



SHIRE OF DERBY WEST KIMBERLEY

ORDINARY MEETING OF COUNCIL

**HELD AT THE CROSSING INN
FITZROY CROSSING
THURSDAY 31 MARCH 2016**

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 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, setting and amending budgets.
Legislative:	Includes adopting local laws, town planning schemes and policies.
Review:	When Council reviews decisions made by Officers.
Quasi-Judicial:	When Council determines an application/matter that directly affects a person's rights and interests. The Judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits and licences (for example under the Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

ALTERNATIVE MOTIONS

Councillors wishing to make alternative motions to officer recommendations are requested to provide notice of such motions in written form to the Executive Manager Corporate Services prior to the Council Meeting.

DECLERATIONS OF INTERESTS

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 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."

2016 MEETING DATES

At its Ordinary Meeting of Council on 29 October, 2015, Council adopted the following meeting dates for 2016;

January			Council in recess
Thursday	25 February 2016	5.30 pm	Derby
Thursday	31 March 2016	1.00 pm	Fitzroy Crossing
Thursday	28 April 2016	5.30 pm	Derby
Thursday	26 May 2016	5.30 pm	Derby
Thursday	30 June 2016	1.00 pm	Fitzroy Crossing
Thursday	28 July 2016	5.30 pm	Derby
Thursday	25 August 2016	5.30 pm	Derby
Thursday	29 September 2016	1.00 pm	Community or Station (to be advised)
Thursday	27 October 2016	5.30 pm	Derby
Thursday	24 November 2016	1.00 pm	Fitzroy Crossing
Thursday	15 December 2016	5.30 pm	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 2015-2016 Ordinary and Special Council Meetings;

Councillor	30 Jul 2015	27 Aug 2015	24 Sept 2015	19 Oct 2015	29 Oct 2015	26 Nov 2015	17 Dec 2015	11 Feb 2016	25 Feb 2016	31 Mar 2016	28 Apr 2016	26 May 2016	30 Jun 2016
	OCM	OCM	OCM	SCM	OCM	OCM	OCM	SCM	OCM	OCM	OCM	OCM	OCM
E Archer	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			
I Prouse	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			
A Twaddle	✓	✓	✓	✓	✓	✓	✓	✓	✓	LOA			
J Oscar	✓	✓	LOA	A	✓	✓	A	✓	A	✓			
A Kogolo	✓	✓	✓	A	A	✓	✓	A	✓	✓			
P White	Elected Oct 2015			✓	✓	✓	✓	✓	✓	✓			
C Kloss	Elected Oct 2015			✓	A	✓	✓	✓	A	✓			
P Coggins	Elected Oct 2015			✓	✓	✓	✓	✓	✓	✓			
P McCumstie	Elected Oct 2015			✓	✓	✓	✓	✓	✓	✓			
C Travers	✓	✓	✓		Left Council 17 October 2015								

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 a 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 a member records their apologies for the meeting. A failure to observe the requirements of the Act that relates to absence from meetings can lead to an elected member being disqualified should they be absent without leave for three consecutive meetings.

SHIRE OF DERBY WEST KIMBERLEY

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ORDINARY MEETING OF COUNCIL

AGENDA

1.0 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS

The meeting was opened at 1.03pm by the Shire President.

2.0 RECORD OF ATTENDANCE

ELECTED MEMBERS:

Cr E Archer	Shire President
Cr P White	Deputy Shire President
Cr P Coggins	Councillor
Cr P McCumstie	Councillor
Cr C Kloss	Councillor
Cr A Kogolo	Councillor
Cr I Prouse	Councillor
Cr J Oscar	Councillor

STAFF:

Mr S Gash	Chief Executive Officer
Mr M Cuthbert	Executive Manager Corporate Services
Mr R Sullivan	Manager Commercial Services
Mr N Myers	Shire Planner
Miss T Dyer	Environmental Health Officer
Mrs B Storer	Fitzroy Crossing Area Manager
Mr C Hurstfield	Manager Engineering Services

VISITORS:

Nil

GALLERY:

Nil

APOLOGIES:

Mr W Neate, Executive Manager Technical and Development Services
Mr B Isbister, Executive Manager Community Development

ON LEAVE OF ABSENCE:

Cr A Twaddle

Councillor

ABSENT:

Nil

3.0 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

3.1 H&M TRACEY – DERBY SHIRE WORKSHOP AND POUND

Mr Daniel Shuttleworth of H&M Tracey – Item 12.3.1 Awarding of Tender T13-2014 for the construction of new Depot Workshop and Associated Works on Reserve 36384 Millard Street, Derby

Question received via email:

- H&M Tracey Construction has a proven track record of working for the Shire of Derby West Kimberley and saving the client money.

Because this project has elements of design and construct, emphasis should be placed on the Head Contractors proven track record of delivering Design and Construct Projects.

The RFDS Superbase Broome is the latest example of a completed Design and Construct Project. We successfully saved the client over \$200,000 through our redesign of the facility and the total variation value was kept to 0.5 percent of the total contract value. The 6 units at Clarendon Street we did not use any of the \$110, 000 contingency and saved the Shire a further \$30,786 through cost savings. We also had a positive outcome on the 2 Woollybutt houses, where the variations were kept to a minimum and the contingency remained untouched.

We conducted our due diligence during the tender period and liaised with consultants to ensure a better outcome for the Shire. With tight management

on costs one of the recommendations, H&M have a history of delivering projects on budget. Given the close proximity of the overall weightings, can the above information please be considered at the Council Meeting on the 31st of March 2016?

Response:

- If the background above was included in the tender submission then it was considered under the relevant section. If the information was not included then it is not appropriate to consider now outside the tender process.

4.0 PUBLIC QUESTION TIME

There were no questions from the public.

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6.0 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS

Nil

7.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 ORDINARY MEETING OF COUNCIL HELD ON 25 FEBRUARY 2016

COUNCIL DECISION AND OFFICER RECOMMENDATION:

MINUTE NO. 022/2016

Moved: Cr P Coggins

Seconded: Cr P White

That the Minutes of the Ordinary Meeting of the Shire of Derby West Kimberley held at Council Chambers, Derby on 25 February 2016 be confirmed.

CARRIED 8/0

8.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil

9.0 DECLARATION OF MEMBERS INTERESTS

Section 5.65 and 5.70 of the Local Government Act requires a Member or Officer who has an interest in any matter to be discussed at a Committee/Council Meeting that will be attended by the 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.

A 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 a Member to speak, the extent of the interest must also be stated.

9.1 DECLARATIONS OF FINANCIAL INTERESTS – LOCAL GOVERNMENT ACT 5.60A

Cr P Coggins declared a Financial Interest in Item 12.3.1.

9.2 DECLARATIONS OF PROXIMITY INTERESTS – LOCAL GOVERNMENT ACT 5.60B

Nil

9.3 DECLARATIONS OF IMPARTIALITY INTERESTS – ADMIN. REGULATIONS SECTION 34C

Nil

10.0 MATTERS FOR WHICH MEETING MIGHT BE CLOSED

(Note: The matters that may be listed here are those considered by a Councillor or Councillors as being in addition to the items already identified by staff as needing to be considered behind closed doors.)

11.0 RECOMMENDATIONS AND REPORTS OF COMMITTEES

11.1 MINUTES – HOUSING AND WORKS COMMITTEE MEETING 10 MARCH 2016

Location/Address:	N/A
Name of Applicant/Owner:	Housing and Works Committee
File Reference:	0070 – Committee Minutes
Author:	Hellen Davis, Senior Governance Officer
Interest Disclosure:	Nil
Date of Report:	22 March 2016
Attachments:	Housing and Works Committee Meeting Minutes

SUMMARY:

A copy of the Minutes from the Housing and Works Committee Meeting held 10 March 2016 are attached.

BACKGROUND:

The Housing and Works Committee has been established to prioritise works in accordance with the Shires asset management principles and the Local Government Act 1995.

STATUTORY ENVIRONMENT:

Section 5.16-5.17 of the Local Government Act 1995 allows the Local Government to delegate to a committee comprising council members and employees, any of the Local Government's powers or duties that can be delegated to the CEO under Division 4 (Absolute Majority required).

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil. Projects identified by the Housing and Works Committee are funded within the existing 2015/2016 budget.

STRATEGIC IMPLICATIONS:

GOAL	OUTCOME	STRATEGY
Goal 2: A balance between the natural and built environments. Sustainable natural and built environments that meet the needs of the community and support growth.	Outcome 2.4: Shire buildings and facilities that meet community needs.	Strategy 2.4.1: Ensure Shire buildings, facilities and public amenities are provided and maintained to an appropriate standard.

CONSULTATION:

Housing and Works Committee.

VOTING REQUIREMENT:

Simple majority.

COUNCIL DECISION AND OFFICER RECOMMENDATION:**MINUTE NO. 023/2016**

Moved: Cr A Kogolo

Seconded: Cr P McCumstie

That Council receive the Minutes of the Housing and Works Committee Meeting held 10 March 2016.

CARRIED 8/0

11.2 MINUTES – HOUSING AND WORKS COMMITTEE MEETING 22 MARCH 2016

Location/Address:	N/A
Name of Applicant/Owner:	Housing and Works Committee
File Reference:	0070 – Committee Minutes
Author:	Stephen Gash – Chief Executive Officer
Interest Disclosure:	Nil
Date of Report:	22 March 2016
Attachments:	Housing and Works Committee Meeting Minutes

SUMMARY:

A copy of the Minutes from the Housing and Works Committee Meeting held 22 March 2016 are attached. During the Ordinary Council Meeting held 25 February 2016 Council delegated power to the Housing and Works Committee to award Tender T10-2105 – Colourstone Abattoir and Associated Earthworks. This Tender has since been awarded to Jenkins Earthmoving and Transport.

BACKGROUND:

The Housing and Works Committee has been established to prioritise works in accordance with the Shires asset management principles and the Local Government Act 1995.

STATUTORY ENVIRONMENT:

Section 5.16-5.17 of the Local Government Act 1995 allows the Local Government to delegate to a committee comprising council members and employees, any of the Local Government's powers or duties that can be delegated to the CEO under Division 4 (Absolute Majority required).

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

Projects identified by the Housing and Works Committee are funded within the existing 2015/2016 budget.

STRATEGIC IMPLICATIONS:

GOAL	OUTCOME	STRATEGY
Goal 2: A balance between the natural and built environments. Sustainable natural and built environments that meet the needs of the community and support growth.	Outcome 2.4: Shire buildings and facilities that meet community needs.	Strategy 2.4.1: Ensure Shire buildings, facilities and public amenities are provided and maintained to an appropriate standard.

CONSULTATION:

Housing and Works Committee.

VOTING REQUIREMENT:

Simple majority.

COUNCIL DECISION AND OFFICER RECOMMENDATION:**MINUTE NO. 024/2016**

Moved: Cr P White

Seconded: Cr P McCumstie

That Council receive the Minutes of the Housing and Works Committee Meeting held 10 March 2016.

CARRIED 8/0

COUNCIL DECISION**MINUTE NO. 025/2016**

Moved: Cr P McCumstie

Seconded: Cr P White

That Standing Orders be suspended for discussion on the Housing and Works Committee.

CARRIED 8/0

The CEO flagged the next priority project for the Housing and Works Committee to consider is the Old River Crossing in Fitzroy Crossing that was inspected this morning by Officers.

It was found that edge beams on the north side have blown out exposing reinforcing bar to air and water and will also have an effect on the Deck of the Crossing.

The Heritage Status of the Crossing will also need to be confirmed before works are proposed.

COUNCIL DECISION

MINUTE NO. 026/2016

Moved: Cr P McCumstie

Seconded: Cr P White

That Standing Orders be resumed.

CARRIED 8/0

12.0 REPORTS

12.1 EXECUTIVE SERVICES

12.1.1 ANNUAL MEETING OF ELECTORS 11 FEBRUARY 2016

File Reference:	4210 Agendas and Minutes – Electors Meetings
Author:	Gary O’Neil
Interest Disclosure:	Nil
Date of Report:	25 February 2016
Attachments:	Minutes – Annual Meeting of Electors

SUMMARY:

The Annual Meeting of Electors for the year ending 30 June 2015 was held on Thursday 11 February, 2016. In accordance with the Local Government Act 1995 all decisions made at an Electors Meeting are to be considered at the next Ordinary Council meeting, or if that is not practicable, at the first Ordinary Council meeting after that meeting, or a special meeting convened for that purpose, whichever happens first.

No decisions were made at the electors meeting, other than acceptance and noting of the Annual Report, including the Financial and Audit reports, and the Progress Report by the Chief Executive Officer. Council is requested to note the minutes of the meeting and to receive this report.

BACKGROUND:

The Annual Electors Meeting was held on 11th February 2016 and was attended by 12 members of the public. No resolutions requiring Council action were made to Council.

STATUTORY ENVIRONMENT:

Sections 5.27, 5.29 - 5.33 of the Local Government Act 1995 refers to the requirement to hold an Annual Electors Meeting, the procedures for such meetings, who is to preside at the meeting, keeping of minutes and how to deal with decisions made at that meeting.

The Local Government (Administration) Regulations 1996 clause 15, 17 and 18 detail the matters prescribed to be discussed at this meeting, (firstly, the contents of the Annual Report for the previous financial year and then any other general business) the method of voting (simple majority) and procedures for the meeting (to be determined by the presiding person).

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

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

COMMENT:

As no decisions were made at the Annual Electors Meeting, Council is only required to note the minutes of that meeting (they will need to be confirmed at the next Annual Electors Meeting) and to receive this report. Minutes of the Annual Electors Meeting held 11 February, 2016 are attached.

VOTING REQUIREMENT:

Simple majority.

COUNCIL DECISION AND OFFICER RECOMMENDATION:

MINUTE NO. 027/2016

<p>Moved: Cr C Kloss</p> <p>That Council receives the report on the outcomes of the Annual Electors Meeting held on 11 February, 2016 and notes the Minutes of that Meeting.</p> <p>CARRIED 8/0</p>	<p>Seconded: Cr I Prouse</p>
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12.2 CORPORATE SERVICES

12.2.1 COMPLIANCE AUDIT RETURN – 1 JANUARY 2015 TO 31 DECEMBER 2015

Location/Address:	Shire of Derby West Kimberley
Name of Applicant/Owner:	N/A
File Reference:	4110 Compliance (Audit Internal)
Author:	Gary O’Neil, Manager Corporate Services
Interest Disclosure:	Nil
Date of Report:	21 March 2016
Attachments:	Compliance Audit Return 2015

SUMMARY:

In accordance with the Local Government Act 1995 and Local Government (Audit) Regulations it is recommended that the Compliance Audit Return for the period 1 January to 2015 to 31 December 2015 be adopted by Council and forwarded to the Department of Local Government and Communities.

BACKGROUND:

Western Australian Local Governments are required to complete an annual Compliance Audit Return in accordance with the provisions of the Local Government (Audit) Regulations 1996. The Compliance Return must be submitted to the Department of Local Government and Communities by 31 March 2016.

The completed Return is required to be:

- Reviewed by an Audit Committee;
- Considered and adopted by Council;
- Certified by the President and CEO following Council adoption;
- Submitted together with a copy of the Council Minutes to the Department by 31 March 2016.

STATUTORY ENVIRONMENT:

Section 7.13 (i) of the Local Government Act 1995 and the Local Government (Audit) Regulations 13 to 15:

Regulation 13 - Statutory requirements for which the Compliance Audit is needed.

Regulation 14 - Compliance audits by local governments.

(1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.

(2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.

(3A) The local government's audit committee is to review the compliance audit return and is to report to the Council the results of that review.

(3) After the audit committee has reported to the Council under sub regulation

(3A), the compliance audit return is to be —

a) presented to the Council at a meeting of the Council; and

b) adopted by the Council; and

c) recorded in the minutes of the meeting at which it is adopted.

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

(1) After the compliance audit return has been presented to the Council in accordance with regulation 14(3) a certified copy of the return together with-

a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and

b) any additional information explaining or qualifying the compliance audit, is to be submitted to the Executive Director by 31 March next following the period to which the return relates.

(2) In this regulation certified in relation to a compliance audit return means signed by the mayor or president and the CEO.

STRATEGIC IMPLICATIONS:

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

GOAL	OUTCOME	STRATEGY
Goal 4: Good governance and an effective organisation	Outcome 4.1: Effective governance and leadership	Strategy 4.1.3: Strengthen the governance role of Councillors by informing, resourcing, skilling and supporting their role
Goal 4: Good governance and an effective organisation	Outcome 4.1: Effective governance and leadership	Strategy 4.1.4: Ensure governance policies and procedures are in accordance with legislative requirements

COMMENT:

As required by regulation, the Compliance Audit return has been reviewed by the Compliance and Strategic Review Committee.

VOTING REQUIREMENT:

Simple majority.

COUNCIL DECISION, OFFICER AND COMPLIANCE AND STRATEGIC REVIEW COMMITTEE RECOMMENDATION:

MINUTE NO. 028/2016

Moved: Cr C Kloss

Seconded: CF I Prouse

That Council adopts the completed 2015 Local Government Compliance Audit Return for the period 1 January 2015 to 31 December 2015 as attached, for certification by the President and Chief Executive Officer and submission to the Department of Local Government and Communities.

CARRIED 8/0

12.2.2 MONTHLY FINANCIAL MANAGEMENT REPORT FEBRUARY 2016

Location/Address:	N/A
Name of Applicant/Owner:	N/A
File Reference:	5150 – Financial Reports
Author:	Myra Henry, Senior Finance Officer
Interest Disclosure:	Nil
Date of Report:	20 March 2016
Attachments:	Monthly Financial Report February 2016

SUMMARY:

The purpose of this report is to present the February 2016 Monthly Financial Report to Council. This report incorporates the Statement of Financial Activity as required by the Local Government Act 1999.

BACKGROUND:

The following reports are for Council's adoption for the period ending 31 January 2016.

Statement of Financial Activity for the Month

Notes to and forming part of the Statement of Financial Activity:

1. Net Current Asset Position
2. Identification of Material Variances
3. Schedule of Committed Assets and Restricted Assets

Statement of Financial Activity by Nature/Type

Schedule of Investments

Visual Graph displaying Net Current Asset Position

Rates Outstanding Report

Sundry Debtors Outstanding Report

Statement of Financial Position

Visual Graphs displaying Operating and Capital Income and Expenditure

STATUTORY ENVIRONMENT:

The Local Government (Financial Management) Regulations 1996 Section 34 requires that a local government prepare and adopt 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;
- b) budget estimates to the end of the month;
- c) actual amounts of expenditure to the end of the month; and
- d) material variances between b) and c);
- e) the net current assets at the end of the month to which the statement relates.

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 sub-regulation (1)(d); and
- c) such other supporting information as is considered relevant by the local government.

The information in a statement of financial activity may be shown according to nature and type classification; or by program; or by business unit. 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:

Nil

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

GOAL	OUTCOME	STRATEGY
Goal 4: Good governance and an effective organisation.	Outcome 4.1: Effective Governance and Leadership	Strategy 4.1.4 Ensure governance policies and procedures are in accordance with legislative requirements

CONSULTATION:

Nil

COMMENT:

Nil

VOTING REQUIREMENT:

Simple majority.

COUNCIL DECISION AND OFFICER RECOMMENDATION:

MINUTE NO. 029/2016

Moved: Cr J Oscar

Seconded: Cr I Prouse

That the Monthly Financial Management Report incorporating the Statement of Financial Activity for the month of February 2016 be adopted by Council.

CARRIED 8/0

12.2.3 BUDGET REVIEW 2015-2016

Location/Address:	N/A
Name of Applicant/Owner:	N/A
File Reference:	5122 – Budget Review
Author:	Stephen Gash, Chief Executive Officer
Interest Disclosure:	Nil
Date of Report:	22 March 2016
Attachments:	

SUMMARY:

This report provides information on actual income and expenditure levels of Council for the period 1 July 2015 to 8 March 2016 and projections to 30 June 2016. The purpose of this review is to present estimated end of year expenditure and income and to provide an opportunity to make amendments to the 2015-2016 adopted budget figures if deemed appropriate.

BACKGROUND:

A full review of estimates for all Shire income and expenditure accounts has been undertaken for the budget review. Income and expenditure variations (surplus or deficit) from that estimated in the annual budget above 10% or \$30,000 are highlighted.

There have been several factors which have impacted on the Councils Adopted Budget. The decrease in mining activity has significantly impacted the Derby Wharf Facilities and caused the closure of Curtin Airport which has in turn affected the revenue for those particular operations. The majority of the costs in relation to these operations can be offset by other savings, however, Senior Management is still working through alternatives in regard to ongoing cost structure.

STATUTORY ENVIRONMENT:

Financial Reporting

Section 6.4 of the Local Government Act, 1995 relates to Financial Reports. Section 33 (a) of the Local Government (Financial Management) Regulation refers to Budget Reviews and states that;

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

(2A) *The review of an annual budget for a financial year must —*

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

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

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

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

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

**Absolute majority required.*

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

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

The recommendations in the table provide a net saving to budget of approximately \$400,000 after accounting for the impact of the decline in port and airports, and transfers to reserves and restricted funds.

The final position will depend on the final amount required to be written off from mining rates and port fees from mining companies in receivership.

STRATEGIC IMPLICATIONS:

GOAL	OUTCOME	STRATEGY
Goal 4: Good governance and an effective organisation	Outcome 4.4: Financial sustainability and accountability for performance	Strategy 4.4.4: Provide resources to support the Shire’s operations and to meet planning, reporting and accountability requirements

CONSULTATION:

All Council Officers have reviewed their financial accounts and are aware of the challenges currently faced by the organisation in regard to reducing revenue bases and the need to find savings.

COMMENT:

The budget review has been conducted during a period where the Chief Executive Officer and R J Back and Associates have been undertaking a financial review. The highlighted variations below will be presented to Council for budget variation once the assessment of mining rates is completed as part of the financial review. This will be in the statutory format and also include the impact of not drawing down loans, and reconciliation of reserves and restricted funds due to the savings, timing impacts, or deferral of expenditure highlighted below

The recommendations in the table provide a net saving to budget of approximately \$400,000 after accounting for the impact of the decline in port and airports, and transfers to reserves and restricted funds. The actual figures are at 8 March to reflect the final net impact of ceasing Curtin Airport operations, including staff redundancy costs.

Initial estimates suggest up to \$600,000 potential mining rate write offs may be required, offset by those already within the provision for doubtful debts, resulting in a final year end position only \$50,000 worse than the original budget.

The review has also identified the 2014/2015 valuation for infrastructure added the full value of the Derby Jetty structure at \$76M, rather than the components that the Shire has care and control over and a renewal obligation. The Shire insures the structure for total loss, but does not have any other renewal obligation other than maintenance.

Officers will work with auditors to clarify the entry which has added \$1.4M annually in depreciation, and while non cash, it does have a material impact on the financials moving forward and assessment of asset sustainability.

COA	Description	Budget	Actual	YE Forecast	Variance
032042	Debt Recovery Costs	52,000	1,847	22,000	-30,000
041101	Cllrs Travel/Conferences/Training	50,000	20,715	35,000	-15,000
041102	Election Expenses	35,000	30,099	31,000	-4,000
041104	Refreshments	10,000	4,503	8,000	-2,000
042218	Finance / Admin Other	191,000	65,878	110,000	-81,000
042101	Fitzroy salaries	242,100	161,400	230,000	-12,000
042101	Salaries	1,112,069	759,795	1,095,000	-17,069
042102	Superannuation	231,736	133,334	200,000	-31,736
042213	Audit Fees	37,000	38,221	42,221	4,000
042216	Title Searches	1,700	0	700	-1,000
042231	Conferences/Travel	25,000	22,720	30,000	5,000
041106E	Electricity	4,000	6,842	10,000	6,000
042286	LGIS Insurance Return	-45,000	-63,958	-63,958	-18,958
042296	Transport Licensing Commission	-45,000	-47,693	-65,000	-20,000
091502	Rental Income - Staff Housing	-60,000	-21,600	-35,000	25,000
091503	Rental Income - FX Dongas	-6,500	0	0	6,500
092185	Rental Income - Derby Airport House	-2,400	0	0	2,400
092186	Rental Income - Curtin Airport House	-3,000	0	0	3,000
052279	Dog Containment Systems	-11,000	-1,394	-3,000	8,000
073378	Fees & Charges/Inspections	-3,000	-4,232	-7,000	-4,000
073305	Demo of uninhabitable property	50,000	29,490	29,490	-20,500
073382	Reimbursements and Other Income	-51,000	0	-30,000	21,000
081181	Grants - Scallywags - Other	-50,000	0	0	50,000
081558	Scallywags Building program	150,000	0	0	-150,000
081559	Scallywags Shade Sail replacement	20,000	21,485	21,485	1,485
107106	District Planning Scheme	33,000	702	15,000	-18,000
107107	Native Title Legal Advice	20,000	0	12,000	-8,000
136103	Employment Expenses Building Control	17,924	7,733	12,924	-5,000
136204	Control expenses other	37,500	6,061	11,500	-26,000
142205	Employment Exp - Emts and Eto	69,850	26,210	50,000	-19,850
042249	Office Building Renovations	315,000	1,552	50,000	-265,000
102156	Derby Refuse Monitoring Bores	50,000	42,840	42,840	-7,160
102157	FX refuse monitoring bores	50,000	42,570	42,570	-7,430
109151	Public Ablutions	240,000	272	2,000	-238,000
112260	Replace Shade sail	55,000	45,541	45,540	-4,460
113351	Playground Equipment	42,000	22,322	30,000	-12,000
113553	Park fencing	40,000	28,058	35,000	-5,000
114373	Fitzroy Crossing Oval Concrete	30,000	0	0	-30,000
124706	Perimeter fencing Derby	22,000	14,980	15,000	-7,000
124707	Perimeter fencing Fitzroy	55,000	16,980	17,000	-38,000
124703	Derby Depot Shed	650,000	0	350,000	-300,000

DP 25	Pioneer Cemetery Radar Scan	40,000	0	0	-40,000
128101	Wharf- Salaries	131,842	46,378	60,000	-71,842
128804	Wharf Operating	75,000	9,360	40,000	-35,000
128875	Leases	-200,000	-57,368	-110,000	90,000
128878	Fees - Berthage	-755,000	-405,465	-450,000	255,000
119681	Reimb/Other Income (Freshfest)	-80,000	-3,825	-5,000	75,000
119632	Fresh Fest Community Concert	90,000	0	0	-90,000
128863	Derby Wharf Revitalisation	800,000	0	0	-800,000
127662	Derby Airport Upgrade	1,200,000	235,000	300,000	-900,000
127669	Derby Airport Lighting	560,000	0	0	-560,000
127792	Airport Derby - Landing Fees	-110,000	-95,611	-135,000	-25,000
127794	Airport Derby - Other Income	-174,000	-163,014	-210,000	-36,000
127702	Derby Airport Bldg Maintenance	25,860	32,840	39,860	14,000
127707	Airport Fitzroy -Operating Exp	84,250	100,930	110,250	26,000
127799	Airport Fitzroy- Landing Fees	-25,000	-53,152	-70,000	-45,000
127800	Airport Fitzroy - Other Income	-6,000	-7,209	-8,000	-2,000
127709	Curtin Airport - Security Expenses	291,272	177,743	191,272	-100,000
127706	Airport Curtin - Operating Exp	319,693	151,266	165,693	-154,000
127713	Check In baggage	281,655	217,762	227,655	-54,000
127714	Kiosk expenses	82,304	36,167	40,304	-42,000
127711	Curtin Airport- Aviation Fuel Purchases	59,234	31,828	41,234	-18,000
127703	Curtin Airport building Maint	105,811	47,048	75,811	-30,000
127791	Airport Curtin- Aviation Fuel Sales	-100,000	-51,486	-51,486	48,514
127782	Reimbursements & Other Income	-50,000	-9,410	-9,410	40,590
127795	Airport Curtin - Landing Fees	-300,000	-132,907	-132,907	167,093
127796	Airport Curtin - Head Tax Income	-300,000	-116,316	-116,316	183,684
127797	Airport Curtin - Rentals	-2,000	0	0	2,000
127798	Curtin Airport - Security Income	-485,000	-304,436	-304,435	180,565
127765	Curtin Airport Vehicles	30,000	0	0	-30,000
142151	Public Works - Motor Vehicles	30,000	0	0	-30,000

Offsets					
	Transfer to AEH reserve	0	0	178,000	
	Loan Proceeds Wharf	-800,000	0	0	
	Loan Proceeds Airport	1,200,000	0	0	
	Transfer to Capital Works Building reserve	-700,000	0	400,000	
	Transfer to Admin Building Reserve	-315,000	0	265,000	

VOTING REQUIREMENT:

Absolute majority.

COUNCIL DECISION AND OFFICER RECOMMENDATION:

MINUTE NO. 030/2016

Moved: Cr C Kloss

Seconded: Cr P McCumstie

That Council accept the 2015-2016 Budget Review as attached and forwards a copy of the Budget review to the Department of Local Government.

CARRIED 8/0 BY AN ABSOLUTE MAJORITY

12.2.4 ACCOUNTS FOR PAYMENT

Location/Address:	N/A
Name of Applicant/Owner:	N/A
File Reference:	5110 – Accounts Payable
Author:	Santhosh Nair, Creditors Officer
Interest Disclosure:	Nil
Date of Report:	22 March 2016
Attachments:	Payment Listing

SUMMARY:

The purpose of this report is to provide details of cheques drawn and direct debit entries made to Council's bank accounts during the month to be noted by Council and formally recorded.

BACKGROUND:

Each month the accounts for payment made from the Municipal and Trust Funds of the Local Government are presented to Council for endorsement.

STATUTORY ENVIRONMENT:

Regulation 13 – Local Government Financial Management Regulation (1996) Section 13.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

Nil

CONSULTATION:

N/A

COMMENT:

In accordance with Regulation 13, schedules of all payments made through Council’s bank accounts are to be presented to Council for inspection. The list includes details for each account paid incorporating:-

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

Invoices supporting all payments are available for inspection at the Council’s Administration Office.

Payments totalling **\$1,397,206.61** made as per the attached cheque reconciliation summary and creditors schedule of accounts reports.

Creditor’s outstanding as at 29 February 2016 is \$986,984.44

VOTING REQUIREMENT:

Simple majority.

COUNCIL DECISION AND OFFICER RECOMMENDATION:

MINUTE NO. 031/2016

Moved: Cr P White		Seconded: Cr J Oscar	
That Council receives the list of payments:			
• . EFT Payments	EP#38704 – EP#38855		\$762095.08
• . Municipal Cheques	54462 – 54467		\$9367.23
• . Trust fund Cheques	6349 – 6359		\$5140.71
• . Direct Debits	Payroll		\$95271.83
• . Direct Debits	Fees and Charges		\$525331.76
Total value for the period ending 29 February is \$1,397,206.61			
CARRIED 8/0			

SHIRE OF DERBY WEST KIMBERLEY
Cheque Reconciliation as at 29 February 2016
Council Meeting 31 March 2016

Electronic Funds Transferred:

Previous Listing	EP#38251 – EP#38703
Current Listing	EP#38704 – EP#38855
Cancelled EFT:	Nil
From Trust Account	\$2,307.76
From Muni Account	\$759,787.32
Total Value of EFT Payments:	\$762,095.08

Municipal Account:

Previous Cheque Listing	54439 – 54461
Current Cheque Listing	54462 – 54467
Cancelled/Spoilt Cheques:	Nil
Total Value of Cheques	\$9,367.23

Manual Cheque Payments

Previous Cheque Listing	285 – 286
Current Cheque Listing	Nil
Cancelled/Spoilt Cheques:	Nil
From Trust Account	Nil
From Muni Account	Nil
Total value of Cheques:	Nil

Trust Fund Account:

Previous Cheque Listing	6335 – 6348
Current Cheque Listing	6349 – 6359
Cancelled/Spoilt Cheque:	Nil
Value of Cheques:	\$5,140.71

Direct Debit Payments

Payroll	\$95,271.83
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TOTAL MUNI EFT PAYMENTS	\$759,787.32
TOTAL TRUST EFT PAYMENTS	\$2,307.76
TOTAL MUNI CHEQUES	\$9,367.23
TOTAL TRUST CHEQUES	\$5,140.71
TOTAL MANUAL CHEQUES	\$0.00
DIRECT DEBIT FEES & CHARGES	\$525,331.76
DIRECT DEBIT PAYROLL	\$95,271.83
TOTAL	\$1,397,206.61

Cr P Coggins declared a Financial Interest in Item 12.3.1

1.23pm Cr Coggins left the room and did not participate in the discussion or vote on the item.

12.3 TECHNICAL SERVICES

12.3.1 AWARDING OF TENDER T13-2014 FOR THE CONSTRUCTION OF NEW DEPOT WORKSHOP AND ASSOCIATED WORKS ON RESERVE 36384 MILLARD STREET, DERBY.

Location/Address: Reserve 36384 Millard Street, Derby
Name of Applicant/Owner: Shire of Derby West Kimberley
File Reference: 0480
Author: Wayne Neate – Executive Manager of Technical and Development Services
Interest Disclosure: Nil
Date of Report: 21 March 2016
Attachments:

SUMMARY:

This item is for Council to consider the awarding of the Tender T13-2014 for the construction of a new Depot Workshop and new Pound on Reserve 36384 Millard Street, Derby.

BACKGROUND:

As a result of a fire on 8 February 2013 the machinery storage shed along with several pieces of plant were destroyed in a fire. Later that same year, money was awarded to the Council as a result of the insurance claim for the building for the sum of \$650,000.

Upon review it was identified that the existing workshop storage and offices were becoming aged and rather than refurbish an existing shed it was thought that the construction of a new workshop storage and new offices would be more beneficial to the Shire in the long term with the old workshop then being converted to store the machinery.

This process for the design of the workshop began in 2014 with the Tender being let late in 2015.

STATUTORY ENVIRONMENT:

Local Government Act– 3.57 Tenders for the providing goods or services and Regulation Part 4 Tenders for providing goods or services.

POLICY IMPLICATIONS:

Section 8 - page 15; Purchase of Goods and Services.

Regional Price Preference Policy AF33 Page 21.1.

FINANCIAL IMPLICATIONS:

In the Shire of Derby West Kimberley 2015/2016 budget \$800,000 has been allocated for this project. The funds are from Councils own source revenue and insurance funds from the fire that destroyed the previous shed.

STRATEGIC IMPLICATIONS:

GOAL	OUTCOME	STRATEGY
Goal 2: A Balance between the natural and built environments	Outcome 2.4: Shire buildings and facilities that meet community needs	Strategy 2.4.2: Develop new buildings and facilities in accordance with asset management principles and based on a planned and prioritised approach.

CONSULTATION:

Consultation has occurred between the Architect and relevant staff at the Shire to develop the plans for the property.

Tender T13-2014 being the Construction of a New Depot Workshop and associate work which includes the construction of a new pound on reserve 36384 Millard Street, Derby was advertised in local and state-wide newspapers for a minimum of 21 days. There were five (5) tenders received from a total of nineteen (19) initial requests for the tender documentation.

COMMENT:

The Tender shall be awarded to the contractor with the highest average score given by three assessors using the Approved Tender Scoring Criteria.

The criteria and weighting for this tender were as follows;

Criteria	%
Related Experience	30
Key Personnel and Experience	10
Tenderer's Resources	10
Demonstrated Understanding	25
Price	25

An Average Score Summary is shown below;**Average Scoring Summary**

Bud Watts	C1
H+M Tracey	C2
CWD	C3
Archer Builders	C4
Norbuilt	C5

		C1	C2	C3	C4	C5
Track History & Record 30%	Weighted Score	18.3	25.0	15.7	25.0	15.7
Skills & Experience 10%	Weighted Score	5.0	8.3	8.0	6.7	7.0
Resources 10%	Weighted Score	5.0	8.3	7.0	7.7	2.7
Demonstrated Understanding 25%	Weighted Score	11.7	22.3	19.7	21.0	22.7
Total non-price (qualitative) criteria	Total out of 75%	40.0	63.9	50.4	60.4	48.1
Normalised Price	20%	23.5	20.6	18.2	25.0	14.3
Totals	100%	63.5	84.5	68.6	85.4	62.4

Provided below is a brief summary of the two preferred candidates according to score;

- Archer Builders have demonstrated in their submission that they are capable of carrying out the work. They have not undertaken a project of scale with the Shire for some time.
- H&M Tracey have vast experience in the Kimberley building with the majority of their work being in the West Kimberley. They have a good understanding of the processes and equipment needed to complete the build. They have previously constructed the six units in Clarendon Street and the two houses in Woollybutt Corner which gave a good indication of their performance.

All of the contractors could perform the work adequately, however as Archer Builders have been awarded the highest Total Average Score for the Assessment Criteria, it is recommended that the Contract be awarded to Archer Builders. It is also noted that due to the current constrained fiscal position of the Council that negotiations may be entered into to allow expenditure to occur in the 2016/17 financial year and that tight control will need to be exercised on the management of this project to ensure that no cost overruns occur as there is no allowance for extra unbudgeted funds.

VOTING REQUIREMENT:

Simple majority.

COUNCIL DECISION AND OFFICER RECOMMENDATION:

MINUTE NO. 032/2016

Moved: Cr A Kogolo

Seconded: Cr C Kloss

That Council award Tender T13-2014 Construction of New Depot Workshop and associated works on Reserve 36384 Millard Street, Derby to Archer Builders and authorise the Chief Executive Officer to negotiate the starting date of the contract.

CARRIED 7/0

1.30pm Cr P Coggins returned to the meeting and was advised of the outcome.

12.3.2 INSTALLATION OF SHADE STRUCTURES TO PLAYGROUND EQUIPMENT AT COOLIBAH PARK

Location/Address: Reserve No.50073 Lot 33, Coolibah Way, Derby
Name of Applicant/Owner: Emily Ford on behalf of the Ford Family
File Reference: A900198
Author: Wayne Neate – Executive Manager of Technical and Development Services
Interest Disclosure: Nil
Date of Report: 21 March 2016

SUMMARY:

This report seeks Council’s approval to allow the installation of shade structures over the playground equipment installed by the Ford family in the Public Open Space area within the Ashley Grove residential subdivision. The purchase of the equipment is to be provided by the Ford family as part of their project in memory of their daughter, with Council to then maintain the shade structures as part of its regular maintenance schedule.

BACKGROUND:

At Council’s Ordinary Meeting on 27 November 2014 it was resolved as per **MINUTE NO 194/2014** to allow the Ford family to install a playground which included a pirate boat and a set of swings into Coolibah Park.

COUNCIL DECISION AND OFFICER RECOMMENDATION – ITEM 11.5.1

MINUTE NO. 194/2014:

Moved: Cr A Twaddle

Seconded: Cr A Kogolo

That Council:

- 1. Receives the donation of playground equipment from the Ford Family;**
- 2. Authorises the installation of the boat themed playground equipment and swing set at Coolibah Park by the Ford family and;**

- 3. Agrees in principle to a future amendment to the budget to allow for the modification of the reticulation and ongoing maintenance of the playground in Coolibah Park once costs are determined.**

CARRIED 5/1

CR C TRAVERS VOTED AGAINST THE MOTION

Recently the Ford family has enquired about extending their initial proposal to include shade sails over the equipment.

STATUTORY ENVIRONMENT:

The installation would be required to meet the relevant standards relating to shade sails and as with the playground the proposed project is also in line with the **Town Planning Scheme – SDWK TPS NO.5** regarding Zoning/Land Use.

POLICY IMPLICATIONS:

The request to place Playground Equipment on a portion of Reserve No.50073 ‘Coolibah Park’ was in line with Council’s Playground Strategy. Allowing the shade to be installed over the equipment will increase usage rates of the equipment.

FINANCIAL IMPLICATIONS:

The purchase of the shade sails and installation will be facilitated by the Ford Family. Once installed the shade sails will become a Council asset and therefore require maintenance into the future as part of Council’s operating budget.

It is estimated that the cost of maintenance will be \$1,500 p.a. approximately which includes all work to meet Australian Standards. There will be an expectation that once the Shade is in place over the playground equipment that it will remain in place into the future and therefore will require replacing approx. every 15-20 years. At current costs (being approximately \$20,000) it would require that replacing the shade sails will have to be budgeted for in future budgets. The new equipment shall be paced in the park to cause minimal disruption and or modification to the reticulation equipment which as yet is an unknown cost to move or modify.

STRATEGIC IMPLICATIONS:

GOAL	OUTCOME	STRATEGY
Goal 1: Community wellbeing: A diverse, caring and safe community providing opportunities for all its people.	Outcome 1.4: An Inclusive and participative community. Outcome 1.5: Sport, recreation and leisure opportunities that support health and well-being.	Strategy 1.5.1: Maintain and improve sporting and recreation facilities.

CONSULTATION:

The Ford family has enquired about a shade sail over the playground equipment and is now seeking quotes from Broome Shades and West Coast Shade for the installation of the shade structures. Council officers will liaise with both companies to ensure that shade meets the Council's requirements as to minimise ongoing maintenance.

COMMENT:

The Ford family is currently raising money for the purchase and installation of the shade sails to go over the playground equipment which is being installed in memory of their daughter. Reserve 50073 colloquially known as 'Coolibah' Park was the location chosen and accepted by Council in late 2014 for the equipment.

The pieces of equipment being installed are a stylised wooden boat with slide, climbing nets and ladders and a swing set. The potential need for a shade structure over the equipment was raised by Officers in the Council Item of 2014 which noted *"The proposed playground does not have shade included. A grant might need to be considered in the future to cover the equipment."*

The playground equipment is now being installed and it is considered that the installation of the shade sails will prove to be a welcome addition to the playground by the community and increase the comfort and utilisation of the equipment and park.

VOTING REQUIREMENT:

Simple majority.

COUNCIL DECISION AND OFFICER RECOMMENDATION:

MINUTE NO. 033/2016

Moved: Cr J Oscar

Seconded: Cr P White

That Council;

- 1. Receives the donation of the Shade Sails to go over the playground equipment on portion of Reserve No.50073 from the Ford Family;**
- 2. Authorises the installation of the Shade sails over the playground equipment on portion of Reserve No.50073 by the Ford family and;**
- 3. Agrees in principle to a future amendment to the budget to allow for the modification of the reticulation and ongoing maintenance of the Shade Sails on portion of Reserve 50073 once costs are determined.**

CARRIED 8/0

12.4 DEVELOPMENT SERVICES

12.4.1 OVERSIZED OUTBUILDING (SHED)

Location/Address:	Lot 206 Galvans Way, Derby
Name of Applicant/Owner:	DJ Harris and WL Bailey
File Reference:	A103090
Author:	Noel Myers – Shire Planner
Interest Disclosure:	Nil
Date of Report:	17 March 2016
Attachments:	

SUMMARY:

An application has been received seeking Council approval to construct a 224 square metre Outbuilding (Shed) on the property located at Lot 206 Galvans Way, Derby.

The structure exceeds the maximum floor area that can be approved under the existing provisions of the Scheme and draft policy on outbuildings via delegated authority. As such, the application is submitted to Council for consideration.

BACKGROUND:

The subject property is zoned Rural Residential and has an area of 2.82ha and is presently developed with an existing single residential dwelling.

STATUTORY ENVIRONMENT:

Town Planning Scheme No. 5

The subject property is zoned “Rural Residential” under the provisions of the Scheme. Clause 4.10.1 of the Scheme states:

“No outbuilding exceeding 40 square metres in area shall be erected on any residential lot or exceeding 60 square metres on any Rural-Residential lot without the planning consent of Council in accordance with part 7 of the Scheme”.

The Council in June 2004 agreed to effect an amendment to increase the permitted size of outbuildings from 60 square metres to 120 square metres in rural residential areas.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

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

CONSULTATION:

Given the placement of the shed on the property, no consultation is proposed to be undertaken.

COMMENT:

The proposed garage/shed is being sought to accommodate the applicant’s personal equipment. The shed will be constructed in colourbond materials.

The structure exceeds the maximum floor area that can be approved under the existing provisions of the Scheme and draft policy on outbuildings via delegated authority. As such, the application is submitted to Council for consideration. The plans submitted in support of the application show that it is proposed to construct a shed with an overall floor area of 224 square metres and a wall height of 3.5 metres. Given the size of the shed exceeds the as by right provisions of the Town Planning Scheme and draft Council Policy, the application is required to be considered against the Zone Objective and relevant Zone Policies which are:

Zone Objective:

To provide for development of closer rural settlement on land suitable for such a purpose in a form that protects the rural character and environmental values of the area, provides a high level of residential amenity and encourages continued productive agricultural use.

Zone Policies:

To ensure that proposed land uses and lots sizes will not be detrimental to the amenity and rural character of an area; In the past, Council has accepted that larger sheds can be accommodated on lots within the rural residential areas of town in recognition that the development of a larger shed on a lot with an area of 1ha or greater is less likely to impinge on either the amenity of adjoining properties or the locality in general.

Notwithstanding the previous support given by Council to other applications, Council needs to consider individual applications on their merits. In this case, whilst the development does represent a reasonably significant departure from the draft Policy, the building is not likely to have any significantly adverse impact upon either the amenity of the locality or upon the adjoining property owners given the central location of the structure on the lot and the overall size of the subject lot enables the building to be set well away from the property boundaries (40m. min). This allows for the amenity of the main dwellings on those lots to be preserved and does not introduce any bulk or scale issues. As such, the application is deemed to meet with the zone Objectives and Policy.

Having regard to the matters outlined above, in this instance it is recommended that the application can be supported.

VOTING REQUIREMENT:

Simple majority.

COUNCIL DECISION AND OFFICER RECOMMENDATION:

MINUTE NO. 034/2016

Moved: Cr P White

Seconded: Cr P Coggins

- 1. That Council Issues Development Approval pursuant to Town Planning Scheme No.5 for a new Outbuilding (Shed) on Lot 206 Galvans Way, Derby in accordance with the application received and dated 17 March 2016 subject to the following conditions:**
 - a. All development is to be in accordance with the approved plan dated 17 March 2016;**
 - b. The Planning Consent is valid for two years from the date of this letter. This approval shall expire if the development works have not been substantially commenced within this two-year period or within any extended period for which the Council has granted consent.**
 - c. A Building Permit under the provisions of the Building Act 2011 must be submitted to and approved by Council prior to the commencement of any on-site works whatsoever. Development under a Building Permit must be substantially commenced within 12 months and completed within two years;**
 - d. The structure shall be used for purposes ancillary and incidental to the rural residential use of the property only;**
 - e. The Shed shall not be used for accommodation purposes.**
 - f. The use of zincalume wall sheeting is not permitted.**

CARRIED 8/0

**12.4.2 MOWANJUM COMMUNITY LAYOUT PLAN –
ENDORSEMENT OF AMENDMENT 6**

Location/Address:	Mowanjum Aboriginal Community
Name of Applicant/Owner:	Department of Planning
File Reference:	A600100
Author:	Noel Myers – Shire Planner
Interest Disclosure:	Nil
Date of Report:	4 March 2016
Attachments:	Schedule of Amendments Plan – Draft Amendment No.6

SUMMARY:

Purpose of this report is for Council to endorse Amendment 6 to the Mowanjum Layout Plan No.1.

BACKGROUND:

Mowanjum Layout Plan 2 was endorsed by the by the Mowanjum Community Council and the Shire of Derby West Kimberley in July 2003 and received formal endorsement from the WAPC in September 2003.

The major purpose of a Layout Plan is to guide the growth and development of the community by providing a layout of future land uses in the community. There is a need to review plans from time to time as demands change and there is a defined process set out within the plans to effect changes which requires the support of the community, traditional owners where appropriate, the Shire and finally the WAPC. Since the time of its initial adoption there have been five amendments made to the plan, all of which have been of a relatively minor and procedural nature.

STATUTORY ENVIRONMENT:

Local Government is required to have regard to all WAPC State Planning Policies (SPP). The SPP No. 3.2 provides a state based policy approach to the planning for Aboriginal communities through the preparation of Layout Plans. Council is required under the Policy to endorse the Layout Plan, subject to it being satisfactory.

Proposed developments within the community only require a planning assessment at a policy level to ensure the development is in accordance with the intent of the Layout Plan. With respect to the Building Code of Australia, a Building Permit is required to be issued as part of the development process and the implementation of the Layout Plan.

Council’s Interim Order No.8 excludes the need to obtain planning approval for a single residential dwelling that is consistent with an approved Layout Plan. The Mowanjum Community is also located within TPS No.5 and is zoned “Settlement”. The scheme provisions are complimentary to and cover the same planning process and requirements for the preparation of a CLP, as detailed in the SPP No.3.2.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

The Shire has an important role to play in the preparation and finalisation of Layout Plans and then for the future implementation of initiatives set out within the plan through the assessment, vetting and licensing of new development proposals. The progression of the amendment is consistent with the following provisions of Council’s Community Strategic Plan 2012 – 2021:

GOAL	OUTCOME	STRATEGY
<p>Goal 3: A strong and diverse local economy</p>	<p>Outcome 3.4: Appropriate infrastructure that supports economic development</p>	<p>Strategy 3.4.1: Promote release of serviced industrial, commercial and residential land</p>

CONSULTATION:

Consultation with the Community has been undertaken via the Housing Authority and officers from the Department of Planning.

Staff had previously reported to Council (Looma Amendment No.12 Item 12.4.1 OCM held 25 February 2016) that there was concern that the Shire was not being engaged early enough in the consultation phase and this was limiting the opportunity for Shire

staff to provide input and advice before amendments were being endorsed at the community level. Since that time, the Shire Planner has met with the relevant staff from the Department of Planning and there has been an undertaken given to integrate the Shire into the amendment process at an earlier juncture. This would apply to future amendment projects post the amendments currently under consideration by the Council at this meeting.

COMMENT:

The Housing Authority proposes to subdivide, realign and change land use classification of various lots for the delivery of residential housing and essential services. The proposed changes will assist to ensure adequate and suitable sites are available for Housing s 2016-2018 National Partnership Agreement on remote Indigenous Housing (NPARIH) Program.

The scope of changes proposed to Mowanjum Layout Plan are relatively modest and will deliver three new housing lots within the existing residential area of the Community and take advantage of existing services. The realignment of lot boundaries is being done to ensure that the Layout Plan reflects the existing built form and two lots are being reclassified, one to recognize a drainage line and the other as a road to ensure there is vehicular access to all lots.

The proposed amendments to the Plan have been undertaken in consultation with the Community. The proposed changes are supported.

VOTING REQUIREMENT:

Simple majority.

COUNCIL DECISION AND OFFICER RECOMMENDATION:

MINUTE NO. 035/2016

Moved: Cr P McCumstie

Seconded: Cr I Prouse

That Council endorses the Amendment No.6 to the Mowanjum Layout Plan No.2 as shown on the attached maps with the advice note that the necessary investigations are required to be undertaken to ensure that the existing infrastructure has sufficient capacity to service the new lots prior to any housing being constructed.

CARRIED 8/0

12.4.3 JUNJUWA COMMUNITY LAYOUT PLAN – ENDORSEMENT OF AMENDMENT NO.4

Location/Address:	Junjuwa Community, Fitzroy Crossing
Name of Applicant/Owner:	Department of Planning
File Reference:	A300620
Author:	Noel Myers – Shire Planner
Interest Disclosure:	Nil
Date of Report:	4 March 2016
Attachments:	Schedule amendments Draft amendment No.4

SUMMARY:

Purpose of this report is for Council to endorse Amendment No.4 to the Junjuwa Layout Plan No.1.

BACKGROUND:

Junjuwa Layout Plan No.1 was originally prepared in conjunction with the Fitzroy Futures Town Plan (FFTP) which was formally endorsed by the Western Australian Planning Commission in March 2009. The FFTP was developed to identify opportunities, manage future growth and to achieve integration between the town and its Aboriginal communities.

STATUTORY ENVIRONMENT:

Local Government is required to have regard to all WAPC State Planning Policies (SPP). The SPP No.3.2 provides a state based policy approach to the planning for Aboriginal communities through the preparation of Layout Plans. Council is required under the Policy to endorse the Layout Plan, subject to it being satisfactory.

Proposed developments within the community only require a planning assessment at a policy level to ensure the development is in accordance with the intent of the Layout Plan. With respect to the Building Code of Australia, a Building Permit is required to be issued as part of the development process and the implementation of the Layout Plan.

Council's Interim Order No.8 excludes the need to obtain planning approval for a single residential dwelling that is consistent with an approved Layout Plan.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

The Shire has an important role to play in the preparation and finalisation of Layout Plans and then for the future implementation of initiatives set out within the plan through the assessment, vetting and licensing of new development proposals. The progression of the amendment is consistent with the following provisions of Council's Community Strategic Plan 2012 – 2021:

GOAL	OUTCOME	STRATEGY
Goal 3: A strong and diverse local economy	Outcome 3.4: Appropriate infrastructure that supports economic development	Promote release of serviced industrial, commercial and

CONSULTATION:

Nil by Council, the consultation regarding the amendment has been undertaken by the DoP and DoH and endorsed by Junjuwa Community Council.

Staff had previously reported to Council (Looma Amendment No.12 Item 12.4.1 OCM held 25/2/2016) that there was concern that the Shire was not being engaged early enough in the consultation phase and this was limiting the opportunity for Shire staff to provide input and advice before amendments were being endorsed at the community level. Since that time, the Shire Planner has met with the relevant staff from the DoP and there has been an undertaken given to integrate the Shire into the amendment process at an earlier juncture. This would apply to future amendment projects post the amendments currently under consideration by the Council at this meeting.

COMMENT:

The Department of Housing proposes to build new houses in Junjuwa. Modifications are proposed to the boundaries of some existing Straight Line (SL) lots and SL road reserves are to be reconfigured as well as the creation of new SL Lots to ensure the adequate availability of SL lots for housing development.

Additionally, an area of land at the northern extent of the settlement has been identified as being prone to flooding. It is proposed that the SL lots and SL road reserves in this area be removed from the Junjuwa Layout Plan and this area be reclassified as "Open Space".

The scope of changes proposed to the Plan are rationale planning responses that will help to assist in maximising the opportunity for the creation of new housing lots within the existing residential area of the Community whilst utilising existing services. The review of the plan has also identified that a number of the lots proposed under the original plan as being unsuitable for development due to topographical issues. Rather than retaining compromised lots on plan which artificially distorts the overall yield of available land, those compromised lots are to be deleted so that the plan provides a more realistic overview of what land is available and suitable for housing development.

The realignment of lot boundaries is being undertaken so that the Layout Plan reflects the existing built form and also provides the opportunity to create new infill housing lots which can take advantage of the existing services reducing the overall development burden. Roads that are no longer functional as a consequence of the proposed amendments or were originally mapped on incorrect alignments are also to be modified on plan so that they are correctly depicted.

The scope of amendments to the Plan have been undertaken in consultation with the Community and the proposed changes are supported and it is the Officer Recommendation that Council endorses Amendment No.6 to Junjuwa Layout Plan No.1.

VOTING REQUIREMENT:

Simple majority.

COUNCIL DECISION AND OFFICER RECOMMENDATION:

MINUTE NO. 036/2016

Moved: Cr P White

Seconded: Cr I Prouse

That Council endorses the Amendment No.4 to the Junjuwa Layout Plan No.1 as shown on the attached maps with the advice note that the necessary investigations are required to be undertaken to ensure that the existing infrastructure has sufficient capacity to service the new lots prior to any housing being constructed.

CARRIED 8/0

**12.4.4 SCHEME AMENDMENT NO.24 – SHIRE OF DERBY WEST
KIMBERLEY TOWN PLANNING SCHEME NO.5**

Location/Address:	Derby Townsite
Name of Applicant/Owner:	N/A
File Reference:	2301
Author:	Noel Myers – Shire Planner
Interest Disclosure:	Nil
Date of Report:	2 March 2016

SUMMARY:

To consider proposed Amendment No.24 to Shire of Derby West Kimberley Town Planning Scheme No.5 (Scheme) to align the Scheme with the deemed provisions contained in Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the regulations) and to provide an overview of the regulations.

BACKGROUND:

Section 256 of the Planning and Development Act provides for the Minister for Planning to make regulations in regard to planning schemes. The Planning and Development (Local Planning Schemes) Regulations 2015 (the regulations) came into effect on 19 October 2015. They replace the Town Planning Regulations 1967 and associated Model Scheme Text (MST). The regulations are a major part of the planning reform agenda being undertaken by the State Government.

The regulations consist of three elements being:

- Regulations that govern the preparation and amendment of local planning strategies and schemes, and the review of local planning schemes;
- Model Scheme Provisions (Schedule 1) that should be followed in all local planning schemes; and
- Deemed Provisions (Schedule 2) that automatically apply in every operational local planning scheme in Western Australia.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005.

Planning and Development (Local Planning Scheme) Regulations 2015.

POLICY IMPLICATIONS:

Council’s Town Planning Policies will be reviewed to ensure conformity with the new regulations.

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

The assessment and progress of this application is consistent with the following provisions of Council’s Community Strategic Plan 2012 – 2021:

GOAL	OUTCOME	STRATEGY
Goal 2: A balance between the natural and built environments	Outcome 2.1: Appropriate development that enhances the unique character and heritage of the Shire’s townships	Strategy 2.1.1: Review, update and implement the Shire’s Local Planning Strategy

CONSULTATION/SCHEME AMENDMENTS:

The new Planning Regulations introduce a risk based approach to amending Local Planning Schemes including three new categories of amendments – Basic, Standard and Complex. Definitions and a set of criteria are provided for each category of amendment.

This amendment is regarded as being a Basic Amendment because:

- It is an amendment to the Scheme so it is consistent with the Model Provisions in Schedule 1
- The amendment to the Scheme text are to delete provisions that have been superseded by the Deemed Provisions in Schedule 2
- The amendments will minimal effect on the scheme (other than its format) or landowners in the scheme area.

Unless otherwise directed by the Minister, there is no consultation required to be undertaken for a basic amendment other than it being referred to the Environmental Protection Authority.

COMMENT:

The catalyst for the need to review the current standing of Town Planning Scheme No.5 arises from the Review of the Town Planning Regulations 1967 and Model Scheme Text which forms part of the State Governments Planning Reform Agenda.

The Review of the Town Planning Regulations 1967 is focused on efforts to streamline and clarify the local planning scheme and scheme amendment preparation and assessment processes. The intent of the Model Scheme Text review has been to improve consistency of local planning schemes across Western Australia. This increased consistency is aimed both at the administrative content of local schemes and at the scheme provisions which establish the process requirements for strategic and statutory planning proposals, including structure plans and development (or land-use) applications.

Amendment 24 removes scheme provisions and definitions that are superseded by the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) coming into effect on 19 October 2015.

The deletion of the provisions from the scheme will ensure that provisions that may, or may be seen to conflict, with the deemed provisions are removed. The deletion of the provisions will also assist in the day to day administration of the scheme by removing provisions which are no longer required.

Selected matters arising from the new regulations are noted below:

Local Planning Strategies and Schemes

The processes for adopting local planning strategies and schemes are consistent with those contained in the previous regulations.

Scheme Amendments

The regulations introduce a risk based approach to local planning scheme amendments that enables amendments to be classified as either a basic, standard or complex amendment. The amendment types are defined in R34, and can be summarised as follows:

Basic: an amendment of an administrative nature including:

- correction of an administrative error;
- incorporating model provisions;
- compliance with the deemed provisions compliance with an Act or State Planning Policy zoning of land that is consistent with an approved structure plan, where the zones exist within the schemes

Standard: an amendment that is:

- consistent with a zone or reserve
- consistent with a local planning strategy
- consistent with a structure plan but the zones do not exist within the scheme
- considered to have minimal impact on surrounding land
- not basic or complex

Complex: an amendment that is:

- not consistent with a local planning strategy
- not addressed in a local planning strategy
- to be made at the direction of the Minister for a development contribution area or development contribution plan of a scale that is significant relative to development in the locality.

The classification of an amendment in turn influences the consultation requirements and timeframes in which the amendment must be dealt with. The public consultation requirements have been amended, in addition to timeframes now being imposed on both the local government and WAPC for processing of the amendment, as outlined in the table below:

Scheme Amendment type	Advertising	Local government consideration period (post advertising)	WAPC timeframe to make recommendation to Minister
Basic	No advertising required Amendment to be provided to WAPC within 21 days of Council resolution to prepare or adopt	N/A	42 days
Standard	42 days	60 days post end date of submission period	60 days
Complex	60 days *WAPC approval required prior to advertising	90 days post end date of submission period	90 days

A Local Government can apply to the WAPC for an extension of the consideration period. The WAPC can extend their timeframe to make a recommendation to the Minister subject to the approval of the Minister or an authorised person. There are no timeframes imposed on the Minister to make a decision.

A Council resolution will still be required to prepare or adopt a scheme amendment and the resolution will need to specify the classification of the amendment and an explanation as to why the amendment type is appropriate.

Model Provisions

The model provisions are to be used when new planning schemes are being prepared. They contain the scheme provisions in regard to matters such as the zones and reserves, objectives, land use permissibility, development standards and special control areas. The model provisions can be varied, subject to the approval of the Minister.

Deemed Provisions

Section 257B of the Planning and Development Act 2005 provides the ability for deemed provisions to be enforced as part of each local planning scheme to which they apply.

From 19 October 2015, the deemed provisions contain in Schedule 2 of the regulations, form part of Town Planning Scheme No. 5. Where there is a conflict or inconsistency between the provisions of Town Planning Scheme No 5 and the

deemed provisions, the deemed provisions prevail. The Shire is required to comply with, and where appropriate, enforce the deemed provisions, as they form part of the Scheme.

The deemed provisions deal primarily with administrative matters of the scheme, including information to be submitted with a development application, advertising of applications, matters to be considered when determining applications and the determination of development applications.

The deemed provisions do also detail when development approval is not required (exempt development).

The deemed provisions cannot be varied. Supplemental provisions can be approved by the Minister, including additional exemptions from development approval.

Amendment No. 24 proposes to delete provisions which are inconsistent with the prevailing deemed provisions and amend others to ensure consistency with the deemed provisions.

Amendment Classification

In respect to Amendment No.24 it is recommended that it be classified by Council as a basic amendment pursuant to Regulation 34 (c), given that it proposes to delete provisions of the Scheme which have been superseded by the deemed provisions.

In respect to the form which Council's resolution to prepare the amendment must take, new regulation 35 (1) requires that this be in a form approved by the WAPC. The DoP has published a Form 2A for this purpose, and this report's recommendation is provided to be consistent with this form.

The next steps in the procedure for a basic amendment requires:

- the amendment to be forwarded to the WAPC within 21 days of passing of the resolution to prepare the amendment;
- the amendment to be referred to the Environmental Protection Authority to determine whether it needs to be assessed under the Environmental Protection Act;

SUMMARY:

As discussed in the preceding sections of this report, the purpose of this amendment is of an administrative nature. It is important to differentiate this amendment from the preparation of Local Planning Scheme No.8. Amendment 24 will bring the format of the current Scheme into compliance with the new requirements as set out under the Planning and Development (Local Planning Schemes) Regulations 2015, and that Town Planning Scheme No.5 will ultimately be replaced by Local Planning Scheme No.8 once it has been approved and gazetted.

VOTING REQUIREMENT:

Simple majority.

COUNCIL DECISION AND OFFICER RECOMMENDATION:

MINUTE NO. 037/2016

Moved: Cr C Kloss

Seconded: Cr J Oscar

That Council:-

1. Pursuant to Section 75 of the Planning and Development Act 2005, amend the Shire of Derby West Kimberley Local Planning Scheme No 5 by:
 - i. Deleting the following clauses from the Scheme Text, as they have been superseded by the deemed provisions set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2:
 - Part 2, clause 2.3;
 - Part 5, Clause 5.2.4, 5.2.5, 5.2.6, 5.2.7, 5.2.8, 5.4.2, 5.8.1 – 5.8.6
 - Part 6, Clause 6.1, 6.1, 6.3, 6.4, 6.5, 6.6, 6.7 and 6.9;
 - Part 7 in its entirety;
 - Part 8 in its entirety;
 - Part 9 in its entirety; and
 - Appendix 6, 7 and 8.
 - ii. Removing the following clauses from the Scheme Text and inserting them into Schedule A – Supplemental Provisions:
 - Part 7, clause 7.1.2 (h) and (j)
 - Appendix 5 – exempted Advertisements

iii. Inserting the following:

Schedule A – Supplemental Provisions:

Clause 61(1)

(k) the erection on a Rural zoned lot of a Single dwelling, except where the Single dwelling is a transportable or second-hand building, or outbuilding;

(j) the erection on a Rural-Residential zoned lot of a Single dwelling, except where:

(i) the single dwelling is a repurposed or second-hand building; or the proposed dwelling requires Council to exercise its discretion to approve a variation to a provision of the Scheme;

(ii) the erection of an outbuilding with a floor area of less than 60m² on a Rural Residential zoned lot.

(l)

LAND USE AND/OR DEVELOPMENT	EXEMPTED SIGN TYPE AND NUMBER REQUIRING ADVERTISEMENT (Includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGN
Dwellings	One professional name-plate as appropriate.	0.2m ²
Home Occupation	One advertisement describing the nature of the home occupation.	0.2m ²
Places of Worship, Meeting Halls and Places of Public Assembly.	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m ²
Cinemas, Theatres and Drive-in Theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed 5m ²
Shops, Showrooms and other uses appropriate to a Shopping Area.	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to a compliance with the requirements of the Signs Hoarding and Bill Posting Bylaws.	Not Applicable
Industrial and Warehouse Such Premises.	A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole,	Total area of any advertisements shall not exceed 15m ² .

	wall or other building.		
	A maximum of two free-standing advertisement signs not exceeding 5m in height above ground level.		Maximum permissible total area shall not exceed 10m ² & individual advertisement signs shall not exceed 6m ² .
Showroom, race courses, major racing tracks, sports stadia, major sporting grounds and complexes.	All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned, either from other private land or from public places and streets.		N/A
Public Places and Reserves	(a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government, a public authority or council of a municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and		N/A
	(b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a government department, public authority or the council of a municipality, and		N/A
	(c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.		N/A
TEMPORARY SIGNS	EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated)		MAXIMUM AREA OF EXEMPTED SIGN
Advertisements within Buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.		N/A
All classes of buildings other than single family dwellings.	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.		0.2m ²
Building Construction Sites (advertisement signs displayed only for the duration of the construction as follows):			
(i) Dwellings	One advertisement per street frontage containing details of the project and the contractors undertaking the construction work.		2m ²
(ii) Multiple Dwellings, Shops, Commercial & Industrial projects.	One sign as for (i) above.		5m ²

(iii) Large development or redevelopment projects involving shopping centres, office or other buildings exceeding 3 storeys in height.	One sign as for (i) above.	10m ²
	One additional sign showing the name of the project builder.	5m ²
Sales of Goods or Livestock.	One sign per lot displayed for a period not exceeding 3 months advertising the sale of goods or livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose.	2m ²
Property Transactions.		
Advertisement signs displayed for the duration of a period over which property transactions are offered and negotiated as follows:		
(a) Dwellings	One sign per street frontage for each property relating to the sale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed.	Each sign shall not exceed an area of 2m ² .
(b) Multiple dwellings, shops, Commercial & Industrial Properties.	One sign as for (a) above.	Each sign shall not exceed an area of 5m ² .
(c) Large properties comprised of shopping centres, buildings in excess of four storeys and rural properties in excess of 5ha.	One sign as for (a) above.	Each sign shall not exceed an area of 10m ² .
Display Homes. Advertisement signs displayed for the period over which homes are on display for public inspection.	(i) One sign for each dwelling on display.	2m ²
	(ii) In addition to (i) above one sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display.	5m ²

iv. Delete the following definitions from Appendix 1, as they have been superseded by the definitions in the deemed provisions set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2:

- Absolute majority;
- act;
- advertisement;
- amenity;
- Building Code of Australia;
- Owner;

- Residential Planning Codes;
 - Zone.
- v. Amend the following clauses by removing the cross reference to the clause deleted by the amendment and replace them with cross reference to deemed provisions set out in the *Planning and Development (Local Planning Scheme) Regulations 2015 Schedule 2*
- Clause 3.3.19 (c) ,
 - Clause 3.3.3 (b)
 - 3.8 (b)
 - Clause 4.10.1
 - Clause 4.10.3
 - Clause 5.2.2
 - Clause 5.6.8(d) and (h)
- vi. Delete reference to the following term “planning approval” throughout the Scheme and replace them with the corresponding term “development approval” throughout the Scheme.
- vii. Amending the following clauses in the Scheme Text in relation to structure plans:
- a) Amend the text under 3.8(b) ‘residential development zone’ as follows:
- “To ensure that subdivision and development of land within the zone is consistent with a Structure Plan approved by the Western Australian Planning Commission prepared in accordance with Part 4 of the Deemed Provisions”.*
- b) Amend the wording of clause 5.2.2 as follows:
- “Requirement for a Structure Plan
Prior to subdivision and development proceeding on land within the Light Industrial Development Area or the Residential Development Area, a Structure Plan shall be prepared and approved in accordance with Part 4 of the deemed provisions.”*

- c) Amend the wording of Clause 5.5.3 as follows:

“Notwithstanding Clause 5.2.2 above Council may approve any development within a Light Industrial Development Area or Residential Development Area consistent with the zoning of the land without the preparation of a Structure Plan, where in the opinion of Council the development will not adversely affect the future subdivision and development of the land”

- d) Delete Clause 5.6.1 and relace with:

“Requirement for a structure Plan

“Prior to subdivision and development proceeding on land within the Rural Residential Area, a Structure Plan shall be prepared and approved in accordance with Part 4 of the deemed provisions.”

- e) Delete Clause 5.6.2 and replace with:

“Approval Under Base Zoning

Notwithstanding Clause 5.6.1 above Council may approve any development within a Rural Residential zone consistent with the zoning of the land without the preparation of a Structure Plan, where in the opinion of Council the development will not adversely affect the future subdivision and development of the land.”

- f) Delete clauses 5.6.3 and 5.6.4

- g) Amend Clause 5.6.6 as follows:

“Further subdivision of land within the Hamlet Grove Rural Residential zone shall be generally in accordance with the original Structure Plan for the area. Further subdivision of the land into lots smaller than 2

hectares may be supported by Council providing proposed lot sizes are generally in accordance with those existing in the area.”

- (h) Delete clause 5.8 in its entirety.
- (i) Replace all references to Outline Development Plan with Structure Plan.
- viii. Replace all references to an “AA” use as a “D” use in clause 3.3.1 (b) and within Table 1.
- ix. Replace all references to a “SA” use to an “A” use in clause 3.3.1 (c) and within Table 1.
- x. Replace all references to an “IP” use to an “I” use in clause 3.3.1 (d) and within Table 1.
- xi. Include ‘Ancillary Accommodation’ in Table 1 as a ‘P’ use in the Residential and town centre zone; as a D use in the Rural Residential, Rural, community purposes and Residential Development zone; and an “X” use in all other zones.
- xii. With regards to transportable dwellings.
 - (i) Replace “transportable” with “repurposed” in clause 4.8;
 - (ii) insert a new definition for “repurposed dwelling” as follows:

“a building or structure not previously used as a single house, which has been repurposed for use as a dwelling”;
 - (iii) insert “repurposed dwelling” into Table 1
- xiii. Reword clause 4.10.1 as follows:

“No outbuilding(s) collectively exceeding 60m² in area and satisfying the deemed-to-comply provisions of the R Codes shall be erected on any Residential lot; or exceeding 60m² on any Rural-Residential lot without

the development approval of the Council in accordance with clause 61 of the deemed provisions.”

xiv. With regards to the ‘Settlement zone’

(a) Replace the zone objectives and zone policies in Table 1 as follows:

Zone Objectives

- (a) To identify existing and proposed Aboriginal settlements and to collaboratively plan for the orderly and proper development of those places by:
- i. requiring preparation and endorsement of a Layout Plan.
 - ii. Ensuring that development accords with the Layout Plan.

Zone Policies

- (a) To require development to be consistent with a Layout plan endorsed by the Community, Council and the Western Australian Planning Commission;

(b) Replace text in Table 2: Zoning Table, as follows:

“Land use permissibility is to be with reference to the endorsed layout plan”

(c) Delete 5.5 and replace with:

5.5.1 Layout Plans

In the Settlement zone, the use and development of land is to be in accordance with an endorsed Layout Plan prepared in accordance with State Planning Policy 3.2 Aboriginal Settlements,

- 5.5.2** In the event that an approved Layout Plan has not been prepared in accordance with State Planning Policy No. 3.2 – Aboriginal settlements, assessment and consideration is to be

carried out based upon the objectives and intentions of this Scheme.

- xv. Update references to various legislation.
 - xvi. Amend contents page as necessary.
 - xvii. Renumber the remaining scheme provisions and schedules sequentially and update any cross referencing to the new clause numbers as required.
-
- 2. Resolves, pursuant to the Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), that Amendment 24 is a basic amendment in accordance with r.34(c) of the Regulations as it proposes to amend the Scheme text to delete provisions that have been superseded by the deemed provisions in Schedule 2 of the Regulations;
 - 3. Authorise Council officers to prepare the scheme amendment documentation.
 - 4. Authorise the affixing of the common seal to and endorse the signing of the amendment documentation.
 - 5. Pursuant to Section 81 of the Planning and Development Act 2005, refers Amendment 24 to the Environmental Protection Authority;
 - 6. Pursuant to r.58 of the Regulations, provides Amendment 24 to the Western Australian Planning Commission.

CARRIED 8/0

12.5 COMMUNITY DEVELOPMENT AND RECREATION SERVICES

12.5.1 **AFFIXING COMMON SEAL – DERBY RODEO AND HORSERIDERS ASSOCIATION LEASE**

Location/Address:	Portion of Reserve 23127, 61 Ashley Street, Derby
Name of Applicant/Owner:	Shire of Derby West Kimberley
File Reference:	CS/346
Author:	Robert Verboon, Aquatic and Recreation Manager
Interest Disclosure:	Nil
Date of Report:	13 March 2016

SUMMARY:

This item seeks Council approval to affix the Common Seal to the lease agreement between the Shire of Derby West Kimberley and Derby Rodeo and Horseriders Association for Portion of Reserve 23127, 61 Ashley Street, Derby.

BACKGROUND:

In 1981 the Derby Rodeo and Horseriders Association signed a 10 year lease for the Reserve 23127, known as the Derby Rodeo Grounds. The lease expired in 1991 despite numerous attempts no new lease was signed.

In February 2011 DRHA approached the Council seeking a lease for the Reserve 23127 for a minimum of 10 years. Although Policy AF35 stated 5 years with a 5 year option for leases for the purpose of seeking a minimum of 10 years was to ensure that the Association will get the maximum use out of their proposed upgrades to the Rodeo Grounds.

In September 2013 Council resolved to adopt a template lease for community groups. The Derby Rodeo and Horseriders Association lease is based on the adopted template.

COUNCIL DECISION AND OFFICER RECOMMENDATION – ITEM 11.5.2

MINUTE NO. 156/2013:

Moved: Cr P McCumstie

Seconded: Cr A Twaddle

That Council:-

1. Delegates' authority to the Chief Executive Officer to negotiate leases over Council Land with Community Groups as and when required on the proviso that the template lease document prepared and supplied by McLeod's, Barristers and Solicitors is used as a base document and prior to any lease being submitted for execution it has been approved by the Shire Solicitors.
 2. That the delegation register is amended to include the above.
- CARRIED 8/0**
- CARRIED BY AN ABSOLUTE MAJORITY**

STATUTORY ENVIRONMENT:

Local Government Act 1995 – Section 9.49A Execution of Documents.

POLICY IMPLICATIONS:

Policy AF35 – Establishment of Leases and User Agreements. This is a 10 year lease with a 10 year option which is a variation to the terms of our policy. The change is to provide tenure to the club to assist with funding applications.

FINANCIAL IMPLICATIONS:

A fee of \$100 per annum is payable by the Derby Rodeo and Horseriders Association. Since 2011 Council has spent \$2,400 in legal fees on drafting this lease and multiple changes.

STRATEGIC IMPLICATIONS:

GOAL	OUTCOME	STRATEGY
Goal 1: Community wellbeing – A diverse, caring and safe community providing opportunities for all its people.	Outcome 1.5: Sport, Recreation and leisure opportunities that support community health and wellbeing.	Strategy 1.5.1: Maintain and improve sporting and recreation facilities.

CONSULTATION:

Discussions have occurred between Shire staff and members of the Derby Rodeo and Horseriders Association. The lease has also been developed by the Shire's legal advisers McLEODS Barristers and Solicitors.

COMMENT:

Since the original lease expired in 1991 numerous Shire staff have tried to negotiate with various club committees but no agreement has been reached. agreement had been reached in 2015 with the committee at the time signing the lease. Since the signing of the lease the committee has changed in January 2016. The new committee indicated they wished to change the lease. A written submission outlining proposed changes was received 24th of February. The club indicated they would like the letter to be attached as a addendum to the lease rather than incurring further legal fees. Council officers reviewed the requested changes concluding the requested changes resulted in a material change to the lease. These changes would be best served at a governance level rather than be part of a lease. Secondly an addendum would not be possible as the Minister of Lands needs to sign off. These issues were communicated to the club President on the 11th March. The President has indicated the club accepts that the changes can't be made and the club is happy to proceed with the lease process and will work with the Club Development officer to deal with issues at the governance level.

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:

That Council delegates authority to the Chief Executive Officer and Shire President to sign and affix the Common Seal to the lease agreement between Shire of Derby West Kimberley and Derby Rodeo and Horseriders Association for the Portion of Reserve 23127, 61 Ashley Street, Derby.

COUNCIL DECISION:

MINUTE NO. 038/2016

Moved: Cr C Kloss

Seconded: Cr P McCumstie

That Council defers consideration of Item 12.5.1 – Affixing Common Seal Derby Rodeo and Horseriders Association Lease – pending confirmation of the right to exercise extension options and any opt out clauses.

CARRIED 8/0

13.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

14.0 QUESTIONS BY MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN

Nil

15.0 NEW BUSINESS OF AN URGENT NATURE APPROVED BY PRESIDING PERSON OR BY DECISION OF MEETING

Nil

16.0 MATTERS BEHIND CLOSED DOORS

Nil

17.0 CLOSURE OF MEETING

The Presiding Member closed the meeting at 1.52pm

These minutes were confirmed at a meeting on

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Signed:

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

Date: