



SHIRE OF DERBY/WEST KIMBERLEY

ORDINARY MEETING OF COUNCIL

**HELD AT THE COUNCIL CHAMBERS
CLARENDON STREET, DERBY
THURSDAY, 29 MARCH 2018**

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.

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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.”

2018 MEETING DATES

At its Ordinary Meeting of Council on 30 November, 2017, Council adopted the following meeting dates for 2018;

January			Council in Recess
Thursday	22 February 2018	5.30 pm	Council Chambers, Derby
Thursday	29 March 2018	1.00 pm	Karrayili Adult Education Centre, Fitzroy Crossing
Thursday	26 April 2018	5.30 pm	Council Chambers, Derby
Thursday	31 May 2018	5.30 pm	Council Chambers, Derby
Thursday	28 June 2018	1.00 pm	Karrayili Adult Education Centre, Fitzroy Crossing
Thursday	26 July 2018	5.30 pm	Council Chambers, Derby
Thursday	30 August 2018	5.30 pm	Council Chambers, Derby
Thursday	27 September 2018	1.00 pm	Council Chambers, Derby
Thursday	25 October 2018	5.30 pm	Council Chambers, Derby
Thursday	29 November 2018	1.00 pm	Karrayili Adult Education Centre, Fitzroy Crossing
Thursday	13 December 2018	5.30 pm	Council Chambers, 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.

MEETING ATTENDANCE

The following table provides information on attendance at the 2017-2018 Ordinary and Special Council Meetings;

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	✓	✓	✓	✓	✓	✓	LOA			
I Prouse	✓	✓	✓	✓	LOA	✓	✓	✓			
A Twaddle	✓	✓	✓	✓	✓	✓	✓	✓			
G Davis	Elected 21 Oct 2017			✓	✓	✓	A	✓			
G Haerewa	Elected 21 Oct 2017			✓	✓	✓	✓	✓			
D Andrews	Elected 21 Oct 2017			✓	✓	✓	A	A			

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 at 1.52pm by Cr Geoff Haerewa, Shire President.

2.0 RECORD OF ATTENDANCE

2.1 ATTENDANCE

ELECTED MEMBERS:

Cr Geoff Haerewa	Shire President
Cr Paul White	Deputy Shire President
Cr Iris Prouse	Councillor
Cr Andrew Twaddle	Councillor
Cr Peter Coggins	Councillor
Cr Chris Kloss	Councillor
Cr Geoff Davis	Councillor

STAFF:

Stephen Gash	Chief Executive Officer
Wayne Neate	Director Technical & Development
Ross Sullivan	Services/Deputy CEO
Danielle Hurstfield	Manager Administration & Governance

VISITORS:

Nil

GALLERY:

Nil

2.2 APOLOGIES

Cr Denise Andrews	Councillor
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2.3 APPROVED LEAVE OF ABSENCE

Cr Peter McCumstie	Councillor
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2.4 ABSENT

Nil

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

Nil

2.5.2 DECLARATIONS OF PROXIMITY INTERESTS

Cr Iris Prouse – Item 10.30.1

2.5.3 DECLARATIONS OF IMPARTIALITY INTERESTS

Nil

3.0 APPLICATIONS FOR LEAVE OF ABSENCE

Cr A Twaddle for the 26 April 2018 Ordinary Council Meeting

Cr P Coggins for the 26 April 2018 Ordinary Council Meeting

4.0 ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS

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

5.0 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

6.0 PUBLIC TIME

6.1 PUBLIC QUESTION TIME

Nil

6.2 PUBLIC STATEMENTS

Nil

6.3 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS

Nil

7.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil

8.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

COUNCIL DECISION AND OFFICER RECOMMENDATION:

MINUTE NO. 014/2018

Moved: Cr P Coggins

Seconded: Cr I Prouse

That the Minutes of the Ordinary Meeting of the Shire of Derby/West Kimberley held at the Council Chambers, Derby, on 22 February 2018 be CONFIRMED.

CARRIED: 6/0

COUNCIL DECISION AND OFFICER RECOMMENDATION:

MINUTE NO. 015/2018

Moved: Cr A Twaddle

Seconded: Cr P White

That the Minutes of the Compliance and Strategic Review Committee of the Shire of Derby/West Kimberley held at the Council Chambers, Derby, on 29 March 2018 be CONFIRMED.

CARRIED: 6/0

9.0 RECOMMENDATIONS AND REPORTS OF COMMITTEES

9.1 COMPLIANCE AND STRATEGIC REVIEW COMMITTEE

9.1.1 2017 COMPLIANCE AUDIT RETURN

Location/Address:	N/A
Name of Applicant:	Shire of Derby/West Kimberley
File Reference:	4110 – Compliance (Audit Internal)
Author:	Ross Sullivan, Manager Community Services
Responsible Officer:	Martin Cuthbert, Director Corporate and Community Services
Disclosure of any Interest:	Nil
Date of Report:	22 March 2018
Attachments:	1. 2017 Compliance Audit Return, 2. Compliance Audit Review
Authority/Discretion:	Executive

SUMMARY:

For the Council to review the results of the Compliance Audit Return (CAR) for 2017 and recommend its adoption prior to it being submitted to the Department of Local Government, Sport and Cultural Industries.

BACKGROUND:

The 2017 Car was made available to local government authorities by the Department of Local Government, Sport and Cultural Industries via its centralised portal called Smart Hub.

With a focus on areas of compliance considered high risk, the structure of the Return is similar to previous years but includes a new section related to Integrated Planning and Reporting which in this instance is optional stating *“This question is optional, answer N/A if you choose not to respond.”*

In accordance with the *Local Government Act 1995* and *Local Government (Audit) Regulations 1996* a local government is required to complete an annual Compliance Audit Return for the period 1 January to 31 December each year. The CAR is to be forwarded to the Department of Local Government, Sport and Cultural Industries by

31 March each year after being presented to the Compliance and Strategic Review Committee and adopted by Council.

The aim of the CAR is to build good governance by promoting and enforcing compliance and encouraging all local governments to move beyond minimum compliance through continuous improvement.

The CAR contains the following compliance categories:

-) Commercial Enterprises by Local Governments
-) Delegation of Power/Duty
-) Disclosure of Interest
-) Disposal of Property
-) Elections
-) Finance
-) Integrated Planning and Reporting
-) Local Government Employees
-) Official Conduct
-) Tenders for Providing Goods and Services

This year Mr Gary Martin was engaged to carry out an independent review of the Return who has previously worked for the Shire in an Acting CEO capacity and regularly undertakes independent reviews across a number of local governments across Western Australia.

It was intended that the review would be completed on site from the 29th to the 31st January, however the highway between Broome and Derby was closed due to the flooding associated with a tropical low. As a result, Mr Gary Martin was unable to travel to Derby and therefore the review was undertaken electronically (email).

STATUTORY ENVIRONMENT:

Section 7.13(i) of the Local Government Act 1995

7.13. Regulations as to audits

(1) Regulations may make provision —

- (i) requiring local governments to carry out, in the prescribed manner and in a form approved by the Minister, an audit of compliance with such statutory requirements as are prescribed whether those requirements are —*

- (i) of a financial nature or not; or*

- (ii) *under this Act or another written law.*

Local Government (Audit) Regulations 14 and 15:

Regulation 14 – Compliance audits by local governments.

- (1) *A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.*
- (2) *After carrying out a compliance audit the local government is to prepare compliance audit return in a form approved by the Minister.*
- (3A) *The local government’s audit committee is to review the compliance audit return and is to report to the Council the results of that review.*
- (3) *After the audit committee has reported to the Council under sub regulation (3A) the compliance audit return is to be—*
- (a) *presented to the Council at a meeting of the Council; and*
 - (b) *adopted by the Council; and*
 - (c) *recorded in the minutes of the meeting at which it is adopted.*

Regulation 15 – Compliance audit return, certified copy of etc. to be given to Executive Director.

- (1) *After the compliance audit return has been presented to the Council in accordance with regulation 14(3) a certified copy of the return together with –*
- (a) *a copy of the relevant section of the minutes referred to in regulation 14(3)(c);and*
 - (b) *any additional information explaining or qualifying the compliance audit, is to be submitted to the Executive Director by 31 March next following the period to which the return relates.*
- (2) *In this regulation certified in relation to a compliance audit return means signed by –*
- (a) *the mayor or president; and*
 - (b) *the CEO.*

POLICY IMPLICATIONS:

There are no policy implications to be considered as part of this recommendation

FINANCIAL IMPLICATIONS:

There are no financial implications to be considered as part of this recommendation

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	4.1.3: Strengthen the governance role of Councillors by informing, resourcing, skilling and supporting their role
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

RISK MANAGEMENT CONSIDERATIONS:

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Legal and Compliance: The Compliance Audit Return not endorsed by Council This would result in non-compliance with significant regulatory requirements imposed	Unlikely	Moderate	Moderate	Accept Officer's recommendation Otherwise an extension of time would need to be requested from the DLGSCI. CAR re-presented once concerns are adequately addressed.

CONSULTATION:

No community consultation is required on this matter. However, a number of officers who have compliance responsibility relevant to the CAR were consulted.

Source documents such as, but not limited to, minutes of meetings, declarations of interest, annual and primary returns, resolutions of Council, and public notices, were all utilised in evidencing the Shire's compliance with the requirements of the Compliance Audit Return.

Guidance has been communicated by the Department of Local Government, Sport and Cultural Industries via government circulars, guidelines and direct contact.

COMMENT:

The period examined by this audit is 1 January to 31 December 2017 and the completed return is required to be:

-) Reviewed by the Audit Committee;
-) Considered and adopted by Council;
-) Certified by the President and CEO following Council adoption;
-) Submitted together with a copy of the Council Minutes to the Department by 31 March 2018.

The CAR assists the Shire to monitor legislative compliance by examining a range of prescribed requirements under regulation 13 of the *Local Government (Audit) Regulations 1996* in detail. The Shire's audit findings must be recorded in the Compliance Audit Return pro forma which is duly completed and provided as an attachment along with Mr Gary Martin's report.

The 2017 CAR was completed by the Manager Administration and Governance. Mr Gary Martin, was engaged as an independent consultant to peer review the CAR. Effective peer reviews provide an independent perspective and judgements of professionals who are knowledgeable in the subjects that are being reviewed. The report provided by Mr Gary Martin identified five Non-compliance items out of a total of 94 items tested within the CAR.

These included:

-) Delegations of Power/Duty (4):
 - Recording of delegations to Committees in Register
 - Review of delegations to Committees
 - Written advice of delegations to CEO
 - Written advice of delegations to employees
-) Tenders for Providing Goods and Services: (1)
 - Maintenance of Tender Register

Through undertaking the review, Mr Gary Martin provided a number of guidance recommendations in his report that in conjunction with measures to address the matters noted above, will ensure an ongoing high level of compliance is achieved going forward.

This will also be addressed by the use of the online delegation management system Attain 2.0 which has already been purchased for the 2018 calendar year.

The delays in Strategic Community Plan and its informing of the relevant corporate business plan resulted from the State requesting our community consultation be held off to allow the Regional Services Reform Unit (RSRU) to undertake their consultation with our Aboriginal communities first.

VOTING REQUIREMENT:

Simple majority

COUNCIL DECISION AND COMMITTEE RECOMMENDATION:

MINUTE NO. 016/2018

Moved: Cr P Coggins

Seconded: Cr P White

That Council:

- 1. ENDORSES the completed Compliance Audit Return for the period 1 January 2017 to 31 December 2017;**
- 2. Recommend to Council that Council ADOPTS the completed 2017 Compliance Audit Return for the period 1 January 2017 to 31 December 2017 as attached;**
- 3. AUTHORISES the Shire President and Chief Executive Officer to sign the joint certification and SUBMITS the completed Compliance Audit Return, and any additional information explaining or quantifying the compliance audit, to the Department of Local Government, Sport and Cultural Industries by 31 March 2018; and**
- 4. NOTES the non-compliance and requests the Chief Executive Officer to address the areas of non-compliance and report back to the Compliance and Strategic Review Committee on the measures taken to mitigate the non-compliances.**

CARRIED 6/0

COUNCIL DECISION:

MINUTE NO. 017/2018

Moved: Cr C Kloss

Seconded: Cr A Twaddle

That Council, BY AN ABSOLUTE MAJORITY:

- 1. APPROVES Councillor G Davis' attendance at the Council Meeting held 29 March 2018 via telephone communication in accordance with regulation 14A(1) of the *Local Government (administration) Regulations 1996*;**
- 2. APPROVES Fitzroy Crossing, Western Australia, as a suitable place for Councillor C Kloss's attendance in accordance with regulation 14A(4) of the *Local Government (Administration) Regulations 1996*.**

CARRIED 6/0 BY AN ABSOLUTE MAJORITY

2.10 pm – Cr Geoff Davis joined the meeting by telephone

9.1.2 2017-18 BUDGET REVIEW

File Reference:	5122 – Budget Review
Author:	Gary O’Neil, Finance Consultant
Responsible Officer:	Martin Cuthbert, Director Corporate and Community Services
Disclosure of any Interest:	Nil
Date of Report:	8 March 2018
Attachments:	2017-2018 Management Budget Review Report
Authority/Discretion:	Executive

SUMMARY:

For the Compliance and Strategic Review Committee to review and recommend to Council the adoption of the 2017-2018 Budget Review and seven budget amendments.

BACKGROUND:

Local governments are required to conduct a budget review by 31 March each financial year. This report presents an indicative summary of the 2017-2018 Budget Review attached. The review is an opportunity to evaluate the current budget and allocate funding for emerging community priorities and to correct some budget estimates for unbudgeted projects and unforeseen circumstances. There are other factors and urgent matters that affect the operational activities and revenue streams which have resulted in budget variations and are discussed further in this report.

Budget reviews provide a tool for decision making for current and future activities and are a key component of financial management practices. In conjunction with providing compliance with legislation, the review aims to assess all line item budgets.

STATUTORY ENVIRONMENT:

Local Government Act 1995

6.8. Expenditure from municipal fund not included in annual budget

(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —

(a) is incurred in a financial year before the adoption of the annual budget by the local government; or

(b) is authorised in advance by resolution; or*

(c) is authorised in advance by the mayor or president in an emergency.

** Absolute majority required.*

Local Government (Financial Management) Regulations 1996

33A. Review of budget

1. Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.

2A. The review of an annual budget for a financial year must —

(a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and

(b) consider the local government's financial position as at the date of the review; and

(c) review the outcomes for the end of that financial year that are forecast in the budget.

2. Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.

3. A council is to consider a review submitted to it and is to determine whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

**Absolute majority required.*

4. Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

POLICY IMPLICATIONS:

There are no policy implications related to this report.

FINANCIAL IMPLICATIONS:

The budget review has identified some increased expenditure requirements and reductions in some revenue streams, however, these are offset by savings elsewhere predicting a surplus of \$177,600 as at the 30th June 2018. This is a major improvement on the deficit estimated in March 2017 which was \$1.5M due to reductions in revenue at the Derby Wharf and increased expenses in Information Technology costs and other operations. A reduced deficit carried forward will create less strain on 2018-2019 operations than was the case when compiling the 2017-2018 budget.

STRATEGIC IMPLICATIONS:

GOAL	OUTCOME	STRATEGY
4: Good governance and an effective organisation and 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
Legal and Compliance: That the review not be submitted to Council within 30 days after the review has been finalised.	Unlikely	Moderate	Medium	Accept officer recommendation and submit to March OCM for Council's consideration
Organisational Operations: Non approval of the budget review would result in significant delays to achieving deliverables	Unlikely	Moderate	Medium	In the short term the existing annual budget would continue to apply and proposed amendments would not apply
Reputation: Non approval of the budget review would result in significant delays to achieving deliverables	Unlikely	Moderate	Medium	Accept officer recommendation with any amendments

CONSULTATION:

Managers have considered the impact of any increased expenses and decreased revenue streams to identify areas of savings available for re-allocation to enable the inclusion of any initiatives to benefit the community and keep within the budget guidelines of a balanced budget.

COMMENT:

The focus of the 2017-2018 mid-year budget review has been to consider any changes in Councils operating environment since the beginning of the financial year with a view to forecasting the financial impacts likely to arise for the remainder of the financial year. The Table below forecasts the amount of General Purpose Income required or provided in the budget to that forecast against the budget. General Purpose Income

consists of income raised from rates, the WA Grants Commission “Federal Assistance Grant” and interest earned on investments.

A brief explanation behind variances marked as moderate, high or extreme is provided on the following page.

Sub-Function	General Purpose Income (required)/provided			Risk
	Forecast	Budget	Surplus/ (deficit)	
Total Organisation	177,600	-	177,600	
General Purposes				
3.10 General Purposes	11,601,200	11,778,000	(176,800)	High
	11,601,200	11,778,000	(176,800)	High
Executive Services				
4.10 Elected Members	(876,000)	(863,300)	(12,700)	None
4.20 Strategic Governance	(168,200)	(136,800)	(31,400)	Low
4.30 Information Technology	(557,300)	(571,000)	13,700	None
4.40 Tourism, Economic & Regional Development	(285,200)	(274,800)	(10,400)	Low
4.50 Fitzroy Community Management	(565,500)	(611,500)	46,000	None
4.60 Planning and Development	(113,900)	(161,400)	47,500	None
4.70 WALGA Kimberley Zone	200	-	200	None
	(2,565,900)	(2,618,800)	52,900	None
Corporate Services				
5.10 Corporate Services	126,700	34,300	92,400	None
5.30 Agency Services	(68,000)	(64,100)	(3,900)	Low
5.40 Staff Housing	23,900	34,600	(10,700)	Low
5.50 Other Property	(27,900)	(21,100)	(6,800)	Low
	54,700	(16,300)	71,000	None
Community Services				
6.10 Library Services	(366,100)	(370,500)	4,400	None
6.20 Community Arts and Heritage	(116,400)	(205,600)	89,200	None
6.30 Children's Services	(57,200)	(67,900)	10,700	None
6.40 Youth Services	(149,200)	(155,600)	6,400	None
6.50 Seniors Services	(1,300)	4,600	(5,900)	Low
6.60 Community Development	(138,500)	(97,700)	(40,800)	Low
6.70 Healthy Communities	300	(4,900)	5,200	None
6.80 Civic Centres	(147,000)	(151,200)	4,200	None
6.90 Aquatic Facilities	(441,900)	(455,900)	14,000	Low
6.91 Sports and Recreation Facilities	(401,700)	(508,700)	107,000	None
6.92 Parks and Gardens	(662,800)	(659,100)	(3,700)	None
	(2,481,800)	(2,672,500)	190,700	
Development Services				
7.10 Building Services	(25,500)	(16,100)	(9,400)	None
7.20 Health Services	(234,800)	(259,000)	24,200	None
7.30 Aboriginal Community Health	(32,800)	(32,800)	-	None
7.40 Animal and Pest Control	(188,000)	(181,900)	(6,100)	Low
7.50 Litter Control	(317,900)	(374,500)	56,600	None
7.60 Waste Management	(591,100)	(625,100)	34,000	None
7.70 Community Safety	(154,700)	(176,700)	22,000	None
7.80 Cemeteries	(121,000)	(147,000)	26,000	None
7.90 Public Conveniences	(41,500)	(46,200)	4,700	None
	(1,707,300)	(1,859,300)	152,000	
Infrastructure Services				
8.10 Roads	(1,064,100)	(1,136,400)	72,300	None
8.20 Footpaths and Crossovers	(41,200)	(60,600)	19,400	None
8.30 Drainage	(92,300)	(87,200)	(5,100)	None
8.40 Flood Damage Reinstatement	(187,800)	(154,300)	(33,500)	Low
8.50 Private Works	53,000	51,000	2,000	None
8.60 Plant and Depots	(494,900)	(380,000)	(114,900)	Medium
8.70 Works Crew Overhead	(670,100)	(698,400)	28,300	None
8.80 Project Management and Technical Services	(712,400)	(640,000)	(72,400)	Medium
	(3,209,800)	(3,105,900)	(103,900)	
Port Services				
9.10 Curtin Airport	(433,600)	(390,900)	(42,700)	Medium
9.20 Derby Airport	(167,800)	(193,200)	25,400	Medium
9.30 Fitzroy Airport	(135,000)	(170,600)	35,600	None
9.40 Derby Wharf	(777,100)	(750,500)	(26,600)	Medium
	(1,513,500)	(1,505,200)	(8,300)	
Total	177,600	-	177,600	None

Function 3 General Purposes

3.10 General Purpose Income

This shortfall in funding is the result of an incorrect budget figure. Confusion was created when the WA Grants Commission provided an advance payment purportedly of 50% of the 2017-2018 allocation in late June 2017. In September 2018 it was advised that the payment in advance was in fact 53%. The budget had assumed the Shire would receive a matching payment of the June 2017 advance allocation that is 50% not 47%.

Function 4 Executive Services

4.20 Strategic Governance

This increase in budgeted expenditure is due to increased payments for professional services and consultants for Integrated Planning.

Function 5 Corporate Services

Savings will be provided in the Corporates Services Function.

Function 6 Community Services

6.60 Community Development

The 2017-2018 budget provided a contribution from General Purpose Income of \$97,700 however \$138,500 is forecast to be required. The grants for Club Development have historically been \$60,000 however it is forecast we will only receive \$40,000.

Function 7 Development Services

Savings will be provided in the Development Services Function.

Function 8 Infrastructure Services

8.60 Plant and Depots

This overspend is caused by Insurance costs being \$109,400 on a budget of \$43,800. Some of these insurance costs need to be allocated to various plant items which will mean in some cases it will be costed to various other Sub-Functions if it is plant belonging to staff.

8.80 Project Management and Technical Services

This Sub-function was introduced to collect the costs of staff employed in various asset maintenance, asset management, contract supervision and project management roles and to then allocate those costs to other Sub-Functions accordingly. The cost of this Sub-Function to General Purpose Income is significant. It is largely over budget estimates because not enough allocations to other projects and contract supervision are being made. Unless these allocations are made to funded projects, there are no savings to Council as allocations to non-funded programs or projects simply increases costs elsewhere.

Function 9 Port Services

9.10 Curtin Airport

The Budget cost to General Purpose Income for the Curtin Airport was \$390,900 and the forecast is a cost of \$433,600. The over expenditure relates to insurance which was \$49,400 on a budget of \$23,500.

9.70 Derby Wharf

The cost of the Derby Wharf will be slightly over that budgeted which is not surprising given the cost to General Purpose income of \$750,500. A variance above or below \$30,000 is only a small percentage of that budget.

Annual budgets are by nature predictions of what will happen during the term of the financial year. Unexpected circumstances and external influences result in the need to review the proposed activities during the entire budget term. This exercise has predicted a surplus of \$177,600. Although some budget items are under budget and contribute to a deficit, such as the shortfall in the WA Grants Commission federal Assistance grants, these are offset by savings elsewhere which is part of the financial management process. Budget amendments are not recommended to adjust budgets closer to their forecast actual.

Budget amendments are recommended for the following items which represent a change in projects or circumstance.

Account	Account description	Original Budget	New Budget	Nett change
430540	Capital Projects - Computer Equipment	Nil	-68,400	-68,400
510141	Expenses - Maintenance Major (Admin Office)	-90,000	-21,600	68,400
920510	Capital Works Projects - Buildings New (Derby Airport)	-7,600,000	-7,867,500	-267,500
	New Loans – Derby Airport	3,461,600	3,729,100	267,500
	Amendments to Nett Current Assets			
	Short term loan facility	0	-5,978,700	-5,978,700
	Current portion of Long Term Borrowings	-366,900	-149,400	217,500
	Add: Principal loan payments included in future budget	366,900	6,128,100	5,761,200
				0

VOTING REQUIREMENT:

Absolute majority

COUNCIL DECISION AND COMMITTEE RECOMMENDATION:**MINUTE NO. 018/2018****Moved: Cr C Kloss****Seconded: Cr P White**

That Council adopts by ABSOLUTE MAJORITY the 2017-2018 budget review, as attached to this report.

CARRIED 7/0 BY AN ABSOLUTE MAJORITY

COUNCIL DECISION AND COMMITTEE RECOMMENDATION:

MINUTE NO. 019/2018

Moved: Cr C Kloss

Seconded: Cr I Prouse

That Council adopts the following budget amendments by ABSOLUTE MAJORITY;

430540 Expenses Capital Projects - Computer Equipment from Nil to \$68,400;

510141 Expenses - Maintenance Major (Admin Office) from \$90,000 to \$21,600;

920510 Expenses Capital Projects - Derby Airport from \$7,600,000 to \$7,867,500;

New Loans – Derby Airport from \$3,461,600 to \$3,729,100;

Short Term Loan Facility from Nil to \$5,978,700;

Current portion of Long Term Borrowings from \$366,900 to \$149,400;

Principal loan payments included in future budget from \$366,900 to \$6,128,100.

CARRIED 7/0 BY AN ABSOLUTE MAJORITY

Advice Note: Changes between overdraft and short term loan facilities will reduce the cost of debt but otherwise have no significant change to Council's financial position.

10.0 REPORTS

10.1 EXECUTIVE SERVICES

10.1.1 POLICE COMMUNICATION TOWER

Location/Address:	Reserve 3297 - Lot 1419 Loch Street, Derby
Name of Applicant:	Western Australian Police Force
File Reference:	A105655
Author:	Noel Myers, Manager Planning Services
Responsible Officer:	Stephen Gash, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	27 February 2018
Attachments:	Attachment 1 – Location Plan: Attachment 2 - Plans and Elevations: Attachment 3 - Images
Authority/Discretion:	Administrative

SUMMARY:

Application seeks Council's approval for the installation of a 20 metre high telecommunications tower at the Derby Police Station.

BACKGROUND:

The property on which the new tower is to be constructed is Reserve 3297 which is a reserved for 'Public Purpose – Police' under Town Planning Scheme No.5. The Reserve has an overall area of 1.0425ha and has frontages to both Loch and Villiers Streets.

Existing development includes the Derby Police Station and the Magistrates Court that is orientated toward the Loch Street frontage, whilst the rear half of the property that fronts onto Villiers Street is vacant, undeveloped land. The existing communications infrastructure consists of two 11m high lattice towers that are located behind the buildings that form the police complex.

Surrounding development and land uses include the State Heritage Listed Derby Police Gaol immediately to the west and residential uses flank all other boundaries of the lot (**Attachment 1**).

STATUTORY ENVIRONMENT:

- i. Local Planning Scheme No.5: Clause 4.6 of Town Planning Scheme No.5 limits buildings to 9m in height in any zone apart from industrial zone;

- ii. Town Planning Policy 5: Radio Masts: Addresses amenity issues and consultation.
- iii. Planning and Development (Local Planning Schemes) Regulations 2015: procedures/processes dealing with applications.
- iv. Section 11 of the *Heritage of Western Australia Act 1990* – requirement to refer applications to Heritage Council due to proximity to State Registered Place.

The applicant will have the right to have Council’s decision reviewed by the State Administrative Tribunal (SAT) in accordance with Part 14 of the *Planning and Development Act 2005*.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

GOAL	OUTCOME	STRATEGY
Goal 2: A balance between the natural and built environment – sustainable environments that meets the needs of the community and supports growth	2.1: Appropriate development that enhances the unique character and heritage of the Shire’s townships	2.1.4: Ensure quality, consistent and responsive development and building assessment approval processes and enforcement.
Goal 2: A balance between the natural and built environment – sustainable environments that meets the needs of the community and supports growth	2.1: Appropriate development that enhances the unique character and heritage of the Shire’s townships	2.1.6: Support the conservation and maintenance of heritage buildings, heritage items and places of interest.

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:

In accordance with the requirements of Town Policy TP5 Radio Masts and the Planning and Development (Local Planning Scheme) Regulations 2015, community consultation was undertaken for a period of 14 days from 27 February 2018 to 13 March 2018. Consultation was undertaken by way of direct mail out to adjoining property owners

In addition, under the requirements of Section 11 of the Heritage of Western Australia Act, the application was also referred to the State Heritage Office in recognition that the subject site abutting the Old Derby Gaol which a State Heritage listed site.

Two submissions were received, comprising one objection and one non-objection. The comments raised in the submissions are summarised as follows:

State Heritage - no objection:

-) Notes the proposed development does not significantly impact on the identified cultural significance of the Derby Police Gaol.

Land owner - objection:

-) Replacement is not a like for like, therefore requires full and proper consideration;
-) Proximity to residential property will be visually intrusive and as such will detrimentally affect residential amenity;
-) The reserve is an extensive property with alternative options to accommodate the upgraded infrastructure;
-) Confirmation required that the installation will comply with relevant safety standards (from Australian Radiation Protection and Nuclear Safety Agency).

COMMENT:

WA Police are seeking approval to replace one of the existing 11m high lattice communications tower at the Derby Police Station with a new 20m high monopole communications tower. The new tower is required to replace the existing lattice type tower which is no longer fit for purpose.

Summary Assessment:

The table below summarises the planning assessment of the proposal against the provisions of the TPS. No.5 and Shire Policy TP5: Radio Masts. Where the proposal

requires the discretion of Council, the relevant planning element is discussed in the Detailed Assessment section following from this table.

Planning Element	Use Permissibility/Deemed-to-Comply	Requires the Discretion of Council
Height Restrictions		✓
Street Setback	✓	

Detailed Assessment:

Land Use	
Deemed-to-Comply Standard	Proposal
Town Planning Scheme No.5. Clause 4.6: No building in any zone within the Scheme Area other than Industrial zone shall exceed 2 stories or 9 metres in height above natural ground level at any point.	Land is Reserved – Public Purpose – Police Telecommunications Monopole Tower – 20m high

Building Height:

Plans identify that the new tower is to have an overall height of 20m in lieu of the maximum building height of 9m as nominated under Clause 4.6 of TPS No.5. Whilst it may be open to interpret that the height restriction articulated within the Scheme was more intended to limit the height of multistorey buildings, the restriction generally applies to *buildings* and the proposed tower falls within the adopted definition of a building. As such the proposal does not meet with the Deemed-to-comply provisions of the Scheme and Council would need to exercise discretion if the application was to be approved.

Clause 4.4 of TPS No.5 offers Council the discretion to modify development standards if it is satisfied that:

- (a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality;
- (b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality; and

- (c) the spirit and purpose of the Scheme Objectives, requirements or standards will not be unreasonably departed from thereby.

In considering the proposed development against the performance criteria and having regard to the comments received from the community consultation, the following comments are made:

-) The existing most westerly 11m high lattice tower is to be replaced by a 20m monopole to which new and existing communication antennas will be attached at various heights.

The subject property is utilitarian in form and use and the inclusion of this form of infrastructure is compatible with the prevailing built form and approved use of the site. Communications equipment is an integral and essential component of police operations and the presence of this form of infrastructure is not of a type or form that could reasonably be unexpected to occur on land that is specifically reserved for this use under the local planning scheme.

As such, the development is considered to be consistent with the proper and orderly planning of the site;

-) The new monopole tower will be located behind the buildings that form the police complex which is consistent with Town Planning Policy TP5. Whilst the police complex buildings will screen the base and bottom half of the pole when viewed from Loch Street, it is acknowledged that the new tower will be visible from both the street and surrounding residential properties. The full extent of the structure will be visible from the Villiers Street frontage

One of the objections raised to the development is based on the grounds that as the pole will be able to be seen from the rear yard of the adjacent residential lot/s, it will be visually intrusive and as such will detrimentally affect the residential amenity enjoyed by the abutting properties.

It is accepted and acknowledged that the pole will be visible from those adjoining properties at the rear of the Police complex and also from Loch and Villiers Street as indeed are the two existing 11m high lattice towers. The new communications tower is a slim line construction as opposed to the existing lattice type structure that by virtue of its design carries a greater bulk than what the monopole would, albeit it having a greater height. The new pole will have minimal equipment attached to it and is limited to the following:

- A dipole antenna arrangement affixed at 20m height (new);
- A 300mm parabolic dish set at 19m height (new);
- A dipole antenna at 14m height (existing marine VHF); and
- A connection point for the HF radio (existing).

Plans of the structure and antennas are attached as **Attachment 2**.

Whilst acknowledging the concerns of the neighbour that the proposed structure would adversely impact upon the residential amenity of the area, this claim needs to be assessed against 'what is' the prevailing amenity of the area.

As previously described the land on which the monopole is to be constructed is developed with the police station complex and the rear elevation of the police station is clearly identifiable as being non-residential in terms of its built form or use. The elevation of the building facing toward and visible from the neighbouring residential properties is dominated by gated security and holding areas used in the management and movement of people under detention and or arrest by the police (**Attachment 3**). Development at the rear of the police complex also includes various pole mounted security lights, parking areas and associated items of infrastructure including the two communication towers. As such, the established amenity of the area is not that of a typical residential area where the predominate land uses are residential dwellings. The new communications tower is regarded as being consistent with the prevailing and established form of development and use of the property and by extension is generally consistent with the established amenity of the area.

Given these circumstances, the objection that claims the proposed development is contrary to the prevailing amenity of the locality is not supported.

) The objection to the proposal noted that the Reserve is an extensive property and there are other options within the Reserve which could accommodate the upgraded infrastructure. This matter has been explored with the applicant and there are technical matters that restrict the tower being erected elsewhere.

As previously described, the new tower will be constructed on the same site as the existing tower so that the 'comms' equipment can be connected directly into the existing power and communications networks. Further, the communications tower includes a HF radio and this requires a HF feeder to be strung between the two existing communications tower as shown on plans in **Attachment 2**.

If the tower were to be sited on another area of the Reserve, the existing tower T2 would also need to be relocated to provide the required HF radio coverage. The other viable location to relocate that equipment would be towards the rear vacant half of the property and this would inevitably bring the equipment within closer proximity to the surrounding residential properties, possibly require an extension in height of the monopole to achieve the required line of sight to the Telstra tower and increase the visibility of the infrastructure to the street and the surrounding residential properties. This would be regarded as a

lesser outcome than what would be achieved by retaining the infrastructure insitu.

Having regard to these matters, it is the officer recommendation that Council does not support the proposition that the applicant be required to relocate the tower away from the proposed location.

-) Public safety – the submission objecting to the development sought to ensure that the installation will comply with the relevant standards for EME (emissions). The applicant has provided preliminary information that identifies that the only risk from the antennas arises for persons standing directly in front of the antennas at relatively close distance and given that the structures are located at points higher than 14m above the natural ground level there is no EME risk to the public.

Notwithstanding, the applicant has agreed to provide a specific EME assessment on the Derby site confirming that the infrastructure is compliant with the relevant safety standards. It is proposed that the provision of this report be applied as a condition of any approval issued and that its' receipt and acceptance is conditional upon the future installation of the facility.

Summary:

It is the advice of the Administration that the installation of the new communications tower is consistent with the established amenity of the location and its installation would not introduce a structure that would substantially alter or depart from the established amenity of the area. As such, the approval of the tower would be regarded as being consistent with the orderly and proper planning of the locality.

The subsequent operation of the tower is unlikely to be the source of any noise or nuisance to surrounding owners. The relatively narrow profile of the tower and minimal communications antennas are unlikely to create any significant amenity issues arising from bulk or overshadowing that would negatively impact upon or preclude the quiet enjoyment of the adjoining properties areas of private open space. Nor would the installation of the new tower limit the future development of the surrounding area as provided for under the Shire's Local Planning Strategy.

Having regard to the matters set above, it is the recommendation of the Administration that Council may exercise its discretion and approve the new tower noting the variation to the development standards as set out in the Scheme.

VOTING REQUIREMENT:

Absolute majority

COUNCIL DECISION AND OFFICER RECOMMENDATION:

MINUTE NO. 020/2018

Moved: Cr P Coggins

Seconded: Cr A Twaddle

That Council, in accordance with the provisions of the Shire of Derby/West Kimberley Town Planning Scheme No.5, APPROVES the application for Construction of a 20 metre high Monopole Communications Tower on Reserve No.3297, Lot 1419 Loch Street, Derby in accordance with the application and plans date stamped 26 February 2018 subject to the following condition:

- i. Prior to the issue of a Building Permit, the applicant is to provide a report confirming that the EME emissions are compliant with the current regulatory health standards for a facility of this type and be to the satisfaction of the Chief Executive Officer .**

CARRIED 7/0

10.2 CORPORATE SERVICES

10.2.1 ACCOUNTS FOR PAYMENT – FEBRUARY 2018

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	5110 – Accounts Payable
Author:	Emma Gugeri, Finance Officer
Responsible Officer:	Martin Cuthbert, Director Corporate and Community Services
Disclosure of any Interest:	Nil
Date of Report:	22 March 2018
Attachments:	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 February 2018.

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
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	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 December 2017. Lists detailing the payments made are appended as an attachment.

FUND	DETAILS	AMOUNT
Municipal Account		
EFT Payments	EP# 43817 – 43947	\$994,114.19
Municipal Cheques	54689 - 54693	\$34,818.30
Direct Debits – Payroll	Fees, Charges, Credit Card Payment, Payroll and Payroll Liabilities	\$488,977.45
Manual Cheques	NIL	NIL
Trust Account		
Trust Cheques	6503 - 6504	\$268.55
	Total	\$1,518,178.49

Creditors outstanding as at 28 February 2018 totalled \$2,246,438.84.

VOTING REQUIREMENT:

Simple majority

COUNCIL DECISION AND OFFICER RECOMMENDATION:

MINUTE NO. 021/2018

Moved: Cr C Kloss

Seconded: Cr P White

That Council NOTES the Chief Executive Officer's list of accounts for February 2018 paid under Delegated Authority in accordance with regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* attached to Report 10.2.1, totalling \$1,518,178.49.

CARRIED 7/0

10.2.2 STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 28 FEBRUARY 2018

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	5152 – Monthly Financial Reports
Author:	Myra Henry, Manager of Finance
Responsible Officer:	Martin Cuthbert, Director Corporate and Community Services
Disclosure of any Interest:	Nil
Date of Report:	22 February 2018
Attachments:	Monthly Financial Report December 2017
Authority/Discretion:	Information

SUMMARY:

For Council to note the statement of financial activity for the period ended 31 December 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 31 December 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 31 December 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
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

RISK MANAGEMENT CONSIDERATIONS:

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
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.	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.
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	Possible	Moderate	Medium	Manage by monitoring progress towards project completion

lost. This could also damage future funding opportunities.				
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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

COUNCIL DECISION AND OFFICER RECOMMENDATION:

MINUTE NO. 022/2018

Moved: Cr I Prouse

Seconded: Cr P White

That Council NOTES the Monthly Financial Management Report incorporating the Statement of Financial Activity for the period ending 28 February 2018 attached to Report 10.2.2.

CARRIED 7/0

Cr I Prouse declared a proximity interest and left the room at 2.27pm

10.3 TECHNICAL SERVICES

10.3.1 SETTING OF SPEED LIMITS ON WINDJANA AND LENNARD ROADS IN THE HAMLET GROVE SUBDIVISION

Location/Address:	Gibb River Road Properties
Name of Applicant:	Shire of Derby/West Kimberley
File Reference:	5480
Author:	Wayne Neate – Director of Technical and Development Services
Responsible Officer:	Wayne Neate – Director of Technical and Development Services
Disclosure of any Interest:	Nil
Date of Report:	1 March 2018
Attachments:	None
Authority/Discretion:	Administrative

SUMMARY:

This item seeks Council's approval for the installation of signage on Lennard Road and Windjana Road in the Gibb River blocks which will set the speed limit for the sealed sections of each of the roads to a maximum of 60km/h.

BACKGROUND:

There have been several complaints received over the last few years from residents within the Hamlet Grove subdivision regarding vehicles travelling at excessive speeds. Residents at the time were advised to call the Police as excessive speed falls within the Road Traffic Act and is administered by the Police.

The matter was raised again by the public at the Welcome to Derby day in 2017 with both Main Roads and Shire Officers and then with the Shire's Roadwise Committee. It was found that there was confusion between the various agencies over what the actual speed limit in this area was, even though the current law states that if an area does not have a posted speed limit the default is 50km/h.

Shire staff then assisted in collecting data on the roads within the Hamlet Grove subdivision to assist Main Roads in determining what the speed limit could be set at, taking into consideration the location and density of the properties at the same time.

Main Roads recommendation back to the Shire was to set Windjana Road at 60km/h and Lennard Road at 70km/h.

Main Roads require a formal decision from the Council requesting the speed limit changes to occur before they can be implemented on the road system.

STATUTORY ENVIRONMENT:

Australian Standard AS 1742 – 2008 Manual of Uniform traffic control devices, part 4 Speed Controls.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

GOAL	OUTCOME	STRATEGY
4: Good governance and an effective organisation	4.1: Effective governance and leadership	4.1.1: Provide leadership in balancing the needs of the community, government, industry and the environment.

RISK MANAGEMENT CONSIDERATIONS:

Nil risk to Council

CONSULTATION:

Main Roads Western Australia and Shire Staff have worked to provide information to the residents of Hamlet Grove. Advice has been sought from Main Roads in regards to what would be supported through this process as an acceptable speed limit.

COMMENT:

The installation of road signage to notify speed limits will help clarify to the residents in the area of what is legally allowed maximum speed limit. It will also enable the police to enforce the speed limits in the area which will hopefully create a safer environment for the residents and road users alike.

Following on from all the consultation, Main Roads Western Australia taking into consideration the Australian Standard and data captured on both roads has

recommended 60km/h for Windjana Road and 70km/h for Lennard Road. It is felt that the 60km/h limit would be acceptable of both roads as 70km/h would not appease those residents who were requesting lower speed limits.

Following Councils decision a formal letter will be included in the advice to the Executive Director of Main Roads along with the region recommendation of 60km/h for Windjana Road and 70km/h for Lennard Road. All of this information will be reviewed by the Speed Zoning Officer from Main Roads Western Australia before making his recommendation to the Executive Director who will then approve the speed limits to be implemented.

In summing this up it is felt that the 60km/h speed limit would give the best outcome for the residents and produce some consistency within the subdivision.

VOTING REQUIREMENT:

Simple majority

COUNCIL DECISION AND OFFICER RECOMMENDATION:

MINUTE NO. 023/2018

Moved: Cr C Kloss

Seconded: Cr P White

That Council write to Main Roads Western Australia requesting the speed limit be set to 60km/h on Windjana Road and 60km/h Lennard Road in the Hamlet grove subdivision.

CARRIED 6/0

Cr I Prouse returned at 2.28pm.

10.4 DEVELOPMENT SERVICES

10.4.1 REQUEST FOR AMENDMENT TO TRADERS PERMIT – AMPORN’S THAI FOOD (FOOD VAN)

Location/Address:	Reserve 25977 Lot 85, Durack Street, Camballin (Camballin Campers Base)
Name of Applicant:	Amporn Promkhan & Lance Singh
File Reference:	7072 Permits - Traders
Author:	Taryn Dyer, Environmental Health Officer
Responsible Officer:	Wayne Neate, Director Technical and Development Services
Disclosure of any Interest:	Nil
Date of Report:	19 March 2018
Attachments:	Attachment 1 Applicants request. Attachment 2 – Response to consultation
Authority/Discretion:	Administrative

SUMMARY:

The purpose of this report is for Council to consider a proposal made by Amporn Promkhan and Lance Singh, proprietors of the food business Amporn’s Thai Food, for an amendment to Condition 2 of Traders Permit **TR18/17-18** issued on 5 December 2017. Condition 2 applies restrictions to food menu items that can be sold and prohibits the sale of drinks.

BACKGROUND:

Council previously considered the issue of a Traders Permit at the Ordinary Meeting of Council held on the 30th November 2017. The decision of the Council at that meeting was:

MINUTE NO: 140/2017 Moved: Cr P Coggins Seconded: Cr C Kloss

That Council:

- Pursuant to Division 1, clause 6.5, subclause 1 of the Shire of Derby/West Kimberley’s Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law, it is recommended that Council APPROVE the application for an annual Traders Permit for Amporn’s Thai Food to*

trade at the Camballin Campers Base located at Lot 85 Durack Street Camballin with conditions.

2. *Pursuant to Division 1, clause 6.6, subclause 1 of the Shire of Derby/West Kimberley’s Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law, it is recommended that Council issue the approval with the following conditions:*
 - a. *Trading at Camballin Campers Base be restricted to the following times 4:30pm – 8:30pm.*
 - b. *Only food items listed in the menu provided as part of the traders permit application are to be sold. The sale of drinks is not permitted.*
 - c. *If trading activities of Amporn’s Thai Food are in the opinion of the Council considered to be causing a nuisance or having a detrimental impact on the surrounding amenities, the Council may rescind the approval for a Traders Permit.*

CARRIED 8/0

STATUTORY ENVIRONMENT:

-) *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law*
-) *Food Act 2008*
-) *Australian New Zealand Food Standards Code*
-) *Interim Development Order No.8*

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

GOAL	OUTCOME	STRATEGY
1: Community wellbeing	1.2: Public Health and environmental health protection	1.2.3: Undertake food safety and public health promotion

RISK MANAGEMENT CONSIDERATIONS:

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Environment: Littering as a result of product sold from the trader	Possible	Minor	Medium	Condition permit to require trader to clean surrounding area at the end of each trading session. Condition trader to provide waste bins near the trading location.
Reputation: Negative feedback from applicants if declined a permit.	Possible	Minor	Medium	Communicate the justification and reasoning to the applicant

CONSULTATION:

A two week consultation period was provided where the Camballin Corner Store, the only relevant (to this proposal) permanent food business and stakeholder located in Camballin was notified of the proposal to amend the Traders Permit and invited to comment. Camballin Corner Store was notified of the proposal both in writing and through a face to face visit by the Shire’s Environmental Health Officer on 9th March 2018. By the close of the consultation period correspondence was received expressing the concerns summarised below (**Attachment 2**):

-) Concerned that “other Thai foods” may include the sale of dried goods such as salty plums, noodles and other grocery items sold at the store in town.

-) Concerned that “sale of drinks” is an open invitation to sell drinks processed on site such as milkshakes, slushies, juices, coffees, frappe’s which are already sold at the store in town.
-) Concerned that approval of this amendment could lead to approval of other amendments in future such as change in operating hours.

It was clarified during the face to face visit that sale of drinks refers to pre-packaged, canned and bottled drinks only and other Thai foods refers to expanding the cooked, ready-to-eat menu items and does not include pre-packaged Asian foods for sale.

COMMENT:

The applicant is requesting a review of Condition 2 of Council’s previous approval (30/11/2017) which prohibits the sale of drinks and restricts menu items that can be sold. In a formal letter written to the Shire, the applicant has explained that because Thai food is often spicy many customers are requesting a drink to go with their takeaway food. (**Attachment 1**) The expansion of the menu to include other Thai dishes allows for more variety to be offered but maintains the intent of the original approval to not offer a menu that competes with the offered by the other business operator in the town.

At the times of trading, the Camballin Corner store is not open for the purchase of drinks and customers have often travelled a long way from their home environment in surrounding communities. The relatively minor variation to the conditions of the approved Traders Permit will provide a better service for customers but is restricted to packaged drinks only so as to minimise the impact on the other business in town.

In summary Council has the following options in respect to this application.

1. Council does not support the request for an amendment to Condition 2 of the annual Traders Permit, which prohibits the sale of drinks and restricts the Thai menu items that can be sold.
2. Deem that the application for a request for an amendment is consistent with Council Policy/Local Law and would have no additional adverse impact on the only relevant stakeholder, which is the Camballin Corner Store.

VOTING REQUIREMENT:

Simple majority

COUNCIL DECISION AND OFFICER RECOMMENDATION:

MINUTE NO. 024/2018

Moved: Cr C Kloss

Seconded: Cr I Prouse

That Council:

1. Pursuant to Division 1, clause 6.5, subclause 1 of the Shire of Derby/West Kimberley's *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law*, that Council APPROVE the application for an amendment of Condition 2 of the annual Traders Permit issued to Amporn's Thai Food on the 5 December 2017.
2. Pursuant to Division 1, clause 6.6, subclause 1 of the Shire of Derby/West Kimberley's *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law*, that Council issue the approval with the following adjustment to Condition 2:
 - a. No pre-packaged food items are to be sold and sale of drinks is restricted to pre-packaged, canned and bottled drinks only.

CARRIED 7/0

10.5 COMMUNITY DEVELOPMENT AND RECREATION SERVICES

Nil

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12.0 NEW BUSINESS OF AN URGENT NATURE

Nil

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

Nil

14.0 CLOSURE

14.1 DATE OF NEXT MEETING

The next ordinary meeting of Council will be held Thursday, 26 April 2018 in the Council Chambers, Clarendon Street Derby.

14.2 CLOSURE OF MEETING

The Presiding Member closed the meeting at 2.30pm

These minutes were confirmed at a meeting on

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Signed:

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

Date: