodging House	shall have the same meaning as is given to the term in and for the purposes of the Health Act 1911.
Lot AMD 13 GG 26/10/04	has the same meaning as in the Town Planning Act but does not include a strata or survey strata lot;
Lunch Bar	means premises or part of premises used for the sale of

AMD 13 GG 26/10/04	takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas;
Marina	means premises at which berths or pens, and fuelling, servicing, repairing, storage (including storage on land) and other facilities for boats are provided, with or without the sale of boating gear and equipment, and includes all jetties, piers, embankments, quays and moorings appurtenant thereto and all offices and storerooms used in connection therewith.
Marine Filling Station	means any land or buildings used for the storage and supply of liquid fuels and lubricants for marine craft, but in which no industry is carried on; but does not include a service station.
Market	means any land or buildings used for the display and sale of goods from stalls by independent vendors.
Market Garden	means any land used for marking gardening purposes.
Medical Centre AMD 13 GG 26/10/04	means premises, other than a hospital, used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling);
Metropolitan Region Scheme	means the Metropolitan Region Scheme made pursuant to the Metropolitan Region Town Planning Scheme Act 1959 published in the Government Gazette of August 9, 1963 and as amended from time to time.
Metropolitan Region Scheme Reserve	means land reserved under the Metropolitan Region Scheme.
Milk Depot	means any land or buildings to which milk and by products are delivered for distribution by vendors to consumers but in which milk is not processed or pasteurised.
Minerals AMD 13 GG 26/10/04	has the same meaning as in the <i>Mining Act 1978</i> ;
Minister AMD 13 GG 26/10/04	means Minister for Planning and Infrastructure;

Mobile Home	means any vehicle or similar relocatable structure having been manufactured with wheels and having no footings other than wheels and corner jacks, and so designed or constructed as to permit independent occupancy for continuous dwelling purposes incorporating its own facilities including bathroom and toilet facilities.
Mobile Home Park	means land upon which two or more mobile homes, occupied for dwelling purposes, are located regardless of whether or not a charge is made for such accommodation.
Motel	means any land or 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.
Motor Vehicle and Marine Sales Premises AMD 13 GG 26/10/04	means land and buildings used for the display and sale of new or second hand motorcycles, cars, trucks, caravans and boats or any one or more of them and may include, the servicing of motor vehicles sold from the site;
Motor Vehicle Hire Station	means land and buildings used for the hiring out of motor vehicles and when conducted on the same site, the storage and cleaning of motor vehicles for hire but does not include mechanical repair or servicing of such vehicles.
Motor Vehicle Repair Station	means any land or 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 retreading of tyres, panel beating, spray painting and chassis reshaping.
Motor Vehicle Wash Station	means any land or buildings where in the primary use is the washing of motor vehicles.
Motor Vehicle Wrecking Premises	means any land or buildings used for the storage, breaking up or dismantling of motor vehicles and includes the sale of second hand motor vehicle accessories and spare parts.
Multiple Occupancy	means the use and occupation of a rural holding at a residential density higher than normally associated with traditional rural living and which may be characterised by the following: <ul style="list-style-type: none"> (a) an approved agreement for management of and responsibility for the whole or parts of the holding; (b) more than one separate dwelling unit for use by families or unrelated groups of persons; (c) a defined area for separate occupation for residential and ancillary uses.
Museum	means any land or buildings used to exhibit cultural or historical artefacts.
Net Lettable Area	means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas: <ul style="list-style-type: none"> (a) all stairs, toilets, cleaners' cupboards, life shafts and motor rooms, escalators, tea rooms and plant rooms, and other services areas;

- (b) lobbies between lifts facing other lifts serving the same floor;
- (c) areas set aside for the provision of facilities or services to the floor or building; and
- (d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building.

Night Club

AMD 13 GG 26/10/04

means premises –

- (a) used for entertainment with or without eating facilities; and
- (b) licensed under the *Liquor Licensing Act 1988*;

Non-Conforming Use

means any use of land or building which was lawful immediately prior to the coming into operation of the Scheme, but is not now in conformity with the provisions of the Scheme.

Nursing Home	means a hospital in which patients reside.
Office AMD 13 GG 26/10/04	means premises used for administration, clerical, technical, professional or other like business activities;
Open Air Display	means the use of a site external to a building for the display and/or sale of goods and equipment.
Owner	<p>in relation to any land includes the Crown and every person who jointly or severally whether at law or in equity:</p> <p>(a) is entitled to the land for an estate in fee simple in possession; or</p> <p>(b) is a person to whom the Crown has lawfully contracted to grant the fee simple of the land; or</p> <p>(c) is a lessor or licensee from the Crown; or</p> <p>(d) is entitled to receive or is in receipt of, or if the land were let to a tenant, would be entitled to receive the rents and profits thereof, whether as a beneficial owner, trustee, mortgagee in possession, or otherwise.</p>
Park Home	shall have the same meaning as given to the term in and for the purposes of the Caravan Parks and Camping Grounds Act 1995.
Park Home Park AMD 13 GG 26/10/04	has the same meaning as in the <i>Caravan Parks and Camping Grounds Regulations 1997</i> ;
Petrol Filling Station	means land and buildings used for the supply of petroleum products and motor vehicle accessories.
Piggery	shall have the same meaning given to the term in and for the purposes of the Health Act, 1911.
Place	<p>means an area of land sufficiently identified by survey, description or otherwise as to be readily ascertainable, and includes:</p> <p>(a) an area of land situated below low water mark on the seashore or on the bank of tidal waters, or in the bed of any watercourse, lake or estuary;</p> <p>(b) any works or buildings situated there, their contents relevant to the purpose of this Scheme, and such of their immediate surroundings as may be required for the purposes of the conservation of those works or buildings; and</p> <p>(c) as much of the land beneath the place as is required for the purposes of its conservation.</p>
Place of Assembly	means any land or buildings where people assemble for a public, religious or cultural activity.
Place of Worship AMD 13 GG 26/10/04	means premises used for religious activities such as a church, chapel, mosque, synagogue or temple;

Plantation <i>AMD 13 GG 26/10/04</i>	has the same meaning as in the <i>Code of Practice for Timber Plantations in Western Australia (1997)</i> published by the Department of Conservation and Land Management and the Australian Forest Growers;
Plant Nursery	means any land or buildings used for the propagation, rearing and sale of plants and the storage and sale of products associated with horticultural and garden activities.
Plot Ratio	shall have the same meaning given to the term in the Building Code of Australia 1990 except for the residential dwellings where the term shall have the same meaning given to it in the Residential Planning Design Codes.
Post Office	means any land or buildings used to conduct a post office.
Potable Water	means water in which levels of physical, chemical and microbiological constituents do not exceed the guideline values set out in the National Health and Medical Research Council publication Australian Drinking Water Guidelines 1996.
Poultry Farm	means any land or buildings used for hatching, rearing or keeping of poultry for either egg or meat production which does not constitute an offensive trade within the meaning of the Health Act 1911.
Precinct <i>AMD 13 GG 26/10/04</i>	means a definable area where particular planning policies, guidelines or standards apply;
Predominant Use <i>AMD 13 GG 26/10/04</i>	means a definable area where particular planning policies, guidelines or standards apply;
Premises <i>AMD 13 GG 26/10/04</i>	means land or buildings;
Pre-School	means any land or buildings used to educate pre-school children.
Prison	shall have the same meaning given to it in and for the purposes of the Prisons Act, 1981 (as amended).
Private Hotel	means land and buildings used for the residential purposes the subject of a Limited Hotel Licence granted under the provisions of the Liquor Act, 1970 (as amended).
Private Recreation	means land used for parks, gardens, playgrounds, sports arenas, or other grounds for recreation which are not normally open to the public without charge.
Private Tree Plantation	means any land used for growing timber for commercial purposes.
Professional Office	means a building used for the purposes of his profession by an accountant, architect, author, barrister, chiropodist, consular official, dentist, doctor, engineer, masseur, nurse, physiotherapist, quantity surveyor, solicitor, surveyor, teacher (other than a dancing teacher or a music teacher), town planner, or valuer, or a person having an occupation of a similar nature, and Professional Person has a corresponding interpretation.
Public Amusement	means land and buildings used for the amusement or entertainment of the public, with or without charge.

Public Authority	shall have the same meaning given to it in and for the purposes of the Act.
Public Recreation	means land used for a public park, public gardens, foreshore reserve, playground or other grounds for recreation which are normally open to the public without charge.
Public Utility	means any work or undertaking constructed or maintained by a public authority or the Council as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services.
Public Mall	means any public street or right-of-way designed especially for pedestrians who shall have right-of-way, and vehicle access shall be restricted to service vehicles at times specified by the council and emergency vehicles.
Public Worship - Place of	means land and buildings used for the religious activities of a church but does not include an institution for primary, secondary, or higher education, or a residential training institution.
Radio and TV Installation	means land and buildings used for the transmission, relay and reception of signals and pictures, both commercial and domestic, but does not include domestic radio and television receivers.
Real Estate Agency	means any land or buildings used to conduct a real estate office.
Reception Centre	means any land or buildings used for functions on formal or ceremonious occasions, but not for unlicensed use for general entertainment purposes.
Recreation and Leisure	means any land or buildings used for recreation, sport or leisure purposes.
Recreation - Indoor	means any buildings used for sports including swimming, ice skating, ten pin bowling, cricket, tennis, squash, soccer, billiards and similar activities.
Recreation - Outdoor	means any land used for outdoor recreation purposes.
Recreation - Private	means land used for parks, gardens, playgrounds, sports arenas, or other grounds for recreation which are not usually open to the public without charge.
Recreation - Public	means land used for a public park, public gardens, foreshore reserve, playground or other grounds for recreation which are usually open to the public without charge.
Recreation Vehicle	means a vehicle designed or used primarily for recreational or sporting activities or purposes, but also includes all types of caravans, trailers, camping vehicles, horse floats and off-road vehicles.
Research Centre	means any land or buildings used to undertake research.
Research Laboratory	means any land or buildings used to undertake research in a laboratory.
Reserve	means any land reserved for a public purpose.

Residential Building
AMD 13 GG 26/10/04

has the same meaning as in the Residential **Planning Design** Codes;

~~**Residential Planning Codes** — means the Residential Planning Codes in Appendix 2 to the Western Australian Planning Commission Statement of Planning Policy No. 1.~~

Resort

means any land or buildings used for the overnight or holiday accommodation of patrons in self contained units or apartments and may include incidental on-site recreational facilities such as golf, swimming, bike riding, tennis, bowls, fishing, and may also include restaurants, shops and entertainment facilities.

Restaurant
AMD 13 GG 26/10/04

means premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and includes a restaurant licensed under the Liquor Licensing Act 1988;

Restoration

means any work or process on at or in respect of a building structure or place which wholly or partly brings back the building structure or place to its original condition or which reinstates its historic or natural character either by rebuilding or repairing its fabric or by removing accretions or additions.

Restricted Premises
AMD 13 GG 26/10/04

means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of -

- (a) publications that are classified as restricted under the Censorship Act 1996;
- (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity;

Retail AMD 13 GG 26/10/04

means the sale or hire of goods or services to the public;

Retail Premises - shop

means any land or buildings wherein the predominant use is for the display of sale by retail or hire of goods but excludes a retail premises - restricted.

Retail Premises - Restricted

means any land or buildings used to sell or hire goods not permitted under retail premises - shop.

Retirement Village

means any land or buildings used to accommodate retirees together with ancillary facilities.

Rural Pursuit
AMD 13 GG 26/10/04

means any premises used for -

- (a) the rearing or agistment of animals;
- (b) the stabling, agistment or training of horses;
- (c) the growing of trees, plants, shrubs, or flowers for replanting in domestic, commercial or industrial gardens;
or
- (d) the sale of produce grown solely on the lot;

but does not include agriculture – extensive or agriculture – intensive;

Roadhouse	Means any land or buildings used for the predominant purpose of a service station but incidentally including a cafe, restaurant and/or shop.
Salvage Yard	means land and buildings used for the storage and sale of materials salvaged from the erection, demolition, dismantling or renovating of, or fire or flood damage to structures including (but without limiting the generality of the foregoing) buildings, machinery, vehicles and boats.
Sawmill	means any land or buildings where logs or large pieces of timber are sawn.
Schedule	means a schedule to the Scheme.
School	means any land or buildings used to educate children.
Service Station <i>AMD 13 GG 26/10/04</i>	means premises used for - <ul style="list-style-type: none"> (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental/convenience retail nature; and (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles, but does not include premises used for a transport depot, panel beating, spray painting, major repairs or wrecking;
Shop <i>AMD 13 GG 26/10/04</i>	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;
Showroom <i>AMD 13 GG 26/10/04</i>	means premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature;
Single Dwelling	means an independently constructed dwelling standing wholly on its own lot created pursuant to the Town Planning and Development Act.
Special Facility	means a facility established for purposes in section 46(5) of the Liquor Licensing Act 1988 or for another purpose in respect of which the relevant Liquor Licensing Authority in Western Australia grants a special facility licence within the meaning of the Liquor Licensing Act.
Sports Ground	means any land used for any sport, but does not include land within the curtilage of a dwelling, if not used commercially.
Stable	means any land, building or structure used for the housing, keeping and feeding of horses, asses and mules and associated incidental activities.
Stall - General	means a place, stand, vehicle or other thing where goods are exposed or offered for sale by retail, and being distinguished from a shop in that it is not permanently housed in a place that is structurally part of a building and of which the stallholder has exclusive possession.

Stall - Wayside	means a place, stand, vehicle or other thing which offers for sale to the general public, produce or any commodity which is grown or manufactured on the land or site, upon which the stall is located.
Stock Yards	means any land, building or other structure used for holding and/or sale of animal stock.
Storage AMD 13 GG 26/10/04	means premises used for the storage of goods, equipment, plant or materials;
Storage Yard	means any land or buildings used for the storage of goods, equipment, plant or materials related to a particular trade.
Storey	means for other than residential development, that portion of a building which is situated between the top of the floor next above it: and if there is no floor above it, that portion between the top of the floor and the ceiling above it.
Structure Plan	means a plan which indicates broad land use options for the subdivision and development of an area and provides a policy framework for such future subdivision and development.
Substantial Commencement	means that work or development the subject of the planning approval has been begun by the performance of some substantial part of that work or development.
Substantially Commenced AMD 13 GG 26/10/04	means that work or development the subject of planning approval has been begun by the performance of some substantial part of that work or development;
Take-away Food Outlet	means any land or buildings used primarily for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation.
Tavern AMD 13 GG 26/10/04	means premises licensed as a tavern under the <u>Liquor Licensing Act 1988</u> and used to sell liquor for consumption on the premises;
Telecommunications Infrastructure AMD 13 GG 26/10/04	means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use or in connection with, a telecommunications network;
Tourist Accommodation	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 elsewhere specifically defined in this schedule or a building or place used for a purpose elsewhere specifically defined in this schedule.
Town Planning Act AMD 13 GG 26/10/04	means the <i>Town Planning and Development Act 1928</i> ;
Trade Display	means land and buildings used for the display of trade goods and equipment for the purposes of advertisement.

Transient Accommodation
AMD 18 GG 19/2/10

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.

Transport Depot

means any land or buildings used for the garaging of motor vehicles used or intended to be used for carrying goods or persons, or for the transfer of goods or persons from one motor vehicle to another of such motor vehicle and includes maintenance, management and repair of the vehicles used, but not of other vehicles, and may include overnight accommodation on-site for the transport workers.

Transportable Home

means any structure designed for human habitation that is partly or wholly prefabricated at any place other than on the lot upon which it is to be erected.

Travel Agency

means any land or buildings used to conduct a travel agency business.

Twenty Three Hour Recovery Care Centre

means any building used for the recovery and care of patients for a maximum period of twenty three hours following surgical or other treatment performed on the premises.

Vehicle, Boat and Caravan Sales and Hire Premises

means any land or buildings used for the display, sale or hire of new or second hand vehicles, motor-cycles, boats, caravans or recreation vehicles, or any one or more of them and may include the servicing of such goods sold from the site.

Veterinary Centre
AMD 13 GG 26/10/04

means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders;

Veterinary Hospital

means the use of any land or buildings for the treatment of minor ailments of animals, and includes the accommodation of animals for periods longer than overnight.

Video Shop

means any land or buildings used for the sale or hire of video cassettes or video recorders.

Warehouse
AMD 13 GG 26/10/04

means premises used to store or display goods and may include sale by wholesale;

Waterway

shall have the same meaning given to it in and for the purposes of the Act.

Wholesale
AMD 13 GG 26/10/04

means the sale of goods or materials to be sold by others;

Winery
AMD 13 GG 26/10/04

means premises used for the production of viticultural produce and may include sale of the produce.

Zoological Gardens

means a portion of the Scheme Area shown on the map by distinctive colouring, patterns, symbols, hatching, or edging for the purpose of indicating the restrictions imposed by the Scheme on the use and development of land, but does not include a reserve.

means any land or buildings used for the keeping, breeding or display of animals and the terms includes Zoo but does not include dog kennels or a cattery, animal husbandry or animal keeping.
~~means a portion of the Scheme area shown on the map by distinctive colouring, patterns, symbols, hatching or edging for the purpose of indicating the restrictions imposed by the Scheme on the use and development of land, but does not include a reserve or special control area.~~

Zone

~~AMD-13-GG-26/10/04~~

APPENDIX 2 - SPECIAL SITE SCHEDULE

AMD 13 GG 26/10/04

(Refer Clause 5.22)

DESCRIPTION OF LAND	SPECIAL SITE USE	CONDITIONS
1970 Hibiscus Drive	Church	As determined by Council
1970 Hibiscus Drive	Service Station	As determined by Council
2257 Stockman Road	Roadhouse/ Truck Stop	As determined by Council
Reserve 27138 Leichhardt Street	Church	As determined by Council
Reserve 27656 Leichhardt Street	Church Purposes	As determined by Council
Reserve 28413 Ironwood Drive	Church	As determined by Council
Reserve 28651 Coolibah Drive	School & Church Purposes	As determined by Council
Reserve 32881 Weaber Plains Road	Housing/Christian Sanctuary	As determined by Council
King Location 327 Victoria Highway AMD 13 GG 26/10/04	Airport <ul style="list-style-type: none"> ▪ 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. 	As determined by Council

APPENDIX 2A - ADDITIONAL USES SCHEDULE

	No.	Description of land	Additional Uses(s)	Conditions
A1	1.	Lot 2 of King Location 438, Old Darwin Road, Kununurra. <i>AMD 6 GG 13/6/03</i>	Tourist Accommodation.	1. Additional Use restricted to 3.5 hectares, in the south western corner of the land.
A2	2.	King Loc 579 Packsaddle Road, Kununurra <i>AMD 12 GG 26/10/04</i>	Residential Accommodation and educational facilities associated with agricultural training and religious broadcasting facility purposes	<ul style="list-style-type: none"> i) No more than 8 single dwellings to be permitted on the site. ii) Only one residential building to be permitted on the site. iii) Transient accommodation to be limited to a maximum of twelve habitable dwellings. iv) All development to occur in accordance with a Development Guide Plan approved by Council.
A3	3.	Lot 505 and a portion of Lot 501 Coolibah Drive, Kununurra <i>AMD 31 GG 19/3/10</i>	Single Dwelling	<p>1. Prior to development being approved for the site, a Development Guide Plan is to be prepared and approved. This plan shall be advertised in accordance with Part 6 of the deemed provisions Clause 11.2 of the Scheme, and shall address site specific planning and design matters, including:</p> <ul style="list-style-type: none"> i) Prescribed specific dwelling yields for each lot; ii) Identification of all lots that shall be used only for residential uses; and iii) Prescribed setbacks.

A3	3.	<p>Lot 505 and a portion of Lot 501 Coolibah Drive, Kununurra (Cont'd)</p> <p>AMD 31 GG 19/3/10</p>		<p>2. Design Guidelines are to be prepared and adopted for the site as a Local Planning Policy pursuant to the requirements of the Scheme, addressing, but not limited to, the following matters:</p> <ul style="list-style-type: none"> i) Development of a high level of aesthetic quality and ESD principles; ii) Application of CPTED principles. <p>3. Detailed Area Plans are to be prepared and adopted for those lots that have a common boundary with community facilities and those lots facing Chestnut Avenue as a Local Planning Policy pursuant to the requirements of the Scheme, addressing the following matters:</p> <ul style="list-style-type: none"> i) The interface between residential development and community use; ii) Management of land use, access and parking between commercial, community and residential.
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APPENDIX 3 – ADDITIONAL INFORMATION FOR ADVERTISEMENTS

AMD 13-GG-26/10/04

Note: to be completed in addition to Application for Approval form

1. Description of Property upon which advertisement is to be displayed including full details of its proposed position within that property:

.....
.....

2. Details of Proposed Sign:

(a) Type of structure on which advertisement is to be erected (i.e. freestanding, wall-mounted, other):

.....
.....

(b) Height:.....Width:.....Depth:.....

(c) Colours to be used.....

(d) Height above ground level –
• (to top of Advertisement):.....
• (to underside):.....

(e) Materials to be used:
.....
.....

Illuminated: Yes/No.....
If Yes, state whether steady, moving, flashing alternating, digital, animated or scintillating and state intensity of light source:.....

3. Period of time for which advertisement is required:

.....

4. Details of signs (if any), to be removed if this application is approved:

.....
.....
.....

N.B. This application should be supported by a photograph or photographs of the premises showing superimposed thereon the proposed position for the advertisement and those advertisements to be removed detailed in 4 above.

Signature of Advertiser(s):.....
(if different from land owner(s)).....

Date:.....

APPENDIX 4 – FORM OF APPLICATION FOR PLANNING APPROVAL

APPLICATION FOR PLANNING APPROVAL

OWNER DETAILS-

Name

Address Post Code

Phone (work)..... (home) Fax E-mail.....

Contact Person

Signature Date

Signature Date

The signature of the owner(s) is required on all applications. This application will not proceed without that signature.

APPLICANT DETAILS-

Name

Address Post Code

Phone (work)..... (home) Fax E-mail.....

Contact Person for correspondence

Signature Date

PROPERTY DETAILS-

Lot No House/Street No Location No.....

Diagram or Plan No..... Certificate of Title Vol. No. Folio

Diagram or Plan No..... Certificate of Title Vol. No. Folio

Title Encumbrances (eg, easements, restrictive covenants)

Street Name Suburb.....

Nearest Street Intersection

Existing Building/Land Use

Description of proposed development and/or use

Nature of any existing buildings and/or use

Approximate cost of proposed development.....

Estimated time of completion

OFFICE USE ONLY	
Acceptance Officer's Initials.....	Date Received
local government Reference No.	

~~APPENDIX 5 – NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL~~

~~TOWN PLANNING ACT 1928
Shire Of Wyndham-East Kimberley~~

~~NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL~~

~~The local government has received an application to use and/or develop land for the following purpose and public comments are invited.~~

~~LOT NO STREET~~

~~SUBURB~~

~~PROPOSAL:~~
~~.....~~
~~.....~~
~~.....~~

~~Details of the proposal are available for inspection at the local government office. Comments on the proposal may be submitted to the local government in writing on or before the day of.....~~

~~Signed Dated~~

~~.....~~

~~for and on behalf of the Shire of Wyndham – East Kimberley~~

APPENDIX 6 – NOTICE OF DETERMINATION ON APPLICATION FOR PLANNING APPROVAL

TOWN PLANNING ACT 1928
Shire Of Wyndham-East Kimberley

DETERMINATION ON APPLICATION FOR PLANNING APPROVAL

LOCATION:

LOT: PLAN/DIAGRAM:

VOL. NO. FOLIO NO:

Application date: Received on:

Description of proposed development:
.....
.....

The application for planning approval is —
• granted subject to the following conditions
• refused for the following reasons(s):-

CONTITIONS/REASONS FOR REFUSAL—
.....
.....
.....

Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
Note 2: Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.
Note 3: If an applicant is aggrieved by this determination there is a right of appeal under Part V of the Town Planning Act 1928. An appeal must be lodged within 60 days of the determination.

Signed _____ Dated _____
.....

APPENDIX 7 - EXEMPTED ADVERTISEMENTS (PURSUANT TO CLAUSE ~~9.4~~ Clause 61(1)(m))

EXEMPTED ADVERTISEMENTS

(Pursuant to Clause 9.4)

LAND USE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT	EXEMPTED SIGN TYPE AND NUMBER (All illuminated unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGN
Dwellings	One professional name-plate as appropriate.	0.2m ²
Home Occupation	One advertisement describing the nature of the home occupation.	0.2m ²
Places of Worship, Meeting halls and Places of Public Assembly	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m ²
Cinemas, Theatres and Drive-in Theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed 5m ²
Shops, Showrooms and other uses appropriate to a Shopping Area.	All advertisement affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to a compliance with the requirements of the Signs, Hoarding and Bill Posting Bylaws.	Not Applicable
Industrial and Warehouse Premises.	A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding the signs projecting from a building whether or not those signs are connected to a pole, wall or other building.	Total area of any such advertisements shall not exceed 15m ² .
	A maximum of two free-standing advertisements signs not exceeding 5m in height above ground level.	Maximum permissible total area shall not exceed 10m ² and individual advertisement signs shall not exceed 6m ² .
Showroom, race courses, major racing tracks, sports stadia, major sporting grounds and complexes.	All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned, either from other private land or from public places and streets.	Not Applicable.

LAND USE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT	EXEMPTED SIGN TYPE AND NUMBER (All illuminated unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGN
Public Places and Reserves	(a) Advertisement signs (illuminated or non-illuminated) relating to the functions of Government, a public authority or council of a municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and	Not Applicable
	(b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the council of a municipality; and	Not Applicable
	(c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified herein.	Not Applicable.
Railway Property and Reserves.	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station.	No sign shall not exceed 2m ² in area.
Advertisements within Buildings	All advertisement placed or displayed within building which cannot ordinarily be seen by a person outside of those buildings.	Not Applicable.
All classes of buildings other than single family dwellings.	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m ²

TEMPORARY SIGNS	EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGNS
Building Construction Sites (advertisement signs displayed only for the duration of the construction) as follows:		
(i) Dwellings	One advertisement per street frontage containing details of the project and the contractors undertaking the construction work.	2m ²
(ii) Multiple Dwellings, Shops Commercial and Industrial Projects.	One signs as for (i) above.	5m ²
(iii) Large development or re-development projects involving shopping centres, office or other buildings exceeding 3 storeys in height.	One sign as for (i) above. One additional sign showing the name of the project builder.	5m ² 5m ²
Sales of Goods or Livestock.	One sign per lot displayed for a period not exceeding 3 months advertising the sale of goods or livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose.	2m ²
Property Transactions.		
Advertisement signs displayed for the duration of a period over which property transactions are offered and negotiated as follows:		
(a) Dwellings	One sign per street frontage for each property relating to the sale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed.	Each sign shall not exceed an area of 2m ² .
(b) Multiple dwellings, shops Commercial and Industrial Properties.	One sign as for (a) above.	Each sign shall not exceed an area of 5m ² .
(c) Large properties comprised of shopping centres, buildings in excess of four storeys and rural properties in excess of 5ha.	One sign as for (a) above.	Each sign shall not exceed an area of 10m ² .

TEMPORARY SIGNS	EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGNS
Display Homes.		
Advertisement signs displayed for the period over which homes are on display for public inspection.	<ul style="list-style-type: none"> <li data-bbox="651 352 1117 378">(i) One sign for each dwelling on display. <li data-bbox="651 409 1143 575">(ii) In addition to (i) above one sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display. 	<p data-bbox="1276 352 1321 378">2m²</p> <p data-bbox="1276 436 1321 464">5m²</p>

ADOPTION

Adoption Regulation 13 (1)

Adopted by Resolution of Council of the Shire of Wyndham-East Kimberley at the Ordinary meeting of the Council held on the 15th day of October, 1998.

SHIRE PRESIDENT

A/CHIEF EXECUTIVE OFFICER

Final Approval Regulation 21(2),
22(1) & (2)

Adopted for Final Approval by Resolution of the Shire of Wyndham-East Kimberley at the Ordinary meeting of Council held on the 26th day of October 2000, and the Seal of the municipality was, pursuant to that Resolution, hereunto affixed in the presence of

SHIRE PRESIDENT

A/CHIEF EXECUTIVE OFFICER

Recommended/Submitted
for Final Approval

FOR CHAIRPERSON OF THE
WESTERN AUSTRALIAN PLANNING COMMISSION

Date: _____

Final Approval Granted

MINISTER FOR PLANNING

Date: 3/1/01

PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME

SHIRE OF WYNDHAM EAST KIMBERLEY

TOWN PLANNING SCHEME NO. 7 – KUNUNURRA AND ENVIRONS

AMENDMENT NO. 41

RESOLVED that the Council, in pursuance of Section 75 of the *Planning and Development Act 2005*, amend the above local planning scheme by:

1. Deleting the following clauses from the Scheme Text, as they have been superseded by the deemed provisions set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2:

Part	Clause Title(s)	Clause(s)	Page No.
Part II - Reserves	Matters to be Considered by the Council	2.2 (2.2.1)	9
Part V – General Development Requirements	Requirement for Planning Approval, Approval Not Required	5.1 (5.1.1), 5.2.1(c), 5.2.1(e), 5.2.1(f), 5.2.1(g), 5.2.1(h)	19
	Residential Development: Residential Planning Codes	5.7.6	25
Part VI – Overall Planning Areas	Structure Plan Preparation and Adoption, Appeals	6.7.3, 6.7.4, 6.7.5, 6.7.6, 6.8	39
Part IX - Control of Advertising	Power to Control Advertisements, Existing Advertisements, Consideration of Applications, Discontinuance	9.1 (9.1.1 - 9.1.2), 9.2, 9.3, 9.5	43
	Derelict or Poorly Maintained Signs, Notices	9.6, 9.7 (9.7.1)	44
Part X – Conservation and Preservation of Places of Heritage Value	Heritage Precincts and Places of Cultural Significance,	10.1 (10.1.1, 10.1.2, 10.1.3, 10.1.4, 10.1.5, 10.1.6, 10.1.7)	45 - 47
Part XI – Planning Approval	Application for Planning Approval, Advertising of Applications	11.1 (11.1.1 - 11.1.2), 11.2 (11.2.1, 11.2.2, 11.2.3), 11.2.4	48 - 49
	Determination of Applications, Deemed Refusal, Term of Planning Approval	11.3 (11.3.1, 11.3.2, 11.3.3, 11.3.4), 11.4 (11.4.1, 11.4.2,	49

		11.4.3), 11.5 (11.5.1, 11.5.2)	
	Unauthorised Existing Developments, Amending or Revoking a Planning Approval	11.6 (11.6.1, 11.6.2), 11.7.1	50
Part XII – Enforcement, Administration and Policies	Powers of the Scheme, Offences,	12.1, 12.2.1	51
	Local Planning Policies, Delegation	12.6 (12.6.1, 12.6.2, 12.6.3, 12.6.4, 12.6.5), 12.7 (12.7.1, 12.7.2, 12.7.3, 12.7.4, 12.7.5)	52 - 53
Appendix 3	Additional Information for Advertisements	Whole Appendix	80
Appendix 4	Form of Application for Planning Approval	Whole Appendix	81
Appendix 5	Notice of Public Advertisement of Planning Proposal	Whole Appendix	82
Appendix 6	Notice of Determination on Application for Planning Approval	Whole Appendix	83

2. Deleting the following clauses from the Scheme Text, as they are covered by provisions set out in the Planning and Development Act 2005:

Part	Clause Title(s)	Clause(s)	Page No.
Part II – Reserves	Compensation	2.3 (2.3.1, 2.3.2, 2.3.3)	9
Part V – General Development Requirements	Planning Approval not Required	5.2.1(a), 5.2.1(b)	19
Part IX– Control of Advertising	Enforcement and Penalties	9.9	44
Part XII – Enforcement, Administration and Policies	Offences, Notices, Claims for Compensation	12.2.2, 12.3 (12.3.1, 12.3.2), 12.4, 12.5	51 - 52

3. Removing the following clauses from the Scheme Text and inserting them into Schedule A – Supplemental Provisions:

Part No.	Clause Title(s)	Clause(s)	Page No.
Part V – General Development Requirements	Planning Approval Not Required	5.2.1(d)	19

4. Inserting the following provisions into Schedule A – Supplemental Provisions:

New Clause	Part Clause replaced
<p><i>the erection or extension of a single house on a lot in the General Rural, Rural Agriculture 1, Rural Agricultural 2, Rural Living and Rural Smallholding zones, and where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:</i></p> <p><i>(i) entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990; or</i></p> <p><i>(ii) the subject of an order under the Heritage of Western Australia Act 1990 Part 6; or</i></p> <p><i>(iii) included on a heritage list prepared in accordance with this Scheme; or</i></p> <p><i>(iv) within an area designated under the Scheme as a heritage area; or</i></p> <p><i>(v) the subject of a heritage agreement entered into under the Heritage of Western Australia Act 1990 section 29.</i></p>	5.2.1(f)
<p><i>the erection or extension of an outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a permitted (“P”) in the General Rural, Rural Agriculture 1, Rural Agricultural 2, Rural Living and Rural Smallholding zones, and where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:</i></p> <p><i>(i) entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990; or</i></p> <p><i>(i) the subject of an order under the Heritage of Western Australia Act 1990 Part 6; or</i></p> <p><i>(ii) included on a heritage list prepared in accordance with this Scheme; or</i></p> <p><i>(iii) within an area designated under the Scheme as a heritage area; or</i></p> <p><i>(iv) the subject of a heritage agreement entered into under the Heritage of Western Australia Act 1990 section 29.</i></p>	5.2.1(f)
<p><i>The signage and advertisements contained in Appendix 7 of this Scheme do not require development approval, unless the sign is to be erected or installed –</i></p> <p><i>(i) On a place included on a heritage list prepared in accordance with this Scheme; or</i></p> <p><i>(ii) On land located within an area designated under this Scheme as a heritage area.</i></p>	9.4
<p><i>The erection of a boundary fence in a zone where the R Codes do not apply, except otherwise required by the Scheme.</i></p>	5.2.1(e)

5. Deleting the following definitions from Schedule 1, as they have been superseded by the definitions in the deemed provisions set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2:

Definitions Removed	Page No.
<i>Absolute Majority</i>	55
<i>Act</i>	55
<i>Advertisement</i>	55
<i>Amenity</i>	55
<i>Building Code of Australia</i>	57
<i>Cultural Heritage Significance</i>	59
<i>Heritage Area</i>	62
<i>Heritage List</i>	62
<i>Local Planning Strategy</i>	65
<i>Owner</i>	69
<i>Residential Planning Codes</i>	72
<i>Structure Plan</i>	74
<i>Substantial Commencement</i>	74
<i>Substantially Commenced</i>	74
<i>Zone</i>	76

6. Amending the following clauses by removing the cross reference to the clause deleted by the amendment and replace them with cross reference to deemed provisions set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2

Part	Clause No.	Cross Reference Clause Removed	Cross Reference to Deemed Provisions	Page No.
Part III – Zones	3.1.2	Part XII	Part 2 of the deemed provisions	11
Part V – General Development Requirements	5.5.2(a)	11.2	Part 8 of the deemed provisions	20
Part VI – Overall Planning Areas	6.4	6.7	part 4 of the deemed provisions	36
	6.5.5	6.7, 6.7.5 and 6.7.6	Part 4 of the deemed provisions	37
Appendix 2A – Additional Site Requirements	3 – condition 1	11.2	part 6 of the deemed provisions	78

7. Amending the following clauses by removing the cross reference to the clause deleted by the amendment and replace them with cross reference to the *Planning and Development Act 2005*:

Part	Clause No.	Cross Reference Clause Removed	Page No.
Part III – Zones	3.1.4	11.2	11
Part VII – Amenity Control	7.1	12.3	40

8. Deleting reference to the following terms and replace them with the corresponding term throughout the scheme:

Deleted Term	Replacement Term
Aged and Dependent Persons Dwelling	Ancillary Accommodation
Building Code of Australia (BCA)	Building Code
Residential Planning Codes	Residential Design Codes
Planning Approval	Development Approval
Water and Rivers Commission	Department of Water

9. Updating the following clauses and definitions as detailed below:

Part	Clause No.	Details of Change	Page No.
Part I – Preliminary	1.8.2	<p>Include reference to words and expressions in Part 1 of the deemed provisions as follows:</p> <p><i>In the Scheme unless the context otherwise requires, or unless it is otherwise provided herein, words and expressions have the respective meanings given to them in Appendix 1, Planning and Development (Local Planning Schemes) Regulations 2015 - deemed provisions for local planning schemes, and the Residential Design Codes.</i></p>	8
Part V – General Development Requirements	5.9.1(b)	<p>Amend clause to read as follows:</p> <p><i>To ensure that subdivision and development of land within the zone is consistent with a structure plan approved by the W.A. Planning Commission in accordance with the Part 4 of the deemed provisions. .</i></p>	26
	5.11.2	<p>Remove the words ‘adopted by Council and’ from the paragraph.</p>	27
Part IV – Overall Planning Areas	6.1	<p>Amend clause to read as follows:</p> <p><i>The Scheme map indicates a number of overall planning areas wherein Council will not support development or subdivision proposals until such time as the requirements pertaining to each</i></p>	36

		<i>particular area, as listed below have been satisfied and a structure plan has been approved by the Western Australian Planning Commission, in accordance with Part 4 of the deemed provisions.</i>	
	6.6	Amend clause to read as follows: <i>A structure plan shall be prepared prior to subdivision in accordance with Part 4 of the deemed provisions.</i>	37

10. Modifying the zoning table to make Ancillary Accommodation a 'P' use in the Residential zone;
11. Removing Clause 9.8 on the basis that Council has previously repealed the Signs, Hoarding and Bill Posting Bylaws.
12. Renumbering the remaining scheme provisions and schedules sequentially and update any cross referencing to the new clause numbers as required.

Dated this day of 20

CHIEF EXECUTIVE OFFICER

AMENDMENT REPORT

Purpose

The amendment removes scheme provisions and definitions that are superseded by the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) coming into effect on 19 October 2015.

The deletion of the provisions from the scheme will ensure that provisions that may, or may be seen to conflict, with the deemed provisions are removed. The deletion of the provisions will also assist in the day to day administration of the scheme by removing provisions which are no longer required.

The Regulations provide for supplemental provisions to be included for a number of the deemed provisions. The amendment introduces the supplemental provisions schedule and moves provisions into this schedule to ensure retention of all the existing scheme provisions, which are not superseded by the deemed provision, including exemptions from the requirement for development approval.

A number of the provisions being deleted are cross referenced elsewhere in the scheme. The amendment updates these cross references to reference the deemed provisions. Terms referred to in the scheme also require updating throughout the scheme.

With the deletion and movement of a number of the scheme provisions, those provisions which remain in the scheme will need to be renumbered to assist in the Scheme amendments.

Amendment Type

The amendment is a basic amendment, in accordance with part (c) of the basic amendment definition contained in Regulation 34.

PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF WYNDHAM EAST KIMBERLEY

TOWN PLANNING SCHEME NO. 7 – KUNUNURRA AND ENVIRONS

AMENDMENT NO. 41

The Shire of Wyndham East Kimberley in pursuance of Section 75 of the *Planning and Development Act 2005* hereby amends the above local planning scheme by:

- Deleting the following clauses from the Scheme Text, as they have been superseded by the deemed provisions set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2:

Part	Clause Title(s)	Clause(s)	Page No.
Part II - Reserves	Matters to be Considered by the Council	2.2 (2.2.1)	9
Part V – General Development Requirements	Requirement for Planning Approval, Approval Not Required	5.1 (5.1.1), 5.2.1(c), 5.2.1(e), 5.2.1(f), 5.2.1(g), 5.2.1(h)	19
	Residential Development: Residential Planning Codes	5.7.6	25
Part VI – Overall Planning Areas	Structure Plan Preparation and Adoption, Appeals	6.7.3, 6.7.4, 6.7.5, 6.7.6, 6.8	39
Part IX - Control of Advertising	Power to Control Advertisements, Existing Advertisements, Consideration of Applications, Discontinuance	9.1 (9.1.1 - 9.1.2), 9.2, 9.3, 9.5	43
	Derelict or Poorly Maintained Signs, Notices	9.6, 9.7 (9.7.1)	44
Part X – Conservation and Preservation of Places of Heritage Value	Heritage Precincts and Places of Cultural Significance,	10.1 (10.1.1, 10.1.2, 10.1.3, 10.1.4, 10.1.5, 10.1.6, 10.1.7)	45 - 47
Part XI – Planning Approval	Application for Planning Approval, Advertising of Applications	11.1 (11.1.1 - 11.1.2), 11.2 (11.2.1, 11.2.2, 11.2.3), 11.2.4	48 - 49
	Determination of Applications, Deemed Refusal, Term of Planning Approval	11.3 (11.3.1, 11.3.2, 11.3.3, 11.3.4), 11.4 (11.4.1, 11.4.2, 11.4.3), 11.5 (11.5.1, 11.5.2)	49

	Unauthorised Existing Developments, Amending or Revoking a Planning Approval	11.6 (11.6.1, 11.6.2), 11.7.1	50
Part XII – Enforcement, Administration and Policies	Powers of the Scheme, Offences,	12.1, 12.2.1	51
	Local Planning Policies, Delegation	12.6 (12.6.1, 12.6.2, 12.6.3, 12.6.4, 12.6.5), 12.7 (12.7.1, 12.7.2, 12.7.3, 12.7.4, 12.7.5)	52 - 53
Appendix 3	Additional Information for Advertisements	Whole Appendix	80
Appendix 4	Form of Application for Planning Approval	Whole Appendix	81
Appendix 5	Notice of Public Advertisement of Planning Proposal	Whole Appendix	82
Appendix 6	Notice of Determination on Application for Planning Approval	Whole Appendix	83

2. Deleting the following clauses from the Scheme Text, as they are covered by provisions set out in the Planning and Development Act 2005:

Part	Clause Title(s)	Clause(s)	Page No.
Part II – Reserves	Compensation	2.3 (2.3.1, 2.3.2, 2.3.3)	9
Part V – General Development Requirements	Planning Approval not Required	5.2.1(a), 5.2.1(b)	19
Part IX– Control of Advertising	Enforcement and Penalties	9.9	44
Part XII – Enforcement, Administration and Policies	Offences, Notices, Claims for Compensation	12.2.2, 12.3 (12.3.1, 12.3.2), 12.4, 12.5	51 - 52

3. Removing the following clauses from the Scheme Text and inserting them into Schedule A – Supplemental Provisions:

Part No.	Clause Title(s)	Clause(s)	Page No.
Part V – General Development Requirements	Planning Approval Not Required	5.2.1(d)	19

4. Inserting the following provisions into Schedule A – Supplemental Provisions:

New Clause	Part Clause replaced
<p><i>the erection or extension of a single house on a lot in the General Rural, Rural Agriculture 1, Rural Agricultural 2, Rural Living and Rural Smallholding zones, and where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:</i></p> <p><i>(i) entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990; or</i></p> <p><i>(ii) the subject of an order under the Heritage of Western Australia Act 1990 Part 6; or</i></p> <p><i>(iii) included on a heritage list prepared in accordance with this Scheme; or</i></p> <p><i>(iv) within an area designated under the Scheme as a heritage area; or</i></p> <p><i>(v) the subject of a heritage agreement entered into under the Heritage of Western Australia Act 1990 section 29.</i></p>	5.2.1(f)
<p><i>the erection or extension of an outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a permitted (“P”) in the General Rural, Rural Agriculture 1, Rural Agricultural 2, Rural Living and Rural Smallholding zones, and where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:</i></p> <p><i>(i) entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990; or</i></p> <p><i>(i) the subject of an order under the Heritage of Western Australia Act 1990 Part 6; or</i></p> <p><i>(ii) included on a heritage list prepared in accordance with this Scheme; or</i></p> <p><i>(iii) within an area designated under the Scheme as a heritage area; or</i></p> <p><i>(iv) the subject of a heritage agreement entered into under the Heritage of Western Australia Act 1990 section 29.</i></p>	5.2.1(f)
<p><i>The signage and advertisements contained in Appendix 7 of this Scheme do not require development approval, unless the sign is to be erected or installed –</i></p> <p><i>(i) On a place included on a heritage list prepared in accordance with this Scheme; or</i></p> <p><i>(ii) On land located within an area designated under this Scheme as a heritage area.</i></p>	9.4
<p><i>The erection of a boundary fence in a zone where the R Codes do not apply, except otherwise required by the Scheme.</i></p>	5.2.1(e)

5. Delete the following definitions from Schedule 1, as they have been superseded by the definitions in the deemed provisions set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2:

Definitions Removed	Page No.
<i>Absolute Majority</i>	55
<i>Act</i>	55
<i>Advertisement</i>	55
<i>Amenity</i>	55
<i>Building Code of Australia</i>	57
<i>Cultural Heritage Significance</i>	59
<i>Heritage Area</i>	62
<i>Heritage List</i>	62
<i>Local Planning Strategy</i>	65
<i>Owner</i>	69
<i>Residential Planning Codes</i>	72
<i>Structure Plan</i>	74
<i>Substantial Commencement</i>	74
<i>Substantially Commenced</i>	74
<i>Zone</i>	76

6. Amend the following clauses by removing the cross reference to the clause deleted by the amendment and replace them with cross reference to deemed provisions set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2

Part	Clause No.	Cross Reference Clause Removed	Cross Reference to Deemed Provisions	Page No.
Part III – Zones	3.1.2	Part XII	Part 2 of the deemed provisions	11
Part V – General Development Requirements	5.5.2(a)	11.2	Part 8 of the deemed provisions	20
Part VI – Overall Planning Areas	6.4	6.7	part 4 of the deemed provisions	36
	6.5.5	6.7, 6.7.5 and 6.7.6	Part 4 of the deemed provisions	37
Appendix 2A – Additional Site Requirements	3 – condition 1	11.2	part 6 of the deemed provisions	78

7. Amend the following clauses by removing the cross reference to the clause deleted by the amendment and replace them with cross reference to the *Planning and Development Act 2005*:

Part	Clause No.	Cross Reference Clause Removed	Page No.
Part III – Zones	3.1.4	11.2	11
Part VII – Amenity Control	7.1	12.3	40

8. Delete reference to the following terms and replace them with the corresponding term throughout the scheme:

Deleted Term	Replacement Term
Aged and Dependent Persons Dwelling	Ancillary Accommodation
Building Code of Australia (BCA)	Building Code
Residential Planning Codes	Residential Design Codes
Planning Approval	Development Approval
Water and Rivers Commission	Department of Water

9. Update the following clauses and definitions as detailed below:

Part	Clause No.	Details of Change	Page No.
Part I – Preliminary	1.8.2	Include reference to words and expressions in Part 1 of the deemed provisions as follows: <i>In the Scheme unless the context otherwise requires, or unless it is otherwise provided herein, words and expressions have the respective meanings given to them in Appendix 1, Planning and Development (Local Planning Schemes) Regulations 2015 - deemed provisions for local planning schemes, and the Residential Design Codes.</i>	8
Part V – General Development Requirements	5.9.1(b)	Amend clause to read as follows: <i>To ensure that subdivision and development of land within the zone is consistent with a structure plan approved by the W.A. Planning Commission in accordance with the Part 4 of the deemed provisions. .</i>	26
	5.11.2	Remove the words 'adopted by Council and' from the paragraph.	27
Part IV – Overall Planning Areas	6.1	Amend clause to read as follows: <i>The Scheme map indicates a number of overall planning areas wherein Council will not support development or subdivision proposals until such time as the requirements pertaining to each</i>	36

		<i>particular area, as listed below have been satisfied and a structure plan has been approved by the Western Australian Planning Commission, in accordance with Part 4 of the deemed provisions.</i>	
	6.6	Amend clause to read as follows: <i>A structure plan shall be prepared prior to subdivision in accordance with Part 4 of the deemed provisions.</i>	37

10. Modify the zoning table to make Ancillary Accommodation a 'P' use in the Residential zone;
11. Removing Clause 9.8 on the basis that Council has previously repealed the Signs, Hoarding and Bill Posting Bylaws.
12. Renumber the remaining scheme provisions and schedules sequentially and update any cross referencing to the new clause numbers as required.

Adopted by resolution of the Council of the Shire of Wyndham East Kimberley
at the meeting of the Council held on the day of 20 .

.....
SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

WAPC RECOMMENDED/SUBMITTED FOR APPROVAL

.....
DELEGATED UNDER S.16 OF THE
PLANNING AND DEVELOPMENT ACT 2005

DATE.....

APPROVAL GRANTED

.....
MINISTER FOR PLANNING
S.87 OF THE *PLANNING AND DEVELOPMENT ACT 2005*

DATE.....

Cr S Cooke declares an Impartiality Interest in the item as she is the Treasurer of the association.

13.04.11. Temporary Caretaker - Kununurra Rodeo Association

DATE:	23 February 2016
AUTHOR:	Ebony Daniell, Environmental Health Officer
RESPONSIBLE OFFICER:	Louise Gee, Director Community Development
ASSESSMENT NO:	A2859
FILE NO:	PH.12.5
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council approve the Kununurra Bushman's Rodeo Association's request to have a temporary caretaker reside in a caravan on site for the period of 23 February to 23 May 2016 subject to the following conditions:

- 1. All wastewater from temporary fixtures is to be plumbed into the existing septic system.**
- 2. A 240L sealed bin is to be provided and all rubbish transported to the Kununurra Landfill for disposal.**
- 3. A supply of 300L of potable water per day is to be provided.**
- 4. Caravan to be maintained in a roadworthy condition and able to be moved with 24 hours notice.**

COUNCIL DECISION

Minute No. 11269

Moved: Cr E Bolto

Seconded: Cr B Robinson

That Council approve the Kununurra Bushman's Rodeo Association's request to have a temporary caretaker reside in a caravan on site for the period of 23 February to 23 May 2016 subject to the following conditions:

- 1. All wastewater from temporary fixtures is to be plumbed into the existing septic system.**
- 2. A 240L sealed bin is to be provided and all rubbish transported to the Kununurra Landfill for disposal.**
- 3. A supply of 300L of potable water per day is to be provided.**
- 4. Caravan to be maintained in a roadworthy condition and able to be moved with 24 hours notice.**

Carried 9/0

PURPOSE

For Council to consider an application from the Kununurra Bushman's Rodeo Association to have a temporary caretaker living in a caravan at the Rodeo grounds from 23 February 2016 to 23 May 2016.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The rodeo grounds are used to hold annual events each year with many participants camping onsite during the event. Temporary licences have been issued for camping at events in 2014 and 2015. In considering applications for temporary licences health and safety issues must be adequately addressed and a justification to camp outside of an existing facility must be provided. Similar considerations have been made for this proposal.

STATUTORY IMPLICATIONS

Caravan Parks and Camping Grounds Regulations 1997

Regulation 11. Camping other than at caravan park or camping ground

(1) A person may camp —

(a) for up to 3 nights in any period of 28 consecutive days on land which he or she owns or has a legal right to occupy, and may camp for longer than 3 nights on such

land if he or she has written approval under subregulation (2) and is complying with that approval; or

(2) Written approval may be given for a person to camp on land referred to in subregulation (1)(a) for a period specified in the approval which is longer than 3 nights —

(a) by the local government of the district where the land is situated, if such approval will not result in the land being camped on for longer than 3 months in any period of 12 months;

POLICY IMPLICATIONS

There are no policy implications associated with this item.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this item.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

Objective 2.4: Access to appropriate health, family and community services

Strategy 2.4.2 : Ensure community compliance with Environmental Health regulations

RISK IMPLICATIONS

Strategic Risk: Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

The Kununurra Bushman's Rodeo Association have requested permission to have a caretaker stay at the Rodeo Grounds for a temporary period of three months, while more suitable permanent accommodation is arranged. A caretaker is required to assist with irrigation and weed management and to provide security for equipment kept on site.

The rodeo grounds have existing shower and toilet facilities suitable for use by the caretakers. An additional laundry facility will be provided in the existing ablution block and kitchen facilities provided within the caravan. All wastewater from the temporary fixtures will

be disposed of into the existing septic system. All rubbish will be taken to Kununurra Landfill for disposal.

ATTACHMENTS

No attachments.

13.5 CHIEF EXECUTIVE OFFICER

13.05.1. Standing Item - Outstanding Actions from Council Resolutions

DATE:	23 February 2016
AUTHOR:	Meagan Le Riche, Executive Assistant
RESPONSIBLE OFFICER:	Graham Foster, Acting Chief Executive Officer
DISCLOSURE OF INTERESTS:	NIL

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council notes the report - Outstanding actions from Council resolutions

COUNCIL DECISION

Minute No. 11270

Moved: Cr K Wright

Seconded: Cr B Robinson

That Council notes the report - Outstanding actions from Council resolutions

Carried 9/0

PURPOSE

To report to Council on progress of implementing Council resolutions and provide comment on outstanding actions from Council resolutions.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

At each meeting of Council, resolutions are made which require actions to be taken by officers to implement those resolutions. This monthly update advises the Council as to the status of the implementation of resolutions.

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 services

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

RISK IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

This report includes actions from January resolutions (Attachment 1). Attachment 2 summarises all actions that are outstanding from previous Council resolutions (before January 2016)

ATTACHMENTS

Attachment 1 - Actions from January Resolutions

Attachment 2 - Outstanding Actions from Previous Council Resolutions

Attachment 1 - Actions from January Resolutions

Meeting	Responsible Officer	Item	Resolution	Progress Comment	Date Actioned	Completed
OCM 27/01/16	Natalie Octoman	Penalty Interests on Rates Assessment A1084	That Council: Waive the penalty interest of \$50.03 for Rates Assessment A1084	Ratepayer has been notified and waiver applied to the property.	10-Feb-16	Completed
OCM 27/01/16	Louise Gee	Western Australian Housing Authority Utilisation of Wyndham Administration Centre	That Council:- 1. Requests the Chief Executive Officer to advise the Western Australia Housing Authority that it accepts its offer of \$5,000.00 per annum to utilise the Wyndham Administration Centre as outlined in Attachment 1. 2. Requests the Chief Executive Officer to advise the Western Australia Housing Authority that the Shire will not contribute any direct costs towards the placement of the Authority's officer and service within the Wyndham Administration Centre i.e. additional furniture, technology and communication equipment, display stands, signage.	Draft MoU forwarded to WA Housing Authority.	12-Feb-16	In progress
OCM 27/01/16	Louise Gee	Youth Advisory Council Development	That Council: 1. Endorse the development of a Shire of Wyndham East Kimberley Youth Advisory Council in the 2016/17 financial year. 2. Request the Chief Executive Officer to advise the Kimberley Zone that the Shire of Wyndham East Kimberley has endorsed the development of a Youth Advisory Council, however this development will not take place until after 1 July 2016 as adopted in the Shire of Wyndham East Kimberley Corporate Business Plan 2015/16 - 2018/19.	Letter has been sent to the Kimberley Zone advising of the intent to develop a Youth Advisory Council in 2016/17	10-Feb-16	Completed
OCM 27/01/16	Carl Askew	Acting Chief Executive Officer	That Council: 1. Request WALGA to provide a list of 3 officers suitable to be appointed as Acting CEO for the period 15 February 2016 to 14 March 2016 (inclusive). 2. Delegate authority to the CEO review committee to liaise with WALGA re this appointment and to authorise the review committee to make such appointment and further authorise this committee to arrange for the Shire administration to make such necessary arrangements covering travel and accommodation. 3. Request that the committee in forming an opinion on a suitable appointee request the Shire President to talk with each of the other members of Council to seek their input and to then act on this consensus. 4. Agrees that the remuneration package be arrived at by the review committee after taking advice from WALGA, noting the inclusions within the package of the current CEO and bearing in mind the duration of the engagement. 5. Pursuant to section 6.8 of the Local Government Act, authorise a budget amendment of up to \$35,000 to cover the costs associated with the appointment (inclusive of return airfares, accommodation, meals and incidentals and salary/wages)	Completed. Acting CEO commenced 15/02/2015	16-Feb-15	Completed
OCM 27/01/16	David Klye	Ivanhoe Crossing	That Council reinstate the oversize rocks in front of the open culverts at Ivanhoe Crossing	Under instruction from the CEO, action has been halted pending the outcome of a related item to be considered at the February OCM.	Item on hold	On hold

Attachment 2 - Outstanding Actions from Previous Council Resolutions

Meeting	Responsible Officer	Item	Resolution	Progress Comment	Date Actioned	Completed
Aug-12	Louise Gee	Matters arising from committees of council	That the Audit (Finance and Risk) Committee recommends to Council to require A501 to: 1. Either a. meet their outstanding rates debt on assessment A501 within 60 days; or b. enter into a suitable payment plan approved by the Chief Executive Officer; and 2. Formalise the lease of Lot 472 Great Northern Highway, Wyndham with the Shire within 90 Days	Correspondence provided to A501 and a suitable payment plan has been entered into, with payments commenced. Lease discussions may now commence as the payment plan is in place.	Ongoing	In progress
OCM 24/02/15	Louise Gee	Management of Proposed Reserve - Packsaddle Creek	That item 13.4.7 Management of Proposed Reserve – Packsaddle Creek be deferred to a briefing session.	Matter was discussed at March Briefing Session. Subsequent information has been sought from Department of Lands and Department of Parks and Wildlife (DPaW). Further information to be presented to Council at a future 2016 briefing session.	20-Nov-15	In progress
OCM 24/02/15	Natalie Octoman	Minutes of Council Committee Meetings	That Council accepts the unconfirmed Minutes of the Audit (Finance and Risk) Committee Meeting held on 10/02/2015 with an amendment to: Minute AC330 – to include current ratios where available Minute AC343 – to be amended to: That the Council: 1) Directs the A/CEO, or their delegate, to legally defend the Shire in the abovementioned minor case claim; 2) Approves sufficient provision in the Mid- Year Budget Review to allow for associated legal fees; and 3) Directs the A/CEO, or their delegate, to provide a report to the next Audit (Finance and Risk) Committee meeting outlining the current status of the matter.	Update provided to the 10 November 2015 meeting of the Audit (Finance and Risk) Committee. Recommendation was reconsidered at the 24 November OCM, update noted at the 15 December 2015 OCM and the matter was reconsidered at the 27 January 2016 SCM. Further Listings Conference held on 17 February 2016. Trial date confirmed for 9 March 2015 for this case.	Ongoing	In progress
OCM 24/03/15	Louise Gee	Unnamed Creek Crossing - Victoria Highway	That Council: 1. Directs the Acting Chief Executive Officer to write to the MG Corporation to seek advice from the relevant Traditional Owners on the proposed formal naming of 'Philchowski Crossing', and potential indigenous naming of the creek. 2. Directs the Acting Chief Executive Officer to undertake research and compile supporting documentation to demonstrate Philchowski's contribution to the community or historical significance. 3. Endorses the proposed formal naming of 'Philchowski Crossing', and advises the Geographic Names Committee of its endorsement, subject to adequate supporting documentation being compiled and no objection being received from Traditional Owners.	Letter sent to MG Corporation dated 20 April to seek advice from relevant Traditional Owners. MG Corporation have acknowledged receipt of this letter and advised that the matter will be referred to the relevant MG Entity and Traditional Owner for comment, and a response will be provided in due course. Reminder correspondence sent to MG Corporation.	18-Nov-15	In progress
OCM 28/04/15	David Klye	Confidential - Legal Claim	That Council; 1. Notes the officer's confidential report and the progress of the General Procedure Claim, 2. Directs the CEO, or their delegate, to legally defend the matter on behalf of the Shire in the abovementioned General Procedure Claim, 3. Approves sufficient provision in the budget to allow for associated legal fees, and 4. Directs the CEO, or their delegate, to provide a report to Council on the status of the matter at the earliest opportunity.	Point 2 is still in progress. Issue listed for mention on 18th May 2016	26-Jun-15	In Progress
OCM 28/04/15	Louise Gee	Confidential - Disposal of Shire Residential Property	That Council 1. Direct the Chief Executive Officer or their delegate to engage one or more real estate agents to market 6 Eugenia Street, Kununurra and 67 Koojarra Street, Wyndham and bring forward an offer to Council to dispose of the property(s) by private treaty. 2. Direct the Chief Executive Officer or their delegate to lease vacant Shire residential properties.	6 Eugenia St. settlement completed. 67 Koojarra Street, Wyndham has been advertised for sale, no enquiries made.	18-Nov-15	In progress

Meeting	Responsible Officer	Item	Resolution	Progress Comment	Date Actioned	Completed
OCM 23/06/15	David Klye	East Kimberley Regional Airport Proposed Runway Extension Business Case	That Council notes the Chief Executive Officer's intention to appoint GHD Consulting Engineers for the Lump Sum price of \$140,740.00 ex GST in accordance with the current budget to: 1. Prepare a Business Case to support grant opportunities including an application to a future round of the National Stronger Regions Fund; 2. Investigate the ground soil conditions for the proposed runway extension and associated taxiways and passenger terminal apron at East Kimberley Regional Airport to determine their structural adequacy to accommodate B737 and A320 aircraft.	Report received on 4 December. The report is under Shire review.	25-Jun-15	In progress
OCM 23/06/15	Louise Gee	Draft Shire of Wyndham East Kimberley Play Space Plan	That Council endorse the Draft Shire of Wyndham East Kimberley Play Space Plan for community consultation	Community Engagement Commenced (8/1/16) Feedback period closed 12/2/16	13-Nov-15	In progress
OCM 28/07/15	Louise Gee	Draft East Lily Creek and Kununurra Civic Centre and Structure Plans	That Council: 1. Supports in principle the draft East Lily Creek and draft Kununurra Civic Centre Structure Plans. 2. Requests the Chief Executive Officer to facilitate meetings with major stakeholders to discuss the draft Structure Plans and provide a report back to Council on the outcomes of these meetings.	Meeting has been held with Department of Lands, Department of Regional Development, Kimberley Development Commission, Landcorp and Kununurra Chamber of Commerce. Separate discussion with MG Corporation also held. Matter to be considered at the briefing session in March 2016.	27-Jan-16	In progress
OCM 28/07/15	Louise Gee	Request for Lease – Kimberley Action Sports Inc.	That Council request the Chief Executive Officer to commence negotiations with Kimberley Action Sports Inc. for a 10 year lease over a portion of Reserve 30290, Lot 707 Drovers Road Kununurra, subject to the approval of the Minister of Lands.	Letter has been forwarded to Kimberley Action Sports Inc. advising of Council resolution. Draft Lease sent to Kimberley Action Sports 10/2/16	17-Aug-15	In progress
OCM 28/07/15	Louise Gee	Request for Lease – Kununurra Dragon Boat Club Inc.	That Council request the Chief Executive Officer to enter into negotiations with the Kununurra Dragon Boat Club Inc. for a 10 year lease over a portion of Reserve 41812, Lot 2371 Old Darwin Road Kununurra, subject to the approval of the Minister of Lands.	Letter has been forwarded to Kununurra Dragon Boat Club Inc. advising of Council resolution. Draft Lease sent to Dragon Boat Club 10/2/16	17-Aug-15	In progress
OCM 28/07/15	Carl Askew	Mediterranean Fruit Fly Eradication Program	That Council consider entering into a Memorandum of Understanding with DAFWA and industry on the following basis: 1. DAFWA continues to fund and maintain the current medfly surveillance program. 2. SWEK will fund medfly eradication programs from its biosecurity reserve, with a maximum exposure being those funds available in the reserve in excess of \$200,000 i.e. currently approximately \$67,000. 3. If an eradication program reduces the reserve balance to below \$200,000, industry will make good the difference to restore the reserve to a balance of \$200,000 (mechanism yet to be determined). 4. The biosecurity reserve be maintained with a balance for now of a minimum \$200,000, to serve as a form of insurance against future pest or disease incursions. 5. A reference group to be established with members from SWEK, DAFWA and industry. The role of the group would be to recommend expenditure from the reserve and to formulate policy in the event of future pest crises. SWEK Council approval would still be required before the reserve could be accessed for response to threats other than medfly.	Letter sent to DAFWA advising of the decision and requesting advice on how to proceed with the eradication program, including indicative cost, and an invoice. Advice also given that SWEK will be in contact shortly to commence the consideration of entering into a MOU. The baiting program is complete and area freedom was reinstated for the area on 5th October. Industry has been notified. Invoice has been paid. In relation to the MOU, DAFWA have requested for an interim group to be formed to progress this - feedback from industry has been minimal. ORDCO are interested in assisting where possible and have volunteered to talk with growers to get some industry participation. This will also be discussed at the incident debrief. There is no date for the debrief yet.	12-Oct-15	In progress

Meeting	Responsible Officer	Item	Resolution	Progress Comment	Date Actioned	Completed
OCM 25/08/15	Louise Gee	Proposed Gravel Reserves	That Council: 1. Requests the Chief Executive Officer to consult with the Darwulah Aboriginal Corporation to obtain written consent for the surrender of the proposed 'King River' gravel area from Lease 1837493, and support the realignment of the dedicated road reserve to correspond with the physical location of the constructed King River Road. 2. Requests the Chief Executive Officer to advise the Department of Lands that the Shire of Wyndham East Kimberley: a. agrees to proceed with a future act process to facilitate the creation of reserves for the purpose of gravel supply for road building purposes over the sites identified as 'Afghan Cemetery', 'Mount Albany' and 'Parry Creek', and proposed easement to provide legal access to the 'Afghan Cemetery'. b. indemnifies the Minister for Lands against any costs arising from the future act process. 3. Requests the Chief Executive Officer to advise the Department of Lands that the Shire of Wyndham East Kimberley agrees to pay survey costs associated with: a. the creation of 'Gravel' reserves over the four areas referred to as 'King River', 'Afghan Cemetery', Mt Albany and 'Parry Creek', b. the creation of an easement to provide access to the area referred to as 'Afghan Cemetery'; and c. the realignment of the dedicated road reserve to correspond with the physical location of the constructed King River Road	Correspondence sent to DoL advising of Council resolution. Correspondence also sent to Darwulah Aboriginal Corporation in relation to the gravel source along King River Road and the proposed realignment of the dedicated road reserve. The Senior Planning Officer met with Darwulah representatives on 6 October 2015 to discuss the matter. Another meeting to be scheduled with Darwulah and Director of Infrastructure.	15-Oct-15	In progress
OCM 25/08/15	Louise Gee	Transient Accommodation - Lot 411 Minjilijirga Lane, Kununurra	That Council request the Chief Executive Officer to undertake further investigation as part of the Local Planning Scheme review, to consider the introduction of a new or amended use class to appropriately provide for rural workers accommodation and preparation of a subsequent Local Planning Policy.	Officers have commenced desktop audit of accommodation on rural properties.	15-Jan-16	In progress
OCM 22/09/15	Louise Gee	Request for Community Lease – Kununurra Bushmen's Rodeo Association	That Council request the Chief Executive Officer to enter into negotiations with the Kununurra Bushmen's Rodeo Association for a lease over a portion of Reserve 30290, Lot 707 Drovers Road Kununurra, subject to the approval of the Minister of Lands.	KBRA have been notified of the intent to commence negotiations. Draft Lease sent to KBRA 10/2/16	01-Oct-15	In progress
OCM 22/09/15	Louise Gee	Request for Community Lease – Ord Pistol Club	That Council request the Chief Executive Officer to enter into negotiations with the Ord Pistol Club for a lease over a portion of Reserve 31780, Lot 375 Drovers Road Kununurra, subject to the approval of the Minister of Lands.	OPC have been notified of the intent to commence negotiations. Draft Lease has been sent to the Pistol Club (18/1/16).	01-Oct-15	In progress
OCM 24/11/15	David Klye	Road Construction Specification Policy	That Council defer item 13.3.1 Road Construction Specification Policy to a briefing session.	Review of draft policy to be considered at the February OCM.	25-Nov-15	In progress
OCM 24/11/15	Natalie Octoman	Kununurra Visitor Centre	That Council: 1. Consider operational/financial support to the Visitor Centre based at East Kimberley Tourism House as part of the mid year budget review 2015/16.	Has been included in a listing for consideration at the Mid Year Budget Review.		
OCM 24/11/15	Louise Gee	Lease of Kununurra Youth Centre	That Council offers a 3 year lease, with an option to renew for a further 3 years, over the Kununurra Youth Centre, Part Reserve 50704 subject to the following: • Annual Lease fee of \$18,250.00 inclusive of GST, indexed for CPI annually. • Shire to maintain responsibility for fixtures and fittings. • Lessee to provide general maintenance including cleaning and gardening. The primary use of the facility will be the provision of services for young people at risk. • The facility will continue to be available to the community for hire. • Commencement date of 1 January 2016 • Minister of Lands approval	Lease has been drafted and forwarded to Save The Children for their review (8/9/15). Response received and final lease has been drafted (13/11/15) Dept Lands have requested two minor changes to the lease. These will be incorporated and the Lease finalised (8/1/16)	10-Dec-15	In progress
OCM 15/12/15	Louise Gee	Council Policy Review - Property Street Numbering Policy	That the item 13.4.1 Council Policy Review – Property Street Numbering Policy be deferred to the next meeting of Council.	Report to be included for February 2016 Ordinary Council Meeting.	11-Jan-16	In progress
OCM 15/12/15	Louise Gee	Draft Alcohol Management Policy	That Council • Place on public exhibition for a period of 28 days the draft Alcohol Management Policy requesting submissions. • Forward a copy of the draft Alcohol Management Policy to the members of the Kununurra Wyndham Alcohol Accord requesting submissions.	Draft Alcohol Management Policy placed on public exhibition and forwarded to members of the Accord; submissions required by 4 March 2016.	14-Jan-16	In progress
OCM 15/12/15	Carl Askew	Notice of Motion from Cr D Spackman: That every Shire vehicle display a standard design, Shire Council approved decal of approximate size 400mm x 300mm (or other council approved size) of which clearly illustrates the Shire logo. Decals are to be on both left and right hand doors or panels where it is appropriate for that type of machinery. Decals are not to be magnetic or removable.	That Council defers the motion from Cr D Spackman to 2016, to be considered prior to budget considerations.	Deferred until budget considerations		Not Complete

Meeting	Responsible Officer	Item	Resolution	Progress Comment	Date Actioned	Completed
OCM 27/01/16	Louise Gee	Western Australian Housing Authority Utilisation of Wyndham Administration Centre	That Council:- 1. Requests the Chief Executive Officer to advise the Western Australia Housing Authority that it accepts its offer of \$5,000.00 per annum to utilise the Wyndham Administration Centre as outlined in Attachment 1. 2. Requests the Chief Executive Officer to advise the Western Australia Housing Authority that the Shire will not contribute any direct costs towards the placement of the Authority's officer and service within the Wyndham Administration Centre i.e. additional furniture, technology and communication equipment, display stands, signage.	Draft MoU forwarded to WA Housing Authority.	12-Feb-16	In progress
OCM 27/01/16	David Klye	Ivanhoe Crossing	That Council reinstate the oversize rocks in front of the open culverts at Ivanhoe Crossing	Under instruction from the CEO, action has been halted pending the outcome of a related item to be considered at the February OCM.	Item on hold	On hold

13.05.2. Standing Item - Use of the Common Seal

DATE:	23 February 2016
AUTHOR:	Meagan Le Riche, Executive Assistant
RESPONSIBLE OFFICER:	Graham Foster, Acting Chief Executive Officer
DISCLOSURE OF INTERESTS:	Nil

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 15 December 2015 to 23 February 2016

COUNCIL DECISION

Minute No. 11271

Moved: Cr K Wright

Seconded: Cr S Rushby

That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 15 December 2015 to 23 February 2016

Carried 9/0

PURPOSE

For Council to receive this report on the application of the Shire of East Kimberley Common Seal for the period 15 December 2015 to 23 February 2016.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

STATUTORY IMPLICATIONS

Local Government Act 1995

9.49A. Execution of documents

- (1) *A document is duly executed by a local government if —
 - (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or
 - (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.*
- (2) *The common seal of a local government is not to be affixed to any document except as authorised by the local government.*
- (3) *The common seal of the local government is to be affixed to a document in the presence of —
 - (a) the mayor or president; and
 - (b) the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.*
- (4) *A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.*
- (5) *A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.*
- (6) *A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.*
- (7) *When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.*

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 services

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

RISK IMPLICATIONS

Take from Interplan Risk Register

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

The following documents have had the Shire of Wyndham East Kimberley Common Seal applied:

Date of Use	Document
16/02/2016	Employment Contract, Acting Chief Executive Officer
19/02/2016	Lease of the Kununurra Youth Centre to Save the Children

ATTACHMENTS

Nil

N Octoman, D Klye, L Gee and M Le Riche declare a Financial Interest as the policy applies to them as staff members.

13.05.3. Review of Council Policy HR14 - Staff Severance

DATE:	09/02/2016
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Rebecca Richards, Coordinator Organisational Development
REPORTING OFFICER:	Graham Foster, Chief Executive Officer
FILE NO:	CM.11.2
DECLARATION OF INTERESTS:	The author declares a financial interest in this matter as they may financially benefit in the future from this Policy.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

<p>That Council:</p> <ol style="list-style-type: none">1. Repeal Council Policy HR14 - Staff Severance2. Adopt the revised Council Policy CP/HR-3351 - Severance
--

<p><u>COUNCIL DECISION</u></p> <p>Minute No. 11272</p> <p>Moved: Cr S Cooke Seconded: Cr B Robinson</p> <p>That Council:</p> <ol style="list-style-type: none">1. Repeal Council Policy HR14 - Staff Severance2. Adopt the revised Council Policy CP/HR-3351 – Severance <p style="text-align: right;">Carried 8/1 For: Cr J Parker, Cr S Cooke, Cr N Perry, Cr E Bolto, Cr B Robinson, Cr A Petherick, Cr D Spackman, Cr S Rushby Against; Cr K Wright</p>

PURPOSE

For Council to repeal HR14 - Staff Severance policy and adopt the updated Council Policy CP/HR-3351 Severance.

BACKGROUND

At the April 2015 Ordinary Council Meeting, Council were advised that a three stage review of Council policies was being undertaken. Stage two, specifically identified that a number of policies were to be provided to Council each month for consideration and adoption and that some new policies would be developed for Council consideration. This is in accordance with Recommendation 16 of the Department of Local Government and Communities Probity and Compliance Audit Report of the Shire which recommended a comprehensive review of the Shire's policies.

The Council Policy *HR14 - Staff Severance* was most recently amended on 3 July 2003. As a result of the Probity and Compliance Audit Report it is appropriate that council reconsider this item.

STATUTORY IMPLICATIONS

Local Government Act 1995

2.7. Role of council

- (1) The council —*
 - (a) governs the local government's affairs; and*
 - (b) is responsible for the performance of the local government's functions.*

- (2) Without limiting subsection (1), the council is to —*
 - (a) oversee the allocation of the local government's finances and resources; and*
 - (b) determine the local government's policies.*

POLICY IMPLICATIONS

It is proposed that this policy be reviewed and updated when required.

FINANCIAL IMPLICATIONS

The financial implications will be determined on a case by case basis.

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 services

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

COMMUNITY ENGAGEMENT

The Shire of Wyndham East Kimberley's CP/GOV-3100 Community Engagement Policy has been considered in relation to this item.

No community engagement is required.

COMMENT

The Council's Policy HR14 Staff Severance has not been reviewed for some time. The proposed Policy has been updated to ensure that the content is applicable, effective and succinct. Clause 3.5. of the revised Policy allows flexibility of its application on a case by case basis while ensuring that there is a maximum percentage applicable when applying this policy and ensures legislative compliance.

ATTACHMENT

Attachment 1 - HR14 Staff Severance

Attachment 2 - Local Government Act 1995 - Section 5.50

Attachment 3 - Local Government (Administration) Regulations 1996 - Regulation 19A

Attachment 4 - CP/HR-3351 Severance Policy



Shire of Wyndham East Kimberley
Council Policy Manual
HR14

POLICY NO:	HR14
DIVISION	Human Resources
SUBJECT:	Staff Severance
REPORTING OFFICER:	Chief Executive Officer
ENABLING LEGISLATION:	Local Government Act 1995 Section 5.50

OBJECTIVE

To provide guidelines for circumstances where Council may consider paying a member of staff over the agreed level, according to the relevant Award, Contract of Employment, Enterprise Bargaining Agreement or other document current at the time of severance from Council for whatever reason that may apply in order to meet the requirements of the Local Government Act 1995 in relation to payments to employees in addition to contract or award.

NON-VOLUNTARY SEVERANCE OR REDUNDANCY

In cases where staff employment is severed on the basis of a non-voluntary arrangement by reason of reorganisation, amalgamation or redundancy the terms and conditions outlined in the employment contract will prevail except in circumstances where the Chief Executive Officer, on the advice of the supervising officer, determines that the employee should receive an over-award payment based on the following criteria:

- the employee has been in the employment of the Council or its predecessors for a continuous period of over ten years; *and*
- in the preceding three years in the employee's annual Performance and Development Reviews the employee has performed at a level considered **commendable** (performance is marked by initiative, effectiveness and high quality work) or **outstanding** (performance characterised by exceptionally high quality work and delivery of superior results.)

The offer will be limited to a maximum of an additional 20% based on the total redundancy or severance pay package as determined by the award, contract or enterprise agreement or in the case of retirement.

(Note: Continuous employment includes periods of leave without pay, long service leave, study leave, sick leave, maternity leave, paternity leave, compassionate leave and any other types of leave where the employee remains an employee of the Shire even though he/she may not be paid for a period. It includes part-time and full-time employees and those who may have, from time to time, been both full-time and part-time employees.)

SELECTIVE VOLUNTARY SEVERANCE

In an ever-changing organisational environment it is considered appropriate to recognise that on occasions it will be in the best interest of both the organisation and individual employees to offer selective voluntary severances.

The quantum of the selective voluntary severance package for employees shall consist of all existing entitlements for annual leave, long service leave and superannuation in addition to:

1. two weeks pay for each completed year of service;
2. four weeks pay in lieu of notice or five weeks in the case of employees over 45 years of age;
3. pro-rata long service leave for employees who have worked in excess of five years; and;
4. for the purpose of calculating items 1 and 2, the annual salary be adjusted to recognise motor vehicle use and housing allowance, as follows:

Full private use	\$10,000
Commuter use	\$2,400
Housing allowance	\$8,000

Expressions of interest from employees for voluntary severance may be either accepted or declined at the absolute discretion of the Chief Executive Officer.

This policy does not apply to any severance or redundancy pursuant to any relevant Award or Enterprise Agreement.

GRATUITY PAY

In recognition of extraordinary service the Council may from time to time make a payment in addition to the Award and ordinary entitlements on the retirement or voluntary departure of an exceptional employee in recognition of services rendered to the Shire.

An employee will not be considered to receive recognition by way of a gratuity payment unless the following conditions apply:

- the employee has given loyal and dedicated service to the Shire for a period exceeding 10 years; *and*
- in the preceding three years in the employees annual Performance and Development Reviews the employee has performed at a level considered **commendable** (performance is marked by initiative, effectiveness and high quality work) or **outstanding** (performance characterised by exceptionally high quality work and delivery of superior results.)

The offer will be limited to a maximum of an additional 20% of the gross annual salary at the time of retirement or departure.

(Note: Continuous employment includes periods of leave without pay, long service leave, study leave, sick leave, maternity leave, paternity leave, compassionate leave and any other types of leave where the employee remains an employee of the Shire even though he/she may not be paid for a period. It includes part-time and full-time employees and those who may have, from time to time, been both full-time and part-time employees.)

ADOPTED: 15/08/2002

REVIEWED: 24/06/2003

AMENDED: 03/07/2003



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LOCAL GOVERNMENT ACT 1995 - SECT 5.50

5.50 . Payments to employees in addition to contract or award

(1) A local government is to prepare a policy in relation to employees whose employment with the local government is finishing, setting out —

(a) the circumstances in which the local government will pay an employee an amount in addition to any amount to which the employee is entitled under a contract of employment or award relating to the employee; and

(b) the manner of assessment of the additional amount,

and cause local public notice to be given in relation to the policy.

(1a) A local government must not make any payment of the kind described in subsection (1) (a) unless the local government has adopted a policy prepared under subsection (1).

(2) A local government may make a payment —

(a) to an employee whose employment with the local government is finishing; and

(b) that is more than the additional amount set out in the policy prepared under subsection (1) and adopted by the local government,

but local public notice is to be given in relation to the payment made.

(3) The value of a payment or payments made to a person under this section is not to exceed such amount as is prescribed or provided for by regulations.

(4) In this section a reference to a payment to a person includes a reference to the disposition of property in favour of, or the conferral of any other financial benefit on, the person.

[Section 5.50 amended by No. 64 of 1998 s. 29.]

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LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS 1996 - REG 19A

19A . **Payments in addition to contract or award, limits of (Act s. 5.50(3))**

(1) The value of a payment or payments made under section 5.50(1) and (2) to an employee whose employment with a local government finishes after 1 January 2010 is not to exceed in total —

(a) the value of the person's final annual remuneration, if the person —

(i) accepts voluntary severance by resigning as an employee; and

(ii) is not a CEO or a senior employee whose employment is governed by a written contract in accordance with section 5.39;

or

(b) in all other cases, \$5 000.

(2) In this regulation —

final annual remuneration in respect of a person, means the value of the annual remuneration paid, or payable, to the person by the local government which employed that person immediately before the person's employment with the local government finished.

[Regulation 19A inserted in Gazette 31 Mar 2005 p. 1032; amended in Gazette 13 Jul 2012 p. 3218.]

[Heading inserted in Gazette 26 Aug 2011 p. 3482.]

[Heading inserted in Gazette 26 Aug 2011 p. 3482.]

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POLICY NO	CP/HR-3351	
POLICY	Severance	
RESPONSIBLE DIRECTORATE	Governance	
RESPONSIBLE OFFICER	Chief Executive Officer	
COUNCIL ADOPTION	Date: Insert Date Adopted	Resolution No: Insert Here
REVIEWED/MODIFIED	Date:	Resolution No:
	Date:	Resolution No:
REVIEW DUE	Date: February 2018	
LEGISLATION	<i>Local Government Act 1995 – Section 5.50</i>	
RELATED POLICIES	Nil	
RELATED ORGANISATIONAL DIRECTIVES	OD/OD-4305 Recognition of Employee Service Organisational Directive	

PURPOSE:

The purpose of this Policy is to outline the circumstances and the manner of assessment upon which the Shire of Wyndham East Kimberley will pay an employee an amount (**severance payment**) in addition to any amount to which they are entitled under a contract of employment, award, enterprise bargaining agreement or order by a Court or Tribunal.

This Policy shall not be considered as a contractual entitlement under the employment relationship.

DEFINITIONS:

Final annual remuneration in respect of a person means the value of the annual remuneration paid, or payable, to the person by the local government which employed that person immediately before the person's employment with the local government finished.

Senior Designated Employee refers to the class of employee whose position title commences with the word 'Director' and who report directly to the Chief Executive Officer.

Redundancy is when an employer doesn't need an employee's job to be done by anyone.

Resignation refers to the voluntary exercise by an employee of their right to terminate his/her contract of employment by the communication of the intention to do so.

Severance is money, exclusive of wages, backpay etc., paid to an employee who has tenure and who is dismissed because of lack of work or other reasons beyond the employee's control.

Weeks pay means the normal weekly salary or wage payable to the employee including any penalty rates normally paid for ordinary hours but excluding overtime or intermittent payments. This includes salary or wages specifically sacrificed for additional non-award benefits; and does not include the value of any non-award benefit normally provided for in the employee's position (such as a vehicle and where normal use of that vehicle is a non cash component of a salary package, and any over award superannuation provided to employees).

POLICY STATEMENTS:

1. Determinations

This Policy applies to all employees of the Shire of Wyndham East Kimberley.

Decisions under this Policy are to be made –

- a. by the Council – where the decision involves a severance payment to the Chief Executive Officer (CEO) and Senior Designated Employee; or
- b. by the CEO – where the decision involves a severance payment to any other employee of the Shire of Wyndham East Kimberley.

2. Circumstances for severance payment

The Shire of Wyndham of East Kimberley may pay a severance payment in the below circumstances:

2.1. A terminating employee is entitled to severance pay and benefits in accordance with:

- any Federal or State award or industrial agreement applicable to that employee;
- any applicable provisions within the employee's contract of employment;
- any applicable award or order made by a Federal or State Industrial Tribunal arising from the circumstances of that employee being specifically brought before that tribunal, subject to any right of appeal;
- Where the CEO/Council so agrees, any recommendation made by a Federal or State Industrial Commissioner arising from the circumstances of that employee being specifically brought before that Commissioner.

2.2. Where a dismissed employee has taken or is proposing to take litigation for alleged unfair dismissal, the CEO/Council may decide to settle to avoid expensive litigation. Matters to be taken into consideration by the CEO/Council as to whether to seek a settlement and if to do so, the extent of any financial offers include:

- the strength of the respective cases in any litigation
- the cost of legal advocacy and support;
- the cost of witnesses;
- the cost of travel and accommodation in running the case;
- the cost of having staff tied up in the preparation and hearing of the case; and
- the disruption to operation.

2.3. The CEO/Council may decide to settle in a situation where an employee, due to illness or impairment is unable to perform their job and there has been mutual agreement that employment must end. Matters to be taken into consideration by the CEO/Council in determining the extent of any financial offers may include:

- the length of service;
- the conscientiousness of the employee over the period of employment;
- the value of the employee's service having regard to position(s) held and the regard given by the CEO/Council to the employee's contribution;
- length of time to retirement;

- the personal circumstances of the employee including family responsibility, future employment prospects and alternative sources of income; and
- possible exposure to litigation if the employee was dismissed having regard to obligation of CEO/Council under the State Equal Opportunity Act, the Commonwealth Disability Discrimination Act and the Commonwealth.

2.4. Exclusions

A severance payment will not be made to an employee who-

- a. is redeployed within the Shire of Wyndham East Kimberley;
- b. accepts or rejects an offer of employment;
- c. is dismissed for serious misconduct;
- d. is employed on either a temporary or casual basis;
- e. has less than one year's service with the Shire of Wyndham East Kimberley;
or
- f. is classified as a trainee or apprentice or under probation.

3. Redundancy Process

3.1. Consultation

- a. The Shire will consult employees likely to be affected by any proposed change as to the need for and/or reason for the change and no definite decision will be made until the process has been followed.
- b. Where an employer has made a definite decision that the employer no longer wishes the job the employee has been doing to be done by anyone, and this is not due to the ordinary and customary turnover of labour and that decision may lead to the termination of employment, the employer shall hold discussions with employees directly affected and with their union or unions.
- c. The discussions shall take place as soon as is practicable after the employer has made a definite decision which will invoke the provisions of paragraph **b.** hereof, and shall cover, inter alia, any reasons for the proposed terminations, measures to avoid or minimise the terminations and measures to mitigate any adverse effects of any terminations on the employees concerned.
- d. For the purposes of the discussion, the employer shall as soon as practicable, provide in writing to the employees concerned and their union(s) all relevant information about the proposed terminations, including the reasons for the proposed terminations, the number and categories of employees likely to be affected, the number of workers normally employed and the period over which the terminations are likely to be carried out.

Provided that any employer shall not be required to disclose confidential information, the disclosure of which would be detrimental to the employer's interests.

3.2. Transfers Within the Organisation

- a. Wherever possible and practical, appropriate employees should be offered a transfer to other positions with the organisation and also offered the necessary and reasonable training to effect a successful transition.

- b. Where an employee is transferred to other duties for the purpose of avoiding retrenchment and those duties attract a lesser rate of pay than the incumbent's previous position, the Shire will make up the difference between the two rates for a period of twelve months. After this time, the lesser rate will apply.

3.3. Counselling

- a. Counselling by a professional counselling service shall be available for any employee who has been or is to be retrenched.
- b. In appropriate circumstances an outplacement service may also be offered. In this event no payment in lieu of such service will be made.

3.4. Re-employment

Terminating employees shall not be re-employed by the local government, as an employee, contractor or consultant for a period of two years after the termination date.

3.5. Severance Benefits

The offer will be limited to a maximum of an additional 20% based on the total redundancy or severance pay package as determined by the award, contract or enterprise agreement or in the case of retirement.

4. Financial Liability for Taxation

The employee accepts full responsibility for any taxation payable on a severance payment, and agrees to full indemnify the Shire of Wyndham East Kimberley in relation to any claims or liabilities for taxation in relation to the severance payment.

EXPLANATORY NOTES:

This Policy ensures that there are clear guidelines for making payments to employees above the entitlement under a contract of employment, award, enterprise bargaining agreement or order by a Court or Tribunal.

Legislation

Local Government Act 1995: Section 5.50 Payments to employees in addition to contract or Award

(1) A local government is to prepare a policy in relation to employees whose employment with the local government is finishing, setting out –

(a) the circumstances in which the local government will pay an employee an amount in addition to any amount to which the employee is entitled under a contract of employment or award relating to the employee ; and

*(b) the manner of assessment of the additional amount,
and cause local public notice to be given in relation to this policy.*

(1a) A local government must not make any payment of the kind described in subsection (1) a) unless the local government has adopted a policy prepared under subsection (1).

- (2) A local government may make a payment –
- (a) to an employee whose employment with the local government is finishing; and
 - (b) that is more than the additional amount set out in the policy prepared under subsection (1) and adopted by the local government, but local public notice is to be given in relation to the payment made.
- (3) The value of the payment or payments made to a person under this section is not to exceed such amount as is prescribed or provided for by regulations.
- (4) In this section a reference to a payment to a person includes a reference to the disposition of property in favour of, or the conferral of any other financial benefit on, the person.

Local Government (Administration) Regulations 1996 – Regulation 19A: Payments in addition to contract or award, limits of (Act s.5.50(3))

- (1) The value of a payment or payments made under section 5.50(1) and (2) to an employee whose employment with a local government finishes after 1 January 2010 is not to exceed in total –
- (a) the value of the person’s final annual remuneration, if the person –
 - (i) accepts voluntary severance by resigning as an employee; and
 - (ii) is not a CEO or a senior employee whose employment is governed by a written contract in accordance with section 5.39;
- or
- (b) in all other cases, \$5,000.
- (2) In this regulation –

final annual remuneration in respect of a person, means the value of the annual remuneration paid, or payable, to the person by the local government which employed that person immediately before the person’s employment with the local government finished.

Public Notice Requirements

In accordance with Section 5.50 of the *Local Government Act 1995* a local public notice is to be given:

1. as soon as practicable of the adoption of this Policy; and
2. as soon as practicable on any payment to an employee that is in excess of the amounts provided for in this Policy

Note: A payment in excess of this Policy must still be within the limits prescribed in the Act and Regulations.

RISK:

Risk: Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

Control: Review policies and procedures in accordance with review schedule.

14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

14.01.1. Notice of Motion - Rescission of Minute 11240

From Cr S Cooke, Cr K Wright and Cr B Robinson:

That Council revoke Minute 11240: that Council reinstate the oversize rocks in front of the open culverts at Ivanhoe Crossing

Reason for Motion:

The decision to reinstate the boulders has the potential to stifle our ability to open the crossing to vehicle traffic. I would like a more community input into the primary desire for this space before making a final and subsequently costly, decision.

Officer Comment:

A briefing paper was prepared for Council late in 2015 as was discussed at the briefing session 10 November 2015. Extracts from that briefing paper were reproduced for the 27 January 2016 Council meeting.

The Acting CEO points out that the obvious risks to Council of either action or inaction needs to be understood and appreciated. An independent Engineer's assessment could be called for if Council is prepared to pre-accept the findings arising from that report.

COUNCIL DECISION

Minute No. 11273

Moved: Cr S Cooke

Seconded: Cr N Perry

That Council revoke Minute 11240: that Council reinstate the oversize rocks in front of the open culverts at Ivanhoe Crossing.

Carried: 6/3

**For: Cr J Parker, Cr K Wright, Cr B Robinson, Cr S Cooke, Cr E Bolto, Cr N Perry
Against: Cr D Spackman, Cr S Rushby, Cr A Petherick**

14.01.2. Notice of Motion - Community Consultation Ivanhoe Crossing

From Cr S Cooke

That Council immediately initiates community consultation in the form of both public survey (published on Facebook and in the Kimberley Echo), and a community forum, to ascertain the primary use of Ivanhoe Crossing from a community perspective. The results of both to be brought back to Council for consideration at a near future Briefing Session.

Reason for Motion:

The decision to reinstate the boulders has the potential to stifle our ability to open the crossing to vehicle traffic. I would like a more community input into the primary desire for this space before making a final and subsequently costly, decision.

Officer Comment:

A briefing paper was prepared for Council late in 2015 as was discussed at the briefing session 10 November 2015. Extracts from that briefing paper were reproduced for the 27 January 2016 Council meeting.

The Acting CEO suggest that Community consultation should be as wide as possible to allow input from those who do not have access to electronic media.

Cr D Spackman moved the following amendment:

That a desktop safety audit be requested of Ivanhoe Crossing and any findings be included in the community information

COUNCIL DECISION

Minute No. 11274

Moved: Cr D Spackman

Seconded: Cr A Petherick

That a desktop safety audit be requested of Ivanhoe Crossing and any findings be included in the community information

Carried 9/0

COUNCIL DECISION

Minute No. 11275

Moved: Cr S Cooke

Seconded: Cr N Perry

That Council:

- 1. Immediately initiates community consultation in the form of both public survey (published on Facebook and in the Kimberley Echo), and a community forum, to ascertain the primary use of Ivanhoe Crossing from a community perspective. The results of both to be brought back to Council for consideration at a near future Briefing Session, and**

Carried 9/0

14.01.3. Notice of Motion - March Ordinary Council Meeting

From Cr Beau Robinson

That Council requests the CEO to reschedule the March Ordinary Council Meeting to 5pm Thursday 31st March 2016 and advertise the change as per the Local Government Act 1995.

Reason for Motion:

To give suitable time for Elected Member enquiries and clarifications prior to the March Ordinary Council Meeting due to the Easter Holiday Period.

Officer Comment

The Acting CEO supports the motion

Cr K Wright moves the following amendment:

That Council adopts a system where the Briefings are on the 2nd Tuesday and Council Meetings on the 4th Tuesday of the month.

COUNCIL DECISION

Minute No. 11276

Moved: Cr K Wright

Seconded: Cr S Rushby

That Council adopts a system where the Briefings are on the 2nd Tuesday and Council Meetings on the 4th Tuesday of the month.

Lost 4/5

**For: Cr K Wright, Cr D Spackman, Cr A Petherick, Cr S Rushby
Against: Cr J Parker, Cr E Bolto, Cr N Perry, Cr S Cooke, Cr B Robinson**

COUNCIL DECISION

Minute No. 11277

Moved: Cr B Robinson

Seconded: Cr S Cooke

That Council requests the CEO to reschedule the March Ordinary Council Meeting to 5pm Thursday 31st March 2016 and advertise the change as per the Local Government Act 1995.

Lost 4/5

**For: Cr J Parker, Cr N Perry, Cr S Cooke, Cr B Robinson
Against: Cr K Wright, Cr D Spackman, Cr A Petherick, Cr S Rushby, Cr E Bolto,**

L Gee and N Octoman declare a Financial Interest in the motion as they are provided with Shire vehicles as part of their contract and the motion will have a direct impact on their contract conditions.

14.01.4. Notice of Motion - Shire Decals for Vehicles

From Cr Darren Spackman

That Council direct the CEO to ensure that:

- (A) all new vehicles and plant be fitted with the standard size adhesive (sticker) Shire decal and**
- (B) when magnetic decals need to be replaced or keep falling off, be replaced with adhesive (sticker) decals**
- (C) that these conditions apply to any new contract position**

Reason for Motion:

As per the Shire's Strategic Community Plan:

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

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

Magnetic decals do fall off, particularly as they get old and do attract dirt which scratches vehicles. By utilising adhesive (sticker) decals the cost of replacement is reduced as this should be arranged as part of the purchase of the vehicles/plant

Officer Comment:

The use of Council vehicles, if not abused, can be an additional attraction for staff. If there is any abuse then that should be addressed separately by management.

COUNCIL DECISION

Minute No. 11278

Moved: Cr D Spackman

Seconded: Cr K Wright

That Council move behind closed doors

Carried 5/4

**For: Cr J Parker, Cr D Spackman, Cr K Wright, Cr A Petherick, Cr
Against: Cr N Perry, Cr E Bolto, Cr S Cooke, Cr B Robinson**

Moved behind closed doors at 6:36pm

Cr D Spackman withdrew his motion.

COUNCIL DECISION

Minute No. 11279

Moved: Cr D Spackman

Seconded: Cr K Wright

That Council move out from behind closed doors

Carried 9/0

Moved out from behind closed doors at 7:48pm

15. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

NIL

16. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

Cr K Wright declares an Impartiality Interest as he is a member of the Kununurra Visitors Centre.

16.01.1 Repairs to Kununurra Visitors Centre

From Cr N Perry

Subject to receiving three acceptable quotes, the Shire funds security fittings to the front doors and windows of the Kununurra Visitors Centre from the East Kimberley Tourism Reserve and that the Shire President and CEO be authorised to accept the most suitable quote in order to allow fitting of security measures as soon as possible.

Reason for Motion:

This expenditure is an out of budget expenditure made from the KVC Maintenance fund set aside for maintenance issues such as these.

COUNCIL DECISION

Minute No. 11280

Moved: Cr N Perry

Seconded: Cr A Petherick

That Council, subject to receiving three acceptable quotes, funds security fittings to the front doors and windows of the Kununurra Visitors Centre from the East Kimberley Tourism Reserve and that the Shire President and CEO be authorised to accept the most suitable quote in order to allow fitting of security measures as soon as possible.

Carried 9/0

16.01.2 Wyndham Reticulation

From Cr Beau Robinson

That Council request the Chief Executive Officer to provide a report to Council on the Wyndham reticulation system for inclusion in the 2016/17 budget considerations. The report shall include details on the cost to replace the aging public open space reticulation system with an integrated, automatic system. The report should provide budget estimates for the project to be undertaken in stages of between approximately \$100,000 and \$150,000 per annum for consideration in the forthcoming budget deliberations.

Reason for Motion:

After consultation with the Director of Infrastructure regarding the poor state of the ageing reticulation system in Wyndham and taking into account for suitable preparation time. This approach was considered to be appropriate.

Cr S Rushby moved the alternative motion:

b) That Council request the Chief Executive Officer to provide a report to Council on the Kununurra reticulation system for inclusion in the 2016/17 budget considerations. The report shall include details on the cost to replace the aging public open space reticulation system with an integrated, automatic system. The report should provide budget estimates for the project to be undertaken in stages of between approximately \$100,000 and \$150,000 per annum for consideration in the forthcoming budget deliberations.

COUNCIL DECISION

Minute No. 11281

Moved: Cr S Rushby

Seconded: Cr D Spackman

That Council add the amendment as below to the motion:

B) request the Chief Executive Officer to provide a report to Council on the Kununurra reticulation system for inclusion in the 2016/17 budget considerations. The report shall include details on the cost to replace the aging public open space reticulation system with an integrated, automatic system. The report should provide budget estimates for the project to be undertaken in stages of between approximately \$100,000 and \$150,000 per annum for consideration in the forthcoming budget deliberations.

Lost: 3/6

For: Cr A Petherick, Cr S Rushby, Cr D Spackman

Against: Cr J Parker, Cr N Perry, Cr S Cooke, Cr B Robinson, Cr E Bolto, Cr K Wright

Cr K Wright foreshadows a motion:

That Council request the Chief Executive Officer to provide a report to Council on the Kununurra reticulation system for inclusion in the 2016/17 budget considerations. The report shall include details on the cost to replace the aging public open space reticulation system with an integrated, automatic system. The report should provide budget estimates for the project to be undertaken in stages of between approximately \$100,000 and \$150,000 per annum for consideration in the forthcoming budget deliberations.

COUNCIL DECISION

Minute No. 11282

Moved: Cr S Cooke

Seconded:

That the motion be put

Carried 8/1
For: Cr D Spackman, Cr J Parker, Cr N Perry, Cr S Cooke, Cr B Robinson,
Cr E Bolto, Cr A Petherick, Cr K Wright
Against: Cr S Rushby

COUNCIL DECISION

Minute No. 11283

Moved: Cr B Robinson

Seconded: Cr N Perry

That Council request the Chief Executive Officer to provide a report to Council on the Wyndham reticulation system for inclusion in the 2016/17 budget considerations. The report shall include details on the cost to replace the aging public open space reticulation system with an integrated, automatic system. The report should provide budget estimates for the project to be undertaken in stages of between approximately \$100,000 and \$150,000 per annum for consideration in the forthcoming budget deliberations.

Carried 5/4
For: Cr J Parker, Cr E Bolto, Cr N Perry, Cr S Cooke, Cr B Robinson
Against: Cr K Wright, Cr D Spackman, Cr S Rushby, Cr A Petherick

COUNCIL DECISION

Minute No. 11284

Moved: Cr K Wright

Seconded: Cr D Spackman

That Council request the Chief Executive Officer to provide a report to Council on the Kununurra reticulation system for inclusion in the 2016/17 budget considerations. The report shall include details on the cost to replace the aging public open space reticulation system with an integrated, automatic system. The report should provide budget estimates for the project to be undertaken in stages of between approximately \$100,000 and \$150,000 per annum for consideration in the forthcoming budget deliberations.

Lost 3/6

For: Cr K Wright, Cr S Rushby, Cr D Spackman

Against: Cr J Parker, Cr A Petherick, Cr E Bolto, Cr S Cooke, Cr B Robinson, Cr N Perry

17. MATTERS BEHIND CLOSED DOORS

NIL

18. CLOSURE

The Shire President declares the meeting closed at 8:21pm.