



**Shire of Derby /  
West Kimberley**

# **MINUTES**

## **Ordinary Council Meeting Thursday, 25 August 2022**

**Date: Thursday, 25 August 2022**

**Time: 11:30am**

**Location: Fitzroy Crossing - Karrayili Training Centre**



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**MINUTES OF SHIRE OF DERBY / WEST KIMBERLEY  
ORDINARY COUNCIL MEETING  
HELD AT THE FITZROY CROSSING - KARRAYILI TRAINING CENTRE  
ON THURSDAY, 25 AUGUST 2022 AT 11:30AM**

- PRESENT:** Cr Peter McCumstie (Deputy Shire President), Cr Geoff Davis, Cr Andrew Twaddle, Cr Rowena Mouda, Cr Pat Riley and Cr Linda Evans.
- IN ATTENDANCE:** Wayne Neate (Director Technical and Development Services), Sarah Smith (Executive Services Coordinator) and Amy Roughton (Corporate and Executive Services Administration Officer).
- VISITORS:** Nil
- GALLERY:** Bill Layton, Carolyn Davey and Natalie Davey (arrived at 11:52am).
- APOLOGIES:** Nil
- APPROVED LEAVE OF ABSENCE:** Cr Geoff Haerewa (Shire President), Cr Paul White and Cr Keith Bedford
- ABSENT:** Nil

### **1 DECLARATION OF OPENING, ANNOUNCEMENTS OF VISITORS**

The meeting was opened at 11:30am by Cr Peter McCumstie (Deputy Shire President).

### **2 ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS**

In accordance with regulation 14A of the Local Government (Administration) Regulations 1996 Council must approve (by Absolute Majority) the attendance of a person, not physically present at a meeting of Council, by audio contact. The person must be in a 'suitable place' as approved (by absolute majority) by Council. A 'suitable place' means a place that is located in a townsite or other residential area and 150km or further from the place at which the meeting is to be held.

- Cr Pat Riley.

*NOTE: His Excellency the Governor, in Executive Council, has approved regulations (Gazetted 25 March 2020) to allow all Western Australian local government councils to hold meetings electronically during a public health emergency or a state of emergency. This can be via teleconference, video conference or other electronic means. The Shire of Derby/West Kimberley will provide this option for Councillors until further notice, or the COVID-19 state of emergency provision is modified accordingly.*

### **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 106/22

**Moved:** Cr Andrew Twaddle

**Seconded:** Cr Linda Evans

That the Leave of Absence received from Cr Keith Bedford and Cr Paul White for the Ordinary Council Meeting on 25 August 2022 be accepted and leave of absence granted.

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

Against: Nil

**CARRIED 6/0**

## 5 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

- Nil.

## 6 PUBLIC TIME

### 6.1 Public Question Time

- Nil.

### 6.2 Public Statements

- Nil.

**7 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS**

- Bill Layton, Carolyn Davey and Natalie Davey – Fitzroy Crossing Tourism Hub and Fitzroy Crossing Historical Precinct.

*Visitors, Bill Layton, Carolyn Davey and Natalie Davey left the meeting at 12:05pm.*

**8 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION**

- Cr Geoff Haerewa – Shire President apology for the Ordinary Council Meeting on 25 September 2022 held in Fitzroy Crossing.

**9 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS****RESOLUTION 107/22**

**Moved: Cr Andrew Twaddle**

**Seconded: Cr Geoff Davis**

**That the Minutes of the Ordinary Meeting of the Shire of Derby/West Kimberley held at the Council Chambers, Clarendon Street, Derby, on 28 July 2022 be CONFIRMED.**

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

Against: Nil

**CARRIED 6/0**

**10 RECOMMENDATIONS AND REPORTS OF COMMITTEES**

**10.1 MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 18 AUGUST 2022**

**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 18 August 2022.

**ATTACHMENTS**

- Minutes of the Audit Committee Meeting held on 18 August 2022**

**RESOLUTION 108/22**

**Moved:** Cr Linda Evans  
**Seconded:** Cr Geoff Davis

**THAT COUNCIL:**

- Receive the Minutes of the Audit Committee Meeting held on 18 August 2022 and the recommendations therein be adopted.**

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

Against: Nil

**CARRIED 6/0**

**COMMITTEE RESOLUTION AC75/22**

**Moved:** Cr Geoff Haerewa  
**Seconded:** Cr Peter McCumstie

**That the Audit Committee recommends that Council notes the List of Accounts for July 2022 paid under Delegated Authority in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996 attached to this report, totalling \$5,524,683.29.**

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

Against: Nil

**CARRIED 4/0**

**COMMITTEE RESOLUTION AC78/22**

**Moved:** Cr Peter McCumstie  
**Seconded:** Cr Geoff Haerewa

**That the Audit Committee recommends that Council BY AN ABSOLUTE MAJORITY; pursuant to**

**section 6.16 of the Local Government Act 1995:**

- 1. Adopt the Revised Fees and Charges as attachment “02. Schedule – 2022-2023 Fees and Charges (Amended) to supersede those at attachment “01. Schedule – 2022-2023 Fees and Charges”.**

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

Against: Nil

**CARRIED 4/0**

**COMMITTEE RESOLUTION AC79/22**

**Moved:** Cr Geoff Haerewa

**Seconded:** Cr Peter McCumstie

**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 July 2022.**

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

Against: Nil

**CARRIED 4/0**

**COMMITTEE RESOLUTION AC81/22**

**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 July 2022.**

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

Against: Nil

**CARRIED 4/0**

**COMMITTEE RESOLUTION AC82/22**

**Moved:** Cr Geoff Haerewa

**Seconded:** Cr Peter McCumstie

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

- 1. RECEIVES the information contained in the report detailing Sundry Debtors as at 31<sup>st</sup> July 2022.**

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

Against: Nil

**CARRIED 4/0 BY ABSOLUTE MAJORITY**



**COMMITTEE RESOLUTION AC83/22****Moved:** Cr Peter McCumstie**Seconded:** Cr Geoff Haerewa**That the Audit Committee recommends that Council:**

- 1. Grants Rate Exemption to property A100511 – 145 Loch Street Derby WA under sub-section 6.26(2)(g) of the *Local Government Act 1995*.**
- 2. Advise Winun Ngari Aboriginal Corporation that they must resubmit their Rate Exemption Application for A100511 – 145 Loch Street Derby WA every two years to maintain status. If application is not received, full rates will be charged to the property.**
- 3. Advise Winun Ngari Aboriginal Corporation that interest accrued, waste charges and ESL are still payable.**

**In Favour:** Crs Geoff Haerewa, Keith Bedford, Peter McCumstie and Andrew Twaddle**Against:** Nil**CARRIED 4/0 BY ABSOLUTE MAJORITY**

**REPORTS****11 EXECUTIVE SERVICES****11.1 REQUEST FOR QUOTATION - PROJECT MANAGEMENT OF FITZROY CROSSING AIRPORT SAFETY REFURBISHMENT PROJECT****File Number: 5286****Author: Jamie Bone, Senior Governance Officer****Responsible Officer: Amanda Dexter, Chief Executive Officer****Authority/Discretion: Administrative****SUMMARY**

The Shire of Derby/West Kimberley (the Shire) has now secured \$3million of grant funding (\$1.5m from the federal government's, plus a state grant of \$1.5m). The Shire does not need to make a direct financial contribution, however it does need to meet normal and special grant conditions set by the grant providers.

In order to progress the project, a project manager needs to be appointed and this report recommends the appointment of such a service. The Project Manager will be responsible for (amongst other things) preparing the specification and the works tender; organising and supervising the on-the-ground works; and ensuring that the project does not exceed its \$3 million budget.

**DISCLOSURE OF ANY INTEREST**

Nil by Author and Responsible Officer.

**BACKGROUND**

The Council on 9 December 2021 considered its capacity to maintain the Fitzroy Crossing Airport and agreed that if possible, it be transferred to the WA state government. The meeting adopted the Fitzroy Crossing Airport Funding Plan and authorised the President and the Chief Executive Officer to facilitate discussions with the State Government for a contribution towards the long term asset management funding of the Fitzroy Crossing Airport.

The state government did not accept that it ought to take responsibility for the airport, but the WA Department of Transport has been assisting with a "short term" solution for the Fitzroy Crossing Airport's airstrip, with the view that funding would be applied for, to correct the airstrip's immediate structural problems, thus providing a few years of valuable time within which a more permanent and longer term solution can be located.

Grant applications were subsequently prepared and lodged for \$3m (\$1.5m from the Regional Airports Development Scheme (State) and \$1.5m from the Remote Airstrip Upgrade Program (Federal) funding. Both applications have been successful, with the federal grant having been only recently announced on 9 August 2022, delayed somewhat due to the caretaker period and new federal government. The Shire now has a \$3m budget to undertake the works. The Shire's only contribution is to arrange for the works to be undertaken in the normal way any other civil works are progressed by the Shire. In this case however, we will use a portion of the grant funds to

secure the services of a project manager (similar to how we manage storm event claims on our roads).

The federal government grant comes with two special conditions, outlined below (with officer comments):

Special Condition	Officer Comment
Provide a full engineering and geotech assessment report including a detailed engineering budget	This was anticipated as the Shire would need this to detail in any event, to prepare the works tender documentation, and so the RFQ for the Project Manager included the requirement to <i>“prepare the refurbishment works Request for Tender specification to gain the best possible land/take off safety and asset management outcome for the total available funds of \$3m (inclusive of other costs like project management and grant audit expenses).”</i> The cost of this work will be met by the grant.
Provide evidence of grantee commitment to fund all cost overruns and maintenance of the asset	The grant (announced on 8 August 2022) required this commitment to be made by the Shire, by 15 August 2022) to secure the grant allocation. A letter signed by the CEO was subsequently forward, committing to this condition. Whilst reflected as a “special condition”, it is in fact quite normal for this expectation to apply to capital works grants for things like community building and road grants. It could potentially (albeit unlikely) be a barrier to future state government contributions, but committing to it today cannot be avoided unless the grant is to <u>not be</u> accepted (which is not proposed).

Requests for Quotation for this Fitzroy Crossing Airstrip Safety Improvement Program were called on 4 July 2022 and closed on 29 July. The core responsibilities of the Project Manager are to:

1. prepare the refurbishment works Request for Tender specification to gain the best possible land/lake off safety and asset management outcome for the total available funds of \$3m (inclusive of other costs like project management and grant audit expenses). Works to include the maintenance of a suitable temporary airstrip for the duration of the works;
2. assist the Shire (if required) with the assessment of Request for Quotations received;
3. undertake the day to day project management responsibilities (and ensure that costs do not exceed in total, the \$3m available);
4. provide the necessary documentation to support the compulsory audit and the reconciliation of the grant application, consistent with the standard requirements of the Commonwealth Government’s Remote Airstrip Upgrade Program, and the WA State Government’s Regional Airports Development Scheme; and
5. provide an ongoing maintenance and long term refurbishment/replacement plan for the aircraft running surfaces (including estimates of cost).

Four submissions were received and have been assessed by offices (see attached).

**STATUTORY/LEGISLATIVE ENVIRONMENT**

**Local Government (Functions and General) Regulations 1996 Cl. 11(2) (Where tenders have to be publically invited)** provides an exemption to S3.57 in that tenders do not have to be publicly invited where a local government utilised the WALGA Preferred Supplier Program.

**POLICY IMPLICATIONS**

**F1 – Procurement of Goods and Services** - the Procurement Policy outlines that amongst other things, value for money is a required assessment when procuring goods and services for the Shire’s consumption. The Policy outlines the multi-criteria assessment required to reach that decision (e.g. price, technical merit, local business content, etc.).

The Policy also authorises the CEO to make minor variations in the goods and services supplied if required (in accordance with clause 20 of the Local Government (Functions and General) Regulations 1996), subject to the funds required meeting the cost of the variations being contained within the budget (**previously policy A1 Contract Variations**).

**F7 – Regional Price Preference Policy** – designed to encourage and foster local businesses within the Shire of Derby/West Kimberley by providing a purchasing price preference of 10%, up to a maximum of \$50,000. A local business is defined as a business that *“has a physical presence within the Shire boundary (office/depot)”*.

**FINANCIAL IMPLICATIONS**

Grants totalling \$3 million should mean that the Shire does not need to make any financial contribution to this project at all.

It will however need to:

1. commit a reasonably substantial portion of administration time in order to process the project;
2. cover any over expenditures that might occur (which are not expected); and
3. commit to maintain the airstrip into the future.

**STRATEGIC IMPLICATIONS**

<b>GOAL</b>	<b>OUR PRIORITIES</b>	<b>WE WILL</b>
1. Leadership and Governance	1.2 Capable, inclusive and effective organisation	1.2.2 Provide strong governance
4. Environment	4.2 Liveable Communities	4.2.3 Encourage and facilitate the maintenance and development of infrastructure that connects our communities

**RISK MANAGEMENT CONSIDERATIONS**

<b>RISK</b>	<b>LIKELIHOOD</b>	<b>CONSEQUENCE</b>	<b>RISK ANALYSIS</b>	<b>MITIGATION</b>
<p><b>Business Interruption:</b> Not undertaking the works will mean the eventual closure of the airstrip due to the airstrip’s safe landing requirements not being met.</p>	Almost Certain	Severe	Extreme	Undertake works as provided for by the grant.
<p><b>Organisation's Operations:</b> Not undertaking the works will mean the eventual closure of the airstrip due to the airstrip’s safe landing requirements not being met.</p>	Almost Certain	Severe	Extreme	Maintain an efficient ICT risk management and assistance service.
<p><b>Financial:</b> Project if not managed well, could exceed the \$3m available.</p>	Unlikely	Moderate	Medium	Require Project Manager to tightly control this aspect.

**CONSULTATION**

No community consultation is required in order to award this contract.

**COMMENT**

A Panel Report of the assessments is attached. On balance, it is considered that Greenfield Technical Services will provide the best overall service to the Shire.

Progressing the award of this contract at the earliest opportunity will enable preliminary works on the engineering specification (special grant condition) as soon as possible.

**VOTING REQUIREMENT**

Simple majority

**ATTACHMENTS**

- Panel Assessment Concerning Project Management of Fitzroy Crossing Airport's Airstrip Refurbishment - Confidential**

**RESOLUTION 109/22****Moved: Cr Geoff Davis****Seconded: Cr Rowena Mouda****That Council:**

- 1. Award the Request for Quotation/contract to Greenfield Technical Services and authorises the Chief Executive Officer to negotiate the final contract conditions and execute the contract; and**
- 2. Notes the special conditions of the federal government grant, namely, “Provide a full engineering and geotech assessment report including a detailed engineering budget”, and “Provide evidence of grantee commitment to fund all cost overruns and maintenance of asset”, and notes the actions taken in response to those conditions (as outlined in the Background section of the report).**

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

**Against:** Nil

**CARRIED 6/0**

**12 CORPORATE SERVICES**

Nil

**13 TECHNICAL SERVICES**

**13.1 REQUEST TO CLOSE HOLLAND STREET, DERBY AND TO AMALGAMATE WITH ADJOINING LAND**

**File Number:** 8145

**Author:** Robert Paull, Manager Development Services

**Responsible Officer:** Wayne Neate, Director Technical and Development Services

**Authority/Discretion:** Legislative

**SUMMARY**

Council is requested to consider the initiation of the road closure process to permanently close Holland Street (unconstructed) and to support the closed portion to be amalgamated with adjoining land.

**DISCLOSURE OF ANY INTEREST**

Nil by author; Nil by Responsible Officer.

**BACKGROUND**

Holland Street is a 40 metre wide, unconstructed road reserve between Fitzroy Street and Derby Highway, Derby.





Land owners adjoining Holland Road have written to the Shire requesting closure of the road and for the “... adjoining land owners to be offered to acquire those portions of the closed road that abut their land” (**Attachment 1**).

It is noted that over the years, several buildings have been constructed within the road reserve which are all associated with adjoin land (as highlighted):



## STATUTORY ENVIRONMENT

### *Land Administration Act 1997*

### *Land Administration Regulations 1998*

Section 58 of the *Land Administration Act 1997* (Act) and Regulation 9 of the *Land Administration Regulations 1998* outline the statutory process and required documents for the permanent closure of a public road reserve. Council must first resolve to initiate the permanent closure of the subject portion of road reserve.

The proposed road closure must then be advertised in accordance with the Act (see Consultation Section below).

Following the advertising process, Council may determine, in light of any submissions, either to proceed with the road closure or not to proceed. Should Council determine to proceed with the road closure a request would be sent to the Minister for Lands to permanently close the road. The Minister may then grant the request, or direct the Local Government to reconsider the request or refuse to grant the request.

Should the request for the proposed road closure be granted by the Minister for Lands, the subject closed portion will become unallocated Crown Land. Thereby, a Crown subdivision will potentially allow the amalgamation of the subject land into the adjoining Crown reserve as requested by the landowners. There is nothing preventing Council expressing a preference for the closed portion of the road being amalgamated with adjoining land.

**POLICY IMPLICATIONS**

None known.

**FINANCIAL IMPLICATIONS**

Permanently closing the portion of the road reserve would mean there is less road reserve for the Shire is responsible. This could potentially result in maintenance cost savings for Council.

There are costs associated with the statutory notifications associated with road closure. Whilst some of these costs can generally be absorbed in the Shire’s normal operations, specific costs for advertising a local newspaper and potentially surveying should be at the cost of the proponent.

**STRATEGIC IMPLICATIONS**

GOAL	OUTCOME	STRATEGY
Priority 1: Leadership and Governance	1.1 Collaboration and Partnerships 1.2 Capable, inclusive and effective organisation 1.3 Effective Communication	1.1.1 Maximise local opportunities 1.2.4 Attract and effectively use resources to meet community needs 1.3.3 Listen to and respond to the needs of our communities

**RISK MANAGEMENT CONSIDERATIONS**

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Legal & Compliance:	Unlikely	Minor	Low	Attention to process and procedure, awareness of legislation and vigilance.

**CONSULTATION**

The Act outlines that a local government must not make a request to the Minister for Lands to permanently close a road reserve until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.

Although not required by the Act, generally the local government also refers a notice through a letter to landowners directly affected by the road closure, affording the opportunity to provide comments within 35 days from the date of the letter.

The notification to relevant agencies and service authorities, include:

- Western Australian Land Authority (Development WA)
- Water Corporation
- Department of Industry, Science, Energy and Resources
- MRWA
- Department of Primary industries and Regional Development
- Department of Planning, Lands and heritage
- DFES
- Western Australian Land Information Authority
- Horizon Power

### **COMMENT**

Holland Road is heavily vegetated and does not appear to have any drainage or infrastructure such as water, power, sewer or communications located within the reserve. It is noted that several buildings have been erected in the road reserve and it is unlikely that Council would seek to have these removed.

It is not clear the purpose of Holland Road as all adjoining land is served by access to either Derby Highway, Fitzroy Street or Maxted Street. In this regard, it is not considered likely that the Council would seek to construct Holland Road and closure would not appear to impact the Shire's strategic road network.

Whilst Council is not obliged to express a preference for the closed portion of the road being amalgamated with a specific lot, it is considered appropriate to advise the community and relevant agencies that the closed portion be amalgamated with adjoining land.

### **VOTING REQUIREMENT**

Simple majority

### **ATTACHMENTS**

1. **Attachment 1 Request to Close Holland Street**  

**RESOLUTION 110/22****Moved: Cr Andrew Twaddle****Seconded: Cr Rowena Mouda**

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

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

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

**Against: Nil**

**CARRIED 6/0**

Amanda Dexter  
 Chief Executive Officer  
 Shire Derby West Kimberley  
 PO Box 94  
 Derby WA 6728

3<sup>rd</sup> July 2022

Dear Amanda.

**Request to close Holland Street, Derby**

We the undersigned request that the Shire takes the necessary steps to close un-constructed Holland Street, Derby.



The following indicates the land and ownership abutting Holland Street:

Land abutting	Ownership
Lot 9000 (No. 29) Derby Highway	Carmel Moore
Lot 5 (no. 33) Derby Highway	Kelvin Moore
Lot 45 (No. 45) Fitzroy Street	Carmel Moore
Lot 1 (No. 46) Fitzroy Street	Lynette Henderson-Yates
Lot 2 (No. 6) Maxted Street	Sandra Moore

Holland Street has never been constructed and is heavily vegetated. As landowners, we believe that the road serves no particular purpose.

We all agree that Holland Street should be formally closed and the adjoining land owners be offered to acquire those portions of the closed road that abut their land.

On this basis, we request the Shire to commence the closure process and recommend to the Minister for Lands that Holland Street be permanently closed.

Yours sincerely *Colborne*

*Colborne* *CARMELO MOORE*

*Sandra Moore* *SANDRA MOORE*

*Lynette Henderson-Yates* *LYNETTE HENDERSON-YATES*

*Kevin Moor* *Kevin Moor*

**14 DEVELOPMENT SERVICES**

- Nil

**15 COMMUNITY AND RECREATION SERVICES**

- NIL

**16 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

- Nil

**17 NEW BUSINESS OF AN URGENT NATURE****18.2 Award of Tender T5-2022 - Project 1 - Fitzroy Crossing Visitors Centre Carpark Redevelopment and Project 2 - Emanuel Way Stabilisation and Asphalt Seal**

This matter is considered to be confidential under Section 5.23(2) - e(i) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a matter that if disclosed, would reveal a trade secret, where the trade secret is held by, or is about, a person other than the local government.

**18 MATTERS FOR WHICH THE MEETING MAY BE CLOSED (CONFIDENTIAL MATTERS)****RESOLUTION 111/22****Moved: Cr Andrew Twaddle****Seconded: Cr Geoff Davis**

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 5.23(2) of the Local Government Act 1995:

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

Against: Nil

**CARRIED 6/0****18.1 Minutes and Recommendations of the CEO Performance Review Committee Meeting Held on 25 August 2022**

This matter is considered to be confidential under Section 5.23(2) - a and c of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a matter affecting an employee or employees and a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

**RESOLUTION 112/22****Moved: Cr Linda Evans****Seconded: Cr Rowena Mouda****That Council:**

**Receive the Minutes of the CEO Performance Review Committee Meeting held on 25 August 2022 and the recommendations therein be adopted.**

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

Against: Nil

**CARRIED 6/0****COMMITTEE RESOLUTION CR11/22****Moved: Cr Linda Evans****Seconded: Cr Geoff Davis****That the CEO Performance Review Committee recommend that Council:**

- 1. NOTES that the performance appraisal of Amanda Dexter, Chief Executive Officer, has been undertaken for the period July 2021 to June 2022;**
- 2. ACCEPTS the outcome of 'Meets expectations to a high level' and acknowledges the excellent job being performed;**
- 3. APPROVES the CEO's Performance Criteria for 2022-2023 period, as per Appendix 1; and**



**4. That the annual review of the CEO's remuneration is deferred.**

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

Against: Nil

**CARRIED 6/0**

**MOTION****RESOLUTION 113/22**

**Moved: Cr Rowena Mouda**

**Seconded: Cr Andrew Twaddle**

That Council accept the late item – 18.2 Award of Tender T5-2022 - Project 1 - Fitzroy Crossing Visitors Centre Carpark Redevelopment and Project 2 - Emanuel Way Stabilisation and Asphalt Seal.

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

Against: Nil

**CARRIED 6/0**

**18.2 Award of Tender T5-2022 - Project 1 - Fitzroy Crossing Visitors Centre Carpark Redevelopment and Project 2 - Emanuel Way Stabilisation and Asphalt Seal**

This matter is considered to be confidential under Section 5.23(2) - e(i) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a matter that if disclosed, would reveal a trade secret, where the trade secret is held by, or is about, a person other than the local government.

**RESOLUTION 114/22**

**Moved: Cr Geoff Davis**

**Seconded: Cr Linda Evans**

**That Council;**

- 1. Award Tender T5-2022 consisting of Project 1 - Fitzroy Crossing Visitors Centre Carpark Redevelopment and Project 2 – Emanuel Way Stabilisation and Asphalt Seal to Buckley’s Earthworks and Paving;**
- 2. Amend the 2022-23 Budget reallocating the \$225,000 from the Fitzroy Crossing Road re-seals to Emanuel Way for the purpose of undertaking the Stabilisation and Asphalt Seal work;**
- 3. Reallocate Roads to Recovery Funds from the future 2023-24 Budget allocation pool to Emanuel Way for the purpose of undertaking the Stabilisation and Asphalt Seal work;**
- 4. Amend the 2022-23 Budget to include an additional \$315,632.90 of Local Community Road and Infrastructure (LCRI) funds from the LCRI pool to the Fitzroy Crossing Visitors Centre Carpark Redevelopment; and**
- 5. That authorisation be given to the Chief Executive Officer to negotiate scope of work adjustment with Buckley’s Earthworks and Paving.**

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

Against: Nil

**CARRIED 6/0**

**RESOLUTION 115/22**

**Moved: Cr Rowena Mouda**

**Seconded: Cr Linda Evans**

That Council moves out of Closed Council into Open Council.

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

Against: Nil

**CARRIED 6/0**

**19 CLOSURE**

**19.1 Date of Next Meeting**

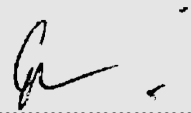
The next ordinary meeting of Council will be held Thursday, 29 September 2022 in the Council Chambers, Clarendon Street, Derby.

**19.2 Closure of Meeting**

The Presiding Member closed the meeting at 12:30pm.

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

29 September 2022

Signed:  .....

Geoff Haerewa

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

Date: 29 September 2022