



**Shire of Derby /
West Kimberley**

AGENDA

Ordinary Council Meeting

18 April 2019

I hereby give notice that an Ordinary Meeting of Council will be held on:

Date: 18 April 2019

Time: 12.00 pm

**Location: Council Chambers
Clarendon Street
Derby**

John Attwood

Acting Chief Executive Officer



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.

COPYRIGHT

Any plans or documents contained within this agenda may be subject to copyright law provisions (*Copyright Act 1968*, as amended) and that the express permission of the copyright owner(s) should be sought prior to their reproduction. It should be noted that copyright owners are entitled to take legal action against any persons who infringe their copyright. A reproduction of material that is protected by copyright may represent a copyright infringement.

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."

2019 MEETING DATES

At its Ordinary Meeting of Council on 28 November, 2018, Council adopted the following meeting dates for 2019;

January			Council in Recess
Thursday	28 February 2019	5.30 pm	Council Chambers, Derby
Thursday	28 March 2019	1.00 pm	Library, Fitzroy Crossing
Tuesday	30 April 2019*	5.30 pm	Council Chambers, Derby
Thursday	30 May 2019	5.30 pm	Council Chambers, Derby
Thursday	27 June 2019	1.00 pm	Library, Fitzroy Crossing
Thursday	25 July 2019	5.30 pm	Council Chambers, Derby
Thursday	29 August 2019	5.30 pm	Council Chambers, Derby
Thursday	26 September 2019	1.00 pm	Council Chambers, Derby
Thursday	31 October 2019	5.30 pm	Council Chambers, Derby
Thursday	21 November 2019	1.00 pm	Library, Fitzroy Crossing
Thursday	12 December 2019	5.30 pm	Council Chambers, Derby

* amended to 18 April 2019 at 12.00pm 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.

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.

Order Of Business

1	Declaration of Opening, Announcement of Visitors.....	11
2	Attendance via Telephone/Instantaneous Communications.....	11
3	Disclosure of Interests	11
3.1	Declaration of Financial Interests	11
3.2	Declaration of Proximity Interests	11
3.3	Declaration of Impartiality Interests.....	11
4	Applications for Leave of Absence	11
5	Responses to Previous Public Questions taken on Notice	11
6	Public Time.....	11
6.1	Public Question Time	11
6.2	Public Statements	11
7	Petitions, Deputations, Presentations and Submissions	11
8	Announcements by Presiding Person without Discussion	11
9	Confirmation of Minutes of Previous Meetings	11
10	Recommendations and Reports of Committees	13
10.1	Policy Manual Review.....	13
10.2	Annual Financial Report 2017-18.....	16
	Reports	20
11	Executive Services	20
11.1	Presidential Allowance - Review	20
11.2	Memorandum of Understanding - Derby Airport.....	23
12	Corporate Services	25
12.1	Accounts for Payment - March 2019.....	25
12.2	Statement of Financial Activity for the Period Ending 31 March 2019.....	29
12.3	Annual Report 2017-18	33
13	Technical Services.....	38
	Nil	
14	Development Services	39
14.1	Regional Waste Management Plan 2018-2023.....	39
14.2	Tourist Resort - Cockatoo Island	42
14.3	Bell Gorge Wilderness CAmp.....	49
15	Community and Recreation Services	52
	Nil	
16	Motions of which Previous Notice has been Given	52

17	New Business of an Urgent Nature	52
18	Matters for which the Meeting may be Closed (Confidential Matters).....	53
18.1	Adjustment to contract - Chief Executive Officer Re-location expenses	53
19	Closure.....	54
19.1	Date of Next Meeting.....	54
19.2	Closure of Meeting.....	54

1 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS**2 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.

3 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.

3.1 Declaration of Financial Interests**3.2 Declaration of Proximity Interests****3.3 Declaration of Impartiality Interests****4 APPLICATIONS FOR LEAVE OF ABSENCE****5 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****6 PUBLIC TIME****6.1 Public Question Time****6.2 Public Statements****7 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS****8 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION****9 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS****RECOMMENDATION**

That the Minutes of the Compliance and Strategic Review Committee Meeting held at the Council Chambers, Clarendon Street, Derby, on 11 April 2019, the Ordinary Meeting of the Shire

of Derby/West Kimberley held at the Library, Fitzroy Crossing, on 28 March 2019 and the Special Meeting of the Shire of Derby/West Kimberley held at the Council Chambers, Clarendon Street, Derby, on 11 April 2019 be CONFIRMED.

10 RECOMMENDATIONS AND REPORTS OF COMMITTEES

10.1 POLICY MANUAL REVIEW

File Number: 4160 - Policy (Council)

Author: Danielle Hurstfield, Manager Administration and Governance

Responsible Officer:

Authority/Discretion: Legislative

SUMMARY

This report recommends that the Compliance and Strategic Review Committee recommend that Council adopt new and reviewed policies detailed in this report.

DISCLOSURE OF ANY INTEREST

Nil

BACKGROUND

The Terms of Reference for the Compliance and Strategic Review Committee adopted on 26 March 2015 detail the key role the Committee holds in assisting the Shire fulfil its corporate governance responsibilities in managing the affairs of the organisation. This includes financial reporting, risk management, compliance requirements and auditing.

Councillors were provided a suite of draft documents at the 27 September 2018 Committee Meeting and a proposed program at the 18 October 2018 Committee Meeting. The documents outlined are now presented for consideration.

POLICY IMPLICATIONS

As detailed in each policy.

FINANCIAL IMPLICATIONS

As detailed in each policy.

STRATEGIC IMPLICATIONS

GOAL	OUTCOME	STRATEGY
4: Good governance and effective organisation	4.1: Effective governance and leadership	4.1.3: Strengthen the governance role of Councillors by informing, resourcing, skilling and supporting their role 4.1.8: Develop and maintain risk management policies and procedures

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Financial: Financial, Legal and Compliance, Organisational Operations and Reputation	Unlikely	Severe	Extreme	Monthly reporting to the Compliance and Strategic Review Committee for awareness and direction where required.

CONSULTATION

Internal consultation has been undertaken with relevant areas to collate information.

COMMENT

Detail is provided below outlining content, intent and/or proposed changes to the policies programmed for this month:

AF35 – Establishment of Leases and User Agreements

On hold pending review of leases, MOUs, agreements and user agreements

AF37 – Volunteer Emergency Service Leave/Defence Reservist

A review of AF37 Volunteer Emergency Service Leave and AF38 Defence Reservist Leave revealed the conditions were generally the same. This policy combines both into a single policy.

TP8 – Town Centre Development

To be deferred for major review in conjunction with preparation of new Town Planning Scheme No. 8.

TP10 – Transportable/Relocated Dwellings

To be deferred to May 2019 Compliance and Strategic Review Committee.

W2 – Derby Townsite Streetscape

To be deferred for review after development of Community Strategic Plan.

W3 – Underground Public Utilities/Services that Cross Council Controlled Thoroughfares

This policy has been reviewed and amended to reflect current standards including the need for traffic management.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS**RECOMMENDATION**

That the Compliance and Strategic Review Committee:

1. Adopt Reviewed Policies:

AF37 Defence Reservist/Volunteer Emergency Service Leave

W3 Underground Public Utilities/Services that Cross Council Controlled Thoroughfares

2. Defer:

TP10 Transportable/Relocated Dwellings to the May 2019 Compliance and Strategic Review Committee.

W2 Derby Townsite Streetscape until after the adoption of the Community Strategic Plan

TP8 Town Centre Development Policy – for inclusion in major review in conjunction with preparation of New Town Planning Scheme.

AF35 Establishment of Leases and User Agreements – until after review of existing Leases, MOU's and agreements in May 2019

3. That the recommendations above be presented to Council for adoption.

10.2 ANNUAL FINANCIAL REPORT 2017-18**File Number: 5151****Author: Myra Henry, Manager Finance****Responsible Officer: John Attwood, Acting Chief Executive Officer****Authority/Discretion: Executive****SUMMARY**

For the Compliance and Strategic Review Committee to consider and accept the 2017-18 Annual Financial Report and Auditor's Report and recommend adoption by Council.

DISCLOSURE OF ANY INTEREST

Nil.

BACKGROUND

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

The Annual Financial Report for the period ending 30 June 2018 is presented to the Compliance and Strategic Review Committee for consideration and recommend adoption by Council. Shire staff and Moore Stephens have been working collectively to prepare the statements ready for presentation to the auditors.

STATUTORY ENVIRONMENT:**Local Government (Financial Management) Regulations 1996**

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

- 1) *After the annual financial report has been audited in accordance with the Act the CEO is to sign and append to the report a declaration in the form of Form 1.*
- 2) *A copy of the annual financial report of a local government is to be submitted to the Departmental CEO within 30 days of the receipt by the local government's CEO of the auditor's report on that financial report.*
- 3) *Local Government Act 1995*

5.53. Annual reports

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

5.54. Acceptance of annual reports

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

Absolute majority required.

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

Division 3 — Reporting on activities and finance

6.4. Financial report

- (1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.
- (2) The financial report is to —
 - (a) be prepared and presented in the manner and form prescribed; and
 - (b) contain the prescribed information.
- (3) By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor —
 - (a) the accounts of the local government, balanced up to the last day of the preceding financial year; and
 - (b) the annual financial report of the local government for the preceding financial year.

POLICY IMPLICATIONS

There are no policy implications that relate to this report.

FINANCIAL IMPLICATIONS

The Annual Financial Statements set out the operating results for the Shire for the year ended 30 June 2018 and the assets and liabilities as at that date, together with other relevant financial information.

STRATEGIC IMPLICATIONS

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

effective organisation Leadership that provides strategic direction for the community, supported by efficient and effective service delivery	and leadership	legislative requirements
---	----------------	--------------------------

RISK MANAGEMENT CONSIDERATIONS

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

CONSULTATION

Moore Stephens (WA) Pty Ltd

Shire Staff

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

COMMENT

Moore Stephens (WA) Pty Ltd have completed their audit of Council’s affairs for the financial year ended 30 June 2017 and the Audit Report and Management Report will be provided under separate cover.

Attachments to be provided under separate cover.

VOTING REQUIREMENT

Absolute majority

ATTACHMENTS

Nil

RECOMMENDATION That Council BY AN ABSOLUTE MAJORITY:

- 1. ENDORSES the 2017-18 Annual Financial Report of the Shire of Derby/West Kimberley and the accompanying 2017-18 Audit Report, as attached to this report, and recommends adoption by Council;**
- 2. NOTES the Auditor's Management Report to the Compliance and Strategic Review Committee for the year ended 30 June 2018 supplied by Council's Auditor, Mr Greg Godwin of Moore Stephens (WA) Pty Ltd.**
- 3. If required the Compliance and Strategic Review Committee will prepare and provide a report to the Minister within 3 months addressing any significant matters identified in Auditor's Management Report stating what actions the Shire will take to resolve the significant issues.**
- 4. NOTES the response from management to the items raised in the auditors Management Report.**

REPORTS

11 EXECUTIVE SERVICES

11.1 PRESIDENTIAL ALLOWANCE - REVIEW

File Number: 4280

Author: John Attwood, Acting Chief Executive Officer

Responsible Officer: John Attwood, Acting Chief Executive Officer

Authority/Discretion: Administrative

SUMMARY

This report deals with a review of the Presidential Allowance for the 2018/2019 financial year and recommends an increase in the allowance from \$40,000 to \$62,727 and subsequent budget adjustments.

DISCLOSURE OF ANY INTEREST

Nil

BACKGROUND

Cr White has raised the issue of increasing the presidential allowance to reflect the workload associated with this position. Cr White advises that there had been informal discussions with Councillors in relation to increasing this allowance prior to the adoption of last year's budget. It appears that it may have been an oversight not to include the increased allowance when the budget was adopted, and due to a number of reasons has not been amended to date.

LEGISLATIVE IMPLICATIONS

Local Government Act 2.7 and 2.8(1)

2.7. Role of council

- (1) The council —
 - (a) governs the local government's affairs; and
 - (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to —
 - (a) oversee the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies.

[Section 2.7 amended: No. 17 of 2009 s. 4.]

2.8. Role of mayor or president

- (1) The mayor or president —
 - (a) presides at meetings in accordance with this Act; and
 - (b) provides leadership and guidance to the community in the district; and
 - (c) carries out civic and ceremonial duties on behalf of the local government; and
 - (d) speaks on behalf of the local government; and

- (e) performs such other functions as are given to the mayor or president by this Act or any other written law; and
- (f) liaises with the CEO on the local government’s affairs and the performance of its functions.

Local Government Act 5.98 (5) and (a)

5.98. Fees etc. for council members

- (5) The mayor or president of a local government is entitled, in addition to any entitlement that he or she has under subsection (1) or (2), to be paid —
 - (a) the annual local government allowance determined for mayors or presidents;

Western Australian Salaries and Allowances Act 1975

Western Australian Salaries and Allowances Tribunal determine the allowances for Local government Chief Executive Officers and Elected Members. The Shire of Derby/West Kimberley are classified as a band 2 Council which provides a Presidential Allowance range from \$15,225 to \$62,727 for the 2018/19 financial year.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Any increase in the presidential allowance will require an internal budget adjustment by the re-allocation of funds from account number 410102 –Members of council(core services material and contracts) to account number 410107-Members of council(presidential allowance).

If the maximum increase is supported and retrospective payments endorsed from July 1st 2018 this will be \$22,727.

STRATEGIC IMPLICATIONS

GOAL	OUTCOME	STRATEGY
Goal 4: Good governance and an effective organisation. Leadership that provides strategic direction for the community, supported by efficient and effective service delivery.	4.1 Effective governance and leadership	4.1.1 Provide leadership in balancing the needs of the community, government, industry and the environment.

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Reputation: That members of the	Possible	Moderate	Medium	The report provides sufficient detail to justify the increase and this can

<p>public may not understand the workload of the Shire President and need for him to be appropriately compensated for his expertise and time commitment.</p>				<p>be positively reported in appropriate media.</p>
--	--	--	--	---

CONSULTATION

Discussions have been held with Cr White and an officer from the Department of Local Government who confirmed council has the capacity to review council allowances outside of the budget adoption process.

COMMENT

From my short time in this position it is apparent that the roll of the President is an extremely time consuming one and associated with extensive travel. This is necessary to keep abreast of current trends of funding and promotional opportunities.

It is also evident that there are many ongoing activities in land and business dealings/opportunities that have taken a considerable amount of the Presidents time. My assessment is that this will continue into the future as the President endeavours to encourage businesses to relocate to Derby which will guide the economic future of the Shire.

VOTING REQUIREMENT

Absolute majority

ATTACHMENTS

Nil

<p>RECOMMENDATION</p> <p>That Council,</p> <ol style="list-style-type: none"> 1. Increase the Presidential allowance for the 2018/2019 financial year from \$40,000 to \$62,727. 2. Determine that the increase in the allowance is to be paid retrospectively to the president from 1st July 2018. 3. Reallocate \$22,727 from account number 410102 Members of Council – core services materials and contracts to account to account number 410107-Presidential allowance.

11.2 MEMORANDUM OF UNDERSTANDING - DERBY AIRPORT**File Number: 0140 - Formal Agreements****Author: John Attwood, Acting Chief Executive Officer****Responsible Officer:****Authority/Discretion: Executive****SUMMARY**

To consider a standalone Memorandum of Understanding (MOU) for the Derby Airport Development with the Derby Infrastructure Joint Venture of the Warburton Group and Australian Capital Equity.

DISCLOSURE OF ANY INTEREST

Nil.

BACKGROUND

Following the lapse of the QUBE preferred proponent MOU for development of unallocated Derby Port land the Shire entered into an MOU with Warburton and Australian Capital Equity - Derby Infrastructure Joint Venture (DIJV) conferring preferred proponent status for unallocated land at the Derby Port and Derby Airport.

The interests in the Derby Port were formalised in a development lease with the consent of the Minister for Transport on 24 December 2018. This replaced the port specific conditions in the joint Port and Airport MOU.

At the 28 March 2019 Ordinary Council Meeting Council resolved:

RESOLUTION 23/19**Moved: Cr Chris Kloss****Seconded: Cr Iris Prouse****That the item lay on the table to for further consideration at the next Ordinary Council Meeting.****CARRIED: 7/0**

As a result this item is again being presented to Council.

It is premature to have this item dealt with at this meeting and it is recommended that the item be deferred until such time as all negotiations are complete.

STATUTORY ENVIRONMENT:

This will require appropriate notice of disposal or business plans depending on the nature of the transaction and the consideration proposed.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil during the reservation period. All costs and benefits will be the subject of the business case put forward as part of a development proposal.

STRATEGIC IMPLICATIONS

N/a

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
N/a				

CONSULTATION

Nil.

COMMENT

Nil.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

Nil

RECOMMENDATION

That Council

1. **Defer this item until such time as negotiations are completed to the satisfaction of Council.**

12 CORPORATE SERVICES

12.1 ACCOUNTS FOR PAYMENT - MARCH 2019

File Number: 5110 - Accounts Payable

Author: Tenille Parasiliti, Finance Officer

Responsible Officer: John Attwood, Acting Chief Executive Officer

Authority/Discretion: Information

SUMMARY

For Council to note the list of accounts paid under the Chief Executive Officer's delegated authority during the month of March 2019.

DISCLOSURE OF ANY INTEREST

Nil

BACKGROUND

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

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996

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

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

- (a) if the local government has delegated to the Chief Executive Officer the exercise of its power to make payments from those funds – by the CEO: or
- (b) otherwise, if the payment is authorised in advance by a resolution of the council.

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

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

(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared –

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

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

- (a) for each account which requires council authorisation in that month –
 - (i) the payee's name; and
 - (ii) the amount of the payment; and
 - (iii) sufficient information to identify the transaction; and

(b) the date of the meeting of the council to which the list is to be presented.

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

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Legal & Compliance: In accordance with section 6.8 of the Local Government Act 1995, 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.

**REPORT TO COUNCIL
MARCH 2019**

FUND	DETAILS	AMOUNT
MUNICIPAL ACCOUNT		
EFT Payments	EFT 46282 - 46405	460,183.85
Municipal Cheques	CHQ 54739 - 54741	469.87
Direct Debits	Fees & Charges, Credit Card Payments, Payroll, Payroll Liabilities	626,193.70
Manual Cheques	301	160.22
TRUST ACCOUNT		
Trust Cheques	CHQ 6547	35.00
TOTAL		\$1,087,042.64

Creditors Outstanding as at 31/03/2019

\$187,669.40

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

1. **Monthly Payments Detailed - March 2019** 

RECOMMENDATION

That Council NOTES the Chief Executive Officer’s list of accounts for March 2019 paid under Delegated Authority in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996 attached to this report, totalling \$1,087,042.64

12.2 STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 31 MARCH 2019**File Number: 5152****Author: Myra Henry, Manager Finance****Responsible Officer: John Attwood, Acting Chief Executive Officer****Authority/Discretion: Information****SUMMARY**

For Council to note the statement of financial activity for the period ended 31 March 2019 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 March 2019.

DISCLOSURE OF ANY INTEREST

NIL

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 to 30 June 2019 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 30 August 2018, the Council adopted (Minute No. 077/2018 refers) the following material variance reporting threshold for the 2018-19 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 2018/19 Annual Budget as adopted by Council at its meeting held 30 August 2018 (Minute No. 077/2018 refers) budget parameters, which have been structured on financial viability and sustainability principles.

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

STRATEGIC IMPLICATIONS

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

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Financial:	Possible	Major	High	Risk assessments have

<p>The Shire is exposed to a number of financial risks.</p> <p>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>				<p>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>
---	--	--	--	---

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

ATTACHMENTS

- 1. STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 31 MARCH 2019** 

RECOMMENDATION

That Council RECEIVES the Monthly Financial Management Report incorporating the Statement of Financial Activity for the period ending 31 March 2019.

12.3 ANNUAL REPORT 2017-18**File Number:** 4225, 4210**Author:** Myra Henry, Manager Finance**Responsible Officer:** John Attwood, Acting Chief Executive Officer**Authority/Discretion:** Executive**SUMMARY**

For Council to adopt the 2017-18 Annual Report and to determine the meeting date and time for the Annual General Meeting of Electors.

DISCLOSURE OF ANY INTEREST

Nil.

BACKGROUND

In accordance with section 5.53 of the Local Government Act 1995 the 2017-18 Annual Report has been prepared, summarising the year's highlights and achievements, as well as including specific statutory requirements.

The Shire's external auditor has completed the audit of Council's Annual Financial Statements for the 2017-18 financial year and these statements are the subject of a separate report to Council. The Annual Financial Statements form part of the 2017-18 Annual Report.

The 2017-18 Annual Report forms the main item of business discussed at the Annual General Meeting of Electors. Section 5.27 of the Local Government Act 1995 requires that the Annual General Meeting of Electors is to be held on a day selected by the Local Government, but not more than 56 days after the Annual Report is accepted.

It is anticipated that Council will accept the Annual Report at its meeting to be held 18 April 2019.

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

Should Council adopt the Annual Report at its meeting to be held 18 April 2019, the earliest date to issue local public notice is Thursday 2 May 2019, meaning that the earliest date the Annual General Meeting of Electors can be held is Friday 17 May 2019, with the last date being Friday 14 June 2019.

It is considered that the most appropriate date for holding the Annual General Meeting of Electors is Thursday 30 May 2019, at the conclusion of the scheduled Ordinary Council Meeting. Elected Members are more likely to be available at this time due to their attendance at the Council Meetings and it also provides opportunity for the public to attend given they know when Councils meetings are scheduled to be held.

STATUTORY ENVIRONMENT:

Sections as per below of the *Local Government Act 1995* states the following in relation to the contents of the Annual Report and Annual General Meeting of Electors:

5.53 Annual Reports

(1) The local government is to prepare an annual report each financial year.

(2) *The annual report is to contain:*

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

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

5.54 Acceptance of Annual Reports

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

**Absolute Majority required.*

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

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

5.55 Notice of Annual Reports

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

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

5.27. Electors' general meetings

(1) A general meeting of the electors of a district is to be held once every financial year.

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

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

5.29. Convening electors’ meetings

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

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

- Attendance and Apologies
- Contents of the 2017-18 Annual Report
- General Business

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

efficient and effective service delivery		
--	--	--

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Legal & Compliance: That Council not adopt the Annual Report and submit to the DLGC	Rare	Minor	Low	Accept officer recommendation
Legal & Compliance: That the Annual Electors Meeting not be held within 56 days of the Annual Report being adopted	Rare	Minor	Low	Accept officer recommendation

CONSULTATION

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

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

COMMENT

The Department of Local Government and Communities Integrated Planning and Reporting Framework sets out the requirements for local governments to undertake planning and reporting on their activities. This includes the annual reporting to the community on achievements and the financial statements. The Annual Report is also seen as an essential tool to inform the community and key stakeholders about its performance and future plans.

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

The 2017-18 Annual Report has been prepared addressing the highlights and achievements of the year. The Annual Report also includes measurements against the Shire of Derby/West Kimberley Corporate Business Plan. Reports against statutory requirements are also included in the Annual Report.

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

In order for the Shire of Derby/West Kimberley to meet its legislative requirements, it is recommended that Council accepts the Annual Report for the financial year 2017-18.

The audited Annual Financial Statements for 2017-18 are the subject of a separate report to the Compliance and Strategic Review Committee and then Council. Once these statements are adopted by Council, they are inserted into the 2017-18 Annual Report which is also adopted by Council as a separate item.

In order for the Shire of Derby/West Kimberley to meet its legislative requirements, it is recommended that Council convenes the Annual General Meeting of Electors at the conclusion of the May Ordinary Council Meeting at 5.30pm on Thursday 30 May 2019 at the Council Chambers, Derby.

VOTING REQUIREMENT

Absolute majority

ATTACHMENTS

1. **Annual Report 2017/18** 

RECOMMENDATION

That Council

1. Pursuant to section 5.54 of the Local Government Act 1995, **ACCEPTS** the Annual Report for the 2017-18 financial year;
2. Pursuant to section 5.55 of the Local Government Act 1995, **GIVES** local public notice of the availability of the 2017-18 Annual Report.
3. Pursuant to section 5.27 of the Local Government Act 1995, **CONVENES** by simple majority the Annual General Meeting of Electors on Thursday 30 May, 2019 commencing at 6.30pm at the Council Chambers, Derby; and
4. **ADVERTISE** the Annual Electors Meeting in accordance with section 5.29 of the Local Government Act 1995.

13 TECHNICAL SERVICES

Nil

14 DEVELOPMENT SERVICES

14.1 REGIONAL WASTE MANAGEMENT PLAN 2018-2023

File Number: 7190
Author: Stuart Martin, Manager Development Services
Responsible Officer: John Attwood, Acting Chief Executive Officer
Authority/Discretion: Administrative

SUMMARY

This item proposes that Council support the draft Regional Waste Management Plan 2018 - 2023

DISCLOSURE OF ANY INTEREST

Nil

BACKGROUND

The Regional Waste Management Plan covers the four Kimberley Shires of Broome, Derby/West Kimberley, Halls Creek and Wyndham/ East Kimberley and provides strategies and actions to strengthen regional collaboration and cooperation in the delivery of waste management services and improve waste management practices across the regional consistent with the State Waste Strategy.

The Plan discusses the relevant legislation and policy frameworks and issues that may impact on waste management within the region over the period of time covered by the plan.

The first Regional Waste Management Plan (RWMP) for the Kimberley came into being in 2009 with a further plan in place from 2013. The Kimberley Regional Group have moved forward with the preparation of the draft Regional Waste Management Plan 2018-2023 (draft Plan) with the assistance of ASK Waste Management Consultancy Services (ASK).

ASK have developed the draft Plan which reviews the achievements and challenges of the 2013 RWMP and provides a list of recommendations in the form of an Action Plan to guide regional waste management activities for the next five years. The Draft Plan has been discussed at Waste TAG and Zone Meeting levels to provide robust consultation resulting in the current draft that has been put for endorsement by the Zone member Councils.

At the last Zone meeting it was resolved that Kimberley Regional Group give in-principle support for the draft Plan and to seek formal support of the Plan from each Shire.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The draft Regional Waste Management Plan 2018 – 2023 identifies a number of recommendations in the form of a proposed Action Plan. These recommendations are identified as either Shire specific or regional actions with each having a potential financial impact on each Shire. Previous

Plans achievements were challenged by resourcing, both in terms of personnel and financial allocations or commitments.

STRATEGIC IMPLICATIONS

GOAL	OUTCOME	STRATEGY
2. Sustainable natural and built environments that meet the needs of the community and support future growth	2.8. Integrated waste management	2.8.1. Develop and implement a waste management strategy
2. Sustainable natural and built environments that meet the needs of the community and support future growth	2.8. Integrated waste management	2.8.3. Investigate and implement a regional approach to waste recycling

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Legal & Compliance: Breach of legislative requirements under the <i>Environmental Protection Act 1986</i> and other relevant law	Unlikely	Moderate	Low	Support and implement Regional Waste Management Plan
Environment: Missed opportunities in the handling and processing of waste materials resulting in less desirable disposal options and unnecessary use of landfill space	Possible	Minor	Low	Support and implement Regional Waste Management Plan
Financial: Missed opportunity to find savings through regional pricing and waste diversion	Possible	Moderate	Medium	Support and implement Regional Waste Management Plan

CONSULTATION

Stephen Gash, Wayne Neate and Stuart Martin have participated in the discussions regarding the draft Plan at a Waste TAG level. Geoff Haerewa and Stephen Gash have participated in the discussions about the draft Plan at a Kimberley Zone level. These discussions have worked towards the development of the current draft Plan.

COMMENT

At the last Kimberley Zone meeting the Kimberley Regional Group resolved to give in-principle support for the draft Plan and instructed the Zone Secretariat to seek formal support for the Plan subject to the following amendments:

- a. Removal of reference to a Regional Waste Coordinator;
- b. Amendment to the Regional Waste Education Officer to a 'lower priority';
- c. Inclusion of individual member Council priority projects.

No additional amendment of the draft Plan is sought by Council officers at this time.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

1. **Draft Regional Waste Management Plan 2018 - 2023** 

RECOMMENDATION**That Council:**

1. supports the Regional Waste Management Plan 2018 – 2023 in line with the Kimberley Regional Group recommendations.

14.2 TOURIST RESORT - COCKATOO ISLAND

File Number: A700030
Author: Noel Myers, Manager Planning
Responsible Officer: John Attwood, Acting Chief Executive Officer
Applicant: RFF
Owner: NK5 Group P/L
Proposal: Change of Use – Tourist Resort
Location: Cockatoo Island
Authority/Discretion: Administrative

SUMMARY

RFF on behalf of NK5 Group P/L have lodged application for Planning Consent for use of Lot 17 on Plan 0923497 Cockatoo Island as a Tourist Resort.

The proposed use aligns with the Crown Lease granted by the State of WA over the former township. The application proposes the use of the entire lease area and associated existing buildings and infrastructure for this purpose.

No new development is proposed under this application with only rectification works to be undertaken which are aligned with building and health legislation to enable the tourist operations to commence. Those improvements will happen in a staged manner alongside market demand.

DISCLOSURE OF ANY INTEREST

Nil

BACKGROUND

- Land is subject to Crown Lease No.1127597 – Purpose: Holiday and Tourist Resort, Company Accommodation, Fishing Station & Boat Repairs;
- Current Lease overlies former Cockatoo Island townsite;
- Buildings and land adapted to tourism uses in late 1980’s – tourism use ceased early 1990’s and buildings reverted to provide workforce accommodation for the adjoining mining operations.

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Nil arising from council’s consideration of the application

STRATEGIC IMPLICATIONS

GOAL	OUTCOME	STRATEGY
------	---------	----------

<p>Goal 2: A balance between the natural and built environments</p>	<p>Outcome 2.1: Appropriate development that enhances the unique character and heritage of the Shire’s townships.</p>	<p>Strategy 2.1.3: Provide supportive planning guidance and liaison on major land developments</p>
--	--	---

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
<p>People Health & Safety: Land is listed as being contaminated site as a consequence of past mining activities. Risk to occupants from past contamination.</p>	<p>Unlikely</p>	<p>Major</p>	<p>Medium</p>	<p>The proposal has been referred to DWER for review and advice. Application conditioned so that use may not proceed until such time the land is cleared for use from DWER.</p>

CONSULTATION

- Department of Transport: Project has been referred to DoT who have advised that they have no comment to offer on any land based operations. DoT’s interest only applies to any activity proposed beyond highway water mark.

Any use of the existing wharf/jetty structure will require an application to be submitted to the DoT for approval – the previous jetty licence has expired.

- Department of Water and Environmental Regulation – Contaminated Sites: Proposal referred for comment and review in light of Memorial M719143 applied to Certificate of Title.

Awaiting response.

COMMENT

The applicant is seeking approval to recommence a commercial resort, workforce accommodation operation in accordance with the lease granted by the Crown. The scope of works includes:

- Demolition of structures which are deemed not salvageable;
- Conversion of houses in accommodation to cater for either tourists or workforce;
- Refurbishment of the Clubhouse and Mess Hall buildings to provide central amenities points for occupants or visitors to the island where food and beverages and light entertainment will be made available; and
- General improvements to other infrastructure and landscaping around and within the lease.

It is proposed that the resort will offer a fully diversified and integrated resort style experience. In addition to a tourism experience, it is expected some ongoing workforce accommodation will be

required (aside from accommodation for resort staff) in association with the mining operations on the island, albeit the scale and location of those operations has not yet been fully identified at this stage given the status of mining operations at this time. Notwithstanding, the lack of definition, there is no substantive conflict that arises between the tourism and workforce accommodation uses and this would be primarily a commercial decision to be made by the operators.

The mix of tourism uses and the way workforce accommodation is provided in the future (i.e. within the general accommodation units or within a new dedicated facility) may have some implications as to the manner of how the buildings are licenced by the Shire, however this will not become apparent until further definition is known.

In addition, it is proposed to attract other tourist operators to the island to service visitors. As such, workshops near the wharf are expected to be used to service and maintain plant and equipment in addition to resort infrastructure. It is also likely that in time these services will also be available for surrounding operations or passers through the archipelago who may require mechanical support to enable continuation of the journey.

Whilst acknowledging the intent to provide marine services to passing maritime traffic, the full detail as to how those services will be delivered has not been clearly defined in this application and any non-land based activity may be subject to other approvals from the Department of Transport. As such, it is proposed that any approval granted by Council at this time should be limited to the tourist/workforce accommodation uses and associated land based activities only. This would exclude matters such as providing 'water based' refuelling services or the servicing of vessels until such time that further detail was provided for assessment.

Subject site

The subject site comprises the historical township of Cockatoo Island as well as a small workforce accommodation facility constructed during the Pluton Resources mining operations on the island for their workforce. All buildings are in varying condition and subject to an ongoing asset improvement program to be rolled out by the applicant. Existing buildings include:

- 50 dwellings of varying sizes from 3-6 bedrooms;
- A main administrative building which incorporates offices and a gym;
- A large mess and commercial laundry;
- The 'club house' located on the most norther ridgeline which includes bar, commercial kitchen, pool, conference facilities and alfresco/outdoor dining areas;
- The 'fisherman's quarters' being a former single men's quarter accommodation block comprising five, four bedroom accommodation donga's; and
- Several workshops and sheds near the wharf located on the southern portion of the lease.

Planning Considerations:

Interim Development Order No.8 (IDO No.8) applies to the area. Paragraph 4a of IDO No.8 requires that:

No person shall carry out development on land within the scope of this Order until he/she has applied for approval from the local government and has received the written approval or conditional approval of the local government in accordance with the provisions of the Act and this Order.

The IDO does not include any specific development provisions, however paragraph 4a sets out relevant matters for the Shire to consider when determining if approval should be granted. These matters are addressed in the table below.

Matter for consideration	Response
Approved State Planning policy of the WAPC	SPP 2.6 Coastal Planning and SPP 3.7 Planning in Bushfire Prone Area are considered further below
An approved EPA Policy under the EPA Act 1986	There is no specific EPA policy under the Act relevant to the recommended operations in accordance with the terms of the Crown lease
Any other adopted or proposed planning policy or strategy that maybe applicable to the area	The Shire’s adopted Local Planning Strategy is specifically considered below
The conservation of any place on the heritage list or character or appearance of a heritage Area under The aboriginal heritage Act 1972 and the Heritage Act of WA 1990	The township is not protected under heritage legislation
Any environmental consideration	Relevant matters are effluent disposal, waste disposal and historical contamination. These matters are addressed separately below
Whether the land to which the application relates is unsuitable for the proposal by reason of it being or likely to be subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk	The land is considered suitable for the use. This has been demonstrated by its historical use and development as a township and for past tourism and workforce accommodation uses.
The preservation of amenity of the locality	Approved use of the existing land and buildings will enable further investment, substantially improving the amenity of the area;
The relationship of the proposal to development on adjoining land or on other land in the locality	Historically the township has been occupied by either permanent or short stay residents. The use has operated in harmony with the adjoining mining operations when they have been active.
Whether the proposed means of access to and egress from site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles	Access from the airstrip via s.91 licence issued by the State government has been granted. In addition access via the ocean from the southern side will be as per the historical and current landing areas. Internal access is via the established road network.
The amount of traffic likely to be generated by the proposal	Not directly applicable to this current proposal

SDWK Local Planning Strategy (LPS):

The Shire's LPS sets the strategic direction of growth and development within the Shire for the next 10-15 years. The proposed development intent is considered to be consistent with the Shire's vision for tourism development. Sections 4.3 to 4.6 of the LPS acknowledges the important contribution that tourism development can contribute towards the Shire's economy and community and advocates for a managed approach to tourism development.

The establishment of the historical tourism uses on the island is regarded as being consistent with the Shire's strategic objectives.

State Planning Policy 2.6 – State Coastal Planning:

SPP 2.6 provides guidance for decision making within the coastal zone including managing development. The objectives of SPP2.6 are to:

- 1. Ensure that development and the location of coastal facilities takes into account coastal process, landform, stability, climate change and biophysical criteria;*
- 2. Ensure identification of appropriate area for the sustainable use of the coast for housing, tourism, recreation, ocean access, maritime industry, commercial and other activities;*
- 3. Provide for public coastal foreshores reserves and access to the coast; and*
- 4. Protect and conserve and enhance coastal values, particularly in areas of landscape, biodiversity and ecosystem integrity, indigenous and cultural significance.*

It is acknowledged that the SPP is primarily focussed on situations where new development is proposed within the coastal zone. In this situation, the proposal relates to existing development that is already developed and substantially elevated above the high water mark of the Yampi Sound. Furthermore the geomorphology of the island makes any risk of coastal erosion or storm surge highly unlikely to affect the existing development on the island. As such, in this instance there is no specific action required or condition required to be applied in respect to any approval that may be issued by the Council.

State Planning Policy 3.7 – Bushfire Planning:

Only a small portion of the subject sites lease area is identified as being Bushfire Prone in the Department of Fire and Emergency Services most up to date mapping. The area of the lease which is identified as being bushfire prone is contained to the northern extent of the lease and does not impact on the areas which are proposed to be utilised for the tourism uses.

To manage this, no use of the lease area is proposed within 100m of the mapped bushfire prone area and this issue can readily be managed by way of a condition applied to any approval issued by the Council. Any future intent to use the affected area would be subject to a separate approval to Council that addressed the relevant matters set out under SPP 3.7.

Contamination:

A memorial regarding contamination is listed on the Certificate of Title. Previous detailed investigations completed on the island identified certain areas which might create risk to human health. Those areas are listed below and identified on Plan (Attached) as:

- Area 3 – Explosive/Magazine;
- Area 7 – Industrial and Administration Area
- Area 16 – Ship loader
- Area 22 – Powerhouse, diesel tanks and water tanks, airport building
- Area 26 – Historic BHP slipway
- Area 27 - Old Yacht Club

As a consequence, the application has been referred to the Department of Water and Environmental Regulation (DWER) for review and comment. At the time of writing this report the response has not been received.

The areas detailed above are those areas associated with the mining activities located to the north of the subject lease and as such are unlikely to impact on the accommodation and public use areas associated with the resort. Notwithstanding, it is proposed that any approval issued by the Council towards the accommodation uses would be conditioned upon the receipt of DWER's advice and the implementation of any recommendations arising from that advice prior to any tourism use of the island commencing.

SUMMARY:

The application for planning approval seeks to enable the recommencement of tourist operations within the Cockatoo island town site in accordance with the Crown Lease granted by the State Government.

The grant of planning approval subject to conditions will provide the applicant with the security to proceed with the necessary works to upgrade the existing facilities and amenities and comply with other relevant legislation as it applies to the occupation and operation of the lease area.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

1. **Cockatoo Island Plan Set** 

RECOMMENDATION –

1. **That Council grants Development Approval for a proposed Tourist Resort and Workforce Accommodation on Lot 17 on Plan 923497, Lease Number I127597, Cockatoo Island in accordance with the application and plans dated 12/03/2019 subject to the following conditions:**

- (i) The commencement and use of the land for the proposed accommodation uses may not commence until such time the site is cleared for use from Department Water & Environmental Regulation;**
- (ii) The use and occupation of the buildings is subject to compliance with Building and Health legislation;**
- (iii) The scope of this approval applies only to land based accommodation and associated ancillary activities and does not extend to any sea-borne servicing of marine vessels or refuelling activities;**
- (iv) The use of buildings and land at the northern extent of the lease area that are identified on the Office of Bushfire Risk Management - Map of Bushfire Prone Areas is prohibited. Any future use of land and buildings in those areas is subject to separate application that addresses the requirements of State Planning Policy 3.7 – Planning for Bush Fire Prone Areas;**
- (v) A waste management plan is to be provided prior to the commencement of the use and be to the satisfaction of the Chief Executive Officer. The plan is to include details of how putrescible and other waste is to be managed for disposal into a licenced waste management facility.**

14.3 BELL GORGE WILDERNESS CAMP

File Number: A500003
Author: Noel Myers, Manager Planning
Responsible Officer: John Attwood, Acting Chief Executive Officer
Applicant: Kimberley Wilderness Adventures
Owner: Aboriginal Lands Trust
Proposal: Alterations and Additions – Bell Gorge Wilderness Camp
Location: Reserve 40571 Lot 16 Gibb River Road – Imintji Community
Authority/Discretion: Administrative

SUMMARY

Application seeks development approval to undertake alterations and additions to the guest facilities at the “Bell Gorge Wilderness Camp” which is located on a leased area of land within the Imintji Community. The scope of works proposed under the development application includes;

- the replacement of the existing 24 guest tents;
- the addition of 2 further guest tents;
- alterations and additions to the existing kitchen facilities; and
- additions to the main alfresco area and the provision of a covered staff deck.

DISCLOSURE OF ANY INTEREST

Nil

BACKGROUND

The Bell Gorge Wilderness Camp is an established tourism accommodation facility that is located on the eastern boundary of the Imintji Community.

The current development is mapped on the Imintji Layout Plan.

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Nil arising from Council’s consideration of this planning request

STRATEGIC IMPLICATIONS

GOAL	OUTCOME	STRATEGY
<p>Goal 2: A balance between the natural and built</p>	<p>Outcome 2.1: Appropriate development that enhances the unique character and heritage of</p>	<p>Strategy 2.1.3: Provide supportive planning guidance and liaison on major land developments</p>

environments	the Shire’s townships.	
--------------	------------------------	--

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
People Health & Safety: Development located within bushfire prone area	Possible	Major	High	Development approval to be consistent with endorsed bushfire management plans in accordance with SPP3.7

CONSULTATION

Proposal has been referred to Department of Fire and Emergency Services in accordance with State Planning Policy 3.7 – Planning in Bush Fire Prone Areas.

COMMENT

The current application proposes upgrades to the existing amenities buildings and replacement of and addition of two new guest tents. As such, there is no conflict with the current use and development of the site which is consistent with the Imintji Layout Plan that has been prepared to inform and guide development within the community.

The new development is located over the footprint of the existing and represents minimal change to the current layout.

The primary issue for consideration by the Council in respect to this proposal arises from the development being located within an area that is classified as being *Bush Fire Prone*.

The designation of the land as being within a bush fire prone area triggers the requirements of State Planning Policy 3.7 (SPP3.7) which requires the preparation of a Bushfire Management Plan to address the risk of bushfire and identify appropriate mitigation strategies. Further, as the use of the land is associated with tourism purposes, this classifies the development as a *Vulnerable Land Use* which requires a Bushfire Emergency Plan to be prepared. SPP3.7 requires that such plans are prepared by an Accredited Level 3 Bushfire Consultant and they be referred to DFES for review and endorsement prior to Council issuing planning approval.

The applicant has commissioned the preparation of the requisite plans by a suitably qualified practitioner to address the requirements of SPP3.7 and these plans have now been referred to DFES for their review and endorsement.

Recommendation:

The proposed redevelopment of the accommodation facilities does not present any new land use issues apart from the requirement to ensure that the development meets with the requirements of SPP3.7.

To assist the applicant with the progression of their application in the most timely manner, it will requested that the Council delegates authority to the Chief Executive Officer to issue the

Development Approval upon receipt of the endorsement of the Bushfire Management and Emergency Plans from DFES. Such authority would be conditioned upon the development being amended if so required to ensure that it is consistent and conforms with any conditions imposed by DFES and if the development cannot be amended to comply with the conditions applied by DFES then the matter be referred back to Council.

VOTING REQUIREMENT

Absolute majority

ATTACHMENTS

1. Bell Gorge Plan set 
2. Bell Gorge Camp Lease Area 

RECOMMENDATION

1. That Council by Absolute Majority delegates authority to the Chief Executive Officer to issue Development Approval for the Alterations and Additions to the Bell Gorge Wilderness Camp located on portion of Reserve 40571, Lot 216 Gibb River Road as shown on the application and plans subject to the following conditions;

- (a) Receipt and confirmation from the Department Fire and Emergency Services that they have endorsed both the Bushfire Management and Bushfire Emergency Plans as they apply to the subject development;**
- (b) All development being consistent with the advice and recommendations of Department of Fire and Emergency Services endorsed Bushfire Management and Bushfire Emergency Plans.**

15 COMMUNITY AND RECREATION SERVICES

Nil

16 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

17 NEW BUSINESS OF AN URGENT NATURE

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

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 5.23(2) of the Local Government Act 1995:

18.1 Adjustment to contract - Chief Executive Officer Re-location expenses

This matter is considered to be confidential under Section 5.23(2) - a of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a matter affecting an employee or employees.

19 CLOSURE

19.1 Date of Next Meeting

The next ordinary meeting of Council will be held 30 May 2019 in the Council Chambers, Clarendon Street, Derby.

19.2 Closure of Meeting