



# **SHIRE OF DERBY WEST KIMBERLEY**

## **ORDINARY MEETING OF COUNCIL**

**HELD AT THE COUNCIL CHAMBERS  
CLARENDON STREET, DERBY  
THURSDAY 25 AUGUST, 2016**

## **MINUTES**

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## **Our Guiding Values**

### **Respectful**

By being helpful, friendly and supportive

### **Integrity**

Through honesty, accountability and ethical behaviour

### **Leadership**

By the Shire at the local and regional level and through encouragement of community leaders

### **Knowledgeable**

By being well informed and accurate in what we do

### **Building Good Relationships**

By being communicative, responsive and inclusive

## **Disclaimer**

No responsibility whatsoever is implied or accepted by the Shire of Derby West Kimberley (Shire) for any act, omission or statement or intimation occurring during Council or Committee meetings.

The Shire disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any member or Officer of the Shire during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire.

The Shire warns that anyone who has any application lodged with the Shire must obtain and should only rely on written confirmation of the outcome of the application and any conditions attaching to the decision made by the Shire in respect of the application.

## **Notes for Members of the Public**

### **PUBLIC QUESTION TIME**

The Shire of Derby West Kimberley extends a warm welcome to you in attending any Shire meeting. The Shire is committed to involving the public in its decision making processes whenever possible. The ability to ask questions during 'Public Question Time' is of critical importance in pursuing this public participation objective. The Shire sets aside a period of 'Public Question Time' to enable a member of the public to put questions. Questions should only relate to the business of the Shire and should not be a statement or personal opinion. Upon receipt of a question from a member of the public, the Presiding Member may either answer the question or direct it to an Officer to answer, or it will be taken on notice.

Any comments made by a member of the public become a matter of public record as they are minuted by Council. Members of the public are advised that they are deemed to be held personally responsible and legally liable for any comments made by them that might be construed as defamatory or otherwise considered offensive by any other party.

### **MEETING FORMALITIES**

Local Government Council meetings are governed by legislation and regulations. During the meeting, no member of the public may interrupt the meetings proceedings or enter into conversation. Members of the public shall ensure that their mobile telephone or audible pager is not switched on or used during any Shire meeting.

Members of the public are hereby advised that the use of any electronic, visual or audio recording device or instrument to record proceedings of the meeting is not permitted without the permission of the Presiding Member.

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## Notes for Elected Members

### NATURE OF COUNCIL'S ROLE IN DECISION MAKING

Advocacy:	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
Executive/Strategic:	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
Legislative:	Includes adopting local laws, town planning schemes and policies.
Review:	When Council reviews decisions made by Officers.
Quasi-Judicial:	When Council determines an application/matter that directly affects a person's rights and interests. The Judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits and licences (for example under the Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

### ALTERNATIVE MOTIONS

Councillors wishing to make alternative motions to officer recommendations are requested to provide notice of such motions in written form to the Executive Manager Corporate Services prior to the Council Meeting.

### DECLERATIONS OF INTERESTS

Members should fill in Disclosure of Interest forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member before the meeting commences. Section 5.60A of the Local Government Act states;

*"a person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person."*

Section 5.60B states;

*"a person has a proximity interest in a matter if the matter concerns –*

*(a) a proposed change to a planning scheme affecting land that adjoins the person's land; or*

*(b) a proposed change to the zoning or use of land that adjoins the person's land; or*

*(c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land."*

Regulation 34C (Impartiality) states;

*"interest means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association."*

## **2016 MEETING DATES**

At its Ordinary Meeting of Council on 29 October, 2015, Council adopted the following meeting dates for 2016;

January			Council in recess
Thursday	25 February 2016	5.30 pm	Derby
Thursday	31 March 2016	1.00 pm	Fitzroy Crossing
Thursday	28 April 2016	5.30 pm	Derby
Thursday	26 May 2016	5.30 pm	Derby
Thursday	30 June 2016	1.00 pm	Fitzroy Crossing
Thursday	28 July 2016	5.30 pm	Derby
Thursday	25 August 2016	5.30 pm	Derby
Thursday	29 September 2016	1.00 pm	Community or Station (to be advised)
Thursday	27 October 2016	5.30 pm	Derby
Thursday	24 November 2016	1.00 pm	Fitzroy Crossing
Thursday	15 December 2016	5.30 pm	Derby

Council's Compliance and Strategic Review Committee and the Housing and Works Committee meet when required. Details of these meetings are advised as appropriate.

The following table provides information on attendance at the 2015-2016 Ordinary and Special Council Meetings;

[illegible][illegible]

### **APPLICATION FOR LEAVE OF ABSENCE**

In accordance with Section 2.25 of the Local Government Act 1995, an application for leave requires a Council resolution granting leave requested. Council may grant approval for Leave of Absence for a member for Ordinary Council Meetings for up to but not more than six consecutive meetings. The approval of the Minister is required for leave of absence greater than six ordinary Council meetings.

This approval must be by Council resolution and differs from the situation where a member records their apologies for the meeting. A failure to observe the requirements of the Act that relates to absence from meetings can lead to an elected member being disqualified should they be absent without leave for three consecutive meetings.



## SHIRE OF DERBY WEST KIMBERLEY

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## ORDINARY MEETING OF COUNCIL

### MINUTES

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#### 1.0 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS

The meeting was opened at 5.35pm by the Shire President.

#### 2.0 RECORD OF ATTENDANCE

##### ELECTED MEMBERS:

Cr E Archer OAM, JP	Shire President
Cr P White	Deputy Shire President
Cr P Coggins	Councillor
Cr C Kloss	Councillor
Cr P McCumstie	Councillor
Cr J Oscar AO	Councillor
Cr I Prouse	Councillor
Cr A Twaddle	Councillor

##### STAFF:

Mr S Gash	Chief Executive Officer
Mr M Cuthbert	Executive Manager Corporate Services
Mr W Neate	Executive Manager Technical and Development Services
Mr B Isbister	Executive Manager Community Development
Mr N Myers	Shire Planner
Mr R Sullivan	Manager Commercial Services

##### VISITORS:

Wayne Groeneveld	Sheffield Resources
Bruce McFadzean	Sheffield Resources

##### GALLERY:

Chris Travers  
Kevin Pettingill  
Terri Buckley  
Peter Jackson  
Laural White (Arrived 6:13pm)

Susan Murphy (Arrived 6.16pm)

**APOLOGIES:**

Cr A Kogolo

Councillor

**ON LEAVE OF ABSENCE:**

**ABSENT:**

**3.0 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**4.0 PUBLIC QUESTION TIME**

5:36pm – Public Question Time commenced.

**4.1 CHRIS TRAVERS**

**QUESTION 1:**

What is the termination date of the lease on the Old Goods Yard? Is it up to date on rent? Who is responsible for clean up?

**RESPONSE:**

Question taken on notice.

**QUESTION 2:**

The street lights on Alfonsas St, around the Aboriginal hostel/short stay, are continuously on during the day.

**RESPONSE:**

The residents of Alfonsas St and surrounds raised concerns over possible anti-social behaviour when it was initially decided to put the Hostel in its current location. To appease the residents at the time it was agreed by the Department of Housing and the Shire that lights would be installed over the footpath in the Alfonsas St road reserve. The lights and footpath were installed as part of the construction of the Hostel and the Shire made application for the lights to connect to the Horizon power un-metered power supply (street light grid). This process did take some time and the lights were eventually connected to the unmetered power supply some 18 months

after the completion of the Hostel. The Shire is responsible for all power used by these lights which is charged to the Shire by Horizon power on a per unit basis (i.e. total number of Street lights x Charge x Hours of use = Power bill/annum).

About 6-8 weeks ago it became apparent that the lights were on 24 hours rather than just at night time, a fault report was lodged with Horizon power. A follow up enquiry has been made to Horizon power to further action the repair of the fault.

5:41pm – Public Question Time concluded.

## **5.0 APPLICATIONS FOR LEAVE OF ABSENCE**

Councillor Paul White and Councillor June Oscar made an application for a Leave of Absence for the September Ordinary Meeting of Council.

### **COUNCIL DECISION:**

#### **MINUTE NO. 084/2016**

<b>Moved: Cr C Kloss</b>	<b>Seconded: Cr I Prouse</b>
<b>That Leave of Absence is granted to Councillor White and Councillor Oscar for the September 2016 Ordinary meeting of Council.</b>	
<b>CARRIED 8/0</b>	

## **6.0 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS**

Nil

## **7.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

### **7.1 ORDINARY MEETING OF COUNCIL HELD ON 28 JULY 2016**

### **COUNCIL DECISION AND OFFICER RECOMMENDATION:**

#### **MINUTE NO. 085/2016**

<b>Moved: Cr J Oscar</b>	<b>Seconded: Cr P White</b>
<b>That the Minutes of the Ordinary Meeting of the Shire of Derby West Kimberley held at the Council Chambers, Derby, on 28 July 2016 be confirmed.</b>	
<b>CARRIED 8/0</b>	

**8.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION**

Nil

**9.0 DECLARATION OF MEMBERS INTERESTS**

Section 5.65 and 5.70 of the Local Government Act requires a Member or Officer who has an interest in any matter to be discussed at a Committee/Council Meeting that will be attended by the 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.

A 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 a Member to speak, the extent of the interest must also be stated.

**9.1 DECLARATIONS OF FINANCIAL INTERESTS – LOCAL GOVERNMENT ACT 5.60A**

Mr Stephen Gash declared a Financial Interest in Item 15.1.

**9.2 DECLARATIONS OF PROXIMITY INTERESTS – LOCAL GOVERNMENT ACT 5.60B**

Nil

**9.3 DECLARATIONS OF IMPARTIALITY INTERESTS – ADMIN. REGULATIONS SECTION 34C**

Nil

**10. MATTERS FOR WHICH MEETING MIGHT BE CLOSED**

(Note: The matters that may be listed here are those considered by a Councillor or Councillors as being in addition to the items already identified by staff as needing to be considered behind closed doors.)

Nil

## **11. RECOMMENDATIONS AND REPORTS OF COMMITTEES**

Nil

## **12.0 REPORTS**

### **12.1 EXECUTIVE SERVICES**

Nil

## **12.2 CORPORATE SERVICES**

### **12.2.1 ACCOUNTS FOR PAYMENT**

<b>Location/Address:</b>	N/A
<b>Name of Applicant/Owner:</b>	Shire of Derby West Kimberley
<b>File Reference:</b>	5110 – Accounts Payable
<b>Author:</b>	Santhosh Nair – Finance Officer
<b>Interest Disclosure:</b>	Nil
<b>Date of Report:</b>	16 August 2016

#### **SUMMARY:**

The purpose of this report is to provide details of cheques drawn and direct debit entries made to Council's bank accounts during the month to be noted by Council and formally recorded.

#### **BACKGROUND:**

Each month the accounts for payment made from the Municipal and Trust funds of the Local Government are presented to Council for endorsement.

#### **STATUTORY ENVIRONMENT:**

Regulation 13 – Local Government Financial Management Regulation (1996) Section 13.

#### **POLICY IMPLICATIONS:**

Nil

#### **FINANCIAL IMPLICATIONS:**

Nil

#### **STRATEGIC IMPLICATIONS:**

Nil

#### **CONSULTATION:**

Nil



**COMMENT:**

In accordance with Regulation 13, schedules of all payments made through Council's bank accounts are to be presented to Council for inspection. The list includes details for each account paid incorporating:

- (a) Payee's name.
- (b) Amount of the payment.
- (c) Date of payment.
- (d) Sufficient information to identify the transaction.

Invoices supporting all payments are available for inspection at the Council's Administration Office.

Payments totalling **\$2,618,711.40** made as per the attached cheque reconciliation summary and creditors schedule of accounts reports.

Creditor's outstanding as at 31 July 2016 is \$806,420.71

**VOTING REQUIREMENT:**

Simple majority.

**COUNCIL DECISION AND OFFICER RECOMMENDATION:****MINUTE NO. 086/2016**

**Moved: Cr A Twaddle**

**Seconded: Cr P White**

**That Council receives the list of payments:**

<b>EFT Payments</b>	<b>EP#39801 – EP#40011</b>	<b>\$2,092,111.98</b>
<b>Municipal Cheques</b>	<b>54518 – 54526</b>	<b>\$47,859.99</b>
<b>Trust Fund Cheques</b>	<b>6386 – 6392</b>	<b>\$9,859.40</b>
<b>Direct Debits</b>	<b>Payroll</b>	<b>\$62,542.14</b>
<b>Direct Debits</b>	<b>Fees and Charges</b>	<b>\$406,337.89</b>

**Total value for the period ending 31 July 2016 is \$2,618,711.40**

**CARRIED 8/0**

**12.2.2 ADOPTION OF THE 2016/2017 DRAFT BUDGET**

<b>Location/Address:</b>	Shire of Derby West Kimberley
<b>Name of Applicant/Owner:</b>	Shire of Derby West Kimberley
<b>File Reference:</b>	5120 – Budget
<b>Author:</b>	Martin Cuthbert, Executive Manager Corporate Services
<b>Interest Disclosure:</b>	Financial Interest as salary and conditions of officers incorporated within the Municipal Budget
<b>Date of Report:</b>	19 July 2016
<b>Attachments:</b>	Confidential 2016/2017 Draft Budget (provided under separate cover)

**SUMMARY:**

For Council to consider and adopt the Municipal Fund Draft Budget for the 2016/2017 financial year together with supporting Schedules, including imposition of Rates and Minimum Payments, adoption of Fees and Charges, Reserve Funds Transfers, setting of Elected Members Fees for the year and other consequential matters arising from the budget papers.

**BACKGROUND:**

Local Governments must prepare Annual Budgets in the format prescribed in the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996.

In preparing the Draft Budget officers have used the Councils Integrated Planning and Reporting documents such as the Strategic Community Plan, Corporate Business Plan, Long Term Financial Plan, Workforce Plan and various Asset Management Plans previously adopted by Council to prioritise budget submissions and new initiatives.

The proposed Differential General Rates were approved by the Council on 26 May 2016 and advertised for public comment in accordance with Section 6.36 of the Local Government Act 1995.

The Draft Budget has been prepared to include information required by the Local Government Act 1995, Local Government (Financial Management) Regulations 1996 and Australian Accounting Standards. The main features of the Draft Budget include:

- The Draft Budget has been prepared with a 1.8% Rate increase. This increase applies to all rating categories including Differential General Rates.
- Fees and Charges have mostly remained similar to the 2015/2016 year unless a statutory increase has been applied by the State Government.
- Household and Commercial Waste charges are proposed to increase in accordance with contract increases and are itemised separately in the Draft Budget.
- Loan borrowings of \$7,000,000 to fund works at the Derby Wharf and Derby Airport are proposed.
- A capital works programme for investment in infrastructure, land and buildings, plant and equipment and furniture and equipment is planned. Expenditure on road infrastructure is a major component of this in line with Council's strategy to increase the investment in roads and associated assets.

## **STATUTORY ENVIRONMENT:**

Section 6.2 of the Local Government Act 1995 requires that not later than 31 August in each financial year, or such extended time as the Minister allows, each Local Government is to prepare and adopt (Absolute Majority Required) in the form and manner prescribed, a Budget for its Municipal Fund for the financial year ending on the next following 30 June.

Divisions 5 and 6 of Part 6 of the Local Government Act 1995 refer to the setting of Budgets and raising of Rates and Charges. The Local Government (Financial Management) Regulations 1996 details the Form and Content of the Budget. The Draft 2016/2017 Budget as presented is considered to meet statutory requirements.

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

- 6.2 Local Government to prepare Annual Budget
- 6.32 Rates and Service Charges
- 6.33 Differential General Rates
- 6.34 Limit on revenue or income from General Rates
- 6.35 Minimum Payments
- 6.36 Local Government to give notice of certain Rates
- 5.98 Fees etc. for Council Members
- 5.98A Allowance for Deputy Mayor or Deputy President
- 5.99 Annual Fee for Council Members in lieu of fees for attending Meetings
- 5.99A Allowances for Council Members in lieu of reimbursement of Expenses
- 6.16 Imposition of Fees and Charges
- 6.17 Setting level of Fees and Charges

- 6.51 Accrual of Interest on Overdue Rates or Service Charges
- 6.45 Options for Payment of Rates or Service Charges

#### Local Government (Financial Management) Regulations 1996

- 52 Minimum Payment — Maximum Percentage — S6.35(4)
- 70 Maximum Rate of Interest on Overdue Rates and Service Charges — S6.51(2)
- 68 Maximum Interest component in Instalments — S6.45(4)(e)
- 67 Additional charge for payment by Instalments
- 34 Financial Activity Statement Report — S6.4
- 5A Local Governments to comply with AAS

#### Local Government (Administration) Regulations 1996

- 30 Meeting Attendance Fees (Act S5.98(1) and (2A))

#### Waste Avoidance and Resource Recovery Act 2007

- 66 Local Government may impose Waste Collection Rate
- 67 Local Government may impose Receptacle Charge
- 68 Fees and Charges fixed by Local Government

#### Salaries and Allowances Tribunal Determination Dated 17 June 2015

#### Town Planning Act and associated Regulations

#### Health Act 1911 and associated Regulations

#### Freedom of Information Act and associated Regulations

#### Litter Act and associated Regulations

#### Dog Act and associated Regulations

### **POLICY IMPLICATIONS:**

F2 – Budget Issues

F3 – Rates

F5 – Loans

AF20 – Rating Administration

AF34 – Significant Accounting Policies

The Budget is based on the principles contained in the Plan for the Future and the Corporate Business Plan.

### **FINANCIAL IMPLICATIONS:**

The Budget is the primary financial document for the 2016/2017 financial year.

Financial implications are detailed in the Budget papers. All amounts quoted in this report are exclusive of GST, unless otherwise stated.

### **STRATEGIC IMPLICATIONS:**

The Draft 2016/2017 Budget has been developed with reference to the objectives set in the Shire of Derby West Kimberley Integrated Planning and Reporting Framework documents adopted by Council.

GOAL	OUTCOME	STRATEGY
4: Good governance and effective organisation	4.4: Financial sustainability and accountability for performance	4.4.4: Provide resources to support the Shire's operations and to meet planning, reporting and accountability requirements

### **CONSULTATION:**

While no specific community consultation has occurred on the Draft 2016/2017 Budget, community consultation has previously occurred during development of the Community Strategic Plan from which the Corporate Business Plan was developed and also on several of the major projects planned. In addition, the proposed Differential Rates were advertised for public comment.

Extensive internal consultation has occurred between all Departments and through briefings held with Elected Members.

Department of Local Government and Communities.

### **COMMENT:**

The Draft Shire of Derby West Kimberley 2016/2017 Budget continues to be influenced by the prevailing economic environment with growth and inflation at very low levels and record low interest rates. Opportunities for external funding from Federal and State programs remain constrained and will continue to have an impact on Shire services. The Shire will continue to monitor and maximise those grant opportunities when they present.

The Draft 2016/2017 Budget continues to deliver on other strategies adopted by the Council and maintains a high level of service across all programs while ensuring an increased focus on roads and associated infrastructure as well as on renewing all assets at sustainable levels. In development it has been guided by a long term financial planning framework aimed at securing the financial sustainability of the

Shire of Derby West Kimberley. This requires continuing commitment and the Draft 2016/2017 Budget represents another step in that commitment.

The Budget process is conducted over many months and involves extensive analytical and review stages as summarised below:

- Assessment of financial capacity, sustainability, assets and reserves
- Set budget parameters
- Submission of operating and capital proposals
- Initial assessment of proposals
  - Operations
  - Capital
  - Community need
  - Plans and Strategies
  - Implementation of new efficiencies
  - Reference to the Shire's Integrated Planning Framework documents
- Ongoing review of service delivery and confirmation of service standards
- Critical analysis of 2014/2015 and 2015/2016 expenditure performance
- Review proposals for capacity
  - Rating and revenue
  - Resources to implement and deploy
- Determine potential reductions
- Executive analysis

Challenges the Shire has had to consider in framing the Draft Budget include:

- The economic outlook remains uncertain
  - State Government has just had a Standard and Poor's downgrade which is an indicator of continuing economic risk and will impact the State's borrowing costs and could possibly effect Local Government
  - Obtaining grant funding remains challenging
  - Cost shifting to Local Government continues
  - Rate capping of Pensioner Rebates to \$750
- Community expectations on the Shire's capacity to continuously provide or contribute significantly to community and sporting infrastructure.

**VOTING REQUIREMENT:**

Absolute majority.

**COUNCIL DECISION:**

5:46pm: Request to suspend Standing Orders.

**MINUTE NO. 087/2016**

**Moved: Cr P White                      Seconded: Cr A Twaddle**

**That Council suspend Standing Orders for discussion on Item 12.2.2.**

**CARRIED 8/0**

**MINUTE NO. 088/2016**

**Moved: Cr McCumstie                      Seconded: Cr C Kloss**

**That Council resume Standing Orders.**

**CARRIED 8/0**

5:59pm: Standing Orders resumed.

**COUNCIL DECISION AND OFFICER RECOMMENDATION:**

**MINUTE NO. 089/2016**

**Moved: Cr C Kloss                      Seconded: Cr P Coggins**

**That Council BY AN ABSOLUTE MAJORITY:**

**PART A – MUNICIPAL FUND BUDGET FOR 2016/2017**

**Pursuant to the provisions of Section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, Council adopt the Municipal Fund Budget as attached for the Shire of Derby West Kimberley for the 2016/2017 financial year which includes the following:**

- Budget Overview**
- Statement of Comprehensive Income by Nature or Type**
- Statement of Comprehensive Income by Program**
- Statement of Cashflows**
- Rate Setting Statement**

- **Notes To and Forming Part of the Budget**
- **Schedule of Fees and Charges**
- **Transfers To/From Reserve Accounts**
- **Other Supporting Documents and Schedules**

## **PART B – GENERAL AND MINIMUM RATES, INSTALMENT PAYMENT ARRANGEMENTS**

For the purposes of yielding the deficiency disclosed by the Municipal Fund Budget adopted for 2016/2017, Council pursuant to Sections 6.32, 6.33, 6.34 and 6.35 of the Local Government Act 1995 imposes the following Differential General Rates and Minimum Payments on Gross Rental and Unimproved Values:

### **General Rates**

<b>Residential GRV</b>	<b>12.2378 cents in the dollar</b>
<b>Commercial GRV</b>	<b>12.2378 cents in the dollar</b>
<b>Industrial GRV</b>	<b>12.2378 cents in the dollar</b>
<b>Special Rural GRV</b>	<b>12.2378 cents in the dollar</b>
<b>Other Locations GRV</b>	<b>12.2378 cents in the dollar</b>
<b>Residential UV</b>	<b>21.0368 cents in the dollar</b>
<b>Commercial UV</b>	<b>21.0368 cents in the dollar</b>
<b>Islands UV</b>	<b>21.0368 cents in the dollar</b>
<b>Other Locations UV</b>	<b>21.0368 cents in the dollar</b>
<b>Concessions (Raised) UV</b>	<b>21.0368 cents in the dollar</b>
<b>Pastoral UV</b>	<b>6.3300 cents in the dollar</b>
<b>Mining UV</b>	<b>25.9657 cents in the dollar</b>

### **Minimum Payments**

<b>Residential GRV</b>	<b>\$940</b>
<b>Commercial GRV</b>	<b>\$940</b>
<b>Industrial GRV</b>	<b>\$940</b>
<b>Special Rural GRV</b>	<b>\$940</b>
<b>Other Locations GRV</b>	<b>\$940</b>
<b>Residential UV</b>	<b>\$940</b>
<b>Commercial UV</b>	<b>\$940</b>
<b>Islands UV</b>	<b>\$940</b>



<b>Other Locations UV</b>	<b>\$940</b>
<b>Concessions (Raised) UV</b>	<b>\$940</b>
<b>Pastoral UV</b>	<b>\$940</b>
<b>Mining UV</b>	<b>\$940</b>

Pursuant to Section 6.46 of the Local Government Act 1995, Council offers an early payment incentive of a 2% discount for the payment of Rates and Charges being full payment of all current and arrears Rates and Charges including Emergency Services Levy and Refuse Charges within 35 days after the date of service appearing on the Rate Notice.

Pursuant to Section 6.45 of the Local Government Act 1995 and Regulation 64 (2) of the Local Government (Financial Management) Regulations 1996, Council offers the following payment options for the payment of Rates, Emergency Services Levy and Rubbish Charges (where applicable) and nominates the following due dates for the payment in full by Instalments:

**Option 1 – One (1) Instalment**

Payment in full (including all arrears) of Rates and Charges included on the Rate Notice within 35 days of the issue date of the Rate Notice. The estimated date of Rate Notice issue is 5 September, 2016 and the expiry of the 35<sup>th</sup> day is expected to be 10 October, 2016.

**Option 2 – Two (2) Instalments**

The first instalment of 50% of the total Current Rates, Emergency Services Levy, Refuse Charges and Instalment Charge, plus the total outstanding of any arrears payable within 35 days of the date of issue of the Annual Rate Notice, the estimated due date is 10 October 2016.

The second instalment of 50% of the total Current Rates, Emergency Services Levy, Refuse Charges and Instalment Charge paid by the second instalment due date, estimated to be 12 December 2016.

**Option 3 – Four (4) Instalments**

The first instalment of 25% of the total Current Rates, Emergency Services Levy, Refuse Charges and Instalment Charge, plus the total outstanding of any arrears

**payable within 35 days of the date of issue of the Annual Rate Notice, the estimated due date is 10 October 2016.**

**The second, third and fourth instalments, each of 25% of the total Current Rates, Emergency Services Levy, Refuse Charges and Instalment Charge, payable by the due dates which are estimated as follows:**

**12 December, 2016**

**13 February, 2017**

**16 April, 2017**

**Pursuant to Section 6.45 of the Local Government Act 1995 and Regulation 67 of the Local Government (Financial Management) Regulations 1996, adopts an Instalment Administration Charge where the owner has elected to pay Rates (and Service Charges) through an instalment option of \$10.00 for each instalment after the initial instalment is paid for the 2016/2017 financial year.**

**Pursuant to Section 6.45 of the Local Government Act 1995 and Regulation 68 of the Local Government (Financial Management) Regulations 1996, Council adopts an Interest Rate of 5.5% where the owner has elected to pay Rates (and Service Charges) through an Instalment Option for the 2016/2017 financial year.**

**Pursuant to Section 6.45 of the Local Government Act 1995 and Regulation 70 of the Local Government (Financial Management) Regulations 1996, Council adopts an Interest Rate of 11.0% for Rates (and Service Charges) and costs of proceedings to recover such charges that remain unpaid after becoming due and payable for the 2016/2017 financial year.**

#### **PART C – RESERVE FUNDS**

**Pursuant to Section 6.11 of the Local Government Act 1995 the title of the following Reserve Fund is to be changed to better reflect the purpose of the Reserve:**

**From:**

**Administration Building Construction Reserve**

**To:**

**Administration Buildings Renewal Reserve**

**Pursuant to Section 6.11 of the Local Government Act 1995 funds in the following Reserve Fund are to be used for another purpose:**

**\$270,000 from the Staff Housing Construction Reserve, to the Capital Works Reserve to allow the completion of the Clarendon Street Enhancement Project.**

#### **PART D – GENERAL FEES AND CHARGES FOR 2016/2017**

**Pursuant to Section 6.16 of the Local Government Act 1995, Council adopts the Schedule of Fees and Charges as set out in the Draft 2016/2017 Budget included as an attachment of this Agenda and Minutes.**

#### **PART E – OTHER STATUTORY FEES FOR 2016/2017**

**Pursuant to Section 6.16 of the Local Government Act 1995 and Section 67 of the Waste Avoidance and Resources Recovery Act 2007, Council adopt the following charges for the removal and deposit of Domestic and Commercial Waste for the 2016/2017 financial year:**

**For Domestic/Household collections a charge of \$548.00 per annum.**

**For the Domestic/Household collection services receiving an extra ‘once per week’ service, a charge of \$599.00 per annum.**

**For Commercial collections a charge of \$844.00 per service per annum.**

**For the Commercial collection services receiving an extra ‘once per week’ service, a charge of \$950.00 per annum.**

#### **PART F – ELECTED MEMBERS’ FEES AND ALLOWANCES FOR 2016/2017**

**Pursuant to Section 5.99 of the Local Government Act 1995, Regulation 34 of the Local Government (Administration) Regulations 1996 and the Salaries and Allowances Tribunal Determination dated 12 April 2016 adopts the following Annual Fees for payment of elected members in lieu of individual meeting attendance fees:**

**President: \$22,125**

**Councillors: \$16,500**

**Pursuant to Section 5.99A of the Local Government Act 1995, Regulations 34A and 34AA of the Local Government (Administration) Regulations 1996 and the Salaries and Allowances Tribunal Determination dated 12 April 2016 adopts the following Annual Allowances for elected members:**

**Telecommunications Allowance: \$2,500**

**Information Technology Allowance: \$1,000**

**Pursuant to Section 5.98(5) of the Local Government Act 1995, Regulation 33 of the Salaries and Allowances Tribunal Determination dated 12 April 2016 adopts the following Annual Local Government Allowance to be paid in addition to the Annual Meeting Allowance:**

**President: \$40,000**

**Pursuant to Section 5.98(5) of the Local Government Act 1995, Regulation 33A the Salaries and Allowances Tribunal Determination dated 17 June 2015 adopts the following Annual Local Government Allowance to be paid in addition to the Annual Meeting Allowance:**

**Deputy President: \$10,000**

#### **PART G – MATERIAL VARIANCE REPORTING FOR 2016/2017**

**In accordance with Regulation 34(5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, the level to be used in Statements of Financial Activity in 2016/2017 for reporting material variances shall be 10%, with a minimum reportable value amount of \$30,000.**

#### **PART H – BORROWINGS**

**In accordance with the provisions of Section 6.20 of the Local Government Act 1995 and as part of the 2016/2017 Budget, authorises the following borrowings for the 2016/2017 financial year, and where the borrowings are intended as only part funding, subject to the projects progressing to the point where loan funds are required:**

**\$5,800,000 for the Derby Wharf Revitalisation**

**\$1,200,000 for Derby Airport Infrastructure**

**CARRIED 8/0**

**CARRIED BY AN ABSOLUTE MAJORITY**

## 12.3 TECHNICAL SERVICES

### 12.3.1 TENDER T7-2016 CHRISTMAS CREEK AND FOSSIL DOWNS ROADS RESHAPING AND GRAVEL RE-SHEETING

<b>Location/Address:</b>	Shire of Derby West Kimberley
<b>Name of Applicant/Owner:</b>	Shire of Derby West Kimberley
<b>File Reference:</b>	0481 – Infrastructure Management
<b>Author:</b>	Chris Hurstfield – Manager Engineering Services
<b>Interest Disclosure:</b>	Nil
<b>Date of Report:</b>	12 August 2016
<b>Attachments:</b>	Confidential Price Scoring Sheet (Provided under separate cover)

#### SUMMARY:

This item is for Council to consider the awarding of Tender T7-2016 being reshape and re-sheet works (pavement) on the Christmas Creek and Fossil Downs Roads. It is proposed that the tender be awarded to Jenkins Earthmoving and Transport.

#### BACKGROUND:

As proposed in Council's 2016-2017 budget, funding has been allocated for improvement works to reshape and re-sheet Christmas Creek and Fossil Downs Roads. Following the tender advertisement seventeen requests were made for the applicable tender documents.

At the close of tenders on 9 August 2016, submitted tender documents were received from;

- Buckley's Earthworks and Paving
- Jenkins Earthmoving and Transport
- Broome Contracting
- Tony's Plumbing and Excavation

#### STATUTORY ENVIRONMENT:

Local Government Act 1995 – 3.57 Tenders for the providing goods or services and Local Government (Functions and General) Regulations 1996 Part 4 Tenders for providing goods or services.

**POLICY IMPLICATIONS:**

Section 8 – Purchase of Goods and Services

Regional Price Preference Policy AF33

**FINANCIAL IMPLICATIONS:**

Funds for the undertaking of this contract are contained within the proposed 2016-2017 budget for Christmas Creek Road (\$59,033 Roads to Recovery, \$118,067 from the MRWA Regional Road Group, \$66,000 from Grants Commission Aboriginal Access Roads and \$33,000 from MRWA Remote Aboriginal Access Roads) and Fossil Downs Road (\$43,336 from Grants Commission Aboriginal Access Roads and \$21,664 from MRWA Remote Aboriginal Access Roads).

**STRATEGIC IMPLICATIONS:**

GOAL	OUTCOME	STRATEGY
<b>2:</b> Sustained natural and built environments that meet the needs of the community and support future growth.	<b>2.3:</b> Reliable and safe transport infrastructure	<b>2.3.1:</b> Develop a road maintenance and upgrading strategy

**CONSULTATION:**

Tender T7-2016 being Christmas Creek and Fossil Downs Roads improvement works was advertised in local and state-wide newspapers, with the tender closing 2.00pm Tuesday 9 August 2016. The advertised tender allowed for a minimum of fourteen days for individuals or companies to submit tenders, which included the opportunity to view and inspect the construction site. Council officers have carried out several inspections on the section of road concerned to ascertain the most appropriate locations for treatment.

**COMMENT:**

For the purposes of the project the scope of works was split into separate components as follows;

- Gravel Reshape and Re-sheet;
  - SLK 0.0-1.2 Christmas Creek Road
  - SLK 7.0-11.4 Christmas Creek Road
  - SLK 20.2-21.7 Fossil Downs Road
- Replace creek crossing with a cement stabilised pavement;

- SLK 21.17-21.67 Fossil Downs Road
- Install “whoo-boys” and new offshoot drains either side of creek crossing to divert water off road;
- SLK 21.32 & 21.53 Fossil Downs Road

It is recommended that the tender be awarded to the contractor with the highest average score given by three assessors, using the Approved Tender Scoring Criteria that falls within the allocated budget. The Regional Price Preference Policy AF33 was applied to the prices submitted by Buckley’s Earthworks & Paving and Jenkins Earthmoving & Transport.

The criteria and weighting for this tender were as follows;

Criteria	%
Related Experience	<b>25</b>
Key Personnel and Experience	<b>15</b>
Tenderer's Resources	<b>15</b>
Demonstrated Understanding	<b>25</b>
Price	<b>20</b>

A score summary is shown below;

Buckley’s Earthworks and Paving	<b>C1</b>
Jenkins Earthmoving and Transport	<b>C2</b>
Broome Contracting	<b>C3</b>
Tony’s Plumbing and Excavation	<b>C4</b>

		<b>C1</b>	<b>C2</b>	<b>C3</b>	<b>C4</b>
Related Experience 25%	Weighted Score	21.7	21.2	19.0	11.0
Key Personnel & Experience 15%	Weighted Score	12.8	11.5	12.2	7.7
Tenderer’s Resources 15%	Weighted Score	12.7	11.2	12.3	9.0
Demonstrated Understanding 25%	Weighted Score	21.7	20.8	20.0	11.7
Total non-price (qualitative) criteria	Total out of 80%	68.8	64.7	63.5	39.3
<b>Area 1</b>					
Normalised Price	20%	15.6	20.0	8.3	14.2
<b>Totals</b>	<b>100%</b>	84.4	84.7	71.8	53.5

#### COMMENT:

As seen in the table above, Jenkins Earthmoving and Transport was awarded the highest Total Score in the Assessment Criteria for Tender T7-2016 Christmas Creek



and Fossil Downs Roads Reshaping and Gravel Re-sheeting, it is recommended that this contract be awarded to Jenkins Earthmoving and Transport.

**VOTING REQUIREMENT:**

Simple majority.

**COUNCIL DECISION AND OFFICER RECOMMENDATION:**

**MINUTE NO. 090/2016**

**Moved: Cr J Oscar                      Seconded: Cr P Coggins**

**That Council award Tender T7-2016 Christmas Creek and Fossil Downs Roads Reshaping and Gravel Re-sheeting to Jenkins Earthmoving and Transport.**

**CARRIED 8/0**

**12.3.2 TENDER T8-2016 FAIRFIELD-LEOPOLD DOWNS ROAD  
RESHAPING AND GRAVEL RE-SHEETING**

<b>Location/Address:</b>	Shire of Derby West Kimberley
<b>Name of Applicant/Owner:</b>	Shire of Derby West Kimberley
<b>File Reference:</b>	0481 – Infrastructure Management
<b>Author:</b>	Chris Hurstfield – Manager Engineering Services
<b>Interest Disclosure:</b>	Nil
<b>Date of Report:</b>	12 August 2016
<b>Attachments:</b>	Confidential Price Scoring Sheet (Provided under separate cover)

**SUMMARY:**

This item is for Council to consider the awarding of Tender T8-2016 being Reshape and Gravel Re-sheet works (pavement) on the Fairfield – Leopold Downs Road. It is proposed that the tender be awarded to Buckley's Earthworks and Paving.

**BACKGROUND:**

As proposed in Council's 2016-2017 budget, funding has been allocated for improvement works to Re-shape and Gravel Re-sheet Fairfield – Leopold Downs Road. Following the tender advertisement seventeen requests were made for the applicable tender documents.

At the close of tenders on 9 August 2016, submitted tender documents were received from;

- Buckley's Earthworks and Paving
- Jenkins Earthmoving and Transport
- Broome Contracting
- Gungalla Mackay

**STATUTORY ENVIRONMENT:**

Local Government Act 1995 – 3.57 Tenders for the providing goods or services and Local Government (Functions and General) Regulations 1996 Part 4 Tenders for providing goods or services.

**POLICY IMPLICATIONS:**

Section 8 – Purchase of Goods and Services

Regional Price Preference Policy AF33

**FINANCIAL IMPLICATIONS:**

Funds for the undertaking of this contract are contained within the proposed 2016-2017 budget for Fairfield – Leopold Downs Road (\$327,067 from the MRWA Regional Road Group and \$163,533 from Council funds).

**STRATEGIC IMPLICATIONS:**

GOAL	OUTCOME	STRATEGY
2: Sustained natural and built environments that meet the needs of the community and support future growth.	2.3: Reliable and safe transport infrastructure	2.3.1: Develop a road maintenance and upgrading strategy

**CONSULTATION:**

Tender T8-2016 being Fairfield – Leopold Downs Road improvement works was advertised in local and state-wide newspapers, with the tender closing 2.00pm Tuesday 9 August 2016. The advertised Tender allowed for a minimum of fourteen days for individuals or companies to submit tenders that included the opportunity to view and inspect the construction site. Council officers have carried out several inspections on the section of road concerned to ascertain the most appropriate locations for treatment.

**COMMENT:**

For the purposes of the project the scope of works was split into separate components as follows;

- Gravel Reshape and re-sheet;
  - SLK 0.7-3.4 Fairfield – Leopold Downs Road
  - SLK 18.3-23.4 Fairfield – Leopold Downs Road

It is recommended that the tender be awarded to the contractor with the highest average score given by three assessors, using the Approved Tender Scoring Criteria that falls within the allocated budget. The Regional Price Preference Policy AF33 was applied to the prices submitted by Buckley's Earthworks & Paving, Jenkins Earthmoving & Transport and Gungalla Mackay.

The criteria and weighting for this tender were as follows;

Criteria	%
Related Experience	<b>25</b>
Key Personnel and Experience	<b>15</b>
Tenderer's Resources	<b>15</b>
Demonstrated Understanding	<b>25</b>
Price	<b>20</b>

A score summary is shown below;

Buckley's Earthworks and Paving	<b>C1</b>
Jenkins Earthmoving and Transport	<b>C2</b>
Broome Contracting	<b>C3</b>
Gungalla Mackay	<b>C4</b>

		<b>C1</b>	<b>C2</b>	<b>C3</b>	<b>C4</b>
Related Experience 25%	Weighted Score	21.0	21.5	19.0	17.8
Key Personnel & Experience 15%	Weighted Score	12.8	11.5	12.2	10.7
Tenderer's Resources 15%	Weighted Score	12.7	11.2	12.3	10.3
Demonstrated Understanding 25%	Weighted Score	21.3	20.8	19.7	18.8
Total non-price (qualitative) criteria	Total out of 80%	67.8	65.0	63.2	57.7
<b>Area 1</b>					
Normalised Price	20%	17.2	20.0	7.8	17.3
<b>Totals</b>	<b>100%</b>	85.1	85.0	71.0	75.0

#### **COMMENT:**

As seen in the table above, Buckley's Earthworks and Paving was awarded the highest Total Score in the Assessment Criteria for Tender T8-2016 Fairfield – Leopold Downs Road Reshaping and Gravel Re-sheeting, it is recommended that this contract be awarded to Buckley's Earthworks and Paving.

#### **VOTING REQUIREMENT:**

Simple majority.

#### **COUNCIL DECISION AND OFFICER RECOMMENDATION:**

#### **MINUTE NO. 091/2016**

**Moved: Cr I Prouse      Seconded: Cr J Oscar**

**That Council award Tender T8-2016 Fairfield – Leopold Downs Road Reshaping and Gravel Re-sheeting to Buckley's Earthworks and Paving.**

**CARRIED 8/0**

## **12.4 DEVELOPMENT SERVICES**

### **12.4.1 DERBY COASTAL VULNERABILITY STUDY AND COASTAL HAZARD RISK MANAGEMENT AND ADAPTION PLAN**

<b>Location/Address:</b>	Derby Townsite and Surrounds
<b>Name of Applicant/Owner:</b>	Shire of Derby West Kimberley
<b>File Reference:</b>	2302 – Coastal Vulnerability Study
<b>Author:</b>	Noel Myers – Shire Planner
<b>Interest Disclosure:</b>	Nil
<b>Date of Report:</b>	5 August 2016

#### **SUMMARY:**

In 2014, the Shire of Derby West Kimberley (Shire) commissioned a Coastal Vulnerability Study (CVS) over the Derby town site and immediate surrounding (study area). The CVS integrates the finding of three technical reports that collectively identify coastal vulnerability over the study area resulting from a range of factors including erosion, coastal inundation and freshwater flooding over a 100-year planning timeframe. The CVS is now complete and is formally presented to Council.

The Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) is a process that ensures identified coastal hazards are appropriately factored into decision making processes for development in the coastal zone. A significant part of the CHRMAP process is engagement with the local community and stakeholders to classify the consequence, likelihood and response to coastal hazards. The Shire has recently commenced working on the CHRMAP.

This report is presented to Council to formally receive the CVS and be informed of the process to undertake the CHRMAP.

#### **BACKGROUND:**

##### **Coastal Vulnerability Study (CVS)**

The Shire received a grant through the Department of Planning Northern Planning Program to engage a suitably qualified consultant to undertake a Coastal Vulnerability Study (CVS) over the Derby town site and immediate surrounds. To assist with awarding a suitable consultant and the implementation and assessment

of the CVS, a Project Steering Group (PSG) was formed with representation from the Department of Planning, Department of Water, Department of Transport and the Shire. In 2014, following a public tender process, Baird was appointed to undertake the CVS as outlined within the Request for Tender (RFT).

The RFT outlined the project framework which incorporated definition of the study area, scope of works and project objectives. The project framework was developed with input from the PSG.

### Scope of Works

The scope of works outlined for the CVS are summarised below as:

- Survey and Data Collation: Obtain available data from relevant agencies and procure LiDAR survey data necessary to inform completion of technical investigations.
- Shoreline Stability Assessment: Assess coastal processes affecting the study area as outlined within State Planning Policy 2.6 – State Coastal Planning (SPP2.6). The assessment should inform the development of hazard lines for three key timeframes; the present day, 2060 and 2110.
- Storm Surge and Coastal Inundation Assessment: Assess coastal inundation from cyclonic/ major storm events. The assessment of extreme storm surge will investigate the combined effects of tide, storm surge and wave set-up. The storm surge levels shall be evaluated for three key return periods; the present day, 2060 and 2110.
- Hydrological Modelling: Determine the design flows for watercourses at key locations. Consideration shall be given to the interaction of surface water and ground water.
- Hydraulic Modelling: Develop a suitable hydraulic model to incorporate coastal inundation and catchment flood mechanisms. Based on the hydraulic modelling results, floodplain mapping for various design flood events shall be produced.

### Summary of CVS Outputs

In delivering the CVS, Baird undertook and delivered three technical reports that were then summarised and integrated into a final CVS. The technical reports are identified as:

- Storm Surge and Coastal Inundation Assessment:  
Presents extreme water levels, in accordance with State Planning Policy 2.6 (SPP 2.6), for the Derby region as the result of storm surge and

astronomical tide. The report also includes definition of the storm tide design levels which form the tail water levels for subsequent hydrological and inundation modelling presented in the Flood Modelling Report.

- **Shoreline Stability Assessment:**

Assessment of the natural processes operating at the site and analysis of the historical changes in the coastal sedimentology, geomorphology and vegetation with determination of coastal erosion allowance components in accordance with SPP2.6.

- **Derby Flood Modelling report:**

Assessment of the hydrological and hydraulic influences in the study area and definition of the inundation levels from local rainfall and the Fitzroy River. The report includes mapping of flood extents for Derby and surrounds for prescribed design events.

A copy of the final CVS, including all modelling reports and mapping is available, at request, for viewing; the size of the document prohibits multiple copies.

### **Coastal Hazard Risk Management and Adaptation Plan (CHRMAP)**

In late 2015 the Shire gained a grant from the Western Australian Planning Commission (WAPC) – Coastal Management Plan Assistance Program to undertake the Derby CHRMAP. The project continues on from the CVS and further evaluates the identified coastal hazards to develop suitable risk management and adoption measures in consultation with the local community and relevant stakeholders.

A Project Brief and Consultation Strategy have been prepared to guide the development of the CHRMAP and ensure consistency with State level policy, specifically State Planning Policy 2.6 – State Coastal Planning (SPP2.6). The CHRMAP project is the mechanism for the Shire to communicate with the wider community and affected stakeholders on the findings from the CVS and determine their values in respect to the acceptability, tolerability and adaptation options of the various inundation and erosion risks within the Derby town site.

The following project objectives have been developed to guide the development of the CHRMAP:

- Interpret the outcomes from the CVS to better understand the likelihood and consequence of coastal hazards in the Derby town site and assign a level of risk.
- Identify the range of assets (natural and man-made) in the coastal zone and how they service/ function.
- Consult with the community and stakeholders to include in the planning and decision making in response to the coastal hazards (e.g. in regards to what is acceptable and tolerable).
- Identify possible management and adaptation measures (actions) and how these can be incorporated into short and longer term decision-making.
- Undertake multi-criteria analysis to determine management and adaptation measures.
- Provide supporting justification to prepare a suitable local statutory planning mechanism(s) to guide future development.
- Ensure that all final decision making, including the development of management responses, in regards to coastal risks is undertaken with a focus on transparency and openness.

A Project Steering Group (PSG) and an internal Project Working Group (PWG) have been developed to guide the project and ensure the project objectives are met. The PSG involves membership from the Department of Planning, LGIS, Curtin University and the Shire. The purpose of the PSG is to provide guidance on the project direction and technical specific input. The PWG involves membership from the Shire's asset management, engineering and planning sections. The purpose of the internal PWG is to ensure recommendations are consistent with the Shire's capacity, policy and approach.

Council was recently made aware of the progress of both the CVS and CHRMAP in the briefing session held on 16 June 2016. This report is provided to Council prior to formal consultation.

### **STATUTORY ENVIRONMENT:**

The CVS in itself is a technical document which does not require adoption under either the State or Local statutory provisions. In addition, the Shire does not currently have any provisions within its Town Planning Scheme No. 5 (TPS5) nor does it have a Local Planning Policy to address coastal hazards. However, the coastal



hazards presented within the CVS have a number of implications on the Shire's statutory documentation.

Under Section 77 of the Planning and Development Act 2005, local governments when preparing or amending a local planning scheme are to have due regard to SPP2.6 where it affects its district. The purpose of SPP2.6 is to provide guidance for decision-making within the coastal zone including managing development and land use change; establishment of foreshore reserves; and to protect, conserve and enhance coastal values.

Consistent with the methodology outlined in Schedule One of SPP2.6, the CVS outlines coastal processes (hazards) impacting the study area within the 100-year planning timeframe. As such, the results from the CVS should be interpreted to inform coastal hazard risk management and adaptation planning as outlined within Clause 5.5 of SPP2.6.

Consistent with Clause 5.5 (i) of SPP2.6, the CHRMAP process currently underway by the Shire will provide additional information to the CVS to address areas at risk of being affected by coastal hazards over the 100-year planning timeframe. The CHRMAP will interpret the CVS into a format that allows management and adaptation of coastal hazards to be implemented through the Shire's statutory framework. The key objectives of the CHRMAP as outlined above will ensure that a suitable local statutory planning mechanism(s) is developed to guide future development.

While the final approach is yet to be determined through the CHRMAP process, it is envisioned that the statutory mechanism for implementation will be either inclusion of provisions and mapping within the new Local Planning Scheme (currently underway by the Shire), and/or a new Local Planning Policy.

However, in the interim the Shire will continue to inform applicants of the potential hazards when seeking to develop and/or use land within the identified coastal hazard area as identified for the next 100-year period. In addition, the process undertaken to deliver the CHRMAP will comprise a range of communication mechanisms to engage with the local community and stakeholders on the coastal hazards within the study area.

**POLICY IMPLICATIONS:**

State Planning Policy 2.6 – State Coastal Planning (SPP2.6) objectives are to;

- ensure that the location of coastal facilities takes into account coastal processes, landform stability, coastal hazards, climate change and biophysical criteria;
- ensure the identification of appropriate areas for the sustainable use of the coast for housing, tourism, recreation, ocean access, maritime industry, commercial and other activities;
- provide for public coastal foreshore reserves and access to them on the coast; and
- protect, conserve and enhance coastal zone values, particularly in areas of landscape, biodiversity and ecosystem integrity, indigenous and cultural significance.

State Planning Policy 3.4 – Natural Hazards and Disasters objectives are to;

- include planning for natural disasters as a fundamental element in the preparation of all statutory and non-statutory planning documents, specifically town planning schemes and amendments, and local planning strategies; and
- through the use of these planning instruments, to minimise the adverse impacts of natural disasters on communities, the economy and the environment.

**FINANCIAL IMPLICATIONS:**

The CVS project was entirely funded through a grant from the Department of Planning – Northern Planning Program. The CHRMAP project is being funded through a dollar or dollar grant provided by the WAPC – Coastal Management Plan Assistance Program with the Shire's contribution being made by an in-kind contribution.

**STRATEGIC IMPLICATIONS:**

GOAL	OUTCOME	STRATEGY
<b>2:</b> A balance between the natural and built environments	<b>2.1:</b> Appropriate development that enhances the unique character and heritage of the Shire's townships. <b>2.5:</b> Assets and infrastructure managed over the long term to meet current and future needs. <b>2.6:</b> Protection	<b>2.1.3:</b> Provide supportive planning and development guidance and liaison on major land developments. <b>2.1.4:</b> Ensure quality, consistent and responsive development and building assessment approval processes and enforcement. <b>2.5.1:</b> Develop and implement long-term asset management plans for all Shire assets, having regard for current and future asset needs and the Shire's long-term financial plan. <b>2.6.1:</b> Provide effective management and maintenance of the Shire's land and reserves.

**CONSULTATION:**

The CVS is a technical document undertaken to collate and model the available data to predict how coastal processes may impact the study area over the 100-year planning timeframe. A Project Steering Group (PSG) was formed to guide the research and development of the CVS. This PSG was formed of relevant State agencies with specialist expertise in coastal process. Therefore, it was not considered necessary to undertake wider public consultation.

The CHRMAP process is essentially the opportunity to provide the technical data and mapping developed through the CVS to the community and stakeholders. A Consultation Strategy has been prepared to encourage participation from the community and stakeholders and ensure that their opinions are captured within the CHRMAP process. Formal consultation will commence on resolution of this item.

**COMMENT:**

The purpose of the CVS project was to undertake a technical assessment of the magnitude and spatial extent of coastal inundation risks over the 100-year planning timeframe. This understanding will allow the Shire to make informed decisions on land-use planning including designation of coastal reserves, new development and infrastructure, establishing building set-backs and stormwater drainage.

The CVS outlines the extent of coastal processes as they affect the Derby town site over the 100-year planning framework. The extent of these coastal processes need to be considered in the future planning of the Derby town site, through a coastal hazard risk management and adaption planning process. To this effect is recommended the Shire continue with the current CHRMAP project. The process to undertake the CHRMAP as outlined previously in this report is consistent with the State planning framework and is supported by an interagency Steering Group.

The CHRMAP process recognises the inherent uncertainty associated with coastal hazard impacts and timeframes, providing a tool through which decision makers can manage coastal hazard risk.

The process involves stakeholder and community engagement to:

- Consider coastal hazards and evaluate their likelihood and the consequence for specific assets;
- Identify realistic and effective management and adaptation responses to those risks; and
- Prioritise the management and adaptation responses.

In accordance with methodology outlined within SPP2.6 and CHRMAP specific Guidelines produced by the WAPC, the CHRMAP will generally be undertaken within the following timeframes:

1. Define and Establish – July 2016
2. Consultation – September 2016
3. Solutions and Validation – November 2016
4. Finalise and Document – December 2016.

In light of all of the above, the CVS project has been delivered in accordance with the project brief and is supported by the Department of Water, Department of Transport and Department of Planning with endorsement from the Project Steering Group. It is recommended that the CVS is formally acknowledged and received by Council, and that the subsequent CHRMAP project is acknowledged and supported to continue. This will allow appropriate consideration of coastal hazards as they impact on the Derby town site and immediate surroundings.

**VOTING REQUIREMENT:**

Simple majority.

**COUNCIL DECISION AND OFFICER RECOMMENDATION:****MINUTE NO. 092/2016****Moved: Cr A Twaddle****Seconded: Cr P White****That Council:**

- 1. Formally acknowledges and receives the Coastal Vulnerability Study (CVS).**
- 2. Formally acknowledges the approach to continue with the Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) based on the findings of the CVS.**

**CARRIED 8/0**

## **12.5 COMMUNITY DEVELOPMENT AND RECREATION SERVICES**

### **12.5.1 SPORT AND RECREATION STRATEGY FOR DERBY AND FITZROY CROSSING**

Location/Address:	Shire of Derby West Kimberley
Name of Applicant/Owner:	Shire of Derby West Kimberley
File Reference:	4180 – Strategic and Integrated Planning
Author:	RFF Australia and Robert Verboon – Aquatic and Recreation Manager
Interest Disclosure:	Nil
Date of Report:	15 August 2016
Attachments:	Sport and Recreation Strategy Consultation

#### **SUMMARY:**

The purpose of this report is for Council to adopt the ‘Sport and Recreation Strategy for Derby and Fitzroy Crossing’ (Strategy) that has been prepared to guide the long term planning for the provision of sport and recreation infrastructure, investment and programing. Adoption of the document will establish a strategic framework which the Shire can build upon into the future.

#### **BACKGROUND:**

In 2013, the Shire, with funding committed from the Department of Sport and Recreation (DSR), committed to preparing a Sport and Recreation Strategy for Derby and Fitzroy Crossing. The Shire engaged RFF Pty Ltd to prepare the Strategy with work commencing in late 2013. The preparation of the Strategy has incorporated the various administrative, economic and social changes experienced within the Shire over the past 2 years. The development of the Strategy over this time has allowed a more comprehensive understanding the social and economic dynamics experienced that are experienced within the Shire. This has allowed the Strategy to evaluate and make more specific recommendations that outline a more sustainable approach moving forward.

While the Shire has prepared and delivered a number of initiatives over time, this Strategy is the first consolidated document prepared by the Shire, specifically to guide the delivery of sport and recreation activities, programs and services, and the

provision of facilities. The methodology adopted in preparation of the Strategy is outlined as:

- Initial audit of all existing facilities to determine quantities, condition and usage;
- Extensive review of existing literature relevant to the Shire region to inform the regional context, demographic profile, current trends and strategic framework;
- Interviews with sport and recreation clubs and organisations within Derby and Fitzroy Crossing, Shire staff, and local stakeholders;
- Benchmark and development of future scenarios for both Derby and Fitzroy Crossing; and
- Evaluate information and formalisation of key recommendations and guiding principles.

The draft Strategy was presented to the Council during a briefing session on 12 May 2016. The Council considered the Strategy, and subject to considerations being incorporated (as outlined in this report), determined the Strategy should be brought to Council to adopt the final Strategy.

#### **STATUTORY ENVIRONMENT:**

Nil

#### **POLICY IMPLICATIONS:**

The Strategy will guide the Shire approach to, and policies in relation to, the management of sport and recreation facilities, and the development of programs and activities.

#### **FINANCIAL IMPLICATIONS:**

The recommendations presented within the Strategy have ranging financial implications. Given the Shire's challenging financial environment and the competing budget priorities, the recommendations within the Strategy have been supported by a set of guiding principles that encourage the Shire to take a range of innovative approaches to leverage the financial commitment of the Shire's budget. These include seeking community involvement, external grants and partnerships,

alternative funding sources, and developing and utilising facilities through multiuse approaches.

The Strategy collates a number of key findings that should inform the development of future budgets when appropriate. Recreation infrastructure is predominately a Shire responsibility and as such, there will be an ongoing and considerable community expectation for Council to adequately plan for sport and recreation in the future Strategic and Corporate Business Plans of the Shire.

### **STRATEGIC IMPLICATIONS:**

Development of the Strategy is consistent with the following provisions with the Council's Community Strategic Plan 2012 – 2021.

<b>GOAL</b>	<b>OUTCOME</b>	<b>STRATEGY</b>
<b>1:</b> Community Wellbeing	<b>1.5:</b> Sport, recreation and leisure opportunities that support community health and well-being	<b>1.5.3:</b> Develop and implement a sport and recreation strategy

### **CONSULTATION:**

The consultation undertaken in relation to the Strategy comprises two distinctive phases, one being through the development and the other being through the review of the Strategy. More targeted consultation was undertaken through the development of the strategy in order to collate statistics and data (e.g. participation and membership) and understand the opportunities and weakness facing the provision and use of facilities and the delivery of programs and activities. Once the draft Strategy had been prepared, wider community consultation was undertaken to increase community awareness of the Strategy and gain additional comments to inform a final document. The consultation that occurred has been summarised in the table below.

<b>Stakeholder</b>	<b>Method</b>	<b>Date</b>	<b>Purpose</b>
<b>Development of the Strategy</b>			
Derby Sport and Recreation Organisations	One on one interviews	October/ November 2013 and March 2014	To obtain quantitative and qualitative data from the



Fitzroy Crossing Sport and Recreation Organisations, and community focused groups	One on one interviews and telephone calls	April/ May 2015	organisations, including statistics, challenges and opportunities.
Derby Sport and Recreation Organisations	One on one interviews and telephone calls	April/ May 2015	
Review of the Strategy			
Shire Elected Members	Council Briefing Session	12 May 2016	To provide Elected Members the opportunity to review and comment on the document.
Derby and Fitzroy Crossing Sport and Recreation Organisations	Emailed link to the draft Strategy	15 May 2016 – 8 April 2016	To provide opportunity for organisations to review collated information to ensure accuracy, and to provide the wider community opportunity to review and comment on the evaluation and recommendations.
Wider Community	Shire Newsletter in the Muddy Waters	24 May 2016 and 7 April 2016	
	Shire Website	15 March 2016 – 8 April 2016	

Responses gained in the ‘Development’ phase of the consultation were incorporated into the Strategy through the various sections of the document and summarised as an attachment. During the ‘Review’ phase of draft Strategy a total of two (2) submissions were received. These submissions have been summarised below with a general response as to how these were addressed. A more detailed review of the submissions with responses is attached.

<b>Stakeholder</b>	<b>Issue Raised</b>	<b>Response</b>
Mike Titherington - President of Derby Sporting Shooters Inc.	Concerns raised that the Derby Sporting Shooter Inc. was never really consulted and therefore some of the documented data in	These concerns are noted, however, our records show consultation was undertaken as outlined in

	<p>Strategy is not accurate.</p> <p>Additional information was provided detailing the difficulties and challenges the club has faced operating in the Shire.</p>	<p>the table above.</p> <p>The additional information provided in the submission have been incorporated into the Strategy as outlined within the Consultation Table in Attachment 1.</p>
<p>Chris Kloss</p> <p>- Councillor</p>	<p>Provided local experience of the population fluctuation and demographics in the Shire.</p> <p>Made comments on a number of terminology presented in the Strategy, specifically:</p> <ul style="list-style-type: none"> <li>- Highlighted an inconsistency between references to comments in the Strategy on facility condition.</li> <li>- Highlighted that the terminology that local parks have 'no' multiuse capacity should be questioned.</li> </ul> <p>Made a number of comments in regards to the recommendations in the Strategy.</p>	<p>The additional local experience and commentary is noted.</p> <p>A number of specific changes have been made within the Strategy. Where changes have not been made, justification is presented in the Consultation Table in Attachment 1.</p>

**COMMENT:**

The Strategy provides a clear overview of the social, economic and environmental challenges and opportunities facing sport and recreation facility provision, and program and service delivery within Derby and Fitzroy Crossing. The Strategy also captures the regional implications on sport and recreation within these two settlements.

The evaluation of influencing factors focused on four key areas being Regional Analysis, Programs and Services, Facilities and Spaces, and Management and Governance. With respect to the recommendation in the Strategy, the underlying

priority moving forward is to establish a consistent, co-ordinated and transparent relationship with the local communities and stakeholders.

As this Strategy is the first of its kind undertaken by the Shire it has been very important to establish a base understanding of the unique locational factors, including the growth and decline of each settlement and their impacts on planning for future sport and recreation. The Strategy collates a range of data including facility provision and condition, programing and service delivery, and participation and memberships. This data provides a good reference point for the Shire to review and benchmark moving forward.

The research and consultation undertaken to support this Strategy has outlined a number of guiding principles in the development of recommendations. These principles and recommendations should be adopted by the Shire to guide decision making for the management, provision and programing of sport and recreation. The principles have been developed in review of current trends in sport and recreation and should guide the future decision making in accordance with the key recommendations of this Strategy.

#### **VOTING REQUIREMENT:**

Simple majority.

#### **COUNCIL DECISION AND OFFICER RECOMMENDATION:**

#### **MINUTE NO. 093/2016**

**Moved: Cr P White**

**Seconded: Cr I Prouse**

**That Council formally adopts the draft Sport and Recreation Strategy for Derby and Fitzroy Crossing.**

**CARRIED 8/0**

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

Nil

**14.0 QUESTIONS BY MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN**

Nil

**15.0 NEW BUSINESS OF AN URGENT NATURE APPROVED BY PRESIDING PERSON OR BY DECISION OF MEETING**

The Presiding Person advised the meeting that the Chief Executive Officer has sought to introduce an urgent item of business regarding the CEO Performance Review.

Mr S Gash, CEO, declared a Financial Interest in Item 15.1.

6.21pm: Mr S Gash, CEO, left the meeting and did not participate in the discussion or vote on the item.

**15.1 CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE REVIEW**

<b>Location/Address:</b>	Nil
<b>Name of Applicant/Owner:</b>	Nil
<b>File Reference:</b>	1000 – Executive Services – 195 Gash, Stephen
<b>Author:</b>	John Phillips Consulting
<b>Interest Disclosure:</b>	Nil
<b>Date of Report:</b>	25 August 2016
<b>Attachment:</b>	Confidential – Key Focus Areas 2016/2017

**SUMMARY:**

The annual appraisal of Mr. Stephen Gash's performance as the Chief Executive Officer of the Shire of Derby West Kimberley has been carried out in accordance with Council's statutory and contractual (employment) obligations.

Council appointed Mr John Phillips, '*John Phillips Consulting*' to facilitate the annual review process. This included distributing questionnaires based on the agreed strategic performance objectives and the key result areas contained in the contract of employment to all Councillors, collating the responses, as well as preparing and this report.

The review period was June 2015 to July 2016.

The responses obtained from respondents indicate that, overall, Mr Gash is meeting the performance requirements of the position Chief Executive Officer of the Shire of Derby West Kimberley, and to a high standard.

**CONTEXT:**

The Review has been conducted in accordance with sections 5.38 and 5.39(3)(b) and Regulation 18D of the Local Government (Administration) Amendment Regulations (No 2) 2005, which requires that:

- The performance of the CEO be reviewed at least once a year;
- The CEO will have a written contract of employment, which shall include performance criteria for the purpose of conducting a review; and,
- A Local Government is to consider each review on the performance of the CEO carried out under section 5.38 and is to accept the review, with or without modification, or to reject the review.

**METHODOLOGY:**

The appraisal process included the use of a questionnaire based on the agreed Key Result Areas. All Elected Members were provided with the questionnaire as the opportunity to provide feedback on Mr. Gash's performance, with six (6) Councillors providing written feedback (this is the same response rate as for the 2015 appraisal). Mr Gash provided his own report based on the same criteria, and this was also provided to the Councillors.

Ratings and comments were aggregated and summarised and presented in a 'feedback/reviewer report' for consideration by Elected Members and Mr Gash at the formal appraisal meeting undertaken in Derby on 22 August 2016.

**OUTCOME:**

Mr Gash's performance is considered to meet the performance requirements (and to a high standard) for the position of Chief Executive Officer for the review period June 2015 to July 2016.

**VOTING REQUIREMENT:**

Simple majority.

**RECOMMENDATION:****MINUTE NO. 094/2016****Moved: Cr C Kloss****Seconded: Cr P McCumstie****That Council:**

- 1. Receives the review report and endorses the overall performance rating for Mr Gash as the Shire of Derby West Kimberley CEO, for the review period June 2015 to July 2016, as 'Meets Performance Requirements, and to a high standard'.**
- 2. Endorses the proposed Key Result Areas and objectives for 2016/17.**
- 3. Schedules the 2017 appraisal process for 26 – 28 April 2017, including interviews in Derby for Councillors to provide their feedback to the facilitator.**
- 4. Notes that Mr Gash has elected not to seek a variation to his total reward package for the 2016/17 period, and records appreciation of his leadership in demonstrating fiscal restraint.**

**CARRIED 8/0**

6.22pm: Mr S Gash returned to the meeting and was advised of the outcome.

**16.0 MATTERS BEHIND CLOSED DOORS**

Nil

**17.0 CLOSURE OF MEETING**

The Presiding Member closed the meeting at 6.23pm.

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

.....

**Signed: .....**

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

**Date: .....**