



**Shire of Derby /
West Kimberley**

AGENDA

Audit Committee Meeting Thursday, 24 August 2023

I hereby give notice that a Audit Committee Meeting will be held on:

Date: Thursday, 24 August 2023

Time: 4:00pm

**Location: Council Chambers
Clarendon Street
Derby**

Amanda Dexter

Chief Executive Officer



Order Of Business

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1 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS**2 ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS**

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 effectively, and where necessary confidential, engagement in the meeting's deliberations and communications.

3 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION**4 DISCLOSURE OF INTERESTS****4.1 Declaration of Financial Interests****4.2 Declaration of Proximity Interests****4.3 Declaration of Impartiality Interests****5 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS**

6 REPORTS

6.1 OUTSTANDING DEBT JULY 2023

File Number: 5174

Author: Aaron Gloor, Senior Finance Officer

Responsible Officer: Tamara Clarkson, Acting Director of Corporate Services

Authority/Discretion: Information

SUMMARY

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

Reportable Financial Year: 2023/2024

Reportable Month: July 2023

DISCLOSURE OF ANY INTEREST

Nil by Author and Responsible Officer.

BACKGROUND

The Committee will ensure compliance in the Shire's financial reporting and will liaise with the CEO to ensure the effective and efficient management of the Shire's financial accounting systems 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 \$1,008,799.22 in cash flow impacts.

Outstanding Sundry debtors totalling \$1,117,714.11 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
Financial: 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

The finance department has followed both Council policies relating to collection of rates and service charges (this includes a customer contact process) and have consulted with CS Legal with regard to use of services to recover outstanding debts.

COMMENT

Attached to this report is an aged breakdown of outstanding rates and service charges by rating category as well 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

There were no write-offs approved and processed in July 2023.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

1. Total Debtors Comparison Graph
2. Report to Council - Accounts Receivable
3. Rates Debt Summary Report
4. Report to Audit Committee Rates Outstanding

RECOMMENDATION

That the Audit Committee recommends that Council:

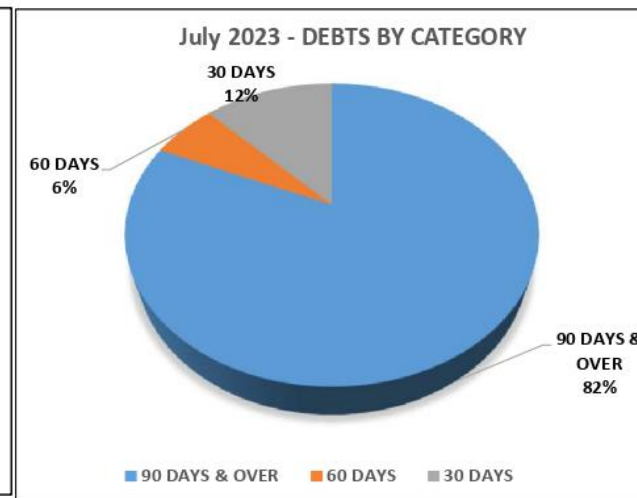
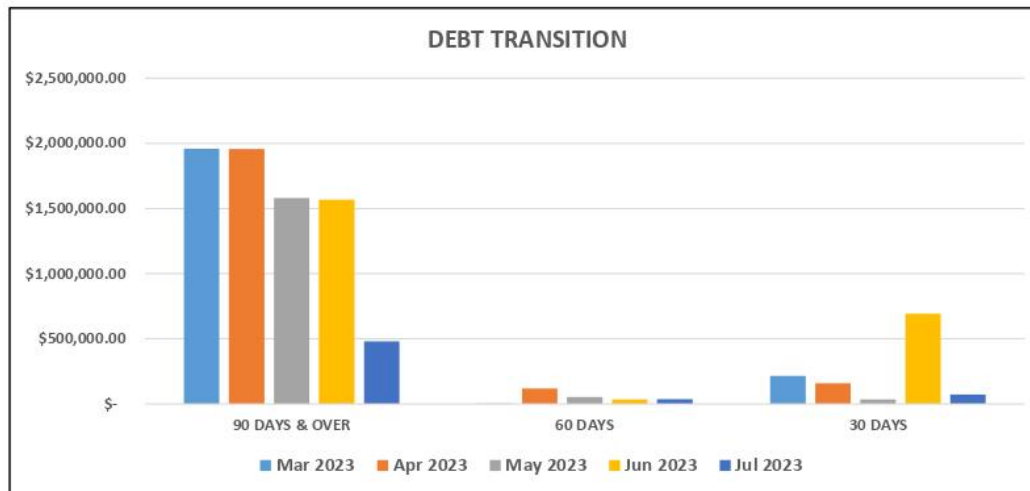
1. Receive the information contained in the report detailing outstanding rates and sundry debtors as at 31 July 2023



Shire of Derby / West Kimberley

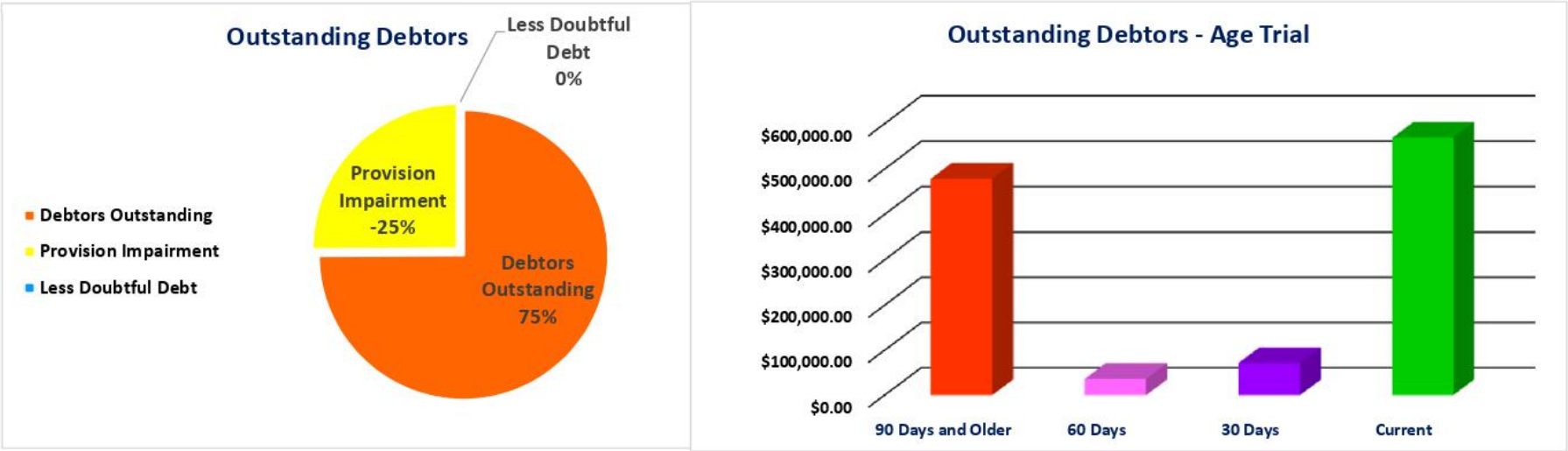
TOTAL DEBTORS OUTSTANDING COMPARISON GRAPHS (A) - 2023/2024

	Mar 2023	Apr 2023	May 2023	Jun 2023	Jul 2023	Changes (June-July)
90 DAYS & OVER	\$ 1,958,785.63	\$ 1,955,696.00	\$ 1,579,518.90	\$ 1,566,266.17	\$ 478,638.99	-\$ 1,087,627.18
60 DAYS	\$ 875.02	\$ 117,401.28	\$ 52,827.18	\$ 32,696.39	\$ 36,064.77	\$ 3,368.38
30 DAYS	\$ 215,379.98	\$ 158,201.43	\$ 33,998.81	\$ 691,101.86	\$ 71,523.89	-\$ 619,577.97
OUTSTANDING DEBT	\$ 2,175,040.63	\$ 2,231,298.71	\$ 1,666,344.89	\$ 2,290,064.42	\$ 586,227.65	-\$ 1,703,836.77





Report to Council Accounts Receivable
July 2023
31/07/2023 \$ 743,551.86



The Finance Department is continuing Debt collection to recover outstanding amounts owed by Sundry Debtors in accordance with F4 - **Sundry Debtors Collection Policy**. The Finance Dept has made contact by telephone, email and letter to outstanding debtors requesting payments.

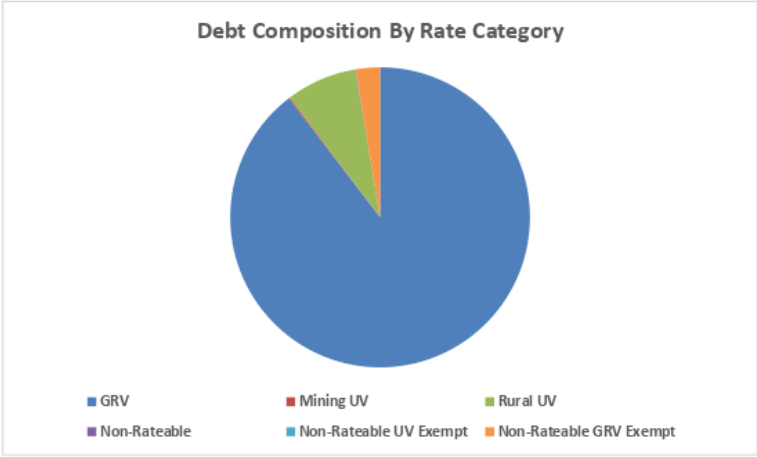
The Finance Department and the Acting Director Corporate are working together to ensure that the debt owing will be recovered and to reduce amounts owed to the Shire.



Total Rates & Service Charges Outstanding as at 11th August 2022
Total Rates & Service Charges Outstanding as at 31 July 2023
Total Collected YTD From Outstanding Rates & Service charges

\$12,379,654.69
\$1,008,799.22
\$11,370,855.47

	Net Debt					Change (June - July)
	Mar-23	Apr-23	May-23	Jun-23	Jul-23	
GRV	\$ 1,400,417.28	\$ 1,386,603.99	\$ 1,248,958.14	\$ 1,118,704.85	\$ 904,926.73	-\$ 213,778.12
Mining UV	\$ 3,768.71	\$ 2,286.66	\$ 2,725.58	\$ 1,919.16	\$ 1,367.99	-\$ 551.17
Rural UV	\$ 131,570.64	\$ 113,715.46	\$ 115,056.69	\$ 115,771.17	\$ 76,812.26	-\$ 38,958.91
Non-Rateable	-\$ 864.51	-\$ 840.49	\$ 812.46	-\$ 790.64	-\$ 764.89	\$ 25.75
Non-Rateable UV Exempt	\$ 1,745.41	\$ -	\$ -	\$ -	\$ -	\$ -
Non-Rateable GRV Exempt	\$ 29,909.49	\$ 30,116.92	\$ 25,870.37	\$ 26,058.36	\$ 26,257.13	\$ 198.77
	\$ 1,566,547.02	\$ 1,531,882.54	\$ 1,391,798.32	\$ 1,261,662.90	\$ 1,008,599.22	-\$ 253,063.68



% of Levied outstanding
8.15%

Total Overdue From Instalment Payers
Unavailable until 23/24 rates are levied

Comments

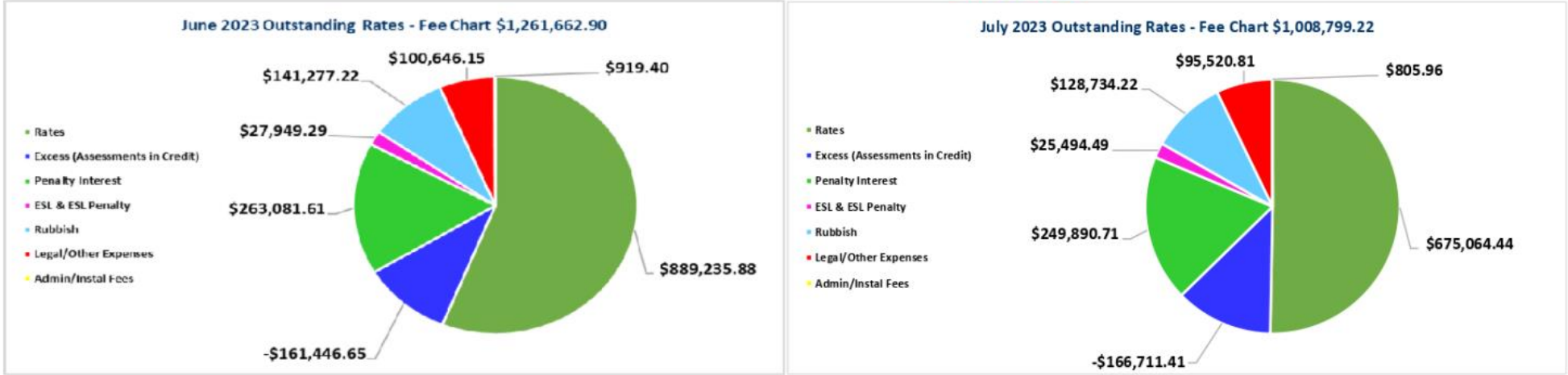
Large movement of debt driven by multiple LGA sale processes starting to gain traction.

	08/09	09/10	10/11	11/12	12/13	13/14	14/15	15/16	16/17	17/18	18/19	19/20	20/21	21/22	22/23	23/24	Total Credits	Total
COMMERCIAL - GRV	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 30,754.38	\$ 71,223.06	\$ 2,320.51	-\$ 41,868.85	\$ 62,429.10
INDUSTRIAL - GRV	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 17,597.07	\$ 317.34	-\$ 12,712.08	\$ 5,202.33
MINING - UV	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 629.77	\$ 1,824.79	\$ 40.35	-\$ 1,126.92	\$ 1,367.99
NON-RATEABLE	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 111.70	\$ 1,745.76	\$ 2,636.89	\$ 75.60	-\$ 5,334.84	-\$ 764.89
NON-RATEABLE/EXEMPT - GRV	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,375.79	\$ 5,275.35	\$ 5,606.06	\$ 8,703.98	\$ 11,970.94	\$ 595.29	-\$ 8,270.28	\$ 26,257.13
OTHER LOCATIONS - GRV	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 159.01	\$ 37.90	\$ -	\$ 196.91
RESIDENTIAL - GRV	\$ 1,103.41	\$ 2,648.50	\$ 5,252.56	\$ 12,349.04	\$ 13,003.73	\$ 14,303.26	\$ 16,027.66	\$ 50,903.55	\$ 35,824.82	\$ 44,553.22	\$ 67,949.10	\$ 77,576.50	\$ 92,473.13	\$ 137,774.02	\$ 308,192.22	\$ 15,659.87	-\$ 73,126.52	\$ 822,468.07
RURAL - UV	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 34.03	\$ 7,763.01	\$ 11,455.08	\$ 79,716.19	\$ 1,764.72	-\$ 23,920.77	\$ 76,812.26
URBAN FARMLAND - GRV	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 259.68	\$ 1,785.16	\$ 1,503.32	\$ 4,817.55	\$ 6,479.58	\$ 136.18	-\$ 351.15	\$ 14,630.32
Total	\$ 1,103.41	\$ 2,648.50	\$ 5,252.56	\$ 12,349.04	\$ 13,003.73	\$ 14,303.26	\$ 16,027.66	\$ 50,903.55	\$ 35,824.82	\$ 44,553.22	\$ 70,584.57	\$ 84,671.04	\$ 107,457.22	\$ 195,880.54	\$ 499,799.75	\$ 20,947.76	-\$ 166,711.41	\$ 1,008,599.22



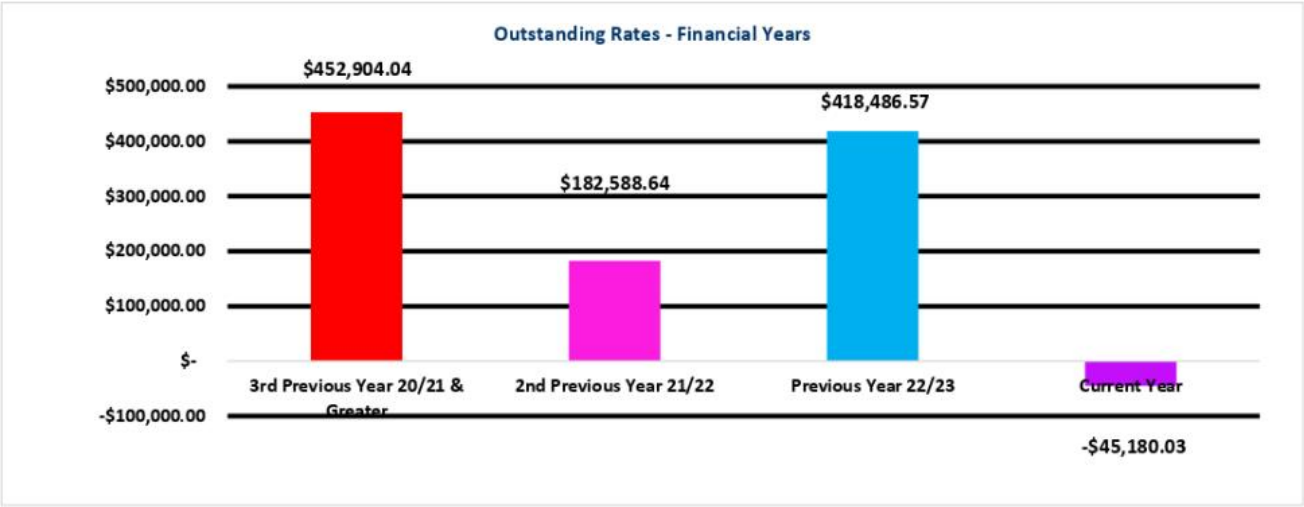
Report to Audit Committee
July 2023

Total Rates Outstanding as at EOM July 2023 \$ 1,008,799.22



Rates and Service Charges Levied 2022/2023

Issued 11th August 2022	
Rates	8,660,698.59
Waste	2,195,514.00
Pool Fee	1,344.12
ESL	269,853.68
SUB TOTAL	\$ 11,127,410.39
Prior FY Debt O/S	
Rates	864,460.72
Waste	362,347.25
Pool Fee	115.63
ESL	25,320.70
SUB TOTAL	1,252,244.30
TOTAL TO COLLECT	\$ 12,379,654.69



Debt Comparison for Same Month Last Year			
EOM July 2022	\$1,590,499.97	EOM July 2023	\$ 1,008,799.22
Difference	-\$ 581,700.75		

6.2 LEASE REPORT - UPDATE

File Number: 5345

Author: Neil Hartley, Director - Strategic Business

Responsible Officer: Amanda Dexter, Chief Executive Officer

Authority/Discretion: Information

SUMMARY

The Shire has numerous parcels of land which it offers for lease on both community and commercial terms. Historically, leases have received varying levels of attention, but for the last four years, the Shire's leases have received a budget and a consequential administrative priority.

This report provides an update on the Shire's community and commercial leases portfolio.

DISCLOSURE OF ANY INTEREST

Nil by Author.

BACKGROUND

The Shire has a several key parcels of land which it offers up for both community and commercial lease. Historically, lease activation and management has received varying levels of attention dependent on the availability of staffing resources. For the last few years they have received a dedicated budget provision and considerable progress has consequentially been made on their control and management.

Council has also reinforced its interest in the need to effectively manage the Shire's commercial leases via the following CEO key performance indicator (*...to provide a six monthly report on the Lease and Property Management Framework demonstrating that Council's Assets and commercial operations are effectively managed.*).

The attached Spreadsheet is an internal control document used by the organisation to manage its leases (both community and commercial).

Current leases require ongoing monitoring for consideration of renewal, with lease terms and due dates all varying. Submissions for new leases are also occasionally received, which require actioning and reporting to Council for its consideration. The process for commercial leases must follow the requirements of the Local Government Act, in the main Section 3.58, and must reach mutual agreement on lease conditions.

Commercial leases regularly take several months to finalise, but can on occasion take in excess of a year to achieve a successful conclusion. The cost of establishing a lease is high for the lessee, with legal and valuation costs regularly being in the vicinity of \$5 – 7,000, and in addition, the Shire also charges an administration fee of \$2 – 3,000 for the lease's establishment. The administration fee rarely covers actual costs, but does make a meaningful contribution towards them.

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.

POLICY IMPLICATIONS

Nil applicable.

FINANCIAL IMPLICATIONS

The financial implications of preparing this report are minimal and limited to officer time and resources consumed to research and prepare it.

Cumulatively, over \$200,000 is raised through lease payments annually.

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
Reputation: Not gaining a suitable financial return from Shire owned assets may result in adverse community sentiment about asset commercialisation opportunities available.	Likely	Moderate	High	Ensure that resources are made available to enable adequate management of commercial leases.

CONSULTATION

No community consultation is required relative to this report.

COMMENT

This report provides an update on the Shire's community and commercial leases portfolio. Notwithstanding that all commercial leases progress through Council in order that the requirements of S. 3.58 of the Local Government Act can be met, this is the first coordinated update report to be provided to Council, at least for the last several years.

Leases require constant attention and even when diligently progressed, can take over a year to finalise on occasion, particularly for commercial leases.

The attention given to the Shire's several dozen leases has however, provided both good financial and social dividends. Community groups have security of tenure of their area, providing confidence to invest time and effort into their site, and commercial tenants are enabled to pursue business activities, and pay rent/lease fees to Shire in exchange.

Commercial lease fees in the main are established via a commercial valuation of the site. Experience indicates that valuations closely follow current lease payments in that vicinity (e.g. the Derby airport) so movements in lease charges do not vary greatly from a simple lease fee+CPI calculation, year on year.

Of critical importance is to actually have a lease in place, manage it diligently, and if possible be innovative in how lease fees might be calculated. Examples of leases/licences that have been particularly productive for the Shire include:

1. Derby Port Boat Storage Area – a \$3,500 annual Licence fee (@\$16/square metre) where previously, boats/trailers used to park without any contribution;
2. FX Airport Hangar – a \$8,000 land lease over an abandoned hanger that was being used without any payment previously;
3. The settlement negotiation of the RFDS lease at Derby Airport, which included partial lease payments for a period of time, plus airport landing fees (with airport landing fees raising approximately \$40,000pa);
4. Journey Beyond – a per passenger rate that raises approximately \$45,000pa (as opposed to the \$0 charge that was in place prior to then); and
5. The renegotiation of the Kimberley Mineral Sands Lease, which includes the potential of additional payments of up to \$10,000,000 beyond what was previously being received.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

1. **Lease Register - August 2023**

RECOMMENDATION

That the Audit Committee recommends that Council:

1. **Notes the report; and**
2. **Requires that an update Leases Report be provided to the Audit & Risk Committee on an annual basis.**

	Lease Identification	Lessee Plus/and On Trading name	Status / Actions	Assessment Number	Synergy number	Location	Email Address for correspondence	Lease Status	Lease Start Date	Lease End Date	Term	Options	Rent PA	GL Code	CPI	Rent review Mkt-Exts	Charge Outgoings	Includes GST	Lease Maintenance Requirement			Comments/Notes
Derby Airport	Derby Airport - Lease Area 1 - Lot 343 on Plan 144238	VACANT (RFD5 Building)	Vacant pending New Lease Opportunities		N8352	Lot 143 on Plan 144238, Derby Airport Lease 1	westops@rfdwa.com.au , Cleiton.Bright@rfdwa.com.au	In Handover	1/07/2021	1/08/2023	3 years	No	\$1,113.75	1312063503430	N/A	N/A	Yes	Yes, Inclusive	Not addressed	Lessee		Outs never claimed
Derby Airport	Derby Airport - Lot 343 on Plan 144238, Lease Area 2 (663m2)	Dunnings Fuel	No action required		033266	Derby Airport - Lease area 2	manager@dunningsfuel.com.au	Current	1/05/2022	30/04/2032	30	30	Lease Start Ftg of \$16,500.00	1312063503430	N/A	Mkt at yrs. 5,10,15,	Yes	No + GST	Land only	Lessee		
Derby Airport	Derby Airport - Lot 343 on Plan 144238, Lease Area 3 (1,658m2)	All North Helicopters (Previously KAS Helicopters)	No action required		Lease 032604 Variation 033268	Lot 143 on Plan 144238, Derby Airport Lease Area 3	dlawp23@bigpond.com	Current	5/06/2013	4/06/2023	10yrs	10yrs	Lease Start Ftg 25,462.80	1312063503430	Annually	Mkt at yrs. 5,10,15,	Yes	Yes Inclusive	Not addressed	Lessee		Outs never claimed
Derby Airport	Derby Airport - Lot 343 on Plan 144238, Lease Area 5	All North Helicopters (Previously KAS Helicopters)	No action required		032405	Lot 143 on Plan 144238, Derby Airport Lease Area 5	pock@northernaviationservices.com.au	Current	12/09/2011	11/09/2021	10yrs	10yrs	Lease Start \$14,490.00 or 16,721.67	1312063503430	Annually	Mkt at yrs. 5,10,15,	Yes	Yes Inclusive	Not addressed	Lessee		
Derby Airport	Derby Airport - Lease Area 6	BP Australia Ltd	No action required - Let go to "Holding Over" unless otherwise advised by Lessee (and let Dunnings/BP competition issue settle out)			Derby Airport Lease Area 6	rick.golding@bp.com	Current	1/04/2014	31/03/2019	5yrs	5yrs	\$ 27,502.28	1312063503430	Annually	Lease Start \$23,844.00 or 27,902.28	Yes	Yes Inclusive	Not addressed	Lessee		Check Rent CPI
Derby Airport	Derby Airport - Lease Area 7	All North Helicopters	No action required		032425	Derby Airport Lease Area 7	pock@northernaviationservices.com.au	Current	1/01/2011	31/12/2030	10yrs	20yrs	Lease Start 29,300 or 23,302.08	1312063503430	Annually	Mkt at yrs. 5,10,15,	Yes	Yes + gst	Lessee	Not addressed		Rent inclusive of gst
Derby Airport	Derby Airport - Lease Area 8 - Admin Building (Part of)	No further leases to be issued.					Derby Airport Admin Building Lease Area 8								N/A							
Derby Airport	Derby Airport - Lease Area 9 - Admin Building (Part of)	No further leases to be issued.					Derby Airport Admin Building Lease Area 9 (Part of)								N/A							No Info
Derby Airport	Derby Airport - Lot 343 on Plan 144238, Lease Area 10 (1556m2)	Dunnings Fuel	No action required		033233	Derby Airport - Lease area 10	manager@dunningsfuel.com.au	Current	1/05/2022	01/05/2032	30	30	Lease Start Ftg of \$25,674.00	1312063503430	N/A	Mkt at yrs. 5,10,15,	Yes	No + GST	Land only	Lessee		
Derby Airport	Derby Airport - Lease Area 11	BP Australia Ltd	No action required - Let go to "Holding Over" unless otherwise advised by Lessee (and let Dunnings/BP competition issue settle out)			Derby Airport Lease Area 11	rick.golding@bp.com	Current	11/01/2013	31/10/2023	10yrs	2 x 5yr options	Lease Start \$37,021.60 or 43,054.48	1312063503430	Annually	Mkt at yrs. 5,10,15,	Yes	Yes Inclusive	Not addressed	Lessee		Check Rent + gst fgt
Derby Airport	Derby Airport - Lease Area 16	No further leases to be issued. Not feasible access to airstrip					AIRPORT LEASE AREA 16															
Derby Airport	Derby Airport - Lease Area 17 - Aircraft Hanger and Associated Offices	Kingdom Aviation Ministries	No action required			Aircraft Hanger and Associated Offices, Lease Area 17	plb@kderby@bigpond.com	Current	6/12/2008	11/06/2028	10yrs	No	\$ 300.00	1312063503430	N/A	N/A	Yes	No	Lessee	Lessee		
Derby Airport	Derby Airport - Land Area (Or Lease Area) 18	All North Helicopters Trading as Frontier Helicopters	No action required			Derby Airport Land Area 18	pock@northernaviationservices.com.au	Current	1/01/2023	31/12/2032	10yrs	10yrs	\$ 15,304.68	1312063503430	Annually	Yes	Yes	No	Lessee	Lessee		Check Rent + gst fgt
Derby Airport	Derby Airport	Bureau of Meteorology	No action required. Extension for 10 years approved wef 01/04/2023.			Derby Airport		Current	1/04/2013	31/03/2033	10yrs	10 yrs	One off payment \$1,000.00	1312063503430	N/A				Land only	Land only		
Derby Airport	Derby Airport - Lease Area 19 (Eastern portion of airport (air-side/land-side 7)	Horizon Power	Under negotiation for solar farm																			
Derby Airport	Landing Leading to the Derby Airport (MOU also includes/Covers the Derby Port)	Air Infrastructure/WPQ, Property (Part of the Werburton Group)	Avoiding new signed agreement.Requires annual monitoring of KPI's, and Council report to consider annual extension. Report requested but not as yet supplied.			Land Leading to Derby Wharf.	marcos.lemassoulier@wpq.biz	Current	30/06/2022	30/06/2023	1yr	No	\$ 5.00	1312072003450	N/A	N/A	N/A	N/A				MOU Extension part of Werburton Group and covers Derby airport well as land leading to the Port. In April follow up MOU outcome the next step. 9/1/20 check rent \$5
Derby Airport	Derby Airport - Lease Area 20 (Adjacent to airstrip and Weather Station)	Federal Government agency, Geoscience Australia (SouthPAN Project)	Under negotiation for GPS Satellite Station			Adjacent to airstrip and Weather Station	elnd@ga.gov.au		1/01/2024?	31/12/2032	10yrs	10yrs										
Derby Community	One Tree Community Services Inc., Lot 1220, Ashley Street Derby	One Tree Community Services Inc.	No action required	A10565		One Tree Childcare Facility, Lot 1220, Ashley Street	frances@onetree.org.au	Current	2/06/2020	1/06/2025	5yrs	5 yrs	\$ 1.00		N/A	N/A	Yes	Yes + gst	Lessee	Lessee		New lease has been prepared
Derby Community	2 Holman Street, Derby (Lot 1143, Residence)	Children Services Support Unit	No action required	A103780		Residence at 2 Holman Street, Derby (Lot 1143)	frances@onetree.org.au	Current	31/05/2020	open	N/A	No	Start \$4,360 or 4,320		N/A	N/A	Yes	No	Lessee	Lessee		Bond or 420 is lodged where? Rent review has/not been done
Derby Community	61 Ashley Street Derby Lot 3033, Part Reserve 23127	Derby Rodco Club	No action required	A10645		Lot 3033, Part Reserve 23127, 61 Ashley Street	cr@g@clubnet.com.au	Current	24/05/2016	23/05/2026	10yrs	10yrs	\$ 300.00		N/A	N/A	Yes	Yes + gst	Lessee	Lessee		13/1/20 No Action
Derby Community	Lot 656, Reserve 6929 On Plan 210827	Red Shed, Derby's Women's Collective	No action required			Lot 656, Reserve 6929 On Plan 210827	deborahshad@gmail.com	Current	1/10/2021	31/09/2027	30	2+2+2	\$ 300.00		N/A	N/A	Yes	No + gst	Lessor if owned by SOWK.	Lessor	Lessee: Structural maintenance. Lessee: Keep clean and in good repair.	
Derby Community	Reserve 35129 Lot 226 on Plan 187656 Worsley Road, Derby	Derby Speedway Club	No action required	A10152		Reserve 35129 Lot 226 on Plan 187656 Worsley Road, Derby	socsecretary@speedwaybigpond.com	Current	28/10/2021	28/10/2031	30	30	\$ 300.00		N/A	N/A	N/A	No + gst	Lessor if owned by SOWK.	Lessor	Lessee: Structural maintenance. Lessee: Keep clean and in good repair.	See Lease for special conditions.
Derby Community	Reserve 35130, Lot 1271 on Plan 189172 Worsley Road, Derby	Derby Pistol Club	No action required	A102216		Reserve 35130, Lot 1271 on Plan 189172	derbypistolclub@westnet.com.au	Current	28/10/2021	28/10/2031	30	30	\$ 300.00		N/A	N/A	N/A	No + gst	Lessor if owned by SOWK.	Lessor	Lessee: Structural maintenance. Lessee: Keep clean and in good repair.	See Lease for special conditions.
Derby Community	Reserve 35130, Lot 1271 on Plan 189172 Worsley Road, Derby	Derby Sporting Shooters Aust Inc. (Nile Club)	No action required	A102216		Reserve 35130, Lot 1271 on Plan 189172	stuart5@nileclubbigpond.com	Current	1/01/2022	31/12/2031	30	30	\$ 300.00		N/A	N/A	N/A	No + gst	Lessor if owned by SOWK.	Lessor	Lessee: Structural maintenance. Lessee: Keep clean and in good repair.	See Lease for special conditions.
Derby Community	Gulford Road, Derby Lot 3033 Part Reserve 23127,	West Kimberley Turf Club	No action required	A10645		Lot 3033, Part Reserve 23127, Gulford Road	geoff@westnet.com.au	Current	1/07/2009	30/06/2030	21yrs	No	\$ 300.00		N/A	N/A	Yes	Yes Inclusive	Lessor if owned by SOWK.	Lessor		13/1/20 No Action but check Point every 4yrs or longer as apppt by the CEO
Derby Community	Gulford Road, Derby Lot 3033 Part Reserve 23127,	Derby Sportsman Club (Golf Club)	No action required	A103160		Lot 3033, Part Reserve 23127, Gulford Road	derbysportclubnet@bigpond.com	Current	1/07/2009	30/06/2030	21yrs	No	\$ 300.00		N/A	N/A	Yes	Yes Inclusive	Lessor if owned by SOWK.	Lessor		13/1/20 No Action but check Point every 4yrs or longer as apppt by the CEO
Derby Community	Lot 500, Part of Reserve 6929 (more info)	Derby Visitor Centre	No action required		103427	Lot 500, Part of Reserve 6929	manager@derbytourism.com.au	Current	1/10/2021	30/09/2026	5yrs	No	\$ 300.00		N/A	N/A	Yes	Yes	Lessee	Not specified	Utilities and 50% of building insurance to be charged to Lessee	
Derby Community	Lots 456 and 820 Reserve 10227, Derby (Dewd)	Kimberley Entrance Caravan Park - Bare Water	No action required			Lots 456 and 820 Reserve 10227, Derby	manager@wp@westnet.com.au	Current	7/01/2009	30/06/2023 Extension of 6 months approved. Closes 31/12/2023	20yrs	No	Start 3,300 or 4,813.2		Annually	CPI	Yes	Yes Inclusive	Lessor to maintain and best interest to keep the flow operational at all times.			
Derby Community	Derby Recreation Centre (more info)	VACANT	VACANT			Derby Recreation Centre							\$ 6,600.00		N/A	N/A		Yes + gst				Sold remove ?
Derby Community	Portion of reserve 35129, Lot 226 Plan 187656	Kimberley Enduro Club Motorcross	No action required	A10152		Portion of reserve 35129, Lot 226 Plan 187656		Current	20/09/2019	19/09/2024	5yrs	5yrs	\$ 300.00		N/A	N/A	Yes	Yes + gst	Lessee	Lessee		No Evacuated Lease by Lessee
Derby Community	27 Sutherland Street Derby Lot 1287 Reserve 42140.	Ngarring Barwoona Frail Aged Home	No action required	A108181		Ngarring 42140 Lot 1287 DP 190598	ac.donk@paphia@juniper.org.au	Current	1/10/2015	30/09/2025	10yrs	Yes	\$ 300.00		N/A	No method of RR specified in Lease	Yes	Yes + gst	No specified	Lessee		One moth but no more than 6 months notice to exercise optio
Derby Community	Lot 296 on Plan 222380, being the whole of the land contained in Certificate of Title Volume 1636 Folio 900, being located at 55 Clarendon Street, Derby	Regional Power Corp. (trading as Horizon Power)	No action required			Lot 296 on Plan 222380, being the whole of the land contained in Certificate of Title Volume 1636 Folio 900, being located at 55 Clarendon Street, Derby	Regional Power Corporation - 18 Brodie Hall Drive, Bentley WA 6102	Current	1/07/2022	30/06/2032	10yrs	5yrs	\$-									
Derby Community	TBA	Bush Fire Brigades	No existing leases in place. Investigate number and location																			
Derby Community	Gulford Road, Derby Lot 3033 Part Reserve 23127,	SOWK/Derby Golf Club/Water Corporation	To be determined	A103160		Lot 3033, Part Reserve 23127, Gulford Road		Unknown	2/09/2002													
Derby Community	Nicholson Road - Reserve 26179, Lot 1402 on plan 193851	Horizon Power - Community Battery	No action required			Nicholson Road - Reserve 26179, Lot 1402 on plan 193851		Current	14/03/2023	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a				
Derby Community	Derby District School - Carpark	Dept of Education	In the hands of DOE management, no action required by the Shire.		186663	Lot 254, Reserve 24594			4/07/2014													
Derby Wharf	Derby Port - Jetty - Head Lease	Shire of Derby/West Kimberley	No action required			Derby Port Jetty		Current	1/05/2019	29/06/2040	21yrs	No	*		N/A	N/A	Yes	No		SOWK		*Rent \$1.00pa Exercised the option for a further 21yrs. Notice negotiate a new lease term must be "more than 12 and not less than 3 months" from the end of the current term in writing. 9/1/20 action at this time.
Derby Wharf	Derby Port - Management Agreement	Shire of Derby/West Kimberley	No action required			Derby Port Jetty		Current	1/05/2019	29/06/2040	21yrs	No	N/A		N/A	N/A	Yes	No		SOWK		Management Agreement runs in parallel with the exercised optio a further 21yrs. Notice to negotiate a new lease term must be "n than 12 and not less than 3 months" from the end of the cure term in writing. 9/1/20 No action at this time.
																						*One off fee of \$1,154.00. To exercise the option for another 21

Derby Port	Landing Leading to the Derby Port. (MOU also includes/Covers the Derby Airport)	Ace Infrastructure/WPG. Property (Part of the Warburton Group)	Requires annual monitoring of KPI's, and report to Council. Report quoted but not as yet supplied.			Land Leading to Derby Wharf.	marcus.lomesouren@angel.biz	Current		30/06/2024		1 year	\$	5.00	131207200.3490	N/A	N/A	N/A	N/A			MOU Extension part of Warburton Group and covers Derby airport well as land leading to the Port. In April follow up MOU outcome the next step. 9/1/20 check rent \$5		
Derby Port	Derby Port, PT Reserve 26818 - Derby Wharf lot 293, Plan 243258.	Colonial Marine Consultants (CMC)	In Holdingover. Awaiting advice from CMC if they want a new lease. No action required unless something changes			PT Reserve 26818 - Derby Wharf	admin@cmcharging.com	Expired	11/02/2011	31/10/2016			\$	33,306.77	131207200.3490	N/A			Yes + gst			9/1/20 - No Lease Info- Contact McLeads for a copy of the lease. Contact CMC Broome to ask about there intentions.		
Derby Port	Derby Port Lot 293 of Deposited Plan 243258, PT Reserve 26818	Derby Volunteer Marine Rescue Group	No action required			Lot 293 of Deposited Plan 243258, PT Reserve 26818	PO BOX 258, DERBY WA 6728	Current	1/02/2020	31/01/2030	10yrs	No	\$	300.00	131207200.3490	Annually	Rent review based on CPI. No decrease permitted.	Yes	Yes + gst	Lessee	Lessee			
Derby Port	Derby Port PT Reserve 10831	Mary Island Fishing Club	No action required			Reserve 10831 being land more particularly described as lot 643 on Deposited Plan 222980 and being the whole of the land comprised in Crown land Certificate of Title volume LR3007 Folio 47	mfishderby@hotmail.com	Current	10/01/2011	30/09/2031	10yrs	10yrs	\$	300.00	131207200.3490	N/A	N/A	Yes	Yes + gst	Lessee	Lessee	9/1/20 No Action required at this time.		
Derby Port	Derby Port PT Reserve 26818	VACANT	VACANT			PT Reserve 26818									N/A							9/1/20 Lease Expired - No further comments/actions on file - to advise on if land is offered again? Plus check if monies are b		
Derby Port	Derby Port - Lease Area 2 - Jetty Transit Shed PT Reserve 26818	MPA Fish Farms Pty Ltd	Under administration holding over.		032982	PT Reserve 26818, Lease Area 2 - Transit Shed	mc@marinaproducts.com	Current	1/07/2019	30/06/2023	2yrs	No	26519.34 or 36,519.24	131207200.3490	Annually	The greater of CPI or 3%	Yes	Yes + gst	Lessee	Not addressed	9/1/20 Check Rent			
Derby Port	Derby Port - Lease Area 3 - Jetty Transit Shed PT Reserve 26818	MPA Fish Farms Pty Ltd	Under administration holding over.		032982	PT Reserve 26818, Lease Area 3 - Transit Shed	mc@marinaproducts.com	Current	1/07/2019	30/06/2023	2yrs	No	11,842.47 or 30,595.00	131207200.3490	Annually	The greater of CPI or 3%	Yes	Yes + gst	Lessee	Not addressed	9/1/20 Check Rent			
Derby Port	Derby Port Restaurant, - PT Reserve 26818 Lot 381	VACANT	VACANT			Wharf Restaurant, Derby, PT Reserve 26818 Lot 381									N/A							Lease terminated late 2019. No Action Required Last Rent was \$29,347.60pa		
Derby Port	Derby Port, Main Sub-lease Wharf Bulk Handling Facility	Thunderbolt Operations (Sheffield Resources)	Lease finalised. (including Mt Gibson Iron Ore licence) Neil Hartley - \$1 mill payment owed to be settled.			Main Sub-lease Wharf Bulk Handling Facility	info@sheffieldresources.com.au	Current	1/07/2018	28/06/2040	22yrs		\$163,038.80 or \$134,735.00	131207200.3490	Annually	Mkt at yrs 5, 10, 15,	Yes	Yes + gst				Tonnage fee of \$1 per tonne for first 8yrs. After yr8 subject to increase. 9/1/20 Check Rental Fig		
Derby Port	Derby Port, Elder Street Derby, PT Reserve 26818 Lot 639	VACANT	Awaiting MPA electrical contractor advice on use as lay-down area. Then, tidy up the site utilising West Kimberley Pools (previous lessor) credit balance.			Elder Street Derby, PT Reserve 26818 Lot 639									N/A									
Derby Port	Derby Port, Barge Ramp(Licence)	Mt Gibson Iron (Koolan Island Operations)	No action required			Derby Port (SW Side Boat Slipway.		Current	1/05/2017	30/04/2038	21yrs	TBC	\$	1,154.00	131207200.3490	N/A	TBC	Yes	Yes + gst				One off fee of \$1,154.00. To exercise the option for another 21 license notification has to be given "no less than 3 and no more 6 months from date of expiry. 29/1/20 No Action Required	
Fitzroy X Community	Fitzroy Crossing Lot 106, Reserve 36669 on Deposited Plan 213657 (more info)	Fitzroy Valley Rodeo Club	No action required			Lot 106, Reserve 36669 on Deposited Plan 213657	fitzroyvalleyrodeoclub@outlook.com	Current	7/10/2014	7/09/2025			\$	300.00	131103210.3430	N/A	N/A			Not addressed	Not addressed		No information locate lease	
Fitzroy X Community	Fitzroy Valley DHS Hard Courts Licence Agreement	Department of Education	No action required			Lot 199 on Deposited Plan 136044 and being the whole of the land is qualified certificate of crown land Title Volume 1346 Folio 699	Dept of Education, 151 Royal Street, EAST PERTH WA 6004	Current	1/10/2010	30/09/2031	N/A	N/A	N/A		N/A	N/A	Yes	N/A	Lessor but with cost sharing	Lessor but with cost sharing		50% cost sharing as per schedule includes Cleaning, Maintenance facilities and improvements/upgrades excluding major work.		
Fitzroy X Community	Fitzroy Valley DHS Oval Licence Agreement	Department of Education	No action required			Lot 199 on Deposited Plan 136044 and being the whole of the land is qualified certificate of crown land	Dept of Education, 151 Royal Street, EAST PERTH WA 6004	Current	1/01/2009	31/12/2029	N/A	N/A	N/A		N/A	N/A	Yes	N/A	Lessor but with cost sharing	Lessor but with cost sharing		50% cost sharing as per schedule - Shire to pay 100% of lights electricity account		
Fitzroy X Community	Fitzroy Crossing, Flynn Drive - Reserve 36824	Karanyi Adult Education Centre	No action required		A300171	Reserve 36824 Flynn Drive, Fitzroy Crossing	acc-centre@karanyil.org.au	Current	28/09/2022	30/06/2039	17+ years	No	\$	300.00		No	Annually by Council	Yes	No Plus GST	Lessee	Lessee			
Fitzroy X Community	Fitzroy Crossing Lot 199, Reserve 39671	The Housing Authority Little House and pool	No action required			Lot 199, Reserve 39671, Fitzroy Crossing	jamine.symons@communities.wa.gov.au	Expired	24/09/2020	25/09/2025	6yrs		Peppercom	131103010.3140	N/A	N/A	Yes	N/A	Lessee	Lessee		No information - Swimming Pool		
Fitzroy X Community	Lot 302 on Deposited Plan 76781, being the whole of the land contained in Qualified Certificate of Crown land title volume LR3163 Folio 729, being located at Lot 302 Great Northern Hwy, Fitzroy Crossing	Regional Power Corp. (trading as Horizon Power)	No action required		A300629	Lot 302 on Deposited Plan 76781, being the whole of the land contained in Qualified Certificate of Crown land title volume LR3063 Folio 729, being located at Lot 302 Great Northern Hwy, Fitzroy Crossing	Regional Power Corporation - 18 Brodie Hall Drive, Bentley WA 6102 -	Current	1/07/2022	30/06/2032	10yrs	See item 2.3 of agreement	N/A	N/A	N/A	N/A	N/A	N/A						
Fitzroy Crossing Airport	Fitzroy Crossing - Airport - Area 1 - PT Reserve 20668 LOC 32, 40, 47 & 72.	Fuel Trans Australia Pty Ltd	Now only requires final execution by SOWK			FX Airport PT Reserve 20668 LOC 32, 40, 47 & 72, Area 1																Lessee	Lessee	
Fitzroy Crossing Airport	Fitzroy Crossing - Airport - Area 2 - PT Reserve 20668 LOC 32, 40, 47 & 72.	Fitzroy Helicopters	No action required			FX Airport PT Reserve 20668 LOC 32, 40, 47 & 72, Area 2	fitzroyhelicopters@outlook.com	Current	27/05/2021	26/05/2031	10yrs	10yrs	\$8099.28 (invoiced monthly)	131206350.3430	Yes	Mkt at yrs 5, 10, 15,	Yes	Yes Inclusive	Lessee	Lessee		What outs have been recovered.		
Fitzroy Crossing Airport	Fitzroy Crossing - Airport - Area 3	Fitzroy Helicopters (52145 Original in Strong Room)	No action required			FX Airport Area 3	fitzroyhelicopters@outlook.com	Current	20/04/2017	19/04/2027	10yrs	10yrs	\$	7,260.00	131206350.3430	Annually	At commencement of further term 2027	Yes	Yes + gst	Lessee	Lessee		What outs have been recovered.	
Fitzroy Crossing Airport	Fitzroy Crossing - Airport - PT Reserve 20668 LOC 32, 40, 47 & 72 Lease Area 4 (more info)	All North Helicopters	No action required			FX Airport PT Reserve 20668 LOC 32, 40, 47 & 72	jack@northhelicopterservice.com.au	Current	13/02/2017	12/02/2027	30	-	\$	4,991.28	131206350.3430	Annually	CPI, Mkt at start of option.	Yes	Yes + gst	Lessee	Lessee		Check rent/gst and lease start date. What outs have been recovered	
Fitzroy Crossing Airport	Fitzroy Crossing - Airport - Lot 32 Plan 167697 Vol 3123 Folio 755	Australian Air Services	No action required			FX Airport Lot 32 Plan 167697	info@australianair.com.au	Current	12/04/2011	11/04/2032	21yrs	No	\$	1.00	131206350.3430	N/A	No	Yes	No	Not addressed	Not addressed		No Action	
Fitzroy Crossing Airport	Fitzroy Crossing - Airport - Crown Land Record Volume 3105 265	Bureau of Meteorology	No action required		032987	Fitzroy Crossing Crown Land Record Volume 3105 265		Current	18.04.2022	31.03.2033	<10yrs	No	One off payment \$3,000.00	131206350.3430	N/A	N/A	N/A	Plus GST						
Curtin Airport	Licensed Area/Dead Runway 11/29, Taxiway Lima, Apron, Parking Area and Access Road	SOWK	Awaiting advice from Defence on its view post March 2024.			Curtin Airport		Current	18/03/1994	17/03/2024	30yrs	No	\$3,000 + 9% of Curtin airport turnover		N/A	(CPI) see notes	yes	yes + gst						

6.3 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 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 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 1.2.2 Provide strong governance

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Financial: Financial, Legal and Compliance, Organisational Operations and Reputation	Unlikely	Severe	Extreme	Monthly reporting to the Audit 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 - August****RECOMMENDATION**

That the Audit Committee:

- 1. RECEIVES the information contained in the report detailing Council Minute Management.**

Action Sheets Report	Division: Committee: Officer:	Date From: Date To: Printed: 23 August 2023 4:13 PM
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Meeting	Officer/Director	Section	Subject
Council 25/05/2023	Ross, Steve Neate, Wayne	Corporate Services	AWARDING OF TENDER T1-2023 CLEANING OF VARIOUS SHIRE OFFICE BUILDINGS AND FACILITIES IN FITZROY CROSSING
RESOLUTION 56/23 Moved: Cr Andrew Twaddle Seconded: Cr Paul White That Council: 1. Award Tender T1-2023 Cleaning of various facilities in Fitzroy Crossing to Cleaning Gardening and Tree Services; or Not award T1-2023 Cleaning of various facilities in Fitzroy Crossing to any party; 2. Authorise the Chief Executive Officer to sign the contract. <u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Keith Bedford and Peter McCumstie <u>Against:</u> Nil			
			CARRIED 7/0

Meeting	Officer/Director	Section	Subject
Council 25/05/2023	Ross, Steve Neate, Wayne	Corporate Services	AWARDING OF TENDER T3-2023 CLEANING OF SHIRE FACILITIES IN DERBY
RESOLUTION 58/23 Moved: Cr Andrew Twaddle Seconded: Cr Keith Bedford That Council: 1. Award Tender T3-2023 Cleaning of Shire Facilities in Derby to Skippers Cleaning Services; or Not award Tender T3-2023 Cleaning of Shire Facilities in Derby to any party; and			

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Committee:	Date To:
Officer:	
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2. Authorise the Chief Executive Officer to sign the contract.

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

Against: Nil

CARRIED 7/0

Meeting	Officer/Director	Section	Subject
Council 30/03/2023	Ross, Steve Neate, Wayne	Technical Services	Proposed Purchase of Light Vehicles
RESOLUTION 23/23 Moved: Cr Geoff Davis Seconded: Cr Andrew Twaddle That Council; <ol style="list-style-type: none"> 1. Approves an amendment to the 2022/23 budget with an increase of \$225,000 for the replacement of light vehicles; 2. Agrees to include \$290,000 in the 2023/24 budget for the replacement of light vehicles; and 3. Instructs the Chief Executive Officer to immediately order the replacement of vehicles due in 2023/24, and for those vehicle due for replacement in 2024/25, to order those in July/August 2023 as per the attached "Proposed Plant Replacement". <p><u>In Favour:</u> Crs Geoff Haerewa, Geoff Davis, Andrew Twaddle, Pat Riley and Peter McCumstie</p> <p><u>Against:</u> Nil</p> <p style="text-align: right;">CARRIED 5/0 ABSOLUTE MAJORITY</p> <p>14 Apr 2023 12:08pm Ross, Steve - Target Date Revision Revised Target Date changed by: Ross, Steve From: 13 Apr 2023 To: 31 Jul 2023, Reason: Item 1 completed.</p> <p>14 Apr 2023 12:08pm Ross, Steve - Target Date Revision Revised Target Date changed by: Ross, Steve From: 31 Jul 2023 To: 31 Jul 2023, Reason: Item 1 complete.</p> <p>14 Apr 2023 12:11pm Ross, Steve - Target Date Revision</p>			

Division:	Date From:
Committee:	Date To:
Officer:	
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Revised Target Date changed by: Ross, Steve From: 31 Jul 2023 To: 31 Jul 2023, Reason: Item 2. Quotation issued for the vehicles for the 23/24 year closes on Vendor Panel 19/4/23 with orders being completed by the end of the month

14 Apr 2023 12:12pm Ross, Steve - Target Date Revision

Revised Target Date changed by: Ross, Steve From: 31 Jul 2023 To: 31 Jul 2023, Reason: Item 3 Quotation will be issued on Vendor Panel early July, and expect all purchases of vehicles be complete by the end of July

Meeting	Officer/Director	Section	Subject
Council 25/05/2023	Ross, Steve Neate, Wayne	Corporate Services	AWARDING OF TENDER T2-2023 CLEANING OF VARIOUS SHIRE OFFICE BUILDINGS IN DERBY
COUNCIL RESOLUTION 57/23 Moved: Cr Peter McCumstie Seconded: Cr Rowena Mouda That Council: <ol style="list-style-type: none"> Award Tender T2-2023 Cleaning of various Shire Office buildings to Skippers Cleaning; or Not award T2-2023 Cleaning of various Shire Office buildings to any party; Authorise the Chief Executive Officer to sign the contract. <p><u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Keith Bedford and Peter McCumstie</p> <p><u>Against:</u> Nil</p> <p style="text-align: right;">CARRIED 7/0</p>			

Meeting	Officer/Director	Section	Subject
Council 23/02/2023	Neshoda, Megan Dexter, Amanda	Community and Recreation Services	User Agreement - Garnduwa Amboorny Wirnan Aboriginal Corporation - Fitzroy Crossing undercover courts and canteen
RESOLUTION 09/23 Moved: Cr Peter McCumstie			

Action Sheets Report	Division: Committee: Officer:	Date From: Date To: Printed: 23 August 2023 4:13 PM
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Seconded: Cr Keith Bedford

That Council

1. Authorises the CEO to enter into a User Agreement with Garnduwa Amboorny Wirnan Aboriginal Corporation for the use of the Fitzroy Crossing undercover courts, kiosk and one (1) storage cage for two hours per day, five (5) days per week, noting the standard facility User Agreement is currently under review and may be an amended version of the agreement provided as Attachment 1.
2. Endorses a fee of \$937.50 be charged to Garnduwa Amboorny Wirnan Aboriginal Corporation for the use of the undercover courts, kiosk and one (1) storage cage for a twelve month period.

In Favour: Crs Geoff Haerewa, Geoff Davis, Andrew Twaddle, Pat Riley, Keith Bedford and Peter McCumstie

Against: Nil

CARRIED 6/0 BY ABSOLUTE MAJORITY

Meeting	Officer/Director	Section	Subject
Council 23/02/2023	Neshoda, Megan Dexter, Amanda	Community and Recreation Services	Community Development Grants Assessment
<p>RESOLUTION 10/23</p> <p>Moved: Cr Peter McCumstie</p> <p>Seconded: Cr Andrew Twaddle</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. APPROVES Derby Media Aboriginal Corporation (6DBY) funding request of \$5,000 (ex GST) for the Larrkardi Session project. 2. APPROVES Guruama Yani U Inc. funding request of \$3,682.94 (ex GST) for the Preseason Training project. 3. DECLINES Pandanus Park Aboriginal Corporation funding request of \$5,000 (ex GST) for the Prevention project. <p><u>In Favour:</u> Crs Geoff Haerewa, Geoff Davis, Andrew Twaddle, Pat Riley, Keith Bedford and Peter McCumstie</p> <p><u>Against:</u> Nil</p> <p style="text-align: right;">CARRIED 6/0</p>			

Action Sheets Report	Division: Committee: Officer:	Date From: Date To: Printed: 23 August 2023 4:13 PM
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Meeting	Officer/Director	Section	Subject
Council 29/06/2023	Neate, Wayne Dexter, Amanda	Technical Services	MOU with Department of Biodiversity, Conservation and Attractions 2023-2028
RESOLUTION 72/23			
Moved: Cr Paul White			
Seconded: Cr Geoff Davis			
That Council directs the Chief Executive Officer to sign the Memorandum of Understanding with the Department of Biodiversity, Conservation and Attractions (DBCA) as presented noting the agreement to only use DBCA funds to maintain and upgrade the internal roads to Mount Hart Station.			
<u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle and Peter McCumstie			
<u>Against:</u> Nil			
CARRIED 5/0			
02 Aug 2023 3:26pm Neate, Wayne - Target Date Revision			
Target date changed by Neate, Wayne from 13 July 2023 to 10 August 2023 - Meeting with DBCA on thursday the 3/8/2022 to finalise the MOU			

Meeting	Officer/Director	Section	Subject
Council 30/03/2023	Neate, Wayne Dexter, Amanda	New Business Of An Urgent Nature	Additional Requirements to Parking Local Law
RESOLUTION 30/23			
Moved: Cr Andrew Twaddle			
Seconded: Cr Pat Riley			
That Council;			
<ol style="list-style-type: none"> 1. Provide a copy of the Australian Standard 1742: Manual of Uniform Traffic Control Devices: as 11-1989: Parking Control available to view, free of charge, at the front counter of Derby Administration Office, Loch Street, Derby and on the Shire website; and 			

Division:	Date From:
Committee:	Date To:
Officer:	
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2. Authorise the Shire President, to provide a copy of the Council Resolution to the Joint Standing Committee on Delegated Legislation advising of the action taken under dot point one.

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

Against: Nil

CARRIED 5/0 BY ABSOLUTE MAJORITY

01 May 2023 2:32pm Neate, Wayne - Target Date Revision

Revised Target Date changed by: Neate, Wayne From: 13 Apr 2023 To: 31 May 2023, Reason: Awaiting Response from Joint Standing Committee on legislation to repond stating all actions have been completed

Meeting	Officer/Director	Section	Subject
Council 8/12/2022	Neate, Wayne Dexter, Amanda	Matters for which the Meeting May Be Closed (Confi	Awarding of Tender 6-2022 Kerbside Collection of Waste and Management of Landfill sites
RESOLUTION 163/22			
Moved: Cr Geoff Davis			
Seconded: Cr Andrew Twaddle			
That Council:			
<ol style="list-style-type: none"> Awards the of Tender 6-2022 to Cleanaway Industrial solutions "Alternative proposal" for the Kerbside Collection of waste and Landfill Management subject to the negotiations with the Chief Executive Officer; Notes the legal advice received on the contract as submitted by Civic Legal; Delegate Authority the Chief Executive Officer to; <ol style="list-style-type: none"> Negotiate the best possible position for the Shire relative to the proposed contract and in light of the legal advice received; and Explore with Cleanaway any modifications that might be possible within the proposed "alternative" tender submitted, with the view to locating any cost reductions achievable (even if those reductions result in service level reductions); Instruct the Chief Executive Officer to provide advice to Council no later than the February 2024 Ordinary Council Meeting, inclusive of: <ol style="list-style-type: none"> Any modifications to the service levels outlined in Tender 6-2022 with any significant changes bought before Council as soon as practicable; 			

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- (b) Any modifications to the proposed contract as submitted by Cleanaway; and
- (c) Budgeting options to accommodate any added costs beyond the existing 2022/23 contract rate (which would be considered as part of the Councillor workshop program for the 2023/24 budget).

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley, Keith Bedford and Peter McCumstie.

Against: Nil

CARRIED 8/0

01 May 2023 2:33pm Neate, Wayne - Target Date Revision

Revised Target Date changed by: Neate, Wayne From: 22 Dec 2022 To: 31 May 2023, Reason: Continuing negotiations with Cleanaway

02 Aug 2023 3:18pm Neate, Wayne - Target Date Revision

Target date changed by Neate, Wayne from 31 May 2023 to 09 August 2023 - Purchase orders have been issued final points on contract are being worked through

Meeting	Officer/Director	Section	Subject
Council 29/06/2023	Neate, Wayne Dexter, Amanda	Technical Services	Award of Tender T7-2023 Project Management of Flood Damage Emergency Works AGRN 1044
THE ITEM WAS NOT FOUND (BOOKMARK: PDF2_ReportName_11129) CHECK THE INTEGRITY OF THE ITEM IN THE MINUTES DOCUMENT			
DOCUMENT: \\SDWK-APP02\INFOCOUNCIL\DOCUMENTS\COUNCIL\MINUTES\CO_20230629_MIN_2267_AT.DOCX Resolution not found			
02 Aug 2023 3:26pm Neate, Wayne - Target Date Revision Target date changed by Neate, Wayne from 13 July 2023 to 10 August 2023 - Contract within the next few days will be ready for release			

Meeting	Officer/Director	Section	Subject
Council 25/03/2021	Neate, Wayne Dexter, Amanda	Development Services	Policy H2 - Traders and Stall Holders Permits (revised)
RESOLUTION 24/21			
Moved: Cr Rowena Mouda			
Seconded: Cr Paul White			
That Council:			

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1. 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.
2. 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.

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

17 May 2021 3:49pm Paull, Robert

Further report to Council on outcome of advertising

10 Sep 2021 4:14pm Paull, Robert

Report to be prepared for the 28 October 2021 Council meeting.

10 Aug 2022 11:04am Smith, Sarah - Reallocation

Action reassigned to Neate, Wayne by: Smith, Sarah for the reason: Rob Paull has left the organisation

12 Aug 2022 10:49am Neate, Wayne - Target Date Revision

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

Meeting	Officer/Director	Section	Subject
Council 25/05/2023	Neate, Wayne Dexter, Amanda	Technical Services	Awarding of Tender T6-2023 Flood Damage Reinstatement AGRN 1044
RESOLUTION 59/23			
Moved: Cr Paul White			
Seconded: Cr Geoff Davis			
That Council;			
<ol style="list-style-type: none"> 1. Award tender T6-2023 Flood Damage Re-instatement work for event AGRN 1044 to RE Group Australia, Buckley's Earthworks and Paving and Young's Earthmoving Pty Ltd; and 2. Authorise the Chief Executive Officer to negotiate with each contractor in point 1 in regards to the roads required under each contract to ensure that the best outcome for the Shire of Derby/West Kimberley and the work is performed in a timely manner. 			

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

Against: Nil

CARRIED 7/0

27 Jul 2023 9:24am Neate, Wayne - Target Date Revision

Target date changed by Neate, Wayne from 08 June 2023 to 18 August 2023 - Contracts have been awarded and executed with Youngs and Buckley's. Mara Mara have not signed the contract as yet as they were working on other commitments and only recently the extension came through for the EW/IRW work contract should be signed in near future.

Meeting	Officer/Director	Section	Subject
Council 25/08/2022	Neate, Wayne Dexter, Amanda	Technical Services	REQUEST TO CLOSE HOLLAND STREET, DERBY AND TO AMALGAMATE WITH ADJOINING LAND
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:			
<ol style="list-style-type: none"> 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 <i>Land Administration Act 1978</i> 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			

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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

Meeting	Officer/Director	Section	Subject
Audit Committee 23/06/2022	Mildenhall, Christie Dexter, Amanda	Reports	LGIS / Royal Life-saving WA Safety Assessment and Improvement Audit
COMMITTEE RESOLUTION AC54/22			
Moved: Cr Peter McCumstie			
Seconded: Cr Geoff Haerewa			
That the Audit Committee;			
<ol style="list-style-type: none"> 1. Receives the information contained in the report detailing the Royal Life-Saving Safety Assessment and Improvement Plan. 2. Notes the proposed Action Plan as outlined in Attachment 2 to address the issues identified in the Royal Life-Saving WA Safety Assessment and Improvement Plan. 			
<u>In Favour:</u> Crs Geoff Haerewa, Keith Bedford, Peter McCumstie, Pat Riley and Andrew Twaddle			
<u>Against:</u> Nil			
CARRIED 5/0			
18 Aug 2022 8:12am Mildenhall, Christie			
Feedback provided to Royal Lifesaving on some aspects of the report as per process. Final report has been provided with our total audit score increasing from 88.04% to 90.22% (90% is target mark).			
18 Aug 2022 3:22pm Mildenhall, Christie			
15 of 32 identified actions now completed.			
01 Nov 2022 10:42am Mildenhall, Christie			
26/32 items completed.			
16 Mar 2023 11:28am Mildenhall, Christie			

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Four actions remain outstanding, two of which are underway. , Since last update major risk identified relating to the chlorine gas system has been addressed and rectified. The other significant risk relating to the equipotential bonding has been addressed, with the certification required scheduled for next week.

03 May 2023 7:52pm Mildenhall, Christie

3 actions remain outstanding. 1 underway, 2 not yet commenced.

08 Jun 2023 1:56pm Mildenhall, Christie

3 actions remain outstanding. 2 underway, 1 not yet commenced.

Meeting	Officer/Director	Section	Subject
Council 17/08/2023	Mason, Elizabeth Dexter, Amanda	Executive Services	AWARD OF TENDER T09-2023 FACILITIES MANAGEMENT AND CATERING SERVICES FOR 40 PERSON WORKFORCE CAMP, FITZROY CROSSING AGRN 1044
RESOLUTION 86/23			
Moved: Cr Paul White			
Seconded: Cr Geoff Haerewa			
RECOMMENDATION			
That Council, subject to the CEO negotiating the best practical local business and local employment outcome opportunities:			
<ol style="list-style-type: none"> Award tender T2023-09 Facilities Management and Catering Services for 40-person workforce camp, Fitzroy Crossing to BBB Catering Pty Ltd for event ARGN 1044; Authorises the Chief Executive Officer to negotiate and sign a contract with BBB Catering Pty Ltd for the Facilities Management and Catering Services for 40-person workforce camp, Fitzroy Crossing for event AGRN 1044; and Notes costs incurred by the Shire in relation to this contract will be recovered from the federal government under the Disaster Recovery Funding Arrangement (AGRN1044). 			
<u>In Favour:</u> Crs Geoff Haerewa, Paul White, Andrew Twaddle, Rowena Mouda, Pat Riley and Peter McCumstie			
<u>Against:</u> Cr Geoff Davis			
CARRIED 6/1			

Meeting	Officer/Director	Section	Subject
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Council 17/08/2023

Mason, Elizabeth
Dexter, Amanda

Executive Services

AWARD OF TENDER T09-2023 FACILITIES MANAGEMENT AND CATERING SERVICES FOR 40 PERSON
WORKFORCE CAMP, FITZROY CROSSING AGRN 1044

MOTION**Moved: Cr Andrew Twaddle****Seconded: Cr Geoff Davis****That Council:**

1. Award tender T2023-09 Facilities Management and Catering Services for 40-person workforce camp, Fitzroy Crossing to BBB Catering Pty Ltd for event ARGN 1044;
2. Authorises the Chief Executive Officer to sign a contract with BBB Catering Pty Ltd for the Facilities Management and Catering Services for 40-person workforce camp, Fitzroy Crossing for event AGRN 1044; and
3. Notes costs incurred by the Shire in relation to this contract will be recovered from the federal government under the Disaster Recovery Funding Arrangement (AGRN1044).

Meeting	Officer/Director	Section	Subject
Council 27/04/2023	Hartley, Neil Dexter, Amanda	Executive Services	Derby Port Masterplan
RESOLUTION 34/23			
Moved: Cr Paul White			
Seconded: Cr Peter McCumstie			
That Council:			
1. Express its appreciation to Derby Port stakeholders for their contributions towards the Masterplan;			
2. Endorse the attached draft Derby Port Masterplan (noting in incorporates the recommendation changes highlighted in the "Consultation" section above);			

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3. Requires that the Chief Executive Officer (CEO) prepare for Council's 2023/24 budget consideration, a timetable for the Masterplan recommendations, incorporating the required funding and resources allocations to meet those timelines (with the view to progressing as many of them as is reasonably possible to do so within the 2023/24 financial year);
4. Requires that the CEO provide an annual progress/status report on the implementation of the Masterplan's recommendations (at a Councillors' Forum in March/April of each year); and
5. Requires that the Masterplan be formally reviewed in 2025, and then again in 2030 and 2035 (noting that the current Head Lease expires in 2040).

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

Against: Nil

CARRIED 5/0

03 Jul 2023 3:47pm Hartley, Neil - Target Date Revision

Target date changed by Hartley, Neil from 11 May 2023 to 30 June 2024 - Masterplan funding sought in 2023/24 budget to progress numerous recommendations. Regular reports logged into Attain as reminders for action.

Meeting	Officer/Director	Section	Subject
Council 30/03/2023	Hartley, Neil Dexter, Amanda	Executive Services	DERBY PORT - LEASING OF JETTY AREAS 2 AND 3 TO MPA FISH FARMS PTY LTD
RESOLUTION 19/23			
Moved: Cr Geoff Davis			
Seconded: Cr Pat Riley			
That Council:			
<ol style="list-style-type: none"> 1. Notes that no submissions were received in response to the recent local public notice of Council's intention to lease Areas 2 and 3 of the Derby Jetty Goods Shed at the Derby Port, to MPA Fish Farms Pty Ltd; 2. Notes the new ownership arrangements of MPA Fish Farms Pty Ltd and endorses the CEO's and President's recent actions in regard to the current lease's assignment. Also, notes that a formal Deed of Assignment will be executed between the Shire and MPA Fish Farms Pty Ltd for the remainder of the current lease (expiring 30 June 2023); 			

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3. Requires the CEO to negotiate a new Lease with MPA Fish Farms Pty Ltd, to commence on 1 July 2023, and for it to be generally consistent with Council's resolution of 24 November 2022; and

4. Notes that the lease will be executed and the common seal affixed in accordance with Delegation 1.1.33 (Applying Common Seal).

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

Against: Nil

CARRIED 5/0

01 May 2023 7:58am Hartley, Neil - Target Date Revision

Revised Target Date changed by: Hartley, Neil From: 13 Apr 2023 To: 30 Jun 2023, Reason: Lease Assignment and new Lease documentation forwarded to MPA for consideration Requested MPA changes submitted to Kimberley Ports Authority for consideration. Any changes need to be negotiated before lease can be executed.

03 Jul 2023 3:42pm Hartley, Neil - Target Date Revision

Target date changed by Hartley, Neil from 30 June 2023 to 30 September 2023 - MPA now under Administration, with view to finding new owners. Shire is monitoring the situation but lease agreement is now "stalled" until new owners can be located.

07 Aug 2023 11:03am Hartley, Neil - Target Date Revision

Target date changed by Hartley, Neil from 30 September 2023 to 30 September 2023 - MPA Fish Farms went into Administration and was purchased by Tassal (1 August 2023). The new lease will be in the name of Tassal, but a new Council Resolution is required.

Meeting	Officer/Director	Section	Subject
Council 27/04/2023	Hartley, Neil Dexter, Amanda	Executive Services	Derby Airport - X-Ray and Security Equipment
RESOLUTION 35/23			
Moved: Cr Andrew Twaddle			
Seconded: Cr Paul White			
That Council requires that the Chief Executive Officer:			
1. Secure a professional assessment of the existing x-ray equipment stored at Derby Airport and dispose of any equipment than cannot reasonably be recalibrated/refurbished;			
2. Deposit any funds received from the sale(s) into a <i>Airport Equipment Reserve Account</i> (the purposed of the account to be used for the provision of airport equipment); and			

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3. Report back to Council following the professional assessment concluding, on the practicality and cost to refurbish existing, or alternatively procure new compliant equipment should it be required again in the future to service passengers utilising the Derby or Curtin Airports.

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

Against: Nil

CARRIED 5/0

03 Jul 2023 3:48pm Hartley, Neil - Target Date Revision

Target date changed by Hartley, Neil from 11 May 2023 to 30 September 2023 - Having difficulty securing information on usefulness of x-ray equipment.

Meeting	Officer/Director	Section	Subject
Audit Committee 20/07/2023	Hartley, Neil Dexter, Amanda	New Business Of An Urgent Nature	Derby and Fitzroy Crossing Airports - Grant Application Endorsement
COMMITTEE RESOLUTION AC72/23			
Moved: Cr Geoff Haerewa			
Seconded: Cr Peter McCumstie			
That the Audit Committee recommends to Council that it, endorses the grant applications (State Regional Airports Development Scheme; and Federal Remote Airstrip Upgrade Program) for urgent capital works refurbishments on the Fitzroy Crossing Airstrip, and the Derby Airport, conditional on the Chief Executive Officer being suitably satisfied with costing estimates prior to the grant application being lodged.			
<u>In Favour:</u> Crs Geoff Haerewa, Peter McCumstie and Andrew Twaddle			
<u>Against:</u> Nil			
CARRIED 3/0			

Meeting	Officer/Director	Section	Subject
Council 29/06/2022	Hartley, Neil Dexter, Amanda	Executive Services	WA Grants Commission Submission - Change of Distribution Methodology
RESOLUTION 75/22			

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Moved: Cr Paul White

Seconded: Cr Peter McCumstie

That Council:

1. Endorse the draft WA Grants Commission submission;
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
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.

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.

Meeting	Officer/Director	Section	Subject
Council 9/12/2021	Hartley, Neil Dexter, Amanda	Executive Services	Fitzroy Crossing Airport - Proposal for State Government Funding Plan

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RESOLUTION 160/21**Moved: Cr Peter McCumstie****Seconded: Cr Keith Bedford****That Council:**

- 1. Endorse the principle and thrust of the Fitzroy Crossing Airport Funding Plan and request the CEO to coordinate its finalisation at the earliest opportunity;**
- 2. Authorise the President and the Chief Executive Officer to facilitate discussions with the State Government for a contribution towards the long term asset management funding of the Fitzroy Crossing Airport; and**
- 3. Notes that a separate report on Curtin and Derby airports, including asset and operational cost considerations at those sites, will be forthcoming.**

In Favour: Crs Geoff Haerewa, Paul White, Andrew Twaddle, Rowena Mouda, Pat Riley, Keith Bedford, Linda Evans and Peter McCumstie**Against:** Nil**CARRIED 8/0****15 Dec 2021 9:53am Hartley, Neil - Target Date Revision**

Revised Target Date changed by: Hartley, Neil From: 23 Dec 2021 To: 31 Mar 2022, Reason: Letter forwarded to State Minister for Health. Awaiting meeting opportunity. Still need to finalise Funding Proposal with accurate asset management estimates (awaiting consultant engineering report).

07 Feb 2022 7:28am Hartley, Neil - Target Date Revision

Revised Target Date changed by: Hartley, Neil From: 31 Mar 2022 To: 30 Jun 2022, Reason: Minister for Health has passed on to Minister for Transport. Requires ongoing lobbying of state government.

03 Jun 2022 10:35am Hartley, Neil - Target Date Revision

Revised Target Date changed by: Hartley, Neil From: 30 Jun 2022 To: 30 Sep 2022, Reason: In ongoing discussions with Department of Transport. Asset Management Plans being prepared for DoT consideration to justify ongoing state support. \$1.5m(State - approved) + \$1.5m(Federal - awaiting confirmation) grants applied for to fund runway and apron area upgrade.

07 Sep 2022 8:36am Hartley, Neil - Target Date Revision

Revised Target Date changed by: Hartley, Neil From: 30 Sep 2022 To: 30 Apr 2024, Reason: \$1.5m (State) + \$1.5m (Federal) grants secured. Project Manager appointed. Works to now be scheduled and tendered for construction to occur in 2023. Discussions continue with State Department of Transport on the longer term management/funding of FX Airport.

17 Nov 2022 4:32pm Hartley, Neil - Target Date Revision

Revised Target Date changed by: Hartley, Neil From: 30 Apr 2024 To: 30 Apr 2024, Reason: Project is progressing. For example, the Funding Agreements have been executed by the parties; the Project Manager has been appointed. One of the grant pre-conditions, a Geotechnical Assessment has been organised and will be commenced on 28 November 2022. An independent assessment/peer review is also a grant pre-condition and the RFQ for that service has now closed but the successful contractor has not as yet been selected.

06 Feb 2023 8:35am Hartley, Neil - Target Date Revision

Revised Target Date changed by: Hartley, Neil From: 30 Apr 2024 To: 30 Apr 2024, Reason: Independent Reviewer appointed (grant pre-condition) (AMS Australia) and protocols settled for review to be undertaken; Geo Technical survey undertaken (grant pre-condition); Specifications and Tender Documents being prepared. Delays and logistical difficulties expected in light of Cyclone Ellie but no change to final completion date expected at this point in time.

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07 Mar 2023 2:47pm Hartley, Neil - Target Date Revision

Revised Target Date changed by: Hartley, Neil From: 30 Apr 2024 To: 30 Apr 2025, Reason: Project now delayed by Cyclone Ellie and application for 12 months deferral submitted. Project will progress to Full Tender Specification stage, with the view to calling tenders at the earliest reasonable opportunity.

Meeting	Officer/Director	Section	Subject
Council 25/11/2021	Hartley, Neil Dexter, Amanda	Matters for which the Meeting May Be Closed (Confi	Derby Jetty - Insurance and Related Considerations
RESOLUTION 159/21			
Moved: Cr Paul White			
Seconded: Cr Geoff Davis			
That Council:			
<ol style="list-style-type: none"> 1. Accepts the position offered by Kimberley Ports Authority that the Derby Jetty can be insured for \$5.6m on the basis that in the event of a catastrophic event which destroyed the jetty, the jetty would not be reinstated or replaced utilising the existing design and specifications, and the intent would be to clear the site and reinstate a small recreational jetty (due to the change in demand and utilisation since the Jetty was first built); 2. Understands that any costs above the insured level would be the responsibility of the Shire to bear, and asks that the Chief Executive Officer arrange for engineering studies to be sought to confirm the most prudent level of insurance that should be set, such that removal of debris/clean-up can be undertaken, and construction/reinstatement of a small recreational jetty to replace the existing structure can be achieved, without there being any undue risk of excess costs resulting. 3. Confirms the need to maintain current levels of insurance levels (until 2023 when the MPA Fish Farms Lease is due to expire) unless legal advice is obtained that reasonably allows the changes to be brought in earlier; 4. Notes that the eventual lease renegotiations with Kimberley Mineral Sands will need to accommodate a mutually agreed position on jetty insurance; 5. Requires the Chief Executive Officer to pursue the implementation of a Deed to suitably modify the insurance clauses of the Head Lease (from "replacement", to a "removal of debris/clean up only" clause); 6. Requires that any future Derby Port/Jetty Leases provide clarity on the Shire's capacity going forward to undertake Jetty maintenance or replacement, and that the Shire's position be suitably protected; 			

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7. Requires that a Derby Port Masterplan workshop be scheduled with Councillors, to outline options available for the sustainable operation of the Derby Port; and
8. Requires that a review of Derby Jetty fees/charges be undertaken and a report be presented to Council on the options available to it.

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley, Keith Bedford, Linda Evans and Peter McCumstie

Against: Nil

CARRIED 9/0

31 Mar 2022 2:37pm Hartley, Neil - Target Date Revision

Revised Target Date changed by: Hartley, Neil From: 9 Dec 2021 To: 30 Jun 2023, Reason: Insurance changes can be accommodated by LGIS, but can generally only occur once each year, on policy renewal (end of financial year). Insurance change is also subject to Kimberley Mineral Sands and MPA Fish Farms lease clauses and commitments. It is hoped that a change to Removal of Debris Only insurance can be arranged to occur from 1 July 2023.

05 Dec 2022 2:26pm Hartley, Neil - Target Date Revision

Revised Target Date changed by: Hartley, Neil From: 30 Jun 2023 To: 30 Jun 2023, Reason: KMS has agreed to fund the Replacement Value Insurance Premiums for the time being. Can revert to Removal of Debris Insurance once KMS ceases paying the premium.

03 Apr 2023 8:40am Hartley, Neil - Target Date Revision

Revised Target Date changed by: Hartley, Neil From: 30 Jun 2023 To: 30 Jun 2024, Reason: KMS has agreed to fund the Replacement Value Insurance Premiums for the time being, with no change to that position anticipated until its Broome Road Train (Gubinge Road) application has been decided. Shire can revert to Removal of Debris Insurance once KMS ceases paying the premium.

07 Aug 2023 10:57am Hartley, Neil - Target Date Revision

Target date changed by Hartley, Neil from 30 June 2024 to 30 June 2024 - KMS is considering allowing the Shire to move from Replacement Value Insurance Removal of Debris Insurance. KMS will then cease paying that higher premium, to be replaced with its portion of the ROD insurance premium only. Next change option consideration is likely to be 30 June 2024, upon the consideration for renewal of the premium.

Meeting	Officer/Director	Section	Subject
Audit Committee 16/02/2023	Gloor, Aaron Dexter, Amanda	Matters for which the Meeting May Be Closed (Conf)	Dead Tenements Debt Write-Off
COMMITTEE RESOLUTION AC19/23			
Moved: Cr Peter McCumstie			
Seconded: Cr Geoff Haerewa			
That the Audit Committee Recommends that Council			
1. Writes off the balance of rates, charges and penalty interest levied and accrued on dead mining tenements;			

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Assess No	Total Balance	Lot No
A900350	\$20,548.83	E80/4066
A900298	\$8,110.83	E04/1771
A900800	\$7,423.36	E04/2177
A900297	\$1,994.26	PEP04/464
A803630	\$1,399.58	M04/202
A900431	\$614.61	E04/1937
	<u>\$40,091.47</u>	
<u>In Favour:</u> Crs Geoff Haerewa, Keith Bedford, Peter McCumstie and Andrew Twaddle		
<u>Against:</u> Nil		
CARRIED 4/0 BY ABSOLUTE MAJORITY		

Meeting	Officer/Director	Section	Subject
Audit Committee 17/11/2022	Gloor, Aaron Dexter, Amanda	Matters for which the Meeting May Be Closed (Confi	Aboriginal Communities - Waste & ESL Debt Write-Off
COMMITTEE RESOLUTION AC116/22			
Moved: Cr Geoff Haerewa			
Seconded: Cr Peter McCumstie			
That the Audit Committee Recommends to Council:			
1. Writes off the waste, ESL, legal and interest charges on each assessment totalling \$68,597.76.			
<u>In Favour:</u> Crs Geoff Haerewa, Peter McCumstie and Andrew Twaddle			
<u>Against:</u> Nil			

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CARRIED 3/0 BY ABSOLUTE MAJORITY

Meeting	Officer/Director	Section	Subject
Audit Committee 16/02/2023	Gloor, Aaron Dexter, Amanda	Matters for which the Meeting May Be Closed (Confi	Aboriginal Communities - Rates Write-off and exemption
COMMITTEE RESOLUTION AC20/23			
Moved: Cr Geoff Haerewa			
Seconded: Cr Peter McCumstie			
That the Audit Committee recommend that Council			
<ol style="list-style-type: none"> 1. Impairs the ESL, legal, Rates & interest charges on A600276, A900616, A600153 & A300605 totalling \$198,524.44 2. Approves the conversion of A600276, A600153 & A300605 to Non-Rateable/Exempt – UV 3. Upholds and re-endorses Councils decision 059/2017 to convert A900616 to Non-Rateable/Exempt – UV 			
<u>In Favour:</u> Crs Geoff Haerewa, Keith Bedford, Peter McCumstie and Andrew Twaddle			
<u>Against:</u> Nil			
CARRIED 4/0 BY ABSOLUTE MAJORITY			

Meeting	Officer/Director	Section	Subject
Audit Committee 16/02/2023	Gloor, Aaron Dexter, Amanda	Matters for which the Meeting May Be Closed (Confi	Local Government Act (LGA) Sales - Rates Debt 3+ Years
COMMITTEE RESOLUTION AC21/23			
Moved: Cr Geoff Haerewa			
Seconded: Cr Keith Bedford			

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That the Audit Committee recommends that Council:

1. Approve the commencement of LGA sale proceedings against the following properties;

A100000, A100760, A101040, A103320, A103950, A105880, A900275, A108150, A108151, A108152, A108153

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

Against: Nil

CARRIED 4/0

Meeting	Officer/Director	Section	Subject
Audit Committee 16/02/2023	Gloor, Aaron Dexter, Amanda	Matters for which the Meeting May Be Closed (Confi	Looma Community - Rates Write-off and Refund
COMMITTEE RESOLUTION AC22/23			
Moved: Cr Geoff Haerewa			
Seconded: Cr Peter McCumstie			
That the Audit Committee recommend that Council			
<ol style="list-style-type: none"> 1. Impairs the ESL, Rates & interest charges outstanding on the community of \$18,440.36. 2. Declines the request to refund rates and ESL charges (\$44,683.01) already paid prior to the 12/13 FY. 			
<u>In Favour:</u> Crs Geoff Haerewa, Keith Bedford, Peter McCumstie and Andrew Twaddle			
<u>Against:</u> Nil			
CARRIED 4/0 BY ABSOLUTE MAJORITY			

Meeting	Officer/Director	Section	Subject
Council 27/04/2023	Edwards, Shane	Community and Recreation Services	MOU between SDWK and ENAC regarding Youth Activities under the Intensive Family Support Program

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Martin, Stuart

RESOLUTION 42/23

Moved: Cr Paul White

Seconded: Cr Andrew Twaddle

That Council:

1. Endorse the proposed Memorandum of Understanding – Intensive Family Support Program between the Shire of Derby/West Kimberley and Emama Nguda Aboriginal Corporation; and
2. Authorise the CEO to extend the Memorandum of Understanding in its endorsed form for a period of twelve (12) months following the original three (3) month trial if the program is deemed to be successful.

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

Against: Nil

CARRIED 5/0

Meeting	Officer/Director	Section	Subject
Council 24/11/2022	Edwards, Shane Martin, Stuart	Community and Recreation Services	Garnduwa User Agreement - Fitzroy Crossing Gym
RESOLUTION 154/22 Moved: Cr Paul White Seconded: Cr Peter McCumstie That Council <ol style="list-style-type: none"> 1. Endorses the 2022/23 Garnduwa Amboorny Wirnan Aboriginal Corporation User Agreement as provided in Attachment 1; 2. Approves the user agreement fees for the gymnasium area of the Fitzroy Crossing Recreation Centre to be included into the Schedule of Fees and Charges; 			

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- 3. Require Garnduwa Amboorny Wirnan Aboriginal Corporation to undertake a deep clean of the space prior to installing new equipment; and**
- 4. Approves the advertisement of the intention to impose the fee as required in Section 6.19 to the *Local Government Act 1995*.**

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

Against: Nil

CARRIED 6/0 BY ABSOLUTE MAJORITY

Meeting	Officer/Director	Section	Subject
Council 25/05/2023	Edwards, Shane Martin, Stuart	Community and Recreation Services	Memorandum of understanding between the Shire of Derby/West Kimberley and Nindilingarri Cultural Health Services regarding youth collaboration Girl's Program
RESOLUTION 64/23			
Moved: Cr Geoff Davis			
Seconded: Cr Paul White			
That Council:			
1. Endorse the proposed Memorandum of Understanding – Youth Girl's Program between the Shire of Derby/West Kimberley and Nindilingarri Cultural Health Services.			
<u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Keith Bedford and Peter McCumstie			
<u>Against:</u> Nil			
CARRIED 7/0			

Meeting	Officer/Director	Section	Subject
Council 24/11/2022	Edwards, Shane Martin, Stuart	Matters for which the Meeting May Be Closed (Confi	Nominations - Community Citizen of the Year Awards 2023

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RESOLUTION 155/22**Moved:** Cr Paul White**Seconded:** Cr Andrew Twaddle**That Council**

- Determines Nominee B as the recipient of the 2023 Community Citizen of the Year for the Shire of Derby / West Kimberley.**
- Determines Nominee C as the recipient of the 2023 Senior Community Citizen of the Year for the Shire of Derby / West Kimberley.**
- Determines Nominee B as the recipient of the 2023 Youth Community Citizen of the Year for the Shire of Derby / West Kimberley.**
- Determines the Nominee A as the recipient of the 2023 Active Citizenship Award for the Shire of Derby / West Kimberley.**

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Pat Riley and Peter McCumstieAgainst: Nil**CARRIED 6/0**

Meeting	Officer/Director	Section	Subject
Council 27/04/2023	Edwards, Shane Martin, Stuart	Community and Recreation Services	MOU between SDWK and ENAC Regarding Hoops After Dark Program
RESOLUTION 41/23 Moved: Cr Peter McCumstie Seconded: Cr Andrew Twaddle That Council: Endorse the proposed Memorandum of Understanding – Hoops After Dark between the Shire of Derby/West Kimberley and Emama Nguda Aboriginal Corporation. <u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle and Peter McCumstie			

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Against: Nil

CARRIED 5/0

Meeting	Officer/Director	Section	Subject
Council 26/08/2021	Dexter, Amanda Dexter, Amanda	Executive Services	Aboriginal Empowerment Strategy
RESOLUTION 84/21			
Moved: Cr Geoff Davis			
Seconded: Cr Rowena Mouda			
That Council:			
<ol style="list-style-type: none"> Endorses the Workshop Report – 22 July 2021 – Shire of Derby/West Kimberley Aboriginal Empowerment Strategy; 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 Endorse the scoping and development of a senior Aboriginal identified position within the SDWK to operationalise empowerment strategies including economic development and communications. 			
<u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Rowena Mouda, Pat Riley and Keith Bedford			
<u>Against:</u> 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			

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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

Meeting	Officer/Director	Section	Subject
Council 24/11/2022	Dexter, Amanda Dexter, Amanda	Amendment	Amendment - FITZROY CROSSING ADMINISTRATION CENTRE - UNSAFE WORK ENVIRONMENT
RESOLUTION 150/22			
Moved: Cr Paul White			
Seconded: Cr Andrew Twaddle			
This recommendation was changed and workshopped by Council at the 24 November 2022 Ordinary Council Meeting and is now put for consideration.			
That Council:			
<ol style="list-style-type: none"> Express its appreciation to the Shire's Fitzroy Crossing staff for endeavouring to maintain a workable service to the Fitzroy Crossing community, notwithstanding the extremely difficult circumstances that presently prevails in that location, and express its empathy to staff and their families for any physical and psychological violence or stress suffered by them as a direct consequence of elevated violence within the Fitzroy Crossing community; Council accepts that it needs to take appropriate actions to protect its employees; The actions of the Chief Executive Officer to immediately close the Fitzroy Crossing Administration & Visitors Centre to the public are to remain in place, until such time that a safe work environment consistent with the expectations of the Work Health and Safety Act 2020 can be provided for the Shire's staff; Notes that in regard to (2), the Shire's customer services will be provided by appointment, other arrangement or via remote access where that is available; Notes that the WA State Government has a direct responsibility through the WA Police force's Policing Pillars to maintain a safe environment in Fitzroy Crossing, the Shire considers the situation in Fitzroy Crossing to be akin to an "Emergency Situation" and therefore requires WA Police to more satisfactorily meet those responsibilities, particularly the following key pillars not being maintained to date: 			

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(a) Pillar #1 - Enforce the Law; and

(b) Pillar #2 - Prevent Crime;

(c) Pillar #3 - Manage and Coordinate Emergencies - Coordinate multi-agency approaches to manage emergencies.

5. Authorises an immediate emergency 2022/23 budget allocation for the purpose of improving security and community/employee safety at the Shire's Fitzroy Crossing Administration, Library and Visitors Centre Building and its surrounds, and at Shire owned employee homes in Fitzroy Crossing in the immediate term as per the CEO's delegated authority. Funds to be allocated at the Chief Executive Officer's discretion so as to maximise safety but in a suitably cost conscious manner, reported monthly to council;

6. Requires the President and CEO to immediately and actively engage with the WA State Government Agencies to:

(a) secure additional Police and other government resources for Fitzroy Crossing;

(b) secure State Government grant funds to meet the costs outlined in (5); and

(c) secure the necessary State (and Federal) Government services to address the existing issues within Fitzroy Crossing and to have those services remain until community concerns are addressed to meet community expectations;

7. Requires that the President and the CEO actively engage the media in all of its forms and across the widest practical levels, to draw to the attention of Fitzroy Crossing stakeholders that the Council is actively engaging in strategic discussions, taking direct action where it can, and redirecting its limited resource capacities to addressing the situation. Also, to highlight the Shire is actively engaging with the WA State Government to directly assist with addressing the issues within Fitzroy Crossing; and

8. Requires that the President and CEO arrange for suitable public consultation to occur in the district, to invite contributions from relevant stakeholders, particularly the local community and government agencies.

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

Against: Nil

CARRIED 6/0

RESOLUTION 150/22

Moved: Cr Paul White

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Seconded: Cr Andrew Twaddle

This recommendation was changed and workshopped by Council at the 24 November 2022 Ordinary Council Meeting and is now put for consideration.

That Council:

1. Express its appreciation to the Shire's Fitzroy Crossing staff for endeavouring to maintain a workable service to the Fitzroy Crossing community, notwithstanding the extremely difficult circumstances that presently prevails in that location, and express its empathy to staff and their families for any physical and psychological violence or stress suffered by them as a direct consequence of elevated violence within the Fitzroy Crossing community; Council accepts that it needs to take appropriate actions to protect its employees;
2. The actions of the Chief Executive Officer to immediately close the Fitzroy Crossing Administration & Visitors Centre to the public are to remain in place, until such time that a safe work environment consistent with the expectations of the Work Health and Safety Act 2020 can be provided for the Shire's staff;
3. Notes that in regard to (2), the Shire's customer services will be provided by appointment, other arrangement or via remote access where that is available;
4. Notes that the WA State Government has a direct responsibility through the WA Police force's Policing Pillars to maintain a safe environment in Fitzroy Crossing, the Shire considers the situation in Fitzroy Crossing to be akin to an "Emergency Situation" and therefore requires WA Police to more satisfactorily meet those responsibilities, particularly the following key pillars not being maintained to date:
 - (a) Pillar #1 - Enforce the Law; and
 - (b) Pillar #2 - Prevent Crime;
 - (c) Pillar #3 - Manage and Coordinate Emergencies - Coordinate multi-agency approaches to manage emergencies.
5. Authorises an immediate emergency 2022/23 budget allocation for the purpose of improving security and community/employee safety at the Shire's Fitzroy Crossing Administration, Library and Visitors Centre Building and its surrounds, and at Shire owned employee homes in Fitzroy Crossing in the immediate term as per the CEO's delegated authority. Funds to be allocated at the Chief Executive Officer's discretion so as to maximise safety but in a suitably cost conscious manner, reported monthly to council;
6. Requires the President and CEO to immediately and actively engage with the WA State Government Agencies to:
 - (a) secure additional Police and other government resources for Fitzroy Crossing;
 - (b) secure State Government grant funds to meet the costs outlined in (5); and

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(c) secure the necessary State (and Federal) Government services to address the existing issues within Fitzroy Crossing and to have those services remain until community concerns are addressed to meet community expectations;

7. Requires that the President and the CEO actively engage the media in all of its forms and across the widest practical levels, to draw to the attention of Fitzroy Crossing stakeholders that the Council is actively engaging in strategic discussions, taking direct action where it can, and redirecting its limited resource capacities to addressing the situation. Also, to highlight the Shire is actively engaging with the WA State Government to directly assist with addressing the issues within Fitzroy Crossing; and
8. Requires that the President and CEO arrange for suitable public consultation to occur in the district, to invite contributions from relevant stakeholders, particularly the local community and government agencies.

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

Against: Nil

CARRIED 6/0

14 Apr 2023 8:50am Smith, Sarah
Continuing to progress

Meeting	Officer/Director	Section	Subject
Council 30/03/2023	Delvin, Ron Neate, Wayne	Technical Services	Award of Tender T10-2022 for Fairfield Leopold Road Reshaping and Re-Sheeting
RESOLUTION 25/23			
Moved: Cr Andrew Twaddle			
Seconded: Cr Pat Riley			
That Council;			
<ol style="list-style-type: none"> 1. Award Tender T10-2021 Fairfield –Leopold Road Reshape and Re-sheet works to Buckley’s Earthmoving and Paving (BEP); and 2. Authorise the CEO to negotiate a reduced scope of work with BEP in order to keep the cost of the project within the available budget amount. 			
<u>In Favour:</u> Crs Geoff Haerewa, Geoff Davis, Andrew Twaddle, Pat Riley and Peter McCumstie			

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Against: Nil

CARRIED 5/0

Meeting	Officer/Director	Section	Subject
Council 30/03/2023	Delvin, Ron Neate, Wayne	Technical Services	Award of Tender T9-2022 for Camballin Road reshaping and Re-sheeting
RESOLUTION 24/23			
Moved: Cr Andrew Twaddle			
Seconded: Cr Pat Riley			
That Council:			
1. Award Tender T9-2022 Camballin Road Reshape and Re-sheet works to Buckley's Earthmoving and Paving (BEP); and			
2. Authorise the CEO to negotiate a reduced scope of work with BEP in order to keep the cost of the project within the available budget amount.			
<u>In Favour:</u> Crs Geoff Haerewa, Geoff Davis, Andrew Twaddle, Pat Riley and Peter McCumstie			
<u>Against:</u> Nil			
CARRIED 5/0			

Meeting	Officer/Director	Section	Subject
Council 30/03/2023	Delvin, Ron Neate, Wayne	Technical Services	Award of Tender T8-2022 for the reconstruction of Alfonsas Street, Derby
RESOLUTION 22/23			
Moved: Cr Andrew Twaddle			
Seconded: Cr Geoff Davis			
That Council;			

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1. **Award Tender T8-2022 Alfonsas Street, Derby Reconstruction and Drainage improvements to Buckley's Earthmoving and Paving (BEP); and**
2. **Reallocate \$150,000 from Road Maintenance – Gravel outside BUA 121202130 to allow the work to be completed.**

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

Against: Nil

CARRIED 5/0

Meeting	Officer/Director	Section	Subject
Council 30/03/2023	Delvin, Ron Neate, Wayne	Technical Services	Award of Tender T11-2022 for the Calwynyardah-Noonkanbah Road Reshaping and Re-sheeting
RESOLUTION 26/23			
Moved: Cr Andrew Twaddle			
Seconded: Cr Geoff Davis			
That Council;			
<ol style="list-style-type: none"> 1. Award Tender T11-2022 Calwynyardah-Noonkanbah Road Reshape and Re-sheet works to Buckley's Earthmoving and Paving (BEP); and 2. Authorise the CEO to negotiate a reduced scope of work with BEP in order to keep the cost of the project within the available budget amount. 			
<u>In Favour:</u> Crs Geoff Haerewa, Geoff Davis, Andrew Twaddle, Pat Riley and Peter McCumstie			
<u>Against:</u> Nil			
CARRIED 5/0			

Meeting	Officer/Director	Section	Subject
Audit Committee 24/03/2022	Clarkson, Tamara Dexter, Amanda	Matters for which the Meeting May Be Closed (Confi)	Kimberley Mineral Sands - Debt Write-Off

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COMMITTEE RESOLUTION AC28/22**Moved:** Cr Peter McCumstie**Seconded:** Cr Keith Bedford**That the Audit Committee recommends that Council, conditional on a new sub-lease being executed by the Shire and the Kimberley Mineral Sands group:**

- Writes off the insurance contribution claim made upon the Derby Port lessee's, Thunderbird Operations Pty Ltd and Sheffield Resources Limited (of \$172,958.16); and**
- Notes that insurance contributions by the lessee will apply (as per the lease's new position) from 1 January 2022 .**

In Favour: Crs Keith Bedford, Peter McCumstie and Andrew TwaddleAgainst: Nil**CARRIED 3/0 BY ABSOLUTE MAJORITY****03 May 2022 2:11pm Hartley, Neil - Target Date Revision**

Revised Target Date changed by: Hartley, Neil From: 7 Apr 2022 To: 26 May 2022, Reason: Lease negotiations ongoing, with report hoped to be presented to the 26 May 2022 Council Meeting.

03 Jun 2022 10:29am Hartley, Neil - Target Date Revision

Revised Target Date changed by: Hartley, Neil From: 26 May 2022 To: 30 Jun 2022, Reason: Updated decision as per 26 May Council Meeting. Debt can be written off on execution of revised lease documentation.

04 Jul 2022 9:31am Hartley, Neil - Target Date Revision

Revised Target Date changed by: Hartley, Neil From: 30 Jun 2022 To: 30 Sep 2022, Reason: Subject to new 28 July Council Meeting decision and lease being executed.

07 Sep 2022 8:39am Hartley, Neil - Reallocation

Action reassigned to Thornton, Alan by: Hartley, Neil for the reason: New lease agreement execution progressing. Debt to be written off through the normal accounting process once executed lease documents finalised.

13 Feb 2023 3:34pm Smith, Sarah - Reallocation

Action reassigned to Clarkson, Tamara by: Smith, Sarah for the reason: Alan Thornton no longer at SDWK

Meeting	Officer/Director	Section	Subject
Audit Committee 23/03/2023	Clarkson, Tamara Dexter, Amanda	Reports	Audit Committee - Modifications to Role, Membership, Title and Meeting Cycle.
COMMITTEE RESOLUTION AC28/23			
Moved: Cr Geoff Haerewa			

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Seconded: Cr Peter McCumstie

That Audit Committee recommends that Council by Absolute Majority:

1. endorse the Audit & Risk Committee's Terms of Reference (as provided in the attachment); and
2. requires that the Terms of Reference be reviewed as part of the appointment process for the new Audit & Risk Committee (which will occur at a October or November 2023 Council Meeting, following the October 2023 Council Elections).

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

Against: Nil

CARRIED 4/0 BY ABSOLUTE MAJORITY

08 May 2023 11:22am Smith, Sarah - Reallocation

Action reassigned to Clarkson, Tamara by: Smith, Sarah for the reason: To be driven by Tamara, Jill and Amanda

13 Jun 2023 3:14pm Clarkson, Tamara - Target Date Revision

Target date changed by Clarkson, Tamara from 06 April 2023 to 26 October 2023 - To be reviewed in October following LG Elections

Meeting	Officer/Director	Section	Subject
Audit Committee 24/03/2022	Clarkson, Tamara Dexter, Amanda	Reports	Long Term Financial Plan - 2022-23 to 2036-37
COMMITTEE RESOLUTION AC24/22			
Moved: Cr Peter McCumstie			
Seconded: Cr Keith Bedford			
That the Audit Committee recommend that Council:			
<ol style="list-style-type: none"> 1. Endorse the Long Term Financial Plan 2022/23 – 2036/37 per attachment to this report for Council's on going consideration. 			
<u>In Favour:</u> Crs Keith Bedford, Peter McCumstie and Andrew Twaddle			
<u>Against:</u> Nil			
CARRIED 3/0			
12 Aug 2022 11:17am Dexter, Amanda - Target Date Revision			

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Revised Target Date changed by: Dexter, Amanda From: 7 Apr 2022 To: 30 Sep 2022, Reason: Formal Presentation of the Long Term Financial Plan will occur at the OCM September 29 2022

13 Feb 2023 3:34pm Smith, Sarah - Reallocation

Action reassigned to Clarkson, Tamara by: Smith, Sarah for the reason: Alan Thornton no longer at SDWK

13 Jun 2023 3:13pm Clarkson, Tamara - Target Date Revision

Target date changed by Clarkson, Tamara from 30 September 2022 to 30 September 2023 - Engaged Moore Australia to update

Meeting	Officer/Director	Section	Subject
Council 17/08/2023	Clarkson, Tamara Dexter, Amanda	Corporate Services	Adoption of the 2023 - 2024 Annual Budget
RESOLUTION 80/23			
Moved: Cr Geoff Haerewa			
Seconded: Cr Geoff Davis			
<u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda and Peter McCumstie			
<u>Against:</u> Nil			
CARRIED 6/0 BY ABSOLUTE MAJORITY			

6.4 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

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

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Financial: Financial, Legal and Compliance, Organisational Operations and Reputation	Unlikely	Severe	Extreme	Monthly reporting to the Audit 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. Council Meeting Attendance - Electronic Attendance Calculator

RECOMMENDATION

That the Audit Committee:

1. RECEIVES the information contained in the reports detailing Councillor meeting attendance (including via electronic means).



MEETING ATTENDANCE

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

Councillor	Cancelled	17	31	28	26	30	15	TBC	TBC	TBC	TBC	TBC
	Jul	Aug	Aug	Sep	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	OCM	OCM	OCM	OCM	OCM	OCM	OCM
G Haerewa	-	✓ Phone										
P McCumstie	-	✓										
K Bedford	-	A										
R Mouda	-	✓ Phone										
P Riley	-	✓										
P White	-	✓										
A Twaddle	-	✓										
G Davis	-	✓										

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MONTH	Oct-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	Jul-23	Aug-17	Aug-23	Sep-23	Oct-23	Oct-23
TYPE/LOCATION	SCM - DBY	OCM - DBY	OCM - FX	OCM - DBY	Special - DBY	OCM - DBY	OCM - FX	OCM - DBY	OCM - FX	OCM - DBY	OCM - Remote	Special - DBY	OCM - DBY	OCM - FX	Special - DBY	OCM - DBY*
NAME																
G Haerewa	P	P	P	P	P	P	O	P	P	P	C	O				
P McCumstie	P	P	P	P	O	O	P	P	P	P	C	P				
K Bedford	LOA	LOA	LOA	P	O	O	A	LOA	P	A	C	A				
R Mouda	P	O	LOA	P	LOA	LOA	LOA	LOA	P	A	C	O				
P Riley	O	A	P	P	O	O	P	LOA	LOA	LOA	C	P				
P White	A	P	P	P	O	A	P	P	P	P	C	P				
A Twaddle	O	P	P	P	P	P	P	P	P	P	C	P				
G Davis	O	O	P	P	O	O	P	O	P	P	C	P				
L Evans	A	P	LOA	LOA	LOA	LOA	LOA	LOA	A	N/A	N/A	N/A				
	P	: IN-PERSON														* Inclusion depends on date not conflicting with 12 months rolling period.
	O	: ONLINE														
	A	: APOLOGY														
	LOA	: LEAVE OF ABSENCE														

Physical Attendance	Online Attendance	Apology*	LOA*	Total Attendance	Physically In Attendance %*
9	2	0	0	11	82
9	2	0	0	11	82
2	2	3	4	4	50
3	2	1	5	5	60
4	3	1	3	7	57
8	1	2	0	9	89
10	1	0	0	11	91
6	5	0	0	11	55
1	0	2	6	1	100
		*Not counted in attendance %			*Measured using "rolling 12 months period".

NAME	
G Haerewa	
P McCumstie	
K Bedford	
R Mouda	
P Riley	
P White	
A Twaddle	
G Davis	
L Evans	

7 NEW BUSINESS OF AN URGENT NATURE

8 NEW AND EMERGING ITEMS FOR DISCUSSION

9 DATE OF NEXT MEETING

The next meeting of Audit Committee will be held Thursday, 21 September 2023 in the Council Chambers, Clarendon Street, Derby.

10 CLOSURE OF MEETING