



**Shire of Derby /  
West Kimberley**

# **UNCONFIRMED MINUTES**

## **Audit & Risk Committee Meeting**

**Thursday, 23 May 2024**

**Date: Thursday, 23 May 2024**

**Time: 4:00 PM**

**Location: Council Chambers  
Clarendon Street  
Derby**



## Order Of Business

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**MINUTES OF SHIRE OF DERBY / WEST KIMBERLEY  
AUDIT & RISK COMMITTEE MEETING  
HELD AT THE COUNCIL CHAMBERS, CLARENDON STREET, DERBY  
ON THURSDAY, 23 MAY 2024 AT 4:00 PM**

**PRESENT:**

**(In Person)** Cr Andrew Twaddle (Chair), Mr Peter McCumstie (President), Cr Geoff Haerewa (Deputy President) and Cr Brett Angwin

**PRESENT:**

**(Online)** Cr Geoff Davis (entered at 4:31pm)

**IN ATTENDANCE:**

**(In Person)** Amanda Dexter (Chief Executive Officer), Tamara Clarkson (Deputy Chief Executive Officer), Wayne Neate (Director, Technical and Development Services), Jess Karlsson (Executive Director of Operations and Strategic Development), Sarah Smith (Executive Services Coordinator), Andrew Melville (Manager of Ports), Bob Hoogland (Manager of Corporate Services), Lavenia Ratabua (Senior Finance Officer), Andrew Gloor (Senior Finance Officer), Yusuf Royhan (Finance Officer).

**IN ATTENDANCE:**

**(Online)** Neil Hartley (Director, Strategic Business), Mark Davis (Executive Services Project Director), Jamie Bone (Recovery & Fitzroy Crossing Senior Operations Manager) – (entered at 4:06pm).

**VISITORS:** Nil

**GALLERY:** Nil

**APOLOGIES:** Nil

**APPROVED LEAVE OF ABSENCE:** Nil

**ABSENT:** Nil

**1 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS**

The meeting was opened at 4:01pm by Cr Andrew Twaddle (Chair).

**2 ACKNOWLEDGEMENT OF COUNTRY**

In the spirit of reconciliation, the Shire of Derby/West Kimberley acknowledges the traditional custodians of country throughout the Shire and their connection to land, sea and community.

The Shire of Derby/West Kimberley would like to pay respect to the past, present and future traditional custodians and Elders of this nation and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

### 3 ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS

A Council Member may attend council or committee meetings by electronic means if the member is authorised to do so by the President or the Council. Electronic means attendance can only be authorised for up to half of the Shire's in-person meetings they have attended in total, in any rolling 12 months prior period. Authorisation can only be provided if the location and the equipment to be used by the Council Member is suitable to enable effective, and where necessary confidential, engagement in the meeting's deliberations and communications.

### 4 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

- Nil.

### 5 DISCLOSURE OF INTERESTS

#### 5.1 Declaration of Financial Interests

- Nil.

#### 5.2 Declaration of Proximity Interests

- Nil.

#### 5.3 Declaration of Impartiality Interest

- Nil.

### 6 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS

- Nil.

*Neil Hartley (Director, Strategic Business), Mark Davis (Executive Services Project Director), Jamie Bone (Recovery & Fitzroy Crossing Senior Operations Manager) entered the meeting via MS Teams at 4:06pm.*

### 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

#### COMMITTEE RESOLUTION AC08/24

**Moved:** Cr Brett Angwin

**Seconded:** Cr Geoff Haerewa

**That the Minutes of the Audit & Risk Committee Meeting held at the Council Chambers, Clarendon Street, Derby, on 22 February 2024 be CONFIRMED.**

**In Favour:** Mr Peter McCumstie and Crs Andrew Twaddle, Brett Angwin and Geoff Haerewa

**Against:** Nil

**CARRIED 4/0**

## 8 REPORTS

### 7.1 OVERVIEW OF GRANTS AND FUNDING OPPORTUNITIES

**File Number:** GS/055

**Author:** Christie Mildenhall, Manager Community Services

**Responsible Officer:** Jess Karlsson, Executive Director of Operations and Strategic Development

**Authority/Discretion:** Executive

#### SUMMARY

This report provides an overview of the funding opportunities investigated and sought by Officers and seeks Council support for the proposed projects. It provides a quarterly update regarding the outcome of applications submitted this financial year.

The purpose of this report is to inform Council about how community and program grants are obtained, and how the funding risk is being managed by Shire Officers.

Funding received annually and ongoing including Financial Assistance Grants, Roads and other infrastructure grants are registered and tracked separately currently. This is the initial grants and funding report, provided to obtain feedback from Council, there is potential to expand this report to include all grants and funding received next financial year.

#### DISCLOSURE OF ANY INTEREST

Nil by Author or Authoriser

#### BACKGROUND

The Shire of Derby / West Kimberley relies heavily on grant and other funding opportunities to support the delivery of projects, programs, services, and events. This report provides an overview of the funding which is confirmed or applied for (and pending outcome) during the 2023/24 financial year.

#### STATUTORY ENVIRONMENT

Part 6 – Financial Management of the *Local Government Act 1995* provides for the financial management of local governments.

#### POLICY IMPLICATIONS

The following policies should be considered in relation to this report;

- PC1 – Risk and Opportunity Management Policy
- F3 – Significant Accounting Policies
- F19 – Community Funding Scheme

#### FINANCIAL IMPLICATIONS

This report outlines funding which has been obtained or is being sought to support the delivery of projects, programs, services and events of the Shire. With the exception of multi-year grants most

of these grants were not included in the 2023/24 financial year budget as they had not been confirmed at the time of the budget being developed.

### STRATEGIC IMPLICATIONS

| GOAL                         | OUR PRIORITIES                                    | WE WILL                                                             |
|------------------------------|---------------------------------------------------|---------------------------------------------------------------------|
| 1. Leadership and Governance | 1.2 Capable, inclusive and effective organisation | 1.2.4 Attract and effectively use resources to meet community needs |

### RISK MANAGEMENT CONSIDERATIONS

| RISK                                                                                                                                                              | LIKELIHOOD | CONSEQUENCE | RISK ANALYSIS | MITIGATION                                                                                                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-------------|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Business Interruption:</b><br>Lack of funding may result in the non-performance of functions                                                                   | Likely     | Moderate    | High          | Ensure Shire activities are conducted efficiently to allow spread of funding. Apply for grants wherever possible to support Shire's activities. Delay commencement of activities until funding is confirmed. |
| <b>Financial:</b><br>Poor management of grant funding may impact the Shire's ability to get funding in the future.                                                | Likely     | Moderate    | High          | Ensure a process is established and implemented to allow good governance and compliance of grant funding.                                                                                                    |
| <b>Organisation's Operations:</b><br>Lack of processes relating to grant management may result in failure to meet grant requirements and deliver funded programs. | Likely     | Moderate    | High          | Ensure a process is established and implemented to allow good governance and compliance of grant funding.                                                                                                    |

### CONSULTATION

Executive team contributed to the structure and content of this report.

### COMMENT

To support the projects, programs and services of the Shire a number of funding arrangements are entered into with a variety of Government (State and Federal) agencies, not for profit organisations and philanthropic foundations. In some of the funding received is used to allow the

Shire to deliver its core business which is focused on community services and supports. Other funding is used to provide 'add on' activities for which the community expects the Shire to do. In many cases, if the Shire does not receive this funding the projects will not go ahead.

Below is a summary of the grants which have been applied for, the outcome of those applications and grants which have been acquitted.

In the case of some of the larger grants the funders seek confirmation that the project has been approved by Council prior to executing the funding agreements. Council is requested to provide their support for these projects.

Funding received during the current financial year as 30 April 2024.

| Grant Program and Funder                                                           | Project Description                                                     | Location of Project        | Funding Received (Ex GST) | Funding Period                      | Status      |
|------------------------------------------------------------------------------------|-------------------------------------------------------------------------|----------------------------|---------------------------|-------------------------------------|-------------|
| <b>Community Development – OTH CULTURE, WELFARE</b>                                |                                                                         |                            |                           |                                     |             |
| Council on the Ageing WA – Seniors Week Grants                                     | Hosting an event during Seniors Week 2023                               | Derby                      | \$1,000                   | Event complete by 19 November 2023  | Acquitted   |
| Department of Communities – Attraction and Retention of Regional Childcare Workers | Grants program SDWK Long Day Care providers to attract and retain staff | Derby and Fitzroy Crossing | \$25,000                  | 1 October 2022 to 9 February 2024   | Acquitted   |
| Department of Communities – Thank a Volunteer Day                                  | Thank a Volunteer Day event in Derby                                    | Derby                      | \$1,000                   | Event by 9 December 2023            | Acquitted   |
| Developmental Disability WA – International Day of People with Disability Grants   | International Day of People with Disability event in Derby              | Derby                      | \$1,000                   | Event 3 December 2023               | Acquitted   |
| Horizon Power – Community Partnership                                              | Sponsorship of the Kimberley Art and Photographic Prize                 | Derby                      | \$10,000                  | Event completion 13 July 2024       | In progress |
| National Australia Day Council – Australia Day Grants                              | Australia Day events                                                    | Derby                      | \$15,000                  | Event to occur 26 January 2024      | Acquitted   |
| Rio Tinto – Community Partnership                                                  | Sponsorship of the Kimberley Art and Photographic Prize                 | Derby                      | \$5,000                   | Event completion 13 July 2024       | In progress |
| Shelter WA - Homelessness Week Grants                                              | Homelessness Week Event                                                 | Derby                      | \$2,000                   | Events to occur 7 to 13 August 2023 | Acquitted   |
| Volunteering WA - National Volunteer Week Grants                                   | Volunteer recognition event in Fitzroy Crossing.                        | Fitzroy Crossing           | \$1,500                   | Event to occur 20-26 May 2024.      | Acquitted   |
| <b>TOTAL AMOUNT COMMUNITY DEVELOPMENT</b>                                          |                                                                         |                            | <b>\$61,500.00</b>        |                                     |             |

| Heritage Services - Heritage                                                                |                                                             |                                   |                     |                                     |                 |
|---------------------------------------------------------------------------------------------|-------------------------------------------------------------|-----------------------------------|---------------------|-------------------------------------|-----------------|
| Heritage Council of WA – Heritage Grants Program                                            | Upgrade of Derby Heritage Trail and Derby Gaol signage      | Derby                             | \$20,000            | Completion by 30 September 2024     | In progress     |
| TOTAL AMOUNT HERITAGE SERVICES                                                              |                                                             |                                   | \$20,000.00         |                                     |                 |
| LIBRARY SERVICES                                                                            |                                                             |                                   |                     |                                     |                 |
| State Library of Western Australia – Technology and Digital Inclusion Grant                 | Library Media Hub                                           | Derby                             | \$5,000             | 1 January to 30 June 2024           | In progress     |
| TOTAL AMOUNT LIBRARY SERVICES                                                               |                                                             |                                   | \$5,000.00          |                                     |                 |
| Youth Services – Education and Welfare                                                      |                                                             |                                   |                     |                                     |                 |
| Department of Communities – Service for Young People at Risk                                | Derby Youth Service drop-in program                         | Derby                             | \$262,860           | 1 July 2024 to 30 June 2026         | Not yet started |
| Department of Communities – Service for Young People at Risk                                | Derby Youth Service drop-in program                         | Derby                             | \$394,290           | 1 July 2021 to 30 June 2024         | In progress     |
| Department of Local Government, Sport and Cultural Industries – Community Place Based Grant | Youth school holiday programs in Derby and Fitzroy Crossing | Derby and Fitzroy Crossing        | \$300,000           | 1 July 2022 to 30 June 2025         | In progress     |
| Rio Tinto – Community Partnership                                                           | Youth Development Partnership                               | Derby and Fitzroy Crossing        | \$185,000           | 1 October 2022 to 30 September 2025 | In progress     |
| Stan Perron Foundation                                                                      | Youth Program Funding                                       | Derby                             | \$80,000            | 1 July 2024 to 30 June 2025         | Not yet started |
| TOTAL AMOUNT YOUTH                                                                          |                                                             |                                   | \$1,222,150.00      |                                     |                 |
| Aboriginal and Environmental Health – Law and Order                                         |                                                             |                                   |                     |                                     |                 |
| Department of Health – Aboriginal Environmental Health to Remote & Rural Communities        | Aboriginal Environmental Health Program                     | Derby and surrounding communities | \$793,495 per annum | Agreement expires 31/12/2025        | In progress     |
| Department of Primary Industries and Regional Development – Animal Welfare Grant            | Animal de-sexing program in remote communities              | Remote communities                | \$35,234            | 1 July to 30 June 2024              | In progress     |
| TOTAL AMOUNT ABORIGINAL ENVIRONMENTAL HEALTH                                                |                                                             |                                   | \$828,729.00        |                                     |                 |
| Environmental Health                                                                        |                                                             |                                   |                     |                                     |                 |
| Department of Health – Contiguous Local Authorities Group                                   | Mosquito Control                                            | Derby and Fitzroy Crossing        | \$16,533.27         | 1 July 2023 to 30 June 2024         | In progress     |
| TOTAL AMOUNT ENVIRONMENTAL HEALTH                                                           |                                                             |                                   | \$16,533.27         |                                     |                 |



|                                                                                                             |                                                                                                        |                            |                |                                   |                                                                     |
|-------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|----------------------------|----------------|-----------------------------------|---------------------------------------------------------------------|
| Development Services                                                                                        |                                                                                                        |                            |                |                                   |                                                                     |
| Department of Planning, Lands and Heritage – Local Government Assistance Program Financial Assistance Grant | Review and development of Local Planning Strategy                                                      | SDWK LGA                   | \$150,000      | 1 July to 30 July 2025            | In progress                                                         |
| TOTAL AMOUNT DEVELOPMENT SERVICES                                                                           |                                                                                                        |                            | \$150,000.00   |                                   |                                                                     |
| Executive Projects                                                                                          |                                                                                                        |                            |                |                                   |                                                                     |
| INPEX - Sponsorship                                                                                         | Fitzroy Crossing Youth Precinct                                                                        | Fitzroy Crossing           | \$150,000      | 23 February 2022 to 29 May 2024   | In progress                                                         |
| Lottery West – Phase 1                                                                                      | Youth vehicles, trailers and project staff                                                             | Derby and Fitzroy Crossing | \$868,150      | 23 February 2022 to 29 May 2024   | In progress                                                         |
| Lottery West – Phase 2                                                                                      | Water spray park – Fitzroy Crossing Youth Precinct                                                     | Fitzroy Crossing           | \$2,350,000    | 26 April 2024 – 30 September 2025 | Not yet started                                                     |
| Lottery West – Phase 2                                                                                      | Amenity upgrades – shade structures, fencing, lighting, events and replacement of playground equipment | Derby and Fitzroy Crossing | \$2,515,000    | 26 April 2024 – 30 September 2025 | Not yet started                                                     |
| LotteryWest – Phase 2                                                                                       | Community arts projects, events and Derby Civic Centre upgrades.                                       | Derby and Fitzroy Crossing | \$1,455,000    | 26 April 2024 – 30 September 2025 | Not yet started                                                     |
| TOTAL AMOUNT EXECUTIVE PROJECTS                                                                             |                                                                                                        |                            | \$7,338,150.00 |                                   |                                                                     |
| STRATEGIC BUSINESS                                                                                          |                                                                                                        |                            |                |                                   |                                                                     |
| Department of Transport – Recreational Boating Facilities Scheme                                            | Derby Recreational and Emergency Boat Ramp                                                             | Derby                      | \$104,383      | 30 April 2025                     | In progress                                                         |
| Royalties for Regions – Buccaneer Archipelago                                                               | Derby Recreational and Emergency Boat Ramp                                                             | Derby                      | \$62,500       | 30 April 2025                     | In progress                                                         |
| Federal Government Better Regions Program                                                                   | Fitzroy Crossing Airport                                                                               | Fitzroy Crossing           | \$8,500,000    | December 2025                     | Awaiting decision for additional \$10m of “flood-proofing” funding. |
| Department of Transport - Remote Airstrip Upgrade Program                                                   | Fitzroy Crossing Airport - Flood Study                                                                 | Fitzroy Crossing           | \$1,500,000    | December 2025                     | Awaiting decision for additional \$10m of “flood-proofing” funding. |

|                                                           |                                             |                  |                                   |              |             |
|-----------------------------------------------------------|---------------------------------------------|------------------|-----------------------------------|--------------|-------------|
| Department of Transport - Remote Airstrip Upgrade Program | Fitzroy Crossing Airport - Flood Study      | Fitzroy Crossing | \$79,050                          | 14 June 2024 | In progress |
| Department of Transport                                   | Derby Airport – Framework Study Preparation | Derby            | Office “in-kind” – \$20,000(est.) | 2023/24      | In progress |
| <b>TOTAL AMOUNT STRATEGIC PROJECTS</b>                    |                                             |                  | <b>\$10,265,933.000</b>           |              |             |
| <b>TOTAL FUNDING RECEIVED</b>                             |                                             |                  | <b>\$19,907,995.27</b>            |              |             |

Grants submitted during the period 1 July 2023 to 30 April 2024 with outcome pending;

| Grant Program and Funder                                        | Project Description                                                                                                                                                        | Funding Requested (Ex GST)   | Expected Shire Contribution (Ex GST)                      | Funding Period               | Expected Notification of Outcome                                                                                |
|-----------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------------------------------------------------------|------------------------------|-----------------------------------------------------------------------------------------------------------------|
| Bridge Alliance – Community Partnership                         | Provision of cooking equipment for the Fitzroy Crossing Youth Cooking Program                                                                                              | \$50,000                     | Nil                                                       | TBC                          | Expected outcome                                                                                                |
| Department of Communities - Australian Early Development Census | In partnership with the Derby Early Years Network, implement the Making TRAKS program which analysed AEDC results and seeks to improve early childhood outcomes for Derby. | \$75,000                     | In-kind staffing costs.                                   | 12 months                    | Expected to be notified by end of February. Advice received in April the applications are still being assessed. |
| Department of Health – Play Our Way Stream 1                    | Funding for facility upgrades (lights and changerooms) at Derby Rec Centre and Derby Town Oval to encourage women’s participation in sport                                 | \$2,302,000 across two years | \$303,000 across two years (project management, staffing) | 1 August 2024 to 30 Jun 2027 | 10 June 2024                                                                                                    |
| Department of Infrastructure –                                  | Enhancing planning and                                                                                                                                                     | \$1,160,000                  | \$278,000 (in-kind staffing,                              | 1 August 2024 to 31          | 10 June 2024                                                                                                    |

|                                                                                                                           |                                                                                                |                              |                                                                                  |                                    |               |
|---------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|------------------------------|----------------------------------------------------------------------------------|------------------------------------|---------------|
| Housing Support Program                                                                                                   | development services capacity through improved processes, systems, employment pathways.        |                              | recruitment, vehicle costs)                                                      | September 2025                     |               |
| Department of Health – Play Our Way Stream 2                                                                              | Female sports participation program in Derby and Fitzroy Crossing                              | \$765,160 across 2 years     | \$177,000 across 2 years (in-kind staffing, facilities and promotion)            | 1 August 2024 to 27 June 2026      | 10 June 2024  |
| Department of Social Services – Strong and Resilient Communities                                                          | Youth activities with partnership referral program focussing on community, culture, education. | \$354,020 across two years   | Nil                                                                              | 1 July 2024 to 30 June 2026        | 30 May 2024   |
| Department of Infrastructure - Regional Precincts and Partnerships Program – Stream 1 (Precinct development and planning) | Derby Recreation Precinct and other sporting facilities master planning                        | \$669,448 across the project | Nil                                                                              | 1 August 2024 to 30 September 2025 | 30 June 2024  |
| Department of Primary Industries and Regional Development – Animal Welfare Grant                                          | Animal de-sexing program in remote communities                                                 | \$50,000                     | \$5,374 cash from other funders<br>\$16,620 In-Kind (staffing and accommodation) | 1 July to 30 June 2025             | 5 August 2024 |
| National Australia Bank – Community Grants                                                                                | Bench seating to Fitzroy Crossing Rec Centre. Funds for long table dinner.                     | \$20,000                     | Nil                                                                              | 31 December 2024                   | Unknown       |
| <b>TOTAL AMOUNTS</b>                                                                                                      |                                                                                                | <b>\$5,799,788</b>           |                                                                                  |                                    |               |

Whilst the Shire is the recipient of funding support from Federal and State Government, not for profit organisations and philanthropic organisations the Shire also provides supports to local community groups. Below is an overview of the support the Shire has given the community during the 2023/24 financial year (as at 30 April).

Community Development Grants;

| Organisation Name               | Description Project                                                               | Amount (ex GST)     |
|---------------------------------|-----------------------------------------------------------------------------------|---------------------|
| Derby Suicide Awareness Network | Gazebo, banner shirts, stickers and hats to facilitate activities by the network. | \$3,500 cash        |
| Derby Volunteer Sea Rescue Inc. | Contribution towards new motor.                                                   | \$5,000 cash        |
| <b>TOTAL</b>                    |                                                                                   | <b>\$8,500 cash</b> |

Events sponsorship approved in the 2023/24 budget

| Organisation Name                            | Event                               | Amount (ex GST)      |
|----------------------------------------------|-------------------------------------|----------------------|
| Derby Boab Festival Inc.                     | Mardi Gras and Float Parade         | \$7,500 cash         |
| Derby Rodeo and Horseriders Association Inc. | Derby rodeo and camp draft          | \$5,000 cash         |
| Fitzroy Valley Rodeo Club Inc.               | Fitzroy Valley rodeo and camp draft | \$5,000 cash         |
| <b>TOTAL</b>                                 |                                     | <b>\$17,500 cash</b> |

Ad-hoc requests considered by Council;

| Organisation Name                           | Description Project                                                                                                                                               | Amount (ex GST)                                                                                                                                                                                     |
|---------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Derby District High School                  | YOH Fest sponsorship                                                                                                                                              | \$7,330 cash                                                                                                                                                                                        |
| Derby Landcare                              | <ul style="list-style-type: none"> <li>Donation of ex-Main Roads cattle grid.</li> <li>In-kind assistance for the installation at Munkajarra Wetlands.</li> </ul> | <ul style="list-style-type: none"> <li>Cattle grids valued at approx. \$3000 - \$5,000 second hand.</li> <li>In-kind refurbishment and installation costs of approx. \$5,000 to \$8,000.</li> </ul> |
| Derby Media Aboriginal Corporation          | Contribution to the 6DBY 20 <sup>th</sup> Anniversary event                                                                                                       | \$5,000 cash                                                                                                                                                                                        |
| Derby Speedway Club Inc.                    | Sponsorship for member to attend the Australian Street Stock Racing Championship                                                                                  | \$5,000 cash                                                                                                                                                                                        |
| Derby Tennis Club / Sun City Tennis Academy | Fee waiver on court hire at Derby Recreation Centre                                                                                                               | In-kind \$960                                                                                                                                                                                       |
| <b>TOTAL</b>                                |                                                                                                                                                                   | <b>\$17,330 cash</b><br><b>\$8960 – \$13,960 in-kind</b>                                                                                                                                            |

Throughout the year the Shire has also provided a number of in-kind donations which have not been captured in the above decisions of Council. These include;

- Admin support for event planning,
- Bus usage,

- Event support / assistance,
- Equipment hire – tables, chairs, PA systems, projector screens,
- Facility hire,
- Ground works (eg: grass slashing, erection of temporary fences), and
- Marketing and promotion.

This report will be provided to the Audit and Risk Committee on a quarterly basis to provide an updated list of funding programs and applications. Report will include update on above listed funded programs, and the newly identified funding opportunities

## **VOTING REQUIREMENT**

Simple majority

## **ATTACHMENTS**

Nil

### **COMMITTEE RESOLUTION AC09/24**

**Moved: Mr Peter McCumstie**

**Seconded: Cr Brett Angwin**

**That the Audit and Risk Committee recommend that Council:**

- 1. Notes the summary of grant and funding applications which have been submitted by Officers.**
- 2. Provides in principle support for the outlined projects for which funding is being sought.**
- 3. Notes the in-kind and financial supports provided by the Shire to local community organisations.**

In Favour: Mr Peter McCumstie and Crs Andrew Twaddle, Brett Angwin and Geoff Haerewa

Against: Nil

**CARRIED 4/0**

## 7.2 OUTSTANDING DEBT - APRIL 2024

**File Number:** 5174

**Author:** Aaron Gloor, Senior Finance Officer

**Responsible Officer:** Tamara Clarkson, Deputy Chief Executive Officer

**Authority/Discretion:** Information

### SUMMARY

The Audit and Risk Committee receive the outstanding rates and outstanding sundry debtors reports to provide strategic direction as required.

Reportable Financial Year: 2023/2024

Reportable Month: April 2024

### DISCLOSURE OF ANY INTEREST

Nil by Author and Responsible Officer.

### BACKGROUND

The Audit and Risk Committee will ensure compliance with the Shire's financial reporting and will liaise with the CEO to ensure the effective and efficient management to meet statutory requirements.

### STATUTORY ENVIRONMENT

*Local Government Act 1995*

*Subdivision 4 — Payment of rates and service charges*

6.43. *Rates and service charges are a charge on land*

6.44. *Liability for rates or service charges*

6.50. *Rates or service charges due and payable*

6.53. *Land becoming or ceasing to be rateable land*

*Subdivision 5 — Recovery of unpaid rates and service charges*

6.55. *Recovery of rates and service charges*

6.56. *Rates or service charges recoverable in court*

6.16 *Imposition of fees and charges*

### POLICY IMPLICATIONS

F4 – SUNDRY DEBTORS COLLECTION POLICY

F5 – OUTSTANDING RATES COLLECTION POLICY

F6 – FINANCIAL HARDSHIP POLICY

### FINANCIAL IMPLICATIONS

Outstanding Rates and Service Charges totalling \$1,565,755.64 in cash flow impacts.

Outstanding Sundry debtors totalling \$770,519.19 in cash flow impacts.

**STRATEGIC IMPLICATIONS**

| GOAL                         | OUR PRIORITIES     | WE WILL                         |
|------------------------------|--------------------|---------------------------------|
| 1. Leadership and Governance | 4.3 Sustainability | 1.2.2 Provide strong governance |

**RISK MANAGEMENT CONSIDERATIONS**

| RISK                                                                                                        | LIKELIHOOD     | CONSEQUENCE | RISK ANALYSIS | MITIGATION                                                           |
|-------------------------------------------------------------------------------------------------------------|----------------|-------------|---------------|----------------------------------------------------------------------|
| <b>Financial:</b><br>Non-recovery of debts will impact the type and level of services provided to the town. | Almost Certain | Severe      | Extreme       | Be proactive with collection process and recovering outstanding debt |

**CONSULTATION**

Internal

CS Legal

**COMMENT**

Attached to this report is an aged breakdown of outstanding rates and service charges by rating category as well as a depiction of rates debt by month. The report also contains a breakdown of outstanding sundry debtor charges by age as well as the movement of this debt over a rolling five-month period.

**VOTING REQUIREMENT**

Simple majority

**ATTACHMENTS**

1. Report to Council - Sundry Debtors April 2024 [↓](#) 

**COMMITTEE RESOLUTION AC10/24****Moved:** Cr Brett Angwin**Seconded:** Mr Peter McCumstie

**That the Audit and Risk Committee recommends that Council receive the information contained in the report detailing outstanding rates and sundry debtors as at 30 April 2024.**

In Favour: Mr Peter McCumstie and Crs Andrew Twaddle, Brett Angwin and Geoff Haerewa

Against: Nil

**CARRIED 4/0**



Rates Debt Summary Report

|                                                                   |                 |
|-------------------------------------------------------------------|-----------------|
| Total Rates & Service Charges in arrears at rates levy date 23/24 | \$963,182.92    |
| Total Rates & Service Charges Levied for FY 2023/24               | \$11,835,548.93 |
| Total Collected YTD From Outstanding Rates & Service charges      | \$11,232,976.21 |
| Total Rates & Service Charges Outstanding as at 30th April 2024   | \$1,565,755.64  |

|                                               | Total Debt      |                 |                 |                 |                 | Debt Reduction (Mar-Apr) |
|-----------------------------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|--------------------------|
|                                               | Dec-23          | Jan-24          | Feb-24          | Mar-24          | Apr-24          |                          |
| GRV (Residential, Commercial & Industrial)    | \$ 2,180,535.65 | \$ 1,748,180.44 | \$ 1,547,618.00 | \$ 1,434,511.33 | \$ 1,226,844.60 | \$ (113,106.67)          |
| Mining UV (Mining Tenements)                  | \$ 64,237.82    | \$ 14,880.89    | \$ 8,729.80     | \$ 4,033.71     | \$ 3,068.61     | \$ (4,696.09)            |
| Rural UV (Pastoral properties)                | \$ 795,065.38   | \$ 774,861.34   | \$ 543,379.09   | \$ 317,106.85   | \$ 294,588.97   | \$ (226,272.24)          |
| Non-Rateable                                  | \$ 1,945.70     | \$ 550.73       | \$ 753.67       | \$ 2,482.29     | \$ 2,546.18     | \$ 1,728.62              |
| Non-Rateable UV Exempt                        | \$ (499.47)     | \$ (597.47)     | \$ (717.47)     | \$ (717.47)     | \$ (717.47)     | \$ -                     |
| Non-Rateable GRV Exempt (Waste & ESL Charges) | \$ 42,804.60    | \$ 42,805.01    | \$ 43,091.53    | \$ 39,420.45    | \$ 39,424.75    | \$ (3,671.08)            |
| Total                                         | \$ 3,084,089.68 | \$ 2,580,680.94 | \$ 2,142,854.62 | \$ 1,796,837.16 | \$ 1,565,755.64 | \$ (346,017.46)          |

|                           | Debt Older Than Three Years | 21/22         | 22/23         | 23/24           | Credit Balances | Total Outstanding |
|---------------------------|-----------------------------|---------------|---------------|-----------------|-----------------|-------------------|
| COMMERCIAL - GRV          | \$ -                        | \$ -          | \$ 34,078.12  | \$ 191,414.55   | \$ (53,795.12)  | \$ 171,697.55     |
| INDUSTRIAL - GRV          | \$ -                        | \$ -          | \$ 7,806.47   | \$ 38,112.96    | \$ (23,724.75)  | \$ 22,194.68      |
| MINING - UV               | \$ -                        | \$ -          | \$ 33.74      | \$ 4,596.88     | \$ (1,562.01)   | \$ 3,068.61       |
| NON-RATEABLE              | \$ 111.70                   | \$ 2,375.53   | \$ 3,300.34   | \$ 1,202.61     | \$ (4,444.00)   | \$ 2,546.18       |
|                           | \$ 13,257.20                | \$ 8,703.98   | \$ 11,514.92  | \$ 13,397.89    | \$ (7,449.24)   | \$ 39,424.75      |
| NON-RATEABLE/EXEMPT - GRV |                             |               |               |                 |                 |                   |
| NON-RATEABLE/EXEMPT - UV  | \$ -                        | \$ -          | \$ -          | \$ 2.53         | \$ (720.00)     | \$ (717.47)       |
|                           | \$ -                        | \$ -          | \$ -          | \$ 83.02        | \$ -            | \$ 83.02          |
| OTHER LOCATIONS - GRV     |                             |               |               |                 |                 |                   |
| RESIDENTIAL - GRV         | \$ 302,444.14               | \$ 98,754.53  | \$ 168,501.50 | \$ 493,064.75   | \$ (48,806.96)  | \$ 1,013,957.96   |
| RURAL - UV                | \$ 7,797.04                 | \$ 11,336.51  | \$ 14,386.14  | \$ 273,693.99   | \$ (12,624.71)  | \$ 294,588.97     |
| URBAN FARMLAND - GRV      | \$ 1,868.16                 | \$ 3,290.42   | \$ 4,853.85   | \$ 9,024.66     | \$ (125.70)     | \$ 18,911.39      |
| Total                     | \$ 325,478.24               | \$ 124,460.97 | \$ 244,475.08 | \$ 1,024,593.84 | \$ (153,252.49) | \$ 1,565,755.64   |

|                                                          |                   |
|----------------------------------------------------------|-------------------|
| Total payments expected from instalment payers for 23/24 | % of overall debt |
| \$30,226.61                                              | 2%                |

\*The above balance is included in the total outstanding figure

Total Balance of Debt Currently Referred to CS Legal (67 Debtors)  
\$836,954.00

Total Balance of owed by ratepayers on a payment arrangement OR making regular payments towards debt  
\$240,586.64

| Comments                                                                                                                                                                                                                                                                                                 | Instalment Dates       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
|                                                                                                                                                                                                                                                                                                          | Two Instalment Option  |
| All instalment dates have now passed with only 2% of the overall debt now sitting with instalment payers down from 34% in the previous quarter.<br><br>Current debt figure closely aligns with our position this time in the previous financial year and work continues in this space to further reduce. | 1st - 6/10/2023        |
|                                                                                                                                                                                                                                                                                                          | 2nd - 12/01/2024       |
|                                                                                                                                                                                                                                                                                                          | Four Instalment Option |
|                                                                                                                                                                                                                                                                                                          | 1st - 6/10/2023        |
|                                                                                                                                                                                                                                                                                                          | 2nd - 8/12/2023        |
|                                                                                                                                                                                                                                                                                                          | 3rd - 9/02/2023        |
|                                                                                                                                                                                                                                                                                                          | 4th - 12/04/2023       |

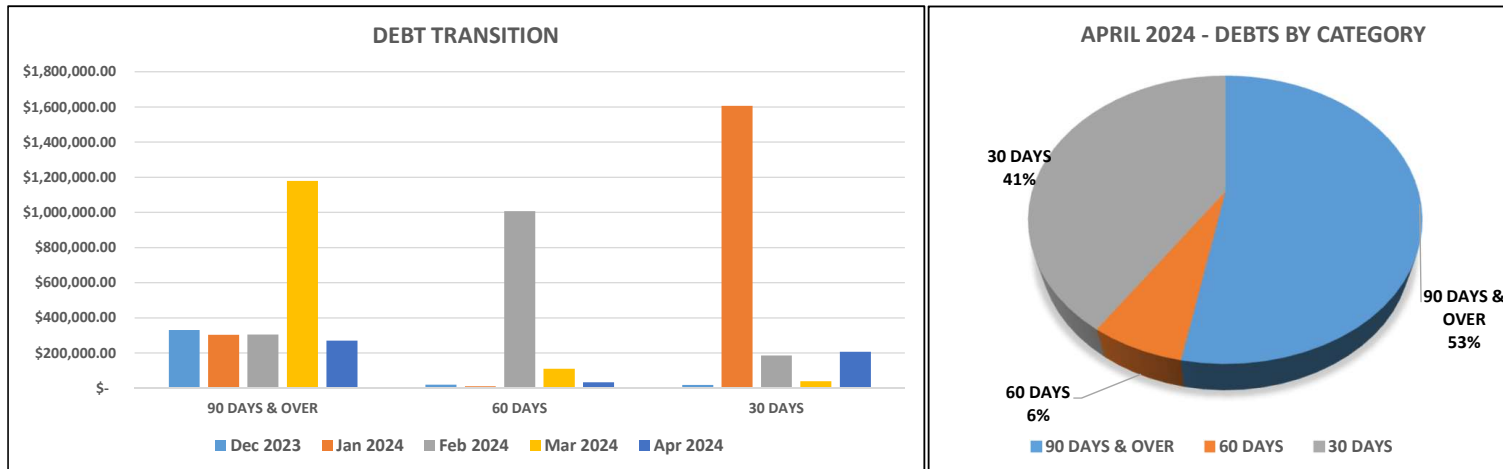
| Comparison of Current FY to Previous FY                                       |                 |                 |
|-------------------------------------------------------------------------------|-----------------|-----------------|
|                                                                               | 2022/23         | 2023/24         |
| Total rates and charges outstanding and levied at commencement of rating year | \$12,379,654.69 | \$12,798,731.85 |
| Unpaid rates and charges 30th April                                           | \$1,531,882.54  | \$1,565,755.64  |
| Percentage Outstanding                                                        | 12.37%          | 12.23%          |





TOTAL DEBTORS OUTSTANDING COMPARISON GRAPHS (A) - 2023/2024

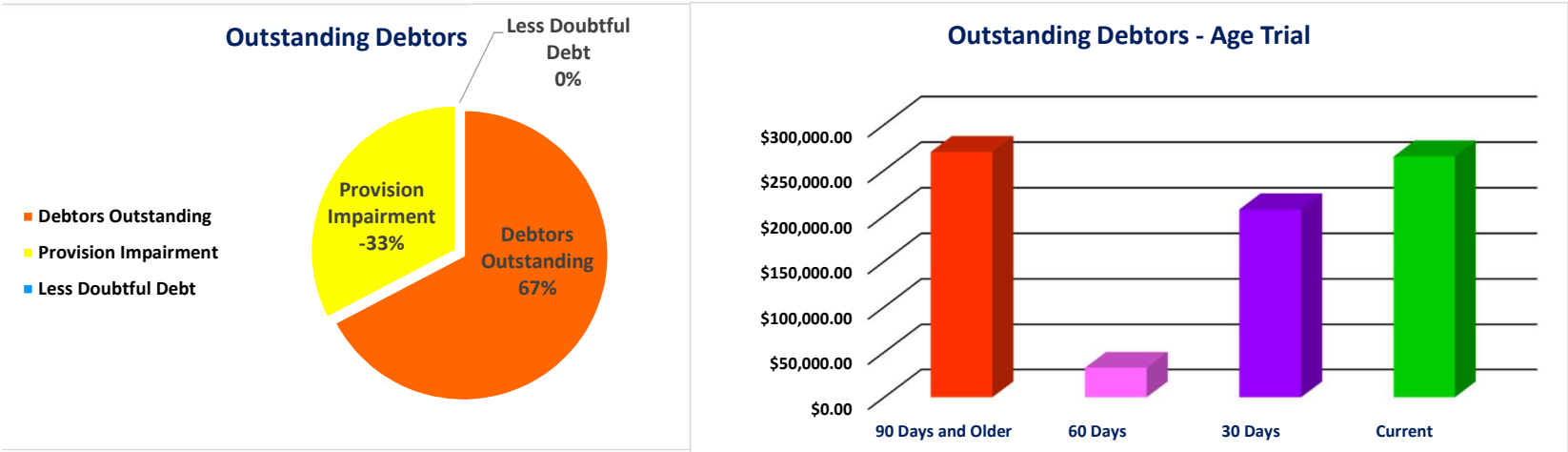
|                  | Dec 2023        | Jan 2024        | Feb 2024        | Mar 2024        | Apr 2024      | Changes (MAR - APR) |
|------------------|-----------------|-----------------|-----------------|-----------------|---------------|---------------------|
| 90 DAYS & OVER   | \$ 329,965.77   | \$ 303,538.45   | \$ 304,045.63   | \$ 1,179,202.11 | \$ 269,858.05 | -\$ 909,344.06      |
| 60 DAYS          | \$ 19,045.04    | \$ 11,333.09    | \$ 1,006,059.93 | \$ 110,172.63   | \$ 32,700.99  | -\$ 77,471.64       |
| 30 DAYS          | \$ 18,809.67    | \$ 1,606,178.55 | \$ 186,641.05   | \$ 38,709.21    | \$ 206,923.74 | \$ 168,214.53       |
| OUTSTANDING DEBT | \$ 2,431,921.80 | \$ 3,800,292.64 | \$ 2,849,822.01 | \$ 2,208,102.70 | \$ 509,482.78 | -\$ 818,601.17      |



| 90+ Days Debt Comparison by Year |              |              |              |                |              |
|----------------------------------|--------------|--------------|--------------|----------------|--------------|
| Apr-19                           | Apr-20       | Apr-21       | Apr-22       | Apr-23         | Apr-24       |
| \$683,296.98                     | \$295,793.65 | \$498,595.84 | \$372,579.77 | \$1,955,696.00 | \$269,858.05 |



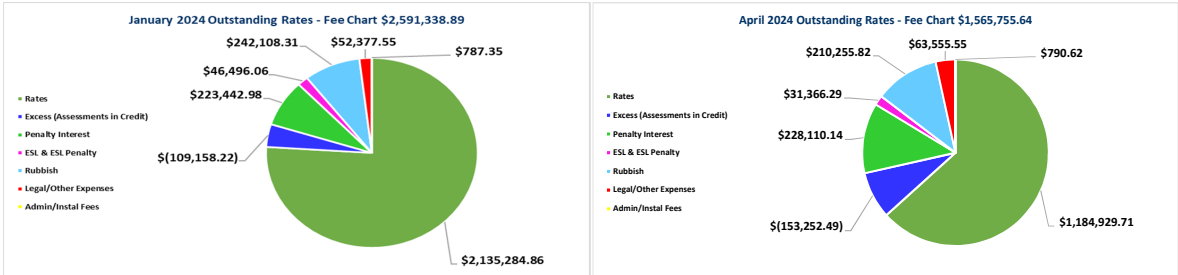
Report to Council Accounts Receivable  
April 2024  
30/04/2024 \$ 770,519.19





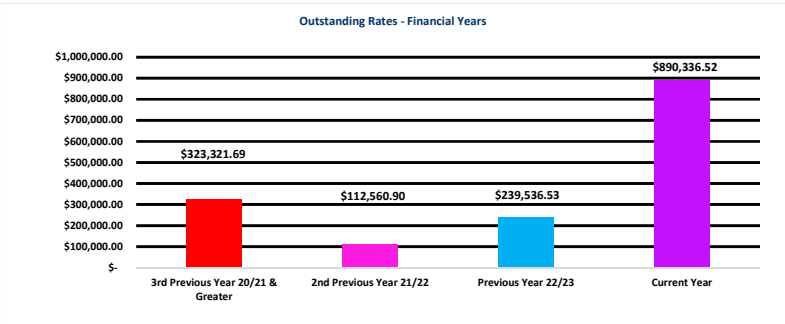
Report to Audit Committee - Rates Debt Overview  
April 2024

Total Rates Outstanding as at EOM April 2024 \$ 1,565,755.64



Rates and Service Charges Levied 2023/2024

|                            |                  |
|----------------------------|------------------|
| Levied at 25th August 2023 |                  |
| Rates                      | \$ 9,208,155.74  |
| Waste                      | \$ 2,375,178.95  |
| ESL                        | \$ 252,214.24    |
| Total Levied 23/24         | \$ 11,835,548.93 |
| Arrears                    | \$ 963,182.92    |
| Total Outstanding          | \$ 12,798,731.85 |



### **7.3 RISK MANAGEMENT**

**File Number:** 5476

**Author:** Tamara Clarkson, Deputy Chief Executive Officer

**Responsible Officer:** Amanda Dexter, Chief Executive Officer

**Authority/Discretion:** Executive

#### **SUMMARY**

This report presents an update on controls developed and implemented in ensuring effective risk management.

#### **DISCLOSURE OF ANY INTEREST**

Nil by Author, or Responsible Officer.

#### **BACKGROUND**

The Audit and Risk Committee provides guidance and assistance to Council. The Committee assumes a key role in assisting the Shire fulfil its governance and oversight obligations related to financial reporting, internal controls, risk management systems, legislative compliance, ethical accountability and internal and external functions.

There are a number of audits that local governments are required to complete addressing these points and the reports from these audits are presented for endorsement at the time. Managing risk requires all Council Members and officers to use an interactive process consisting of steps that, when undertaken in sequence, enable a sound basis for decision-making and facilitates continuous improvement in performance.

#### **STATUTORY ENVIRONMENT**

**Local Government Act 5.41 (Functions of CEO)** outlines that the functions of the CEO include the requirement to manage the day to day operations of the local government, including coordinating the undertaking of the legislative requirements of the local government.

**Local Government (Audit) Regulations 1996** outlines requirements for financial and systems audits.

**Local Government (Financial Management) Regulations 1996** outlines requirements for financial and systems audits.

#### **POLICY IMPLICATIONS**

Nil applicable.

#### **FINANCIAL IMPLICATIONS**

Nil applicable.

**STRATEGIC IMPLICATIONS**

| GOAL                         | OUR PRIORITIES                                    | WE WILL                         |
|------------------------------|---------------------------------------------------|---------------------------------|
| 1. Leadership and Governance | 1.2 Capable, inclusive and effective organisation | 1.2.2 Provide strong governance |

**RISK MANAGEMENT CONSIDERATIONS**

| RISK                                                                  | LIKELIHOOD | CONSEQUENCE | RISK ANALYSIS | MITIGATION                                                                                             |
|-----------------------------------------------------------------------|------------|-------------|---------------|--------------------------------------------------------------------------------------------------------|
| <b>Legal &amp; Compliance:</b><br>Non-compliance with legislation.    | Possible   | Moderate    | Medium        | Continue to build and monitor internal procedures and to train/manage staff on legislative compliance. |
| <b>Reputation:</b><br>Adverse media and lack of community confidence. | Possible   | Moderate    | Medium        | Continue to build and monitor internal procedures and to train/manage staff on legislative compliance. |

**CONSULTATION**

Nil.

**COMMENT**

The CEO ensures adequate systems of internal control are in place to mitigate business risk and promote effectiveness and efficient operations.

The Audit and Risk Committee review all audit reports and provide advice to Council on significant issues identified in audit reports and action to be take on issues raised.

**OAG - Annual Financial Audit and Information Systems Audit**

The Office of Auditor General's role is to audit financials and activities of WA local government entities, and report findings to Parliament. RSM is appointed to conduct these audits on their behalf.

The annual Audit considers review of Statement of Financial Position as at 30 June, Statement of Comprehensive Income, Statement of Changes in Equity, Statement of Cash Flows and Statement of Financial Activity for the year ended.

This report is received annually, Council adopted the 22/23 Annual Audit in December 2023.

**Regulation 5 Audit**

Paxon Group were appointed to perform the Regulation 5 financial management review. This review is required every three financial years.

This includes a review of processes and key controls within the following areas:

- Proper collection of all money owing to the local government

- Safe custody and security of all money collected or held by the local government
- Maintenance and security of the financial records of the local government (whether maintained in written form or by electronic or other means or process)
- Ensure proper authorisation for the incurring of liabilities and the making of payments
- Maintenance of payroll, stock control and costing records

This report was received in November 2023.

#### Regulation 17 Audit

The Shire engaged Civic Legal to complete a review of a selection of the Shire's systems and procedures relating to risk management, internal control and legislative compliance. The report provided seeks to identify potential issues relating to the systems and procedures being reviewed and provides suggestions for improvement. This review occurs at least once every three financial years.

While there are a number of cross over assessments in each of the audits, it is a beneficial process for the organisation to conduct.

This report was received in December 2023.

#### **VOTING REQUIREMENT**

Simple majority

#### **ATTACHMENTS**

##### **1. Risk Management - Audit Risks - Confidential**

#### **COMMITTEE RESOLUTION AC11/24**

**Moved: Mr Peter McCumstie**

**Seconded: Cr Geoff Haerewa**

**That the Audit and Risk Committee recommends that Council:**

- 1. Receives the information contained in this report; and**
- 2. Directs the Chief Executive Officer provide updated Risk Management reports to the Audit and Risk Committee Meetings.**

In Favour: Mr Peter McCumstie and Crs Andrew Twaddle, Brett Angwin and Geoff Haerewa

Against: Nil

**CARRIED 4/0**

## **7.4 GOVERNANCE AND COMPLIANCE - INTERNAL CONTROLS**

**File Number:** 42

**Author:** Neil Hartley, Director, Strategic Business

**Responsible Officer:** Amanda Dexter, Chief Executive Officer

**Authority/Discretion:** Executive

### **SUMMARY**

The Audit and Risk Committee has a range of legislated responsibilities, as does the Chief Executive Officer. To manage these responsibilities, regular Audit & Risk Committee meetings are needed; and at the officer level, vigilance, training, and internal procedures and controls are required.

This report provides a summary of the two key internal procedures and controls in place, and proposes that regular and further enhanced Governance and Compliance reports be submitted to future Audit & Risk Committee meetings.

### **DISCLOSURE OF ANY INTEREST**

Nil by Author.

### **BACKGROUND**

The Local Government (Audit) Regulations 1996 outline the functions of a local government audit & risk committee, and the Council at its meeting of 26 October 2023 elected the committee members and confirmed the purpose of this current Audit & Risk Committee, which included amongst others, the following:

- review the CEO's Systems & Procedures ("Regulation 17" report) and progress its implementation.

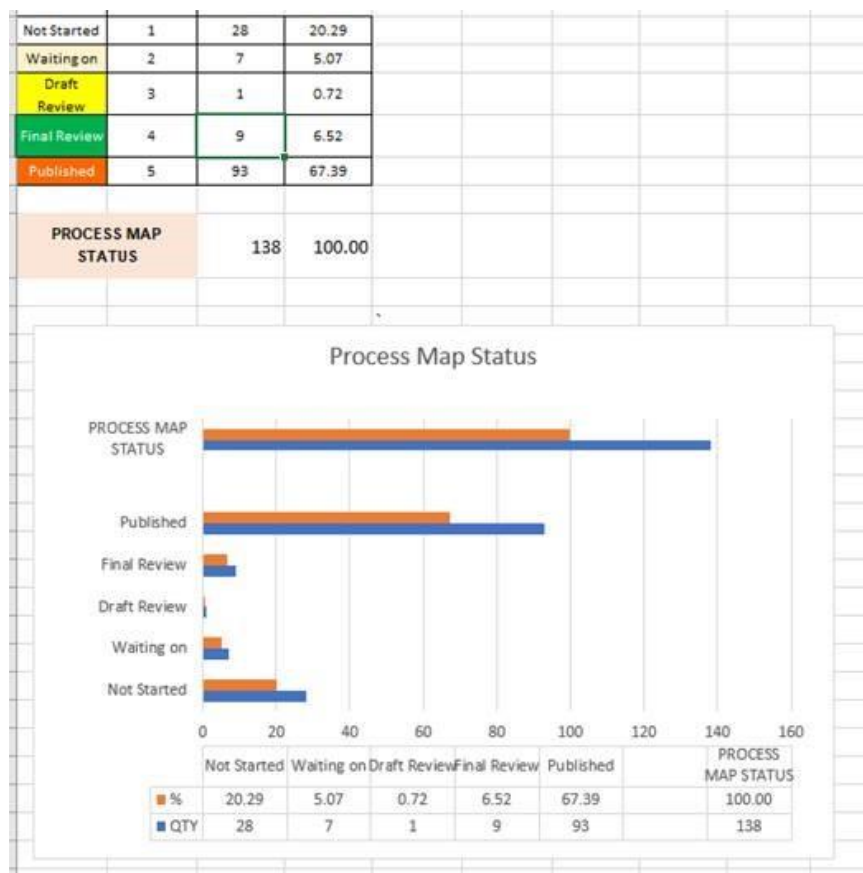
This area of responsibility captures a requirement for the Audit & Risk Committee to engage with the Chief Executive Officer on (1) legislative compliance, (2) internal controls, and (3) risk management matters, and whilst the Regulation 17 review is only formally conducted every three years, the basis of its monitoring requirements continue year-on-year. This requirement is also reflected in the Chief Executive Officer's responsibilities, one of which is to manage the "day to day operations" of the local government.

The Shire has over the last several years, built up a range of governance and accountability mechanisms so that the CEO can have confidence the organisation has the necessary tools to undertake its work consistently, compliantly, and within a risk controlled environment. These include the two control mechanisms highlighted below, but also include other things, like CEO Directives; and in-person meetings with Directors, Managers, and staff. Whilst there are ongoing operational requirements for things like organisational resourcing, staff training, and to maintain software programs for processes like purchasing/procurement, and the Audit & Risk Committee agenda already includes compliance reports on the Compliance Audit Return (annual requirement) and the Regulation 17 Review (tri-ennial requirement), two operational control mechanisms that the Audit & Risk Committee are being appraised of through this report are the:

- Corporate/Compliance Calendar; and
- Process Mapping.

The Corporate/Compliance Calendar includes 227 active tasks at the present time. It commenced as a Local Government Act compliance tool, but the Calendar has been expanded to incorporate other legislation that impacts upon the Shire, and also to manage many other important but non-compliance related matters (like reminders to review the Lease Register; and reminders to manage the Additional Payments contained within the Kimberley Mineral Sands lease). The Calendar is automated to send out reminders to relevant staff, and requires “close-out” of every action. Whilst the Calendar is well established, its monitoring within the organisation still requires further reinforcement, which will be achieved through a regular internal report to the Organisational Management Team (and which should be in place by the end of June 2024).

The Process Mapping program has been attempted to be established several times over the last few years, but a lack of consistent staff resourcing had not enabled an effective commencement. In more recent times a dedicated staff resource has been available and so good progress has been made over the last several months. Whilst only a recently “re-commenced” program, it has thus far identified 138 processes, and whilst the current officer is shortly to depart on maternity leave, it is hoped the project can recommence (again!) in due course. The priority is to capture the processes of the most significant and the riskiest shire activities (like how to undertake the process of leasing out a property) but will as it grows, capture almost every process the Shire engages in. It is anticipated that 200-300 processes will eventually be established, and once fully operational, the process mapping tool will enable new staff members to be inducted more quickly; ensure that processes are undertaken more consistently; result in outcomes being more clearly justified; and enabling organisational efficiency to be further improved (and then maintained going forward).





## STATUTORY ENVIRONMENT

**Local Government Act S.2.7 (Role of Council)** outlines that Councils are to govern the local government's affairs; take responsibility for the performance of their local government's functions, and oversee the allocation of their local government's finances and resources.

**Local Government Act 5.41 (Functions of CEO)** outlines that the functions of the CEO include the requirement to manage the day to day operations of the local government, including coordinating the undertaking of the legislative requirements of the local government.

**Local Government Act 7.1A (Audit committee)** requires that every local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it (the functions of which are outlined in Regulation #16 of Local Government (Audit) Regulations 1996.

## POLICY IMPLICATIONS

Nil applicable.

## FINANCIAL IMPLICATIONS

The cost of the submission is limited to staff time and can be accommodated within the Shire's existing budget for staffing resources.

## STRATEGIC IMPLICATIONS

| GOAL                         | OUR PRIORITIES                                    | WE WILL                         |
|------------------------------|---------------------------------------------------|---------------------------------|
| 1. Leadership and Governance | 1.2 Capable, inclusive and effective organisation | 1.2.2 Provide strong governance |

## RISK MANAGEMENT CONSIDERATIONS

| RISK                                                                  | LIKELIHOOD | CONSEQUENCE | RISK ANALYSIS | MITIGATION                                                                                             |
|-----------------------------------------------------------------------|------------|-------------|---------------|--------------------------------------------------------------------------------------------------------|
| <b>Legal &amp; Compliance:</b><br>Non-compliance with legislation.    | Possible   | Moderate    | Medium        | Continue to build and monitor internal procedures and to train/manage staff on legislative compliance. |
| <b>Reputation:</b><br>Adverse media and lack of community confidence. | Possible   | Moderate    | Medium        | Continue to build and monitor internal procedures and to train/manage staff on legislative compliance. |

## CONSULTATION

There is no requirement for public consultation on this issue.

**COMMENT**

This report assists to clarify how the CEO accommodates her Local Government Act responsibility to ensure compliance and to minimise risk, which is difficult for elected members to “see occurring”.

The question of how best a local government organisation should address compliance and risk requirements across the depth and breadth of their organisation has challenged our industry for many years. Continuous improvement has occurred and many different alternatives have been developed, however not every one of those initiatives are capable of being introduced into every organisation. For example, some local governments have full time internal auditors, internal legal advisors, or internal governance officers. Many have introduced specific induction courses for new staff members, and then ongoing training for those staff members, or have introduced business excellence programs, or procured and introduced governance software management packages. The resourcing capacities of each local government will (to a degree) impact on the options available to them.

It is considered that the Shire of Derby/West Kimberley has in place already, or is developing and introducing, an appropriate range of relevant governance control mechanisms that best fits our local government.

The 24 August 2023 Audit & Risk Committee meeting included a Lease Status Report, which was agreed to be updated and submitted to the Audit & Risk Committee on an annual basis. A similar update (but perhaps more frequently and including tables reflecting uncompleted compliance calendar actions and progress being made with the development of process maps) would be appropriate for this Governance and Compliance report. This regular reporting will ensure an improved understanding by the Committee of the actual control mechanisms in place and their organisational effectiveness, and also promote an improved understanding by officers, of the strategic risk/compliance expectations of the Committee.

**VOTING REQUIREMENT**

Simple majority

**ATTACHMENTS**

Nil

**COMMITTEE RESOLUTION AC12/24****Moved:** Cr Geoff Haerewa**Seconded:** Cr Brett Angwin**That the Audit and Risk Committee recommends that Council:**

- 1. Receives the information contained in this report;**
- 2. Requires that the Chief Executive Officer provide updated Governance and Compliance reports to the Audit & Risk Committee Meetings, on six-monthly basis (generally to the March and September meetings), inclusive of status tables:**
  - a. reflecting completed (and uncompleted) compliance calendar actions, and**
  - b. progress with the development of a comprehensive list of process maps; and**
- 3. Requests that the above reporting function to the Audit & Risk Committee be included in the organisation's corporate/compliance calendar.**

**In Favour:** Mr Peter McCumstie and Crs Andrew Twaddle, Brett Angwin and Geoff Haerewa**Against:** Nil**CARRIED 4/0**

## 7.5 COMPLIANCE REPORTS - COUNCILLOR MEETING ATTENDANCE

**File Number:** 4262 - Status Reports  
**Author:** Sarah Smith, Executive Services Coordinator  
**Responsible Officer:** Amanda Dexter, Chief Executive Officer  
**Authority/Discretion:** Information

### SUMMARY

For the Committee to monitor councillor attendance at Ordinary Meetings of Council and Special Council Meetings to oversee compliance with the Local Government Act.

In accordance with regulation 14D of the Local Government (Administration) Regulations 1996 Council may approve the holding of any Ordinary or Special Council Meeting by electronic means (vis. telephone, video conference or other means of instantaneous communication).

Council cannot authorise more than half of its Council meetings, to be held electronically, in any rolling 12 months period.

A Councillor may attend council or committee meetings by electronic means if the member is authorised to do so by the President or the Council. Electronic means attendance can only be authorised for up to half of the Shire's in-person meetings they have attended in total, in any rolling 12 months prior period. Authorisation can only be provided if the location and the equipment to be used by the Councillor are suitable to enable effective, and where necessary confidential, engagement in the meeting's deliberations and communications.

### DISCLOSURE OF ANY INTEREST

Nil by Author and Responsible Officer.

### BACKGROUND

The Councillor Meeting Attendance Reports provides Council with accurate meeting attendance register and allows the Administration to monitor attendance by Councillors to ensure compliance with the Local Government Act 1995 and Local Government (Administration) – Amendment Regulations 2022.

### STATUTORY ENVIRONMENT

#### ***Local Government Act 1995***

#### 2.25. Disqualification for failure to attend meetings

- (1) A council may, by resolution, grant leave of absence, to a member.
- (2) Leave is not to be granted to a member in respect of more than 6 consecutive ordinary meetings of the council without the approval of the Minister, unless all of the meetings are within a period of 3 months.
- (3A) Leave is not to be granted in respect of —
  - (a) a meeting that has concluded; or
  - (b) the part of a meeting before the granting of leave.

- (3) The granting of the leave, or refusal to grant the leave and reasons for that refusal, is to be recorded in the minutes of the meeting.
- (4) A member who is absent, without obtaining leave of the council, throughout 3 consecutive ordinary meetings of the council is disqualified from continuing his or her membership of the council, unless all of the meetings are within a 2 month period.
- (5A) If a council holds 3 or more ordinary meetings within a 2 month period, and a member is absent without leave throughout each of those meetings, the member is disqualified if he or she is absent without leave throughout the ordinary meeting of the council immediately following the end of that period.
- (5) The non-attendance of a member at the time and place appointed for an ordinary meeting of the council does not constitute absence from an ordinary meeting of the council —
  - (a) if no meeting of the council at which a quorum is present is actually held on that day; or
  - (b) if the non-attendance occurs —
    - (i) while the member has ceased to act as a member after written notice has been given to the member under section 2.27(3) and before written notice has been given to the member under section 2.27(5); or
    - (ii) while proceedings in connection with the disqualification of the member have been commenced and are pending; or
    - (iii) while the member is suspended under section 5.117(1)(a)(iv) or Part 8; or
    - (iiii) while the election of the member is disputed and proceedings relating to the disputed election have been commenced and are pending.
- (6) A member who before the commencement of the *Local Government Amendment Act 2009* section 5 was granted leave during an ordinary meeting of the council from which the member was absent is to be taken to have first obtained leave for the remainder of that meeting.

*[Section 2.25 amended: No. 49 of 2004 s. 19(1); No. 17 of 2009 s. 5; No. 31 of 2018 s. 5.]*

## **Local Government Act 1995 – Local Government (Administration) – Amendment Regulations 2022**

**Regulation 7** inserts additional provisions for meetings that are conducted entirely by electronic means under regulation 14D. Regulation 14D provides for a meeting of council or committee to be conducted by electronic means outside of a declared state of emergency. Regulation 14D(1) defines a relevant period in relation to the backward-looking test used to calculate how many electronic meetings a local government has conducted over the previous 12 months relative to the proposed meeting, and the 50% cap provided by regulation 14D(2A). Subsection 14D(2)(a)(ii) is amended to require the mayor, president or council to consider the requirements under subregulation 14D(2B) in deciding whether to conduct an electronic meeting. Regulation 14D(2B) requires the local government to consider the suitability of a person's location and their equipment with respect to effective communication and confidential matters during a meeting.

Regulation 14D(2A) applies the 50% cap to the number of electronic meetings that a local government (council) may authorise outside of an emergency situation under subregulation (2)(c) over a 12-month period. The backward-looking test used to determine how many meetings have

already been held by electronic means in the preceding 12 months applies in the same way it does for electronic attendance at in-person meetings.

Regulation 14D(2B) inserts the criteria that the authorising authority (the mayor, president or council) are required to consider before deciding to hold an electronic meeting. The authorising authority is required to consider each council or committee member's ability to maintain confidentiality during closed parts of the meeting and the suitability of each person's intended location and equipment to enable effective engagement in council deliberations. The authorising authority must have regard to these matters when deciding to hold and authorise electronic meetings. Electronic meetings held outside of emergency circumstances under subregulation 2(c) may only be approved by council.

Subregulations 14D(5)(a) and (b) insert subsections (6) to (8) that apply to closed parts of electronic meetings. Subsection (6) requires each member in attendance to make a declaration that they can maintain confidentiality during the closed part of the meeting. Subsection (7) requires that if a member makes a confidentiality declaration but is unable to maintain confidentiality subsequent to the declaration, they are required to leave prior to the closed part of the meeting. Subsection (8) requires a member's declaration to be recorded in the meeting minutes.

#### **POLICY IMPLICATIONS**

Nil.

#### **FINANCIAL IMPLICATIONS**

Nil.

#### **STRATEGIC IMPLICATIONS**

| <b>GOAL</b>                  | <b>OUR PRIORITIES</b>                             | <b>WE WILL</b>                                                           |
|------------------------------|---------------------------------------------------|--------------------------------------------------------------------------|
| 1. Leadership and Governance | 1.2 Capable, inclusive and effective organisation | 1.2.1 Provide strong civic leadership<br>1.2.2 Provide strong governance |

#### **RISK MANAGEMENT CONSIDERATIONS**

| <b>RISK</b>                                                                                             | <b>LIKELIHOOD</b> | <b>CONSEQUENCE</b> | <b>RISK ANALYSIS</b> | <b>MITIGATION</b>                                                                           |
|---------------------------------------------------------------------------------------------------------|-------------------|--------------------|----------------------|---------------------------------------------------------------------------------------------|
| <b>Financial:</b><br>Financial, Legal and Compliance,<br>Organisational<br>Operations and<br>Reputation | Unlikely          | Severe             | Extreme              | Monthly reporting to the Audit & Risk Committee for awareness and direction where required. |

#### **CONSULTATION**

Internal consultation has been undertaken with relevant areas to collate information.

**COMMENT**

There is no compliance concerns noted for this reporting period.

**VOTING REQUIREMENT**

Simple majority

**ATTACHMENTS**

1. Council Meeting Attendance Table - 23-24 [↓](#) 
2. Electronic Council Meeting Attendance Table - 23-24 [↓](#) 

**COMMITTEE RESOLUTION AC13/24**

**Moved:** Mr Peter McCumstie

**Seconded:** Cr Geoff Haerewa

**That the Audit & Risk Committee receives the information contained in the reports detailing Councillor meeting attendance (including via electronic means).**

In Favour: Mr Peter McCumstie and Crs Andrew Twaddle, Brett Angwin and Geoff Haerewa

Against: Nil

**CARRIED 4/0**



## MEETING ATTENDANCE

The following table provides information on attendance at the 2023/24 Financial Year Ordinary and Special Council Meetings:

| Councillor  | Cancelled | 17         | 31   | 12         | 26   | 30         | 15   | 29         | 28   | 24   | 30   | 27   |
|-------------|-----------|------------|------|------------|------|------------|------|------------|------|------|------|------|
|             | Jul       | Aug        | Aug  | Oct        | Oct  | Nov        | Dec  | Feb        | Mar  | Apr  | May  | June |
|             | 2023      | 2023       | 2023 | 2023       | 2023 | 2023       | 2023 | 2024       | 2024 | 2024 | 2024 | 2024 |
|             | OCM       | Special    | OCM  | OCM        | OCM  | FX OCM     | OCM  | OCM        | OCM  | OCM  | OCM  | OCM  |
| G Haerewa   | -         | ✓<br>Phone | ✓    | ✓          | ✓    | LOA        | ✓    | ✓<br>Phone | ✓    | ✓    |      |      |
| P McCumstie | -         | ✓          | ✓    | ✓          | ✓    | ✓          | ✓    | ✓          | ✓    | ✓    |      |      |
| A Twaddle   | -         | ✓          | ✓    | ✓<br>Phone | ✓    | ✓          | ✓    | ✓          | A    | ✓    |      |      |
| G Davis     | -         | ✓          | ✓    | ✓<br>Phone | ✓    | ✓          | ✓    | ✓<br>Phone | ✓    | A    |      |      |
| B Angwin    |           |            |      |            | ✓    | ✓          | ✓    | ✓          | ✓    | ✓    |      |      |
| P Bickerton |           |            |      |            | ✓    | ✓          | ✓    | A          | ✓    | LOA  |      |      |
| B Ellison   |           |            |      |            | ✓    | ✓          | ✓    | ✓          | ✓    | ✓    |      |      |
| W Foley     |           |            |      |            | ✓    | ✓          | ✓    | ✓          | ✓    | LOA  |      |      |
| K O'Meara   |           |            |      |            | ✓    | ✓<br>Phone | ✓    | ✓          | ✓    | ✓    |      |      |

### Derby

(08) 9191 0999  
sdwk@sdwk.wa.gov.au

30 Loch Street  
PO Box 94, Derby WA 6728

### Fitzroy Crossing

(08) 9191 5355  
sdwk@sdwk.wa.gov.au

Flynn Drive  
PO Box 101, Fitzroy Crossing

ABN: 96 034 203 062

www.sdwk.wa.gov.au



| MONTH         | 26-Oct             | 30-Nov                                                     | 15-Dec    | 22-Feb      | 29-Feb    | 21-Mar      | 28-Mar   | 24-Apr    | 30-May   | 27-Jun    | 25-Jul       | 29-Aug    | 26-Sep   | 31-Oct    | 28-Nov   | 12-Dec    |  |
|---------------|--------------------|------------------------------------------------------------|-----------|-------------|-----------|-------------|----------|-----------|----------|-----------|--------------|-----------|----------|-----------|----------|-----------|--|
| TYPE/LOCATION | OCM - DBY          | OCM - FX                                                   | OCM - DBY | Special DBY | OCM - DBY | Special DBY | OCM - FX | OCM - DBY | OCM - FX | OCM - DBY | OCM - REMOTE | OCM - DBY | OCM - FX | OCM - DBY | OCM - FX | OCM - DBY |  |
| NAME          |                    |                                                            |           |             |           |             |          |           |          |           |              |           |          |           |          |           |  |
| P McCumstie   | P                  | P                                                          | P         | P           | P         | P           | P        | P         |          |           |              |           |          |           |          |           |  |
| G Haerewa     | P                  | LOA                                                        | P         | P           | O         | O           | P        | P         | P        |           |              |           |          |           |          |           |  |
| A Twaddle     | P                  | P                                                          | P         | P           | P         | P           | A        | P         |          |           |              |           |          |           |          |           |  |
| G Davis       | P                  | P                                                          | P         | O           | O         | O           | P        | A         |          |           |              |           |          |           |          |           |  |
| B Angwin      | P                  | P                                                          | P         | P           | P         | P           | P        | P         |          |           |              |           |          |           |          |           |  |
| P Bickerton   | P                  | P                                                          | P         | P           | A         | P           | P        | LOA       |          |           |              |           |          |           |          |           |  |
| B Ellison     | P                  | P                                                          | P         | P           | P         | P           | P        | P         |          |           |              |           |          |           |          |           |  |
| W Foley       | P                  | P                                                          | P         | P           | P         | P           | P        | LOA       |          |           |              |           |          |           |          |           |  |
| K O'Meara     | P                  | O                                                          | P         | P           | P         | P           | P        | P         |          |           |              |           |          |           |          |           |  |
|               | P<br>O<br>A<br>LOA | : IN-PERSON<br>: ONLINE<br>: APOLOGY<br>: LEAVE OF ABSENCE |           |             |           |             |          |           |          |           |              |           |          |           |          |           |  |
|               |                    |                                                            |           |             |           |             |          |           |          |           |              |           |          |           |          |           |  |

Physical Attendance

Online Attendance

Apology\*

LOA\*

Total Attendance

Physically In Attendance %\*

|   |   |   |   |   |     |
|---|---|---|---|---|-----|
| 8 | 0 | 0 | 0 | 8 | 100 |
| 5 | 2 | 0 | 1 | 7 | 71  |
| 7 | 0 | 1 | 0 | 7 | 100 |
| 4 | 3 | 1 | 0 | 7 | 57  |
| 8 | 0 | 0 | 0 | 8 | 100 |
| 6 | 0 | 1 | 1 | 6 | 100 |
| 8 | 0 | 0 | 0 | 8 | 100 |
| 7 | 0 | 0 | 1 | 7 | 100 |
| 7 | 1 | 0 | 0 | 8 | 88  |

\*Inclusion depends on date not conflicting with 12 months rolling period.

\*Not counted in attendance %

\*Measured using "rolling 12 months period".

**7.6 COMPLIANCE REPORTS - COUNCIL MINUTE MANAGEMENT****File Number:** 4262 - Status Reports**Author:** Sarah Smith, Executive Services Coordinator**Responsible Officer:** Amanda Dexter, Chief Executive Officer**Authority/Discretion:** Information**SUMMARY**

The Council Minute Management Report provides Council with an update on all actions required to be undertaken by the Administration once a resolution has been adopted by Council at the Ordinary Council and Audit & Risk Committee Meetings.

**DISCLOSURE OF ANY INTEREST**

Nil by Author and Responsible Officer.

**BACKGROUND**

Officers are required to provide an accurate update on items to inform the Council on the progress, or any delays or the completion of each recommendation adopted by Council at the Ordinary Council and Audit & Risk Committee Meetings.

The report assists the Shire fulfil its corporate governance responsibilities in managing the affairs of the organisation. This includes financial reporting, risk management, compliance requirements and auditing.

**STATUTORY ENVIRONMENT*****Local Government Act 1995***

Section 5.41(a) of the Act requires CEOs to advise councils in relation to the functions of a local government under both the *Local Government Act 1995*, and other legislation.

The CEO's function under section 5.41(b) is to ensure the availability of unbiased, professional and relevant advice and information to elected members for their decision-making purposes.

**POLICY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

| GOAL                         | OUR PRIORITIES                                    | WE WILL                                                                  |
|------------------------------|---------------------------------------------------|--------------------------------------------------------------------------|
| 1. Leadership and Governance | 1.2 Capable, inclusive and effective organisation | 1.2.1 Provide strong civic leadership<br>1.2.2 Provide strong governance |

**RISK MANAGEMENT CONSIDERATIONS**

| <b>RISK</b>                                                                                    | <b>LIKELIHOOD</b> | <b>CONSEQUENCE</b> | <b>RISK ANALYSIS</b> | <b>MITIGATION</b>                                                                           |
|------------------------------------------------------------------------------------------------|-------------------|--------------------|----------------------|---------------------------------------------------------------------------------------------|
| <b>Financial:</b><br>Financial, Legal and Compliance, Organisational Operations and Reputation | Unlikely          | Severe             | Extreme              | Monthly reporting to the Audit & Risk Committee for awareness and direction where required. |

**CONSULTATION**

Internal consultation has been undertaken with relevant areas to collate information.

**COMMENT**

Most items are up to date within reasonable parameters.

Staff leave, recent resignations and flood recovery impacts have had some impact on progress, and however the delays at this point are not concerning.

**VOTING REQUIREMENT**

Simple majority

**ATTACHMENTS****1. Actions - May 2024**  **COMMITTEE RESOLUTION AC14/24**

**Moved:** Mr Peter McCumstie

**Seconded:** Cr Brett Angwin

**That the Audit & Risk Committee receives the information contained in the report detailing Council Minute Management.**

In Favour: Mr Peter McCumstie and Crs Andrew Twaddle, Brett Angwin, Geoff Davis and Geoff Haerewa

Against: Nil

**CARRIED 5/0**

*At 4:31pm pm, Cr Geoff Davis entered the meeting.*

|                                      |                                     |                                                         |
|--------------------------------------|-------------------------------------|---------------------------------------------------------|
| <a href="#">Action Sheets Report</a> | Division:<br>Committee:<br>Officer: | Date From:<br>Date To:<br>Printed: 17 May 2024 12:47 PM |
|--------------------------------------|-------------------------------------|---------------------------------------------------------|

| Meeting                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Officer/Director               | Section                                                    | Subject                                                            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|------------------------------------------------------------|--------------------------------------------------------------------|
| Council 28/03/2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Chadwick, Mark<br>Neate, Wayne | Matters for which the Meeting May Be Closed (Confidential) | Waste Facility Site Identification Derby and Fitzroy Crossing 2024 |
| <b>RESOLUTION 42/24</b><br><br><b>Moved: Cr Geoff Davis</b><br><b>Seconded: Cr Geoff Haerewa</b><br><br><b>That Council:</b> <ol style="list-style-type: none"> <li>Receives the report Waste Facility Site Identification Derby and Fitzroy Crossing prepared by ASK Waste Management Consulting;</li> <li>Directs the CEO to ensure the potential waste facility sites remain confidential until land tenure agreements are secured.</li> <li>Directs the CEO to complete the following;               <ol style="list-style-type: none"> <li>Identify potential waste facility sites and seek land tenure agreements;</li> <li>Investigate potential waste facility sites in parallel for Derby and Fitzroy Crossing;</li> <li>Complete basic soil test assessments of potential waste facility sites;</li> <li>Conduct a survey to confirm projected operational lifespan of the Derby waste facility site;</li> <li>Engage a suitably qualified and experienced project manager for the two waste facility projects; and</li> <li>Define specific lots for each potential waste facility site where tenure is required and detailed investigations can take place.</li> </ol> </li> <li>Considers the full costs of site investigations and construction for inclusion in the long-term financial plan for the waste facility sites in Derby and Fitzroy Crossing; and</li> <li>Directs the CEO to prepare revaluation of future waste facility closure costs for Derby and Fitzroy Crossing and to bring back a report to Council for its consideration in the subsequent budget.</li> </ol><br><b>In Favour:</b> Crs Peter McCumstie, Geoff Haerewa, Brett Angwin, Paul Bickerton, Geoff Davis, Brian Ellison, Wayne Foley and Kerrissa O'Meara<br><b>Against:</b> Nil |                                |                                                            |                                                                    |

|                             |                                      |
|-----------------------------|--------------------------------------|
| <b>Division:</b>            | <b>Date From:</b>                    |
| <b>Committee:</b>           | <b>Date To:</b>                      |
| <b>Officer:</b>             | <b>Printed: 17 May 2024 12:47 PM</b> |
| <b>Action Sheets Report</b> |                                      |

**CARRIED 8/0**

**15 May 2024 10:41am Chadwick, Mark**

The project has started with several meetings held and the setting up a project working group on 17 May 2024., Currently awaiting advice (Enquiry Form has been lodged) from DPLH regarding access to the 5 parcels of land vested with DPLH. , The expected completion date for the project will be to report back to Council when sites have been identified for Derby and Fitzroy Crossing and tenure is required to allocate funds to purchase.

| Meeting                                                                                                                                                                                                                                                                                                                                                                                                                       | Officer/Director               | Section              | Subject                                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------|-------------------------------------------------------------------|
| Council 29/02/2024                                                                                                                                                                                                                                                                                                                                                                                                            | Chadwick, Mark<br>Neate, Wayne | Development Services | Proposed Dedication of Portion of Sandford Road, Fitzroy Crossing |
| <b>RESOLUTION 17/24</b>                                                                                                                                                                                                                                                                                                                                                                                                       |                                |                      |                                                                   |
| <b>Moved: Cr Andrew Twaddle</b>                                                                                                                                                                                                                                                                                                                                                                                               |                                |                      |                                                                   |
| <b>Seconded: Cr Brian Ellison</b>                                                                                                                                                                                                                                                                                                                                                                                             |                                |                      |                                                                   |
| <b>That Council initiate the process required to dedicate a previously constructed portion of Sandford Road, Fitzroy Crossing through Lot 126 on DP215485 (Reserve 36669) and portion Lot 402 on DP77614 (Reserve 36669) as a public road pursuant to section 56 of the <i>Land Administration Act 1997</i> and associated regulations and direct the Shire Chief Executive Officer to progress the proposal accordingly.</b> |                                |                      |                                                                   |
| <u>In Favour:</u> Mr Peter McCumstie and Crs Brett Angwin, Geoff Davis, Brian Ellison, Wayne Foley, Kerrissa O'Meara and Andrew Twaddle                                                                                                                                                                                                                                                                                       |                                |                      |                                                                   |
| <u>Against:</u> Nil                                                                                                                                                                                                                                                                                                                                                                                                           |                                |                      |                                                                   |
| <b>CARRIED 7/0</b>                                                                                                                                                                                                                                                                                                                                                                                                            |                                |                      |                                                                   |
| <b>16 May 2024 2:17pm Chadwick, Mark</b>                                                                                                                                                                                                                                                                                                                                                                                      |                                |                      |                                                                   |
| The road dedication process has been initiated with the Lands Division                                                                                                                                                                                                                                                                                                                                                        |                                |                      |                                                                   |

| Meeting                           | Officer/Director               | Section              | Subject                                                                        |
|-----------------------------------|--------------------------------|----------------------|--------------------------------------------------------------------------------|
| Council 28/03/2024                | Chadwick, Mark<br>Neate, Wayne | Development Services | Local Planning Scheme No. 9 Review - Schedule of Submissions and Modifications |
| <b>RESOLUTION 38/24</b>           |                                |                      |                                                                                |
| <b>Moved: Cr Geoff Davis</b>      |                                |                      |                                                                                |
| <b>Seconded: Cr Geoff Haerewa</b> |                                |                      |                                                                                |

|                                              |                                      |
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| <p>Division:<br/>Committee:<br/>Officer:</p> | <p>Date From:<br/>Date To:</p>       |
| <p>Action Sheets Report</p>                  | <p>Printed: 17 May 2024 12:47 PM</p> |

**That Council:**

1. Pursuant to Regulation 25(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, acknowledge all submissions received public advertising of the Shire of Derby/West Kimberley Local Planning Scheme No.9 and endorse the recommendations contained in Attachment 2 – Schedule of Submissions prepared in respect of the new Scheme;
2. Pursuant to Regulation 25 (3)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, support the Shire of Derby/West Kimberley Local Planning Scheme No.9 subject to the various modifications contained in Attachment 3 – Schedule of Proposed Modifications;
3. Pursuant to Regulation 28 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, forward the advertised version of the Shire of Derby/West Kimberley Local Planning Scheme No.9, the Schedule of Submissions (i.e. Attachment 2), the Schedule of Proposed Modifications (i.e. Attachment 3), and a copy this resolution to the Western Australian Planning Commission for formal consideration and the Hon. Minister for Planning’s final determination;
4. Authorise the Chief Executive Officer to make any additional minor modifications to the Shire of Derby/West Kimberley Local Planning Scheme No.9 Scheme Text and/or Maps as may be required by the Western Australian Planning Commission or authorised person to address any spelling, grammar, legibility issues or mapping anomalies/errors as well as all modifications required by the Hon. Minister for Planning; and
5. Authorise the Chief Executive Officer and President to endorse all final revised documentation required to be prepared in respect of the Shire of Derby/West Kimberley Local Planning Scheme No.9 in due course by affixing the Shire’s common seal and signing the documentation accordingly.

In Favour: Crs Peter McCumstie, Geoff Haerewa, Brett Angwin, Paul Bickerton, Geoff Davis, Brian Ellison, Wayne Foley and Kerrissa O'Meara

Against: Nil

**CARRIED 8/0**

**15 May 2024 10:47am Chadwick, Mark**

Awaiting confirmation from the Minister of Planning that the Local Planning Scheme may be published.

**15 May 2024 10:49am Chadwick, Mark**

Awaiting notification from the Minister of Planning that the Local Planning Scheme No. 9 is ready to endorse.

| Meeting                 | Officer/Director              | Section            | Subject                               |
|-------------------------|-------------------------------|--------------------|---------------------------------------|
| Council 28/03/2024      | Davis, Mark<br>Dexter, Amanda | Executive Services | Delivery of Visitor Servicing (Derby) |
| <b>RESOLUTION 36/24</b> |                               |                    |                                       |

|                                      |                                                          |                                                                              |
|--------------------------------------|----------------------------------------------------------|------------------------------------------------------------------------------|
| <a href="#">Action Sheets Report</a> | <b>Division:</b><br><b>Committee:</b><br><b>Officer:</b> | <b>Date From:</b><br><b>Date To:</b><br><b>Printed:</b> 17 May 2024 12:47 PM |
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**Moved:** Cr Brett Angwin

**Seconded:** Cr Paul Bickerton

**That Council:**

1. Endorses the delivery of face-to-face visitor servicing to be undertaken moving forward by the Shire, and absorbed by the Customer Service Team.
2. Notes that visitor servicing will be delivered by Shire staff from the Derby Visitor Centre on Loch Street, Derby alongside the Shire's administrative and Department of Transport services.

In Favour: Crs Peter McCumstie, Geoff Haerewa, Brett Angwin, Paul Bickerton, Geoff Davis, Brian Ellison, Wayne Foley and Kerrissa O'Meara

Against: Nil

**CARRIED 8/0**

16 May 2024 5:01pm Davis, Mark

Work is progressing towards the reopening of the facility at the start of June. The centre has been cleared of merchandise that belongs to the Derby Tourist Bureau, and enquiries continue in regards to ability to dispose of assets previously the property of DTB.

| Meeting                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Officer/Director                 | Section            | Subject                         |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|--------------------|---------------------------------|
| Council 26/08/2021                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Dexter, Amanda<br>Dexter, Amanda | Executive Services | Aboriginal Empowerment Strategy |
| <b>RESOLUTION 84/21</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                  |                    |                                 |
| <b>Moved:</b> Cr Geoff Davis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                  |                    |                                 |
| <b>Seconded:</b> Cr Rowena Mouda                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                  |                    |                                 |
| <b>That Council:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                  |                    |                                 |
| <ol style="list-style-type: none"> <li>1. Endorses the Workshop Report – 22 July 2021 – Shire of Derby/West Kimberley Aboriginal Empowerment Strategy;</li> <li>2. Authorise the CEO to commence a Request for Quote process, to seek out an external consultancy with expertise to support Councillors and the Executive with strategic direction setting and policy development to the Aboriginal Empowerment Strategy; and</li> <li>3. Endorse the scoping and development of a senior Aboriginal identified position within the SDWK to operationalise empowerment strategies including economic development and communications.</li> </ol> |                                  |                    |                                 |

|                             |                                      |
|-----------------------------|--------------------------------------|
| <b>Division:</b>            | <b>Date From:</b>                    |
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**In Favour:** Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Rowena Mouda, Pat Riley and Keith Bedford

**Against:** Nil

**CARRIED 8/0**

**10 Sep 2021 4:12pm Smith, Sarah - Reallocation**

Action reassigned to O'Halloran, Amanda by: Smith, Sarah for the reason: Sarah Tobias is an external consultant

**16 Mar 2022 11:30am Dexter, Amanda**

Amanda will arrange advertising to progress the appointment of a Organisation/ Consultant to assist with the Development of a Strategy and/ or high level priorities in order to get this program up and running over the next few months.

**16 Mar 2022 11:34am Dexter, Amanda - Target Date Revision**

Revised Target Date changed by: Dexter, Amanda From: 9 Sep 2021 To: 31 May 2022, Reason: This item has not been resourced adequately and higher prioritisation has been allocated to ensure that it progresses over the next few months

**09 Jun 2022 4:02pm Dexter, Amanda - Target Date Revision**

Revised Target Date changed by: Dexter, Amanda From: 31 May 2022 To: 30 Jul 2022, Reason: This project has unfortunately not progressed due to resourcing issues, it has been reallocated in the 2022/23 Budget and the CEO's Exec Team will progress the project once the once the budget is approved.

**12 Aug 2022 11:09am Dexter, Amanda - Target Date Revision**

Revised Target Date changed by: Dexter, Amanda From: 30 Jul 2022 To: 30 Sep 2022, Reason: This Item is a high priority for the first quarter of the 2022/23 FY.

**12 Aug 2022 11:10am Dexter, Amanda - Target Date Revision**

Revised Target Date changed by: Dexter, Amanda From: 30 Sep 2022 To: 30 Sep 2022, Reason: This Item is a high priority of the 2022/23 FY. A detailed report will be provided to Council by the 30 September 2022

**11 Oct 2023 3:26pm Smith, Sarah - Target Date Revision**

Target date changed by Smith, Sarah from 30 September 2022 to 29 February 2024 - Aboriginal Empowerment Strategy this is ongoing – the CEO Exec Team will continue to progress this as time permits. We will look to regroup in the new year (11/10/2023)

| Meeting                                                                                              | Officer/Director              | Section                           | Subject                                           |
|------------------------------------------------------------------------------------------------------|-------------------------------|-----------------------------------|---------------------------------------------------|
| Council 24/04/2024                                                                                   | Fromont, Paul<br>Neate, Wayne | Community and Recreation Services | Youth Engagement and Safety at Derby Youth Centre |
| <b>RESOLUTION 55/24</b>                                                                              |                               |                                   |                                                   |
| <b>Moved: Cr Kerrissa O'Meara</b>                                                                    |                               |                                   |                                                   |
| <b>Seconded: Cr Brian Ellison</b>                                                                    |                               |                                   |                                                   |
| <b>That Council by ABSOLUTE MAJORITY:</b>                                                            |                               |                                   |                                                   |
| <b>1. Approves the recommendation of installing a new, upgraded fence at the Derby Youth Centre;</b> |                               |                                   |                                                   |



|                             |                                      |
|-----------------------------|--------------------------------------|
| <b>Division:</b>            | <b>Date From:</b>                    |
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**2. Approves expenditure of up to \$148,000 (noting this amount includes art installations) (inc. GST) for the purpose of installing the Derby Youth Centre fence, and four (4) art installations, within the FY23/24 Shire budget;**

**3. Delegates oversight of this project to the Shire CEO; and**

**4. Notes that Shire administration will pursue funding to offset the cost of fence installation at the Derby Youth Centre.**

In Favour: Crs Peter McCumstie, Geoff Haerewa, Brett Angwin, Brian Ellison, Kerrissa O'Meara and Andrew Twaddle

Against: Nil

**CARRIED 6/0 BY ABSOLUTE MAJORITY**

**16 May 2024 3:45pm Reilly, Telia - Reallocation**

Action reassigned to Fromont, Paul by Reilly, Telia - Following the production of the report, this has been assigned to appropriate manager

**16 May 2024 3:49pm Reilly, Telia - Target Date Revision**

Target date changed by Reilly, Telia from 08 May 2024 to 31 July 2024 - Following Council approval of the business case, a vendor panel post was done giving 14 days to submit a quote for the installation of a new fence and the removal of the old fence. Replies must be received before the 24th May. Once all submissions have been received a preferred supplier will be selected.

| Meeting                                                                                                                                            | Officer/Director                | Section            | Subject                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|--------------------|--------------------------------------------------------------------------|
| Council 29/02/2024                                                                                                                                 | Hartley, Neil<br>Dexter, Amanda | Executive Services | Derby Port - Leasing of Jetty Areas 2 and 3 to Tassal Operations Pty Ltd |
| <b>RESOLUTION 16/24</b>                                                                                                                            |                                 |                    |                                                                          |
| <b>Moved: Cr Brian Ellison</b>                                                                                                                     |                                 |                    |                                                                          |
| <b>Seconded: Cr Geoff Davis</b>                                                                                                                    |                                 |                    |                                                                          |
| <b>That Council:</b>                                                                                                                               |                                 |                    |                                                                          |
| <b>1. Notes that no submissions were received from the S3.58 public advertising process;</b>                                                       |                                 |                    |                                                                          |
| <b>2. Endorses the attached lease (of up to five years) with Tassal Operations Pty Ltd for Areas 2 and 3 of the Derby Jetty's Goods Shed); and</b> |                                 |                    |                                                                          |
| <b>3. Authorises the President and Chief Executive Officer to execute the lease and apply the Common Seal, if required.</b>                        |                                 |                    |                                                                          |
| <u>In Favour:</u> Mr Peter McCumstie and Crs Brett Angwin, Geoff Davis, Brian Ellison, Wayne Foley, Kerrissa O'Meara and Andrew Twaddle            |                                 |                    |                                                                          |
| <u>Against:</u> Nil                                                                                                                                |                                 |                    |                                                                          |

|                             |                                      |
|-----------------------------|--------------------------------------|
| <b>Division:</b>            | <b>Date From:</b>                    |
| <b>Committee:</b>           | <b>Date To:</b>                      |
| <b>Officer:</b>             | <b>Printed: 17 May 2024 12:47 PM</b> |
| <b>Action Sheets Report</b> |                                      |

**CARRIED 7/0****03 Apr 2024 10:08am Hartley, Neil - Target Date Revision**

Target date changed by Hartley, Neil from 14 March 2024 to 30 April 2024 - Lease documentation prepared and being distributed the all three parties for execution.

**06 May 2024 10:52am Hartley, Neil - Target Date Revision**

Target date changed by Hartley, Neil from 30 April 2024 to 31 May 2024 - Execution process progressing with the three parties (Tassal in Tasmania; KPA in Broome; and the Shire in Derby). Fully executed documents anticipated to be back with the Shire by 31 May 2024.

| Meeting                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Officer/Director                | Section                                            | Subject                                                            |
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| Council 29/02/2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Hartley, Neil<br>Dexter, Amanda | Matters for which the Meeting May Be Closed (Confi | Derby Airport - Lease to Recharge Fuels (Lease Areas #'s 6 and 11) |
| <b>RESOLUTION 20/24</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                 |                                                    |                                                                    |
| <b>Moved: Cr Wayne Foley</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                 |                                                    |                                                                    |
| <b>Seconded: Cr Brian Ellison</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                 |                                                    |                                                                    |
| <b>That Council:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                 |                                                    |                                                                    |
| <ol style="list-style-type: none"> <li>1. Agrees to progress the Derby Airport leases for Recharge Fuels (Areas 6 and 11) as indicated in the draft public advertisement attachment (noting that lease fees will be included once received from the licensed valuer);</li> <li>2. Authorises the CEO to negotiate and progress the lease proposal, conditional on it being progressed consistently with Section 3.58 of the Local Government Act, the content of this report, and conditional also on Recharge Fuel's agreement to meeting legal and valuation costs, and contributing to the Shire's administration costs (total estimated at \$12,000);</li> <li>3. Advises Recharge Fuels that in accordance with Section 3.58 of the Local Government Act, Council cannot make a final decision on the question of a lease until after the period of public consultation has closed and any submissions received have been assessed and considered (unless there are no submissions received opposing the lease, in which case Council authorises the Chief Executive Officer to finalise the lease); and</li> <li>4. Notes that if there are no submissions as per #3 above, the President and Chief Executive Officer will execute the necessary lease and other documentation and apply the Shire's Common Seal (if required) under Delegation 1.1.33 (Applying Common Seal).</li> </ol> |                                 |                                                    |                                                                    |
| <u>In Favour:</u> Mr Peter McCumstie and Crs Brett Angwin, Geoff Davis, Brian Ellison, Wayne Foley, Kerrissa O'Meara and Andrew Twaddle                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                 |                                                    |                                                                    |
| <u>Against:</u> Nil                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                 |                                                    |                                                                    |

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| <p><b>03 Apr 2024 10:11am Hartley, Neil - Target Date Revision</b><br/>           Target date changed by Hartley, Neil from 14 March 2024 to 30 June 2024 - Public submission period closed on 2 April 2024 with no submissions received. Lease Agreements to now be drafted and forwarded to parties for review and agreement/execution.</p> | <b>CARRIED 7/0</b> |
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| Meeting                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Officer/Director                | Section            | Subject                                                                                                      |
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| Council 29/02/2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Hartley, Neil<br>Dexter, Amanda | Executive Services | One Tree Community Services Inc. Child Care Centre Lease and Building Modification; and Associated Residence |
| <p><b>THE ITEM WAS NOT FOUND (BOOKMARK: PDF2_ReportName_11247)</b><br/> <b>CHECK THE INTEGRITY OF THE ITEM IN THE MINUTES DOCUMENT</b></p> <p><b>DOCUMENT: \\SDWK-APP02\INFOCOUNCIL\DOCUMENTS\COUNCIL\MINUTES\CO_20240229_MIN_2286_AT.DOCX</b><br/>           Resolution not found</p> <p><b>03 Apr 2024 10:06am Hartley, Neil - Target Date Revision</b><br/>           Target date changed by Hartley, Neil from 14 March 2024 to 30 June 2025 - Discussions between Shire and One Tree (and third party, LotteryWest) occurring. Agreement in principle reached, but securing LotteryWest funding and implementation of building renovation will take time.</p> |                                 |                    |                                                                                                              |

| Meeting                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Officer/Director                | Section            | Subject                                                              |
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| Council 29/06/2022                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Hartley, Neil<br>Dexter, Amanda | Executive Services | WA Grants Commission Submission - Change of Distribution Methodology |
| <p><b>RESOLUTION 75/22</b></p> <p><b>Moved: Cr Paul White</b><br/> <b>Seconded: Cr Peter McCumstie</b><br/> <b>That Council:</b></p> <ol style="list-style-type: none"> <li>1. Endorse the draft WA Grants Commission submission;</li> <li>2. Supports the principal that the Shire and the Kimberley Region would benefit from other Kimberley local governments also having input and lodging complimentary submissions to the Grants Commission, and requires that the CEO refer the submission to the Kimberley Regional Group for its input and support; and</li> <li>3. Authorises the CEO to modify the report following any feedback from the Kimberley Regional Group's members, and subsequent to that, forward the finalised submission to the Grants Commission for its consideration.</li> </ol> |                                 |                    |                                                                      |

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**In Favour:** Crs Geoff Haerewa, Paul White, Andrew Twaddle, Keith Bedford and Peter McCumstie

**Against:** Nil

**CARRIED 5/0**

**12 Aug 2022 11:20am Dexter, Amanda - Target Date Revision**

Revised Target Date changed by: Dexter, Amanda From: 13 Jul 2022 To: 30 Sep 2022, Reason: The Submission has been circulated to the KRG CEO's and Councils for their review and any recommendation and ultimate endorsement, prior to sending through to the Commission.

**07 Sep 2022 8:29am Hartley, Neil - Target Date Revision**

Revised Target Date changed by: Hartley, Neil From: 30 Sep 2022 To: 30 Jun 2023, Reason: Submission forwarded to Grants Commission. Assessment by Commission is expected to be concluded prior to the notification of the 2023/24 grant allocations.

**06 Feb 2023 8:28am Hartley, Neil - Target Date Revision**

Revised Target Date changed by: Hartley, Neil From: 30 Jun 2023 To: 30 Jun 2023, Reason: Awaiting communications with Grants Commission. Assessment by Commission is expected to be concluded prior to the notification of the 2023/24 grant allocations.

**07 Mar 2023 2:45pm Hartley, Neil - Target Date Revision**

Revised Target Date changed by: Hartley, Neil From: 30 Jun 2023 To: 30 Jun 2024, Reason: State Government has delayed appointment of Grants Commission members, so still awaiting fromal communications. Assessment by Commission is not now expected until after 2023/24 grant allocations have been announced. Minor possibility of some "financial acknowledgement" in 2023/24 grants.

**07 Aug 2023 10:59am Hartley, Neil - Target Date Revision**

Target date changed by Hartley, Neil from 30 June 2024 to 30 June 2024 - Grants Commission has now been appointed. Consideration of the Shire's application should commence in August/September 2023, but any change will not come into effect until 1 July 2024.

**13 Dec 2023 4:03pm Hartley, Neil - Target Date Revision**

Target date changed by Hartley, Neil from 30 June 2024 to 30 June 2024 - Grants Commission unable to arrange a meeting before early 2024. Shire has asked for an "in-person" meeting to discuss our submission with the Grants Commission.

**03 Apr 2024 9:57am Hartley, Neil - Target Date Revision**

Target date changed by Hartley, Neil from 30 June 2024 to 31 July 2024 - Grants Commission visiting Kimberley to undertake an review. Potential for the Shire to pursue its case for an improved outcome.

**06 May 2024 10:42am Hartley, Neil - Target Date Revision**

Target date changed by Hartley, Neil from 31 July 2024 to 30 September 2024 - Grants Commission visiting Shire of Derby West/Kimberley on 15 May 2024. Grants Commission has previously denied the Shire's 29 June 2022 modified Commission distribution proposal, but the Shire will pursue this and other options at the 15 May 2024 meeting. Commission consideration of those Shire proposals by 30 September is anticipated.

| Meeting                          | Officer/Director                | Section            | Subject                                                        |
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| Council 31/08/2023               | Hartley, Neil<br>Dexter, Amanda | Executive Services | Derby Airport - Lease to Federal Government (SouthPAN Project) |
| <b>RESOLUTION 93/23</b>          |                                 |                    |                                                                |
| <b>Moved: Cr Peter McCumstie</b> |                                 |                    |                                                                |

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**Seconded: Cr Andrew Twaddle****That Council:**

1. Notes that this proposed lease arrangement is exempt from the standard Local Government Act S3.58 requirements, via Regulation 30 of the Local Government (Functions and General) Regulations;
2. Agrees to lease the portion of land referred to in this report to the Federal Government agency, Geoscience Australia, for a period of up to 20 years; and
3. Authorises the Chief Executive Officer to negotiate the appropriate lease form, conditions, and annual lease charge.

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Pat Riley and Peter McCumstie

Against: Nil

**CARRIED 6/0****06 Sep 2023 3:32pm Hartley, Neil - Target Date Revision**

Target date changed by Hartley, Neil from 14 September 2023 to 31 December 2023 - Advice of Council's position forwarded to Federal Government's Geoscience Australia. Awaiting its response so lease price can be negotiated. Will largely use Geoscience Australia lease document as a base, plus include operational protections for the Derby Airport. Timeline and lease priority establishment for Geoscience Australia is unknown.

**02 Oct 2023 8:35am Hartley, Neil - Target Date Revision**

Target date changed by Hartley, Neil from 31 December 2023 to 31 December 2023 - Drafting of a lease agreement for the Shire's consideration is being progressed by SouthPAN.

**04 Dec 2023 9:37am Hartley, Neil - Target Date Revision**

Target date changed by Hartley, Neil from 31 December 2023 to 31 March 2024 - Shire's comments on lease draft have been submitted to SouthPAN for feedback (generally only minor as lease looks to be an almost standard type commonwealth government lease document). Lease price is still to be negotiated.

**03 Apr 2024 10:02am Hartley, Neil - Target Date Revision**

Target date changed by Hartley, Neil from 31 March 2024 to 31 May 2024 - Discussions occurring between SouthPan and the Shire to finalise arrangements. Access point agreed; power and communications arrangements being progressed; lease details agreed to but not yet executed.

| Meeting                         | Officer/Director                | Section            | Subject                                                  |
|---------------------------------|---------------------------------|--------------------|----------------------------------------------------------|
| Council 31/08/2023              | Hartley, Neil<br>Dexter, Amanda | Executive Services | Derby Airport - Disposal of X-Ray and Security Equipment |
| <b>RESOLUTION 91/23</b>         |                                 |                    |                                                          |
| <b>Moved: Cr Andrew Twaddle</b> |                                 |                    |                                                          |
| <b>Seconded: Cr Paul White</b>  |                                 |                    |                                                          |

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**That Council:**

- Notes the professional assessment of the existing x-ray equipment stored at Derby Airport;**
- Requires that existing airport x-ray/security equipment owned by the Shire be disposed of and the WA Department of Health advised of that decision; and**
- That new contemporary standard equipment be procured if a future need arises.**

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Pat Riley and Peter McCumstie

Against: Nil

**CARRIED 6/0**

**06 Sep 2023 3:26pm Hartley, Neil - Target Date Revision**

Target date changed by Hartley, Neil from 14 September 2023 to 31 October 2023 - Liaising with Rapiscan to arrange disposal of equipment and reporting to WA Department of Health.

**02 Oct 2023 8:34am Hartley, Neil - Target Date Revision**

Target date changed by Hartley, Neil from 31 October 2023 to 30 November 2023 - Seeking advice from WALGA on potential contractors as original supplier has not maintained an interest to assist.

**05 Dec 2023 10:32am Hartley, Neil - Target Date Revision**

Target date changed by Hartley, Neil from 29 February 2024 to 29 February 2024 - Working with a company to undertake the decommissioning and delicensing work, and will work with local contractors to arrange the collection and transportation of the equipment.

**05 Mar 2024 9:03am Hartley, Neil - Target Date Revision**

Target date changed by Hartley, Neil from 29 February 2024 to 31 March 2024 - Purchase Order issued to company to undertake the decommissioning and delicensing work. Organising local contractor to arrange the collection and transportation of the equipment.

**03 Apr 2024 10:00am Hartley, Neil - Target Date Revision**

Target date changed by Hartley, Neil from 31 March 2024 to 30 April 2024 - Revised quotes obtained and Purchase Order issued for transport.

**06 May 2024 10:48am Hartley, Neil - Target Date Revision**

Target date changed by Hartley, Neil from 30 April 2024 to 31 May 2024 - Delivery to Perth anticipated by 10 May. Decommissioning and de-licencing process to then be undertaken through consultant and Department of Health. Finalisation expected by 30 May 2024.

| Meeting                          | Officer/Director                | Section            | Subject                                                    |
|----------------------------------|---------------------------------|--------------------|------------------------------------------------------------|
| Council 12/10/2023               | Hartley, Neil<br>Dexter, Amanda | Executive Services | Derby Airport - Lease to Kingdom Aviation (Lease Area #17) |
| <b>RESOLUTION 111/23</b>         |                                 |                    |                                                            |
| <b>Moved: Cr Peter McCumstie</b> |                                 |                    |                                                            |
| <b>Seconded: Cr Geoff Davis</b>  |                                 |                    |                                                            |

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**That Council:**

1. Notes that this proposed lease arrangement with Kingdom Aviation Inc. is exempt from the standard Local Government Act S3.58 requirements, via Regulation 30 of the Local Government (Functions and General) Regulations;
2. Agrees to lease Derby Airport Lease Area #17 to Kingdom Aviation Inc. on the following general conditions:
  - a. Existing lease is extinguished;
  - b. Lease to be for a 10+10 years period;
  - c. Lessee to pay all legal costs to establish the lease (and also similarly for the Deed of Extension for the 10-year option within the lease) but not any administration expenses for the lease's establishment/extension;
  - d. initial lease fee to be set at **\$100**, plus CPI annually thereafter; and
  - e. Lessee aircraft to pay normal airport fees and charges, as set by Council annually; and
3. Authorises the Chief Executive Officer to negotiate the appropriate lease form (including any new larger lease area required), and all required lease conditions, so long as they are reasonably consistent with (2) above and the extended area does not impinge on the airport's operational requirements or capabilities.

In Favour: Crs Geoff Haerewa, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley and Peter McCumstie

Against: Nil

**CARRIED 6/0**

**01 Nov 2023 8:51am Hartley, Neil - Target Date Revision**

Target date changed by Hartley, Neil from 26 October 2023 to 31 January 2024 - Lease process continuing satisfactorily but there are numerous issues to address. Discussions occurring between lessee, legal advisor, and builders/planners responsible for the hanger/office extension.

**04 Dec 2023 9:44am Hartley, Neil - Target Date Revision**

Target date changed by Hartley, Neil from 31 January 2024 to 31 March 2024 - There are several historic issues to address with this lease, with parts of the structure built to the boundary line, parts outside of the lease area itself, and in addition, there is a storage unit located "airside" and outside of the leased area. The solution will probably require the lease area to be varied to enable the building licence to be compliantly issues.

**03 Apr 2024 10:03am Hartley, Neil - Target Date Revision**

Target date changed by Hartley, Neil from 31 March 2024 to 30 June 2024 - Ongoing discussions occurring with builder to settle on building requirements. Lease can then be finalised and executed.

| Meeting | Officer/Director | Section | Subject |
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| Council 24/04/2024                                                                                                                                                                                                                                                                                                         | Mildenhall,<br>Christie<br>Mildenhall,<br>Christie | Community and Recreation Services | Community Funding Scheme Grants Program Review |
| <b>RESOLUTION 54/24</b>                                                                                                                                                                                                                                                                                                    |                                                    |                                   |                                                |
| <b>Moved: Cr Geoff Haerewa</b>                                                                                                                                                                                                                                                                                             |                                                    |                                   |                                                |
| <b>Seconded: Cr Kerrissa O'Meara</b>                                                                                                                                                                                                                                                                                       |                                                    |                                   |                                                |
| <b>That Council by ABSOLUTE MAJORITY;</b>                                                                                                                                                                                                                                                                                  |                                                    |                                   |                                                |
| <b>1. Delegates the determination of Community Grant applications to a subgroup of Council – “Community Grant Review Group” comprising of the President and 2 Councillors, being Cr Kerrissa O’Meara and Cr Wayne Foley;</b>                                                                                               |                                                    |                                   |                                                |
| <b>2. Approves the Terms of Reference as guidelines for the Community Grants Review Group (CGRG) as per Attachment Two;</b>                                                                                                                                                                                                |                                                    |                                   |                                                |
| <b>3. Approves increasing the frequency of Community Development Funding round assessments to be completed monthly, with applications closing on the last day of each month;</b>                                                                                                                                           |                                                    |                                   |                                                |
| <b>4. Approves adding to existing Shire Community Grants guidelines a funding scheme to support individuals and groups attending representative sport, recreation, arts, cultural or community events effective the commencement of the 2024/25 financial year;</b>                                                        |                                                    |                                   |                                                |
| <b>5. Allocates a budget amount, in line with standard budget approval, to support individuals attending representative events, making the following funding levels available under the scheme, noting that once the annual budget is exhausted no further funding will be granted until the following financial year;</b> |                                                    |                                   |                                                |
| <b>a. Regional level representation - \$500 (ex GST) per individual</b>                                                                                                                                                                                                                                                    |                                                    |                                   |                                                |
| <b>b. State level representation - \$750 (ex GST) per individual</b>                                                                                                                                                                                                                                                       |                                                    |                                   |                                                |
| <b>c. National level representation - \$1000 (ex GST) per individual</b>                                                                                                                                                                                                                                                   |                                                    |                                   |                                                |
| <b>6. Directs the CEO to present to Council the draft updated funding guidelines, at the Ordinary Council Meeting of 30 May 2024.</b>                                                                                                                                                                                      |                                                    |                                   |                                                |



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| <b>In Favour:</b>                                                                                                                                                                                                          | Crs Peter McCumstie, Geoff Haerewa, Brett Angwin, Brian Ellison, Kerrissa O'Meara and Andrew Twaddle |
| <b>Against:</b>                                                                                                                                                                                                            | Nil                                                                                                  |
| <b>CARRIED 6/0 BY ABSOLUTE MAJORITY</b>                                                                                                                                                                                    |                                                                                                      |
| <b>16 May 2024 11:51am Mildenhall, Christie</b><br>* Community Grant Review Group in planning - to be activate for the start of the 24/25 financial year. , * Draft guidelines prepared for Council to consider at May OC. |                                                                                                      |

| Meeting                                                                                                                                                                                                                                                     | Officer/Director                                                                                                                                         | Section                           | Subject                                                                |
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| Council 26/10/2023                                                                                                                                                                                                                                          | Mildenhall,<br>Christie<br>Mildenhall,<br>Christie                                                                                                       | Community and Recreation Services | Derby Landcare Group Cattle Grid and Installation Request for Donation |
| <b>RESOLUTION 131/23</b>                                                                                                                                                                                                                                    |                                                                                                                                                          |                                   |                                                                        |
| <b>Moved: Cr Geoff Haerewa</b>                                                                                                                                                                                                                              |                                                                                                                                                          |                                   |                                                                        |
| <b>Seconded: Cr Paul Bickerton</b>                                                                                                                                                                                                                          |                                                                                                                                                          |                                   |                                                                        |
| <b>That Council:</b>                                                                                                                                                                                                                                        |                                                                                                                                                          |                                   |                                                                        |
| <b>1. Approves the donation of an ex-Main Roads WA cattle grid to the Derby Landcare Group for installation at the entrance to Munkajarra Wetlands subject to Derby Landcare Group taking on the ongoing maintenance and upkeep of the cattle grid; and</b> |                                                                                                                                                          |                                   |                                                                        |
| <b>2. Approves the in-kind donation of Shire resources (staff and material) to the value of \$3,000.00 to assist with the installation of the cattle grid at the entrance to Munkajarra Wetlands.</b>                                                       |                                                                                                                                                          |                                   |                                                                        |
| <u>In Favour:</u>                                                                                                                                                                                                                                           | President Peter McCumstie, Crs Geoff Haerewa, Geoff Davis, Andrew Twaddle, Wayne Foley, Brian Ellison, Kerrissa O'Meara, Brett Angwin and Paul Bickerton |                                   |                                                                        |
| <u>Against:</u>                                                                                                                                                                                                                                             | Nil                                                                                                                                                      |                                   |                                                                        |
| <b>CARRIED 9/0 BY ABSOLUTE MAJORITY</b>                                                                                                                                                                                                                     |                                                                                                                                                          |                                   |                                                                        |
| <b>16 May 2024 11:08am Smith, Sarah - Reallocation</b>                                                                                                                                                                                                      |                                                                                                                                                          |                                   |                                                                        |
| Action reassigned to Mildenhall, Christie by Smith, Sarah - Shane Edwards has left SDWK                                                                                                                                                                     |                                                                                                                                                          |                                   |                                                                        |
| <b>16 May 2024 11:45am Mildenhall, Christie</b>                                                                                                                                                                                                             |                                                                                                                                                          |                                   |                                                                        |
| Not yet progressed due to wet season. Installation of cattle grid proposed for end of May 2024                                                                                                                                                              |                                                                                                                                                          |                                   |                                                                        |

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**16 May 2024 11:51am Mildenhall, Christie - Target Date Revision**

Target date changed by Mildenhall, Christie from 09 November 2023 to 03 June 2024 - Due to wet season installation scheduled for end of May 2024.

| Meeting                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Officer/Director                 | Section              | Subject                                                 |
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| Council 25/03/2021                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Neate, Wayne<br>Clarkson, Tamara | Development Services | Policy H2 - Traders and Stall Holders Permits (revised) |
| <b>RESOLUTION 24/21</b><br><br><b>Moved: Cr Rowena Mouda</b><br><b>Seconded: Cr Paul White</b><br><br><b>That Council:</b> <ol style="list-style-type: none"> <li>Pursuant to Section 2.7(2)(b) of the Local Government Act, 1995 adopt Policy H2 – Traders and Stall Holders Permits (revised) as presented in Attachment 1 of this report for a period of three months whilst it seeks community consultation on the matter.</li> <li>Request the Chief Executive Officer to undertake a consultation process as addressed in the Shire Report and refer the matter back to Council for consideration.</li> </ol> <p><u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Rowena Mouda, Pat Riley and Keith Bedford</p> <p><u>Against:</u> Nil</p> <p style="text-align: right;"><b>CARRIED 8/0</b></p> <p><b>17 May 2021 3:49pm Paull, Robert</b><br/>Further report to Council on outcome of advertising</p> <p><b>10 Sep 2021 4:14pm Paull, Robert</b><br/>Report to be prepared for the 28 October 2021 Council meeting.</p> <p><b>10 Aug 2022 11:04am Smith, Sarah - Reallocation</b><br/>Action reassigned to Neate, Wayne by: Smith, Sarah for the reason: Rob Paull has left the organisation</p> <p><b>12 Aug 2022 10:49am Neate, Wayne - Target Date Revision</b><br/>Revised Target Date changed by: Neate, Wayne From: 8 Apr 2021 To: 01 Sep 2022, Reason: With resignation of MDS the DTDS will need to investigate what has occurred</p> <p><b>16 May 2024 11:53am Neate, Wayne - Target Date Revision</b><br/>Target date changed by Neate, Wayne from 01 September 2022 to 01 August 2024 - Wayne Neate is still following this matter up to resolve.</p> |                                  |                      |                                                         |

| Meeting | Officer/Director | Section | Subject |
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| <a href="#">Action Sheets Report</a> | <b>Division:</b><br><b>Committee:</b><br><b>Officer:</b> | <b>Date From:</b><br><b>Date To:</b><br><b>Printed: 17 May 2024 12:47 PM</b> |
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Council 25/08/2022      Neate, Wayne      Technical Services      REQUEST TO CLOSE HOLLAND STREET, DERBY AND TO AMALGAMATE WITH ADJOINING LAND  
Clarkson, Tamara

## RESOLUTION 110/22

**Moved:** Cr Andrew Twaddle

**Seconded:** Cr Rowena Mouda

That with respect to request to close Holland Street, Derby and to amalgamate with adjoining land, Council:

1. Pursuant to Section 58 of the Land Administration Act 1997, support the permanent closure of Holland Street, Derby as outlined in this Report and expresses its preference that the closed portion be offered to adjoining land owners to acquire those portions of the closed road that abut their land;
2. Give notice of the proposed road closure in accordance with *Land Administration Act 1978* allowing a minimum period of 35 days for people to lodge submissions from the date of the notice;
3. At the conclusion of the submission period, that the Chief Executive Officer be requested to provide a further report addressing whether to proceed or not to proceed with the proposed road closure in light of any submissions; and
4. Instruct the Chief Executive Officer to write to all of the owners requesting that they indemnify the Shire and the State of Western Australia of any and all third party costs that may be triggered by this process and only proceed with points 1, 2 and 3 when all letters are received from all property owners that adjoin the Holland Street road reserve.

In Favour: Crs Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley, Linda Evans and Peter McCumstie

Against: Nil

**CARRIED 6/0**

### 03 Nov 2022 4:38pm Neate, Wayne - Target Date Revision

Revised Target Date changed by: Neate, Wayne From: 8 Sep 2022 To: 30 Jan 2023, Reason: All letters agreeing to indemnify Shire have been recieved from all property Owners. Currently advertising proposal and will await outcome of advertising.

### 02 Aug 2023 3:17pm Neate, Wayne - Target Date Revision

Target date changed by Neate, Wayne from 30 January 2023 to 09 December 2023 - Application has been lodged with DPLH we now await thier confirmation and process's to occur to finalise the process

### 08 May 2024 12:43pm Neate, Wayne - Target Date Revision

Target date changed by Neate, Wayne from 09 December 2023 to 25 December 2024 - The matter is now sitting with DPLH and will fall within thier processing timeframes - Road closures are normally not a priority so this process may take some time

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| Meeting                                                                                                                                                                                                                                                                            | Officer/Director                                | Section                           | Subject                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|-----------------------------------|--------------------------------------------|
| Council 29/02/2024                                                                                                                                                                                                                                                                 | O'Meara,<br>Gertrude<br>Mildenhall,<br>Christie | Community and Recreation Services | Community Grants Assesments Round 2 - 2024 |
| <b>THE ITEM WAS NOT FOUND (BOOKMARK: PDF2_ReportName_11275)</b><br><b>CHECK THE INTEGRITY OF THE ITEM IN THE MINUTES DOCUMENT</b>                                                                                                                                                  |                                                 |                                   |                                            |
| <b>DOCUMENT: \\SDWK-APP02\INFOCOUNCIL\DOCUMENTS\COUNCIL\MINUTES\CO_20240229_MIN_2286_AT.DOCX</b><br>Resolution not found<br><b>16 May 2024 2:55pm O'Meara, Gertrude</b><br>Recipients have been reached out to and will aim to process payment of Grant by end of Month - May 2024 |                                                 |                                   |                                            |

**9 NEW BUSINESS OF AN URGENT NATURE****10 NEW AND EMERGING ITEMS FOR DISCUSSION****11 DATE OF NEXT MEETING**

The next meeting of Audit & Risk Committee will be held Thursday, 22 August 2024 in the Council Chambers, Clarendon Street, Derby.

**12 CLOSURE OF MEETING**

The Presiding Member closed the meeting at 4:36pm.

**These minutes were confirmed at a meeting on**

.....

**Signed:** .....

**Presiding Member at the meeting at which these minutes were confirmed.**

**Date:** .....