



SHIRE OF DERBY/WEST KIMBERLEY

NOTICE OF COUNCIL MEETING

Dear Elected Member,

An Ordinary Meeting of the Council of the Shire of Derby/West Kimberley is to be held on

Thursday, 14 December 2017
At Council Chambers, Clarendon Street
Derby
Commencing at
05:30pm

Stephen Gash
CHIEF EXECUTIVE OFFICER

Date: 08/12/2017

AGENDA

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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 Elected 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, grants, and setting and amending budgets.
Legislative:	Includes adopting local laws, town planning schemes and policies.
Administrative:	When Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.
Review:	When Council reviews a decision made by Officers.
Information:	Includes items provided to Council for information purposed only that do not require a decision of Council (that is for 'noting').

ALTERNATIVE MOTIONS

Councillors wishing to make alternative motions to officer recommendations are requested to provide notice of such motions in written form to the Director Corporate and Community Services prior to the Council meeting.

DECLARATIONS OF INTERESTS

Elected 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 1995* 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.”

Councillor	27 Jul 2017	31 Aug 2017	28 Sept 2017	26 Oct 2017	30 Nov 2017	14 Dec 2017	22 Feb 2018	29 Mar 2018	26 Apr 2018	31 May 2018	28 Jun 2018
	OCM	OCM	OCM	OCM	OCM	OCM	OCM	OCM	OCM	OCM	OCM
E Archer	✓	✓	✓	Term expired 21 October 2017							
P White	✓	✓	✓	✓	✓						
P Coggins	✓	✓	✓	✓	✓						
C Kloss	✓	✓	✓	✓	✓						
A Kogolo	AB	A	A	Term expired 21 October 2017							
P McCumstie	LOA	✓	✓	✓	✓						
I Prouse	✓	✓	✓	✓	LOA						
A Twaddle	✓	✓	✓	✓	✓						
G Davis	Elected 21 Oct 2017			✓	✓						
G Haerewa	Elected 21 Oct 2017			✓	✓						
D Andrews	Elected 21 Oct 2017			✓	✓						

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 an Elected 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 an Elected 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

AGENDA

1.0 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS

The meeting was opened atpm by the Shire President

2.0 RECORD OF ATTENDANCE

2.1 ATTENDANCE

ELECTED MEMBERS:

STAFF:

VISITORS:

GALLERY:

2.2 APOLOGIES

2.3 APPROVED LEAVE OF ABSENCE

2.4 ABSENT

2.5 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.

2.5.1 DECLARATIONS OF FINANCIAL INTERESTS

2.5.2 DECLARATIONS OF PROXIMITY INTERESTS

2.5.3 DECLARATIONS OF IMPARTIALITY INTERESTS

3.0 APPLICATIONS FOR LEAVE OF ABSENCE

4.0 ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS

5.0 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

6.0 PUBLIC TIME

6.1 PUBLIC QUESTION TIME

6.2 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS

7.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

8.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

OFFICER RECOMMENDATION:

Moved: Cr

Seconded: Cr

That the minutes of the ordinary meeting of the Shire of Derby/West Kimberley held at the Karrayili Adult Education Centre, Fitzroy Crossing, on 30 November 2017 be confirmed.

9.0 RECOMMENDATIONS AND REPORTS OF COMMITTEES

9.1 ACCEPTANCE OF 2016-17 ANNUAL FINANCIAL REPORT

Committee:	Compliance and Strategic Review Committee
Meeting Date:	14 December 2017
Authority Level:	No Delegated Authority
Location/Address:	N/A
Name of Applicant:	Shire of Derby/West Kimberley
File Reference:	5151 – Financial Reports – Annual SDWK
Author:	Martin Cuthbert – Director Corporate and Community Services
Responsible Officer:	Stephen Gash – Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	14 December 2017
Attachments:	1. 2016-17 Annual Financial Report 2. 2016-17 Audit Report
Authority/Discretion:	Executive

SUMMARY:

For Council to adopt the 2016-17 Annual Financial Report and Auditor’s Report.

BACKGROUND:

As per the Terms of Reference adopted 25 March 2015, one of the principle objectives of the Compliance and Strategic Review Committee is to accept responsibility for the annual external audit and to liaise with the Auditor so that Council can be satisfied with the performance of the local government in managing its financial affairs. The Committee’s duties and responsibilities in relation to the Annual Financial Report and the external audit are clearly outlined in the Terms of Reference, specifically item (k) which requires the Committee to consider and recommend adoption of the Annual Financial Report to Council.

The Annual Financial Report for the period ending 30 June 2017 is presented to the Compliance and Strategic Review Committee for consideration and recommend adoption by Council. Shire staff and Moore Stephens have been working collectively to prepare the statements ready for presentation to the auditors. The finalised set of the financial statements and accompanying letters are expected to be received by Shire staff the week commencing 11 December 2017.

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulations 1996

51. Annual financial report to be signed etc. by CEO and given to Department

- (1) *After the annual financial report has been audited in accordance with the Act the CEO is to sign and append to the report a declaration in the form of Form 1.*
- (2) *A copy of the annual financial report of a local government is to be submitted to the Departmental CEO within 30 days of the receipt by the local government's CEO of the auditor's report on that financial report.*

Local Government Act 1995

5.53. Annual reports

- (1) *The local government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain —*
 - (f) *the financial report for the financial year;*

5.54. Acceptance of annual reports

- (1) *Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.*

** Absolute majority required.*

- (2) *If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.*

Division 3 — Reporting on activities and finance

6.4. Financial report

- (1) *A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.*
- (2) *The financial report is to —*
 - (a) *be prepared and presented in the manner and form prescribed; and*
 - (b) *contain the prescribed information.*

- (3) *By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor –*
- (a) *the accounts of the local government, balanced up to the last day of the preceding financial year; and*
 - (b) *the annual financial report of the local government for the preceding financial year.*

POLICY IMPLICATIONS:

There are no policy implications that relate to this report.

FINANCIAL IMPLICATIONS:

The Annual Financial Statements set out the operating results for the Shire for the year ended 30 June 2017 and the assets and liabilities as at that date, together with other relevant financial information.

STRATEGIC IMPLICATIONS:

GOAL	OUTCOME	STRATEGY
<p>4: Good governance and an effective organisation Leadership that provides strategic direction for the community, supported by efficient and effective service delivery</p>	<p>4.1: Effective governance and leadership</p>	<p>4.1.3: Strengthen the governance role of Councillors by informing, resourcing, skilling and supporting their role</p>
<p>4: Good governance and an effective organisation Leadership that provides strategic direction for the community, supported by efficient and effective service delivery</p>	<p>4.1: Effective governance and leadership</p>	<p>4.1.4: Ensure governance policies and procedures are in accordance with legislative requirements</p>

RISK MANAGEMENT CONSIDERATIONS:

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
<p>Legal and Compliance: Failure to prepare and adopt the Annual Financial Report would result in non-compliance with its statutory responsibilities under the <i>Local Government Act 1995</i></p>	Rare	Moderate	Low	Accept officer recommendation

CONSULTATION:

Moore Stephens (WA) Pty Ltd
Shire Staff

There is no legislative requirement to consult on the preparation of the Annual Financial Report, but the *Local Government Act 1995* requires a General Meeting of Electors to be held and the Shire’s Annual Report, incorporating the Annual Financial Report, to be made available publicly.

COMMENT:

Moore Stephens (WA) Pty Ltd have completed their audit of Council’s affairs for the financial year ended 30 June 2017 and will provide the Audit Report and Management Report to Officers the week commencing 11 December 2017.

Management comments to this report once received will be provided under separate cover.

VOTING REQUIREMENT:

Absolute majority

COMMITTEE AND OFFICER RECOMMENDATION:

That the Compliance and Strategic Review Committee BY AN ABSOLUTE MAJORITY:

- 1. ENDORSES the 2016-17 Annual Financial Report of the Shire of Derby/West Kimberley and the accompanying 2016-17 Audit Report, as attached to this report, and recommends adoption by Council;**
- 2. NOTES the Auditor’s Management Report to the Compliance and Strategic Review Committee for the year ended 30 June 2017 supplied by Council’s Auditor, Mr David Tomasi of Moore Stephens (WA) Pty Ltd.**

COUNCIL DECISION:

That Council, BY AN ABSOLUTE MAJORITY:

- 1. ADOPTS the 2016-17 Annual Financial Report of the Shire of Derby/West Kimberley and the accompanying 2016-17 Audit Report, as attached to this report;**
- 2. NOTES the Auditor’s Management Report to the Compliance and Strategic Review Committee for the year ended 30 June 2017 supplied by Council’s Auditor, Mr David Tomasi of Moore Stephens (WA) Pty Ltd.**

10.0 REPORTS

10.1 EXECUTIVE SERVICES

10.1.1 HOLMAN HOUSE – BUILDING REFURBISHMENT AND ADAPTION

Location/Address:	Lot 315 Gibb River Road (Cnr Derby Highway) Derby
Name of Applicant:	Stephen Carrick Architects
File Reference:	A900772
Author:	Noel Myers – Manager Planning Services
Responsible Officer:	Stephen Gash – Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	4 December 2017
Attachments:	3. Site Plan/Floor Plans & Elevations
Authority/Discretion:	Administrative

SUMMARY:

For Council to approve the refurbishment and adaption of Holman House for use as an administration and community cultural centre for Nyikina Incorporated.

BACKGROUND:

The concept of developing Holman House as a community cultural centre was first brought to the attention of Council circa 2005 by members of Nyikina Inc. when the land and building still formed part of the Derby Commonage and was under the management of the Shire.

A report into the various options regarding the future management or disposal of Holman House was first considered by the Council on 29 September 2005. The decision of the Council at that time was that it would seek to retain management of the land and buildings but have the tenure changed so that the Shire could lease the land to third parties.

Minute 174/2005 reflects that intent in the following resolution:

That Council endorses the excision of a portion of land surrounding Holman House located on Reserve 1326 and supports the creation of a new Reserve to be vested to the management of the Shire of Derby/West Kimberley

The matter was revisited after Nyikina Inc. approached Council with a more detailed vision and development intent for the site. The approach from Nyikina Inc. also refined the area of the curtilage they were seeking. The matter was duly considered by the

Council at the Ordinary Meeting of Council that was held on 29 June 2006 where the decision of Council was:

Minute 87/2006:

That;

- 1. Council provides in principal support to the excision of a portion of land surrounding Holman House located on Reserve 1326 (as per the concept plan dated 23 May 2006) and supports the creation of a new reserve to be vested to the management of Nyikina Inc. Such support is provided in the knowledge that council will have the opportunity to consider the matter again once a formal application is lodged with the Department of Planning and Infrastructure.***
- 2. Council writes and informs all previously interested parties of the above decision.***

Minute 122/2009:

That Council by Absolute Majority endorses the excision of a portion of land surrounding Holman House located on Reserve 1326 and supports the creation of a new Reserve to be leased in perpetuity to the management of Nyikina Inc. for the purposes of creating a Cultural Interpretative Centre

Since the time of Council's last decision, the land (and building) has been excised from Reserve No.1326 and a new tenure was created which has been leased to Nyikina Inc. for the intended purpose.

The group has pursued various funding streams to allow them to commence with the development with the requisite funds only recently being secured to undertake the initial phase of the project.

The task of securing the funds has taken some time and regrettably the building has been the subject of numerous acts of vandalism that has necessitated the removal of all wall cladding and other fixtures that has exposed the building to successive wet seasons which has increased the scope of works necessary to make the building functional and habitable.

STATUTORY ENVIRONMENT:

-) Town Planning Scheme No.5 (TPS No.5) – Zoning and Land Use
 - o Part 8 – Heritage Precincts and Places of Cultural Significance, and
 - o Section 8.4 Applications for Development Approval
-) Local Planning Strategy –
 - o *Action 26 Support development of proposed Nyikina Cultural Centre on corner Gibb River Road, also support development and creation of an indigenous cultural precinct fronting the Gibb River Road to Mowanjum Aboriginal Community (also capture Bungurun)*
-) *Heritage of Western Australia Act 1990:*

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

GOAL	OUTCOME	STRATEGY
<p>2: A balance between the natural and built environments Sustainable natural and built environments that meet the needs of the community and support future growth</p>	<p>2.1: Appropriate development that enhances the unique character and heritage of the Shire’s townships</p>	<p>2.1.6: Support the conservation and maintenance of heritage buildings, items and places of heritage interest.</p>

RISK MANAGEMENT CONSIDERATIONS:

It is Administration’s view that there are minimal risks to Council and the Shire’s business function when Council exercise its discretionary power to determine a planning application.

CONSULTATION:

The subject property is located on land that is adjacent to the Myalls Bore area which is included in the Shires’ Municipal Inventory of Heritage Places (MIH) and is also a permanent entry on the State Heritage Register. Accordingly the development proposal has been referred to the State Heritage Office (SHO) for comment and advice.

The SHO have reviewed the proposal and have provided the following comment:

The referral is for conservation and adaption works to Holman House which is part of the Derby commonage. Holman House was relocated to its current location in 1986. It has a moderate degree of authenticity and is identified as some significance in the Conservation Plan for Holman House.

The conservation and adaption works to Holman House will result in a positive outcome for the place and the proposed works can be supported.

Main Roads Western Australia:

As the access point to the property is via the Gibb River Road which is managed by MRWA, the plans have been referred for review and approval.

A site inspection was undertaken with Council and MRWA officers to ensure that the crossover point onto the GRR was appropriately located and that the car parking area was wholly located within the boundaries of the subject lot and had not encroached into the adjoining road reserve.

COMMENT:

The proposed development will see the refurbishment of Holman House and the adaption of the building for its use as an administration and Community Cultural Centre to be operated by Nyikina Inc.

The plans identify the following scope of works are to be undertaken:

Demolition Works:

-) Demolish the dilapidated kitchen section located at the rear of the building;
-) Remove rooms that were added after 1963 to the verandah
-) Remove dilapidated front porch;
-) Remove all residual asbestos cladding;
-) Remove all doors, windows, fixtures and fittings added after 1963;
-) Retain highlight doors and windows for conservation

Additions:

-) Construct road and driveway to the site;
-) Construct parking areas;
-) Reinstall balustrades;
-) Install louvre system to enclose the sections of the verandah to create break out spaces;
-) Construct new free standing kitchenette and ablution facilities at the rear of the building (to replace demolished kitchen) linked by covered walkway;
-) Reclad the building (external);

Alterations – Internal:

-) All internal walls to be reclad;
-) Replacement of all ceilings
-) Repair all original doors
-) Install new wiring, air-conditioning and lighting;
-) Interpretation of former uses, history of the building and former occupants will be located throughout the building. It is proposed that there will be a strong interpretation focus in the entry/reception area.

Roof:

-) Retain and repair;
-) New guttering, downpipes and water tanks are to be installed;
-) Match proposed roof for the addition to the existing building.

Comment:

The actions undertaken by the proponent in having a HIS prepared is consistent with the management statement as detailed within the Shire's MHI and significantly is

consistent with past Council decisions to cede the land to Nyikina Inc. for the purposes of establishing a cultural resource centre.

The proposal results in the building being refurbished in accordance with best practice and enables the building to be put to a productive use that will ensure the building is maintained into the future.

The proposal is to adapt the building over to an administration office/cultural centre and whilst the new use is a departure from its former use as a residential building for Dr Lawson Holman, the new use will continue an ethic of providing benefit and support for indigenous people – qualities for which Dr Holman was held in high regard for by the Derby community.

The site plan submitted also makes provision for the installation of a café and outdoor seating area at the rear of the existing building, however, the detail of that element has not yet been finalised and would proceed at a later time (Stage 2) and be subject to a further and separate approval.

Heritage Issues:

As previously described, Holman House is included within the Shires MHI and the land on which it is located is noted within the State Register of Heritage Places as part of the Derby Town Commonage. Consequently any development proposal is required to have regard to the matters set out under Part 8 of TPS No.5 which deals with places of cultural significance.

The management statement within the Shire's MHI for Holman House notes:

High level of protection is appropriate, provide maximum encouragement to the owner under the town planning scheme to conserve the significance of the place. Consider use of the building for interpretive purposes in association with the history of the Derby Hospital. Erect sign indicating the significance of the house.

In order to satisfy and address the requirements of the Scheme, the applicant has prepared a Heritage Impact Statement (HIS) (Stephen Carrick Architects – April 2017). The purpose of the HIS is to provide background information on the proposed development, provide a brief description of the heritage place including listings and significance and provide an assessment of the potential impact of the proposal and conclusions arising from the assessment.

The preparation of the HIS for a place of cultural heritage significance is consistent with best practice in heritage conservation and has been prepared in accordance with the principles, processes and practice in the Burra Charter which is the adopted methodology for documenting heritage and cultural matters.

The HIS concludes that the proposed scope of works to be undertaken and future use to which the building will:

-) Assist in retaining the cultural significance of the building by restoring a dilapidated building;
-) That the new additions will have a sympathetic architectural form and the use of contemporary materials will ensure that there is a clear distinction between clearly identifiable as being new;
-) The siting of the new addition to the rear of the building will ensure that Holman House remains the predominate building on the site.

The report acknowledges that whilst there are some impacts on heritage values, *‘as the building will not be used as a residence, specific measures are being undertaken to mitigate these impacts. The integration of the building’s history within the overall design will assist in peoples understanding and appreciation of Holman House’.*

The HIS concludes with a number of recommendations to be applied as conditions to any Development Approval issued by the Shire.

Parking/Access:

The plans submitted identify that Stage One of the development involves the refurbishment and adaption of the building into a number of office and ancillary spaces. Accordingly the requisite car parking requirements have been calculated on the ratios detailed within Table 4 of TPS No.5:

Use	No. Parking Spaces (based on GLA = gross Leasable Area)	Provided	Complies	Comment
Office	Total Floor area existing & proposed addition = 425m ² . 425/40 = 10 bays	10	Yes	<ul style="list-style-type: none">) The total parking provision meets scheme requirements.) Parking is to be provided in two discrete locations.) A constructed and sealed area to the east of the building comprising two disabled access bays an four general use bays; and) A gravel sheeted area comprising four bays located towards the rear of the building.

The proposed car parking as shown on plan is sufficient to meet the current demands generated by the proposed use of the buildings. Notwithstanding, further investigation is ongoing to determine if the proposed location and arrangement is the optimal outcome recognising that the latter stages may include the provision of café and this will necessitate that further parking options and circulation paths are identified on-site to ensure that demand is adequately catered for.

As such, it is proposed that a Condition be applied to any approval that is issued that the plans detailing the final parking arrangements are to be approved by the Manager Technical Services prior to the occupation and commencement of use of the building. Similarly, it is proposed that a condition would be applied that requires the applicant

to construct/install a crossover from the site onto the Gibb River Road to the satisfaction of MRWA.

State Planning Policy 3.7 – Planning in Bushfire Prone Areas:

As the proposed development is located within a designated bushfire prone area within the Department of Fire and Emergency Services (DFES) mapping, the provisions of State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7) needs consideration.

Under Clause 6.5 of SPP3.7 development applications need to be supported by either a Bushfire Attack Level (BAL) Assessment or BAL Contour Map to identify if the proposed development is impacted by any bushfire hazard issues.

In accordance with SPP3.7 a BAL Assessment of the proposed development has been undertaken and is attached to this report. The BAL Assessment indicates a BAL – 19 rating for the proposed development on completion. As such a Bushfire Management Plan (BMP) has been required to be submitted to provide an assessment of the proposed development against the bushfire protection criteria contained within the Guidelines for Planning in Bushfire Prone Areas (Guidelines).

The BMP has been prepared and then reviewed by an accredited Level 3 Assessor who has confirmed that the BMP and the Emergency Evacuation Plan (EEP) are suitable to the threat for the lots and provide practical guidance and recommendations to the safe and orderly movement of people in a vulnerable land use during an emergency.

As the land use is defined as a ‘Vulnerable Land Use ‘ under the terms of SPP3.7, the plans have been referred to DFES for endorsement and under the SPP provisions, Council should only issue approvals for Vulnerable Land Use proposals where the BMP has been endorsed by DFES.

DFES have reviewed the documentation and have supported the BMP subject to modifications. DFES advise that the development application and the BMP have adequately identified issues arising from the bushfire risk assessment and considered how compliance with the bushfire protection criteria can be achieved.

However modifications to the EEP are necessary to ensure it accurately identifies the bushfire risk and necessary site specific mitigation measures. As these modifications will not affect the development design, these modifications can be undertaken without further referral to DFES.(DFES 01/12/17)

The effect of the above is that the proponent has had the necessary regard to and has received endorsement to proceed with the development subject to the EEP being modified.

It follows then that any approval that was to be granted would be conditioned upon the EEP being updated by the Level 3 Assessor as per the DFES advice and that the plan be updated prior to occupation and use of the building and thereafter be implemented in perpetuity by the owners/occupants of the land and buildings.

Note – should further stages of the development proceed, then the plan will need to be updated and reviewed to reflect the revised situation.

Fencing:

The applicant has advised the owners are desirous of installing some security fencing around the site which is understandable given the isolated nature of the property. Final plans are to be submitted as to the form and type of fencing, however, given the heritage values of the place and setting, the use of chain mesh fencing with barbed wire topping would not be supported forward of the building line.

It is proposed that a condition be applied to any approval issued that the applicant submit plans for any fencing prior to its installation and that the form of the fencing is to be to the satisfaction of the Manager Planning services, with notation that chain mesh fencing with barbed wire topping forward of the building line will not be supported.

Summary:

The proposal as put will see the first stage of a long planned development intent come to fruition. The proposed redevelopment of Holman House will create a facility that will function as a cultural centre, office space and educational facilities to be occupied by Nyikina Inc.

The proposal is consistent with past Council resolutions and the scope of work is to be undertaken in a manner that addresses the heritage values of the building and place accords with contemporary requirements regarding access and other regulatory requirements.

It is the recommendation of the Administration that the Council may approve the Development Application subject to the conditions as set out within the officer recommendation.

VOTING REQUIREMENT:

Simple majority

OFFICER RECOMMENDATION:

That Council approves the application for conservation and adaption works to Holman House on portion of Lot 315 Gibb River Road, Derby in accordance with the application dated 9 May 2017 and the Amended Plans dated 10 October 2017 subject to the following conditions:

- i) The Bushfire Management and Evacuation Plan - V.2 dated 15 October 2017 is to be modified as per recommendation by Department Fire and Emergency Services dated 1 December 2017. The Plan is to be updated and modifications approved by the Chief Executive Officer prior to the occupation and use of the building;**
- ii) Once endorsed, the continued use and occupation of the land and buildings is contingent upon all measures and actions within the endorsed Bushfire Management and Evacuation Plan being implemented and maintained in perpetuity;**
- iii) All conservation and adaption works are to be undertaken in accordance with the scope of works as detailed within the Heritage Impact Statement prepared by Stephen Carrick Architects dated April 2017 and the (Amended Plans) approved plans dated 10 October 2017;**
- iv) ‘As built’ drawings and photographs following completion of the development are to be provided to the Shire of Derby/West Kimberley and the State Heritage Office as part of the historical record of the place;**
- v) Any amendment to the car parking arrangements as shown on plans dated 10 October 2017 are to be submitted to the Shire for approval prior to the commencement of any works and are to be to the satisfaction of the Manager Technical Services;**
- vi) The development of interpretation relating to the history, former use and people associated with the place are to be integrated into the design. Details as to how this objective is to be recognised is to be provided prior to the use and occupation of the building and be to the satisfaction of the Manager Planning Services;**
- vi) The site is to be connected to the Gibb River Road by way of an approved crossover that is to be installed and constructed to the requirements of Main Roads Western Australia – Derby Regional Office. It is the responsibility of the applicant/owner to liaise with Main Roads Western Australia to determine the specifications and design for the crossover which is to be installed prior to the occupation and use of the building;**
- vii) Plans and details of perimeter fencing is to be submitted for approval by the Manager Planning Services prior to the installation of any fencing whatsoever.**

10.1.2 SHIRE CONSENT TO PROPOSED ACQUISITION OF PART OF RESERVE 1326 LOT 1441 CONWAY STREET, DERBY BY WATER CORPORATION

Location/Address:	Reserve No.1326 (Lot 1441) Conway Street, Derby
Name of Applicant:	Water Corporation
File Reference:	A102755
Author:	Noel Myers – Manager Planning Services
Responsible Officer:	Stephen Gash – Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	22 November 2017
Attachments:	4. Plan of land to be taken
Authority/Discretion:	Administrative

SUMMARY:

The Water Corporation is seeking to acquire a portion of land from the Shire managed Reserve No. 1326. The land is required to enable the Water Corporation to better manage the wetland that is associated with their waste treatment facility located on the adjoining Reserve No. 34921.

BACKGROUND:

The Water Corporation (Water Corp) manages and operates a waste water treatment plant (WWTP) on Lot 95 Conway Street, Derby. The land exists as Crown Reserve No. 34921 to which Water Corp holds a Management Order for the purpose of ‘Sewage Treatment’.

The Water Corp is to undertake enhancements to increase the capacity of the WWTP in the future, however, no definitive date has been provided at this time.

The Water Corp advise that the natural wetlands on the southern boundary of the Reserve are an important component of the waste water treatment process and to properly manage the health and efficiency of the wetlands they see it as desirable that they extend the area of their reserve so that the whole of the wetlands are located within the boundaries of their Reserve. Water Corp advise that they do not propose to construct any infrastructure on the newly acquired land – it will only be used for wetland protection and management.

STATUTORY ENVIRONMENT:

-) Town Planning Scheme No.5
-) SDWK Local Planning Strategy
-) *Town Planning (Local Planning Scheme) Regulations 2015*

POLICY IMPLICATIONS:

None

FINANCIAL IMPLICATIONS:

Nil to Council, all costs for the disposal and acquisition of land will be for the care of the proponent.

STRATEGIC IMPLICATIONS:

GOAL	OUTCOME	STRATEGY
<p>2: A balance between the natural and built environments Sustainable natural and built environments that meet the needs of the community and support future growth</p>	<p>2.10: Safe and effective disposal of wastewater</p>	<p>2.10.1: Develop waste water ponds in Derby</p>

RISK MANAGEMENT CONSIDERATIONS:

It is the Administration’s view that there are minimal risks to Council in providing its support to the proposed action. The progress of the excision of the land and its subsequent amalgamation will be progressed via Department of Lands having regard to the requirements of the *Land Administration Act* and any other allied and associated Regulations.

CONSULTATION:

The proposed excision has been referred to the Derby Landcare Group who manage the Joon Joon Botanical Trail which is located on a portion of Lot 1441. The alignment of the walking tracks that form the trail are located well away from the area of land that is proposed to be taken and the DLG have advised they have no issue with the action proceeding. This matter was conveyed to the Manager Planning Services at the monthly meeting of the DLG held on 29 November 2017.

COMMENT:

The area of land being sought by the Water Corp will extend the boundary of their Reserve by 35 metres to the south and equates to an area of approximately 2.4ha that would need to be excised from the Shire’s Reserve No. 1326. Attachment 4 shows the area of the land proposed to be taken.

The adjoining Lot 1441 forms part of the greater Town Commonage that was originally created in 1888 for the purpose of overnight camp for livestock awaiting shipment. In more recent times, the southern portion of the lot has been regarded by the local community and some traditional owners as a botanical park which is locally referred

to as the Wanganut Reserve and accommodates the Joon Joon Trail. The land is vested with a management order in favour of the Shire for Parks and Recreation.

In recognition of the botanical values of the area, Action 53 of the Shire's Local Planning Strategy recommends that a management plan for the Joon Joon trail and environs be prepared. Whilst that Action is yet to be progressed, it is likely to be an action undertaken with the Derby Landcare Group. As such, the proposed excision has been referred to that group for their comment as to whether the excision causes any issue. As detailed in the preceding sections of this report, the DLG have advised they have no objection to the excision proceeding as the land is set well away from the walking trails.

On ground the adjustment of the reserve boundaries will not have any material effect given the Water Corporation have advised it is not their intention to develop any infrastructure on the newly acquired land.

Zoning:

As described above, the portion of land to be acquired is currently Reserved Parks and Recreation whilst the Water Corp lot is Reserved Public Purpose – Waste Water Treatment. The proposed acquisition of the land and its subsequent amalgamation will cause an anomaly whereby the expanded Reserve No. 34921 will have two zonings and this would typically demand that a scheme amendment is undertaken to ensure there is a single zoning applied to the whole of the land.

Council has resolved to prepare new Local Planning Scheme No.8 to supersede LPS No.5 and the new scheme is currently being drafted. The new scheme maps have been prepared and drafting of the new scheme text is nearing finalisation in readiness for review by Council prior to it being referred to the WAPC for permission to commence advertising. The effect of this is that the new scheme is still at a point where it can be amended either prior to or in conjunction with the consultation period and invariably there will be some modifications required to mapping that arise from the public consultation process.

The location of the land, the purpose for which it is being applied for by a state agency provides sufficient comfort that the temporary anomaly of having two zonings over the land and will not cause any material issues or preclude any infrastructure being constructed.

Having regard to the above, it is the recommendation of the Administration that the Council can dispose of the land without requiring the action to be undertaken in conjunction with a Scheme amendment and that Council may advise the Water Corporation that it agrees to the proposed excision proceeding, subject to conditions detailed within the officer recommendation.

VOTING REQUIREMENT:

Absolute majority

OFFICER RECOMMENDATION:

- 1. That Council by Absolute Majority;**
 - i) Advises the Water Corporation that it supports the excision of land of approximately 2.4ha from Reserve 1326 Lot 1441 as shown on the Plans dated 21/11/2017;**
 - ii) Consents to relinquishing its Management Order over the land;**
 - iii) Consents to the land excised from Reserve No. 1326 being amalgamated into the adjoining Water Corporation Reserve No. 34921, Lot 95 Conway Street, Derby; and**
 - iv) Acknowledges that the zoning anomaly that arises from the excision and amalgamation of the land will be rectified within the new scheme maps being prepared for Local Planning Scheme No.8.**
- 2. That the Water Corporation provides Council with a written undertaking that all costs associated with the proposed excision and amalgamation of the land described in Action 1 above will be for their care.**

10.1.3 STAFF ACCOMMODATION UNIT – (RETROSPECTIVE APPROVAL)

Location/Address:	Lot 702 Conway Street, Derby
Name of Applicant:	Crocodile Pty Ltd
File Reference:	A900809
Author:	Noel Myers – Manager Planning Services
Responsible Officer:	Stephen Gash – Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	6 December 2017
Attachments:	5. Site Plan/Floor Plans/Elevations
Authority/Discretion:	Administrative

SUMMARY:

This report is drawn in respect to an application for the approval of a Four Bedroom Staff Accommodation Unit on Lot 702 Conway Street, Derby. The subject development was undertaken without first obtaining the approval of the Council and therefore this application may be regarded as a retrospective application.

BACKGROUND:

The subject lot is located within the General Industry Zone and has an overall area of 8,343m².

The property is used as part of the applicants plumbing business – Derby Plumbing and Gas and existing approved developments include a caretakers dwelling and a covered work/storage area.

The property has direct frontage to Conway Street and surrounding land uses are other general industry zoned lots and the land to the east is in the final process of being rezoned to Light Industry.

STATUTORY ENVIRONMENT:

-) Town Planning Scheme No.5; (TPS No.5)
-) *Planning and Development (Local Planning Scheme) Regulations 2015* (Regulations)
-) The Planning Regulations are automatically adopted into all local planning schemes. Part 7, Clause 60 of the Planning Regulations states that a person must not commence or carry out any works in the Scheme area unless they have obtained the development approval of the local government or the form of development is exempt;
-) There are no exemptions to the requirement for the applicant to have first obtained approval from the Council for the installation of the staff accommodation unit;

) Part 7, Clause 65 of the Planning Regulations enables Council to consider the subsequent approval of development already carried out.

POLICY IMPLICATIONS:

None

FINANCIAL IMPLICATIONS:

None

STRATEGIC IMPLICATIONS:

GOAL	OUTCOME	STRATEGY
<p>2: A balance between the natural and built environments Sustainable natural and built environments that meet the needs of the community and support future growth</p>	<p>2.1: Appropriate development that enhances the unique character and heritage of the Shire’s townships.</p>	<p>2.1.4: Ensure quality, consistent and responsive development and building assessment approval processes and enforcement</p>

RISK MANAGEMENT CONSIDERATIONS:

It is Administration’s view that there are minimal risks to Council and the Shire’s business function when Council exercises its discretionary power to determine a planning application.

CONSULTATION:

Staff Accommodation within the General Industry Zone is identified as an ‘SA’ use under Table 2 of TPS No.5. This requires that notice of the proposed development is served on the owners and occupiers of land within an area who may likely be affected by the granting of development approval and a 21 day period is granted for submissions to be received.

In accordance with the above, notices were issued to abutting landowners and no objections to the proposal were received following closure of the consultation period. One verbal submission was received in response to the advertising stating no objection.

COMMENT:

The application seeks approval for the placement of a single four bedroom accommodation unit that will provide accommodation for staff employed by the business that owns and operates their business from the property.

Permissibility:

Any new development proposal is assessed against the relative Zone Objectives and Policies as set out within TPS No.5. The Zone Objectives and Policies for the Industry zones are:

Zone Objective

- (a) To provide adequate, accessible serviced land for a variety of industrial uses appropriate to the Derby townsite in locations that will have minimum detrimental effect upon residential areas and the Town Centre.

Zone Policies

- (i) To permit industrial uses which provide desirable and conveniently located service to the townsite;
- (ii) To ensure that development provides reasonable standards of amenity and appearance;
- (iii) To allow retail uses from premises with a primary industrial or wholesale function which would be inappropriately located in other zones;
- (iv) In the Port Industry zone to maintain land for port facilities required for the continuation of the Port of Derby and provide for a range of uses to facilitate the increased use of the port;
- (v) To permit a range of industrial uses of a scale and type suitable to the available services, character and amenity of each of the industrial zones;
- (vi) To only permit the development of a caretakers dwelling where this is required for the development proposed and will not constrain the industrial use of the area within which it is located.

In respect to the above, the Zone Policy is silent on the development of staff accommodation within the Industry Zones, however, Table 2 does identify that staff accommodation is an SA use within the zone meaning that it is a form of development that may be approved.

Clause vi) of the Zone Policy concerns itself with limiting accommodation so as that the development of accommodation facilities within the Industrial Zone will not constrain the industrial use of the area. The rationale is to try and limit the scale and intensity of residential uses within the industrial zones so as to limit the potential for land use conflicts arising between residential and industrial land uses.

This view is further reinforced by *Town Planning Policy TP1 – Light Industrial Area – Caretakers Residence* which seeks to limit the size of caretakers accommodation to no more than two bedrooms and a small office. Whilst this policy applies to the Light Industry area it serves to reinforce the notion that accommodation within the industrial zones should be incidental and secondary to the predominate use of the land

and not be of a scale or form that encourages more permanent forms of residential uses in the industrial zones.

In this instance, the proposed accommodation will only provide a level of accommodation that is suitable for transient staff accommodation that is required when the owners of the business need to engage additional staff to undertake particular contracts. The occupation of the accommodation will typically be restricted to employees or sub-contractors employed directly by the local business owners who own and operate their business from the property. As such, the occupation of the building would not be for extended periods of time and given the nature of the occupancy there is less likelihood that land use conflicts would arise by way of complaint.

The form of the development, being a single four bedroom transportable accommodation unit is not inconsistent with the surrounding built form and occupies only a small percentage of the overall site area and in that respect can reasonably be regarded as secondary and incidental to the overall use of the land.

Matters for Consideration:

In determining applications, the range of matters to be considered by Council are set out under Schedule 2, Part 9 cl.67 of the Planning Regulations.

The matters include, but are not limited to:

-) the requirement to have regard to aims and provisions of the Scheme;
-) requirements for proper and orderly planning;
-) any state planning policies;
-) compatibility of the development with its setting including relationship of the development on adjoining land; and
-) the amenity of the area, and any submissions received on the proposal.

The range of matters for consideration when determining a land use proposal do not extend to financial considerations or competitive advantages in the market place.

In considering the matters set out above in respect to this application, it is considered unlikely that the form and siting of subject development could be regarded as having the potential to impose any adverse impact upon the surrounding locality by virtue of its size, bulk or appearance. The use of this form of building within an industrial area is common place.

The building is set away from the property boundaries in accordance with the setbacks detailed under Clause 4.35 of TPS No.5 and being located towards the rear of the lot means it is not a dominate feature in the streetscape.

The potential for land use conflicts can be managed by way of imposing a condition that limits the occupancy of the units to staff employed directly by the business and by limiting the term of occupancy to short stay terms (3 months).

As detailed in the preceding Consultation section, there had been no objection raised to the development from any of the surrounding landowners.

Having regard to the above matters, it is the recommendation of the Administration that Council may approve the application subject to the conditions detailed within the officer recommendation.

VOTING REQUIREMENT:

Simple majority

OFFICER RECOMMENDATION:

That Council approves the application for development approval for a four bedroom Staff Accommodation unit on Lot 702 Conway Street, Derby as per the application and plans dated 27 November 2017 subject to the following conditions;

- i) The building being connected to the town's reticulated water supply to the requirements of the Water Corporation;**
- ii) The building being connected to an approved waste water disposal system;**
- iii) The occupation of the staff accommodation unit is strictly limited to persons employed by the approved business being carried out from the site (Derby Plumbing and Gas) or as approved otherwise by Council;**
- iv) A carpark and access way servicing the accommodation unit is to be provided and provide for a minimum of three bays.**

The carpark must:

- i Be designed and constructed in accordance with Australian/New Zealand Standard AS/NZS 2890.1 2004, Parking Facilities, Part 1 Off Street car parking;**
- ii Include one car parking space dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1-2009 Design for access and mobility Part 1 General requirements for access – new building work; and**
- iii. Be constructed sealed and drained prior to the development being occupied and maintained thereafter.**

- v) Condition 7 ii & iii above may be waived on the basis that an exemption is approved by the Building Certifier as part of the Building Permit process, however, the condition will be reinstated in the event that;**

The exemption is not approved by the Building Certifier; or

Modifications are made to the use and buildings that would invite members of the public to the property;

- vi) A full length verandah is to be affixed to the front elevation of the accommodation building; and**
- vii) A Landscaping and Reticulation Plan is to be prepared and submitted for approval and be to the satisfaction of the Manager Planning Services. Landscaping as per the endorsed plan is to be installed prior to occupation of the development and thereafter maintained;**

10.1.4 AUTHORISE USE OF COMMON SEAL

Location/Address:	N/a
Name of Applicant:	N/a
File Reference:	4235
Author:	Stephen Gash – Chief Executive Officer
Responsible Officer:	Stephen Gash – Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	7 December 2017
Attachments:	Nil
Authority/Discretion:	Administrative

SUMMARY:

This item seeks the authorisation of Council to affix the Common Seal to a Certificate of Honorary Freemanship for former Shire President, Elsia Archer OAM.

BACKGROUND:

Council has sought to recognise the contribution of former Shire President Elsia Archer's outstanding service in the Derby and Fitzroy district as a member of both the community and the Local Government affiliated bodies for a period of 27 years. During the period of her residency Elsia has endeared herself to the community by the manner in which she has devoted herself to the public welfare and by her enthusiasm and sincerity which has obtained the respect and admiration of the residents of the Municipality.

At the Ordinary Council Meeting held on 30 November 2017 Council resolved:

MINUTE NO: 150/2017**Moved: Cr P McCumstie****Seconded: Cr P Coggins**

That the Chief Executive Officer be authorised to further investigate the process to bestow the title of Honorary Freeman of the Shire upon the immediate past President, Elsia Archer.

CARRIED 8/0

STATUTORY ENVIRONMENT:

Nil.

POLICY IMPLICATIONS:

There is no policy in relation to this matter.

FINANCIAL IMPLICATIONS:

Council will be holding a luncheon on 15 December at the Derby Sportsman’s Club which will include the presentation of the Honorary Freeman Certificate.

STRATEGIC IMPLICATIONS:

Nil.

RISK MANAGEMENT CONSIDERATIONS:

Nil.

CONSULTATION:

The matter was discussed

COMMENT:

Investigation has occurred and a certificate prepared to present, however a resolution of Council is required to affix the Common Seal.

VOTING REQUIREMENT:

Absolute majority

OFFICER RECOMMENDATION:

That Council

- 1. AUTHORISES the Shire President and Chief Executive Officer to execute by affixing the Common Seal to the Certificate of Honorary Freemanship being awarded to Elsia Archer OAM.**

10.2 CORPORATE SERVICES

10.2.1 ACCOUNTS FOR PAYMENT – NOVEMBER 2017

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	5110 – Accounts Payable
Author:	Myra Henry, Senior Finance Officer
Responsible Officer:	Martin Cuthbert, Director Corporate and Community Services
Disclosure of any Interest:	Nil
Date of Report:	5 December 2017
Attachments:	6. Cheque reconciliation and schedule of accounts
Authority/Discretion:	Information

SUMMARY:

For Council to note the list of accounts paid under the Chief Executive Officer's delegated authority during the month of November 2017.

BACKGROUND:

Council has delegated to the Chief Executive Officer the exercise of its power to make payments from the Shire's municipal and trust funds. In accordance with regulation 13 of the *Local Government (Financial Management) Regulations 1996*, a list of accounts paid by the Chief Executive Office is to be provided to Council.

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulations 1996

12. Payments from municipal fund or trust fund, restrictions on making

12(1) A payment may only be made from the municipal fund or a trust fund –

(a) if the local government has delegated to the Chief Executive Officer the exercise of its power to make payments from those funds – by the CEO: or

(b) otherwise, if the payment is authorised in advance by a resolution of the council.

The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund.

13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO

is to be prepared each month showing for each account paid since the last such list was prepared –

- (a) the payee’s name; and*
- (b) the amount of the payment; and*
- (c) the date of the payment; and*
- (d) sufficient information to identify the transaction.*

(2) A list of accounts for approval to be paid is to be prepared each month showing –

- (a) for each account which requires council authorisation in that month –*
 - (i) the payee’s name; and*
 - (ii) the amount of the payment; and*
 - (iii) sufficient information to identify the transaction; and*
- (b) the date of the meeting of the council to which the list is to be presented.*

(3) A list prepared under subregulation (1) or (2) is to be –

- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and*
- (b) recorded in the minutes of that meeting.*

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

All expenditure from the municipal fund was included in the annual budget as adopted or revised by Council.

STRATEGIC IMPLICATIONS:

GOAL	OUTCOME	STRATEGY
4: Good governance and an effective organisation Leadership that provides strategic direction for the community, supported by efficient and effective service delivery	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

RISK MANAGEMENT CONSIDERATIONS:

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
<p>Legal and Compliance: In accordance with section 6.8 of the <i>Local Government Act 1995</i>, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by an absolute majority of Council</p>	Rare	Minor	Low	Expenditure to only be incurred in accordance with budget parameters, which have been structured on financial viability and sustainability principles

CONSULTATION:

Internal consultation within the Corporate Services Department.

COMMENT:

All municipal fund expenditure included in the list of payments is incurred in accordance with the 2017-18 Annual Budget as adopted by Council at its meeting held 31 August 2017 (Minute No. 097/2017 refers) and subsequently revised or has been authorised in advance by the President or by resolution of Council as applicable.

The table below summarises the payments drawn on the funds during the month of November 2017. Lists detailing the payments made are appended as an attachment.

FUND	DETAILS	AMOUNT
Municipal Account		
EFT Payments	EP# 43209 – EP# 43459	\$4,565,888.26
Municipal Cheques	54676 – 54680	\$18,657.80
Direct Debits	Fees, Charges, Credit Card Payments, Payroll and Payroll Liabilities	\$497,059.35
Manual Cheques	Nil	\$Nil
Trust Account		
Trust Cheques	006489 – 006498	\$4,201.11
	Total	\$5,085,806.52

Creditor’s outstanding as at 30 November 2017 totalled \$394,175.46.

VOTING REQUIREMENT:

Simple majority

OFFICER RECOMMENDATION:

That Council NOTES the Chief Executive Officer’s list of accounts for November 2017 paid under Delegated Authority in accordance with regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* forming Attachment 6 to Report 10.2.1, totalling \$5,085,806.52.

10.2.2 STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 30 NOVEMBER 2017

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	5152 – Monthly Financial Reports
Author:	Gary O’Neil, Manager of Finance
Responsible Officer:	Martin Cuthbert, Director Corporate and Community Services
Disclosure of any Interest:	Nil
Date of Report:	5 December 2017
Attachments:	7. Monthly Financial Report November 2017
Authority/Discretion:	Information

SUMMARY:

For Council to note the statement of financial activity for the period ended 30 November 2017 as required by the *Local Government Act 1995* (‘the Act’).

Pursuant to section 6.4 of the *Local Government Act 1995* and regulation 34(4) of the *Local Government (Financial Management) Regulations 1996* (‘the Regulations’), a local government is to prepare, on a monthly basis, a statement of financial activity that reports on the Shire’s financial performance in relation to its adopted/amended budget.

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the Shire’s financial performance on a year to date basis for the period ending 30 November 2017.

BACKGROUND:

At its meeting held 31 August 2017 (Minute No. 097/2017 refers), Council adopted the annual budget for the 2017-18 financial year. The figures in this report are compared to the adopted budget.

It should be noted that these reports do not represent a projection to the end of year position or that there are funds surplus to requirements. It represents the year to date position to 30 June 2018 and results from a number of factors identified in the report. There are a number of factors that influence any variances, but it is predominately due to the timing of revenue and expenditure compared to the budget estimates. The notes to the statement of financial activity identify and provide commentary on the individual key material revenue and expenditure variances to date.

The following reports are for Council to note for the period ending 30 November 2017.

-) Summary Graphs – Financial Activity
-) Statement of Financial Activity by Program
-) Statement of Financial Activity by Nature or Type
-) Notes –
 -) Significant Accounting Policies
 -) Net Current Funding Position
 -) Capital – Acquisitions, Funding and Disposal
 -) Cash and Investments
 -) Receivables
 -) Payables
 -) Cash Backed Reserves
 -) Rating Information
 -) Information on Borrowings
 -) Grants and Contributions
 -) Budget Amendments
 -) Trust Fund
 -) Material Variances

Additionally, and pursuant to regulation 34(5) of the Regulations, a local government is required to adopt a material variance reporting threshold in each financial year. At its meeting of 31 August 2017, the Council adopted (Minute No. 097/2017 part 7 refers) the following material variance reporting threshold for the 2017-18 financial year:

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 2017-18 for reporting material variances shall be 10%, with a minimum reportable value amount of \$30,000.

STATUTORY ENVIRONMENT:

Section 34 of the *Local Government (Financial Management) Regulations 1996* provides:

34. Financial activity statement required each month (Act s. 6.4)

(1) *A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail –*

(a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and*

(b) *budget estimates to the end of the month to which the statement relates;*

and

- (c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and*
 - (d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
 - (e) *the net current assets at the end of the month to which the statement relates.*
- (2) *Each statement of financial activity is to be accompanied by documents containing –*
 - (a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and*
 - (b) *an explanation of each of the material variances referred to in subregulation (1)(d); and*
 - (c) *such other supporting information as is considered relevant by the local government.*
- (3) *The information in a statement of financial activity may be shown –*
 - (a) *according to nature and type classification; or*
 - (b) *by program; or*
 - (c) *by business unit.*
- (4) *A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be –*
 - (a) *presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
 - (b) *recorded in the minutes of the meeting at which it is presented.*
- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

POLICY IMPLICATIONS:

- AF14 – Significant Accounting Policies
- AF18 – Sundry Debtors Collection
- AF19 – Outstanding Rates Collection
- FM4 – Reserve Accounts
- FM7 – Cashflow Management
- FM8 – Investments

FINANCIAL IMPLICATIONS:

Expenditure for the period ending 30 November 2017 has been incurred in accordance with the 2017-18 budget parameters, which have been structured on financial viability and sustainability principles.

Details of any budget variation in excess of \$30,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

STRATEGIC IMPLICATIONS:

GOAL	OUTCOME	STRATEGY
<p>4: Good Governance and an effective organisation Leadership that provides strategic direction for the community, supported by efficient and effective service delivery</p>	<p>4.1: Effective Governance and Leadership</p>	<p>4.1.4: Ensure governance policies and procedures are in accordance with legislative requirements</p>

RISK MANAGEMENT CONSIDERATIONS:

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
<p>Finance: The Shire is exposed to a number of financial risks. Most of these risks exist in respect to recurrent revenue streams which are required to meet current service levels. Any reduction in these revenue stream into the future is likely to have an impact on the Shire’s ability to meet service levels or asset renewal funding requirements, unless the Shire can replace this revenue or alternatively reduce costs.</p>	Possible	Major	High	Risk assessments have been completed in relation to a number of higher level financial matters. The timely and accurate completion of monthly financial reporting enabling Council to make fully informed decisions is a control that assists in addressing this risk.
<p>Reputation: The Shire currently has unspent grant funding, including Country Local Government Fund and various Road Project Funds. This funding is associated with capital works programs. If the Shire does not expend and acquit the funding in a timely manner the funding bodies may not approve carry-over into future years and the funding could potentially be lost. This could also damage future funding opportunities.</p>	Possible	Moderate	Medium	Manage by monitoring progress towards project completion

CONSULTATION:

Internal consultation within the corporate services department.

In accordance with section 6.2 of the *Local Government Act 1995*, the annual budget was prepared having regard to the Strategic Community Plan, prepared under section 5.56 of the *Local Government Act 1995*.

COMMENT:

All expenditure included in the financial statements is incurred in accordance with Council's adopted budget or subsequent approval in advance.

The Statement of Financial Activity is presented monthly, being generated by our off-site Accountants, Moore Stephens, and then printed in our office.

Once the reports are received by Moore Stephens, comments are added to various sections of the report to provide additional information or explanation. Explanations for any material variance identified in the reports are provided in Note 13 – Explanation of material Variances.

VOTING REQUIREMENT:

Simple majority

OFFICER RECOMMENDATION:

That Council NOTES the Monthly Financial Management Report incorporating the Statement of Financial Activity for the period ending 30 November 2017 forming Attachment 2 to Report 10.2.2.

10.2.3 ANNUAL REPORT 2016-17

Location/Address:	N/A
Name of Applicant:	Shire of Derby/West Kimberley
File Reference:	4225 – Annual Report
Author:	Martin Cuthbert, Director Corporate and Community Services
Responsible Officer:	Stephen Gash, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	6 December 2017
Attachments:	8. 2016-17 Annual Report
Authority/Discretion:	Executive

SUMMARY:

For Council to adopt the 2016-17 Annual Report.

BACKGROUND:

In accordance with section 5.53 of the *Local Government Act 1995* the 2016-17 Annual Report has been prepared, summarising the year's highlights and achievements, as well as including specific statutory requirements.

The Shire's external auditor has completed the audit of Council's Annual Financial Statements for the 2016-17 financial year and these statements are the subject of a separate report to Council. The Annual Financial Statements form part of the 2016-17 Annual Report.

The 2016-17 Annual Report forms the main item of business discussed at the Annual General Meeting of Electors. Section 5.27 of the *Local Government Act 1995* requires that the Annual General Meeting of Electors is to be held on a day selected by the Local Government, but not more than 56 days after the Annual Report is accepted.

STATUTORY ENVIRONMENT:

Section 5.53 of the *Local Government Act 1995* states the following in relation to the contents of the Annual Report:

5.53 Annual Reports

- (1) *The local government is to prepare an annual report each financial year.*
- (2) *The annual report is to contain:*
 - (a) *a report from the Mayor or President;*
 - (b) *a report from the Chief Executive Officer;*

- (c) deleted;*
- (d) deleted;*
- (e) an overview of the Plan for the Future of the District made in accordance with Section 5.56 including major initiatives that are proposed to commence or to continue in the next financial year;*
- (f) the financial report for the financial year;*
- (g) such information as may be prescribed in relation to the payments made to employees;*
- (h) the auditor’s report for the financial year;*
 - ha. a matter on which a report must be made under Section 29(2) of the Disability Services Act 1993*
 - hb. details of entries made under Section 5.121 during the financial year in the register of complaints, including –*
 - I. the number of complaints recorded in the register of complaints;*
 - II. how the recorded complaints were dealt with; and*
 - III. any other details that the regulations may require; and*
 - (i) such other information as may be prescribed.*

Section 5.54 of the *Local Government Act 1995* states the following in relation to the acceptance of the Annual Report:

5.54 Acceptance of Annual Reports

(1) Subject to subsection (2), the annual report for a financial year is to be accepted by the local government no later than 31 December after the financial year.*

**Absolute Majority required.*

(2) If the auditor’s report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor’s report becomes available.

Section 5.55 of the *Local Government Act 1995* states the following in regard to the notice regarding the availability of the Annual Report:

5.55 Notice of Annual Reports

The Chief Executive Officer is to give local public notice of the availability of the Annual Report as soon as practicable after the report has been accepted by the Local Government.

Regulation 15 of the *Local Government (Administration) Regulations 1996* details the matters for discussion at the Annual General Meeting of Electors. They include the contents of the Annual Report for the previous financial year and then any other general business.

POLICY IMPLICATIONS:

There are no policy implications resulting from the recommendations of this report.

FINANCIAL IMPLICATIONS:

There are no financial implications resulting from the recommendations of this report.

STRATEGIC IMPLICATIONS:

GOAL	OUTCOME	STRATEGY
4: Good governance and an effective organisation Leadership that provides strategic direction for the community, supported by efficient and effective service delivery	4.1: Effective governance and leadership	4.1.4: Ensure governance policies and procedures are in accordance with legislative requirements
4: Good governance and an effective organisation Leadership that provides strategic direction for the community, supported by efficient and effective service delivery	4.4: Effective governance and leadership	4.4.4: Provide resources to support the Shire’s operations and to meet planning, reporting and accountability requirements

RISK MANAGEMENT CONSIDERATIONS:

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Legal and Compliance: That Council not adopt the Annual Report and submit to the DLGC	Rare	Minor	Low	Accept officer recommendation

CONSULTATION:

There is no legislative requirement to consult the community on the preparation of the Annual Report, however the *Local Government Act 1995* requires an Annual General Meeting of Electors to be held once every year and the Annual Report to be made publicly available.

COMMENT:

The Department of Local Government and Communities Integrated Planning and Reporting Framework sets out the requirements for local governments to undertake planning and reporting on their activities. This includes the annual reporting to the

community on achievements and the financial statements. The Annual Report is also seen as an essential tool to inform the community and key stakeholders about its performance and future plans.

The *Local Government Act 1995* requires every local government to prepare an Annual Report. The Annual Report provides progress on the performance, highlights and achievements of the previous financial year to the community. The Annual Report also contains the audited Financial Statements from the previous financial year. It is a statutory requirement that Council accepts an Annual Report and for the report to be presented to the Annual General Meeting of Electors.

The 2016-17 Annual Report has been prepared addressing the highlights and achievements of the year. The Annual Report also includes measurements against the Shire of Derby/West Kimberley Corporate Business Plan. Reports against statutory requirements are also included in the Annual Report.

Once adopted by Council the Annual Report, incorporating the Annual Financial Report, will be made available on the Shire's website. A minimal number of printed, bound colour copies will be available for viewing at Libraries and Customer Services Areas of the Shire.

In order for the Shire of Derby/West Kimberley to meet its legislative requirements, it is recommended that Council accepts the Annual Report for the financial year 2016-17.

VOTING REQUIREMENT:

Absolute majority

OFFICER RECOMMENDATION:

That Council, BY AN ABSOLUTE MAJORITY:

- 1. Pursuant to section 5.54 of the *Local Government Act 1995*, ACCEPTS the Annual Report for the 2016-17 financial year, forming Attachment 8;**
- 2. Pursuant to section 5.55 of the *Local Government Act 1995*, GIVES local public notice of the availability of the 2016-17 Annual Report.**

10.2.4 ANNUAL MEETING OF ELECTORS

Location/Address:	N/A
Name of Applicant:	Shire of Derby/West Kimberley
File Reference:	4210 – Electors Meetings
Author:	Martin Cuthbert, Director Corporate and Community Services
Responsible Officer:	Stephen Gash, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	6 December 2017
Attachments:	Nil
Authority/Discretion:	Executive

SUMMARY:

For Council to determine the meeting date and time for the Annual General Meeting of Electors.

BACKGROUND:

Section 5.27 of the *Local Government Act 1995* requires that the Annual General Meeting of Electors be held on a day selected by the Local Government, but not more than 56 days after the Annual Report is accepted. It is anticipated that Council will accept the Annual Report at its meeting to be held 14 December 2017.

Furthermore, section 5.29 of the *Local Government Act 1995* states that the Chief Executive Officer is to convene an Electors Meeting by giving at least 14 days public notice.

Should Council adopt the Annual Report at its meeting to be held 14 December 2017, the earliest date to issue local public notice is Friday 22 December 2017, meaning that the earliest date the Annual General Meeting of Electors can be held is Friday 5 January 2018, with the last date being Friday 16 February 2018.

It is considered that the most appropriate date for holding the Annual General Meeting of Electors is Thursday 8 February 2018, at the conclusion of the scheduled Council Forum. Elected Members are more likely to be available at this time due to their attendance at the Council Forum and it also provides opportunity for the public to attend given they know when Councils meetings are scheduled to be held.

STATUTORY ENVIRONMENT:

Section 5.27 of the *Local Government Act 1995* states the following in regard to Annual General Meeting of Electors:

5.27. Electors' general meetings

- (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- (3) *The matters to be discussed at general electors' meetings are to be those prescribed.*

Section 5.29 states the following in respect to convening Electors Meetings:

5.29. Convening electors' meetings

- (1) *The CEO is to convene an electors' meeting by giving:*
 - (a) *at least 14 days' local public notice; and*
 - (b) *each council member at least 14 days' notice,*
of the date, time, place and purpose of the meeting.
- (2) *The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under Section 1.7(1)(a) and is to continue by way of exhibition under Section 1.7(1)(b) and (c) until the meeting has been held.*

Regulation 15 of the *Local Government (Administration) Regulations 1996* details the matters for discussion at the AGM of Electors. They are the contents of the Annual Report for the previous financial year and then any other general business. It is suggested therefore, that the agenda format for the Annual Meeting of Electors be:

-) Attendance and Apologies
-) Contents of the 2016-17 Annual Report
-) General Business

POLICY IMPLICATIONS:

There are no policy implications resulting from the recommendations of this report.

FINANCIAL IMPLICATIONS:

There are no financial implications resulting from the recommendations of this report.

STRATEGIC IMPLICATIONS:

GOAL	OUTCOME	STRATEGY
<p>4: Good governance and an effective organisation Leadership that provides strategic direction for the community, supported by efficient and effective service delivery</p>	<p>4.4: Financial sustainability and accountability for performance</p>	<p>4.4.4: Provide resources to support the Shire’s operations and to meet planning, reporting and accountability requirements</p>

RISK MANAGEMENT CONSIDERATIONS:

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
<p>Legal and Compliance: That the Annual Electors Meeting not be held within 56 days of the Annual Report being adopted</p>	Rare	Minor	Low	Accept officer recommendation

CONSULTATION:

The *Local Government Act 1995* requires an Annual General Meeting of Electors to be held once every year and the Annual Report to be made publicly available.

While the Shire advertises the meeting in accordance with the *Local Government Act 1995*, the Shire will promote the scheduled meeting date as soon as possible and will publicise the Annual Report through the Shire’s website once it is adopted by Council.

COMMENT:

The audited Annual Financial Statements for 2016-17 are the subject of a separate report to the Compliance and Strategic Review Committee and then Council. Once these statements are adopted by Council, they are inserted into the 2016-17 Annual Report which is also adopted by Council as a separate item.

In order for the Shire of Derby/West Kimberley to meet its legislative requirements, it is recommended that Council convenes the Annual General Meeting of Electors at the conclusion of the February Council Forum at 6.00pm on Thursday 8 February 2018 at the Council Chambers, Derby.

VOTING REQUIREMENT:

Simple majority

OFFICER RECOMMENDATION:

That Council:

- 1. Pursuant to section 5.27 of the *Local Government Act 1995*, CONVENES the Annual General Meeting of Electors on Thursday 8 February, 2018 commencing at 6.30pm at the Council Chambers, Derby; and**
- 2. ADVERTISE the Annual Electors Meeting in accordance with section 5.29 of the *Local Government Act 1995*.**

10.2.5 OVERDRAFT FACILITY FOR FLOOD DAMAGE CLAIM AGRN743

Location/Address:	N/a
Name of Applicant:	N/a
File Reference:	5165
Author:	Stephen Gash – Chief Executive Officer
Responsible Officer:	Stephen Gash – Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	7 December 2017
Attachments:	Main Roads Confirmation Letter 20 November 2017
Authority/Discretion:	Administrative

SUMMARY:

To approve an overdraft facility for cash flow management of flood damage claim AGRN743.

BACKGROUND:

The adopted budget for 2017/18 included the expenditure for flood damage claim AGRN743. This expenditure is to be recouped through the Western Australian Natural Disaster Relief and Recovery Arrangements (WANDRRA).

The attached letter from Main Roads Western Australia confirms updated estimates of approximately \$11.2million for the work.

STATUTORY ENVIRONMENT:

A local government may obtain credit in accordance with section 6.20 of the Local Government Act 1995

POLICY IMPLICATIONS

FM7 Cash Flow Policy requires the Shire to manage daily cash flow.

FM5 Loan Borrowings Policy does not apply as this is a credit facility matching grant recoup.

FINANCIAL IMPLICATIONS:

The cost of the overdraft facility is based on the full value of the facility and will ultimately be determined by the length of time the facility is required. The cost estimate based on market rates for commercial facilities will be under \$100,000.

STRATEGIC IMPLICATIONS:

The proposed credit facility supports the strategy of effective financial management. It also supports the accelerated works program to repair the roads in a timely manner.

RISK MANAGEMENT CONSIDERATIONS:

Depending on the timeframe State Agencies to approve WANDRRA claims for payment there would be a significant solvency risk if the facility was not approved.

The Shire has worked with Main Roads on assessment, cost estimates, and procedures to minimise any claim processing delays.

CONSULTATION:

WA Treasury Corporation does not have an overdraft facility.

The Department of Local Government has been brief on the Shires intention to access a commercial overdraft / credit facility as a result of cash flow requirements.

COMMENT:

The flood damage impacted Aboriginal Community, pastoral, tourist, and emergency service access resulting in many State Government agencies requesting the Shire to facilitate works as soon as possible.

Tenders for work were awarded to support the repairs to be done concurrently over the shortest period of time. However, this has a significant impact on cash flow of up to \$1million per week which is outside the Council's cash reserves.

The proposed overdraft facility supports recoup of 2 to 3 claims over the balance of this financial year. A claim of over \$3million has already been collated ready for submission and over \$2million in invoices have been received in the last week.

Based on up to a 10-12 week turnaround on payment of claims assessed under the WANDRRA by relevant agencies, a credit facility of up to \$8million overdraft is recommended.

VOTING REQUIREMENT:

Absolute majority

OFFICER RECOMMENDATION:

Council authorise a credit/ overdraft facility for up to \$8million for 2017/18 for the purpose of managing cash flow of flood damage claims under event AGRN743.

13.3 TECHNICAL SERVICES

Nil

13.4 DEVELOPMENT SERVICES

Nil

13.5 COMMUNITY DEVELOPMENT AND RECREATION SERVICES

Nil

14.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

15.0 NEW BUSINESS OF AN URGENT NATURE

**16.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED
(CONFIDENTIAL MATTERS)**

17.0 CLOSURE

17.1 DATE OF NEXT MEETING

The next ordinary meeting of Council will be held Thursday, 22 February 2018 at the Council Chambers, Derby.

17.2 CLOSURE OF MEETING

The Presiding Member closed the meeting at pm

<p>These minutes were confirmed at a meeting on</p> <p>.....</p> <p>Signed:</p> <p>Presiding Person at the meeting at which these minutes were confirmed.</p> <p>Date:</p>
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