



# **SHIRE OF DERBY/WEST KIMBERLEY**

**ORDINARY MEETING OF COUNCIL MEETING**

**HELD AT COUNCIL CHAMBERS  
CLARENDON STREET DERBY  
ON THURSDAY 31 MAY 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.

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.”*

**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	✓	✓	✓	✓	✓	✓	✓	✓	LOA	✓	
C Kloss	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
A Kogolo	AB	A	A	Term expired 21 October 2017							
P McCumstie	LOA	✓	✓	✓	✓	✓	✓	LOA	✓	✓	
I Prouse	✓	✓	✓	✓	LOA	✓	✓	✓	✓	LOA	
A Twaddle	✓	✓	✓	✓	✓	✓	✓	✓	LOA	✓	
G Davis	Elected 21 Oct 2017			✓	✓	✓	A	✓	✓	✓	
G Haerewa	Elected 21 Oct 2017			✓	✓	✓	✓	✓	✓	✓	
D Andrews	Elected 21 Oct 2017			✓	✓	✓	A	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

### MINUTES

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

The meeting was opened at 5.34 pm by the Shire President.

#### 2.0 RECORD OF ATTENDANCE

##### 2.1 ATTENDANCE

###### ELECTED MEMBERS:

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

###### STAFF:

Stephen Gash	Chief Executive Officer
Noel Myers	Manager Planning Services
Ross Sullivan	Manager Community Services
Chris Hurstfield	Manager Engineering Services
Danielle Hurstfield	Manager Administration & Governance (Minutes)

###### VISITORS:

###### GALLERY:

Terri Buckley	Buckley's Earthmoving
Tony Gavranich	

##### 2.2 APOLOGIES

Cr Denise Andrews	Councillor
Wayne Neate	Director Technical & Development Services
Noel Myers	Manager Planning Services

##### 2.3 APPROVED LEAVE OF ABSENCE

Cr Iris Prouse - Councillor

## **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**

Nil

### **2.5.3 DECLARATIONS OF IMPARTIALITY INTERESTS**

Nil

## **3.0 APPLICATIONS FOR LEAVE OF ABSENCE**

Councillor Denise Andrews requested Leave of Absence for the June Council meeting to be held in Fitzroy Crossing.

### **COUNCIL DECISION:**

#### **MINUTE NO. 032/2018:**

**Moved: Cr A Twaddle**

**Seconded: Cr C Kloss**

**That Cr Denise Andrews be granted leave of absence from the Ordinary Council Meeting to be held on 28 June 2018.**

**CARRIED: 7/0**

#### 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.

#### COUNCIL DECISION:

#### MINUTE NO. 033/2018

Moved: Cr C Kloss

Seconded: Cr I Prouse

That Council, BY AN ABSOLUTE MAJORITY:

1. **APPROVES** Councillors Geoff Davis and Peter McCumstie attendance at the Council Meeting held 31 May 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 Davis' attendance in accordance with regulation 14A(4) of the *Local Government (Administration) Regulations 1996*.

**CARRIED 5/0 BY AN ABSOLUTE MAJORITY**

5.40pm – Councillor's Davis and McCumstie joined the meeting by telephone.

#### 5.0 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

James Simmons – Bungarun Road

##### 1. How long do residents have to wait for repairs on Bungarun Road?

The Shire is working with Main roads to have assessments carried out of potential claimable roads under WANDRAA if these scours are not claimable they will be repaired in the maintenance grade.

##### 2. When is Bungarun Road going to be graded?

If it has not happened already it should be in the very near future contractors are required to complete the opening grade in April/May depending on the wet season. Further to this the grading regime for the

Bungarun road has been increased from 3 to 4 grades annually with the first including a water and roll to help bind the road for longer.

**3. Can the Birdwood Rise community grade Bungarun Road?**

No

**4. In December 2016 Cr McCumstie moved a motion to investigate sourcing funding from Aboriginal organisations who benefit from the road. What was the outcome?**

Several alternative funding options were examined, none have been successful in providing additional funds.

## **6.0 PUBLIC TIME**

### **6.1 PUBLIC QUESTION TIME**

Tony Gavranich

There is no “Welcome to the Shire of Derby/West Kimberley” sign on the Gibb River Road that advises travellers they are entering the Shire. It would be great to get one installed similar to the southern end of the Shire on the way to Broome. Could the Shire please have a sign installed?

The CEO advised the question would be taken on notice.

### **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**

### **OFFICER RECOMMENDATION/COUNCIL DECISION:**

#### **MINUTE NO. 034/2018:**

**Moved: Cr C Kloss**

**Seconded: Cr P White**

**That the Minutes of the Ordinary Meeting of the Shire of Derby/West Kimberley held at the Council Chambers, Derby, on 26 April 2018 be CONFIRMED.**

**CARRIED: 7/0**

## **9.0 RECOMMENDATIONS AND REPORTS OF COMMITTEES**

Nil.

## **10.0 REPORTS**

### **10.1 EXECUTIVE SERVICES**

Nil

## 10.2 CORPORATE SERVICES

### 10.2.1 ACCOUNTS FOR PAYMENT – APRIL 2018

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	5110 – Accounts Payable
<b>Author:</b>	Emma Gugeri - Finance Officer
<b>Responsible Officer:</b>	Myra Henry – Manager Finance
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	20 May 2018
<b>Attachments:</b>	Cheque reconciliation and schedule of accounts
<b>Authority/Discretion:</b>	Information

#### SUMMARY:

For Council to note the list of accounts paid under the Chief Executive Officer's delegated authority during the month of May 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:**

<b>GOAL</b>	<b>OUTCOME</b>	<b>STRATEGY</b>
<b>4:</b> Good governance and an effective organisation Leadership that provides strategic direction for the community, supported by efficient and effective service delivery	<b>4.4:</b> Financial sustainability and accountability for performance	<b>4.4.4:</b> 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
<b>Legal and Compliance:</b> 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 April 2018. Lists detailing the payments made are appended as an attachment.

FUND	DETAILS	AMOUNT
<b>Municipal Account</b>		
EFT Payments	EP# 44314 – 44418	\$1,515,471.22
Municipal Cheques	54698 – 54702	\$27,718.73
Direct Debits – Payroll	Fees, Charges, Credit Card Payment, Payroll and Payroll Liabilities	\$216,400.47
Manual Cheques	NIL	NIL
<b>Trust Account</b>		
Trust Cheques	6509 – 6514	\$6,203.33
	<b>Total</b>	<b>\$1,765,793.75</b>

Creditors outstanding as at 30 April 2018 totalled \$767,055.35.

**VOTING REQUIREMENT:**

Simple majority

**OFFICER RECOMMENDATION/ COUNCIL DECISION:**

**MINUTE NO. 035/2018:**

**Moved: Cr P White**

**Seconded: Cr P Coggins**

**That Council NOTES the Chief Executive Officer's list of accounts for April 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 \$1,765,793.75.**

**CARRIED: 7/0**

## 10.2.2 STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 30 APRIL 2018

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	5152 – Monthly Financial Reports
<b>Author:</b>	Myra Henry, Manager of Finance
<b>Responsible Officer:</b>	Myra Henry, Manager of Finance
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	24 May 2018
<b>Attachments:</b>	Monthly Financial Report – April 2018
<b>Authority/Discretion:</b>	Information

### SUMMARY:

For Council to note the statement of financial activity for the period ended 30 April 2018 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 April 2018.

### 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.

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

**RISK MANAGEMENT CONSIDERATIONS:**

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
<b>Finance:</b> 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.
<b>Reputation:</b> 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.	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/ COUNCIL DECISION:****MINUTE NO. 036/2018:**

**Moved: Cr A Twaddle**

**Seconded: Cr P Coggins**

**That Council NOTES the Monthly Financial Management Report incorporating the Statement of Financial Activity for the period ending 30 April 2018 attached to Report 10.2.2.**

**CARRIED: 7/0**

**10.2.3. AWARDING OF TENDER T07-2018 CLEANING OF SHIRE OFFICES**

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	Shire of Derby/West Kimberley
<b>File Reference:</b>	0450
<b>Author:</b>	Sarah McKay – Asset Management Coordinator
<b>Responsible Officer:</b>	Wayne Neate – Director Technical & Development Services
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	24 May 2018
<b>Attachments:</b>	Confidential Price Schedule
<b>Authority/Discretion:</b>	Executive

**SUMMARY:**

This item is for Council to consider the awarding of tender T7-2018 being the cleaning of various Shire owned office buildings.

**BACKGROUND:**

As per Council's future adoption of the 2018/19 budget tender documents were prepared for the cleaning of various council owned office buildings. The tender was duly advertised and six requests were made for the documents.

At the tender closing time being 2.00pm on the 18<sup>th</sup> of May 2018, two submitted tender proposals for the Shire to consider and they were received from the following companies;

- Lalgardi Enterprises
- Skippers Cleaning

**STATUTORY ENVIRONMENT:**

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

**POLICY IMPLICATIONS:**

Section 8 – page 15, Purchase of Goods and Services – Regional Price preference policy AF33 page 21.1



**FINANCIAL IMPLICATIONS:**

Amount will have to be allowed for in 2018/19 and 2019/20 budgets as the contract is for two years. Prices shown in confidential attachment are for one year only. If Lalgardi Enterprises are awarded both contracts they will offer a 5% discount to the combined contracts.

**STRATEGIC IMPLICATIONS:**

GOAL	OUTCOME	STRATEGY
2. A balance between the natural and built environment – sustainable environments that meets the needs of the community and supports growth.	2.6 Shire buildings and facilities that meet community needs	2.6.2 Ensure Shire buildings, facilities and public amenities are provided and maintained to an appropriate standard

**RISK MANAGEMENT CONSIDERATIONS:**

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Business Interruption:	Unlikely	Minor	Low	Monitor compliance with contract
Reputation:	Unlikely	Minor	Low	Monitor compliance with contract

**CONSULTATION:**

Tender T7-2018 being the Cleaning of various Shire office buildings was advertised in local and state-wide newspapers, with the tender closing 2.00pm on Friday 18<sup>th</sup> May 2018.

The advertised Tender allowed for a minimum of fourteen days for individuals or companies to submit tenders, which included the opportunity to view and inspect the buildings within the tender.

**COMMENT:**

We recommend the tender be awarded to the contractor with the highest average score given by three assessors, using the Approved Tender Scoring Criteria that falls within the allocated budget. This is regarded as the best value for money approach for Council.

The criteria and weighting for this tender were as follows;

<b>Criteria</b>	<b>%</b>
Relevant Experience	<b>20</b>
Skills and Experience	<b>15</b>
Tenderer's Resources	<b>20</b>
Demonstrated Understanding	<b>20</b>
Quality Management System	<b>15</b>
Risk	<b>10</b>

A score summary is shown below;

<b>Shire Office Buildings</b>			
		<b>C1</b>	<b>C2</b>
Relevant Experience 20%	Weighted Score	12.0	16.3
Key Personnel Skills & Experience 15%	Weighted Score	9.7	15.3
Tender Resources 20%	Weighted Score	12.3	17.3
Demonstrated Understanding 20%	Weighted Score	13.3	14.0
Quality Management System 15%	Weighted Score	8.3	12.0
Risk 10%	Weighted Score	5.7	8.0
<b>Totals</b>	<b>100%</b>	<b>61.3</b>	<b>83.0</b>

Officers have worked with both tenderers, with Skippers Cleaning currently undertaking this contract and Lalgardi Enterprises undertaking the contract for cleaning other Shire Facilities. Skippers cleaning provide a high quality service, are easy to work with and undertake good communication with officers. They also ensure that the expected quality is being met and also to make officers aware if any issues are present, this can be seen by their overall score above. Lalgardi Enterprises have had a few minor issues with performance under their current contract, are more time consuming to deal with during the contract period, however still provide an acceptable quality of service.

It is proposed that meetings be held with the successful contractor to ensure that both principal and contractor are clear on their obligations prior to commencement of the new contract.

**VOTING REQUIREMENT:**

Simple majority

**OFFICER RECOMMENDATION/ COUNCIL DECISION:**

**MINUTE NO. 037/2018:**

**Moved: Cr C Kloss**

**Seconded: Cr P McCumstie**

**That Council awards tender T7-2018 being the cleaning of Shire office buildings to Skippers Cleaning for the period of 1<sup>st</sup> July 2018 to the 30<sup>th</sup> June 2020.**

**CARRIED: 7/0**

## 10.2.4 AWARDING OF TENDER T8-2018 CLEANING OF VARIOUS SHIRE FACILITIES

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	Shire of Derby/West Kimberley
<b>File Reference:</b>	0450
<b>Author:</b>	Sarah McKay – Asset Management Coordinator
<b>Responsible Officer:</b>	Wayne Neate – Director Technical & Development Services
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	24 May 2018
<b>Attachments:</b>	Confidential Price Schedule
<b>Authority/Discretion:</b>	Executive

### SUMMARY:

This item is for Council to consider the awarding of tender T8-2018 being the cleaning of various Shire owned office buildings.

### BACKGROUND:

As per Council's future adoption of the 2018/19 budget tender documents were prepared for the cleaning of various council owned office buildings. The tender was duly advertised and six requests were made for the documents.

At the tender closing time being 2.00pm on the 18<sup>th</sup> of May 2018, two submitted tender proposals for the Shire to consider and they were received from the following companies;

- Lalgardi Enterprises
- Skippers Cleaning

### STATUTORY ENVIRONMENT:

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

### POLICY IMPLICATIONS:

Section 8 – page 15, Purchase of Goods and Services – Regional Price preference policy AF33 page 21.1

**FINANCIAL IMPLICATIONS:**

Amount will have to be allowed for in 2018/19 and 2019/20 budgets as the contract is for two years. Prices shown in confidential attachment are for one year only. If Lalgardi Enterprises are awarded both contracts they will offer a 5% discount to the combined contracts.

**STRATEGIC IMPLICATIONS:**

GOAL	OUTCOME	STRATEGY
2. A balance between the natural and built environment – sustainable environments that meets the needs of the community and supports growth.	2.6 Shire buildings and facilities that meet community needs	2.6.2 Ensure Shire buildings, facilities and public amenities are provided and maintained to an appropriate standard

**RISK MANAGEMENT CONSIDERATIONS:**

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Business Interruption:	Unlikely	Minor	Low	Monitor compliance with contract
Reputation:	Unlikely	Minor	Low	Monitor compliance with contract

**CONSULTATION:**

Tender T8-2018 being the Cleaning of various Shire office buildings was advertised in local and state-wide newspapers, with the tender closing 2.00pm on Friday 18<sup>th</sup> May 2018.

The advertised Tender allowed for a minimum of fourteen days for individuals or companies to submit tenders, which included the opportunity to view and inspect the buildings within the tender.

**COMMENT:**

It is recommended the tender be awarded to the contractor that provides the best value for money approach and while Lalgardi's score is lower than Skippers it is felt

that they can provide a satisfactory service for the price offered. This is using the best Value for money approach as per the WALGA procurement manual.

The criteria and weighting for this tender were as follows;

Criteria	%
Relevant Experience	20
Skills and Experience	15
Tenderer's Resources	20
Demonstrated Understanding	20
Quality Management System	15
Risk	10

A score summary is shown Below;

Shire Office Buildings			
		C1	C2
Relevant Experience 20%	Weighted Score	12.0	16.3
Key Personnel Skills & Experience 15%	Weighted Score	9.7	15.3
Tender Resources 20%	Weighted Score	12.3	17.3
Demonstrated Understanding 20%	Weighted Score	13.3	14.0
Quality Management System 15%	Weighted Score	8.3	12.0
Risk 10%	Weighted Score	5.7	8.0
Totals	100%	61.3	83.0

Officers have worked with both tenderers, with Lalgardi Enterprises currently undertaking this contract and Skippers Cleaning undertaking the contract for cleaning the Shire Offices. Skippers cleaning provide a high quality service, are easy to work with and undertake good communication with officers. They also ensure that the expected quality is being met and also to make officers aware if any issues are present, this can be seen by their overall score above. Lalgardi Enterprises have had a few minor issues with performance under their current contract, are more time consuming to deal with during the contract period, however still provide an acceptable quality of service.

It is proposed that meetings be held with the successful contractor to ensure that both principal and contractor are clear on their obligations prior to commencement of the new contract.

**VOTING REQUIREMENT:**

Simple majority

**OFFICER RECOMMENDATION/ COUNCIL DECISION:**

**MINUTE NO. 038/2018:**

**Moved: Cr P White**

**Seconded: Cr P Coggins**

**That Council awards tender T8-2018 being the cleaning of Various Shire facilities to Lalgardi Enterprises Cleaning for the period of 1<sup>st</sup> July 2018 to the 30<sup>th</sup> June 2020.**

**CARRIED: 7/0**

### 10.3 TECHNICAL SERVICES

#### 10.3.1. TENDER T02-2018 GRAVEL ROAD FORMATION RESHAPING AND GRAVEL RE-SHEETING - CALWYNYARDAH-NOONKANBAH ROAD / NOONKANBAH-MILLIGIDDEE ROAD

<b>Location/Address:</b>	Noonkanbah
<b>Name of Applicant:</b>	Shire of Derby/West Kimberley
<b>File Reference:</b>	0481
<b>Author:</b>	Chris Hurstfield – Manager Engineering Services
<b>Responsible Officer:</b>	Wayne Neate – Director Technical and Development Services
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	22 May 2018
<b>Attachments:</b>	1. Work area maps 2. Confidential Pricing
<b>Authority/Discretion:</b>	Administrative

#### SUMMARY:

This item is to award the road formation reshaping and gravel re-sheeting of sections of Calwynyardah-Noonkanbah and Noonkanbah-Milligiddee Roads.

#### BACKGROUND:

Funding was allocated in the 2017/18 budget to carry out reshaping of the road formation and gravel re-sheeting of the pavement of sections of Calwynyardah-Noonkanbah and Noonkanbah-Milligiddee Roads. Inspections identified sections of road for this work to be carried out where the road is in a substandard condition and not subject to repairs under the 2017 Flood Damage programme.

#### STATUTORY ENVIRONMENT:

- *Local Government Act 1995*–3.57 Tenders for the provision goods or services; and
- *Local Government (Functions and General) Regulations 1996* part 4: tenders for the provision of goods or services.

#### POLICY IMPLICATIONS:

- AF1–Procurement of Goods and Services
- AF33–Regional Price Preference Policy – two tenderers qualified for application of this policy.



**FINANCIAL IMPLICATIONS:**

Funds for the undertaking of this contract are contained within the adopted 2017/18 Budget for Calwynyardah-Nookanbah Road (\$64,000 Roads to Recovery (Special Road Project), (\$164,000 from Grants Commission Aboriginal Access Roads and \$82,000 from MRWA Remote Aboriginal Access Roads) and Nookanbah- Milligiddee Road (\$48,400 (grant increased from \$40,000) from Grants Commission Aboriginal Access Roads and \$24,200 (grant increased from \$20,000) from MRWA Remote Aboriginal Access Roads). These budget amounts include a management overhead cost associated with each job.

Lengths of roads to be constructed will be adjusted to comply with budgetary constraints.

**STRATEGIC IMPLICATIONS:**

GOAL	OUTCOME	STRATEGY
<p><b>2:</b> A balance between natural and built environments Sustainable natural and built environments that meet the needs of the community and support future growth</p>	<p><b>2.3:</b> Reliable and safe transport infrastructure</p>	<p><b>2.3.1:</b> Develop a road maintenance and upgrading strategy</p>
<p><b>2:</b> A balance between natural and built environments Sustainable natural and built environments that meet the needs of the community and support future growth</p>	<p><b>2.5:</b> Assets and infrastructure managed over the long term to meet current and future needs</p>	<p><b>2.5.2:</b> Maintain effective liaison with other levels of government and regional bodies to ensure coordinated provision of regional infrastructure</p>

**RISK MANAGEMENT CONSIDERATIONS:**

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
<p><b>Business Interruption:</b> Pastoralists unable to import fuel/fodder and export cattle.</p>	Almost certain	Severe	Extreme	Maintain roads to industry standards
<p><b>Community:</b> Access to communities restricted.</p>	Likely	Moderate	High	Maintain roads to industry standards

**CONSULTATION:**

The tender was advertised state wide for a minimum of 28 days with submissions closing at 2:00pm, 30 April 2018. Documents were downloaded by 11 companies with submissions received from Buckley's Earthworks & Paving (C1 - conforming and C2 - alternative), and a joint venture between Jenkins Earthmoving & Transport and Young's Earthmoving C3.

Consultation was held with Yungngora Community and Noonkanbah Station regarding replacement of cattle grids on Calwynyardah-Noonkanbah Road. Noonkanbah Station has purchased 4 cattle grid segments that will make up 2 complete grids. This tender included the works involved to complete the replacement of the 2 grids to ensure that the works were compliant with legislative requirements and industry standards.

**COMMENT:**

Buckley's Earthworks and Paving submitted a conforming tender and an alternative tender. The only difference between the two submissions was a reduction in price if the works were carried out whilst the crew is carrying out flood damage repair work on Calwynyardah-Noonkanbah Road.

It is recommended that the tender be awarded to the contractor with the highest average score given by three assessors, using the Approved Tender Scoring Criteria that falls within the allocated budget. The Regional Price Preference Policy AF33 was applied to the prices submitted by both tenderers.

All tender submissions exceeded the budget so the lengths of roads to be reconstructed will be adjusted accordingly to comply with the approved budget.

The criteria and weighting for this tender were as follows:

Criteria	Weighting
Relevant Experience	20%
Key Personnel Skills and Experience	15%
Tender Resources	20%
Demonstrated Understanding	20%
Quality Management System	15%
Risk	10%

		C1	C2	C3
Relevant Experience 20%	Weighted Score	13.7	13.7	16.3
Key Personnel Skills & Experience 15%	Weighted Score	10.7	10.7	13.3
Tender Resources 20%	Weighted Score	14.7	14.7	18.0
Demonstrated Understanding 20%	Weighted Score	17.3	17.3	16.7
Quality Management System 15%	Weighted Score	12.7	12.7	9.7
Risk 10%	Weighted Score	8.0	8.0	6.3
Totals	100%	77.0	77.0	80.3

As the Jenkins Earthmoving and Transport / Young's Earthmoving Joint Venture was awarded the highest Total Score in the Assessment Criteria, and had the lowest price, this provides the best value for money for the Shire of Derby/West Kimberley. Accordingly, it is recommended that the tender for T02-2018 Calwynyardah-Noonkanbah and Milligiddee Access Roads Formation Reshaping and Gravel Re-sheeting be awarded to the Jenkins Earthmoving and Transport / Young's Earthmoving Joint Venture.

**VOTING REQUIREMENT:**

Simple majority

**OFFICER RECOMMENDATION/ COUNCIL DECISION:****MINUTE NO. 039/2018****Moved: Cr P McCumstie****Seconded: Cr A Twaddle**

**That Council resolve to award Tender T02-2018 Formation Reshaping and Gravel Re-sheeting - Calwynyardah-Noonkanbah and Noonkanbah-Milligiddee Roads, to the Jenkins Earthmoving & Transport / Young's Earthmoving Joint Venture.**

**CARRIED: 7/0****10.4 DEVELOPMENT SERVICES**

Nil

**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.

**COUNCIL DECISION:**

**MINUTE NO. 040/2018:**

**Moved: Cr C Kloss**

**Seconded: Cr A Twaddle**

**That Standing Orders be suspended to enable open discussion on Forum arrangements in June**

**CARRIED 7/0**

To enable the Unlocking the Door presentation to be undertaken in Derby Councillors felt it was appropriate to hold the June Forum in Derby and continue with the Ordinary Council Meeting in Fitzroy. The Shire will promote the opportunity for members of the Fitzroy Crossing community to meet informally with Council prior to the meeting.

**COUNCIL DECISION:**

**MINUTE NO: 041/2018**

**Moved: Cr P Coggins**

**Seconded: Cr C Kloss**

**That Standing Orders be resumed.**

**CARRIED 8/0**

**14.0 CLOSURE**

**14.1 DATE OF NEXT MEETING**

The next ordinary meeting of Council will be held Thursday, 28 June 2018 at the Karrayili Adult Education Centre, Flynn Drive, Fitzroy Crossing.

**14.2 CLOSURE OF MEETING**

The Presiding Member closed the meeting at 5.57pm.

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

.....

**Signed: .....**

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

**Date: .....**