

CONFIRMED MINUTES

Ordinary Council Meeting Thursday, 27 April 2023

Date: Thursday, 27 April 2023

Time: 5:30pm

Location: Council Chambers

Clarendon Street

Derby

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MINUTES OF SHIRE OF DERBY / WEST KIMBERLEY ORDINARY COUNCIL MEETING HELD AT THE COUNCIL CHAMBERS, CLARENDON STREET, DERBY ON THURSDAY, 27 APRIL 2023 AT 5:30PM

PRESENT: Cr Geoff Haerewa (Shire President), Cr Peter McCumstie (Deputy Shire

President), Cr Paul White, Cr Andrew Twaddle and Cr Geoff Davis (via MS

Teams)

IN ATTENDANCE: Wayne Neate (Director Technical and Development Services), Neil Hartley

(Director of Strategic Business)(via MS Teams), Christie Mildenhall (Acting Director of Community Services), Tamara Clarkson (Acting Director of Corporate Services), Jamie Bone (Community Recovery Manager), Susan Krouzecky (Manager of Finance), Sarah Smith (Executive Services Coordinator)

and Maria O'Connell (Executive Services Administration Officer)

VISITORS: Nil

GALLERY: Kevin Muller (Resident)

APOLOGIES: Nil

APPROVED LEAVE OF ABSENCE: Cr Rowena Mouda, Cr Linda Evans, Cr Pat Riley and Cr Keith

Bedford

ABSENT: Nil

1 DECLARATION OF OPENING, ANNOUNCEMENTS OF VISITORS

The meeting was opened at 5:33pm by Geoff Haerewa – Shire President.

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

- Cr Geoff Davis; and
- Neil Hartley (Director of Strategic Business).

3 DISCLOSURE OF INTERESTS

Section 5.65 and 5.70 of the *Local Government Act 1995* requires an Elected Member or officer who has an interest in any matter to be discussed at a Committee/Council Meeting that will be attended by the Elected Member or officer must disclose the nature of the interest in a written notice given to the Chief Executive Officer before the meeting; or at the meeting before the matter is discussed.

An Elected Member who makes a disclosure under section 5.65 or 5.70 must not preside at the part of the meeting relating to the matter; or participate in; or be present during, any discussion or decision making procedure relating to the matter, unless allowed by the Committee/Council. If Committee/Council allow an Elected Member to speak, the extent of the interest must also be stated.

3.1 Declaration of Financial Interests

• Nil.

3.2 Declaration of Proximity Interests

Nil.

3.3 Declaration of Impartiality Interests

Nil.

4 APPLICATIONS FOR LEAVE OF ABSENCE

LEAVE OF ABSENCE

RESOLUTION 31/23

Moved: Cr Geoff Haerewa Seconded: Cr Peter McCumstie

That the Leave of Absence request received from Cr Keith Bedford for the Ordinary Council Meeting on 27 April 2023, be accepted and leave of absence granted.

<u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle and Peter McCumstie

Against: Nil

CARRIED 5/0

5 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

6 PUBLIC TIME

6.1 Public Question Time

Kevin Muller – Resident

Asked that Council consider proposals for positive change in Derby:

- Start/Formation of a non-discriminating weekly meditation group;
- Provide 36 fruit trees for the verge areas of Barnett Way, with street competition of the most aesthetically pleasing and practical verge garden, with mulch supply provided to individual sites by Council;

- Host weekly non-discriminatory cinema movies at either the Civic Centre or another suitable venue and other community activities; and
- Start a Recycling Centre one day per week for second hand for building materials, household furniture and general items.

These questions were taken on notice by the President.

6.2 Public Statements

Nil.

7 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS

Nil.

8 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil.

9 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

RESOLUTION 32/23

Moved: Cr Paul White

Seconded: Cr Peter McCumstie

That the Minutes of the Ordinary Meeting of the Shire of Derby/West Kimberley held at the Fitzroy Crossing, on 30 March 2023 be CONFIRMED.

<u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle and Peter McCumstie

Against: Nil

CARRIED 5/0

10 RECOMMENDATIONS AND REPORTS OF COMMITTEES

10.1 MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 20 APRIL 2023

File Number: 4110

Author: Sarah Smith, Executive Services Coordinator

Responsible Officer: Amanda Dexter, Chief Executive Officer

Authority/Discretion: Executive

SUMMARY

For Council to receive the minutes of the Audit Committee Meeting held on 20 April 2023.

ATTACHMENTS

1. Minutes of the Audit Committee Meeting held on 20 April 2023

RESOLUTION 33/23

Moved: Cr Andrew Twaddle Seconded: Cr Peter McCumstie

THAT COUNCIL:

1. Receive the Minutes of the Audit Committee Meeting held on 20 April 2023 and the recommendations therein be adopted.

<u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle and Peter McCumstie

Against: Nil

CARRIED 5/0

COMMITTEE RESOLUTION AC38/23

Moved: Cr Geoff Haerewa Seconded: Cr Peter McCumstie

That the Audit Committee recommends that Council by an ABSOLUTE MAJORITY:

- 1. Adopts the audited Annual Financial Report 2021-2022; and
- Notes the Independent Audit Report and Auditor's Closing Report and requires that the Chief Executive Officer reports to the Audit Committee through its meeting agenda Status Report, on progress being made with the Audit's Internal Control Findings, and that the CEO's priority for action should mirror those expressed by the auditor (vis. firstly 'significant', then 'moderate', then 'minor').

<u>In Favour:</u> Crs Geoff Haerewa, Keith Bedford and Peter McCumstie

Against: Nil

CARRIED 3/0 BY ABSOLUTE MAJORITY

COMMITTEE RESOLUTION AC39/23

Moved: Cr Peter McCumstie Seconded: Cr Keith Bedford

That the Audit Committee recommends that Council:

1. Notes the List of Accounts for March 2023 paid under Delegated Authority in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996 attached to this report, totalling \$3,123,383.92.

<u>In Favour:</u> Crs Geoff Haerewa, Keith Bedford and Peter McCumstie

Against: Nil

CARRIED 3/0

COMMITTEE RESOLUTION AC40/23

Moved: Cr Geoff Haerewa Seconded: Cr Keith Bedford

That the Audit Committee recommends that Council:

1. RECEIVES the Monthly Financial Management Report incorporating the Statement of Financial Activity for the period ending 31st March 2023.

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

Against: Nil

CARRIED 3/0

COMMITTEE RESOLUTION AC44/23

Moved: Cr Geoff Haerewa Seconded: Cr Keith Bedford

That the Audit Committee recommends that Council:

1. RECEIVES the report on outstanding rates and service charge debts by financial year to the end of March 2023.

<u>In Favour:</u> Crs Geoff Haerewa, Keith Bedford and Peter McCumstie

Against: Nil

CARRIED 3/0

COMMITTEE RESOLUTION AC45/23

Moved: Cr Peter McCumstie Seconded: Cr Keith Bedford

That the Audit Committee recommends that Council:

1. RECEIVES the information contained in the report detailing Sundry Debtors as at 31 March 2023.

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

Against: Nil

CARRIED 3/0 BY ABSOLUTE MAJORITY

REPORTS

11 EXECUTIVE SERVICES

11.1 DERBY PORT MASTERPLAN

File Number: 9010.20.1

Author: Neil Hartley, Director - Strategic Business

Responsible Officer: Amanda Dexter, Chief Executive Officer

Authority/Discretion: Executive

SUMMARY

The Derby Port is managed by the Shire under a Head Lease with the Kimberley Ports Authority. The development of a Masterplan for the Derby Port has been progressing for a couple of years and was last referred to Council on 27 October 2022, where it endorsed a stakeholder consultation process to gather information to enable to draft Masterplan to be progressed to final draft stage.

The feedback from the consultation, the impacts of the recent Cyclone Ellie, and considerations at Councillor Workshops has facilitated the development of a final draft Derby Port Masterplan for Council's consideration of adoption.

The Masterplan concludes that Council should retaining the port, and offers 52 recommendations to assist to facilitate that potential outcome.

DISCLOSURE OF ANY INTEREST

Nil applicable by author or responsible officer.

BACKGROUND

The Derby Port is managed by the Shire under a Head Lease. The Head lease has been in operation since 30 June 1998 and is due to conclude on 29 June 2040. The lessor has historically been the WA Department of Transport, but the responsibility for that oversight was passed on to the Kimberley Ports Authority on 1 July 2021. Since then and in light of the closer geographic access of the two parties, there has been a more comprehensive engagement between the representatives of the Lessor and the Lessee. The development of a Masterplan for the Derby Port to compliment the new oversight arrangements is therefore timely, and will assist in guiding the port's strategic direction and operations, to 2040, and potentially beyond that time.

The draft Derby Port Masterplan was drawn together using internal resources. No actuarial or predictive studies were undertaken to assist to populate or guide its development, so is not a fully comprehensive document, but should be sufficient to (1) ensure that the port itself operates in a safe, compliant, and efficient manner, and (2) enables Council to subsequently seek out added data and statistics, so that future decision making is able to be based on comprehensive and good quality information.

The 27 October 2022 Council Meeting endorsed a stakeholder consultation process which included the following key date goals:

- Council to endorse draft Derby Port Masterplan at OCM Thursday 27 October 2022;
- Initial consultation period will be from November 2022 to before Christmas 2022;
- Stakeholder comments to be submitted by 28 February 2023;

- Consultation report with feedback due back to Councillor Forums in March/April 2023;
 and
- Final plan to be adopted by Council in time to be accommodated into the 2023/24 budget, so no later than at OCM on Thursday 22 June 2023.

The Masterplan concludes that it should promote that Council should focus its efforts on retaining the port, but that its decision making process should be based on a thorough understanding of the risks and benefits that are relevant at the time those decisions are made. This Masterplan provides "primary recommendations" (2 of), that should be addressed in the first instance (and where practical) prior to the "secondary recommendations" (50 of) being initiated.

STATUTORY ENVIRONMENT

Local Government Act 1995 S3.1 (General function) outlines that the general function of a local government is to provide for the good government of persons in its district and that a liberal approach is to be taken to the construction of the scope of that general function consideration.

POLICY IMPLICATIONS

There is an existing policy that addresses commercial leases (ES2 - Establishment of Commercial Leases) but this item does not draw out any implications relevant to it.

FINANCIAL IMPLICATIONS

The financial cost of the consultation has been reasonably small (less than \$5,000) but was a considerable amount of officer time involved. Both amounts have been accommodated within the existing 2022/23 budget allocations.

The Port is a considerable piece of infrastructure, and its operations are complex and risky. The Shire has opted in the past due to its limited financial resources, to operate the port at the "lowest practical cost", not to the "highest practical standard". It has been successful in keeping costs low, and fortunate that its higher exposure to risks has been well managed and therefore not converted to added costs.

A summary of the annual ratepayer cost for the last several years is outlined below and highlights that the deliberate "lowest practical cost" strategy has been successful in progressively eliminating the requirement for any ratepayer subsidy of the Port's costs, with the Port now operating on average, in a "break-even" position:

Financial Year	Income	Expenditure (including depreciation)	Capital Expenditure	Profit/Loss	Depreciation
2021/22	\$1,503,378	\$1,529,690	\$391,085	-\$417,397	\$705,515
2020/21	\$1,499,002	\$999,497	\$183,703	\$315,802	\$244,415
2019/20	\$1,416,424	\$1,312,108	\$78,030	\$26,285	\$245,828
2018/19	\$1,423,444	\$1,353,516	\$463,324	-\$393,396	\$244,803

The revenue from Cyclone Ellie usage will likely further reinforce the likelihood of a surplus in 2022/23, and if Kimberley Mineral Sands utilises the service for exporting its products, ongoing surpluses are almost certain to occur, providing ample financial capacity to improve port operations and to also undertake the backlog asset management that requires attending to.

This report proposes that the Masterplan and its recommendations be adopted, which will then require that the Chief Executive Officer 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). Many of the recommendations will only require existing officer time to be allocated to progress them, a couple however will require significant financial resources to be found. For example:

- Primary Recommendation #1 (vis. "to understand the Shire's expected longer term financial commitments, undertake a Financial, Commercial, and Economic Viability Analysis of the Derby Port.....") requires an external consultancy to be appointed. These studies can be quite expensive to undertake (depending on the specifications sought) and would be expected to cost \$50 - 100,000 (a draft terms of reference for a possible consultancy is attached); and
- Primary Recommendation #2 (vis. to ensure continued professional and safe port operations, contract a port management service/dedicated Shire personnel, to work with Council and existing on-site port management expertise employed by the Shire) will require either a permanent contractor, or a permanent staff resource to be appointed. An annual cost of \$75 - 125,000 would be likely.

STRATEGIC IMPLICATIONS

GOAL	OUR PRIORITIES	WE WILL
1. Leadership and Governance	1.1 Collaboration and partnership	1.1.1 Engage with our communities
1. Leadership and Governance	1.2 Capable, inclusive and effective organisation	1.2.1 Provide strong civic leadership
3. Economy	3.1 Industry and business development and growth	3.1.1 Encourage and support appropriate and sustainable investment
3. Economy	3.2 Strong economy	3.2.1 Recognise and promote the economic potential of the district

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Financial: The long term financial commitments for the Derby Port are significant and there is a potential for the Shire to suffer financial damage as the port's operator.	Possible	Severe	High	Actively monitor the port's operational and capital cost needs, and take action to mitigate costs as needed. Annual Council consideration through the budget process, of "value for money" of any required ratepayer funded financial support.

Legal & Compliance:	Likely	Major	High	Put into place
The operation of a port has complex legal needs and the potential for considerable legal repercussions.				appropriate management, and systems, to ensure legal risks are minimised.

CONSULTATION

A stakeholder engagement process has been progressing, inclusive of a Forum held on 8 November 2022. All attendees and stakeholders were invited to input into the draft Masterplan.

Several local commercial and community stakeholders contributed and their contributions are outlined below:

Masterplan Recommendation	Stakeholder Comment	Officer Response
Submission #1: Primary Recommendations 1; and 2. Head Lease Recommendation 1; 6; 10; and 11. Head Lease Recommendations 4; 7; 8; 9; and 12. Financial Sustainability Recommendations 14; 15; 16; 17; 18; 19; and 20. Asset Management Recommendations 21; and 22.	Suggested either the Deletion or Modification of the these Masterplan recommendations, with the following comment: I've declined to comment on all of the questions, as I've yet to see anything other than debt and mismanagement. Shire should not be a port operator or airport operator. I believe it should be a state government responsibility to operate ports and airports. It should be the users lobbying state government to pay to support the ports, not ratepayers. Noted that Kimberley Ports Authority started to support the port, but ratepayers should not be out of pocket for the ongoing benefit of commercial users. Congratulations to the Shire for this plan, but I believe users should be paying along with government, not the ratepayers.	This view is partly addressed through the Shire's Corporate Business Plan, to the extent that the Port has been endorsed by Council as a "business unit" of the Shire, which is a different position to that proposed by the stakeholder. Council will however, revisit its position in this regard as a direct consequence of this Masterplan consideration process. Fees and Charges are set to reflect the highest practical charging levels, which means they are (generally) consistent with the Broome Port. Fees and Charges are set annually as part of the budget process so will be reconsidered as part of the 2023/24 budget. No changes to the recommendations are suggested as a result of considerations of this submission.
Submission #2: Financial Sustainability	Suggested to Modify, but no comment provided as to why.	No changes to the recommendations are suggested as a result of

Recommendation 18.		considerations of this submission.
Submission #3: Primary Recommendation 2.	Suggested to Delete, but no comment provided as to why.	No changes to the recommendations are suggested as a result of considerations of this submission.
Submission #4: Head Lease Recommendations 7; 11; and 12. Financial Sustainability Recommendations 15(b); 16; and 20. Asset Management	Suggested either the Deletion or Modification of these Masterplan recommendations, but did not provide any comment as to why.	No changes to the recommendations are suggested as a result of considerations of this submission.
Recommendations 28. Port Management Recommendations 33(b) and 37. Economic Development Opportunity Recommendations 41; and 44.		
Submission #5 (from Stakeholder Forum comments): Primary Recommendation 1. 1. To understand the Shire's expected longer term financial commitments, undertake a Financial, Commercial, and Economic Viability Analysis of the Derby Port. Analysis to include a detailed study of the long term economic potential and consequential financials for the Port Precinct (including for example, the competition risks of Warburton/Ace proposal). Noting that this study can be funded from the Kimberley Mineral Sands "FID payment" if necessary.	Modify by adding "Work with Kimberley Development Commission and Kimberley Ports Authority" so the Recommendation would read: 1. Work with Kimberley Development Commission and Kimberley Ports Authority to understand the Shire's expected longer term financial commitments,	The proposal to work cooperatively with other Kimberley agencies is supported. The recommendation should be modified as suggested to: "1. Work with Kimberley Development Commission and Kimberley Ports Authority to understand the Shire's expected longer term financial commitments, undertake a Financial, Commercial, and Economic Viability Analysis of the Derby Port. Analysis to include a detailed study of the long term economic potential and consequential financials for the Port Precinct (including for example, the competition risks of Warburton/Ace proposal). Noting that this study can be funded from the Kimberley Mineral Sands "FID

		payment" if necessary.
Submission #6: Not specific to any recommendation.	The plan should remember the current users that keep the Port open at present (e.g. Mount Gibson; Cone Bay; recreational fishers and tour boats).	Agreed. Some commentary has been added to the Masterplan to reflect this comment, although no changes to the actual recommendations are suggested.
Comment from Commercial Boat Lessee	There is no boat wash down or maintenance area (similar to the Broome Port facility) for commercial boat users, which maintains suitable levels of environmental protection for the port.	Such a facility would provide both economic, and environmental benefits and warrants construction, subject to funding availability. A new recommendation (#35) has been added –
		35. To ensure environmentally friendly commercial boat operations can be maintained, construct a suitable commercial sized boat washdown and maintenance bay;

In light of the fact that Kimberley Ports Authority is the *Shire's Landlord* and manages the Head Lease that the Shire has for the Derby Port, its comments (which were the most comprehensive) are outlined in a separate table (see below):

Masterplan Recommendation	Kimberley Ports Authority Comment	Officer Response
Primary Recommendations 1; and 2.	Supports Recommendations.	No comment required.
Head Lease Recommendations 1; 3; 4; 5; 7; 8; 11 and 12.	Supports Recommendations.	No comment required.
2. To best enable local economic development, seek to have a SDWK Shire Councillor representative on the Kimberley Ports Authority Board.	KPA does not support this initiative. KPA Board members are elected by the Ports Minister on an independent basis, not to represent any particular group or organisation. SDWK Councillors can engage with KPA through KPA Community Consultation Meetings, Port Advisory Meetings and annual KPA Board Meeting	The recommendation as written still has merit and it remains worthwhile to seek KPA Board membership, albeit the outcome is at the complete discretion of the KPA. In the interim, the Council could seek to be invited to KPA Board meetings to provide local input into Derby Port matters under discussion, on an "as warranted" basis. To that end the recommendation could be amended to read: "2. To best enable local economic

	held in Derby.	development, seek to have a SDWK Shire Councillor representative on the Kimberley Ports Authority Board, or alternatively, to have a capacity for direct input into KPA Board discussions on Derby Port matters, on an "as warranted" basis."
6. To ensure that the Derby Jetty can best provide for economic development and operate in a financially responsible manner, seek to modify the Warburton/ACE Agreement (with its proposal for a competing port facility) so that if an extension of the	KPA's view is that a port development of this scale would be a long term lease direct with KPA.	This position reflects the existing Warburton/ACE Agreement (vis. that Council supports a KPA/Warburton ACE Lease). The outcome of which is to allow the building of a competitor's superior port facility via a direct lease between KPA and Warburton ACE. Council needs to:
Head Lease can be secured, that any future Warburton/ACE agreements/leases are with		consider the Port's purpose, structure, and viability, post a Warburton/ACE development;
the Shire, and not the state government/Kimberley Ports Authority.		include this potential outcome as a component of the Financial, Commercial, and Economic Viability Analysis (Primary Recommendation #1);
		engage with KPA Warburton/ACE on how such a development will impact on the Shire's port and seek funds from them, to develop a Business Plan for the existing Port (to reflect its likely position as the "second Derby Port");
		Change the recommendation to read "6. To ensure that the Derby Port and the Warburton/ACE development can best provide for the economic development of the District, and the remaining Derby Jetty and associated port infrastructure can operate in a financially viable manner, seek funds from KPA and/or Warburton/ACE to undertake an Economic Analysis and a Shire Business Case/Community Plan."
9. To protect the Shire from	KPA requests all	The proposed sub-lease has been

risks, ensure all new/extended sub-leases adequately accommodate and "pass on" Head Lease risks placed upon the Shire.	new/extended sub-leases are based on the supplied KPA approved sub-lease document unless otherwise approved by KPA.	the subject of a review by the Shire, and comments questions forwarded to KPA for response. It is yet to be the subject of a legal review by the Shire's lawyers. It is a very comprehensive document that is much more imposing on lessees than previous Shire versions. It could possibly result in there being no sub-lessees willing to sign such an agreement unless the business being pursued has favourable financials.
		Change the recommendation to read "9. To protect the Shire from risks, ensure all new/extended subleases are based on the current KPA supplied and approved sub-lease document, and have been endorsed by the Shire's legal advisors as being appropriate."
10. To facilitate the potential of an additional revenue stream through the releasing of the old BP sublease site, utilise funds in the	KPA's view is to obtain a potential lessee prior to any remediation.	The Shire has invited potential new lessees for this Elder Street site (consistent with the action suggested by KPA) but thus far there has been no interest shown.
Shire's Creditor's Account associated with this site, to undertake remedial works (and then advertise the site for lease).		Change the recommendation to read "10. To facilitate the potential of an additional revenue stream through the re-leasing of the old BP sub-lease site, secure a new lessee, or alternatively, utilise funds in the Shire's Creditor's Account associated with this site, to undertake remedial works (and then re-advertise the site for lease)."
13. To maximise the Shire's capacity to offer commercial lease periods for significant developments, like the Warburton/Ace Port proposal, seek to have a new/extended head-lease, out to the longest possible date (99 years).	As per above any significant port developments will be direct with KPA.	The revenue stream for the existing Port is expected to be negatively impacted upon the availability of a Warburton/Ace Port option. Also, the remaining Head Lease term is now too short to attract land only lessees who require built infrastructure to support their business venture. Whilst KPA is not saying a Derby Port lease extension

		would not be provided, it is saying that leases for any significant port developments will be direct with KPA post 2040. Council therefore does need to understand its "place" in the Port Precinct and what financial, and other risks/impacts such an arrangement will have on it and the Shire.
		Change the recommendation to read: "13. To maximise the Shire's capacity to offer viable commercial lease periods for Port developments, the Shire actively engage with KPA to establish the current (to 2040) and the future (post 2040) position on, amongst other things, the Shire's Port Head Lease, future Port land sub-lease considerations, and the arrangements for "significant" port developments."
		Note: the number will alter to #14.
Financial Sustainability Recommendations 15; 16; 17; and 20.	Supports Recommendations.	No comment required.
14. To minimise port operating expenditure, work with the Shire's insurers and other stakeholders to minimise insurance premiums, maintain the potential of a transition from "Replacement" to "Removal of Debris Only" insurance where that is achievable (note: endorsed by Council via resolution of 25 November 2021 and incorporated as an option in the KMS lease).	KPA has previously accepted this proposed change however there is a financial benefit to SDWK. KPA requests a commitment that any savings based on this concession that KPA is willing to approve is invested back into the Port.	The Port is separately managed within the Shire's financial accounts. Whilst is has consistently operated at a loss over past decades, of more recent times there has been a financial improvement at the operational level, including that Kimberley Mineral Sands is now paying the insurance costs (or more accurately, bridge financing from the agreed future additional payments negotiated). The Shire has Head Lease and sub-lease commitments to suitably operate and maintain the Port, and so the suggestion is not inconsistent with what Council would normally consider during any budget.
		Modify recommendation by adding an additional sentence "14 and incorporated as an option in the

		KMS lease). Any savings to form part of the overall Port budget and where it is responsible to do so, invest them back into the Port." Note: the number will alter to #15.
18. To best show the cost to ratepayers, initiate a Derby Jetty Rates Levy, to raise funds specifically for the funding of Derby Port's annual operational losses, and Derby Jetty asset management;	KPA would only support this based on the outcome of item 15(b) above (vis. ensure Derby Port fees and charges are comparable with the levels set for the Broome Port by the Kimberley Ports Authority).	It is likely KPA has misinterpreted the intention of this recommendation, which is to consider directly levying ratepayers of the Shire with a "Port Levy", which would free up Shire resources to undertake other projects by specifically levying ratepayers for the funds to meet the port's costs.
		It is considered that the option of such a levy still has merit if that was the direction a future budget needed to take. No changes to the recommendation are suggested.
19. To reduce debt, use the Kimberley Mineral Sands revenue stream to pay down the "Port component" of the Shire's Loan #152 (Derby Port and Airport – balance outstanding of approx. \$1.5m in total);	KPA does not support using Port derived revenue to pay off SDWK loans.	It is possible KPA has misinterpreted the intention of this recommendation, which is to use this anticipated new port revenue to repay an old loan that was taken up to pay for port capital works. The proposal is not inconsistent with what is understood to be KPA's position and no changes to the recommendation are suggested.
Asset Management Recommendations 21 (partly);22; 23; 24; 25; 26; 27; and 29.	Supports Recommendations.	No comment required.
21. To maximise port asset sustainability and best maintain the Derby Jetty and associate infrastructure, and to comply with Head Lease requirements, Council to: b. seek from the Kimberley Ports Authority, a detailed long term Jetty asset management program for the Shire's consideration; c. seek out Government capital refurbishment grants	(b) Under the lease agreement the SDWK is ultimately responsible for providing an Asset Management Plan for KPA's approval. Suggest modifying this in that the SDWK and KPA will jointly prepare the program. (c) and (d) KPA is willing to	The Shire has secured historic asset management plans, but the bigger issue is that the Shire has not had the financial capacity to implement them in their entirety. None-theless, the offer by KPA to jointly prepare a plan should be welcomed and the recommendation altered to read "b. work with Kimberley Ports Authority to jointly prepare a detailed long term Jetty asset management program for the Shire's consideration."

provided for local government assets; d. seek out Government "special grant" contributions in light of the Head Lease's "fair wear and tear" exception, and the royalties earned by governments	work with the SDWK to seek external funding to maintain, upgrade and improve the Port facility as long as any port operational surpluses, including the KMS revenue is reinvested in the Port.	KPA's conditional offer to support the Shire in any grant applications is to be welcomed. KPA is simply endeavouring to maximise the life and usefulness of the Derby Jetty by seeking that as much money as possible is reinvested back into the Port. That is a position consistent with the Shire's, with the only restriction being that the Shire's financial needs exceed its capacity to provide for them. Change the recommendations for both (c) and (d) to add at their commencement "In consultation with the Kimberley Ports Authority, seek out Government"
28. To minimise jetty stress (and asset management costs) impose heavy vehicle restrictions by informing large truck operators (e.g. fuel deliveries) that trucks larger than RAV10 will not be permitted to access the jetty structure after 30 June 2023 without specific approval from the Director – Technical & Development Services;	On the basis that a structural analysis determines that wharf is overstressed and poses a risk.	The Shire holds the same view, but the recommendation could be modified to clarify this point, to: "28. To minimise jetty stress on the basis that a structural analysis determines that the jetty is overstressed and/or poses a risk (and to minimise asset management costs) impose heavy vehicle restrictions by informing large truck operators (e.g. fuel deliveries) that no trucks larger than say, RAV10, will be permitted to access the jetty structure after 30 June 2023 without specific approval from the Director – Technical & Development Services." Note: the number will alter to #29.
Port Management Recommendations 31; 32; 33; 34; 35; 37; and 38.	Supports Recommendations.	No comment required.
30. To enable (for example) better land planning, safe transport/pedestrian routes and maximise leasable areas, develop a detailed ground use and precinct boundary plan for the Port so that it	KPA plans to undertake a whole of Port Master Plan in 2023 with input from the SDWK. The KPA plan will include the items listed here.	KPA's contribution to this project is welcomed. The recommendation can be altered to include KPA's offer as follows: "30. To enable (for example) better land planning, safe transport/pedestrian routes and maximise leasable areas, in consultation with the KPA funded

clearly defines and formalises the various areas (e.g. defined area long term boat trailer parking bays, lease area boundaries, transport routes and turning areas, barge loading restriction areas, and pedestrian zones, etc);		project of the same purpose, develop a detailed ground use and precinct boundary plan for the Port so that it clearly defines and formalises the various areas (e.g. defined area long term boat trailer parking bays, lease area boundaries, transport routes and turning areas, barge loading restriction areas, and pedestrian zones, etc)." Note: the number will alter to #31.
36. To allow safe access in most weather and tidal conditions, study the potential of a groin;	No comment provided.	It is noted the KPA does not support this proposal, but it chose not to provide any commentary on it. It is proposed that the recommendation remain unchanged, but any consideration of the funding for such a study should include a prior invitation to KPA to expand on its position. It should be noted that KPA will no doubt have a strong influence over any proposal by the Shire to install such a piece of infrastructure.
Economic Development Opportunity Recommendations 39 (conditionally); 41; 42; 43; 44; and 45.	Supports Recommendations.	No comment required.
39. To locate potential economic development opportunities: b) promote locational and cost advantages for off-shore servicing from the Derby Jetty;	(b) Provided these are founded and can be demonstrated.	Businesses will only locate at Derby if it suits their purposes to do so. The recommendation can be modified clarify the point raised by KPA, to: "40. To locate potential economic development opportunities, partner with KPA to undertake a port economic study to understand the potential opportunities for Broome and Derby (for example, to study any locational and cost advantages for off-shore servicing from the Derby Jetty)." Note: the number will alter to #40.
40. To discourage land- banking, include "protective	As above any sub-lease to be the KPA approved	There have been port leases taken up but not developed by the lessee,

and penalty clauses" in any new sub-leases the Shire might be a party to, or that Kimberley Ports Authority might facilitate, to ensure development occurs within a reasonable time-line;	document.	but to this point in time the issue of "land-banking" has not been of overwhelming concern, with there being more port land available than lessees can reasonably utilise. The proposed KPI lease does include provisions that might mitigate any land-banking problem, but Council should not limit its capacity to include a specific clause if it was of the view such a specific protection should exist in a new lease. The recommendation can be clarified somewhat to the following. "41. To discourage land-banking, include "protective and penalty clauses" in any new sub-leases the Shire might be a party to, or that Kimberley Ports Authority might facilitate, (through the approved and preferred KPA supplied sub-lease or otherwise) to ensure development occurs within a reasonable time-line." Note: the number will alter to #41.
Community and Stakeholder Management Recommendations 39 (conditionally); 46; 47; 48; 49; and 50.	Supports Recommendations.	No comment required.

Councillor Feedback from Councillor Forums resulted in the following changes:

Masterplan Recommendation	Councillor Comment	Officer Response
Primary Recommendation #1. 1. To understand the Shire's expected longer term financial commitments, undertake a Financial, Commercial, and Economic Viability Analysis of the Derby Port. Analysis to include a detailed study of the long term economic potential and consequential financials for the Port Precinct (including for	In the light of extended use of the barge ramp in response to the flood emergency, both in Fitzroy Crossing and Victoria River area, emphasis be put on future investigations, resources, costs, and overall viability of significant upgrades to the barge roll-on roll-off potential at the Derby Port.	This recommendation has earlier modifications as outlined above in the Stakeholder feedback section. The recommendation has been further modified to read: "1. Work with Kimberley Development Commission and Kimberley Ports Authority to understand the Shire's expected longer term financial commitments, undertake a Financial, Commercial, and

example, the competition risks of Warburton/Ace proposal). Noting that this study can be funded from the Kimberley Mineral Sands "FID payment" if necessary.		Economic Viability Analysis of the Derby Port. Analysis to include a detailed study of the long term economic potential and consequential financials for the Port Precinct (including for example, the competition risks of Warburton/Ace proposal; and the viability/potential of barge rollon roll-off capabilities). Noting that this study can be funded from the Kimberley Mineral Sands "FID payment" if necessary; and
No recommendation specific to the comment.	No new leases until total port plan is complete and all facets plain to see and completely known. Existing leases to be reaffirmed at the earliest opportunity, and if no proof of activation within 12 months, they be cancelled.	New recommendation (#11) in the Sub-Leases area, as follows: "11. To best coordinate port lease areas and port uses: (a) avoid permitting new leases until the Masterplan is complete and port direction and operations are settled; and (b) review existing leases to reaffirm their validity and relevance, and where practical, cancel non-performing leases;"
 33. To provide the lowest risk and highest service level for recreational boat users and the Derby Volunteer Marine Rescue Service: (a); (b); (c). 36. To allow safe access in most weather and tidal conditions, study the potential of a groyne; 	Explore current and future options to provide significantly safer recreational boat launching and retrieval facilities, including a groyne in the existing small boat ramp area. Significant upgrade to existing ramp and walkway and possible relocation of recreational boating facilities to the original small boating area in the creek to the north and adjacent to the northern jetty abutment.	Relocate recommendation #36 as a new recommendation #34 (d) to be specifically relevant to recreational boating, namely "(d) To provide safer recreational boat launching and retrieval facilities (in most weather and tidal conditions) study the potential of a groyne;" Other points are captured in recommendation #33(b) (recreational boating).
21 and 22, as they relate to the Kimberley Mineral Sands 'additional payments'.	Insert the capacity for Council to consider allocating port revenues to community projects, where justified.	Minor wording change (vis. 'where justified/where practical') to both recommendations.

COMMENT

There are many port related opportunities that might present themselves into the future and so it is considered that the Masterplan needs to be "suitably fluid", such that it can accommodate as many of those opportunities as possible, but without losing its strategic direction. A good example of this was the valuable contribution that the port made to assisting with services and supplies during the response and recovery efforts for Cyclone Ellie (albeit it is hoped that another similar need does not present itself for another century or so!).

As was expected, stakeholder and Councillor Forum contributions, and feedback through individual submissions, has enabled the Masterplan to be further refined into the attached final draft format. There was relatively limited stakeholder input, so care must be taken in drawing any broad based conclusions, but it is hoped that stakeholders "were generally favourable to the direction of the draft Masterplan". There were for example, comments from ratepayers reflecting their concerns about cost impacts upon their rates, comments from port users who might be comfortable with the current arrangements and therefore not so keen to see too many changes in the future, and comments from the Kimberley Ports Authority which has multiple roles to play across the Kimberley as well as at Derby Port. A number of suggestions were not supported by specific comments, but comments were not expressly sought as part of the consultation process either, so every endeavour should be made to consider these submissions similarly to those that did provide a position as to why they responded in the way they did.

The final plan result should provide a defined pathway along which Council can progress its future thinking and planning for the Derby Port Precinct. It is suggested that the Masterplan be reviewed in two years' time (giving it and everyone else adequate time to "settle" following its introduction), and then at least every five years afterwards.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

- 1. Stakeholder Feedback KPA 🖫
- 2. Economic Development Study RFQ (Draft) U
- 3. Masterplan (Executive Summary Version) 4 Table 2

RESOLUTION 34/23

Moved: Cr Paul White

Seconded: Cr Peter McCumstie

That Council:

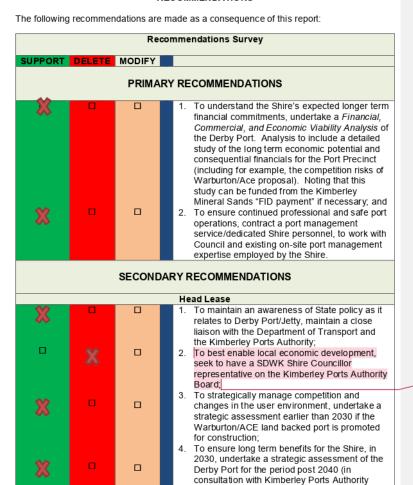
- 1. Express its appreciation to Derby Port stakeholders for their contributions towards the Masterplan;
- 2. Endorse the attached draft Derby Port Masterplan (noting in incorporates the recommendation changes highlighted in the "Consultation" section above);
- Requires that the Chief Executive Officer (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

RECOMMENDATIONS

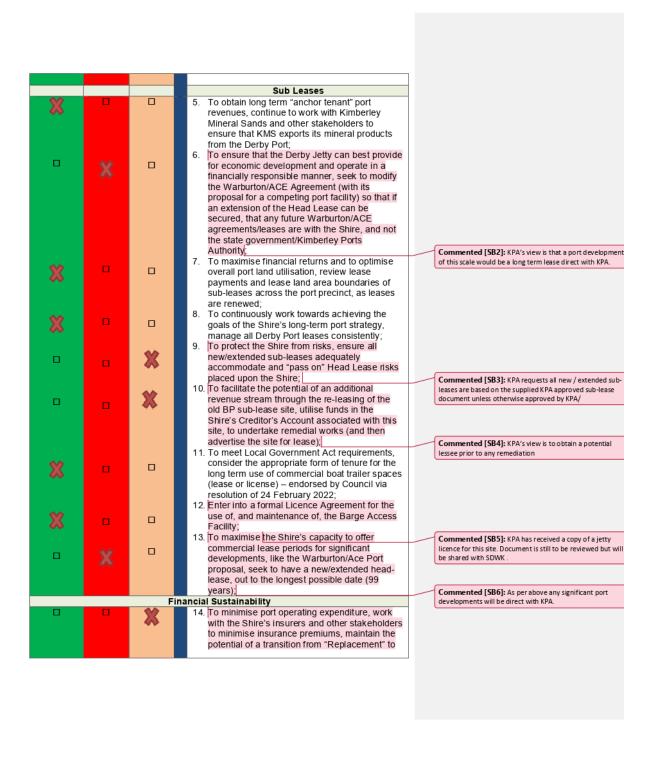


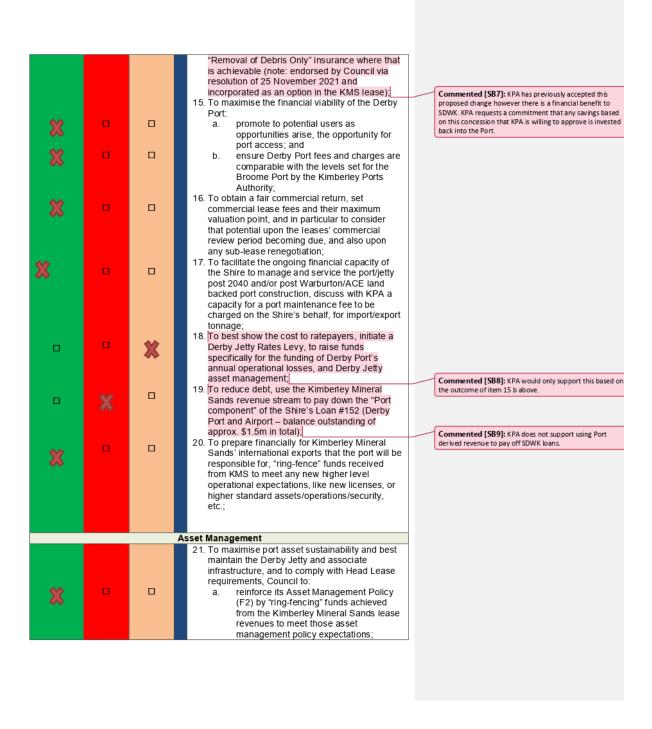
Commented [SB1]: KPA does not support this initiative. KPA Board members are elected by the Ports Minister on an independent basis, not to represent any particular group or organisation. SDWK Councillors can engage with KPA through KPA Community Consultation Meetings, Port Advisory Meetings and annual KPA Board Meeting held in Derby.

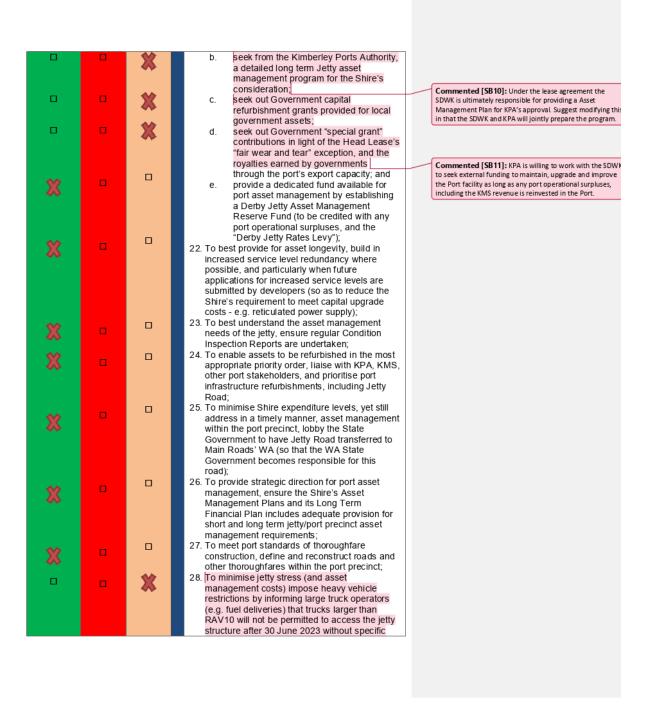
Item 11.1 - Attachment 1 Page 25

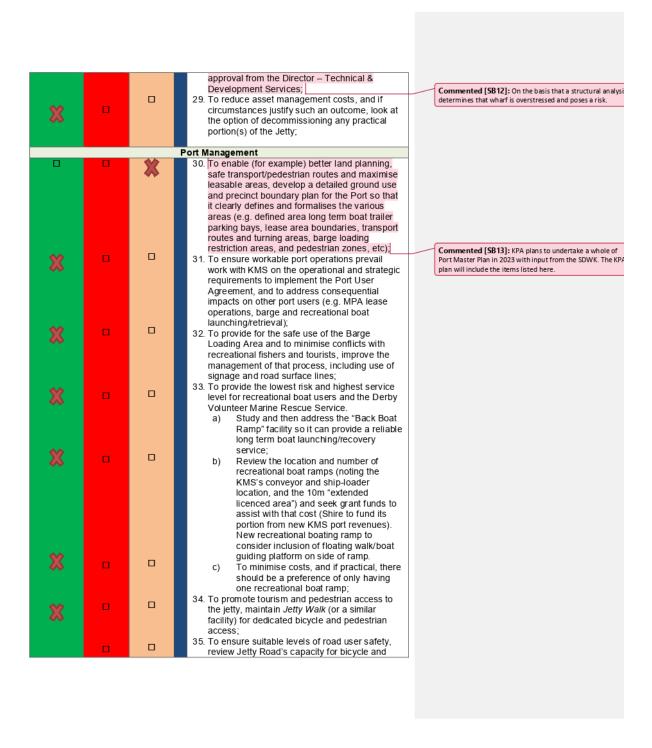
(KPA) and Kimberley Mineral Sands (KMS) [as per the Port User Agreement]), with the view to either a Head Lease extension, or a post 2040 transition plan to KPA over-sight (for example, continue as fully operational jetty, or continue on a lower cost scale/low impact jetty for

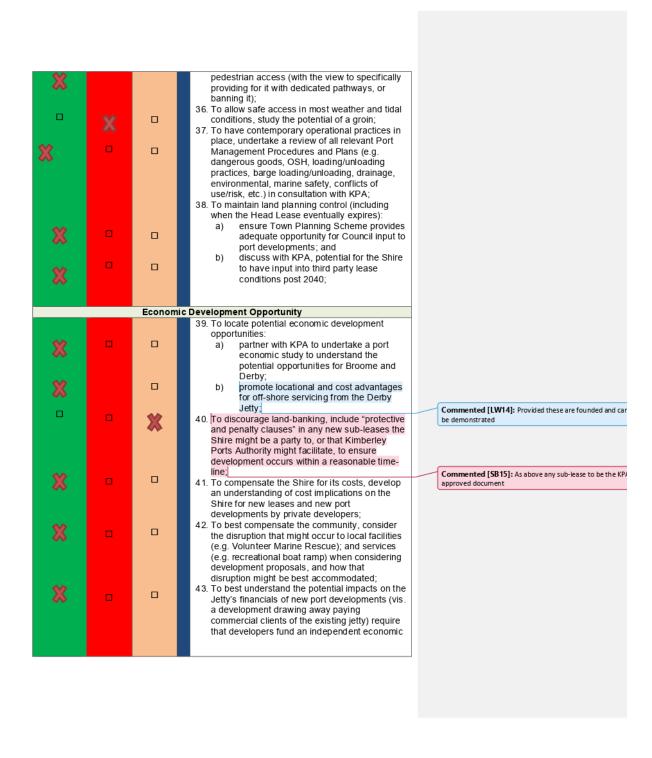
tourism based use only);

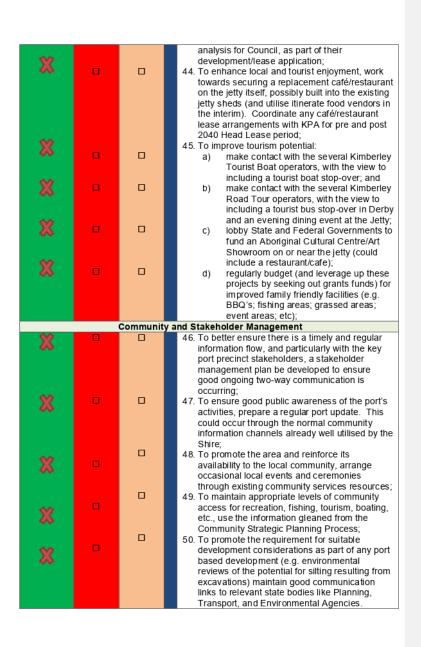












Derby Port Economic Development Study

The Shire of Derby/West Kimberley invites proposals to study and report on the potential and likelihood for the (1) Derby Sea Port, and (2) the Curtin Airport, to be able to provide either independently or in combination, a competitive and sustainable economic development advantage for the district of the Shire of Derby/West Kimberley. The study is required to consider the local, regional, state, national, and international potential of these two services.

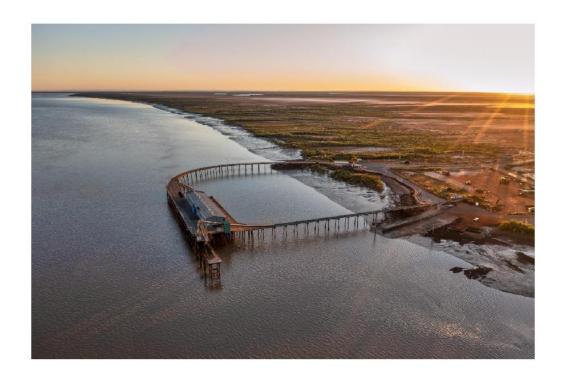
Proposals needs to outline:

- A. The experience and background of the proponent;
- B. The proposed methodology of the study (including the reach and extent to which the study will go to, to secure data and other researched information from which conclusions will be drawn); and
- C. The cost proposal needs to be submitted with four options:
- (1) an optimum level best fit-for-purpose study for the -
- (1a) Derby Port, and
- (1b) the Derby Port and the Curtin Airport; and
- (2) the least comprehensive study as possible, but one which still provides quality advice to Council (and from which it can confidently make well considered strategic decisions on these two port services) for the
- (2a) Derby Port, and
- (2b) the Derby Port and the Curtin Airport.

The study is a proposal for consideration as part of the Shire's 2023/24 budget, where funds are expected to be available for allocation.

Derby Port Precinct Masterplan

(Executive Summary Version – April 2022)



EXECUTIVE SUMMARY

Future assessments of the wisdom of this Council's 2023 decisions in regard to this Masterplan will be able to be made with the "arrogance of hindsight", but today's Council does not have that luxury. Today's Council must make a key strategic decision as to whether to commit to expending the ratepayer's funds on meeting the annual and foreseeable operational deficits of Derby Port, in exchange for the potential of the future economic development returns and the community wellbeing that the district will receive in return for that financial investment. It is an almost impossible position to place community leaders in, but that is the situation that exists. This Masterplan offers a pathway to that ultimate decision point, through its two "primary recommendations" and its 50 "secondary recommendations".

The Masterplan promotes that Council should focus its efforts on the potential of retaining the port, but that its decision making process should be based on a thorough understanding of the risks and benefits that are relevant at the time those decisions are made.

The Masterplan is a strategic document for the Shire of Derby/West Kimberley Council's consumption. It is designed to outline the strategic issues prevailing at Derby Port, and to put the Council of the Shire of Derby/West Kimberley in the best position possible for it to then make the judgements required of it on behalf of the district. It will provide:

- 1. an outline the history of the port precinct;
- a link to the Shire of Derby/West Kimberley's Community Strategic Plan and Corporate Business Plan;
- 3. a means for Council to best consider the future planning of the area; and
- a means of assisting stakeholders to understand the strategic direction taken by the Council.

The benefits that can be achieved through this Masterplan are:

- firstly, an improved Council and Shire understanding of the risks and benefits of the leasing and operations of the Derby Port; and
- secondly, to facilitate the potential for improved local social wellbeing, economic
 development, employment enhancement, and tourism activation; and also, to ensure
 a safer and less risky port operation; with improved financial, asset, and recreational
 facility management.

The Derby Port and its Jetty has been well supported by Council, and its current and historic users since the Shire first took over the facility in 1998, but it is a "wicked issue" for the Council to deal with. On the one hand there are considerable economic and social benefits to be gained by holding the lease and managing the port (not least of which was to have it play an important role following the 2023 Cyclone Ellie flooding event, which saw the Derby Port provide an invaluable emergency supply service) but those benefits come with high risks and potentially high ratepayer costs. The Port's operations have been in more recent years, set at "minimalist and affordable levels", rather than being at "best practical standards", but that deliberate "lowest practical cost" strategy, along with the port's insurance now being paid from the Kimberley Mineral Sands "Additional Payments" commitment, has been successful in progressively eliminating the requirement for any ratepayer subsidy of the Port's costs, with the Port now operating in what could reasonably be described as a "break-even" position.

The Derby Port has the potential, in the right economic and political climate, to provide a valuable dividend to the district, but there are considerable legal and financial risks for the Shire and the Council, and with high levels of staff turnover and busy Councillor schedules, neither has historically had a strong understanding of the Shire's head-lease commitments, or its legal and other port management responsibilities. One of the two primary recommendations is to implement a dedicated professional management arrangement for the port, to reduce Council's and the Shire's risk levels, and ensure the Derby Port operates at its most cost effective level and its risks are suitably managed.

There has undoubtedly been economic, tourism, and community benefit already gained from the Shire's historic decision to control the Derby Port, and there is the potential of more gains in the future, but there has been limited attempts to quantify those nett positions thus far and a study along these lines to best guide the future decision making of Council is one of the two primary recommendations of this Masterplan. Such a study would provide Council with valuable information from which it could then comprehensively justify to the ratepayers, "the nett value" of funding the Derby Port.

RECOMMENDATIONS

The following recommendations are made as a consequence of this report:

PRIMARY RECOMMENDATIONS						
December 2023 March 2024	Authority to understand the Shire's expected longer term financial commitments, undertake a Financial, Commercial, and Economic Viability Analysis of the Derby Port. Analysis to include a detailed study of the long term economic potential and consequential financials for the Port Precinct (including for example, the competitio risks of Warburton/Ace proposal; and the viability/potential of barge roll-on roll-off capabilities). Noting that this study can be funded from the Kimberley Mineral Sands "FID payment" if necessary; and					
	SECONDARY RECOMMENDATIONS					
Time-line	Head Lease					
Now and	To maintain an awareness of State policy as it relates to Derby					
Ongoing	Port/Jetty, maintain a close liaison with the Department of Transport and the Kimberley Ports Authority;					
Now	To best enable local economic development, seek to have a SDWK Shire Councillor representative on the Kimberley Ports Authority Board, or alternatively, to have a capacity for direct input into KPA Board discussions on Derby Port matters, on an "as warranted" basis;					
2030	To strategically manage competition and changes in the user environment, undertake a strategic assessment earlier than 2030 if the Warburton/ACE land backed port is promoted for construction;					
2030	4. To ensure long term benefits for the Shire, in 2030, undertake a strategic assessment of the Derby Port for the period post 2040 (in consultation with Kimberley Ports Authority (KPA) and Kimberley Mineral Sands (KMS) [as per the Port User Agreement]), with the view to either a Head Lease extension, or a post 2040 transition plan to KPA over-sight (for example, continue as fully operational jetty, or continue on a lower cost scale/low impact jetty for tourism based use only);					
	Sub Leases					
Now	 To obtain long term "anchor tenant" port revenues, continue to work with Kimberley Mineral Sands and other stakeholders to ensure that KMS exports its mineral products from the Derby Port; To ensure that the Derby Port and the Warburton/ACE development can best provide for the economic development of the District, and 					
	the remaining Derby Jetty and associated port infrastructure can operate in a financially viable manner, seek funds from KPA and/or Warburton/ACE to undertake an Economic Analysis and a Shire Business Case/Community Plan;					

Now and Ongoing 7. To maximise financial returns and to optimise overall port land utilisation, review lease payments and lease land area boundaries of sub-leases across the port precinct, as leases are renewed; 8. To continuously work towards achieving the goals of the Shire's long-term port strategy, manage all Derby Port leases consistently; 9. To protect the Shire from risks, ensure all newlextended sub-leases are based on the current KPA supplied and approved sub-lease document, and have been endorsed by the Shire's legal advisors as being appropriate; 10. To facilitate the potential of an additional revenue stream through the re-leasing of the old BP sub-lease site, secure a new lessee, or alternatively, utilise funds in the Shire's Creditor's Account associated with this site, to undertake remedial works (and then re-advertise the site for lease); 11. To best coordinate port lease areas and port uses: a. avoid permitting new leases until the Masterplan is complete and port direction and operations are settled; and b. review existing leases to reaffirm their validity and relevance, and where practical, cancel non-performing leases; 12. To meet Local Government Act requirements, consider the appropriate form of tenure for the long term use of commercial boat trailer spaces (lease or license) – endorsed by Council via resolution of 24 February 2022; 13. Enter into a formal Licence Agreement for the use of, and maintenance of, the Barge Access Facility; 14. To maximise the Shire's capacity to offer viable commercial lease periods for Port developments, the Shire actively engage with KPA to establish the current (to 2040) and the future (post 2040) position on, amongst other things, the Shire's Port Head Lease, future Port land sub-lease considerations, and the arrangements for "significant" port developments; 15. To minimise port operating expenditure, work with the Shire's insurers and other stakeholders to minimise insurance premiums, maintain the potential of a transition from "Replac		
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Julie 2023	luna 2022	ımporvexport tonnage;

Review in June annually	 To best show the cost to ratepayers, initiate a Derby Jetty Rates Levy, to raise funds specifically for the funding of Derby Port's annual operational losses, and Derby Jetty asset management; To reduce debt, use the Kimberley Mineral Sands revenue stream to pay down the "Port component" of the Shire's Loan #152 (Derby Port and Airport – balance outstanding of approx. \$1.5m in total); To prepare financially for Kimberley Mineral Sands' international exports that the port will be responsible for, where justified, "ringfence" funds received from KMS to meet any new higher level operational expectations, like new licenses, or higher standard assets/operations/security, etc.; 				
	Asset Management				
	22. To maximise port asset sustainability and best maintain the Derby				
	Jetty and associate infrastructure, and to comply with Head Lease				
	requirements, Council to:				
Now	a. reinforce its Asset Management Policy (F2) by where practical,				
	"ring-fencing" funds achieved from the Kimberley Mineral				
	Sands lease revenues to meet those asset management policy				
M	expectations;				
March 2023	b. work with Kimberley Ports Authority to jointly prepare a				
	detailed long term Jetty asset management program for the Shire's consideration:				
March	c. in consultation with the Kimberley Ports Authority, seek out				
annually	Government capital refurbishment grants provided for local				
ariirdaiiy	government assets;				
March	d. in consultation with the Kimberley Ports Authority, seek out				
annually	Government "special grant" contributions in light of the Head				
	Lease's "fair wear and tear" exception, and the royalties				
	earned by governments through the port's export capacity; and				
June annually	e. provide a dedicated fund available for port asset management				
	by establishing a Derby Jetty Asset Management Reserve				
	Fund (to be credited with any port operational surpluses, and				
Review at	the "Derby Jetty Rates Levy"); 23. To best provide for asset longevity, build in increased service level				
each	redundancy where possible, and particularly when future applications				
development	for increased service levels are submitted by developers (so as to				
consideration	reduce the Shire's requirement to meet capital upgrade costs - e.g.				
	reticulated power supply);				
December	24. To best understand the asset management needs of the jetty, ensure				
annually	regular Condition Inspection Reports are undertaken;				
April annually	25. To enable assets to be refurbished in the most appropriate priority				
	order, liaise with KPA, KMS, other port stakeholders, and prioritise				
NI	port infrastructure refurbishments, including Jetty Road;				
Now	26. To minimise Shire expenditure levels, yet still address in a timely				
	manner, asset management within the port precinct, lobby the State				
	Government to have Jetty Road transferred to Main Roads' WA (so that the WA State Government becomes responsible for this road);				
March 2023	27. To provide strategic direction for port asset management, ensure the				
Walter 2020	Shire's Asset Management Plans and its Long Term Financial Plan				
	includes adequate provision for short and long term jetty/port precinct				
	asset management requirements;				
October 2023	28. To meet port standards of thoroughfare construction, define and				
	reconstruct roads and other thoroughfares within the port precinct;				

Now 2030 and ongoing	29. To minimise jetty stress on the basis that a structural analysis determines that the jetty is overstressed and/or poses a risk (and to minimise asset management costs) impose heavy vehicle restrictions by informing large truck operators (e.g. fuel deliveries) that no trucks larger than say, RAV10, will be permitted to access the jetty structure after 30 June 2023 without specific approval from the Director – Technical & Development Services; 30. To reduce asset management costs, and if circumstances justify such an outcome, look at the option of decommissioning any practical portion(s) of the Jetty;						
	Port Management						
October 2023	31. To enable (for example) better land planning, safe						
	transport/pedestrian routes and maximise leasable areas, in consultation with the KPA funded project of the same purpose, develop a detailed ground use and precinct boundary plan for the Port so that it clearly defines and formalises the various areas (e.g.						
	defined area long term boat trailer parking bays, lease area boundaries, transport routes and turning areas, barge loading restriction areas, and pedestrian zones, etc);						
December	32. To ensure workable port operations prevail work with KMS on the						
2023	operational and strategic requirements to implement the Port User						
	Agreement, and to address consequential impacts on other port user (e.g. MPA lease operations, barge and recreational boat launching/retrieval);						
December 2023	33. To provide for the safe use of the Barge Loading Area and to minimise conflicts with recreational fishers and tourists, improve the management of that process, including use of signage and road						
	surface lines; 34. To provide the lowest risk and highest service level for recreational						
March 2024	boat users and the Derby Volunteer Marine Rescue Service. a) Study and then address the "Back Boat Ramp" facility so it can provide a reliable long term boat launching/recovery service;						
March 2024	b) Review the location and number of recreational boat ramps (noting the KMS's conveyor and ship-loader location, and the 10m "extended licenced area") and seek grant funds to assist with that cost (Shire to fund its portion from new KMS port revenues). New recreational boating ramp to consider inclusion of for example, floating walk/boat guiding platform on						
March 2024	side of ramp. c) To minimise costs, and if practical, there should be a preference of only having one recreational boat ramp;						
Ongoing	d) To provide safer recreational boat launching and retrieval facilities (in most weather and tidal conditions) study the potential of a groyne;						
2025	35. To ensure environmentally friendly commercial boat operations can be maintained, construct a suitable commercial sized boat wash-down and maintenance bay;						
March 2023	36. To promote tourism and pedestrian access to the jetty, maintain <i>Jetty Walk</i> (or a similar facility) for dedicated bicycle and pedestrian access;						
2030	37. To ensure suitable levels of road user safety, review Jetty Road's capacity for bicycle and pedestrian access (with the view to specifically providing for it with dedicated pathways, or banning it);						

Marah 2024	20 To have contamend and street and marking in place and others					
March 2024	38. To have contemporary operational practices in place, undertake a					
	review of all relevant Port Management Procedures and Plans (e.g.					
	dangerous goods, workplace safety, jetty and barge					
	loading/unloading practices, drainage, environmental, marine safety,					
	conflicts of use/risk, etc.) in consultation with KPA;					
	39. To maintain land planning control (including when the Head Lease					
	eventually expires):					
Now	a) ensure Town Planning Scheme provides adequate opportunity					
	for Council input to port developments; and					
2030	b) discuss with KPA, potential for the Shire to have input into third					
	party lease conditions post 2040;					
	Economic Development Opportunity					
March 2023	40. To locate potential economic development opportunities, partner with					
Widi on 2020	KPA to undertake a port economic study to understand the potential					
	opportunities for Broome and Derby (for example, to study any					
	locational and cost advantages for off-shore servicing from the Derby					
Now and	Jetty);					
	41. To discourage land-banking, include "protective and penalty clauses"					
Ongoing	in any new sub-leases the Shire might be a party to, or that Kimberley					
	Ports Authority might facilitate, (through the approved and preferred					
	KPA supplied sub-lease or otherwise) to ensure development occurs					
	within a reasonable time-line;					
Now and	42. To compensate the Shire for its costs, develop an understanding of					
Ongoing	cost implications on the Shire for new leases and new port					
	developments by private developers;					
As	43. To best compensate the community, consider the disruption that					
developments	might occur to local facilities (e.g. Volunteer Marine Rescue); and					
considered	services (e.g. recreational boat ramp) when considering development					
	proposals, and how that disruption might be best accommodated;					
As	44. To best understand the potential impacts on the Jetty's financials of					
developments	new port developments (vis. a development drawing away paying					
are submitted	commercial clients of the existing jetty) requires that developers fund					
	an independent economic analysis for Council, as part of their					
	development/lease application;					
2030	45. To enhance local and tourist enjoyment, work towards securing a					
	replacement café/restaurant on the jetty itself, possibly built into the					
	existing jetty sheds (and utilise itinerate food vendors in the interim).					
	Coordinate any café/restaurant lease arrangements with KPA for pre					
	and post 2040 Head Lease period;					
	46. To improve tourism potential:					
Now	a) make contact with the several Kimberley Tourist Boat					
	operators, with the view to including a tourist boat stop-over;					
	and					
Now	b) make contact with the several Kimberley Road Tour operators,					
	with the view to including a tourist bus stop-over in Derby and					
	an evening dining event at the Jetty;					
2030	c) lobby State and Federal Governments to fund an Aboriginal					
	Cultural Centre/Art Showroom on or near the jetty (could					
	include a restaurant/cafe);					
Annually and	d) regularly budget (and leverage up these projects by seeking					
Ongoing	out grants funds) for improved family friendly facilities (e.g.					
3.1.3.1.1.9	BBQ's; fishing areas; grassed areas; event areas; etc);					
	Community and Stakeholder Management					
	community and etakonolide management					

August 2023	47. To better ensure there is a timely and regular information flow, and particularly with the key port precinct stakeholders, a stakeholder management plan be developed to ensure good ongoing two-way
	communication is occurring:
Now and	48. To ensure good public awareness of the port's activities, prepare a
Ongoing	regular port update. This could occur through the normal community
	information channels already well utilised by the Shire;
June annually	49. To promote the area and reinforce its availability to the local
	community, arrange occasional local events and ceremonies through
	existing community services resources;
	50. To maintain appropriate levels of community access for recreation,
	fishing, tourism, boating, etc., use the information gleaned from the
Now	Community Strategic Planning Process;
	51. To promote the requirement for suitable development considerations
	as part of any port based development (e.g. environmental reviews of
Now and	the potential for silting resulting from excavations) maintain good
Ongoing	communication links to relevant state bodies like Planning, Transport,
	and Environmental Agencies.

KEY POINTS OF MASTERPLAN

History - The construction of the first Derby Jetty (102 foot long and built of wood) was completed in 1885. It was replaced with the unusual horse-shoe shaped concrete and iron, piled "above water" jetty in 1964. The Derby Port precinct's land is Crown Land.

Tenure and Purpose - The Shire holds two current Head Leases with the WA State Government for the Wharf and Barge Ramp (expiring in 2040 and 2038 respectively). The Shire has the ability to offer sub-leases. The Head Lease provides a broad usage potential by stating that the facility's Permitted Use is for "the business of operating a port facility and associated uses, including any commercial use which is complementary to the operation of the Port and which does not endanger marine safety, or any other use which the Lessor may, from time to time, approve". This is further refined by stating that facilities can be used for any purpose, "except for any purpose other than that for which they were constructed" and that the Shire "cannot use, or permit the use of the Premises, for any purpose other than the Permitted Use or for any purpose which is not permitted under any Act or by any Authority without the consent of the relevant Authority." The Shire of Derby/West Kimberley assumed responsibility for the port and barge ramp facilities to ensure it remained open to commercial use, tourism, and local recreational pursuits. The jetty is a Derby icon and valued by its numerous commercial users, the local community, and visitors. It has played a pivotal role in the development of the Kimberley region of WA, and still provides a valuable service today.

Strength/Weaknesses/Opportunities/Threats – An analysis was undertaken that revealed the following:

SWOT ANALYSIS

ltem	Comments		
STRE	NGTHS		
 The Shire is the sub lessor and operator of the Port, and decides its (medium term) future. The Port is structurally sound for light vehicle and pedestrian use. Strong Community support. Mining and industry sector support. Lease only commits Shire until 2040. 	 The Shire holds the Head Lease until 2040. As part of community consultation with the Community Strategic Plan, the jetty's retention was well supported. Derby jetty is the preferred port and landing area for mining companies operating within this immediate area. Shire needs only to manage the facility and develop business until 2040, when management of it will transfer back to Kimberley Ports Authority. 		

WEAKNESSES

- Shire's/Port's lack of financial capacity.
- Lack of specialist port staff and limited Shire resources to operate and promote the Port.
- Whilst the port can operate at a financial "break-even" position, there are still funding restrictions on the Shire's ability to provide for the Port's asset management needs or for its professional management.
- The proposed new lease with Kimberley Mineral Sands will provide (if it exports from the Jetty) the necessary funds to maintain the Port and its jetty.

OPPORTUNITIES

- Economic development generally, providing local employment, and local business enhancement (e.g. Cockatoo Island development).
- 2. Mining activities generally.
- 3. Kimberley Mineral Sands.
- 4. Tourism (tour boats and land based).
- 5. Café/Restaurant.
- Jetty Road transfer to Main Roads
 WA
- There have been regular enquiries by companies interested in utilising the Derby Wharf precinct.
- A growing market and additional local operators are expected to occur.
- An application has been submitted to Main Roads WA for it to take over control/maintenance of Jetty Road.

THREATS

- Competition from other Kimberley Ports.
- Kimberley Mineral Sands does not export from Derby.
- Accessibility of funding from KMS or others to undertake repairs and maintenance to the Port in readiness for Kimberley Mineral Sands and other operators.
- Development of Warburton/ACE land-backed wharf.
- Lease only permits the Shire to control the Port until 2040.
- Currently servicing as a interregional port, distance to/from other ports maintains a positive economic perspective for local regional mining and other operations.
- The construction of a more effective wharf adjacent to the jetty could result in port revenues reducing substantially.
- The relatively short period remaining on the lease (18 years) means that potential port users/lessees will be unwilling to commit, and particularly if large Lessee funded infrastructure costs are required.

Shire of Derby/West Kimberley and its Council – Amongst others, the Local Government Act 1995 at S2.7 outlines the role of Council, which is to govern the local government's affairs and to take responsibility for the performance of the local government's functions. This includes overseeing the allocation of the local government's finances and determining the local government's policies.

It is rare for a local government to operate a port facility and no other local governments in Western Australia are known to have such a business unit within their operations. The Shire is required to manage the Port in accordance with the Head Lease, all of the legislation relevant to a local government, as well as other legislation relevant to operators of a port. It is considered that the Shire with such a limited resource capacity, is accepting a very high level of risk through its decision to operate an export port facility.

Whilst neither the Port nor the Jetty are specifically featured within the Community Strategic Plan, these locations and facilities are captured within the broader economy section of the Plan (see below), where it is outlined that the Shire aspires to:

- promote a district that is 'open for business', and renowned for being practical and having:
 - a. a local experienced workforce;
 - b. reliable communications and information technology;
 - c. ease of access via road, air and water;
 - d. availability of locally based services and goods;
- 2. have our local businesses be:
 - a. the preferred provider for services and goods;
 - b. at the top of all procurement lists including government (all tiers), industry and other enterprises;
- 3. be recognised as a strong supporter of local business and industry, and lead the way in local procurement practices and outcomes;
- be recognised as a district that promotes and supports entrepreneurialism, business development and growth;
- have our small to medium-sized businesses supported by their representative industry groups so they are ready for any opportunity that may arise;
- have local, state and federal government policy align with the needs of the Shire of Derby/West Kimberley; and
- 7. create a place where people want to live, invest, visit, and return to.

Land Planning - The Shire's Interim Development Order No 9 ('IDO No.9') applies to the Derby Port Precinct. Kimberley Ports Authority (KPA) operates under the auspices of the Port Authorities Act 1999 which covers vestment of the port land and waters; and a range of obligations from trade development, infrastructure planning and maintenance, to caring for the environment and ensuring safety. KPA and the Shire of Derby/West Kimberley work together to develop and grow the use of the port as trade opportunities arise.

Environmental - The jetty's impact on the local environment is minimal if managed well, but this should be reinforced by research being undertaken by the Shire and port developers to prove environmentally suitable, including managing any conflicts of community values.

Local Business Support - There are numerous sub-leases in place to facilitate local economic development (current and potential future) and community use, namely: Kimberley Mineral Sands (Thunderbird); Marine Products Australia (MPA); Warburton/ACE; Colonial Marine Consultants (CMC); Derby Volunteer Marine Rescue; Long Term Boat/Trailer Parking (annual Licences, not leases); and Mary Island Fishing Club (adjacent to Derby Town-site).

Viability - Past reviews on competition analysis have concluded that there should be sufficient demand at each of the Kimberley ports such that their respective viability would still be intact, given good management practices, but it would timely and prudent to undertake a detailed and contemporary Financial, Commercial, and Economic Viability Analysis of the Derby Port. This could be undertaken in consultation with Kimberley Development Commission and/or Kimberley Ports Authority. A report of this nature would analyse the long term economic potential for the Port Precinct (including for example, the competition risks of Warburton/Ace proposal), impacts of other ports, state and federal government policy positions, potential for a Infrastructure Australia (Northern Australia Infrastructure Funding) loan application, and consequential financials impacts for the Port. Such a report would ensure there is a good and holistic understanding gained of Port and how the Shire can manage it to 2040, and potentially beyond that point in time.

Employment Opportunity - If profitability can be reasonably assured, it can be expected that there will also be permanent employment positions sourced from the Derby township, which would further benefit the town through the multiplier effect upon other business sections in the township. For example, there is an opportunity to add value to local mining activities as Derby Port could be used to both enable supplies to come into the area, as well as mineral exporting to occur from the port.

Kimberley Mineral Sands - The Kimberley Mineral Sands (ex Sheffield Resources) lease has recently been reviewed, with much more favourable terms than that which were historically negotiated, like a doubling of the previously agreed export tonnage rate, and up to \$10m in additional payments to the Shire if certain outcomes prevail, some of which is already being applied to the payment of the port's annual insurance premiums. The KMS lease also includes it taking responsibility for some of the maintenance of the jetty in the immediate proximity of its leased area. This will limit the maintenance responsibilities of the Shire to "just" the remaining 75% of the structure, thus allowing the Shire to focus its resource capacities on a smaller jetty area, which should result in a superior outcome to be achieved for the jetty. If this KMS port usage eventuates, it will provide an excellent opportunity for Council to utilise the funds for other port precinct improvements.

Defence – Defence interest in the Derby Port is "fluid", but there is a general reluctance to commit large amounts of funds to static infrastructure which would be at risk of being destroyed in a war situation. There may be potential of Defence using Derby Port if it was to actively engage in security for nearby offshore energy infrastructure and production facilities.

Tourism Usage and Local Access - The Derby Port Precinct is an iconic tourism draw-card and this includes the significant tidal movements that the area experiences – often referred to as the "King of all Tides" - these are significant tourist attractions given that the king tide experienced at the end of April each year is one of the biggest in the world. Many local and international travellers visit the town to see this natural wonder and the area is also a regular attraction for local residents, to fish, watch the sunset, enjoy with their friends, or gain some respite in the evening on hot and humid days.

Financials - A summary of the annual end of year financial position for the Debry Port for the last four years is outlined below. Port operating procedures (in both the income and expenditure areas) have been scrutinised, modified, and actively managed over the past few years, with the emphasis on reducing costs, maximising revenues, and minimising the ratepayer subsidy that has been historically required. This has resulted is the port being turned from a "loss-maker", to having "break-even" position.

Financial Year	Income	Expenditure (including depreciation)	Capital Expenditure	Profit/Loss	Depreciation
2021/22	\$1,503,378	\$1,529,690	\$391,085	-\$417,397	\$705,515
2020/21	\$1,499,002	\$999,497	\$183,703	\$315,802	\$244,415
2019/20	\$1,416,424	\$1,312,108	\$78,030	\$26,285	\$245,828
2018/19	\$1,423,444	\$1,353,516	\$463,324	-\$393,396	\$244,803

A change in the accounting treatment of depreciation in 2021/22 saw the surplus for that year drop significantly, but when the Kimberley Mineral Sands insurance contributions are added back, it returns to a very modest surplus of about \$30,000. The income has been consistent for the last four years, and the lowering of port costs has largely been achieved through savings from staff rostering/time allocated to the port, and in minimising maintenance of the jetty and its associated port infrastructure. It is a good financial outcome, but it is coming at the expenses of appropriate levels of long term asset management.

Royalties and Taxes - There are flow-on benefits to both the State and Federal Governments when the Derby Port is operating. It would therefore seem appropriate to prosecute an argument to the State Government, and to a lesser degree the Federal Government, that special grants for asset refurbishment should be made available to the Derby Port in light of the royalties and other taxes generated as a result of the port's exports. Port surpluses within the Derby Jetty Asset Management Reserve Fund could be used to leverage state government contributions (e.g. a 50/50 cost share of capital works undertaken).

Asset Management - Council has an existing policy (F2) Asset Management, which has amongst other objectives, the following:

- · Meeting legislative requirements for asset management; and
- Ensuring resources and operational capabilities are identified and responsibility for asset management is allocated.

These policy conditions are not being met by the Shire or by Council at the present time in regard to the Derby Port Precinct and *Infrapro's* 2019 Derby Jetty and Associated Infrastructure Structural Condition Report estimated maintenance at approximately \$10m until the Head Lease expires in 2040. The latest Jetty Condition Inspection Report (September 2020) highlighted that the overall condition of the jetty was poor, but structurally sound for current uses and loads. Severe corrosion does exist, but due to the construction redundancy capacity built into the structure, catastrophic or localised collapse risk is low. To adequately maintain the port's infrastructure (like roads, jetty, boat launching facilities etc.) it is suggested that port financial surpluses be "ring-fenced" and utilised to undertaking these asset preservation works. To address this, the surplus could be transferred to a *Derby Jetty Asset Management Reserve Fund* at the end of each financial year, so they can be reallocated in a timely fashion, through the following year's budget.

Risks – The Shire has an existing good quality Risk Management Framework, which is consistent with Australian Standard (AS/NZS ISO 31000:2018 Risk Management – Guidelines). It sets out the Shire's approach in regard to the identification, assessment, management, reporting and monitoring of risks. This report utilises that strategy in its assessments. The risk principles ensure:

- Strong corporate governance;
- · Compliance with relevant legislation, regulations and internal policies;
- Integrated Planning and Reporting requirements are met; and
- · Uncertainty and its effects on objectives is understood.

The Shire manages the Jetty operations using its own employees. These operations are efficient but as alluded to above, only basic staff hours are allocated in light of the cost cutting that has incurred over the last few years. Notwithstanding the Risk Management Framework in place, the need to keep operating cost low results in the Shire needing to accept a higher level of risk than would otherwise be the case if the port were to be managed by a professionally qualified and fully resourced ports team (or it were managed/supervised by an experience ports authority, like the KPA).

The more significant Derby Port Precinct risks are:

The more significant Derby Port Predict risks are.					
CRITICAL RISKS	DETAILS				
Shire's Financial Sustainability	 Large number of adverse financial impacts (e.g. Jetty asset management, new road and hardstand infrastructure; boat launch facilities; loss of lease/port incomes; recreational and tourism infrastructure provision and maintenance etc.); Potential for Ratepayer subsidisation of the Port's operational losses; Jetty operational revenues will reduce, potentially significantly, when the Warburton/ACE port opens. 				
Construction and Indemnity	 Geographic location, type, and construction of wharf is high risk and expensive; Shire's consequential risk due to occasional "user selfmanaged" style of some port users. 				
Community Access	 If the Head Lease cannot be re-secured for a post 2040 period, access for recreational and tourist (pedestrian and boating) use will need to be negotiated with KPA. 				
Head-Lease and Sub-Lease Arrangements	 Head Lease concludes in 2040, which limits the Shire's capacity to offer longer term commercially viable sub-leases to third parties, and to influence outcomes at the Port Precinct; Warburton/ACE alternative port agreement requires that the Shire support a new lease between the WA State Government and Warburton/ACE land lease. Kimberley Ports Authority has a complementary position and will only support major developments at the Port if the lease is with KPA, not the Shire. This will result in a reduction in the Port's financial income streams and may also likely require the conditions for recreational use/access to be renegotiated/clarified. 				

11.2 DERBY AIRPORT - X-RAY AND SECURITY EQUIPMENT

File Number: 9020.7

Author: Neil Hartley, Director - Strategic Business

Responsible Officer: Amanda Dexter, Chief Executive Officer

Authority/Discretion: Administrative

SUMMARY

The State Government is requiring that the Shire either resume its licencing of the x-ray equipment located at its airports, or dispose of the equipment.

The Shire has x-ray/security equipment stored at Derby Airport, some of which was previously utilised at Curtin Airport. The equipment has not been required to be used for several years and so licences have not been renewed for several years.

The equipment is needed when an airport/passenger numbers reaches certain levels, but neither Derby nor Curtin Airports are currently at that point.

Reaching the required limit for compulsory x-ray usage would seem unlikely under the current local circumstances, so the cost of retaining licences and recalibrating and retesting equipment we don't need or use, needs to be revisited. This report recommends that the equipment be disposed of, and new equipment procured should it be required again in the future.

DISCLOSURE OF ANY INTEREST

Nil by Author or Responsible Officer.

BACKGROUND

The Public Health Regulation Directorate of the Department of Health has recently (13 February 2023) contacted the Shire in regard to the expired (21 November 2020) registration of several items of x-ray equipment, and seeks input from the Shire as to how the Shire intends to address the situation (vis. by either resuming the licencing, or disposing of the equipment).

The Shire has the below equipment stored at Derby Airport, some of which has been relocated from Curtin Airport:

Item	Quantity	Make	Model	Serial Numbers
Hand Held Metal	5	Fisher Labs	CW-10 (Concealed	10141469; 10141454;
Detector (HHMD)		(Vast	weapons detector)	10141483 (and two
		Academy)		without serial numbers)
Walk Through Metal	1	Rapiscan	M300 EMD	M300
Detector			MTXS 5178	MEL8
				5172
Explosive Trace	Trace Located at Curtin Airport but details not sourced for this report.			ced for this report.
Detection (ETD)				
equipment				
Passenger Screening	2	Rapiscan	620DV	6123 732
X-ray			620XR	60807N47
Checked Baggage	1	Rapiscan	MVXR-5000	6083326
Screening X-ray				

Airports that have Regular Passenger Transport services above 50,000 customers per annum are required to have x-ray/scanning equipment. The equipment in storage at Derby Airport could be re-registered, but it is not required at the present time (in light of the passenger numbers being less than 50,000 passengers per annum) and there is no foreseeable likelihood of that requirement eventuating, at least in the current circumstances that prevail.

None of the above equipment has a current licence to operate, and we are seeking input from appropriate advisors, as to whether the equipment can be brought up to standard if it a RPT service of more than 50,000 customers was to commence at Derby. It might be that none of the equipment is able to be refurbished to meet current standards and if that is the case, those items will have no value if we wished to dispose of it. Alternatively it might be that some of the equipment can be refurbished to bring them back up to working order, but then to commit to that expense, plus the annual licencing costs until the equipment is required, needs to be considered.

STATUTORY ENVIRONMENT

Airports that have Regular Passenger Transport services above 50,000 customers per annum, are required to have x-ray/scanning equipment. All equipment must be licenced, correctly calibrated, and regularly tested for safety.

Local Government Act S. 6.11 (Reserve Accounts) allows local governments to establish a Reserve Account for a specific future purpose(s).

POLICY IMPLICATIONS

Nil applicable.

FINANCIAL IMPLICATIONS

The annual cost of the licence is understood to be about less than \$1,000pa. The cost of bringing the equipment up to current code is not known, but is likely to be over \$10,000 (one-off cost) and the cost of maintaining the units in a workable condition (annual safety and calibration testing) is estimated to be \$2,500 - 5,000pa. The cost of securing suitable covers to minimise dust and rodent access is estimated at \$2 - 3,000 (one-off cost).

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	
2. Community	2.2 Healthy Communities	2.2.1 Build, maintain and maximise the use of community facilities	
3. Economy	3.2 Strong economy	3.2.2 Endeavour to increase visitor numbers, length of stay, spend and return	

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK	MITIGATION
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			ANALYSIS	
Legal & Compliance: Not complying with the requirement to maintain licences, and the associated equipment in a safe state, could lead to penalties.	Likely	Major	High	Either re-licence equipment and have it suitably maintained, or dispose of it.
Reputation: Imposed penalties will be reported to the general public via current forms of local media.	Likely	Moderate	High	Either re-licence equipment and have it suitably maintained, or dispose of it.

CONSULTATION

Consultation has occurred with the WA Department of Health (the licencing body). There is no need for community consultation to occur on this occasion.

An effort has been made to consult with Aviair about the likelihood of it Derby/Perth direct flights, but no formal response has thus far been forthcoming.

COMMENT

The Derby Airport already supports a flight service between Derby and Broome, and it might be that a direct Derby/Perth flight schedule could commence, but X-Ray equipment is only required should Derby Airport again attract over 50,000 Regular Passenger Transport passengers per annum, which would seem unlikely under the current circumstances. The cost of retaining licences and recalibrating and retesting equipment we don't currently need or use therefore needs to be revisited, and of course the Department of Health is requiring the Shire to either licence, or dispose of the equipment.

As there is no foreseeable increase in RPT numbers predicted; the current Derby/Broome linking flight is servicing Derby/Perth demand; and there is no firm timetable for the introduction of a periodic Derby/Perth/Derby flight; it is proposed that the equipment be formally assessed and if not justified, sold/disposed of, and funds gained from the sale retained in a suitable Reserve Account so that new "in code" equipment can be procured when the need arises.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

Nil

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 *Airport Equipment Reserve Account* (the purposed of the account to be used for the provision of airport equipment); and
- 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.

<u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle and Peter McCumstie

Against: Nil

CARRIED 5/0

11.3 KIMBERLEY ENTRANCE CARAVAN PARK - NEW WATER ACCESS AGREEMENT

File Number: 0150

Author: Neil Hartley, Director - Strategic Business

Responsible Officer: Amanda Dexter, Chief Executive Officer

Authority/Discretion: Executive

SUMMARY

The Shire has been providing a water supply to the Kimberley Entrance Caravan Park since the Shire sold the property 2003. This was a requirement of the conditions of sale at that time. That Agreement is due to expire on 30 June 2023.

This report considers the option of continuing the arrangement, but recommends that Council not enter into a new agreement and discontinues the supply of water to the Kimberley Entrance Caravan Park.

DISCLOSURE OF ANY INTEREST

Nil by Author and Responsible Officer.

BACKGROUND

The Shire sold the Derby Kimberley Entrance Caravan Park in 2003. A condition of that sale was "Special Condition 9" which required the an agreement to permit the Caravan Park to use the Shire's bore water facilities for a period of 20 years for a consideration of \$3,300 (inclusive of GST) for the first year (and +CPI thereafter). A Deed of Agreement was subsequently put in place to support that condition, which concludes on 30 June 2023.

The Shire supply is solely used for non-human consumption, like lawns and gardens, with the Caravan Park having a Water Corporation supply line to service its and its users' personal water consumption needs. The quantity of water access by the Caravan Park are not known as the original arrangement was for a flat fee to be applied. There was therefore no need to install a meter to measure consumption.

As the agreement is shortly to expire, consideration has been given to what a future arrangement might look like. Considerations included:

- 1. is providing water from this Shire bore to the Caravan Park unduly limiting the Shire's capacity to access the water it needs from that bore?
- 2. can an arrangement to supply water be reasonably easily accommodated by the Shire?
- 3. is it legal for the Shire to provide a water supply to a commercial entity when the commercial entity has existing access to a reticulated Water Corporation service?, and
- 4. would it be more appropriate to require the Caravan Park to establish its own water service?

The Shire has a *Licence to Take Water* (GWL97281(6)) for several separate areas of parks and gardens, plus for "Caravan Park purposes". The licence allows a maximum of 140,000kL to be taken annually, and is valid until 21 March 2027, but it is expected it would be renewable on the same terms and conditions.

Department of Water and Environmental Regulation has advised that the Shire that it "may want to enter into an agreement to legitimatise the water supply to the caravan park for the new owners. An agreement is a form of lease and occurs via the temporary assignment of a licensed water entitlement, or part of an entitlement, by a licence holder to another party. The water may be used at the same or a different location. Agreements cannot exceed the term of the original licence."

If Council does wish to continue to supply some water to the Derby Caravan Park, it should consider changes to the current arrangement, including:

of sider changes to the current arran	
Current Concern	Proposed Change
Clause 6 of the existing Deed	The Shire should not be left with the risk of
clearly states that the Shire is	guaranteeing supply, for service that can be
responsible for the bore's	alternatively secured from the state's Water
maintenance and repairs, and	Corporation. At the very least, the Agreement needs
for ensuring it remains	clauses inserted to state that the Shire will do its
continuously operational to the	"reasonable best, but will not guarantee" supply.
Caravan Park. Further if the	
Shire fails to repair, the Caravan	Also, Shire's responsibility for the supply line should
Park can undertake the work at	cease at the meter, which should be installed as close
the Shire's expense.	to the supply pump as practical.
The Agreement does not limit	Agreement to include the requirement for the Caravan
the supply quantity to the	Park to have a meter installed, and that maximum
Caravan Park. Any water	water usage levels be set. In addition, supply to the
provision should be linked to	Caravan Park should only occur conditional on the Shire
the Shire having adequate	being able to satisfy its own water needs.
water supply to do so.	
Supply should be linked to the	Any Agreement to be aligned with the Shire's Water
Shire having the necessary	Supply Licence conditions and term (but could be
water licence.	renewable at the Shire's sole discretion).
The current fixed annual fee be	Fees to be made up of (1) an annual lease fee to gain
modified to provide a mutually	the right to access the bore, plus (2) a suitable
fair outcome.	consumption charge via a per kilolitre fee. This would
	reflect the same arrangement as applies for Airport
	Lessee users. Income would then adequately
	contribute to the cost of the bore's licensing and
	operating expenses.

STATUTORY ENVIRONMENT

The Department of Water and Environmental Regulation issues licences and permits under the *Rights in Water and Irrigation Act 1914* to:

- Take water;
- Construct wells (including bores and soaks); and
- Interfere with the bed and banks of a watercourse.

The Shire has a Licence to Take Water (GWL97281(6)) for several separate areas of parks and gardens, plus for "Caravan Park purposes". The licence allows a maximum of 140,000kL to be taken annually, and is valid until 21 March 2027, but it is expected it would be renewable on the same terms and conditions.

Local Government (Functions and General) Regulations 1996 (R. 30 Dispositions of property excluded from Act s. 3.58) outlines that a disposition of property <u>other than land</u> is only an exempt disposition if its market value is less than \$20 000.

Author Comment: It is difficult to estimate the value of this transaction, so it would be suggested that the normal process of S.3.58 be followed (including for example, advertising and Council consideration of any submissions received).

POLICY IMPLICATIONS

(ES2) Establishment of Commercial Leases provides some guidance, but is not particularly designed for this type of agreement.

FINANCIAL IMPLICATIONS

The Kimberley Entrance Caravan Park agreement commenced with an annual flat fee charge of \$3,300 in 2003, which has risen with CPI to approximately \$5,000pa today. If Council was to continue the service, the annual cost to the Caravan Park is suggested to be significantly higher than what is currently the case.

Costs of the bore and the supply line to the caravan park are not specifically captured within the Shire's finances, but would include annual licence fees, expenses for electricity, pump and bore repairs/replacements, and staff labour for monitoring, etc.

The costs to establish an Agreement would include disbursements being incurred for valuations (if required), legal costs for the Agreement, and staff time. These should be met by the Caravan Park, and would be estimated at approximately \$7 - 10,000 (largely dependent on the unknown need for a valuation). In addition this this, a water meter would need to be installed, at an estimated cost of approximately \$4,000 to the Caravan Park.

STRATEGIC IMPLICATIONS

GOAL	OUR PRIORITIES	WE WILL
1. Leadership and Governance	1.1 Collaboration and partnership	1.1.2 Maximise local opportunities
3. Economy	3.1 Industry and business development and growth	3.1.2 Value and support small to medium-sized businesses

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Legal & Compliance: That a legal agreement document is not established before the	Unlikely	Moderate	Medium	Either not enter into an agreement at all, or have the Agreement prepared by the Shire's legal advisors and work to

current expiry date.				having it executed prior
				to 30 June 2023.
Business Interruption:	Possible	Moderate	Medium	Have adequate
The potential for				protections in the
disputes around supply				Agreement for the Shire
quantity, consistency,				(or not have a supply
or quality might arise.				agreement at all).

CONSULTATION

As the "disposal" is not considered to be exempt (having a market value of greater than \$20,000) the normal S. 3.58 Local Government Act community consultation process must be undertaken.

COMMENT

Whilst the Shire has for some time, and could continue to do so into the future, supply water to the Kimberley Entrance Caravan Park, it is not suggested that the Shire should maintain that service, for the following reasons:

- 1. The situation is very different to the Derby and Fitzroy Crossing Airports, where the Shire does provide a water service to the lessees, but these are lands owned/vested in the Shire, with the Shire being in control of the entire landholding, and there is no alternative Water Corporation reticulated water supply provided. The Caravan Park already has a Water Corporation supply line to service its and its users personal consumption and could simply extend that service capacity, similarly to other commercial businesses in Derby;
- 2. The supply of water is not "core business" for the Shire, and requires resources and time to be allocated to the task, when a standard water supply alternative is available to the Caravan Park;
- 3. There is the potential for disputes to occur in regard to supply consistency, quantity, and quality;
- 4. There is the potential for the Shire to suffer a reduced supply for its own use, particularly during peak holiday periods where water will be in high demand by both the Caravan Park, and the Shire for their respective parks and gardens;
- 5. The Shire will be required to prioritise any repairs for this bore, above others;
- 6. A separate Agreement with Department of Water and Environmental Regulation is required to be secured, to legitimise the supply;
- 7. The Caravan Park has provided preliminary indication that it would prefer the financial arrangements to continue, which are not of any meaningful value to the Shire, so reaching agreement on a new (higher) costing structure could be problematic;
- 8. There is the need to allocate staff time to a project that might not eventually reach an agreement; and
- 9. There are reasonably considerable costs of establishment the Agreement, which the Caravan Park would need to agree to pay.

If Council was of a mind however to provide the service, it would need to resolve that Council "Requires the CEO to negotiate a new Agreement with Kimberley Entrance Caravan Park, and to refer the matter back to Council for its final decision". Following this, the Shire would then follow the Local Government Act's S. 3.58 process.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

1. Water Licence U

RECOMMENDATION

Option 1:

That Council:

- 1. Advise the Kimberley Entrance Caravan Park that it does not wish to negotiate an agreement to continue to supply water to the Kimberley Entrance Caravan Park beyond the current agreement term of 30 June 2023; and
- 2. Authorises the CEO to negotiate a suitable short term supply arrangement with the Kimberley Entrance Caravan Park, should it not reasonably be able to source an alternative supply by 30 June 2023.

Option 2:

That Council requires the CEO to negotiate a new Agreement with Kimberley Entrance Caravan Park, and to refer the matter back to Council for its final decision.

RESOLUTION 36/23

Moved: Cr Paul White

Seconded: Cr Peter McCumstie

That Council requires the CEO to negotiate a new Agreement with Kimberley Entrance Caravan Park, and to refer the matter back to Council for its final decision.

<u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle and Peter McCumstie

Against: Nil

CARRIED 5/0

28 MAR 2317



Your ref:

Our ref: RF3450-02 Enquiries: Ken Allan Tel: (08) 9166 4100

SHIRE OF DERBY/V/EST KIMBERLEY
FILE MUNASTRISK 0/60

X REFERENCE: /43206

DATE OF MED 2 8 MAR 2017

ALCUATED TO: EMILOS

RECORD HUMBER: /43658

SCANNED ELLIED

Mr Ron Delvin

Shire of Derby West Kimberley

PO Box 94

DERBY WA 6728

Dear Mr Devlin

Re: Issue of a licence under the Rights in Water and Irrigation Act 1914 Property: Various, Derby Townsite

Please find enclosed the following:

- Your licence to take water GWL97281
- Brochure Your licence to take water
- Brochure Metering your water use
- Meter Water Use Card & example card can be downloaded from the department's website: http://www.water.wa.gov.au/licensing/water-licensing/metering or refer to Water Online information below

Please take time to read these documents as they contain important information about your rights and responsibilities.

This amendment to your licence has increased the Annual Water Entitlement as requested from 82,000kL to 140,000kL.



You may apply to the State Administrative Tribunal (SAT) for a review of our decision. You will need to contact the SAT office directly, within 28 days.

In person

State Administrative Tribunal

Level 6, 565 Hay Street PERTH WA 6000

In writing:

State Administrative Tribunal

GPO Box U1991

PERTH WA 6845

By telephone:

Metro: (08) 9219 3111

Regional: 1300 306 017 (for the cost of a local call)

By fax:

(08) 9325 5099

For more information about the SAT please visit their website www.sat.justice.wa.gov.au.

You can now use online services to manage all of your licensing and metering needs. Water Online provides the easiest, fastest and most efficient way to:

Apply for a new licence or permit

Apply to amend, renew or transfer an existing licence

27 Victoria Highway Kununurra Western Australia 6743
PO Box 625 Kununurra Western Australia 6743
Telephone (08) 9166 4100 Facsimile (08) 9168 3174
www.water.wa.gov.au

NAL021

- Submit meter readings in accordance with a licence; and
- Manage your account details.

Register for Water Online at www.water.wa.gov.au by clicking on the Water Online Login icon.

The instructions for registering, checking your details and updating them where required can be found by selecting the Quick Reference Guides link on the water online home page. Please check your details to ensure that they are correct. If they are not correct please contact the department's online business support unit on 1800 508 885 (select option 2).

If you have any queries about this or any other water licensing matter please contact Ken Allan on telephone (08) 9166 4100.

Yours sincerely

Karis Tingey

Program Manager Kimberley District

22 March 2017

File No: RF3450-02



Page 1 of 2 Instrument No. GWL97281(6)

LICENCE TO TAKE WATER

Granted by the Minister under section 5C of the Rights in Water and Irrigation Act 1914

Licensee(s)	Shire of Derby West Kimberley			
Description of Water Resource	Derby Annual Water Canning - Wallal Entitlement			
Location of Water Source	Lot 1402 on Plan 193851 Loch S Lot 485 on Plan 207983 Loch Str Lot 150 on Plan 60227 Kurrajong Delewarr Street Road Reserve, D Lot 501 on Plan 49870, Derby - V Lot 500 on Plan 70767 Loch Stre	026/409 R3156/495		
Authorised Activities	Taking of water for	Location of Activity		
	Caravan park purposes	Lot 1500 on Plan 67091 Rowan Street, Derby Volume/Folio 2794/140		
	Irrigation of up to 3 ha of lawns and gardens	Lot 143 on Plan 144238 Derby Airport - Volume/Folio 2037/326 Lot 500 on Plan 70767 Loch Street, Derby - Volume/Folio LR3159/977		
	Irrigation of up to 2.5ha ovals and playing fields	Lot 1402 on Plan 193851 Loch Street, Derl Volume/Folio LR3111/7107		
	Irrigation of up to 1.5 ha of public open space	Loch Street Road Reserve, Derby		
	Irrigation of up to 1 ha of recreation areas	Lot 485 on Plan 207983 Loch Street, Derby Volume/Folio LR3026/409		
Duration of Licence	From 22 March 2017 to 21 March 2027			

This Licence is subject to the following terms, conditions and restrictions:

- 1 The licensee must install an approved meter to each water draw-point through which water is taken under this licence.
- 2 The meter(s) must be installed in accordance with the provisions of the document entitled "Guidelines for Water Meter Installation 2009" before any water is taken under this licence.
- 3 The licensec must ensure the installed meter(s) accuracy is maintained to within plus or minus 5% of the volume metered, in field conditions.
- 4 The licensee must take and record the reading from each meter required under this licence at the beginning and another at the end of the water year defined on this licence.

This Licence is granted subject to the Rights in Water and Irrigation Regulations 2000

File No: RF3450-02



Page 2 of 2 Instrument No. GWL97281(6)

LICENCE TO TAKE WATER

Granted by the Minister under section 5C of the Rights in Water and Irrigation Act 1914

This Licence is subject to the following terms, conditions and restrictions:

- 5 The licensee must take and record the reading from each meter required under this licence, at the end of each month.
- 6 Unless otherwise approved, all meter readings must be recorded on the 'Meter Water Use Card' available from the Department of Water.
- 7 The completed Meter Water Use Card must be submitted to the Department of Water every 12 month(s) commencing 31/01/2018.
- 8 The licensee must notify the Department of Water in writing of any water meter malfunction within seven days of the malfunction being noticed.
- 9 The licensee must obtain authorisation from the Department of Water before removing, replacing or interfering with any meter required under this licence.
- 10 The licensee shall not use water for sprinkler irrigation of lawns and gardens, except caravan park sites, between 9 am and 6 pm except for the establishment of newly planted areas. For newly planted areas water may be used within these hours for a period of up to 28 consecutive days, commencing from the date of planting.
- 11 The licensee is to provide a water sample taken from each bore in March and October each year to the Department of Water office in Kununurra by 31 March and 31 October, respectively, every year for salinity analysis.

End of terms, conditions and restrictions

This Licence is granted subject to the Rights in Water and Irrigation Regulations 2000



Department of Water Kununurra Region Office 27 Victoria Hwy

Email: kununurra@water.wa gov.au Telephone: 08 9166 4100 Fav: 08 9169 3174

Z7 Victoria Hwy Kununurra WA 6743 Licensee:		Tel Fax	Telephone: 08 9166 4100 Fax: 08 9168 3174		
Bore/Pump name:					
Irrigation year: to		Licence number:	Licence number:		
Meter serial number:		Meter make and model:	Meter make and model: Property location:		
Last meter calibration service date:		Property location:			
	M	eter reading			
Date	Last reading	Current reading	Monthly water consumption (kL)		
		Total abstraction volun	ne		
Comments:					
Please refer to your 5C licence for your annual flyou are unable to locate your licence contact Please record any unforeseen increases in war	the department's regional licension in	office on 08 9166 4100. uptured irrigation mains or water used for firelig	phting purposes		
Signature		Data			





28 MAR 2017

You can now use online services to manage all of your licensing needs. Water Online provides the easiest, fastest and most efficient way to:

- Apply for a new licence or permit,
- Apply to amend, renew or transfer an existing licence,
- Enter meter details and meter readings, and
- Manage your account details.

Register for Water Online at www.water.wa.gov.au by clicking on the Water Online Login icon. Instructions for using Water Online can be found by selecting the Quick Reference Guides link on the water online home page.

Once registered, please check the details we have for you to ensure that they are correct. If they are not correct please contact the department's online business support unit on 1800 508 885 (select option 2).

27 April 2023 **Ordinary Council Meeting Minutes**

Other things you should know

Annual water entitlement. There is no guarantee this volume of water is available at all times or is of a suitable quality for your purposes.

Licence expiry. You should apply to renew your licence before your licence expires. It is an offence if you continue to take water after the expiry date, unless you have applied to renew the licence. The department recommends you submit an application at least one month before the expiry date.

Copy of licence. You may request a certified copy of your licence. A fee applies.

Moving your water entitlement. If you are planning to move premises and would like to be able to use your current water entitlement on a new property, you can apply to amend your licence.

If the property is sold or leased, the new owner or tenant does not automatically have rights to take water under this licence, even if the water entitlement has been included in the contract of sale or lease agreement. Contact the department for more information.

Trading entitlements. Water entitlements may be traded permanently or temporarily between water users. Conditions apply.

Water efficiency. Water in WA is a precious resource. All water users are encouraged to keep up with new technologies and operate the most efficient systems possible.

Other laws. This licence does not give you any rights except to take and use water from a given point(s). You must still comply with Commonwealth and state legislation, and local by-laws.

Our rights. The Department of Water (on behalf of the Minister for Water), can take action it believes is necessary to manage and protect the state's water resources, and to protect the rights of other water users. The department may, for example:

- · require you to fit a water meter
- · access your property for routine inspections
- · access your property to determine if an offence has been committed (under the Rights in Water and Irrigation Act 1914)
- · direct you to reduce the amount of water you take or change the rate at which water is pumped, or direct the purpose for which it
- · direct you to close a well, if water is being wasted or improperly used
- · refuse to renew your licence if it believes you will not comply with licence conditions
- · cancel or suspend your licence
- · add, remove or change the terms, conditions and restrictions of your licence. This includes reducing your water entitlement if you cannot demonstrate that you are legitimately using water for the purpose for which it was intended.

In all but an exceptional circumstance, you would be given notice of these actions and, in some cases, you would have a right to comment or apply for a review of the decision.

For further information

Please refer to the frequently asked questions about water licensing, which are available at the department's website www.water.wa.gov.au.

Select > Business with water > Water licensing > Water licensing frequently asked questions.



Department officer and farmer at pump on dam.

Department of Water 168 St Georges Terrace Perth WA 6000 Phone: 08 6364 7600 Fax: 08 6364 7601 @ Department of Water 2014

For those with special needs this publication can be made available in alternative formats such as audio, large print, or Braille.

This initiative is funded by the Australian Government's National Framework for Compliance and Enforcement Systems for Water Resource Management Program.

ernment of Western Australia rtment of Water Your licence to take water *Important* information. Please read. Looking after all our water needs 2014

Ordinary Council Meeting Minutes 27 April 2023

Please carefully read this information. It explains your licence and responsibilities as a licensee. You may commit an offence if you take or use water in any way that is not authorised

Please keep your licence in a safe place.

You must inform the department if:

- the details on your licence seem in any way incorrect
- you do not understand your licence terms, conditions and restrictions
- you believe you may not be able to comply with your licence terms, conditions and restrictions
- for any reason you no longer have lawful access to the part of the property from which you take water e.g. you sell or lease your property or your lease expires. You must tell the department within 30 days if this occurs
- you want to use some or all of your water entitlement on a different property
- someone else is using the water, either temporarily or permanently, or you are planning to lease your property to somebody else and they plan to use water
- you plan to drill new wells, excavate new soaks or construct new dams, or alter existing infrastructure. You may need to apply for a licence or permit to do this
- · you plan to change your water-use activities.

Understanding your licence



File and instrument numbers

The file number (top left) refers to the department's records of your licence(s) and the applications you have made. The instrument number (top right) is your licence number. You may be asked to quote these if you make an enquiry about your licence.

Licensee(s)

The licensee(s) is responsible for the use of water as authorised by the licence. If there is more than one name on the licence, all named parties share joint responsibility.

Water resource

This is the name of the groundwater area and aquifer, or the surface water area and branch/tributary, you are authorised to take water from, based on the

information you have given the department in your application about the depth and location of your bores, wells, dams, soaks or pumps.

Annual water entitlement

This is how much water you can take within a 12 month period, in kilolitres (kL).

Location of water source

This is the only property from which water is to be taken.

Authorised activities

This part of your licence lists what activities you can use the water for. Using water for other purposes or at any other location may be an offence. If your water use is not measured with a meter, your 'authorised activities' are an important way for the department to calculate your water use.

Duration of licence

The licence is valid for this period.

Terms, conditions and restrictions

This section lists any other terms, conditions or restrictions that apply to your licence. It is a breach of the *Rights in Water and Irrigation Act 1914* if you do not comply with these conditions.

The Water Register

The general public has access to a register which contains some of the details of your licence, including the licensee name(s) and postal address, annual water entitlement and duration of licence.

The Water Register is available at the department's website, www.water.wa.gov.au. Select > Business with water > Water trading register

Definitions

Well. Any opening in the ground made or used to obtain access to underground water. This includes bores and 'soaks' or other excavations that intercept groundwater.

Water year. The 12 month period during which you can use your annual water entitlement.

Ha (hectare). A measure of land area. One hectare is equal to 10 000 square metres, which is approximately 2.5 acres.

kL (kilolitre). A measure of water volume. One kilolitre is 1000 litres or one cubic metre (m³).

Take water. To remove or reduce the flow of water in a watercourse, wetland or from underground. This includes pumping or siphoning water; stopping, impeding or diverting the flow of water; releasing water from a wetland; allowing water to flow under natural pressure from a well; or allowing stock to drink from a watercourse or wetland.

It also includes storing water that has been drawn by these means.



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notify the Department of Water as soon as possible, by providing the following information:

- your name and/or the licensee's name and licence details
- location of the draw-point
- · serial number of the meter
- · date and time of removal and replacement
- · meter reading at the time of removal
- · details of the new meter fitted, if applicable
- · reasons for meter removal.

Servicing

Servicing should be carried out by an irrigation specialist, ideally during a period of low water use. Regular servicing helps maintain meter accuracy and reduces the risk of a malfunction which may affect your water supply. Meters should be serviced more frequently if the water in your area has high levels of iron or sediment. Brown stains on hard surfaces and build-ups of deposits on sprinkler heads are common signs of high iron levels. In some cases it may be more economical to schedule regular meter replacement. You should consult your irrigation specialist about your meter maintenance options.



You can expect a routine service to include:

- inspection of the outer casing of the meter and the register (dial), and the removal and examination of the internal parts. The technician may identify corrosion or iron build-up, or structural damage to the turbine, paddle or impeller caused by exposure to coarse sediment
- servicing which may include cleaning and restoration of the internal measurement elements, cleaning of the meter register housing, repair of any obvious damage or faults and the application of a bore-cleaning solution
- testing of the meter once reassembled. A service certificate should be provided for your records.

Why meter water use?

The state's water resources are under increasing pressure. Precise information about how much water is being used in a particular area helps the Department of Water to understand the real impacts of our water use. The information supports sustainable water resource management and planning by helping us to set allocation limits, improve modelling and forecasting for the future, and improve equity for all water users by ensuring licensees take no more water than they are entitled to.

Metering also benefits water users, for example, by helping you to understand your water needs to support business planning and development, optimising water efficiency, allowing you to monitor the performance of pump and irrigation systems and identify opportunities to trade surplus entitlements.

This initiative is funded by the Australian Government's National Framework for Compliance and Enforcement Systems for Water Resource Management.

Definitions

Draw-point a point at which water is accessed and drawn.

Rights in Water and Irrigation (Approved Meters)

Order 2009 legislation published in the Western Australian Government Gazette on 5 May 2009. It requires that a meter complies with the Australian standard, or is tested and verified to be accurate by an accredited laboratory and installed according to manufacturer's specifications. Refer to the Department of Water Guidelines for water meter installation 2009.

For further information

For more information about your responsibilities as a licence holder, please see the Department of Water's brochure *Your licence to take water*, contact your local regional office or refer to the FAQs about water licensing, at the department's website www.water.wa.gov.au.

Select > Licensing > Water licensing > Responsibilities of licence and permit holders.

The department's *Guidelines for water meter installation 2009* and *Meter water use cards* are available from your local regional office or from the department's website.

Visit www.online.water.wa.gov.au to register for online services

Department of Water
168 St Georges Terrace
Perth WA 6000
Phone: 08 6364 7600
Fax: 08 6364 7601
Department of Water 2016.

For those with special needs this publication can be made available in alternative formats such as audio, large print, or Braille.

Government of Western Australia Metering your water use Important information. Please read PN 16

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Please carefully read this information. It will help you to understand your responsibilities as a licensee. You may commit an offence if you do not correctly meter your water use.

As a metered water user you must:

- Install an approved meter (or meters). This is a meter that complies with the Rights in Water and Irrigation (Approved Meters) Order 2009.
- Maintain your meter and take all reasonable steps, including regular servicing, to ensure it is accurately measuring all water use.
- Record and report readings, as required by your licence conditions. If you cannot read the meter at the required time, you will need to arrange for someone else to do this for you.
- Not deliberately damage or alter a meter, or associated fittings or pipework, such that the meter does not accurately measure all of the water being taken.

Failure to comply with these requirements may attract a penalty

To ensure you are compliant with your obligations you should:

- Inform the Department of Water in writing, within 30 days of installing the meter, the date of installation, meter location, make, size, type and serial number of the meter, and the meterreading after installation.
- Provide the department with a photograph(s) and/or diagram(s) of the meter, shown fitted to the pipe work.
- Familiarise yourself with your meter and how to read the instrument. Not all meters are the same. See the department's Reading your meter fact sheet and ask your installer for a demonstration.

You need to contact the department immediately if:

- You think you may not be able to fit a meter within the timeframe specified in your licence (notify Department of Water before the installation deadline).
- You are unable to read your meter or report the meter readings by the due date, for any reason.
- You think your meter may not be accurately recording water use. For example, if the meter is not registering water flow when the pump is switched on, or if water use is higher or lower than expected.
- A meter is damaged, or if for any reason you think that your meter may have malfunctioned.
- A meter must be removed for a period of time for maintenance or repair or any other reason.
- · A meter is replaced for any reason.



Water meter installed on galvanised headworks. Direction of flow is R to L.

Installation

You should ask your local irrigation systems supplier to recommend a fit-for-purpose water meter that complies with the Rights in Water and Irrigation (Approved Meters) Order 2009. The supplier may also be able to recommend a competent installer.



A correctly installed meter, it has no off-takes before the meter, and the required amount of pipe either side of the meter.

The Department of Water's Guidelines for water meter installation 2009 provides you with details of the technical, maintenance and installation requirements for new water meters, and the upgrade or replacement of existing water meters.

If a meter installation does not comply with the department's requirements, you will be required to ensure alterations are made to the meter or the pipework to address this issue. The department will advise you in writing of the required changes or it may elect to issue you with a formal direction. Failure to comply with a direction is also an offence and may attract a penalty.

Maintenance

Over time, a meter may lose accuracy and incorrectly measure water use. The accuracy of a meter is affected by its age, and by the volume and quality of the water passing through the instrument. Corrosion, iron bacteria, exposure to coarse sediment and intermittent patterns of water use may affect meter performance and longevity.

Meters must therefore be maintained properly to ensure they continue to accurately measure water use over time. The department accepts a margin of error of up to five per cent, on an installed meter. The Department of Water may inspect

a meter at any time and may require a meter be tested if the department believes the instrument is not accurate.

The department may estimate your water use if it believes your water use has not been measured accurately, because the meter was not installed correctly, was removed for maintenance or repair, or the meter was tested and found to be inaccurate

For more information about meter-testing please refer to the department's *Guidelines for water meter installation 2009*.

Records

Taking regular meter readings will help you manage your water use and ensure you comply with your annual licensed entitlement, and may be a condition of your water licence.

For monthly readings, you should set aside a specific day during the last week of each month to read your meter. It may be useful to set yourself a reminder in your diary, calendar or on your mobile phone. If a reading is required for the beginning of your water year, it should be taken during the first week of that year. A reading required to be taken at the end of your water year should be taken during the last week of that year.

If your licence requires you to record readings on a *Meter water use card*, a separate card needs to be completed for each meter. Additional cards are available from your local Department of Water office or the website. Meter readings can be submitted electronically through "Water Online", via the link on our website. Readings submitted electronically through Water Online will be accepted as completed Meter water use cards.

Meter removal

If a meter that is required under your licence must be replaced or removed for any reason, you should

12 CORPORATE SERVICES

Nil

13 TECHNICAL SERVICES

13.1 SHIRE OF DERBY/WEST KIMBERLEY - ROAD MANAGEMENT UPGRADE STRATEGY 2023 - 2028 - SEALED ROADS

File Number: 8158

Author: Wayne Neate, Director Technical and Development Services

Responsible Officer: Amanda Dexter, Chief Executive Officer

Authority/Discretion: Executive

SUMMARY

This item is for Council to consider the endorsement of the Shire of Derby/West Kimberley Road Management Upgrade Strategy 2023 - 2028 – Sealed Roads.

DISCLOSURE OF ANY INTEREST

Nil by Author and Responsible Officer

BACKGROUND

In 2012 Council adopted an un-sealed road maintenance strategy with the view to modify the current grading practices to provide a better outcome for road users across the Shire.

The Sealed Road Upgrade Strategy was then developed and adopted by Council at its April 2020 Ordinary Council Meeting (OCM). The Strategy is designed to be reviewed annually to confirm the strategic direction of Council and was subsequently reviewed and endorsed by Council each year thereafter. Since adoption the strategy is constantly under review against the current road network to provide some certainty around forthcoming capital roadworks within the Shire of Derby/West Kimberley. It is recognised that the development of an unsealed upgrade strategy will need to be developed to compliment and complete the strategy.

STATUTORY ENVIRONMENT

Local Government Act 1995

Integrated Reporting Framework – assists with Asset Management Plan and Long Term Financial Plan.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil, costings are estimated within the strategy. However, funding is allocated in the Annual Budget process each year.

STRATEGIC IMPLICATIONS

GOAL	OUR PRIORITIES	WE WILL
4. Environment	4.2 Liveable Communities	4.2.3 Encourage and facilitate the
		maintenance and development of
		infrastructure that connects our

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	communities

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Organisation's Operations:	Possible	Minor	Medium	The Strategy and supporting
The Long term asset management objectives and goals of the Shire are not met.				documentation gives direction to staff and Councillors alike to endeavour to meet asset management goals.

CONSULTATION

Various staff, subject matter experts and road user groups have been consulted with during the review of the Strategy.

COMMENT

The Shire of Derby/West Kimberley has a Council endorsed rural road maintenance strategy where by the number of grades and road maintenance methods are prescribed based on the hierarchy of the road. This hierarchy is based on usage and what assets and services are accessed along the road to derive its importance.

A similar hierarchy has been used to develop the current upgrade strategy for the sealed roads and also adopts very similar principles to the rural road maintenance strategy but has taken into account the asset level (in other words what condition the road is in) and safety factors of the road for users of the road. These have been used to determine the importance of a road (via a number) which then allocates the various projects on roads in accordance with the hierarchy.

The Shire currently, as shown in the strategy, receives funding for roads via several different streams. These are explained within the strategy and it should be noted that this allocation of funding is also used to provide for capital and improvement works across rural roads.

The ideal allocation of these funds is 75% expenditure on sealed roads and 25% expenditure on unsealed roads. This is based purely on asset value not community expectation. This split of funding on the Sealed and Un-sealed portions of the road network will vary year to year as per the capital funds available.

This strategy provides strategic direction for officers to source funds through applying for grants. Many grants have significant lead times with some as long as two years ahead of when the works would be programmed to be undertaken. This therefore allows some degree of planning into the future for Officers and Council alike.

It is therefore of particular importance that Council endorse the high priority selection of roads in the 24/25 financial year to enable Officers to compete the appropriate grant funding applications.

The projects listed in the 24/25 financial year are various road reseals aimed at priority 1 and 2 roads:

Wodehouse Street

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- Nevill Street
- Johnston Street
- Rodgers Street
- Derby Airport Road
- Various Road Reseals

It is recommended that Council endorse the strategy with particular attention to the 24/25 financial year projects. Funding for these projects will be sort during the 2023 calendar year.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

1. Road Management Upgrade Strategy 2023-28 Sealed Roads - April 2023 U

RESOLUTION 37/23

Moved: Cr Andrew Twaddle

Seconded: Cr Paul White

That Council:

- 1. Endorse the Road Management Upgrade Strategy 2023-28 Sealed Roads;
- 2. Endorse the following roads as grant funded roads for 2024/25 financial year:
 - Wodehouse Street;
 - Nevill Street;
 - Johnston Street;
 - Rodgers Street;
 - Derby Airport Road; and
 - Various Road Reseals.
- 3. Undertake an ongoing commitment to review the strategy on an annual basis.

<u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle and Peter McCumstie

Against: Nil

CARRIED 5/0

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Document Control

Title: Sealed Road Management Plan

Revision	Date	Details	Authorship	Approved
Α	Nov 2015	Draft for Review	MES / AMC	EMTDS
В	Dec 2015	Draft reviewed after comments MES / AMC EMTE		EMTDS
С	Sept 2018	Further review to road ranking system	MES / AMC	EMTDS
1	March 2020	2020 Plan for adoption by MES DTD Council		DTDS
1.1	April 2021	Annual revision	DTDS	DTDS
1.2	May 2022	Annual revision	DTDS	DTDS
1.3	April 2023	Annual revision	DTDS	DTDS

1. SECTION 1. Executive Summary

In accordance with the previous strategic plan of Council specifically Item 2.3.1 of the Shire of Derby / West Kimberley Strategic Community Plan 2012-2021 – *Develop a road maintenance, grading and upgrading strategy*, the Technical Services Department developed a Sealed Road Strategy. This has undergone a review and critical analysis of the current maintenance practices for our sealed roads.

The purpose of this *Sealed Road Management Plan (this Plan)* is to establish a management system for Shire of Derby / West Kimberley (the Shire) for the discharge of its duty to inspect, maintain and repair its public roads based on policy and operational objectives as well as available resources.

This Plan has been prepared in accordance with the requirements of the following statutory requirements:

- Local Government Act 1995
- Local Government Regulations 1996
- Department of Local Government Integrated Planning and Reporting Framework
- AS/ISO 55001:2014 Asset Management Management Systems Requirements

In accordance with the requirements of these documents, this plan includes and references:

- A Road Register with a description of those assets on sealed roads for which the Shire is responsible;
- ii. The standard or target service level for those assets to be maintained by the Shire; and
- A management system that documents how the Shire discharges its duty to inspect, maintain and repair sealed roads for which it is responsible.

Inspection activities are undertaken at frequencies relative to the road hierarchy while the prioritisation of maintenance and repair activities are based on an assessment of the risks associated with individual defects.

A tolerable level of defect is defined as a condition that does not require immediate attention based on a standardised risk assessment and future programmed works are scheduled.

In establishing its budget priorities the Council seeks to strike a balance between the need to invest in new infrastructure for a growing community while providing levels of service consistent with community expectations for existing assets.

Road based maintenance and rehabilitation works are coordinated by the Shire's Technical Services Department using a combination of internal and external labour and equipment. Detailed operational procedures specify how the various activities are to be undertaken and the technical standards to be achieved.

Community requests for works to be undertaken are recorded in the council's customer request system. This system has full audit capability and individual requests can be updated as works are programmed or undertaken so that customers who enquire can be advised of the status of their request.

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SECTION 2. Introduction

2.1 Background

2.1.1 Relationship between the Sealed Road Management Plan and Legislation

The Local Government Act 1995 and the Local Government Regulations 1996 establish the powers, duties and functions of Local Government authorities.

The Department of Local Government Integrated Planning and Reporting Framework (the Framework) and its Guidelines outline the minimum planning and reporting methodology to achieve the outcomes prescribed in the legislation. They are not intended to restrict the range of processes that may be undertaken within a local government to achieve those outcomes. The Framework also requires Local Government authorities to develop and publish road management plans incorporating the performance of their duties in relation to the inspection, maintenance and repair of roads, having regard to the type of road, the resources available to the council and its budgetary and policy priorities.

2.1.2 Purpose

The purpose of this Road Asset Management Plan is to ensure Council has in place a plan that helps Council to achieve the following objectives –

- Ensure that a safe and efficient network of Shire public roads is provided primarily for travel and transport.
- Provide a structure for a road management plan which will ensure that the public roads in the Shire of Derby/West Kimberley –
 - are capable of functioning as they were built to function;
 - are able to meet future needs in a growth environment; and
 - continue to meet the needs and expectations of the community and other key stakeholders.
- 3. Within that structure, advance Council's road management practice to achieve the strategic objectives of Council's Strategic Community Plan 2021-2031 under section 4.2.3 Encourage and facilitate the maintenance and development of infrastructure that connects our communities.
- 4. Prioritise management to provide the best value for money to the community whilst respecting budget restraints.
- 5. Adhere to good practice of road construction and management.

2.1.3 Execution

To achieve the objectives in Clause 2.1.2, this Plan provides details in the following key management areas that are central to Council's role as the road authority for municipal public roads –

- a) Provide descriptions of the types of road and road-related infrastructure assets covered by this Plan.
- b) Set up a road hierarchy classification to facilitate the setting of performance standards. The details are in Section 4, Road Infrastructure Hierarchy.
- c) Set relevant performance standards to help with the discharge of Council's duties. The details are in section 5, Performance Standards.
- d) Address network wide challenges faced by the road network. The details are in section 6, Network Challenges and Potential Solutions.

2.1.4 Key Stakeholders

Key stakeholders who will be affected by this Sealed Road Management Plan in the Shire of Derby / West Kimberley include –

- The community ratepayers, residents, business, industry, health, education.
- Road users such as pedestrians, bicyclists, motorcyclists, public transport passengers and vehicle drivers and passengers.

Page | 5

- Transport service providers transport operators, bus operators and service providers supporting the delivery of transport and freight services.
- Emergency services.
- Public Utilities such as water, sewerage, drainage, electricity, telephone, telecommunications and other like services
- Land / mine developers and their respective consultants and contractors.
- Road authorities / agencies of State and Federal governments.
- Federal and State government departments and agencies such as the Department of Housing, the Department of Health, the Department of Indigenous Affairs and the Parks and Wildlife Service.
- Private road owners such as pastoral stations, indigenous communities, business, industry, body corporate.
- Elected representatives.
- Council staff and consultants and contractors.

2.1.5 Duty of road users

Whilst Council has certain duties and responsibilities, this Plan is predicated on the basis that the road users also have certain obligations and responsibilities to drive safely according to the prevailing conditions, to have regard to the rights of other road users, the community and infrastructure managers, and to avoid damaging infrastructure.

2.1.6 Budget

The annual Budget has been developed within an overall financial planning framework that guides Council in identifying community needs and expectations over the short, medium and long term. In preparing the annual Budget, funding requirements for each year are linked with the objectives contained in the *Strategic Community Plan 2012-2021*

In relation to road and road-related infrastructure assets that provide road transport service, Council recognises the importance of balancing appropriate performance standards with what the communities able to afford and sustain. In balancing the funding level for the inspection, maintenance, repairs, upkeep, rehabilitation and renewal of road and road-related infrastructure assets, Council gives regards to the following key considerations —

- preservation of existing assets in an appropriate and safe working condition;
- market constraints in manpower, plant and equipment, building materials and contractors; and
- budget / financial constraints.

The performance standards set in Section 5 of this Plan reflects such balance.

Appendix 1 details the proposed 5 Year Funding Programme. Funding sources for this programme include:

- Road Project Grants funded 2/3 Main Roads WA Regional Road Group to 1/3 Local Government
- Roads to Recovery 100% Commonwealth funded, funding restricted to road infrastructure, current programme expires 30 June 2024
- Federal Assistance Grant (FAG) road portion of grant, no restriction on eligible projects
- Direct Grant restricted to use on road projects
- Remote Aboriginal Access Roads (RAAR) funding not included in Appendix 1 as this funding is restricted for rural roads which are generally unsealed. Funding apportioned 2/3 Commonwealth, 1/3 State
- Blackspot restricted to approved projects based on either Crash Statistics or Road Safety Audit.
 Federal Blackspot 100% Commonwealth funded, State Blackspot 2/3 State and 1/3 Local Government funded.

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SECTION 3 – Road Asset Description

This section provides the details of road infrastructure and road-related infrastructure assets that are being covered under this Plan.

3.1 Overview

The Shire of covers an area of approximately 119,842 square kilometres, with a population of approximately 8,300 persons spread between towns, communities and pastoral stations.

In regard to rural roads, and town sealed roads assets the Shire is responsible for -

- 101.36 kilometres of sealed public roads;
- Approximately 763,500m² of sealed public roads.
- Roads are measured in Single Lane Kilometres (SLK)
- Sides of the road are designated according to the SLK (ie. Left / Right from SLK 0.00 to end of road)

3.2 Assets covered

The road infrastructure assets covered in this Plan are -

trafficable road pavements

Road-related infrastructure assets to be covered in future revisions of this plan include:

- kerbs
- road shoulder and verge
- road drains including features such as culverts and table drains
- guide posts / signs
- paths including footpaths and shared paths.

3.3 Roads Maintained by the Shire

Current Shire of Derby/West Kimberley policy accepts the responsibility for the maintenance of all current public roads listed within the Shire's RAMM database. Some roads are also identified as part of Main Roads WA's "Roads 2030 Regional Road Development Strategies" identifying them as a road of significance where additional funding may be available through the annual Road Project Grants funding programme.

3.4 Existing Condition of Shire Roads

The existing condition of the Shire's roads vary quite considerably from road to road and across the Shire. It is proposed that the works programme shall be reviewed annually and defined by a hierarchy and inspections on the condition of the network.

Below are some photographic examples of the Shire's road network and some of the influencing factors that will be discussed within the hierarchy. TALIS Consultants completed a visual condition assessment of the road network at the end of 2014 and produced a Forward Works Programme (FWP) which has been used as a basis for the FWP contained within this Road Management Plan.

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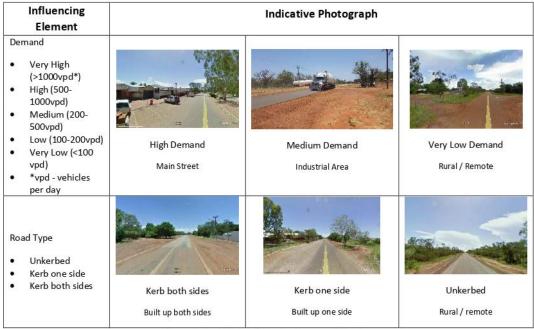


Figure 1: Possible Road Section Category Matrix

4. ROAD INFRASTRUCTURE HIERARCHY

This section describes the hierarchy classification proposed in this Plan. A hierarchy classification for Shire roads assists in determining relevant performance standards (see Section 5) for key maintenance areas such as inspection, maintenance and repairs. It also assists in other management activities such as allocating resources and specifying design and construction standards.

4.1 Road Hierarchy

A hierarchy classification is used to group roads on the basis of the service levels that they provide in a road transport network. The hierarchy system then allows a service level to be provided or give a more accurate indication on what the road provides to the general community. The categories of service that have been used within this plan are as follows;

- Businesses (number of businesses on a road)
- · Town Planning Scheme zoning (possibility of increased density and traffic)
- · Visitor accommodation facilities along road
- School zone along road
- Traffic Volume (used to determine usage on road)
- Restricted Access Vehicle route
- Road Classification (as per RAMM)
- Road importance to SDWK Road Network (included in Roads 2030)

For Shire public roads, a Five tier hierarchy classification is proposed. Roads are classified through 1 to 5 in accordance with the above factors.

1 (Road Importance - Very High)

Roads of this classification are in a poor condition where routine maintenance will not increase the life of the asset to the expected standard. Subsequently, they require urgent reconstruction to remediate any structural pavement defects.

2 (Road Importance – High)

Roads of this classification are in a fair condition where the intervention period for pavement reconstruction can be extended by resealing the pavement.

3 (Road Importance - Medium)

Roads of this classification are in a reasonable condition where a reseal will extend the life of the asset to the expected standard.

4 (Road Importance - Low)

Roads of this classification are in a good condition and only require minor routine patching to maintain the asset to the expected standard.

5 (Road Importance - Very Low)

Roads of this classification have been constructed, reconstructed or resealed within the last 5 years to maintain the asset to the expected standard.

A Summary of each road's proposed rating is included in Appendix 1

4.2 Road Treatment by Hierarchy

The road hierarchy as attached in Appendix 1 defines the roads in accordance with the categories selected by the officers conducting the review. The categories defined the roads by use, what they service and importance under both Roads 2030 and RAMM. What the hierarchy does not take into account is the unaccountable factors that can only be determined onsite or by officers familiar with the use of the road.

Subsequently, there cannot be a road treatment by hierarchy alone. However, it can significantly help to gain a broad understanding of the network and develop the plan for the road treatment, along with local knowledge around use and seasonal conditions.

4.3 Proposed Maintenance Practices

As discussed previously, options for the ongoing management of the Shire's road network have historically been determined using a combination of local knowledge and engineering standards. This has resulted in some roads being reconstructed and some roads being regularly maintained, whilst other roads have not been maintained at all.

This plan was prepared to provide the greatest long and short term benefit to the Shire of Derby/West Kimberley as the asset manager, and also to the thousands of users of the road whether they are pastoral Station users, tourists or the many service agencies and other motorists travelling the road network.

4.4 Town and Rural Road Treatments

Proposed Treatments are included in the Forward Works Programme attached in APPENDIX 3.

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5. PERFORMANCE STANDARDS

In this Section, Council sets the performance standards for the following operational functions in roads, pathways and ancillary areas –

- Defect inspection
- Hazard identification
- Defect intervention level and rectification time

5.1 Objectives

The objectives of setting performance standards -

- (1) Ensure public safety achieved by regular Hazard Inspections and being responsive to hazard notification.
- (2) Protect road infrastructure assets achieved by carrying out regular Defect Inspections and developing planned maintenance repairs to avoid or minimise impairment to the asset's highest and best use potential. This is essential for providing the best value for money for the Shire and the delivery of road transport service at the lowest practicable cost to the communities.
- (3) Ensure an appropriate level of statutory protection against civil liability claims based on balancing available Council resources.

5.2 Hazard and Defect Inspections

These will be carried out by Technical Services staff to see how best to rectify the issue. These inspections will use the criteria contained within the Institute of Public Works Engineering Australasia's Practice Note 9 2015 – Road Pavements, Visual Assessment (Condition Assessment and Asset Performance Guidelines). This document is an industry standard that rates various road conditions (eg. cracking, stripping, flushing, edge break) from 1 to 5 and has photos corresponding to each score to assist with on-site assessment.

5.3 Hazard Identification

Hazards will be assessed by a competent Officer in accordance with the requirements of AS/ISO 31000:2018 – Risk Management – Guidelines.

5.4 Defect Intervention Level and Rectification Time

Proposed defect intervention levels and rectification times are detailed in the table in Appendix 5.

6 NETWORK CHALLENGES and POTENTIAL SOLUTIONS

The current condition of the Shire's sealed road network is below average due to the lack of resealing that was carried out prior to 2015. It is proposed to carry out regular inspections of the sealed roads to monitor their condition and assist in planning for future maintenance. 2019/20 Financial Year funding is allocated on a ratio of 86% sealed network and 14% unsealed network. The sealed to unsealed funding ratio could vary from 60:40 to 80:20 and is subject to change due to external funding arrangements and flood damage received during nominated storm events.

As funding criteria is expected to get more stringent into the future, the Shire of Derby/West Kimberley will need to investigate options available to maximise work undertaken for the available funding, and subsequently providing best value for money for the community.

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Currently, the only local source of sealing aggregate in the West Kimberley is Kimberley Quarries at Nillibubbica between Derby and Broome. The next closest source is the Tabba Tabba Quarry located approximately 50km east of Port Hedland. This lack of a local source of sealing aggregate means that the amount of resealing able to be completed is reduced due to the cost of transporting the aggregate from the quarry to site.

7 REVIEW OF SEALED ROAD MANAGEMENT PLAN

The review of this Sealed Road Management Plan will be continual as the Technical Services Department will closely monitor the road network to ensure a "Best Value for Money Spend" by the Shire and a useable network of roads, unless otherwise directed by the Council and/or the CEO.

8 DEFINITIONS

- "Act" is the Local Government Act 1995.
- "Ancillary area" is any area designated by the Shire used by motor vehicles and cyclists connecting to a roadway, for example, car park, rest stop or recreation facility.
- "Arterial roads" are highways and declared main roads, which are managed by the state government through Main Roads WA.
- "Bridge and major culverts" means a structure having a clear span greater than 1.80 metres or
 a pipe culvert having a waterway area greater than 3 square metres.
- "Defect" means any form of failure in the road surface, including potholes, displaced pavement, cracking and road collapses. These types of failure can be structural and/or visual in nature.
- "Maintenance" with respect to roads is defined to mean repairs to pavement failures. These
 repairs take the form of pothole patching to heavy patching. The purpose being to make the road
 trafficable until reconstruction works can be carried out.
- "MRWA" refers to Main Roads Western Australia
- "Municipal roads" are roads for which the Shire is the responsible road authority and are listed in the RAMM inventory that details the Shire's road network.
- "Non-road infrastructure" means infrastructure in, on, under or over a road which is not road
 infrastructure and includes water and sewerage mains, telecommunication cables, electricity
 poles and street lights, bus shelters, vegetation and the like.
- "Pathway" means a footpath, shared path or recreational path constructed or developed by the Shire for use by members of the public other than with a motor vehicle and does not include any pathway which has not been constructed by or for the Shire or with its approval.
- "Private roads" include roads in reserves, roads to and in indigenous communities and roads on
 private property, pastoral leases, private pathways or any crossovers providing access from
 private properties to a public road or public highway. The Shire is not responsible for the care
 and maintenance of these roads, pathways or crossovers.
- "RAV" means a Restricted Access Vehicle such as a "B-Double" or roadtrain that is restricted to travelling on MRWA approved routes.
- "RAMM" is the Road Asset and Maintenance Management database detailing road assets and associated infrastructure maintained by the Shire.
- "Response time" is the time to respond to a hazard or defect measured from when the hazard or defect is identified by or notified to the council. Days to respond are business days, ie Monday to Friday, 5 days per week excluding public holidays.
- "Roads 2030 Significant Road" means a municipal road that has been included in the Main Roads
 WA "Roads 2030 Regional Strategies for Significant Local Government Roads" and is eligible for
 funding from MRWA Regional Road Group Road Project Grants;
- "Road infrastructure" means infrastructure which forms part of a roadway, pathway or shoulder including-

- (i) Structures forming part of the roadway, pathway or shoulder; and
- (ii) Materials from which a roadway, pathway or shoulder is made.

This also includes bridges, culverts, floodways / causeways, plus materials such as asphalt, bitumen, gravel, line marking, guideposts and signs.

- "Road-related infrastructure" means infrastructure which is installed or constructed by the relevant road authority for road-related purposes to—
 - (i) Facilitate the operation or use of the roadway or pathway; or
 - (ii) Support or protect the roadway or pathway;
- "Road Management Plan" means this plan.
- "Roadside" means any land that is within the boundaries of a road reserve (other than the shoulders of the road) which is not a roadway or a pathway and includes the land on which any vehicle crossing or pathway which connects from a roadway or pathway on a road to other land has been constructed;
- "Shire" means the Shire of Derby/West Kimberley;
- "SLK" means Single Lane Kilometre, the method of measuring or locating a point on a road;
- "Thoroughfare" is defined in the Local Government Act 1995 and includes a street, right of way, cul-de-sac, bypass, bridge or ford, shared path, bicycle path, any culvert or kerbing or other land (nature strip, roadside and private driveway not included) or works forming part of the road.
- "Vehicle crossover (driveway)" is the crossing which provides access from the road to the property boundary. The property owner is responsible for the construction and maintenance of the crossover.

APPENDIX 1- FIVE YEAR FUNDING PROGRAMME

Revision 1

FIVE	YEAR CAPITALS	EALED ROAD FU	NDING PROGRA	MME SUMMARY	′	
Description	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28
Roads to Recovery Funding +	\$900,000	\$900,000	Unknown	Unknown	Unknown	Unknown
Main Roads WA (MRWA) Regional Road Group (RRG) Funding#	\$800,188	\$928,000	\$928,000	\$928,000	\$928,000	\$928,000
Shire Funded Works *	\$600,000	\$600,000	\$600,000	\$600,000	\$600,000	\$600,000
Federal Assistance Grant (FAG) ^	\$460,000	\$556,556	\$556,556	\$556,556	\$556,556	\$556,556
Direct Grant ^	\$346,227	\$346,227	\$346,227	\$346,227	\$346,227	\$346,227
MRWA State Blackspot Funding	Project basis only	Project basis only	Project basis only	Project basis only	Project basis only	Project basis only
MRWA Federal Blackspot Funding	Project basis only	Project basis only	Project basis only	Project basis only	Project basis only	Project basis only
Disaster Recovery Funding Arrangements (flood damage)	AGRN 951 and 1044 6,000,000	AGRN 1044 8,000,000	Project basis only	Project basis only	Project basis only	Project basis only
Total Expenditure	\$9,106,415	\$11,330,783	\$2,430,833	\$2,430,833	\$2,430,833	\$2,430,833

⁺ Current 5 year Roads to Recovery Funding Arrangements expire 30 June 2024.

NB All figures in the above table are based on current funding. The funding in the above table also funds the capital projects on the Shire's unsealed road network.

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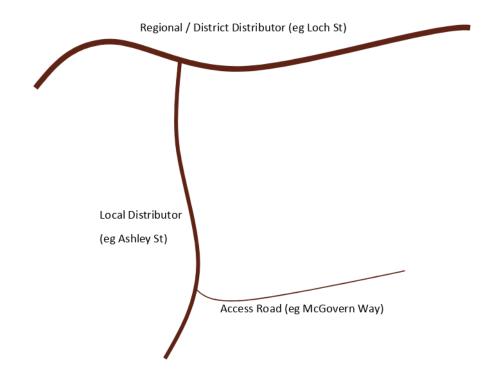
[#] Restricted to roads (sealed and unsealed) classified as significant in the Main Roads WA "Roads 2030 Regional Strategies for Significant Local Government Roads" document.

^{*} Shire Funded Works includes allocation of \$154,300 for Flood Damage contribution (mandatory expenditure prior to claiming reimbursement from Disaster Recovery Funding Arrangements).

A Funding amounts subject to change on an annual basis.

Revision 1

APPENDIX 2 - ROAD HIERARCHY



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Revision 1

These tables give an overall inspection ranking of the road according to data and statistics.

RAV Route	
No	0
Yes / Used	5

RAMM Classification		
1	Access road	
2	Local Distributor	
3	Regional / District Distributor	

Roads 2030 Significant Road			
	0	No	
	2	Yes	

Nº. of Businesses	
1	1
2	2
3	3
4	4
>4	5
Rec Facility	5

Visitor Accommodation	
No	0
Yes	1

Zoning		
Rural	0	
R5	1	
R10 / R12.5	2	
R15	4	
R20 / R25	7	
R30 / R35	10	
Industrial	3	

Traffic Volume AADT	
0-20	0
20-100	1
100-200	2
200-500	3
500-1000	4
>1000	5

Revision 1

Score Table		
Score	Hierarchy	
1	Very Low	
2	Very Low	
3	Very Low	
4	Very Low	
5	Very Low	
6	Low	
7	Low	
8	Low	
9	Low	
10	Low	
11	Medium	
12	Medium	
13	Medium	
14	Medium	
15	Medium	
16	High	
17	High	
18	High	
19	High	
20	High	
21+	Very High	

Hierarchy Number		
Very High	1	
High	2	
Medium	3	
Low	4	
Very Low	5	

Revision 1

Road #	Road	Number of Businesses	Zoning (R Code)	Roads 2030 Significant Road	Visitor Accommodation	Traffic Volume (peak)	RAV Route	School	RAMM Classification	Total	Hierarchy	Hierarchy Number	Asset Mgmt Ranking	Safety Ranking	Total Score	Priority
0134	ADCOCK ROAD	0	0	0	0	1	5	0	1	7	Low	4	3	4	11	4
0067	ALEXANDER STREET	0	4	0	0	2	0	0	1	7	Low	4	3	3	10	3
0063	ALFONSAS STREET	1	4	0	0	4	0	0	1	10	Low	4	4	3	11	4
0034	ANDERSON STREET	0	7	0	0	4	0	1	2	14	Medium	3	5	2	10	3
0058	ARCHER STREET	0	4	0	0	2	0	0	1	7	Low	4	4	4	13	5
0056	ASHLEY STREET (Panton to Loch)	5	1	2	0	3	5	0	2	18	High	2	5	2	9	3
0056	ASHLEY STREET (Loch to Alfonsas)	1	4	2	0	5	5	0	2	19	High	2	4	2	8	2
0056	ASHLEY STREET (Alfonsas to Guildford)	5	2	2	1	5	5	0	2	22	Very High	1	5	2	8	2
0056	ASHLEY STREET (south of Guildford)	0	2	2	0	4	5	0	2	15	Medium	3	3	2	8	2
0223	BALANINJANGARRI ROAD	1	3	0	0	2	0	1	1	8	Low	4	5	2	11	4
0220	BANKSIA STREET	0	4	0	0	2	0	0	1	7	Low	4	5	5	14	5
0089	BAOBAB STREET	0	4	0	0	3	0	0	1	8	Low	4	3	3	10	3
0104	BARNETT WAY	0	2	0	0	2	0	0	1	5	Very Low	5	3	3	11	4
0127	BAUHINIA PLACE	0	2	0	0	2	0	0	1	5	Very Low	5	3	3	11	4
0059	BEAVEN STREET	0	4	0	0	2	0	0	1	7	Low	4	1	3	8	2
0086	BELL CREEK WAY	1	0	0	0	2	0	0	1	4	Very Low	5	2	3	10	3
0137	BELL ROAD	5	3	0	0	2	5	0	1	16	High	2	4	2	8	2
0148	BENNING PLACE	0	1	0	0	0	0	0	1	2	Very Low	5	5	5	15	5
0152	BLOODWOOD CRESCENT	0	7	0	0	3	0	0	1	11	Medium	3	5	5	13	5
0052	BLYTHE STREET	0	4	0	0	3	0	0	1	8	Low	4	3	5	12	4
0130	BRAND STREET	1	3	0	1	3	0	0	1	9	Low	4	1	3	8	2
0122	BREARLEY STREET	5	3	0	0	3	5	0	1	17	High	2	3	3	8	2
0226	BROLGA DRIVE (Boab Estate)	0	4	0	0	0	0	0	1	5	Very Low	5	4	3	12	4
0157	BROOME STREET	2	3	0	0	2	5	0	2	14	Medium	3	3	2	8	2
0232	BROWN STREET	0	4	0	0	2	0	0	1	7	Low	4	4	4	12	4
0014	CALWYNYARDAH-NOONKANBAH ROAD (SLK 0.00-0.03)	5	0	2	0	1	5	1	1	15	Medium	3	3	2	8	2
0158	CAMBALLIN RD (GNH –Camballin turnoff)	5	0	2	1	3	5	1	3	19	High	2	3	2	7	2
0158	CAMBALLIN RD (Camballin turnoff to Camballin)	2	0	2	1	3	5	0	3	16	High	2	3	2	7	2
0022	CAMBALLIN-MYROODAH ROAD	0	0	2	0	3	5	1	2	13	Medium	3	3	2	8	2
0005	CAMBALLIN-NOONKANBAH ROAD (SLK 0.00-0.46)	0	0	0	0	2	5	0	1	8	Low	4	4	2	10	3
0057	CARNARVON STREET	1	1	0	0	2	5	0	1	10	Low	4	4	2	10	3
0173	CASSIA CLOSE	0	10	0	0	1	0	0	1	12	Medium	3	4	4	11	4
0020		3	0	2	0	2	5	0	1	13	Medium	3	3	3	9	3
0019	CHRISTMAS CREEK ROAD (SLK 0.00-0.03, 1.20-2.00)	5	0	2	0	2	5	1	1	16	High	2	2	1	5	1
0035	CLARENDON STREET (Loch to Hensman)	5	5	2	1	5	0	0	2	20	High	2	3	2	7	2
0035	CLARENDON STREET (Elder to Hardman - west bound)	5	5	2	1	5	0	0	2	20	High	2	2	3	7	2
0035	CLARENDON STREET (Elder to Hardman - east bound)	5	5	2	1	5	0	0	2	20	High	2	2	3	7	2
0075	COLEMAN STREET (CAMBALLIN T/S)	0	0	0	0	1	5	0	1	7	Low	4	5	2	11	4
0069	COLEMAN STREET (DERBY T/S)	0	5	0	0	2	0	0	1	8	Low	4	3	4	11	4
0125	CONWAY STREET	5	3	0	0	1	5	0	1	15	Medium	3	3	4	10	3
0171	COOLIBAH WAY	0	2	0	0	2	0	0	1	5	Very Low	5	4	4	13	5
0180	CORKWOOD COURT	0	2	0	0	1	0	0	1	4	Very Low	5	5	5	15	5
0217	CURTIN ROAD	1	3	0	0	0	5	0	3	12	Medium	4	1	2	7	2
0153	CYCAD COVE	0	2	0	0	1	0	0	1	4	Very Low	5	2	3	10	3
0233	CYPRESS COURT	0	2	0	0	1	0	0	1	4	Very Low	5	4	5	14	5
0065	DELEWARR STREET	1	2	0	0	3	0	0	1	7	Low	4	5	5	14	5

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Shire of Derby/West Kimberley Road Management Plan – Sealed Roads

Revision 1

Road#	Road	Number of Businesses	Zoning (R Code)	Roads 2030 Significant Road	Visitor Accommodation	Traffic Volume (peak)	RAV Route	School	RAMM Classification	Total	Hierarchy	Hierarchy Number	Asset Mgmt Ranking	Safety Ranking	Total Score	Priority
0244	DELEWARR STREET SERVICE ROAD	0	10	0	0	1	0	0	1	12	Medium	3	4	5	12	4
0218	DERBY AIRPORT ROAD	5	3	0	0	1	5	0	2	16	High	2	1	2	5	1
0237	DOLLARBIRD STREET (Boab Estate)	0	2	0	0	0	0	0	1	3	Very Low	5	1	5	11	4
0077	DURACK ROAD (CAMBALLIN T/S) SLK 0.00 – 0.56	2	0	0	1	1	5	0	1	10	Low	4	5	5	14	5
0077	DURACK ROAD (CAMBALLIN T/S) SLK 0.56 – 0.98	0	0	0	0	0	0	0	1	1	Very Low	5	1	4	10	3
0172	EDGAR STREET	0	2	0	0	1	0	0	1	4	Very Low	5	2	4	11	4
0043	ELDER STREET	5	5	0	0	2	5	0	1	18	High	2	2	2	6	2
0136	EMANUEL WAY	5	3	0	1	4	5	0	1	19	High	2	3	2	7	2
0066	FAIRBAIRN STREET	0	2	0	0	3	0	1	1	7	Low	4	1	2	7	2
0114	FALLON ROAD	5	3	0	0	4	0	1	2	15	Medium	3	3	2	8	2
0143	FIELD STREET	0	1	0	0	1	0	0	1	3	Very Low	5	1	3	9	3
0113	FITZROY STREET (east of Derby Hwy)	2	0	2	0	3	0	0	2	9	Low	4	4	4	12	4
0113	FITZROY STREET (Derby Hwy to Steel St)	5	3	2	0	4	5	0	2	21	Very High	1	2	2	5	1
	FITZROY STREET (west of Steel St)	1	2	2	0	4	5	0	2	16	High	2	4	3	9	3
	FITZROY RIVER LOW LEVEL CROSSING	0	0	0	0	2	0	0	1	3	Very Low	5	1	3	9	3
0155	FLYNN DRIVE	2	2	0	0	4	0	1	1	10	Medium	3	2	4	9	3
0119	FORREST ROAD (GNH to Fallon Rd)	4	3	2	1	5	5	0	2	22	Very High	1	2	2	5	1
0119	FORREST ROAD (Fallon Rd to Russ Rd)	1	1	2	0	3	5	0	2	14	Medium	3	4	2	9	3
0119	FORREST ROAD (Russ Rd to Buruwa)	1	1	2	0	3	5	0	2	14	Medium	3	2	2	7	2
0105	FORREST STREET (Derby)	0	3	0	0	1	0	0	1	5	Very Low	5	4	3	12	4
0135	GALVANS WAY	0	0	0	0	1	5	0	1	7	Low	4	4	5	13	5
0016	GEIKIE GORGE ROAD SLK 0.00 to SLK 0.25	0	0	2	0	3	5	0	3	13	Medium	3	1	1	5	1
0016	GEIKIE GORGE ROAD SLK 0.25 to SLK 0.55	0	0	2	0	3	5	0	3	13	Medium	3	1	1	5	1
0016	GEIKIE GORGE ROAD SLK 0.55 to SLK 1.72	0	0	2	0	3	5	0	3	13	Medium	3	1	1	5	1
0016		0	0	2	0	3	5	0	3	13	Medium	3	1	1	5	1
0082		0	2	0	0	1	0	0	1	4	Very Low	5	3	5	13	5
<u> </u>		1	1	0	0	0	0	0	1	3	Very Low	5	1	3	9	3
0112		2	0	0	0	2	5	0	2	11	Medium	3	3	2	8	2
0112	GUILDFORD STREET (Derby Hwy to Millard St)	3	3	0	0	4	5	0	2	17	High	2	2	2	6	2
0112	GUILDFORD STREET (Millard St to Ashley St)	0	2	0	0	4	5	0	2	14	Medium	3	2	2	7	2
0151	HAKEA PLACE	0	2	0	0	1	0	0	1	4	Very Low	5	4	4	13	5
0062		0	3	0	0	1	0	0	1	5	Very Low	5	4	5	14	5
0044	HARDMAN STREET (Villiers to Loch)	2	5	0	1	4	0	0	1	13	Medium	3	4	5	12	4
	HARDMAN STREET (Loch to Clarendon)	1	5	0	0	4	0	0	1	11	Medium	3	1	4	8	2
·		4	5	0	0	4	0	0	1	14	Medium	3	2	4	9	3
	HENSMAN STREET (Villiers St to Loch St)	1	5	0	0	4	0	1	1	12	Medium	3	3	2	8	2
·	HENSMAN STREET (Loch St to Clarendon St)	0	5	0	0	3	0	0	1	9	Low	4	4	2	10	3
·	HENWOOD CLOSE	0	2	0	0	1	0	0	1	4	Very Low	5	3	5	13	5
>	HESELTINE COURT	0	1	0	0	0	0	0	1	2	Very Low	5	4	4	13	5
	HEYTESBURY STREET	0	3	0	0	3	0	0	1	7	Low	4	4	4	12	4
*************************************	HOLMAN STREET	0	4	0	0	3	0	0	1	8	Low	4	2	3	9	3
>	HOWELL STREET	0	3	0	0	1	0	0	1	5	Very Low	5	3	4	12	5
·	IBIS WAY (Boab Estate)	0	2	0	0	0	0	0	1	3	Very Low	5	4	4	13	5
<u>}</u>	JETTY ROAD	5	3	2	0	4	5	0	3	22	Very High	1	1	2	4	
·		5		0		4	5	0	• • • • • • • • • • • • • • • • • • • •	\$	·····	2	1	2	5	į
		1						!					4			3
0240		5	3 5		0 0				1 1	18 14	High Medium	2 3	1			

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Road#	Road	Number of Businesses	Zoning (R Code)	Roads 2030 Significant Road	Visitor Accommodation	Traffic Volume (peak)	RAV Route	School	RAMM Classification	Total	Hierarchy	Hierarchy Number	Asset Mgmt Ranking	Safety Ranking	Total Score	Priority
0042	JOHNSTON STREET (Clarendon St to Rowan St)	5	5	0	1	3	5	0	1	20	High	2	2	2	6	2
0083	JONES PLACE	0	2	0	0	1	0	0	1	4	Very Low	5	3	5	13	5
0041	JULD STREET	1	2	0	0	2	5	0	1	11	Medium	3	2	3	8	2
0188	KINGFISHER LOOP (Boab Estate)	0	2	0	0	0	0	0	1	3	Very Low	5	1	3	9	3
0061	KNOPP STREET	0	3	0	0	1	0	0	1	5	Very Low	5	5	5	15	5
0053	KNOWSLEY STREET EAST (east of Derby Hwy)	1	1	0	0	3	0	0	2	7	Low	4	2	3	9	3
0053	KNOWSLEY STREET EAST (Derby Hwy to Carnarvon St)	1	1	0	0	3	5	0	2	12	Medium	3	2	2	7	2
0053	KNOWSLEY STREET EAST (west of Carnarvon St)	1	2	0	0	3	0	0	2	8	Low	4	3	3	10	3
0145	KNOWSLEY STREET WEST	0	3	2	0	4	0	1	2	12	Medium	3	5	4	12	4
0054	KUNAMARRA STREET	0	3	0	0	2	0	0	1	6	Low	4	2	4	10	3
0162	KURRAJONG LOOP	1	2	0	0	3	0	0	1	7	Low	4	3	4	11	4
0120	LE LIEVRE STREET	4	3	0	0	2	5	0	1	15	Medium	3	1	2	6	2
0090	LENNARD ROAD (SLK 0.00-0.91)	1	0	0	0	2	5	0	1	9	Low	4	1	2	7	2
0243	LINCOLN STREET (CAMBALLIN T/S)	0	0	0	0	0	0	0	1	1	Very Low	5	4	4	13	5
0221	LIVISTONA STREET	0	2	0	0	2	0	0	1	5	Very Low	5	4	5	14	5
0079	LOVEGROVE STREET	0	1	0	1	2	0	0	2	6	Low	4	2	3	9	3
0051	MacDONALD STREET	0	3	0	0	1	0	0	1	5	Very Low	5	1	4	10	3
0118	MacDONALD WAY	0	2	0	0	3	0	0	1	6	Low	4	4	4	12	4
0036	MARMION STREET	3	3	0	0	4	0	1	2	13	Medium	3	4	4	11	4
0078	MAXTED ST	1	0	0	0	0	0	0	1	2	Very Low	5	3	3	11	4
0091	MAY STREET	0	2	0	0	1	0	0	1	4	Very Low	5	3	3	11	4
0108	MC GOVERN WAY	0	2	0	0	2	0	0	1	5	Very Low	5	1	3	9	3
0116	MC LARTY ROAD	3	2	0	0	2	0	0	1	8	Low	4	1	3	8	2
0060	MC LARTY STREET	0	3	0	0	1	0	0	1	5	Very Low	5	3	5	13	5
}	MILLARD ROAD	0	2	0	0	2	0	0	1	5	Very Low	5	2	5	12	4
0123	MILLARD STREET	5	3	0	0	2	5	0	1	16	High	2	2	2	6	2
·	MIMOSA STREET	0	2	0	0	3	0	0	2	7	Low	4	4	4	12	4
0150	MINIRITCHIE PLACE	0	2	0	0	1	0	0	1	4	Very Low	5	4	4	13	5
	MONGER STREET	0	3	0	0	3	0	0	1	7	Low	4	4	4	12	4
0045	NEVILL STREET	5	5	0	0	5	0	0	2	17	High	2	1	3	6	2
	NORDELL STREET (CAMBALLIN T/S)	1	0	0	0	2	5	0	1	19	Low	4	5	5	14	5
}	NUYTSIA WAY	0	2	0	0	1	0	0	1	4	Very Low	5	4	4	13	5
	ORD STREET	0	1	0	0	1	0	0	1	3	Very Low	5	4	3	12	4
	OWEN AH CHEE STREET	0	3	0	0	2	0	0	1	6	Low	4	3	4	11	4
	PANDANAS WAY	0	2	0	0	1	0	0	1	4	Very Low	5	3	4	12	4
·	PANTON STREET	1	2	0	0	3	0	0	1	7	Low	4	2	1	7	2
	POOLE PLACE	0	2	0	0	1	0	0	1	4	Very Low	5	3	5	13	5
·	RICHARDSON TERRACE	0	3	0	0	1	0	0	1	5	Very Low	5	2	3	10	3
	RODGERS STREET	5	3	0	0	2	5	0	2	17	High	2	2	2	6	2
	ROSE STREET	0	3	0	0	1	0	0	1	5	Very Low	5	2	5	12	4
>	ROWAN STREET (Johnston St to Nevill St)	5	5	0	1	5	5	0	2	23	Very High	1	1	2	4	
0037	ROWAN STREET (Nevill St to Monger St)	1	3	0	0	5	0	0	2	11	Medium	3	3	3	9	3
0037	ROWAN STREET (Baobab St to Dinner Tree)	0	2	0	0	3	0	0	2	7	Low	4	3	3	10	3
· · · · · · · · · · · · · · · · · · ·	ROWELL STREET	0	3	0	0	1	0	0	1	5	Very Low	5	1	3	9	3
	RUSS RD	2	1	0	0	3	5	0	2	13	Medium	3	1	2	6	2
0124	RUSS STREET	4	0	0	0	1	5	0	2	12	Medium	3	3	2	8	2

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Road #	Road	Number of Businesses	Zoning (R Code)	Roads 2030 Significant Road	Visitor Accommodation	Traffic Volume (peak)	RAV Route	School	RAMM Classification	Total	Hierarchy	Hierarchy Number	Asset Mgmt Ranking	Safety Ranking	Total Score	Priority
0159	SADLER PLACE	0	2	0	0	1	0	0	1	4	Very Low	5	3	5	13	5
0107	SANDFORD ROAD	0	0	0	1	2	5	0	2	10	Low	4	1	1	6	2
0101	SCRIVENER ROAD	1	2	0	0	2	0	0	2	7	Low	4	3	4	11	4
0132	SHORT STREET	0	3	0	0	2	0	0	1	6	Low	4	2	4	10	3
0103	SKUTHORP ROAD	2	0	0	1	1	5	0	2	11	Medium	3	3	1	7	2
0183	SPINIFEX PLACE	0	2	0	0	1	0	0	1	4	Very Low	5	3	5	13	5
0146	STANLEY STREET (Loch St to Ashley St)	4	1	0	0	3	0	0	2	10	Low	4	2	3	9	3
0146	STANLEY STREET (Ashley St to Juld St)	1	1	0	0	2	0	0	2	6	Low	4	3	4	11	4
0146	STANLEY STREET (Juld St to Waycott St)	0	1	0	0	2	5	0	2	10	Low	4	3	4	11	4
0146	STANLEY STREET (Waycott St to Stanwell St)	6	1	0	0	2	5	0	2	16	High	2	5	2	9	3
0072	STANWELL STREET	3	1	0	1	2	5	0	1	13	Medium	3	4	2	9	3
0085	STEEL STREET (south of Fitzroy St)	1	3	0	0	1	5	0	1	11	Medium	3	4	2	9	3
0085	STEEL STREET (north of Fitzroy St)	1	2	0	0	2	5	0	1	11	Medium	3	3	4	10	3
0144	SUTHERLAND STREET (Loch St to Stanwell St)	3	1	0	0	3	5	0	2	14	Medium	3	4	4	11	4
0144	SUTHERLAND STREET (east of Stanwell St)	2	1	0	1	2	0	0	2	8	Low	4	3	1	8	2
0142	SWAIN STREET	1	2	0	0	3	0	0	1	7	Low	4	3	1	8	2
0219	TEATREE MEWS	0	2	0	0	1	0	0	1	4	Very Low	5	5	5	15	5
0131	TOWER PLACE	0	2	0	0	1	0	0	1	4	Very Low	5	1	4	10	3
0048	VAN EMMERIK STREET	0	3	0	0	2	0	0	1	6	Low	4	2	5	11	4
0038	VILLIERS STREET (Elder to Johnston)	3	5	0	0	3	5	1	1	18	High	2	3	1	6	2
0038	VILLIERS STREET (Johnston to Hardman)	2	5	0	1	3	0	1	1	13	Medium	3	4	4	11	4
0038	VILLIERS STREET(Hardman to Nevill)	0	5	0	0	3	0	1	1	10	Low	4	2	4	9	3
0038	VILLIERS STREET(Nevill to Hensman)	0	5	0	0	3	0	1	1	10	Low	4	3	2	9	3
0038	VILLIERS STREET (Hensman to Swain)	1	5	0	1	3	0	1	1	12	Medium	3	4	1	8	2
0071	WATT STREET	0	3	0	0	1	0	0	1	5	Very Low	5	4	5	14	5
0182	WATTLE STREET	0	2	0	0	0	0	0	1	3	Very Low	5	5	5	15	5
0141	WAYCOTT STREET	3	1	0	0	5	5	0	1	15	Medium	3	2	2	7	2
0121	WELLS STREET	5	3	0	0	3	5	0	1	17	High	2	1	2	5	1
0040	WINDJANA ROAD	1	0	0	1	3	5	0	1	11	Medium	3	1	2	6	2
0055	WODEHOUSE STREET (Ashley St to Gladstone St)	1	1	0	0	4	5	0	2	13	Medium	3	3	3	9	3
0055	WODEHOUSE STREET (Gladstone St to Derby Hwy)	4	2	0	0	3	5	0	2	16	High	2	1	2	5	1
0161	WOOLLYBUTT CORNER	0	2	0	0	2	0	0	1	5	Low	4	4	4	12	4
0128	YEEDA CLOSE	0	2	0	0	1	0	0	1	4	Very Low	5	3	4	12	4
0165	YURABI ROAD (SLK 0.00 – 0.50)	3	0	0	1	2	5	0	2	13	Medium	3	2	3	7	2

TOTAL SCORE	PRIORITY
3 – 5	1
6 – 8	2
9 – 10	3
11 – 12	4
13 - 15	5

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APPENDIX 3 – FORWARD WORKS PROGRAMME

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Shire of Derby/West Kimberley Road Management Plan – Sealed Roads

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Road N ^{o.}	Road Name	SLK From	SLK To	Width	Area m²	Priority	Description	Roads 2030 # Yes / No	Treatment	Comments	2023/24	2024/25	2025/26	2026/27	2027/28
	Various Roads					1		Yes/No	Reseal		\$260,000				
016	Geikie Gorge Rd	2.14	2.30	6.30	1,008	1	Local Distributor	Yes	Construct Concrete Floodway	Bungardi Creek	\$915,000				
037	Rowan St	0.00	0.51	8.20	4,182	1	Access Road	No	Reconstruct	Johnston St to west end of island	\$85,632				
044	Hardman St	0.35	0.48	11.20	1,456	2	Access Road	No	Reconstruct	Clarendon St to Rowan St	\$145,600				
126	Rodgers St	0.00	0.22	8.50	1,870	2	Access Road	No	Reconstruct	Fitzroy St to south side of Hardy's	\$187,000				
055	Wodehouse St	0.57	1.01	7.40	3,256	1	Access Road	No	Reconstruct	Broome St to Derby Hwy		\$350,000			
045	Nevill St	0.00	0.13	8.20	1,066	2	Access Road	No	Reconstruct	Villiers St to Loch St		\$160,000			
042	Johnston St	0.18	0.30	20-27	2,820	2	Access Road	No	Reconstruct	Loch St to Clarendon St		\$225,600			
042	Johnston St	0.33	0.49	8.20	1,312	2	Access Road	No	Reconstruct	Clarendon St to Rowan St		\$118,080			
126	Rodgers St	0.46	0.56	8.50	680	2	Access Road	No	Reconstruct	Extend culverts and widen intersection with Russ St for safer roadtrain access		\$94,000			
218	Derby Airport Rd	0.44	1.50	6.00	6,960	1	Access Road	No	Reconstruct	Halfway down hill to end around carpark		\$700,000			
	Various Roads		5			1		Yes/No	Reseal			\$260,000			
126	Rodgers St	0.00	0.22	8.50	1,870	2	Access Road	No	Reconstruct	Fitzroy St to south side of Hardy's			\$187,000		
016	Geikie Gorge Rd	0.00	2.14	6.30	13,482	1	Local Distributor	Yes	Reconstruct	Russ Rd intersection to Bungardi Creek			\$674,100		
016	Geikie Gorge Rd	8.63	9.40	6.30	4,851	1	Local Distributor	Yes	Reconstruct	West of National Park boundary grid			\$242,550		
120	Le Lievre St	0.00	0.10	7.40	740	1	Access Road	No	Reconstruct	Derby Hwy to Wells St, widen intersection Wells St, improve drainage runoff			\$104,000		
037	Rowan St	0.00	0.51	7.40	4,278	1	Access Road	No	Reconstruct	Reshape and reconstruct pavement, install kerbing on north side with vehicle laybacks and backfill verge			\$256,680		
035	Clarendon St	1.09	1.38	11.4	3,366	1	Local Distributor	Yes	Reconstruct	Hensman St to Loch St			\$201,960		
016	Geikie Gorge Rd	2.30	4.33	6.30	16,128	1	Local Distributor	Yes	Reseal	Northeast of Bungardi Creek				\$806,400	
044	Hardman St	0.18	0.28	8.60	860	2	Access Road	No	Reconstruct	Loch St to Clarendon St				\$86,000	

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rious Roads rious Roads irbarin Street rrest Road	0.00	0.34	7.40		1 1		Yes/No	Reseal		•	`	 å	
irbarin Street		0.34	7.40		1	•		neseai				\$597,600	
		0.34	7.40				Yes/No	Reseal					\$400,000
rrest Road		· · · · · · · · · · · · · · · · · · ·		2,516	2	Access Road	No	Reconstruct	Improve drainage carpark and running surface				\$704,000
	Various	Sections				Local Distributor	Yes	Reconstruct/Reseal	Reconstruct failing sections and reseal large portion of Forrest				\$650,000
													,
						ļ						 	
									Totals				
													Totals \$1,593,232 \$1,907,680 \$1,666,290 \$1,490,000

Roads 2030 Significant roads eligible for Main Roads WA Regional Road Group Road project funding, usually 2:1 Main Roads WA: Shire of Derby/West Kimberley

Single coat reseal Approximately \$15.00/m²

Asphalt overlay (excluding mob/demob) Approximately \$80.00/m²

Rehabilitation Approximately \$40.00-\$50.00/m²

Reconstruction Approximately \$80.00-\$100.00/m²

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APPENDIX 4 – SERVICE LEVELS

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		Current Pe	rformance	Desired Pe	erformance			
Key Performance	Level of Service	Community Performance	Technical Performance	Community Performance	Technical Performance	Actions Required to meet	Resources Required	Responsibility
Measure		Measure	Measure	Measure	Measure	desired level of service		
Condition	Sealed roads are well maintained, clean and have the right quality to serve their purpose		Reactive repairs as reported by customers or as sighted by SDWK personnel Renewed based on anecdotal condition and age	Majority of customers satisfied with overall condition of the road network, in terms of smooth ride Defects Register Created and Maintained Number of defects logged reducing Majority of customers satisfied with the response time to repair	Sealed network renewal intervention at condition 4 for all components Sealed network inspected and maintained within Maintenance Intervention Levels as per Sealed Road Management Plan Meeting target response times for repairs when implemented	Inspection, log and repair to specifications in Sealed Road Management Plan Analysis of logs to engineer solutions in problem areas. Include target response times for repairs in the Forward Works Programme.	Operational	Works Supervisors / Engineering Technical Officer / Manager Infrastructure Services
	Car parking well maintained, clean and to required standards of compliance	Customer maintenance requests	Maintain and renew to planning requirements and safety audits.	seals e.g. Potholes Majority of customers satisfied with the overall condition of the car parking provided Defects Register Created and Maintained Number of defects logged reducing Majority of customers satisfied with the response time to repairs to carpark defects e.g. Potholes	Carpark network renewal intervention at condition 4 for all components with <5% asset outside intervention point Carpark network inspected and maintained within Maintenance Intervention Levels contained within the Sealed Road Management Plan Meeting target response times for repairs	Asset register verified and responsibility for capital and maintenance works resolved with adjacent land owners. Inspection, log and repair to specifications in Sealed Road Management Plan Analysis of logs to engineer solutions in problem areas. Initiate target response times for repairs in the Civil Maintenance Program.	Operational	Works Supervisors / Engineering Technical Officer / Manager Infrastructure Services

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	Shared paths are multi use, well maintained, clean and to required standards of compliance	Customer maintenance requests	Maintain and renew to planning requirements and safety audits.	Majority of customers are satisfied with the overall quality and comfort of paths Defects Register Created and Maintained	Path network renewal intervention at condition 4 Path network is inspected and maintained within Maintenance Intervention Levels contained within the Sealed Road Management Plan	Inspection, log and repair to specifications in Sealed Road Management Plan Analysis of logs to engineer solutions in problem areas. Initiate target response times for repairs in the Sealed Road Management Plan.	Operational	Works Supervisors / Engineering Technical Officer / Manager Infrastructure Services
	Unsealed roads managed to minimise disruption to users while maintaining safe road condition	Customer maintenance requests	Grading and drainage chute maintenance as per Unsealed Road Management Plan	Majority of unsealed road users satisfied with road condition. Defects Register Created and Maintained Decrease in customer	Unsealed network inspected and maintained within Maintenance Intervention Levels contained within the Sealed Road Management Plan	Inspection, log and repair to specifications in Sealed Road Management Plan Analysis of logs to engineer solutions in problem areas Include target response times for repairs in the	Operational	Engineering Technical Officer / Manager Infrastructure Services
				maintenance requests.		Sealed Road Management Plan		
	Roadside drainage pits well maintained, intact and clear of debris	Customer maintenance requests	Not included in the Sealed Road Management Plan	Decrease in number of reported blockages Defects Register Created and Maintained	Roadside drainage pits maintained with Maintenance Intervention Levels contained within the Sealed Road Management Plan when implemented	Create specification for maintenance of drainage pits. Inspection, log and repair to this specification.	Operational	Works Supervisors / Engineering Technical Officer / Manager Infrastructure Services
Function	Efficient & reliably traversable network, with well distributed traffic throughout municipality	Customer Feedback	Reactive improvements as issues occur such as Blackspot. Road safety audit completed to support Blackspot application.	Majority of residents and businesses believe the network to be efficient and reliable. Monitor complaints received regarding traffic disruption due to road works.	Monitor traffic counts in RAMM using MetroCount. Implement specific improvements as traffic flows increase Record and Monitor MRWA data on Blackspot locations, and review RAV network routes	Create a program for traffic flow monitoring inclusive of recording into RAMM and using MetroCount. MetroCount training through RAMM II (WALGA)	Developer Contributions around new subdivisions for upgrade to surrounding road network.	Engineering Technical Officer / Manager Infrastructur e Services

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	Traffic control systems are designed to improve traffic flow and community safety	Customer Feedback	MRWA Blackspot locations related to intersections	Majority of residents are satisfied that wait times at intersections are acceptable. Monitor complaints received regarding traffic disruption due to road works.	Implement specific improvements in next budget year at intersections where; Increase in traffic flow exceeds capacity of intersection design, Named as MRWA Blackspot or where Safety Audit indicates improvement is required.	Check criteria contained within 3 year capital works programme and annual budget when updated	Operational	Engineering Technical Officer / Manager Infrastructur e Services
	Paths designed and managed for all users	Customer Feedback	All new paths are concrete and minimum 1.5m wide	Customer Satisfaction Survey	Increase width of paths to minimum 1.5m at renewal or earlier if funds allow. Add tactile tiles at intersections		Capital	Engineering Technical Officer / Manager Infrastructure Services
	Path connectivity to centres, schools, public transport stops and points of interest	Customer Feedback	Path 5 year future capital plan as budget allows	Integrate paths into the road and open space networks to increase connectivity	Increase new path network outside of new sub divisions as per Path Plan Construct paths within 12 months of majority of houses being constructed in new sub divisions.	Update future path plan to a 10 year projection and add to the GIS Review tender specifications for Shared Path Construction	Capacity of annual Shared path Construction Contractor be sufficient for increasing workload	Engineering Technical Officer / Manager Infrastructur e Services
	Parking spaces are managed to ensure maximum access to CBD and Shire Facilities for all vehicle types.	Customer Feedback	Maintain planning requirements and safety audits.	Customer Satisfaction Survey	Increase public transport opportunities to reduce pressure on existing parking. Initiate other non-asset solutions to parking	Minimum size of standard parking bay to be 6.0 x 3.0m		Engineering Technical Officer / Manager Infrastructure Services
Cost/Affordability	To provide and manage the services in the most cost effective manner to the required level of service	Annual report to community on completed projects	Operational expenses within annual budget threshold Capital works delivered within budget threshold	Majority of community are satisfied that the transport network represent good value for money Capital projects in annual budget are completed on time and on budget	Record and analyse results of Resealing Programme Record and analyse results from Asphalt surfacing All capital works projects are selected based on defined prioritisation and economic criteria Operating expenditure managed in accordance with adopted budget	Investigate alternative bitumen options (Polymer Modified Bitumen etc) on renewal to improve surface life Investigate IT solution for road asset inspections including mobile application		Engineering Technical Officer / Manager Infrastructure Services

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Shire of Derby/West Kimberley Road Management Plan – Sealed Roads

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Safety	The transport network feels safe to users relative to other similar networks The path network feels safe to users relative to other similar networks	Customer feedback Customer feedback	Annual safety audits Blackspot program Annual safety audits Insurance claims	Majority of the community are satisfied that the road environment is predictable and road Majority of the community are satisfied that the path network is well designed and safe	Include safety inspections annually in maintenance inspections Access and Inclusion review of all standard designs Monitor insurance claims for cause of incident	Add safety inspection to the Forward Works Programme Redesign of crossover and pram ramps Document, implement and review process for new designs Process for insurance information	Operational Operational Budget allocation for training and Road Safety Audits	Engineering Technical Officer / Manager Infrastructure Services Engineering Technical Officer / Manager Infrastructure Services
	Blue & White (B&W) Directional Signs are clear, concise and easy to read by drivers	Customer feedback	Limit of 21 characters on signs Max of 6 B&W signs per intersection No B&W signs permitted at intersections in CBD	Majority of businesses are satisfied with the blue and white directional sign policy and its implementation	Limit of 21 characters on signs Max of 6 B&W signs per at intersection No B&W signs permitted in CBD	No Action	Operational	Engineering Technical Officer / Manager Infrastructure Services
	Traffic management at road works is best practice	Customer feedback		Majority of road users consider work sites to be safe to pass through	No crashes occur at work sites Traffic Management Plans are documented and implemented Traffic Management plans on contractor sites are assessed by qualified Shire Officer	Monitor incidents at work sites through OSH process	Operational	Engineering Technical Officer / Manager Infrastructure Services
	Safe driving education programs are well supported by the Shire		Publicity & promotion campaigns	Majority of community agree that road safety is promoted	Support a RoadWise project annually	Continued involvement on Derby RoadWise Committee	Funding grant	Director Technical & Development Services
	Adequate street lighting to enhance safety for road users and pedestrians through visibility and security	Customer feedback	Liveable Neighbourhoods standards being met in new subdivisions No improvement plan for older areas	Increase in perception of safety through customer survey Improved visibility on urban roads to Australian Standards	Staged improvement of residential lighting to Liveable Neighbourhoods standards	Audit and implementation plan for retrospective improvement of street lighting	Funding of joint project with Horizon Power	Director Technical & Development Services / Manager Infrastructure Services

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APPENDIX 5 – DEFECT INTERVENTION LEVEL & RECTIFICATION TIME



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Defect And Intervention Level	Rectification Action	Maintenance Category / Response Time
Potholes Pothole ≥300mm diameter & ≥100mm depth	Patch potholes <1 m², in travelled path using bituminous and other appropriate materials to restore the riding surface to a smooth condition	Within 2 business days of customer complaint / report / notification
Depression / Wheel Rut / Dig- out / Crocodile Cracks Ruts or depression >50mm below the surrounding pavement surface; Area affected <5 m ²	Apply a regulating / levelling course of bituminous materials to depressed or rutted areas.	Within 5 business days of report / notification
Cracking All Cracks > 20mm width	Seal and fill cracks and joints using liquid bituminous sealants	Within 5 business days of report / notification
Tree Root Damage – When pavement is raised >150mm (as measured 2m from base of tree).	Ramping out displacement Permanent repair	Within 2 business days of notification Within 6 months of initial repair

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APPENDIX 6 – MAPS SHOWING LOCATION OF SHIRE OF DERBY/WEST KIMBERLEY SEALED ROAD NETWORK

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Shire of Derby/West Kimberley Road Management Plan – Sealed Roads





Shire Sealed Roads - Map 1, Derby Townsite

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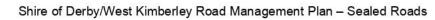
Shire of Derby/West Kimberley Road Management Plan – Sealed Roads





Shire Sealed Roads – Map 2, Derby Jetty

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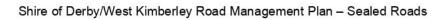






Shire Sealed Roads – Map 3, Derby Airport & Hamlet Grove

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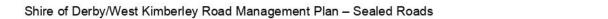






Shire Sealed Roads – Map 4, Fitzroy Crossing Townsite

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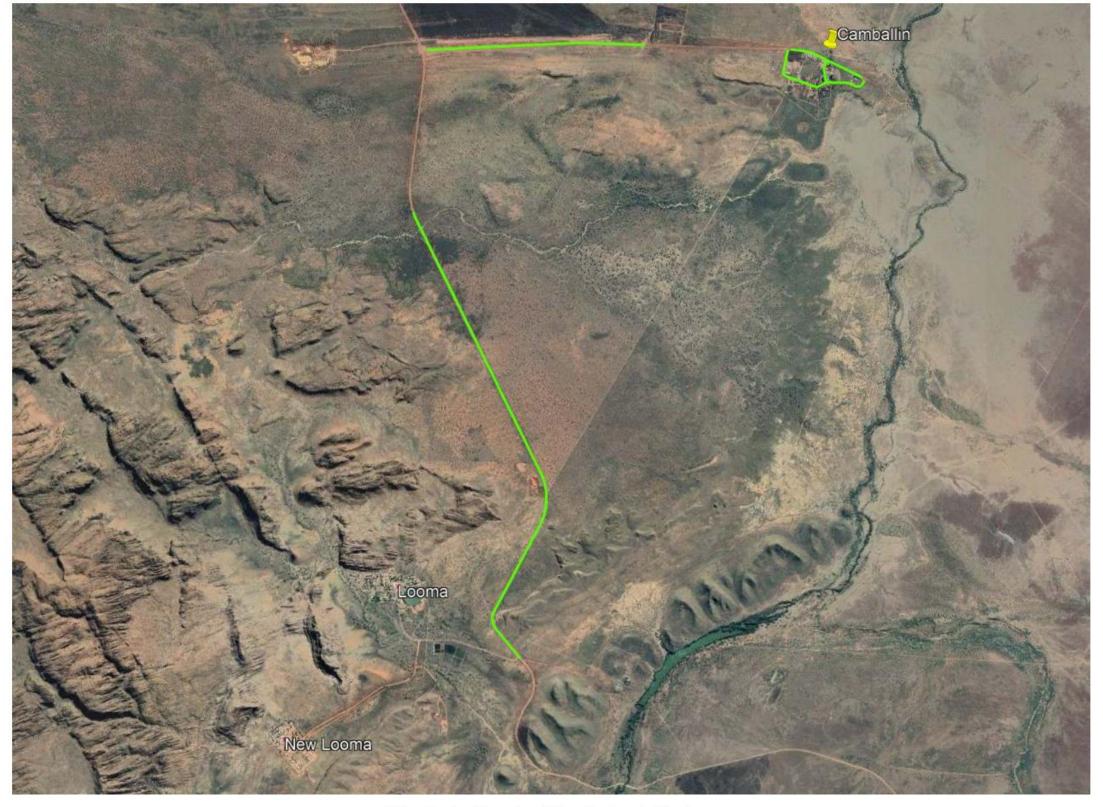
Shire Sealed Roads - Map 5, Geikie Gorge Rd / Russ Rd intersection showing communities' private access roads

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Shire Sealed Roads – Map 6, Camballin Area

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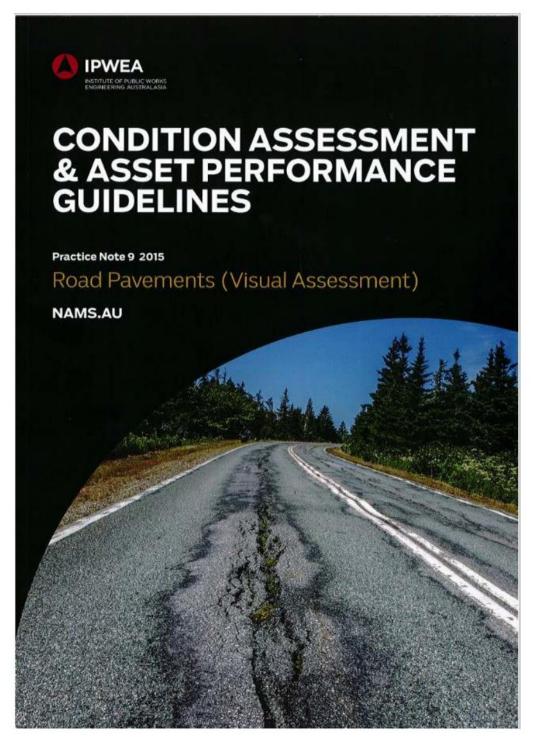
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APPENDIX 7 – VISUAL ASSESSMENT OF ROAD PAVEMENT MANUAL



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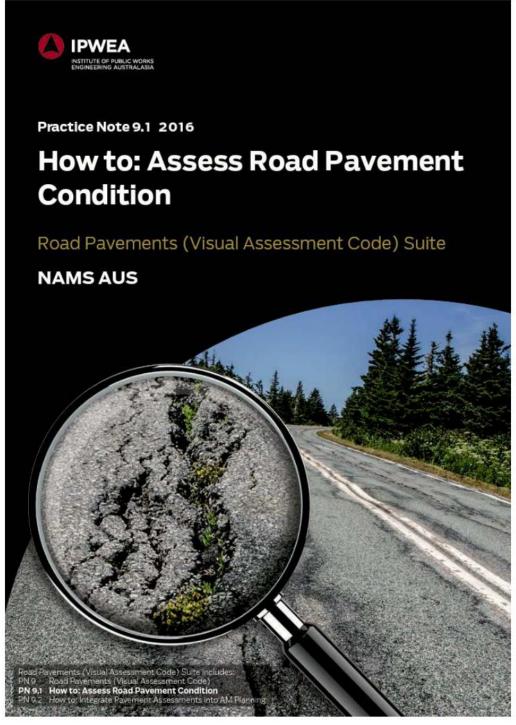
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APPENDIX 8 – HOW TO ASSESS ROAD PAVEMENT CONDITION MANUAL



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APPENDIX 9 – SAMPLE PHOTOS - SEALED ROAD CONDITIONS



Crocodile Cracking, Granville St - Condition 5, Very Poor



Transverse Cracking, Wodehouse St - Condition 5, Very Poor

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Block Cracking, Fitzroy St - Condition 3, Fair



Edge Break, Jetty Rd - Condition 4, Poor

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Edge Drop Off, Rodgers St – Condition 4, Poor



Deformation (rutting), Jetty Rd - Condition 4, Poor

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Ravelling (fretting), Curtin Access Rd - Condition 5, Very Poor



Stripping, Rowell Crt - Condition 5, Very Poor

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Potholing, Jetty Boat Ramp Access Road - Condition 5, Very Poor



Polishing, Short St - Condition 5, Very Poor

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Flushing (bleeding), Jetty Boat Ramp Access Road - Condition 5, Very Poor



Deformation (shoving), Jetty Access Road - Condition 4, Poor

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14 DEVELOPMENT SERVICES

Nil

15 COMMUNITY AND RECREATION SERVICES

15.1 REQUEST FOR SPONSORSHIP - MOWANJUM FESTIVAL 2023

File Number: GS/010/1

Author: Paris Millar, Team Leader Community Development Derby

Responsible Officer: Christie Mildenhall, Acting Director of Community Services

Authority/Discretion: Executive

SUMMARY

The Mowanjum Festival is the longest running Indigenous dance festival in the Kimberley region and WA has been running since 1997. This year celebrates the 25th edition of the Festival. The festival is held at the Mowanjum Art and Culture Centre and attracts over 1,000 visitors each year.

This report is for Council to consider a funding request from Mowanjum Cultural and Arts Centre for \$10,000 (ex GST) as a contribution towards the 2023 Mowanjum Festival being held in July.

DISCLOSURE OF ANY INTEREST

Nil by Author and Responsible Officer.

BACKGROUND

The Mowanjum Festival is an annual one day event held to share the vibrant, living culture of the Ngarinyin, Worrorra, and Wunambal people who live in Mowanjum and the communities along the Gibb River Road. It is the longest running Indigenous dance festival in the Kimberley region and WA, as it has been running since 1997 (with 2020 missed due to COVID-19 restrictions). Held at the Mowanjum Art and Culture Centre (MACC) the festival attracts approximately 1,100 visitors each year to share, experience and immerse themselves in the local culture.

The festival has a major focus on Junba (traditional song and dance) with performers of all ages participating. Dancers from other language groups are also often invited to showcase their performances. Other activities such as ochre painting, boab carving, artefact displays, bush medicine, food and art stalls are on display.

The event is held in July each year, coinciding with the annual Boab Festival.

In previous years the Shire has supported this event financially, providing awarding \$10,000 (ex GST) in 2022 and \$5,000 (ex GST) in 2021, 2019, 2018. In the 2022/23 budget Council allocated \$5,000 for the event.

STATUTORY ENVIRONMENT

Part 6 – Financial Management of the *Local Government Act 1995* applies to this report in that each year Council allocates an annual budget to donate to community organisations through the Community Funding Scheme.

POLICY IMPLICATIONS

Policy F19 – Community Funding Scheme provides guidance as to the provision of financial and non-monetary assistance to community groups and not-for-profit organisations by the Shire.

Generally funding is distributed through various grants programs, however the policy stipulates that funding requests received which are not eligible for the grants programs are to be presented

to Council. This request is in excess of the amount allocated to the event through the budget process and therefore being referred to Council.

FINANCIAL IMPLICATIONS

Funding for specified events and the Community Funding Scheme is has been allocated in the 2022/23 financial year budget. \$5,000 was allocated for the Mowanjum Festival, however additional funding is being sought by the organisers to support the event. There is currently a remaining amount of \$54,777 available for distribution (prior to other funding requests which are being considered by Council at the April OCM). The request for additional funding by the Mowanjum Art and Cultural Centre is for \$10,000 and can therefore be allocated within the current financial year's budget.

STRATEGIC IMPLICATIONS

GOAL	OUR PRIORITIES	WE WILL
2. Community	2.3 Vibrant and culturally rich communities	2.3.1 Support the growth and development of arts and cultural programs, services, places and spaces
2. Community	2.3 Vibrant and culturally rich communities	2.3.2 Facilitate and/ or contribute to community events, cultural activities and festivals
2. Community	2.3 Vibrant and culturally rich communities	2.3.3 Record, recognise, preserve and celebrate the district's culture, history and hertiage
2. Community	2.4 Sustainable Communities	2.4.1 Support and assist volunteer, community and sporting groups
3. Economy	3.2 Strong economy	3.2.2 Endeavour to increase visitor numbers, length of stay, spend and return

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Financial: Potential for the misuse of funding.	Unlikely	Minor	Low	Requirements of acquittal will be applied to this funding.
Reputation: Public perception of Shire if funding is denied.	Possible	Moderate	Medium	Council to provided funding as requested.

CONSULTATION

Relevant Officers have been in direct consultation with the Manager at the Mowanjum Art and Culture Centre regarding this funding request.

COMMENT

The Mowanjum Festival is an event held at the Mowanjum Art and Culture Centre in July each year. MACC has requested funding of \$10,000 as a contribution towards the 2022 Mowanjum Festival. This will be to the same amount of funding awarded to the MACC in 2022, however is higher than the funding allocated for this event in the 2022/23 budget. The Shire has capacity within the current budget to meet this funding request, however it is recommended that MACC is advised that this level of funding is not guaranteed in future years.

In its 25th year the festival has a major focus on Aboriginal culture, with Junba (traditional song and dance) being the main feature of the festival. Junba is considered essential for good social and emotional wellbeing and provides the opportunity for young people and families to strengthen connection to country and intergenerational bonds. In the three months leading up to the festival, workshops are held in Mowanjum and in other communities along the Gibb River Road where Elders and senior community members work with young people to practice Junba and prepare totems and costumes used during the performance.

The event provides a unique experience to attendees to gaining an understanding and appreciation of Lore and culture of the Ngarinyin, Worrorra and Wunumbul groups who make up the Mowanjum community. The knowledge gained through the event will assist attendees to develop respect for diversity and an understanding and cultural difference. It is the development of respect for culture which underpins one of the five dimensions of reconciliation. To this end the Shire will seek to have access to the event for our photographer to take photos and video for use by the Shire.

Analysis of the addresses of past ticket holders has shown that the majority of attendees have travelled from somewhere in Western Australia or the eastern seaboard to attend. It is anticipated that around 500 visitors to the event will be from interstate and greater WA. As a result the event will provide economic benefits to Derby through the provision of accommodation, fuel, meals, groceries and other supplies which may be purchased by visitors. It is expected these 500 people will stay in Derby for a minimum of two days, providing substantial economic potential. This festival also forms a major component of the wider Derby Boab Festival in July each year. This is especially relevant given the 2023 dry season is likely to be impacted by the flooding event in January this year, with a number of attractions on the Gibb River Road indicating they will not be opening this season. This event will provide an incentive for tourists to visit the area.

The event also contributes to the economic value of the region. It provides many opportunities to local business by increases employment opportunities for services and residents to be provided locally. This includes logistical support, sound, security, cleaners, ground works, electrical services and food vendors. Additional cleaners and crowd control are sourced from the Mowanjum community. All performers are paid.

VOTING REQUIREMENT

Absolute majority

ATTACHMENTS

1. Letter - Request for Financial Support for the 2023 Mowanjum Festival 🗓 🖺

RESOLUTION 38/23

Moved: Cr Peter McCumstie Seconded: Cr Andrew Twaddle

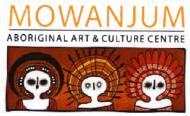
That Council:

- 1. Approves a \$10,000 (ex GST) contribution to the Mowanjum Art and Cultural Centre to support the delivery of the 2023 Mowanjum Festival subject to:
 - (a) Relevant event approvals being obtained;
 - (b) Submission of an acquittal at the conclusion of the event;
 - (c) Suitable promotional recognition of the Shire's contribution (in line with being a second tier sponsor); and
 - (d) Access to the event by a Shire provided photographer with permission to use the images for promotional purposes by the Shire.
- 2. Notes that Mowanjum Arts and Cultural Centre is to be advised that the additional funding for the 2023 event is not indicative of future funding.

<u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle and Peter McCumstie

Against: Nil

CARRIED 5/0 BY ABSOLUTE MAJORITY



www.mowanjumarts.com

TO: Amanda Dexter
CEO, Shire of Derby/West Kimberley
22.3.23

Dear Amanda,

RE: REQUEST FOR SPONSORSHIP

I am writing to request Sponsorship of \$10,000 from the Shire of Derby/West Kimberley for the 25^{th} Mowanjum Festival on the 7^{th} of July, 2023.

The Mowanjum Aboriginal Art and Culture will host its 25th Mowanjum Festival, an annual celebration of the culture and Junba (traditional dance) of the Ngarinyin, Worrorra and Wunambal people in 2023. A signature event in the Kimberley region, the festival attracts more than 1500 visitors each year and features an afternoon of cultural workshops followed by an evening of Junba performed by the Mowanjum people and dance groups from the wider Kimberley region.

The Mowanjum festival continues to grow significantly since its inception in 1997:

- Now in its 25th year, the Festival is one of the largest celebrations of Aboriginal culture in Western Australia.
- The 24th Mowanjum Festival sold out, with people travelling from Interstate and WA-wide to attend this major community initiative.
- The grant will support the revival of Junba, traditional song and dance, which is significant for indigenous communities in the Kimberley region, ensuring the passing on of knowledge and culture to the next generations.
- The festival has grown considerably as a major outdoor event in a remote region.
- Strengthens and promotes Kimberley Dance & Culture and regional networks.
- Engages Indigenous professional artists, craftspeople and performers to create a memorable outdoor event.
- Trains and mentors young WA people and WA community members in all aspects of staging an outdoor event.

Gibb River Road, DERBY WA 6728 | PO Box 252, DERBY WA 6728 Telephone: 08 9191 1008 Facsimile: 08 9193 2591 (MASWAC) ABN: 97 972 362 126

MOWANJUM ARTISTS | SPIRIT OF THE WANDJINA
ABORIGINAL CORPORATION



www.mowanjumarts.com

The Mowanjum Art and Culture centre aims to share their culture with many people especially the WA community, and hope that Festival-goers will continue to learn about and appreciate the culture of the Ngarinyin, Woddordda and Wunambal peoples.

Mowanjum has a longstanding reputation in delivering a signature annual event. Key to this is strategic management planning but staging such a large-scale significant outdoor event in a remote region requires substantial resources to support its success.

Additionally, the event contributes to regional economic growth and positive promotion of the remote region by:

- Increased visitors, sales and exposure for Mowanjum Art and Culture Centre, Museum and Galleries.
- Increased numbers of visitors to the West Kimberley region. Restaurants and Accommodation options were booked out for 3 days prior and during the event.
- Success of the 2022 program, was the inclusion and invitation to 6 additional dance groups from the Kimberley and Pilbara communities: Kalumburu, Kununurra, One Arm Point, Bidyadanga and Fitzroy Crossing.

In the later part of 2022, sadly Mowanjum lost several significant senior elders, including founding members of the Mowanjum Festival, Donny "Yorna" Wooladgoodja and Janet Oobagooma and senior artists, dancers and singers of the festival.

After a period of mourning and cultural respect, the Board of Directors have confirmed the 25th Mowanjum Festival will go ahead with a tribute to the elders and festival founders now passed. The 25th will be a tribute to their legacies and feature a commmeration of their lives through dance and culture

I look forward to hearing back from you and if there is any further information you require please reach out. \fi

Thank You Kindly

Lotte Waters

Manager

Gibb River Road, DERBY WA 6728 | PO Box 252, DERBY WA 6728 Telephone: 08 9191 1008 Facsimile: 08 9193 2591 (MASWAC) ABN: 97 972 362 126

MOWANJUM ARTISTS | SPIRIT OF THE WANDJINA
ABORIGINAL CORPORATION

15.2 REQUEST FOR FEE WAIVER - DERBY ABORIGINAL HEALTH SERVICE

File Number: CP/095/8

Author: Paris Millar, Team Leader Community Development Derby

Responsible Officer: Christie Mildenhall, Acting Director of Community Services

Authority/Discretion: Executive

SUMMARY

This report is for Council to consider a request from Derby Aboriginal Health Service (DAHS) to waive fees for hire of the Derby Community Room.

DISCLOSURE OF ANY INTEREST

Nil by Author and Responsible Officer.

BACKGROUND

The Derby Aboriginal Health Service (DAHS) - Social Emotional Wellbeing (SEWB) unit have expressed interested to deliver an afterschool program for youth girls. Following discussions with staff the request was deemed to not be eligible through the Community Grants Program due to the timeframe of the request. All other eligibility criteria was meet.

Under policy F19 – Community Funding Scheme funding request can be presented to Council for consideration where they do not meet the funding programs guidelines.

STATUTORY ENVIRONMENT

Part 6 – Financial Management of the *Local Government Act 1995* applies to this report in that each year Council allocates an annual budget to donate to community organisations through the Community Funding Scheme (6.2).

6.12(1)(b) also grants Council the power to waive or grant concession in relation to any amount of money.

POLICY IMPLICATIONS

Policy F19 – Community Funding Scheme provides guidance as to the provision of financial and non-monetary assistance to community groups and not-for-profit organisations by the Shire.

Generally funding is distributed through various grants programs, however the policy stipulates that funding requests received which are not eligible for the grants programs are to be presented to Council. Whilst applications are currently being accepted for round three of the Community Grants Program this application is not eligible due to the project timeframes.

FINANCIAL IMPLICATIONS

DAHS have requested a fee waiver period between 1st May and 30th June. Staff have indicated that the program will commence for a five week trial period in Term 2 of school. Each session at the Community Room will run for the duration of 2 hours.

In accordance with the Shire's Current Fees and Charges (2022/23), the approximate value being requested would equate to:

Dates of Program	No. of Usages	Fees Per Use	Total Value
1 May - 30 June 2023	5	\$30.00	\$150.00

Any future request to extend this fee waiver will be presented to Council for consideration or submission to the Community Grants program.

A budget of \$45,000 was allocated to the Community Grants Program in the 2022/23 financial year. With a remaining amount of \$35,817.06 available for distribution (prior to other funding request being considering by Council in the April OCM), this in-kind request for \$150 (incl GST) can therefore be allocated within the current financial year's budget.

STRATEGIC IMPLICATIONS

GOAL	OUR PRIORITIES	WE WILL
2. Community	2.1 Safe Communities	2.1.3 Provide activities, programs, places and spaces that engage young people
2. Community	2.2 Healthy Communities	2.2.1 Build, maintain and maximise the use of community facilities
2. Community	2.2 Healthy Communities	2.2.4 Conduct and/or promote healthy lifestyle initiatives and living standards
2. Community	2.4 Sustainable Communities	2.4.2 Collaborate with key agencies, groups and service providers to improve community services, programs and facilities

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Reputation: Public perception of Shire if contribution is denied.	Possible	Moderate	Medium	Council to provide in- kind donation as requested.

CONSULTATION

Consultation occurred between Shire staff and Derby Aboriginal Health Service staff to discuss the objectives and logistics of the project.

COMMENT

The Youth Girls Afterschool Program is a 5 week program that will offer alternative activities to young girls in the community. The program will provided participants with a safe space to engage and recreate with their peers while promoting and encouraging positive mental and physical wellbeing.

Activities included in the program:

- Self-care sessions;
- Physical activities dance and fitness class;
- Creative design workshop;
- Healthy eating workshops; and
- Mental wellbeing sessions.

The Afterschool Program aims to have participants:

- Engage in healthy activities and divert from negative influence;
- Build strong relationships with peers;
- Build trust in staff who can support with wellbeing struggles; and
- Provide skills and education that will improve overall lifestyle.

Project staff have already consulted with approximately 25 young girls who have expressed interested and excitement in attending the program. The program will be easily accessible to these participants as activities will be free and transport will be provided.

DAHS will be contributing to the project by covering cost of staff to facilitate the program and purchasing of equipment. They are also seeking additional support from other agencies to assist with provision of the activities.

The project is not likely to cause any disruption to ordinary Shire services.

It is recommended that the Shire provides the facility hire for this activity on a trial basis as an inkind contribution to the value of \$150.00 (incl GST). This facility hire will be costed from the budget allocated to the Community Grants Program. Should the program be successful and is sought to be continued DAHS will be encouraged to submit a funding application through the Community Grants program.

VOTING REQUIREMENT

Absolute majority

ATTACHMENTS

1. Project Plan - SEWB Afterschool Program 🗓 🖺

RESOLUTION 39/23

Moved: Cr Paul White

Seconded: Cr Andrew Twaddle

That Council BY ABSOLUTE MAJORITY:

Approve an in-kind donation to the Derby Aboriginal Health Service for the hire of the Derby Community Room valued at total of \$150.00 (incl GST) for the Youth Girls Afterschool Self-Care and Gym Program.

<u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle and Peter McCumstie

Against: Nil

CARRIED 5/0 BY ABSOLUTE MAJORITY

Background

Within this project the goal is to be able to keep young girls busy after school rather than being bored and trying to find things to. While participating in the program the girls will be able to learn selfcare activities and life skills while also attending to their physical and mental needs. This program will help young girls within the community with understanding the importance of self-care and giving them the opportunity to fill fit and healthy within their mind and body. It will support young girls and give them something to look forward to after school encouraging them to have good attendance and good behavior within school to be involved with this program.

Objectives

Helping young girls with attendance of school

Understanding their bodies and behaviours

Program

Activity	Outcomes	Outputs	Who/when	Status
Afterschool Gym – self-	Girls are engaged in	Gym access	Merinda (lead)	Planning
care & positive peer	positive and healthy	Gym equipment	Marianne	
network	activities and diverted	Transport	Cathy	
	from negative influences	1 adult per 5 kids	Racheal	
		Music		
	Girls are building a	Space	Merinda (lead)	Planning
	positive and supportive	Relationship facilitator	Guest facilitators when	
	network inclusive of all	Space to have frank and	required/available.	
	Derby girls and the	fearless discussion.		
	circumstances they are in	Respect for each other's		
	i.e., DDHS students and	voice		
	young girls who are only	Transport		
	engaged with alternative			
	education and girls who			
	are disengaged altogether			
	Girls are building trusting	Space	Merinda (Lead)	Planning

k i t	relationships with adults who can support them when issues in the life become overwhelming, i.e., providing a safe space to speak out the courage to do so.	Adults with skills to connect with girls in a positive manner mindful of issues and barriers that many girls are facing. Transport	Guest counsellors as required from SEWB and others who become available from time to time	
	Girls are receiving life skills education delivered subtly through the programs, i.e., food prep and safe storage, personal hygiene, social skills, mindfulness behaviors,	Cooking lessons at SEWB building Transport Social/hygiene & mindfulness skills delivered throughout all activities.	Merinda (Lead) Guests as required/available	Planning

Evaluation questions - evidence

Number of girls attending regularly	Quantative
Number of girls attending occasionally	Quantative
Feedback from girls	Qualitative
Stories of change from girls and families and school	Qualitative
Feedback from families	Qualitative
Feedback from school and community	Qualitative

15.3 COMMUNITY GRANTS PROGRAM - ROUND 2 - APPLICATION ASSESSMENT

File Number: GS/045/5

Author: Paris Millar, Team Leader Community Development Derby

Responsible Officer: Christie Mildenhall, Acting Director of Community Services

Authority/Discretion: Executive

SUMMARY

This report is for Council to consider and endorse requests for funding received through the Shire's Community Grants Program. Applications for the most recent round closed on March 31 2023. Two applications were received.

DISCLOSURE OF ANY INTEREST

Nil by Author and Responsible Officer.

BACKGROUND

To support locally based not-for-profit community groups deliver events and programs the Shire administers a Community Grants Program. Through the program eligible organisations and projects can receive up to \$5,000 (ex GST) in financial and non-financial contributions to assist deliver the project.

Funding is available across a wide range of projects and services to ensure diversity of activities within the Shire. The funded projects must be accessible, equitable and affordable to community members and must take place within the Shire of Derby/West Kimberley. Projects held outside of the Shire may be considered if the applicant can suitably demonstrate the involvement of Shire residents or if it promotes the Shire on a regional basis.

Projects which are supported through the program should align with the Shire's Strategic Community Plan and are to demonstrate wide community benefits. Applications are required to clearly demonstrate a long term benefits and positive outcomes to the community. Project focuses may vary from areas such as arts and culture, education, sport and recreation, youth, seniors, health and welfare, tourism and not-for-profit business development.

Applications to the program are accepted on a quarterly basis:

- 1 January to 31 March for projects commencing from 1 June;
- 1 April to 30 June for projects commencing from 1 September;
- 1 July to 30 September for projects commencing from 1 December; and
- 1 October to 30 November from projects commencing from 1 February.

Applications must be submitted using the designated application form. The applications are assessed by the Community Grants Program Working Group, which consists of the CEO or delegate and the Team Leader Community Development in Derby and Fitzroy Crossing. Recommendations are then presented to Council for endorsement.

STATUTORY ENVIRONMENT

Part 6 of the *Local Government Act 1995* applies to this report in that Council sets an annual budget each year to be allocated for donations to community groups as part of the annual budgeting process.

POLICY IMPLICATIONS

This program is delivered in line with Policy F19- Community Funding Scheme which provides guidance as to the provision of financial and non-monetary assistance to community groups and not-for-profit organisations by the Shire. The policy stipulates that funding requests received through the current grants program are to be presented to council for their consideration and approval.

FINANCIAL IMPLICATIONS

A budget of \$45,000 was allocated to the Community Development Grants in the 2022/23 financial year. There is currently \$35,817.06 remaining in the budget. This is the final funding round of this financial year. The report recommends awarding a total of \$9,740.00 (ex GST). This, along with the expenditure recommended in a separate Council Report can be accommodated within the remaining budget.

STRATEGIC IMPLICATIONS

GOAL	OUR PRIORITIES	WE WILL
1. Leadership and Governance	1.3 Effective Communication	1.3.2 Listen to and respond to the needs of our communities
2. Community	2.1 Safe Communities	2.1.3 Provide activities, programs, places and spaces that engage young people
2. Community	2.2 Healthy Communities	2.2.3 Provide access to a range of places and spaces where people can meet,recreate, socialise, learn and connect
2. Community	2.3 Vibrant and culturally rich communities	2.3.2 Facilitate and/ or contribute to community events, cultural activities and festivals
2. Community	2.4 Sustainable Communities	2.4.1 Support and assist volunteer, community and sporting groups

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Financial: Potential of misuse of funding.	Unlikely	Minor	Low	Requirements of acquittal will be applied to this funding.

Reputation:	Possible	Moderate	Medium	Council to provide
Public perception of Shire if funding is				funding as requested.
denied.				

CONSULTATION

As part of the application process all applicants are required to discuss their project ideas and application with one of the Community Development Team. Shire officers have been in direct consultation with all applicants.

Applications are assessed by the:

- CEO or delegate;
- Team Leader Community Development (Derby);
- Team Leader Community Development (Fitzroy Crossing).

COMMENT

Applications for the second round of funding were accepted between 1st of January 2023 until 31st of March 2023. At the close of applications two applications were received;

- Annual Craft and Annual Flower and Produce Shows Country Women's Association Derby / West Kimberley Air Branch Inc. (CWA) (Attachment 1).
- Little Things for Tiny Tots' Derby-West Kimberley Connecting Communities Program Little Things for Tiny Tots Inc. (Attachment 3)

All applications submitted were assessed by the Shire of Derby/West Kimberley Community Grants Program Working Group and the following recommendations made:

Award in full:

Country Women's Association – Derby/West Kimberley Air Branch (CWA)

CWA requested a contribution towards the delivery of the annual Craft Show and the annual Flower and Produce Show. These events will be held Saturday 5th August and Saturday 26th August 2023.

Funds of \$5,000 (ex GST) have been requested for the below expenditures:

- Providing free transport to and from the event;
- Purchase of promotional materials such as banners;
- Hire of a local event photographer for the course of both events;
- Morning tea catering for volunteers; and
- In-kind contribution of facility hire (Derby Airport).

The CWA will be contributing to the cost of delivering the events through volunteer provision, and sourcing of donations and prizes for the event.

The working group felt that this project met all aspects of the eligibility criteria. The applicant was also able to clearly demonstrate community benefits through the provision of two accessible community events which will also give local residents the opportunity to showcase their creativity

and skills. The events target a wide demographic and are not duplicated by similar events within the Derby area.

Award in part:

Little Things for Tiny Tots

Little Things for Tiny Tots is a Perth based charity provides new and pre-loved essential baby items to WA Families in need. Working with local social service agencies they distribute 'New Baby Boxes' filled with little things to assist families care for their newborn children. The funding sought in this applications will be used towards providing these essential care packs for young children and families in need. Although the organisation is based in the Perth region, the project will be delivered in Derby / West Kimberley with coordination between Little Things and local welfare agencies who have been involved in consultation of the project.

The panel felt that this project had definite community benefits for the duration of the project, particularly recipient families and the agencies that support them. However, once the project is complete it is unclear if there will be longer term benefits as it is not operating on sustainable resources. Certainly through the involvement of local community based organisations in the delivery of this project it may provide opportunities for these local organisations to develop connections which may allow them future benefits once this program has been completed.

The total value of this project is sited as \$45,684 over a 12 month period. Little Things for Tiny Tots has requested funding of \$4,740 (ex GST) which will be used towards purchasing additional items for inclusion in the boxes or where demand exceeds donations. The application also stated that a small portion of funds would be used for overheads. Officers sought a more details breakdown of the budget, as administration costs and overheads are generally not funded through the program. A more detailed budget was provided and Officers identified \$156 of the 'overheads were classed as not eligible for the funding. It is therefore recommended that the maximum amount of funding granted is \$4,584 (ex GST). Little Things for Tiny Tots will fund the rest of the difference through in-kind contributions, donations and volunteer hours.

VOTING REQUIREMENT

Absolute majority

ATTACHMENTS

- 1. Application CWA Derby West Kimberley Craft, Flower and Produce Shows 🗓 🖺
- 2. Assessment CWA Derby / West Kimberley Craft, Flower and Produce Shows J
- 3. Application Little things for Tiny Tots Connecting Community Program U
- 4. Assessment Little Things for Tiny Tots Connecting Community Program 4

RESOLUTION 40/23

Moved: Cr Peter McCumstie

Seconded: Cr Paul White

That Council:

 Approves in full funding of the Country Women's Association - Derby/West Kimberley Air Branch (CWA) funding request of \$5,000 (ex GST) for the Craft Show and the Flower and Produce Show; and

2. Approves partial funding of the Little Things for Tiny Tots Inc.'s Connecting Community Program to the value of \$4,584 (ex GST).

<u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle and Peter McCumstie

Against: Nil

CARRIED 5/0 BY ABSOLUTE MAJORITY



Community Grants Program Application Form

Organisation Name:	Country Women's Association - Derby/West Kimberley Air Branch								
Organisation Type:		Communi	ty and Non-						_
(Please select one)	✓	Community and Non- Government				Commerci	al and Govern	ment	
Is your organisation not- for-profit?	Yes	Is your organisation incorporated? (Please att your Certificate of Incorporate)			lo 🖪	-			
What is the primary purporganisation?	ose of the	We are a welfare a	proud and nd wellbein	active wor g of peopl	men's orga e in our Co	nisation, wo ommunity.	orking to imp	rove th	е
Contact Details									
Name of Applicant:	Julie Cole								
Position:	Treasurer								E11
Address:	41 Clarendon	Street		Suburb:	Derby		Postcode:	6720	-
Postal Address:	PO Box 459			Suburb:	Derby		Postcode:	6728 6728	
Mobile number:	0416 023 603		Home:	Jubuib.		Work:	Postcode:	0.20	
Email Address:	DerbyCWA@	gmail.com	nonie.			WORK:			-
Website:		5							-
Contact During Activity:	Name:								- 1
Contact During Activity.	Name.	Julie Cole	е	E3 C	ontact:	04160236	03		
if different to applicate)	Name.	Julie Cole	e	D C	ontact:	04160236	03		
if different to applicate)				ш		04160236	03		
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if different to applicate) Auspicing Agency Details Auspicing agency name: Contact Name: Position: Address: Postal Address:			tion is not inc	corporated Suburb:			Postcode:		
if different to applicate) Auspicing Agency Details Auspicing agency name: Contact Name: Position: Address: Postal Address: Mobile number: Email Address:			tion is not inc	corporated Suburb:			Postcode:		
if different to applicate) Auspicing Agency Details Auspicing agency name: Contact Name: Position: Address: Postal Address: Mobile number: Email Address: Website:	s. Please provide	if your corporat	Home:	Suburb:	l.		Postcode:		
Auspicing Agency Details Auspicing Agency name: Contact Name: Position: Address: Postal Address: Mobile number: Email Address: Website:	s. Please provide	if your corporat	Home:	Suburb:	l.		Postcode:		
Auspicing Agency Details Auspicing Agency name: Contact Name: Position: Address: Postal Address: Mobile number: Email Address: Website: Please attach a copy	of Certificate of	if your corporat	Home:	Suburb: Suburb:	l.	Work:	Postcode:		
if different to applicate) Auspicing Agency Details Auspicing agency name: Contact Name: Position: Address: Postal Address: Mobile number: Email Address:	of Certificate of	if your corporat	Home:	Suburb: Suburb: uspicing a	agency.	Work:	Postcode:	Fitzroy C	Frosi



Payment Information

Please complete information below in relation to you organisation or the organisation who is auspicing your application if you are not incorporated.

Is the organisation registered for (
If yes, what is your Australian Bus	ness Numberr (ABN).		Yes	✓ No	
75 216 084 402					
f no, please complete and attach	a copy of the Statement by Supplie	r form.			
ayment Details					
	EF	т			
Account Name:	CWA Derby West Kimber	lely Air Branch			
BSB:	016620				
Account Number:	Account Number: 494977224				
oject Details					
Please tell us about your project.	What are you planning to do?				
don't want to drive out. When are you planning on doing i	ent at the airport we would have			=	
		. the			
	What is the benefit to and impact or edible talent and skills in our o		areat evente	that are onen to all	
nembers of the Community. Asitors also love to come ald	For those that don't enter it is	also a great event to g	o and view a	and be a part of.	
How will you know if you have be	en successful in achieving your pro	ject aim?			
Ve will know we have been s	successful if we get a lot of en	trants and people com	ing along to	the events	
Derby		Fitzroy C	rossing		
	Loch Street Box 94, Derby WA 6728	<i>9</i> (08) 9191		Flynn Drive PO Box 101, Fitzroy Cros	
JOY Van Alexander		ABN: 99 934	203 062	www.sdwk.wa.gov.a	
SA C					



Does your event require any licenses, permits and approvals? If yes, have you already applied for these? *Please attach copies of these applications.

Budget

How much is the total project going to cost?

Approximately \$7700 for both events

How much funding are you requesting from the Shire?

\$5000

How will you use this contribution?

We would use the Shire contribution to pay for

Bus Service

Photographer for the events,

Devonshire tea costs,

Advertising

Non cash prizes (ribbons and certificates)

How will you fund the cost difference for this project?

We would fund the difference in the cost from Branch funds and from sale of devonshire teas and gold coin entrance fee. We will also do an auction for anyone that wants to auction off their produce and we will receive a percentage of the sale.

Promotion

How will you promote this event / activity?

We will promote the event at the CWA Markets each Saturday leading up to the event. We will also advertise on social media and at notice boards around town, and on 6DBY and banners.

How will you acknowledge the Shires contribution?

If we were to receive support from the Shire we would include this in our advertising and promotion on the day of the events.

Derby

(08) 9191 0999
 30 Loch Street
 PO Box 94, Derby WA 6728

Fitzroy Crossing

3 (08) 9191 5355 ☑ sdwk@sdwk.wa.gov.au

Flynn Drive PO Box 101, Fitzroy Crossing

ABN: 99 934 203 062

www.sdwk.wa.gov.au



	organisation, or auspicing organisation, previously received funding from the Shire of Derby/West Kimberley? ease provide date funding was received.
The CW	A has been lucky enough to receive \$500 grant funding in previous years. I am not sure of exact years.
Checklist	
1	I have attached a copy of the Certificate of Incorporation of my group or the group auspicing the application.
1	I have included the organisations ABN or if not registered for GST I have completed and attached the Statemen by Supplier Form.
1	I have included all licenses, permits and approvals needed for the application.
1	I have discussed my project with a team member of the Shire's Community Development team.
Declarati	on
Importa	nt: Please read and sign this declaration for your application to be processed
1.	I acknowledge that I am authorised to make this application on behalf of the organisation.
2.	l acknowledge that the information in this application is true and correct
3.	I acknowledge that may be required to supply further information prior to consideration of this application by the Shire of
	Derby/West Kimberley. I acknowledge that I will complete the requested acquittal report and summit it within 2 months of project / event completion.
4.	I provide permission for the Shire of Derby/West Kimberley to promote this Grant as part of any communications and public
5.	relations activities.
6.	I acknowledge I have allowed for eight weeks notice before my event.
S	ignature of Applicant: Date: 30.3.23

Date application received:	Date assessed:	
All requirements received:	Post-inspection date:	
Officer Name:	Approved/Not Approved:	
Officer Signature:	Synergy Ref No:	
Date:		

Derby

(08) 9191 0999
 Sdwk@sdwk.wa.gov.au
 30 Loch Street
 PO Box 94, Derby WA 6728

Fitzroy Crossing

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

Flynn Drive PO Box 101, Fitzroy Crossing

www.sdwk.wa.gov.au

ABN: 99 934 203 062

Item 15.3 - Attachment 1



Community Grants Program Eligibility Checklist

Project Name: Craft Show & Flower and produce Show

Project Date: 5th August & 26th August

Organisation Name: Country Women's Association

Date Application Received: 30/03/2023

Amount Requested: Cash \$5000 In-Kind TBC

Project and organisation eligibility

To be completed by Community Development Staff Taneisha Taylor

Criteria	Criteria met Yes / No	Comments
The applicant is an incorporated not for profit community group, registered charity or auspiced unincorporated community group.	Yes	
Applicants will not be considered if they are an organisations; Who promote political, unethical or profit making purposes Whose primary purpose is to promote religious beliefs or where people are excluded on religious grounds Whose main purpose is to fund raise That are government agencies That are commercial and for-profit in nature Or individuals.	No	
ABN has been provided or statement by supplier form has been completed if no ABN has been supplied.	Yes	ABN: 75 216 084 402
Applicant is based within the Shire of Derby/West Kimberley's LGA boundary.	Yes	Derby
The project is being delivered within the Shire of Derby / West Kimberley's LGA boundary.	Yes	Derby



Item 15.3 - Attachment 2 Page 144



Funding requested is not being used for the following reasons:		Discuss with applicant that no awards,
□ Projects which have already commenced or have been completed (retrospective funding)	No	cash prize are to be purcahsed with funds.
□ Cash prizes, awards or gifts		
□ Recurrent projects		
 Operating expenses (eg: administrations costs, staff wages, and utilities) 		
☐ To service outstanding debts or loans		
An individual's personal living, Medical, education or travel expenses (note: travel expenses may be claimed where a person has been engaged specifically for the project, such as a facilitator, and the expenses relate to the delivery of that project),		
 Activities or events that are the responsibility of a state or federal government 		
 Purchasing or provision of alcohol, or the costs associated with meeting Liquor Licensing requirements 		
 Political activities or religious activities that could be perceived as being decisive. 		
The application was received within the appropriate timeframe of funding rounds.	Yes	
The project is anticipated to be completed within 12 months of being notified of the outcome.	Yes	Augut 2023
Acquittal has been completed for previous projects funded by the Shire of Derby/West Kimberley	Yes	
The applicant has not requested more than \$5000 (ex GST).	Yes	\$5000 ex GST total
The applicant has not received more than \$5000 (ex GST) during the current financial year.	Yes	No funding recived this fincial year
The applicant discussed their application with a member of the Community Development Team prior to submitting their application.	Yes	Paris Millar
A contribution is being made by the organisations towards the cost of the project (including involvement of volunteers).	Yes	Additional cost to be funded by organisation. Volunteer hours and seeking other in-kind contributions.
This project aligns a strategy in the Shire's Community Strategic Plan (indicate strategy number)	Yes	2.1.3, 2.2.1, 2.2.3, 2.3.1, 2.3.2, 2.4.1,
Comments on eligibility criteria:		





Project Assessment

To be completed by Team Leader Community Development

Name: Paris Millar Title: Team Leader Community Development

Criteria	Criteria met Yes / No	Comments
The project enhances community participation and wellbeing.	Yes	Providing events and activities to engage and entertain community.
The project has demonstrated wide community benefit.	Yes	Targetting people of all ages and demographics
The project has demonstrated long term benefits to the community.	Yes	The project algngs clearly with the Shire's Strategic Community Plan
The project is accessible and affordable to community members.	Yes	Registration/entry cost are kept to a minimum. ORganosation will be providing a free transport service to increase the accessablilty to all.

Derby

② (08) 9191 0999
☑ sdwk@sdwk.wa.gov.au

30 Loch Street
PO Box 94, Derby WA 6728

Flynn Drive
PO Box 101, Fitzroy Crossing

ABN: 99 934 203 062

www.sdwk.wa.gov.au

www.sdwk.wa.gov.au



Recommend to award grant in full. Although previous funding (on an anual basis) has been padditional funding will allow the group to trial deliver on a	
Chief Executive Officer or Delegate Ap	proval
✓ Award grant in full	
Award grant in part- recommended amount \$	
Decline grant	
Christie Mildenhall Name	Signature
A/Director Community Services Position	04/04/2023 Date
Derby	Fitzroy Crossing
The same of the sa	ABN: 99 934 203 062



Community Grants Program Application Form

Organisation Details					
Organisation Name:	Little Things for Tiny Tots				
Organisation Type: (Please select one)	~	Community and Non- Government		Commercial and Government	
Is your organisation not- for-profit?	Yes ▼	Is your organisation incorporated? (Please attached your Certificate of Incorporation)	Yes ▼		
What is the primary purpos organisation?		Little Things for Tiny Tots is items for disadvantaged and charity partners with over 60 agencies across WA to ident	in need familion community we	es who have newborns. The elfare and social services	

Contact Details

Name of Applicant:	Andrea Marchesi							
Position:	Vice Chair & Growth & Development Officer							
Address:		Suburb: Postcode:						
Postal Address:	PO Box 502			Suburb:	Hillarys		Postcode:	6027
Mobile number:	0409068010 Home: Work:							
Email Address:	businessdevelopment@littlethings.org.au							
Website:	https://www.littlethings.org.au/							
Contact During Activity:	Name:	Lori Jacobso	n	C	ontact:	043044030	06	

(if different to applicate)

Auspicing Agency Details. Please provide if your corporation is not incorporated.

Auspicing agency name:					
Contact Name:					
Position:					
Address:		Suburb:		Postcode:	
Postal Address:		Suburb:		Postcode:	
Mobile number:	Home:		Work:		
Email Address:					
Website:					

Serby (08) 9191 0999 Sowk@sdwk.wa.gov.au 30 Loch Street PO Box 94, Derby WA 6728	Fitzroy Crossing	Flynn Drive PO Box 101, Fitzroy Crossing
ST STEEL	ABN: 99 934 203 062	⊕ www.sdwk.wa.gov.au

^{*}Please attach a copy of Certificate of Incorporation for the Auspicing agency.



Payment Information

Please complete information below in relation to you organisation or the organisation who is auspicing your application if you are not incorporated.

Is the organisation registered for GST?	
If yes, what is your Australian Business Number? (ABN):	
68867216899	Yes No
If no, please complete and attach a copy of the Statement by Supplier form.	

Payment Details

. a jiii a a cano	
	EFT
Account Name:	Little Things for Tiny Tots
BSB:	016460
Account Number:	407265131

Project Details

Please tell us about your project. What are you planning to do?

Little Things for Tiny Tots' Derby-West Kimberley Connecting Communities Program will be a location-based program that focuses on reducing barriers to accessing goods and services for disadvantaged and at risk families with babies, living in communities within the Shire.

As a lack of adequate economic resources for families with children has been shown to compromise the physical, emotional, and cognitive growth of children, in partnership with local community welfare agencies, essential baby

When are you planning on doing it?

The program will commence in May 2023 and end in June 2024 (see attached for Program Stage & Deliverables).

What are you trying to achieve? What is the benefit to and impact on the community?

Little Things for Tiny Tots works tirelessly to overcome poverty amongst children. The reported number of children under 5 years of age currently living in poverty in WA is around 18,800 ('Reducing Poverty and Improving Child Development in WA' report, Anglicare WA).

Most areas of disadvantage are in remote parts of the state. Of particular note is the Shire of Derby-West Kimberly which has been identified in the top ten (10) areas in WA that is experiencing multilayered and persistent

How will you know if you have been successful in achieving your project aim?

The charity's desired outcomes of the project are to:

- * Increase accessibility of the charity' is services amongst the families in need across the community in the Shire of Derby-West-Kimberley
- * Expand the network of social services and community welfare agency partners used to identify and deliver essential baby items to disadvantaged families

Derby 2 (08) 9191 0999	30 Loch Street	Fitzroy Crossing	Flynn Drive
M sdwk@sdwk.wa.gov.au	PO Box 94, Derby WA 6728	☑ sdwk@sdwk.wa.gov.au ABN: 99 934 203 062	PO Box 101, Fitzroy Crossing www.sdwk.wa.gov.au



Does your event require any licenses, permits and approvals? If yes, have you already applied for these?			
*Please attach copies of these applications.			
No			

Budget

How much is the total project going to cost?

\$45,648

How much funding are you requesting from the Shire?

\$4,740 (~10% total costs)

How will you use this contribution?

Funds from the Shire's Community Grants Program will be used to purchase additional items for inclusion in the baby boxes (some items need to be new eg nappies, wipes, formulas, etc), and where demand exceeds community donations. A small portion of funds will be used for overheads (coordination between central office, welfare agencies and transport companies)

How will you fund the cost difference for this project?

The charity will fund the cost difference, through in-kind contributions, donations and volunteer hours.

Promotion

How will you promote this event / activity?

Little Things will promote the Shire's Community Grants Program via our marketing channels, including social media, Linkedin, website and electronic newsletters.

How will you acknowledge the Shires contribution?

Acknowledgement will include logo placement on our supporters page on the website and posts via our social media platforms as well as acknowledgement in the charity's annual report.

		Flynn Drive PO Box 101, Fitzroy Crossing
ABN	8N: 99 934 203 062	⊕ www.sdwk.wa.gov.au



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Has your organisation, or auspicing organisation, previously received funding from the Shire of Derby/West Kimberley? If yes, please provide date funding was received.
No
Checklist

'		I have attached a copy of the Certificate of Incorporation of my group or the group auspicing the application.
7		I have included the organisations ABN or if not registered for GST I have completed and attached the Statement
_]	by Supplier Form.
		I have included all licenses, permits and approvals needed for the application.
]	

Declaration

Important: Please read and sign this declaration for your application to be processed

- 1. I acknowledge that I am authorised to make this application on behalf of the organisation.
- 2. I acknowledge that the information in this application is true and correct
- 3. I acknowledge that I may be required to supply further information prior to consideration of this application by the Shire of Derby/West Kimberley.
- 4. I acknowledge that I will complete the requested acquittal report and summit it within 2 months of project / event completion.
- 5. I provide permission for the Shire of Derby/West Kimberley to promote this relations activities.
- ${\it 6.} \quad {\it I} \ {\it acknowledge} \ {\it I} \ {\it have} \ {\it allowed} \ {\it for} \ {\it eight} \ {\it weeks} \ {\it notice} \ {\it before} \ {\it my} \ {\it event}.$

Signature of Applicant:	Andrea Marchesi	Date:	28/3/2023	

SHIRE ADMINISTRATION USE ONLY

STIRE ADMINISTRATION OSE ONE!			
Date application received:		Date assessed:	
All requirements received:		Post-inspection date:	
Officer Name:		Approved/Not Approved:	
Officer Signature:		Synergy Ref No:	
Date:			



Community Grants Program Eligibility Checklist

Project Name: Little Things for Thing Tots

Project Date: May 2023 - May 2023

Organisation Name: Little Things for Tiny Tots

Date Application Received: 28/03/2023

Amount Requested: Cash \$4740 In-Kind \$0

Project and organisation eligibility

To be completed by Community Development Staff Taneisha Taylor

Criteria	Criteria met Yes / No	Comments
The applicant is an incorporated not for profit community group, registered charity or auspiced unincorporated community group.	Yes	
Applicants will not be considered if they are an organisations; Who promote political, unethical or profit making purposes Whose primary purpose is to promote religious beliefs or where people are excluded on religious grounds Whose main purpose is to fund raise That are government agencies That are commercial and for-profit in nature Or individuals.	Yes	Applicant does not fall under any of listed catergories
ABN has been provided or statement by supplier form has been completed if no ABN has been supplied.	Yes	ABN: 68867216899
Applicant is based within the Shire of Derby/West Kimberley's LGA boundary.	No	Based in Hillarys WA
The project is being delivered within the Shire of Derby / West Kimberley's LGA boundary.	Yes	Project being delivered in Derby



eligible through this funding.



Funding requested is not being used for the following reasons: Projects which have already commenced or have been completed (retrospective funding) Cash prizes, awards or gifts Recurrent projects Operating expenses (eg: administrations costs, staff wages, and utilities) To service outstanding debts or loans An individual's personal living, Medical, education or travel expenses (note: travel expenses may be claimed where a person has been engaged specifically for the project, such as a facilitator, and the expenses relate to the delivery of that project), Activities or events that are the responsibility of a state or federal government Purchasing or provision of alcohol, or the costs associated with meeting Liquor Licensing requirements Political activities or religious activities that	Yes	This project has commenced in other regions, howevere the group will be using funds to carry out the project in Derby. Applicant has done consultation ith local early years and family outreach providers.
could be perceived as being decisive. The application was received within the appropriate	Yes	
timeframe of funding rounds. The project is anticipated to be completed within 12 months of being notified of the outcome.	Yes	Originally set until June 2024. P.Millar discussed changes with applicant.
Acquittal has been completed for previous projects funded by the Shire of Derby/West Kimberley	N/A	
The applicant has not requested more than \$5000 (ex GST).	Yes	\$4740 (ex GST)
The applicant has not received more than \$5000 (ex GST) during the current financial year.	Yes	No previous funding
The applicant discussed their application with a member of the Community Development Team prior to submitting their application.	Yes	Discussed with P.Millar - minor changes to fund use made.
A contribution is being made by the organisations towards the cost of the project (including involvement of volunteers).	Yes	Volunteer hours, other donations and contributions
This project aligns a strategy in the Shire's Community Strategic Plan (indicate strategy number)	Yes	2.1.3
Comments on eligibility criteria: Cost for 'overheads' has been discussed with applicant. Appl	licant is aware and	d understands that these cost are not



Project Assessment

To be completed by Team Leader Community Development

Name: Paris Millar Title: Team Leader Community Development

Criteria	Criteria met Yes / No	Comments
The project enhances community participation and wellbeing.	Yes	Enhancing lifestyle wellbeing by servicing/providing for families and children in need.
The project has demonstrated wide community benefit.	Yes	Somewhat - speciffic target at early years and families with young children. Improvement towards lifestlye will provide benifits to entire community.
The project has demonstrated long term benefits to the community.	No	No clear demonstrations. project durations is 12 months (short term benifit). However, if this project were to continue being provided in the area it may therefore lead to long term benifits within families. Current not operating on sustainable
The project is accessible and affordable to community members.	Yes	Free service to local early years and family outreach service providers.





Comments and Recommendations

Officer recommendation to award grant in part (\$4584.00 This amount is the initial requested amount minus the cos	EX gst) t for ineligible items	
Funds fo overheads were dsicussed with applicant as \$15	66 not eligable for the program.	
Chief Executive Officer or Delegate Ap	proval	
Award grant in full		
Award grant in part- recommended amount \$_		
Decline grant		
Name	Signature	
Position	Date	
Derby	Fitzroy Crossing	Flynn Drive PO Box 101, Fitzroy Crossin
	ABN: 99 934 203 062	⊕ www.sdwk.wa.gov.au

15.4 MOU BETWEEN SDWK AND ENAC REGARDING HOOPS AFTER DARK PROGRAM

File Number: CS/080/20

Author: Shane Edwards, Manager Community Development

Responsible Officer: Christie Mildenhall, Acting Director of Community Services

Authority/Discretion: Executive

SUMMARY

This report is seeking Council's endorsement of a Memorandum of Understanding between the Shire of Derby/West Kimberley and Emama Nguda Aboriginal Corporation regarding the delivery of a "Hoops After Dark" Program.

DISCLOSURE OF ANY INTEREST

NIL by Author and Responsible Officer.

BACKGROUND

Emama Nguda Aboriginal Corporation (ENAC) is a not-for-profit, Aboriginal Community based and managed charitable organisation, which has been operating in the Derby/Malarabah region of the Kimberley in Western Australia for more than 20 years.

Hoops after Dark is based on an American program called Midnight Basketball.

Midnight Basketball has operated in Australia since 2011. The model in Australia was adapted to include girls/women. Numerous successful tournaments have been conducted over the last ten years, in major cities and larger regional centres.

The intention is to develop "Hoops After Dark" as a unique program for Derby, using all the learning from previous Midnight Basketball programs, but adapting to a leaner and easier to execute model.

STATUTORY ENVIRONMENT

NIL

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

The Memorandum of Understanding addresses that the agreed terms and responsibilities are for the most part already components of existing Shire service delivery, and therefore are expected to be accommodated within the Shire's existing operational budget. Emama Nguda will be assisting with the provision of Friday evening meals as part of this program which will provide a saving to the Shire of approximately \$800-\$1000 a week. This saving can be costed into supporting other programs and initiatives within the youth service. Additionally, ENAC will provide staff to facilitate the program which will assist the Shire meet adequate staffing levels for the evening drop in program.

STRATEGIC IMPLICATIONS

GOAL	OUR PRIORITIES	WE WILL
2. Community	2.1 Safe Communities	2.1.3 Provide activities, programs, places and spaces that engage young people
2. Community	2.2 Healthy Communities	2.2.2 Facilitate a range of accessible sporting and recreational activities
2. Community	2.2 Healthy Communities	2.2.3 Provide access to a range of places and spaces where people can meet,recreate, socialise, learn and connect
2. Community	2.2 Healthy Communities	2.2.4 Conduct and/or promote healthy lifestyle initiatives and living standards
2. Community	2.3 Vibrant and culturally rich communities	2.3.2 Facilitate and/ or contribute to community events, cultural activities and festivals
2. Community	2.4 Sustainable Communities	2.4.1 Support and assist volunteer, community and sporting groups
2. Community	2.4 Sustainable Communities	2.4.2 Collaborate with key agencies, groups and service providers to improve community services, programs and facilities

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Reputation: Failure to enter into an MoU could impact and limit the relationship between the two organisations.	Possible	Moderate	Medium	Council to approve the proposed MOU.
Community: Failure to enter into an MoU could have a negative impact on community participation in recreation activities.	Possible	Moderate	Medium	Council to approve the proposed MOU.

CONSULTATION

The Shire of Derby/West Kimberley and Emama Nguda Aboriginal Corporation have met on a number of occasions to discuss youth program delivery in general and how we can better work together to support each other's programs. During a meeting with key staff in February, Ben Burton advised that Emama Nguda had received some funding to support the development of a "Hoops After Dark" Program. Ben provided background on the program.

Discussions were had to determine how this program could fit within the existing late night youth activities that the Shire already runs. It was determined that by partnering around this program it would improve the general basketball base skill level of young people within Derby and better prepare them for competitions such as Shinju and Jump4It. The partnership would also provide additional staff to support night time activities which would allow for a more diverse range of activities to run.

COMMENT

Historically, the partnerships between the Shire of Derby/West Kimberley and other youth service providers has not always been the strongest. The Shire and Emama Nguda Aboriginal Corporation have recently begun discussions around how they can better work together for shared outcomes. Emama Nguda have shown themselves to be successful in the youth and community space and are a key stakeholder in the Derby Youth Network. Emama Nguda have received funding until June 30, 2023 for this program. It is envisaged that this program will generate data to support future funding applications to support longer term projects and programs. This MoU will strengthen the relationship between the Shire and Emama Nguda whilst also providing greater support for recreation skill development throughout the community. Approval of the MoU is a demonstration of the Shire's commitment towards supporting local collaborations within the youth sector.

In supporting this program ENAC will provide food for the evening, along with staff to facilitate the program. This will relieve Shire staff, allowing them to focus on other aspects of the evening program. It will also increase staffing ratios on the evening.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

- 1. MoU SDWK and ENAC Hoops After Dark J. 🖺
- 2. Midnight Basketball History and Overview J

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

Against: Nil

CARRIED 5/0



MEMORANDUM OF UNDERSTANDING

BETWEEN

SHIRE OF DERBY/WEST KIMBERLEY; AND

EMAMA NGUDA ABORIGINAL CORPORATION.

This is an agreement between "Shire of Derby/West Kimberley", hereinafter called "The Shire" and "Emama Nguda Aboriginal Corporation", hereinafter called "ENAC"

1. PURPOSE

The purpose of this MOU is to clearly identify the roles and responsibilities of each party in the delivery of youth specific activities under the Hoops after Dark delivered by ENAC at the Derby Recreation Centre building, a Shire facility.

2. REFERENCE

Hoops after Dark is based on an American program called Midnight Basketball.

Midnight Basketball has operated in Australia since 2011. The model is Australia was adapted to include girls/women. Numerous successful tournaments have been conducted over the last ten years, in major cities and larger regional centres.

The intention is to develop Hoops After Dark as a unique program for Derby, using all the learning from previous Midnight Basketball programs, but adapting to a leaner and easier to execute model.

3. BACKGROUND

ENAC Emama Nguda Aboriginal Corporation (ENAC) is a not-for-profit, Aboriginal Community based and managed charitable organisation, which has been operating in the Derby/Malarabah region of the Kimberley in Western Australia for more than 20 years.

ENAC are very active in the community particularly in the programs that engage and support disadvantaged young people. Hoops after Dark has many synergies and program enhancement to the existing basketball focus that exist the Derby Youth Program. There are three nights of the youth program based at the Recreation Centre where structured staffed games will provide a centre of attention and interest for attendees. The staffing will enable our youth centre staff to focus on engagement and relationship building, mentoring etc. The connections and relationships between the two services, staff and young people attending is of mutual benefit.

Derby

30 Loch Street PO Box 94, Derby WA 6728

Fitzroy Crossing

 Flynn Drive PO Box 101, Fitzroy Crossing

ABN: 99 934 203 062

www.sdwk.wa.gov.au

Item 15.4 - Attachment 1

The Shire's strategic direction is taken from its Strategic Community Plan. The 2021-2031 plan incorporates the following priorities and strategies in relation to collaborative youth services.

Priority 2.1 Safe Communities

Strategy 2.1.3 Provide activities, programs, places and spaces that engage young people..

Priority 2.2 Healthy Communities

- Strategy 2.2.2 Facilitate a range of accessible sporting and recreational activities.
- **Strategy 2.2.3** Provide access to a range of places and spaces where people can meet, recreate, socialise, learn and connect.
- Strategy 2.2.4 Conduct and/or promote healthy lifestyle initiatives and living standards.

Priority 2.3 Vibrant & Culturally Rich Communities

Strategy 2.3.2 Facilitate and/or contribute to community events, cultural activities and festivals.

Priority 2.4 Sustainable Communities

- Strategy 2.4.1 Support and assist volunteer, community and sporting groups.
- **Strategy 2.4.2** Collaborate with key agencies, groups and service providers to improve community services, programs and facilities.

A collaborative approach between the Shire and ENAC will benefit both parties in achieving their overall goals, objectives and program funding requirements. For ENAC, the Shire can support their vision through facility and human resource support. For the Shire, engaging with some of the most disengaged youth within the community will see a benefit to their delivery of diversionary activities.

ENAC and the Shire have expressed a strong interest in collaborating to maximise the impact they have on Derby's youth services.

Agreements and Commitments

 Both the Shire and ENAC enter into this MOU in good faith and will work cooperatively to resolve any issues that may arise.

- To share program data of youth engaged in a confidential manner.
- · To share resources and costs (for unfunded expenses) associated with the program.

4. SHIRE OF DERBY/WEST KIMBERLEY'S RESPONSIBILITIES UNDER THIS MOU

The Shire undertake the following:

- Work in collaboration with ENAC for Monday, Friday and Saturday nights within the Youth Program. The hours of Hoops after Dark to run within these timeframes:
 - ➤ Mondays 15:30 18:00
 - ➤ Fridays 17:00 21:00
 - ➤ Saturdays 16:00 20:00
- Transport of Youth Centre attendees to the program.
- Provide staff engagement and other activities during this time to provide a greater variety of engagement options for young people attending and rotating through the games.

5. EMAMA NGUDA ABORIGINAL CORPORATION'S RESPONSIBILITIES UNDER THIS MOU

ENAC undertake the following:

- Provide staffing required for the basketball competition: coordinator, scorers and umpires.
- · Work as a program in collaboration with the existing Youth Program.
- Foster and encourage positive engagement of young people with Derby Youth Service staff.
- Support staff with behaviour management if young people are attending both programs.

6. REVIEW AND EVALUATION

The Shire and ENAC may from time to time review this Agreement and seek variation to the MOU terms by providing written notice two (2) week's in advance subject to the agreement of both parties.

7. TERM OF AGREEMENT

This Agreement shall operate for a period of three (3) months commencing from the date the agreement is made. A formal annual review will be held at the end of the three (3) month period to assess the ongoing viability of the partnership and possible MOU extension.

8. DISPUTES RESOLUTION

In the event of a dispute that cannot be resolved by the Shire or ENAC, an independent arbitrator approved by both ENAC and Shire will be appointed to assist with negotiating an end to the dispute. The intent to seek arbitration is to be provided in writing giving two (2) week's notice

9. FUNDING

This MOU does not include the reimbursement of funds between the two (2) parties.

10. EFFECTIVE DATE

This MOU shall be effective upon the signature of the Shire of Derby/West Kimberley and Emama Nguda Aboriginal Corporation authorised officials

It shall be active from approval date 2023 to 30 June, 2023

The Shire of Derby/West Kimberley and Emama Nguda Aboriginal Corporation indicate agreement with this MOU by their signatures

Shire of Derby West Kimberley	Emama Nguda Aboriginal Corporation
Signature	Signature
Print Name	Print Name
Date	Date
Date	Date

The beginnings of Midnight Basketball

Midnight basketball began in Glenarden, Maryland, in 1986, when crack cocaine first came to Washington. The program was started when G Van Standifer noticed that the crime rates were incredibly high, especially during the hours of 10 pm and 2 am. He observed that young men had nothing to do, as many did not have jobs, were living in poverty and could not always afford to do something. He opened Glenarden Recreation Center, funded by both private donations and public funds. They ran during those specific hours, where young men could come and play basketball. It was run by volunteers and supervised by officers to make sure everything was alright. Even the officers complimented how well the programs were working and what a benefit it was to the community. Afterwards, participants would have to attend workshops that informed them about different necessities for living.

It lowered crime rates in the area, and the programs were found to be incredibly helpful to the young men. Soon other communities saw the merit in the program and started to adopt Midnight Basketball themselves. It was later added to the <u>Violent Crime Control and Law Enforcement Act of 1994</u> and was signed by President Bill Clinton.

Effectiveness

Empirically, a 2006 study of the 1990-1994 period during which rates of most crimes in the United States peaked, and when urban midnight basketball programs were initiated as a crime-prevention strategy, found that—while confounding factors were likely involved—property crime rates fell more rapidly in cities that were early adopters of the original midnight basketball model than in other American cities in the same period. [23] It shows that there was a drop in crime rates in places where these programs were taking place.

There was a 30% drop in crime in Glenarden, where the program began, and Phoenix had 10.4% less juvenile arrests and 50% less juvenile related incidents. In one Los Angeles Times article it is stated that "There was a 60% reduction in drug-related crime." Although there was uncertainty about this statistic, as the Chicago leagues had only 160 participants and there were still around 85,000 young adults across the city that were at risk, which made the statistics seem unrealistic. Participants were not at risk of committing a crime when they attended basketball, and there were police officers stationed in the building to make sure of this. An article from Texas stated that it "has cut crime in one Fort Worth neighbourhood 89 percent on nights when games are held."

As well, "Murders, rapes, robberies and burglaries dropped to zero during the late-night games." The program helps show the young men a sense of community, friendship, and sportsmanship that they wouldn't have gotten to experience on the streets. There are some people who believed that it would increase crime because it would bring at-risk people into a group together, and it might encourage gangs.

It has helped give young men an alternative to crime, and many have found jobs or are seeking further education

However, this is not the case, and the program has been very successful, and a program was started in Australia in 2011.

Midnight Basketball in Australia

Midnight Basketball has operated in Australia since 2011. (It was 'hibernated' in 2020 due to covid 19 and intends to launch new programs in Spring this year, after a timely review).

The model is Australia was adapted to include girls/women. Numerous successful tournaments have been conducted over the last ten years, in major cities and larger regional centres.

The intention is to develop **Hoops After Dark** as a unique program for Derby, using all the learning from previous Midnight Basketball programs, but adapting to a leaner and easier to execute model.

15.5 MOU BETWEEN SDWK AND ENAC REGARDING YOUTH ACTIVITIES UNDER THE INTENSIVE FAMILY SUPPORT PROGRAM

File Number: CS/080/20

Author: Shane Edwards, Manager Community Development

Responsible Officer: Christie Mildenhall, Acting Director of Community Services

Authority/Discretion: Executive

SUMMARY

This report is seeking Council's endorsement of a three (3) month trial Memorandum of Understanding between the Shire of Derby/West Kimberley and Emama Nguda Aboriginal Corporation regarding the support of the Intensive Family Support Program.

DISCLOSURE OF ANY INTEREST

NIL by Author and Responsible Officer.

BACKGROUND

Emama Nguda Aboriginal Corporation (ENAC) is a not-for-profit, Aboriginal Community based and managed charitable organisation, which has been operating in the Derby/Malarabah region of the Kimberley in Western Australia for more than 20 years.

ENAC are very active in the community particularly in the programs that engage and support disadvantaged young people. The Intensive Family Support Program supports young people that regularly attend the Youth Centre. The connections and relationships between the two services, staff and young people attending is of mutual benefit.

The Intensive Family Support Program delivered by Emama Nguda focuses on young people who are disengaged from school and provides them an alternative education environment with the aim of returning them to mainstream school. There is a strong focus on behaviour management and mentoring. The young people participate in this program 5 days a week and are involved in a number of activities including school-style lessons, art, craft, music, food preparation and oncountry trips.

STATUTORY ENVIRONMENT

NIL

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

The Memorandum of Understanding addresses that the agreed terms and responsibilities for the Shire are 3 hours of staff time per week, provision of access to the Youth Centre Kitchen and provision of food/groceries for the program. An anticipated weekly cost of \$300-\$400 can be accommodated within the Shire's existing operational budget for youth services. Emama Nguda have committed to supporting the Shire's Friday Night basketball program via a Hoops After Dark program with the provision of food for that evening which will be a weekly saving of \$800-\$1000 for the Shire. This saving could be used to offset any costs incurred under this MoU.

STRATEGIC IMPLICATIONS

GOAL	OUR PRIORITIES	WE WILL	
2. Community	2.1 Safe Communities	2.1.2 Endeavour to provide safe, clean and well-lit streets and public spaces	
2. Community	2.1 Safe Communities	2.1.3 Provide activities, programs, places and spaces that engage young people	
2. Community	2.2 Healthy Communities	2.2.1 Build, maintain and maximise the use of community facilities	
2. Community	2.2 Healthy Communities	2.2.3 Provide access to a range of places and spaces where people can meet,recreate, socialise, learn and connect	
2. Community	2.2 Healthy Communities	2.2.4 Conduct and/or promote healthy lifestyle initiatives and living standards	
2. Community	2.3 Vibrant and culturally rich communities	2.3.1 Support the growth and development of arts and cultural programs, services, places and spaces	
2. Community	2.4 Sustainable Communities	2.4.2 Collaborate with key agencies, groups and service providers to improve community services, programs and facilities	

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Reputation:	Possible	Moderate	Medium	Council to approve the
Failure to enter into an				proposed MOU.
MoU could impact and				
limit the relationship				
between the two				
organisations.				

CONSULTATION

The Shire of Derby/West Kimberley and Emama Nguda Aboriginal Corporation have met on a number of occasions to discuss youth program delivery in general and how we can better work together to support each other's programs. During a meeting with key staff in February, Ben Burton advised that Emama Nguda was needing assistance with their Intensive Family Support Program. Through ongoing discussions a draft MoU has been developed.

COMMENT

The Intensive Family Support Program delivered by Emama Nguda aims to work with some of the most disengaged and disadvantaged young people in Derby with a focus on behaviour modification and positive change. The idea of providing a range of different experiences and activities for young people in the program was raised and Emama Nguda enquired into the Shire's capacity to assist 1 day a week for a few hours, particularly for a group of disengaged girls.

It is the aim that through engaging with this particular group of girls in association with the Emama Nguda program that they will also engage with the Shire's regular youth services including the youth centre, evening programs and school holiday programs. This does not currently occur.

It was decided that we would trial a three (3) month program of support that saw a group of girls from the intensive Family Support Program attend the Derby Youth Centre on Monday's from 11:30am-1pm. This would be jointly run by Emama Nguda and Shire staff and would provide the girls an opportunity to work collaboratively in a safe environment, they would also assist with the preparation of lunch for themselves as well as the male participants in the program.

If endorsed, the Shire will commit to supporting the program by committing to the following:

- Make available an agreed space including the Kitchen at the Derby Youth Centre each Monday 11:30am-1:00pm (during school term time) for the delivery of activities related to the ENAC Intensive Family Support Program;
- Provide two (2) staff members from 11:30pm-1:00pm each Monday (during school term time) to assist with the facilitation of activities. Provision of staff will be outside regular scheduled Shire program/service delivery and as such will not impact on the Shire's ability to deliver services at an adequate level; and
- Provide food and groceries each Monday (during school term time) to allow the participants in the Intensive Family Support program to prepare lunch for up to 20 participants.

A draft MoU has been designed to cover a three (3) month trial period, after which the program will be reviewed. If successful we would look to extend the MoU for a 12 month period.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

1. MOU between SDWK and ENAC - IFSP U

RESOLUTION 42/23

Moved: Cr Paul White

Seconded: Cr Andrew Twaddle

That Council:

 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.

<u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle and Peter McCumstie

Against: Nil

CARRIED 5/0



MEMORANDUM OF UNDERSTANDING

BETWEEN

SHIRE OF DERBY/WEST KIMBERLEY; AND

EMAMA NGUDA ABORIGINAL CORPORATION.

This is an agreement between "Shire of Derby/West Kimberley", hereinafter called "The Shire" and "Emama Nguda Aboriginal Corporation", hereinafter called "ENAC"

1. PURPOSE

The purpose of this MOU is to clearly identify the roles and responsibilities of each party in the delivery of youth specific activities under the Intensive Family Support Program delivered by ENAC at the Derby Youth Centre building, a Shire facility.

2. REFERENCE

Not applicable.

3. BACKGROUND

ENAC Emama Nguda Aboriginal Corporation (ENAC) is a not-for-profit, Aboriginal Community based and managed charitable organisation, which has been operating in the Derby/Malarabah region of the Kimberley in Western Australia for more than 20 years.

ENAC are very active in the community particularly in the programs that engage and support disadvantaged young people. The Intensive Family Support Program supports young people that regularly attend the Youth Centre. The connections and relationships between the two services, staff and young people attending is of mutual benefit.

The Shire's strategic direction is taken from its Strategic Community Plan. The 2021-2031 plan incorporates the following priorities and strategies in relation to collaborative youth services.

Priority 2.1 Safe Communities

- Strategy 2.1.2 Endeavour to provide safe, clean and well-lit streets and public spaces.
- Strategy 2.1.3 Provide activities, programs, places and spaces that engage young people

Priority 2.2 Healthy Communities

Strategy 2.2.1 Build, maintain and maximise the use of community facilities.

- **Strategy 2.2.3** Provide access to a range of places and spaces where people can meet, recreate, socialise, learn and connect.
- Strategy 2.2.4 Conduct and/or promote healthy lifestyle initiatives and living standards.
- Priority 2.3 Vibrant & Culturally Rich Communities
- **Strategy 2.3.1** Support the growth and development of art and cultural programs, services, places and spaces.
- Priority 2.4 Sustainable Communities
- **Strategy 2.4.2** Collaborate with key agencies, groups and service providers to improve community services, programs and facilities.

A collaborative approach between the Shire and ENAC will benefit both parties in achieving their overall goals, objectives and program funding requirements. For ENAC, the Shire can support their vision through facility and human resource support. For the Shire, engaging with some of the most disengaged youth within the community will see a benefit to their delivery of diversionary activities.

ENAC and the Shire have expressed a strong interest in collaborating to maximise the impact they have on Derby's youth services.

Agreements and Commitments

 Both the Shire and ENAC enter into this MOU in good faith and will work cooperatively to resolve any issues that may arise.

4. SHIRE OF DERBY/WEST KIMBERLEY'S RESPONSIBILITIES UNDER THIS MOU

The Shire undertake the following:

- Make available an agreed space including the Kitchen at the Derby Youth Centre each Monday 11:30am-1:00pm (during school term time) for the delivery of activities related to the ENAC Intensive Family Support Program.
- Provide two (2) staff members from 11:30pm-1:00pm each Monday (during school term time) to assist with the facilitation of activities. (Adjustments may be required due to staff absence or illness.)
- Provide food and groceries each Monday (during school term time) to allow the participants in the Intensive Family Support program to prepare lunch for up to 20 participants.

5. EMAMA NGUDA ABORIGINAL CORPORATION'S RESPONSIBILITIES UNDER THIS MOU

ENAC undertake the following:

• Provide staffing leadership in the delivery of the Intensive Family Support Program.

Foster and encourage positive engagement of young people with Derby Youth Service staff.
 Support staff with behaviour management if young people are attending both programs.

6. REVIEW AND EVALUATION

The Shire and ENAC may from time to time review this Agreement and seek variation to the MOU terms by providing written notice two (2) week's in advance subject to the agreement of both parties.

7. TERM OF AGREEMENT

This Agreement shall operate for a period of three (3) months commencing from the date the agreement is made. A formal annual review will be held at the end of the three (3) month period to assess the ongoing viability of the partnership and possible MOU extension.

8. DISPUTES RESOLUTION

In the event of a dispute that cannot be resolved by the Shire or ENAC, an independent arbitrator approved by both ENAC and Shire will be appointed to assist with negotiating an end to the dispute. The intent to seek arbitration is to be provided in writing giving two (2) week's notice.

9. FUNDING

This MOU does not include the reimbursement of funds between the two (2) parties.

10. EFFECTIVE DATE

This MOU shall be effective upon the signature of the Shire of Derby/West Kimberley and Emama Nguda Aboriginal Corporation authorised officials

It shall be active from approval date to 26 June, 2023

The Shire of Derby/West Kimberley and Emama Nguda Aboriginal Corporation indicate agreement with this MOU by their signatures

Shire of Derby West Kimberley	Emama Nguda Aboriginal Corporation
Signature	Signature
Print Name	Print Name
Date	Date

16 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

• Nil.

17 NEW BUSINESS OF AN URGENT NATURE

RESOLUTION 43/23

Moved: Cr Andrew Twaddle

Seconded: Cr Paul White

That Council accepts the late item 17.1 – Change of Meeting Time for Ordinary Council Meeting 25 May 2023 in Fitzroy Crossing.

<u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle and Peter McCumstie

Against: Nil

CARRIED 5/0

17.1 CHANGE OF MEETING TIME FOR ORDINARY COUNCIL MEETING 25 MAY 2023 IN FITZROY CROSSING

File Number: 4150 - Meeting Procedures

Author: Sarah Smith, Executive Services Coordinator

Responsible Officer: Amanda Dexter, Chief Executive Officer

Authority/Discretion: Administrative

SUMMARY

This report is for Council to consider changing the time of the Ordinary Council Meeting on 25 May 2023 in Fitzroy Crossing.

DISCLOSURE OF ANY INTEREST

Nil by Author or Responsible Officer.

BACKGROUND

The Ordinary Council Meeting on 25 May 2023 is scheduled at 5.30pm in Fitzroy Crossing. Due to Ex-Tropical Cyclone Ellie and associated flooding AGRN1044 occurring in Fitzroy Crossing, there is a resulting shortage of accommodation. It is proposed that the meeting time be rescheduled to earlier in the day in order to allow sufficient time for Councillors and other staff to travel to and from the Council Meeting on 25 May 2023.

STATUTORY ENVIRONMENT

Local Government (Administration) Regulations 1996

Part 2 - Council and Committee meetings

- 12. Meetings, public notice of (Act s. 5.25(1)(g))
 - (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).

POLICY IMPLICATIONS

Nil.

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FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

GOAL	OUR PRIORITIES	WE WILL
1. Leadership and	1.3 Effective	1.1.1 Engage with our communities
Governance	Communication	

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Business Interruption:	Possible	Minor	Low	Adoption of amended
Councillors attending				Council meeting time as recommended.
other functions				
impacting on Elected				
Member duties				

CONSULTATION

CEO and Council.

COMMENT

In order to facilitate travel requirements and to give ample time to engage with affected with community members and stakeholders, it is proposed that the Ordinary Council Meeting on 25 May 2023 in Fitzroy Crossing is held at 1.00pm.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

1. Public Notice - Time Change of the Ordinary Council Meeting - 25 May 2023 in Fitzroy Crossing U

RESOLUTION 44/23

Moved: Cr Peter McCumstie

Seconded: Cr Paul White

That Council:

- 1. Alter the time of the 25 May 2023 Ordinary Meeting of Council from 5.30pm, to 1.00pm; and
- 2. Give local public notice of the amendment of meeting time as required by the *Local Government (Administration) Regulations*.

<u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle and Peter McCumstie

Against: Nil

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CARRIED 5/0

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Public Notice Time Change of the Ordinary Council Meeting 25 May 2023 in Fitzroy Crossing

In accordance with the Local Government Act 1995, s.5.25(1)(g) and Local Government (Administration) Regulations 1996, r.12, notice is hereby given of a change of **time** for the following Ordinary Council Meeting:

The Ordinary Council Meeting on Thursday, 25 May 2023 in Fitzroy Crossing scheduled at 5.30pm, will now be held at **1:00PM** in Fitzroy Crossing at the Karrayilli Adult Education Centre - 8 Flynn Dr, Fitzroy Crossing WA 6765

For any inquires please contact Sarah Smith on 9191 0999.

Amanda Dexter
Chief Executive Officer

PLEASE FIND ATTACHED, A PROPOSAL FROM CR MCCUMUSTIE FOR COUNCILS CONSIDERATION AS AN ITEM URGENT BUSINESS

RESOLUTION 45/23

Moved: Cr Paul White

Seconded: Cr Andrew Twaddle

That Council accepts the late item 17.2 – Kimberley Development Commission Staffing in the

Shire of Derby/West Kimberley.

<u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle and Peter McCumstie

Against: Nil

CARRIED 5/0

17.2 KIMBERLEY DEVELOPMENT COMMISSION STAFFING IN THE SHIRE OF DERBY/WEST KIMBERLEY

BACKGROUND

The Kimberley Development Commission (KDC) has not replaced the office and officer in Derby since the late nineties/early twenties and has since advertised for staff only in Broome and Kununurra, therefore not allowing for full and relevant representation of the Kimberley region which they are responsible for in terms of representing the WA Government in the Kimberley and working with business, social and local government enterprise in our region.

RESOLUTION 46/23

Moved: Cr Peter McCumstie

Seconded: Cr Paul White

That the Shire of Derby West Kimberley would like to thank Tom Stephens (Chair of KDC) for his letter dated 27 April 2023 in response to issues raise in recent meeting and look forward to pursuing with the Minister for Regional Development, The Hon Don Punch MLA and the Chairperson of the Kimberley Development Commission, Mr Tom Stephens, as a direct result of discussions recently had in the Shire's Council Chambers with the Shire President, Deputy Shire President and Acting CEO, that all future advertisements for staffing (including senior positions), of the Kimberley Development Commission will include relevant information advising potential applicants that these positions are available from/in Derby, similarly to as they are for Broome and Kununurra.

Further, the Kimberley Development Commission be asked to review the need for a permanent senior officer position to be located in Derby in the current unused office space in the WA Government House on Loch Street, as a matter of urgency.

<u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle and Peter McCumstie

Against: Nil

CARRIED 5/0

18 MATTERS FOR WHICH THE MEETING MAY BE CLOSED (CONFIDENTIAL MATTERS)

Nil

19 CLOSURE

19.1 Date of Next Meeting

The next ordinary meeting of Council will be held Thursday, 25 May 2023 in the Fitzroy Crossing.

19.2 Closure of Meeting

The Presiding Member closed the meeting at 6:25pm.

These minutes were confirmed at a meeting on
25 May 2023
Signadi
Signed:
Presiding Person at the meeting at which these minutes were confirmed.
25 May 2023 Date: