



# **SHIRE OF DERBY/WEST KIMBERLEY**

**ORDINARY MEETING OF COUNCIL**

**HELD AT COUNCIL CHAMBERS  
CLARENDON STREET DERBY  
ON THURSDAY 27 SEPTEMBER 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	22 Feb 2018	29 Mar 2018	26 Apr 2018	31 May 2018	14 Jun 2018	28 Jun 2018	26 Jul 2018	30 Aug 2018	27 Sep 2018	25 Oct 2018	29 Nov 2018	13 Dec 2018
	OCM	OCM	OCM	OCM	SCM	OCM	OCM	OCM	OCM	OCM	OCM	OCM
P White	✓	✓	✓	✓	✓	✓	✓	✓	LOA			
P Coggins	✓	✓	LOA	✓	✓	✓	LOA	✓	✓			
C Kloss	✓	✓	✓	✓	✓	✓	✓	✓	✓			
P McCumstie	✓	LOA	✓	✓	✓	✓	✓	LOA	✓			
I Prouse	✓	✓	✓	LOA	✓	✓	✓	✓	✓			
A Twaddle	✓	✓	LOA	✓	✓	✓	✓	LOA	✓			
G Davis	A	✓	✓	✓	✓	✓	✓	✓	A			
G Haerewa	✓	✓	✓	✓	✓	✓	✓	✓	✓			
D Andrews	A	A	✓	A	A	LOA	✓	✓	✓			

**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

### TABLE OF CONTENTS ORDINARY MEETING OF COUNCIL THURSDAY 27 SEPTEMBER 2018

---

<b>1.0</b>	<b>DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS.....</b>	<b>1</b>
<b>2.0</b>	<b>ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS .....</b>	<b>1</b>
<b>3.0</b>	<b>RECORD OF ATTENDANCE .....</b>	<b>1</b>
3.1	ATTENDANCE.....	1
3.2	APOLOGIES .....	2
3.3	APPROVED LEAVE OF ABSENCE .....	2
3.4	ABSENT .....	2
3.5	DISCLOSURE OF INTERESTS.....	2
3.5.1	DECLARATIONS OF FINANCIAL INTERESTS .....	3
3.5.2	DECLARATIONS OF PROXIMITY INTERESTS.....	3
3.5.3	DECLARATIONS OF IMPARTIALITY INTERESTS .....	3
<b>4.0</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE .....</b>	<b>3</b>
<b>5.0</b>	<b>RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....</b>	<b>3</b>
<b>6.0</b>	<b>PUBLIC TIME .....</b>	<b>3</b>
6.1	PUBLIC QUESTION TIME .....	3
6.2	PUBLIC STATEMENTS.....	3
6.3	PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS .....	3
<b>7.0</b>	<b>ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION .....</b>	<b>3</b>
<b>8.0</b>	<b>CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS.....</b>	<b>4</b>
<b>9.0</b>	<b>RECOMMENDATIONS AND REPORTS OF COMMITTEES.....</b>	<b>4</b>
<b>10.0</b>	<b>REPORTS .....</b>	<b>5</b>
10.1	EXECUTIVE SERVICES .....	5
10.1.1	DERBY LANDCARE GROUP - EXTENSION OF MEMORANDUM OF UNDERSTANDING.....	5
10.2	CORPORATE SERVICES .....	8
10.2.1	ACCOUNTS FOR PAYMENT – AUGUST 2018.....	8
10.2.2	STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 31 JULY 2018 .....	12
10.3	TECHNICAL SERVICES.....	17
10.3.1	SETTING OF SPEED LIMITS ON WINDJANA AND LENNARD ROADS IN THE HAMLET GROVE SUBDIVISION 17	
10.3.2	TENDER T10-2018 FLOOD DAMAGE REPAIRS AND WATER CORPORATION RESTORATION WORKS – URBAN BITUMEN ROADS .....	21
10.4	DEVELOPMENT SERVICES .....	25



**10.4.1 APPLICATION FOR MORE THAN PRESCRIBED AMOUNT OF DOGS ..... 25**

    10.5 COMMUNITY DEVELOPMENT AND RECREATION SERVICES ..... 27

**11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN ..... 28**

**12.0 NEW BUSINESS OF AN URGENT NATURE ..... 28**

**13.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED (CONFIDENTIAL MATTERS)..... 28**

**13.1 CEO SELECTION PROCESS, TIMELINE AND CONSULTANT SUPPORT ..... 28**

**14.0 CLOSURE ..... 28**

    14.1 DATE OF NEXT MEETING ..... 28

    14.2 CLOSURE OF MEETING..... 28

## ORDINARY MEETING OF COUNCIL

### AGENDA

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

The meeting was opened at 1.02pm by Cr Geoff Haerewa, Shire President.

#### 2.0 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.

**OFFICER RECOMMENDATION/COUNCIL DECISION:**

**MINUTE NUMBER. 086/2018**

**Moved: Cr Chris Kloss**

**Seconded: Cr Peter Coggins**

**That Council, BY AN ABSOLUTE MAJORITY:**

- 1. APPROVES Councillors Andrews and McCumstie attendance at the Council Meeting held 30 August 2018 via telephone communication in accordance with regulation 14A(1) of the *Local Government (administration) Regulations 1996*;**
- 2. APPROVES Fitzroy Crossing and Perth, Western Australia, as a suitable place for Councillor attendance in accordance with regulation 14A(4) of the *Local Government (Administration) Regulations 1996*.**

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

#### 3.0 RECORD OF ATTENDANCE

##### 3.1 ATTENDANCE

**ELECTED MEMBERS:**

Cr Geoff Haerewa	Shire President
Cr Chris Kloss	Councillor
Cr Iris Prouse	Councillor
Cr Peter Coggins	Councillor
Cr Andrew Twaddle	Councillor

**STAFF:**

Stephen Gash	Chief Executive Officer
Wayne Neate	Director Technical and Development Services
Noel Myers	Manager Planning
Danielle Hurstfield	Manager Administration & Governance
Carlie McCulloch	Customer Service Officer (Minutes)

**VISITORS:**

Nil

**GALLERY:**

Terri Buckley	Buckley’s Earthworks & Paving
Peter Jackson	Buckley’s Earthworks & Paving
Kevin Pettingill	Buckley’s Earthworks & Paving
Tony Gavranich	

**3.2 APOLOGIES**

Cr Geoff Davis	Councillor
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**3.3 APPROVED LEAVE OF ABSENCE**

Cr Paul White	Deputy Shire President
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**3.4 ABSENT**

Nil

**3.5 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.

**3.5.1 DECLARATIONS OF FINANCIAL INTERESTS**

Nil

**3.5.2 DECLARATIONS OF PROXIMITY INTERESTS**

Item 10.3.2 – Tender T10-2018 - Cr Andrew Twaddle

**3.5.3 DECLARATIONS OF IMPARTIALITY INTERESTS**

Item 10.1.1 – Derby Landcare Group - Cr Chris Kloss

Item 10.3.1 – Setting of Speed Limits on Windjana and Lennard Roads - Cr Iris Prouse

**4.0 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

**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

**OFFICER RECOMMENDATION/COUNCIL DECISION:**

**MINUTE NUMBER. 087/2018**

**Moved: Cr Prouse**

**Seconded: Cr Coggins**

**That the Minutes of the Ordinary Meeting of the Shire of Derby/West Kimberley held at the Council Chambers, Derby, on 30 August 2018 be CONFIRMED.**

**CARRIED: 7/0**

**OFFICER RECOMMENDATION/COUNCIL DECISION:**

**MINUTE NUMBER. 088/2018**

**Moved: Cr Kloss**

**Seconded: Cr Coggins**

**That the Minutes of the Compliance and Strategic Review Committee Meeting of the Shire of Derby/West Kimberley held at the Council Chambers, Derby, on 30 August 2018 be CONFIRMED.**

**CARRIED: 7/0**

## 9.0 RECOMMENDATIONS AND REPORTS OF COMMITTEES

Nil.

## 10.0 REPORTS

### 10.1 EXECUTIVE SERVICES

#### 10.1.1 DERBY LANDCARE GROUP - EXTENSION OF MEMORANDUM OF UNDERSTANDING.

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	Derby Landcare Group/SDWK
<b>File Reference:</b>	6080
<b>Author:</b>	Noel Myers – Manger Planning Services
<b>Responsible Officer:</b>	Stephen Gash – Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	18 September 2018
<b>Attachments:</b>	Copy Memorandum of Understanding
<b>Authority/Discretion:</b>	Administrative

#### SUMMARY:

Item seeks Council endorsement to extend the term of the Memorandum of Understanding between the Shire and the Derby Landcare Group.

#### BACKGROUND:

The Shire and the Derby Landcare Group (DLG) first entered into a Memorandum of Understanding (MOU) in August 2013 *Item 11.4.3 Minute 131/2013*. The effective period of the MoU was five years with the expiration date being 30/10/2018.

The impetus for the MoU between the parties was the desire of the Landcare Group to undertake some rehabilitation works at the Munkayarra wetlands. The wetlands are located on a SDWK Reserve which were becoming degraded as a result of cattle accessing the area.

The overall intent of the agreement is to foster a relationship that assists both the Shire and the DLG in achieving common objectives in managing the environment and provides an agreed framework for both parties to work within and sets out the respective responsibilities of each party. A copy of the MoU is marked is Attachment 1.

#### STATUTORY ENVIRONMENT:

Local Government Act

**POLICY IMPLICATIONS:**

None

**FINANCIAL IMPLICATIONS:**

There are no direct costs associated with the MoU requiring a specific budget allocation, however, the Shire provides in kind contributions to the operation of the DLG through the provision of meeting spaces for monthly meetings and through staff attendance at those meetings to provide professional and technical advice.

**STRATEGIC IMPLICATIONS:**

GOAL	OUTCOME	STRATEGY
<p><b>Goal 2</b> A balance between the natural and built environments</p>	<p><b>Outcome 2.6</b> Protection of the natural environment</p>	<p><b>Strategy 2.6.1</b> Provide effective management and maintenance of the Shire’s land and reserves  <b>Strategy 2.6.2</b> Support the management of feral animals  <b>Strategy 2.6.3</b> Develop and implement a weed management strategy on Shire roads and other reserves  <b>Strategy 2.6.4</b> Promote and support community based environmental initiatives.</p>

**RISK MANAGEMENT CONSIDERATIONS:**

It is Administration’s view that there are minimal risks to Council and the Shire’s business function by Council exercising its discretionary power to extend the term of the MoU.

**CONSULTATION:**

The proposal to extend the term of the MoU has been discussed with the DLG who are desirous of extending the agreement.

**COMMENT:**

The relationship between the DLG and the Shire is regarded as being a successful partnership that has seen effective land management practices documented and implemented for both the Munkayarra Wetlands and Joonjoo Botanical Trail environs. Regular meetings are convened by the DLG which are generally attended by a Shire representative to provide advice and technical support where required and also to act

as a conduit into the responsible service units within the Shire to ensure that any projects proposed on Shire managed reserves are properly coordinated.

**SUMMARY:**

The intent and purposes of the MoU is to foster a relationship that will assist both the Shire and the DLG in achieving common objectives in managing the environment within an agreed framework.

Accordingly it is recommended that the Council agrees to extend the term of the MoU for a further five year period on the same terms as set out within the existing MoU.

**VOTING REQUIREMENT:**

Simple majority

**OFFICER RECOMMENDATION/COUNCIL DECISION:**

**MINUTE NUMBER. 089/2018**

**Moved: Cr Prouse**

**Seconded: Cr Twaddle**

**That Council approves the extension of the Memorandum of Understanding (dated 31/10/2003) between the Derby Landcare Group and the Shire of Derby/West Kimberley for a further five year period commencing from 31/10/2018.**

**CARRIED: 7/0**



## 10.2 CORPORATE SERVICES

### 10.2.1 ACCOUNTS FOR PAYMENT – AUGUST 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>	21 September 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 August 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
<p><b>4:</b> Good governance and an effective organisation Leadership that provides strategic direction for the community, supported by efficient and effective service delivery</p>	<p><b>4.4:</b> Financial sustainability and accountability for performance</p>	<p><b>4.4.4:</b> Provide resources to support the Shire’s operations and to meet planning, reporting and accountability requirements</p>

**RISK MANAGEMENT CONSIDERATIONS:**

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
<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 2018-19 Annual Budget as adopted by Council at its meeting held 30 August 2018 (Minute No. 077/2018 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. Lists detailing the payments made are appended as an attachment.

FUND	DETAILS	AMOUNT
<b>Municipal Account</b>		
EFT Payments	44997 - 45259	\$3,339,396.05
Municipal Cheques	54715 - 54717	\$48,377.34
Direct Debits – Payroll	Fees, Charges, Credit Card Payment, Payroll and Payroll Liabilities	\$597,253.52
Manual Cheques		
<b>Trust Account</b>		
Trust Cheques	6524 – 6528	\$2,767.50
	<b>Total</b>	<b>\$3,987,794.41</b>

Creditors outstanding as at 31 August 2018 totalled \$511,939.80.

**VOTING REQUIREMENT:**

Simple majority

**OFFICER RECOMMENDATION/COUNCIL DECISION:**

**MINUTE NUMBER. 090/2018**

**Moved: Cr Coggins**

**Seconded: Cr Twaddle**

**That Council NOTES the Chief Executive Officer's list of accounts for August 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 \$3,987,794.41.**

**CARRIED: 7/0**

## 10.2.2 STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 31 JULY 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>	21 September 2018
<b>Attachments:</b>	Monthly Financial Report – July 2018
<b>Authority/Discretion:</b>	Information

### SUMMARY:

For Council to note the statement of financial activity for the period ended 31 July 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 31 July 2018.

### BACKGROUND:

At its meeting held 30 August 2018 (Minute No. 077/2018 refers), Council adopted the annual budget for the 2018-19 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 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 2018-19 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
<p><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.</p>	Possible	Major	High	Risk assessments have been completed in relation to a number of higher level financial matters. The timely and accurate completion of monthly financial reporting enabling Council to make fully informed decisions is a control that assists in addressing this risk.
<p><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.</p>	Possible	Moderate	Medium	Manage by monitoring progress towards project completion

**CONSULTATION:**

Internal consultation within the corporate services department.

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



**COMMENT:**

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

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

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

**VOTING REQUIREMENT:**

Simple majority

**OFFICER RECOMMENDATION/COUNCIL DECISION:**

**MINUTE NUMBER. 091/2018**

**Moved: Cr Prouse**

**Seconded: Cr Coggins**

**That Council NOTES the Monthly Financial Management Report incorporating the Statement of Financial Activity for the period ending 31 July 2018 attached to Report 10.2.2.**

**CARRIED: 7/0**

### 10.3 TECHNICAL SERVICES

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

<b>Location/Address:</b>	Hamlet Grove Sub-division, Gibb River Road
<b>Name of Applicant:</b>	Shire of Derby/West Kimberley
<b>File Reference:</b>	5480
<b>Author:</b>	Wayne Neate – Director of Technical and Development Services
<b>Responsible Officer:</b>	Wayne Neate – Director of Technical and Development Services
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	1 September 2018
<b>Attachments:</b>	Letter from Kelly Graffin
<b>Authority/Discretion:</b>	Review

#### SUMMARY:

This item seeks Council’s approval to accept the 70km/h as proposed by Main Roads Western Australia (MRWA) on Lennard Road and Windjana Road in the Hamlet Grove Sub-division and that Council continue to lobby for a reduction in the speed limits. This is following the request by Council as per minute no 023/2018 which was to make an application to the Main Roads Western Australia to have 60km/h signage installed on Lennard Road and Windjana Road in the Hamlet Grove Sub-division.

#### MINUTE NO. 023/2018

<b>Moved: Cr C Kloss</b>	<b>Seconded: Cr P White</b>
<b>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.</b>	
<b>CARRIED 6/0</b>	

#### 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. When queries with the police it was found that there was confusion over what the actual speed limit in this area was.

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. Following this an item was put to Council in March 2018 and a motion was moved to apply to MRWA for a 60km/h speed limit on Windjana and Lennard Road's.

The initial response from MRWA technical section based in Perth was to set the speed at 80km/h on both roads. Kimberley MRWA staff then went back to their technical staff to request if it could be lowered to 70km/h. MRWA technical staff have agreed to this and now propose that the speed limit on Windjana and Lennard Road's be set at 70km/h. If this is not agreed to by the Shire the default limits will apply which would mean that traffic on these roads can travel up to 110km/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.

Councillor Haerewa met with concerned residents at a meeting on the 14<sup>th</sup> September 2018 at the Hamlet Grove Sub-division to discuss the matter. Although the residents don't totally agree with the limits being set at 70km/h they do agree that this is a better outcome than the open speed limit, however they did request that Council lobby MRWA to lower the speed.

#### **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. Meetings have also been held with the residents by Councillor Prouse and Haerewa.

**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 the request by Council to consider 60km/h on Windjana and Lennard Road’s, MRWA taking into consideration the Australian Standard and data captured on both roads initially recommended 80km/h but has revised that down to 70km/h for both roads. Although this is probably not acceptable to the residents it is a better option than the open limit.

Following Councils decision a formal letter to the Executive Director of Main Roads will be sent agreeing to the 70km/h speed limit signage being installed for both the sealed sections of Windjana and Lennard Road’s.

**VOTING REQUIREMENT:**

Simple majority

**OFFICER RECOMMENDATION/COUNCIL DECISION:**

**MINUTE NUMBER. 092/2018**

**Moved: Cr McCumstie**

**Seconded: Cr Twaddle**

**That Council:**

- 1. Accept the proposal by Main Roads Western Australia to implement 70km/h speed zone signage on Windjana and Lennard road's in the Hamlet Grove subdivision;**
- 2. Continue to lobby Main Roads Western Australia to lower the speed zone on Windjana and Lennard roads in the Hamlet Grove subdivision.**

**CARRIED: 7/0**

13.15 Cr Twaddle declared interest in 10.3.2 and left the room.

### **10.3.2 TENDER T10-2018 FLOOD DAMAGE REPAIRS AND WATER CORPORATION RESTORATION WORKS – URBAN BITUMEN ROADS**

<b>Location/Address:</b>	Derby & Fitzroy Crossing
<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 & Development Services
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	20 September 2018
<b>Attachments:</b>	Location of Works and Confidential Scoring Sheet
<b>Authority/Discretion:</b>	Administrative

#### **SUMMARY:**

This item is to consider the award of a tender for Flood Damage Repairs and restoration of Water Corporation trenches on sealed roads in Derby and Fitzroy Crossing.

#### **BACKGROUND:**

Significant damage was caused to three sealed roads in Fitzroy Crossing and one road in Derby during the severe storms in January/February 2017. Further significant damage was caused to sealed roads in Derby during Tropical Cyclone Kelvin in February 2018.

The Office of Emergency Management activated the Western Australia Natural Disaster Relief and Recovery Arrangements (WANDRRA) for both of these events.

Joint inspections were carried out by the Manager Engineering Services and Main Roads WA Kimberley Region personnel to validate the damage on each road was flood related. Estimates were then prepared to repair the nominated flood damage for each road and submitted to Main Roads WA for approval. This process was completed 3 July 2017.

Additionally, the tender included sections of several roads in Derby that have been damaged by burst water mains which will be repaired at Water Corporation's expense.

#### **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:**

Main Roads WA have approved the Shire of Derby/West Kimberley’s estimates on the flood damaged roads submitted in this tender. Actual costs to reinstate the roads to pre-existing condition will be reimbursed by WANDRRA. The Shire of Derby/West Kimberley is liable for the first \$154,300 for the event which will be progressively deducted from Claims for Reimbursement made to Main Roads WA.

**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>Community:</b> Access to communities restricted.</p>	Likely	Moderate	High	Reinstate roads to previous condition

**CONSULTATION:**

The Tender was advertised statewide with submissions closing 2:00pm Friday 14 September 2018. Documents were downloaded by 14 companies with only one submission received from Buckley’s Earthworks & Paving (Buckley’s).

**COMMENT:**

Buckley’s tender submission was assessed and scored by three personnel to ensure that it represents fair value for money and addressed all requirements of the specifications.

Buckley’s have stated that the timeframe for completion of the flood damage repairs in Fitzroy Crossing will not be able to be achieved due to additional conditions implemented by Water Corporation with regards to lowering water services. Assistance is being sought from Water Corporation to relax these conditions. Clarification is being sought from Buckley’s whether they will be able to comply with the specified timeframe if Water Corporation agree to relax the conditions.

The criteria and weighting for this tender were as follows;

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

A Score Summary is shown below:

C1	Buckley’s Earthworks & Paving
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		C1
Relevant Experience 15%	Weighted Score	10.66%
Key Personnel Skills & Experience 20%	Weighted Score	16.67%
Tenderer’s Resources 20%	Weighted Score	14.67%
Demonstrated Understanding 15%	Weighted Score	12.33%
Quality Management System 20%	Weighted Score	18.00%
Risk 10%	Weighted Score	7.67%
Totals	100%	80.00%

The tender submission from Buckley’s Earthworks & Paving represents fair value for money and meets the requirements of the tender specification.

**VOTING REQUIREMENT:**

Simple majority



**OFFICER RECOMMENDATION/COUNCIL DECISION:**

**MINUTE NUMBER. 093/2018**

**Moved: Cr Coggins**

**Seconded: Cr Prouse**

**That Council award Tender T10-2018 Flood Damage Repairs and Water Corporation Restoration Works – Urban Bitumen Roads to Buckley’s Earthworks & Paving.**

**CARRIED: 6/0**

13.17 Cr Twaddle returned to the room and was advised of the outcome.

## 10.4 DEVELOPMENT SERVICES

### 10.4.1 APPLICATION FOR MORE THAN PRESCRIBED AMOUNT OF DOGS

<b>Location/Address:</b>	Lot 3 (#5) Kingfisher Loop, Derby
<b>Name of Applicant:</b>	Ms Jane Moody
<b>File Reference:</b>	5405 – Animal Control
<b>Author:</b>	Manager Development Services, Stuart Martin
<b>Responsible Officer:</b>	Director Technical and Development Services, Wayne Neate
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	19 September 2018
<b>Attachments:</b>	Application To Keep More Than The Prescribed Number Of Dogs, Property Inspection Report
<b>Authority/Discretion:</b>	Legislative

#### SUMMARY:

The purpose of this agenda item is for Council to consider an application made by Ms Jane Moody to keep a third dog on the residential premises known as Lot 3 (#5) Kingfisher Loop, Derby.

#### BACKGROUND:

The Dog Act 1976 and the Shire of Derby/West Kimberley Dog Local Law state that the prescribed number of dogs permissible on a premises within the Derby townsite is no more than two. The Act allows a local government to give approval for an exemption for the keeping of more than the prescribed number of dogs.

In July 2018 the Shire of Derby\West Kimberley received an application from the Ms Jane Moody, who resides at Lot 3 (#5) Kingfisher Loop, Derby, to keep a total of three dogs on the premises.

Lot 3 (#5) Kingfisher Loop, Derby is a residential premises having a total land area of 2100m<sup>2</sup>, comprising a fenced house yard of approximately 1000 m<sup>2</sup> and the balance being vacant land.

The approval of such an exemption can be made by the use of a delegation, however in this case the officer who currently holds the delegation has chosen to not exercise their powers and instead has referred the application to Council for decision.

**STATUTORY ENVIRONMENT:**

Section 26(1) of the Dog Act 1976 enables a local government to, by local law under the Act, limit the number of dogs that have reached 3 months of age that can be kept in or at premises in the local government’s district.

Section 3.2(2) of the Shire of Derby/West Kimberley Dogs Local Law limits the number of dogs over the age of 3 months which may be kept on any premises within the Derby townsite to two.

Section 26(3) of the Dog Act 1976 enables a local government to grant an exemption that can authorise, subject to conditions, up to six dogs on a premises where the premises is suitable. Such an exemption if issued may be revoked or varied at any time.

**POLICY IMPLICATIONS:**

Nil

**FINANCIAL IMPLICATIONS:**

Nil

**STRATEGIC IMPLICATIONS:**

GOAL	OUTCOME	STRATEGY
1.9 Community wellbeing	A safe and responsible community	Develop and implement an animal management plan

**RISK MANAGEMENT CONSIDERATIONS:**

Generally the addition of a third dog onto a premises will not greatly the risk of an impact on the amenity of the surrounding neighbourhood if the animals on the premises are well managed. While there is always a chance of noise from barking or odour from animal waste, it is considered a low risk in this instance.

**CONSULTATION:**

The Shire of Derby/West Kimberley’s fact sheet “How many dogs am I able to keep on my Property”, requires the applicant to notify neighbours of their intention to keep an extra dog/s and get letters from neighbours as to whether they agree or disagree to the intentions of having an additional dog on the premises. In this instance the property has two neighbours. One is a vacant parcel of residential land and the other is a residential dwelling that has not been occupied during the application assessment process.

No objections or comments have been received from the public concerning the application.

The Director Technical and Development Services, Manager Development Services and Shire Ranger and Applicant were consulted as part of the application assessment process.

**COMMENT:**

Shire Ranger, Michelle Steers undertook a property inspection and completed a Property Inspection Report on 25 July 2018 as part of the application assessment process. A copy of the Report is attached.

The application assessment process undertaken by Ranger Services did not identify any areas of concern that would prevent the application from being approved. It is not expected that there will be any loss of amenity in the area surrounding the property should the application be approved.

Should the application be approved, it can be revoked or varied at any time and the applicant understands this.

**VOTING REQUIREMENT:**

Simple majority

**OFFICER RECOMMENDATION/COUNCIL DECISION:**

**MINUTE NUMBER. 094/2018**

**Moved: Cr Kloss**

**Seconded: Cr Coggins**

**That the application made by Ms Jane Moody for an exemption to have more than the prescribed number of dogs on the premises known as Lot 3 (#5) Kingfisher Loop be APPROVED subject to the following conditions:**

- 1. The approval be limited to a maximum of three dogs on the premises; and**
- 2. The approval be instantly be revoked should one or more of the dogs currently owned by the applicant is permanently removed from the premises.**

**CARRIED: 7/0**

**10.5 COMMUNITY DEVELOPMENT AND RECREATION SERVICES**

Nil

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

**12.0 NEW BUSINESS OF AN URGENT NATURE**

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

**13.1 CEO SELECTION PROCESS, TIMELINE AND CONSULTANT SUPPORT**

Report to be provided under separate cover.

Withdrawn pending further information.

**14.0 CLOSURE**

**14.1 DATE OF NEXT MEETING**

The next ordinary meeting of Council will be held Thursday, 25 October 2018 in the Council Chambers, Clarendon Street Derby.

**14.2 CLOSURE OF MEETING**

The Presiding Member closed the meeting at 1.21pm.

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