

I hereby certify that the Minutes of the Special Council Meeting held are a true and accurate record of the proceedings contained therein.

\_\_\_\_\_  
Shire President

\_\_\_\_\_  
Date



SHIRE OF WYNDHAM | EAST KIMBERLEY

**MINUTES  
SPECIAL COUNCIL  
MEETING**

**2 DECEMBER 2014**



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**SHIRE OF WYNDHAM EAST KIMBERLEY  
MINUTES OF THE SPECIAL COUNCIL MEETING  
KUNUNURRA COUNCIL CHAMBERS**

**HELD ON TUESDAY, 2 DECEMBER 2014, AT 4:00 PM**

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**1. DECLARATIONS OF OPENING / ANNOUNCEMENT OF VISITORS**

The Shire President declared the meeting open at 4.00pm.

**2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE  
(PREVIOUSLY APPROVED)**

Cr J Moulden	Shire President
Cr R Dessert	Deputy Shire President
Cr D Learbuch	Councillor
Cr K Wright	Councillor
Cr B Robinson	Councillor
Cr S Cooke	Councillor
Cr G Taylor	Councillor
K Hannagan	Acting Chief Executive Officer
N Octoman	Director Corporate Services
D Kyle	Acting Director Infrastructure
L Gee	Director Community Development
M Tonkin	Executive Assistant (Minute Taker)

**GALLERY**

Laine Ellis	Guerinoni & Son
J Guerinoni	Guerinoni & Son
Cally Dupe	Kimberley Echo
Rourke Walsh	Kimberley Echo
Stephen Lefmann	Private
Gillian Lefmann	Private
Allan Wedderburn	Resident
S Rushby	Resident
Mark Northover	Ratepayer
J Spragg	Ratepayer

**APOLOGIES**

Cr G King  
Cr D Spackman

**LEAVE OF ABSENCE PREVIOUSLY APPROVED**

Nil

### 3. **DECLARATION OF INTEREST**

- Financial Interest

Nil

- Impartiality Interest

Nil

- Proximity Interest

Nil

### 4. **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

### 5. **PUBLIC QUESTION TIME**

The Shire President adjourns the meeting due to disruptive behaviour from the gallery at 4:03pm.

The Shire President resumes the meeting at 4:06pm

#### **Questions from Jenny Spragg, Kununurra**

**Question 1** - Can council please confirm that it completed a due diligence background check on the current acting CEO, given that he is supporting the proposed awarding of the position of Acting Director Infrastructure?

Cr John Moulden, Shire President provides the following response:

Yes I can confirm that background checks were completed.

**Question 2** - Are council aware that the current acting CEO has previously employed staff with corruptive investigations in the past? Does council have an issue with this?

Cr John Moulden, Shire President provides the following response:

I am not aware of this. Due diligence checks were undertaken on Mr Hannagan when he took on the role as acting CEO.

#### **Questions from Simone Rushby, Kununurra**

**Question 1** - Can council please confirm if and when the current Acting CEO and former Director Infrastructure has formally resigned from his position as Director Infrastructure - with the assumption that he will be awarded the role of CEO officially?

Cr John Moulden, Shire President provides the following response:

I have previously answered this question before that Mr Hannagan has resigned from his role of Director Infrastructure. There is no assumption that he will be awarded the role of CEO. Recruitment for the CEO is an open process. If Mr Hannagan chooses to apply he will be considered on his merits.

**Question 2** - Has council familiarised themselves with the Acting Director of Infrastructure's previous poor procedural and documentational history, and the ensuing community angst that it caused, which is outlined and clearly evident on the Carnarvon Shire Council website?

Cr John Moulden, Shire President provides the following response:

Yes.

### **Questions from Mark Northover, Kununurra**

**Question 1** – Who amongst the council is delegated to do the background check including previous misconduct, past performance and academic qualification on all incoming senior officers?

Cr John Moulden, Shire President provides the following response:

The Council has one employee, the CEO. All other appointments are made by the CEO. Council is required to note the appointment of senior officers. They are not involved in the recruitment process or required to do the background checks.

**Question 2** – Does council have a requirement for formal education ie graduate as opposed to an undergraduate or on the run training applicant with dubious experience?

Cr John Moulden, Shire President provides the following response:

The job description for the Director Infrastructure required formal education or acceptable practical experience.

**Question 3** – The Infrastructure jobs here at SWEK are advertised at \$200k + which should dictate quality and value. Can we justify this when the applicant comes from \$90k?

Cr John Moulden, Shire President provides the following response:

The pay level of the Director Infrastructure is not advertised. The Shire of Wyndham East Kimberley is considered a band 2 within the SAT determined CEO remuneration levels. Directors are paid around 65 – 80% of that amount determined for the CEO. The SAT determined levels take account of many factors and reflects things such as cost of living and difficulty in recruiting to remote regions.

**Question 4** – Have any of the councillors read the Shire of Carnarvon's minutes in relation to the applicant?

Cr John Moulden, Shire President provides the following response:

I have read them, I do not know if others have.

## **Questions from Allan Wedderburn, Kununurra**

**Question 1** – Can the councillors confirm if they have considered the unusual circumstances in the recruitment process of the Acting Director Infrastructure as outlined in my full question provided to councillors at the council meeting on 21/10/14, when making tonight's decision?

Cr John Moulden, Shire President provides the following response:

The recruitment of the Director Infrastructure is not a process that the council is normally involved in. In this instance I formed part of the selection panel in place of the Director Corporate Service, Natalie Octoman as she was on leave. I am not unaware of any unusual circumstances.

**Question 2** – Can the council advise if the advert for the Director Infrastructure was specifically written to suit the incumbent Acting Director Infrastructure as the position description does not require a 'civil' engineer qualification however the advert does?

Cr John Moulden, Shire President provides the following response:

No the advert was not written to suit the current Acting Director Infrastructure. The advert was the same as the advert used 4 years ago with only minor variation to details.

### **6. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

### **7. PETITIONS**

Nil

### **8. CONFIRMATION OF MINUTES**

Nil

### **9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION**

Nil

### **10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

Nil

### **11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS / NOTICES OF MOTIONS**

Nil

## 12. REPORTS

### 12.1 WET SEASON ROAD CLOSURE

<b>DATE:</b>	2/12/2014
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Kimberley Region
<b>AUTHOR:</b>	David Klye, A/Director Infrastructure
<b>REPORTING OFFICER:</b>	David Klye, A/Director Infrastructure
<b>FILE NO:</b>	RD.09.11
<b>ASSESSMENT NO:</b>	N/A
<b>DECLARATION OF INTERESTS:</b>	Nil

#### **PURPOSE**

To advise Council of the proposed closure of Kalumburu Road, Port Warrender Road (including Mitchell Plateau/Falls) and Mt Elizabeth Road over the Wet Season.

#### **BACKGROUND**

The Shire has commenced issuing Road Condition Reports (see Attachment 1 Current Road Condition Report).

The closure of Kalumburu Road, Port Warrender Road (including Mitchell Plateau/Falls) and Mt Elizabeth Road is proposed from late December 2014 and reopen late April 2014, weather permitting.

Closed Road Usage Permits can be issued by the Shire in absolute necessary circumstances, with at least five full business days' notice prior to any planned travel.

#### **STATUTORY IMPLICATIONS**

The Shire has the authority to close roads under the *Local Government Act 1995* – CI 3.50 and CI 3.50A and also under the *Road Traffic Act 1974* - CI 92.

#### **POLICY IMPLICATIONS**

There are no policy implications in relation to this item.

#### **FINANCIAL IMPLICATIONS**

There are no financial implications in relation to this item.

#### **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2012-2022*

Goal 1: Strong leadership and governance that underpins a more strategic approach to community engagement, regional development and organisational sustainability

Objective 1.4: Business innovation, efficiency and improved service

Strategy 1.4.1: Ensure legislative compliance and follow best practice principles in planning and service delivery

### **COMMUNITY CONSULTATION**

A fortnightly advertisement will be placed in the Kimberley Echo commencing from 18 December 2014 together with advertising on Facebook, by public notice and media release in accordance with the *Local Government Act 1995* – Cl 3.50.

Prior written notice will be provided to all owners of land affected by these closures in accordance with the *Local Government Act 1995* – Cl 3.50.

### **COMMENT**

During the wet season the Shire has closed certain roads to the public to preserve the integrity of the road and for the safety of the public who could easily become bogged on an isolated piece of road. It is planned to close Kalumburu Road, Port Warrender Road (including Mitchell Plateau/Falls) and Mt Elizabeth Road to the general public from late December 2014 and reopen late April 2015, weather permitting.

Local residents are familiar with care of the road and will be provided with a conditional exemption to use the road based on an understanding of care for the road. The requirements associated with this exemption will be explained in detail to them in writing with the necessary written notification of the road closure.

Closed Road Usage Permits may be issued to the general public by the Shire in absolute necessary circumstances, with at least five full business days' notice prior to any planned travel and conditional upon actual road conditions at the time of travel.

Other unsealed roads within the Shire will be closed from time to time throughout the wet season as and when weather and road conditions dictate. The decision to close any road or section of road will be based on the Shire's assessment of the likely damage that may be caused to the road by public use.

### **ATTACHMENTS**

Attachment 1 - Current Road Condition Report

### **VOTING REQUIREMENT**

Simple Majority

### **OFFICER'S RECOMMENDATION**

That Council note:

the planned closure of:  
Kalumburu Road;  
Port Warrender Road (including Mitchell Plateau/Falls); and  
Mt Elizabeth Road  
between late December 2014 and reopen late April 2015 pursuant to weather conditions at the time.

all remaining roads maintained by the Shire may be closed for short periods of time as and when required.

**COUNCIL DECISION**

**Minute No. 10695**

**Moved: Cr S Cooke**

**Seconded: Cr B Robinson**

**That Council note:**

**the planned closure of:**

**Kalumburu Road;**

**Port Warrender Road (including Mitchell Plateau/Falls); and**

**Mt Elizabeth Road**

**between late December 2014 and reopen late April 2015 pursuant to weather conditions at the time.**

**all remaining roads maintained by the Shire may be closed for short periods of time as and when required.**

**Carried Unanimously 7/0**



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8.00am - 4.00pm MON - FRI

# Road Condition Report

Issued 1200hrs Thursday 27 November 2014

Caution must be exercised at all times.

Flood ways and creek crossings may rise without notice; depths should be checked before crossing.

The below information will be updated as conditions change.

For further information on:

- Wyndham and the East Kimberley Shire roads 08 9168 4100 or [www.swek.wa.gov.au](http://www.swek.wa.gov.au)
- Derby and West Kimberley Shire roads 08 9191 0999 or [www.sdwk.wa.gov.au](http://www.sdwk.wa.gov.au)
- Department of Parks and Wildlife (DPAW) Access Roads 08 9195 5500
- Western Australia highways and the Gibb River Road contact Main Roads WA 138138
- Information, outside of ordinary business hours, for all Western Australian roads can be obtained by calling 138138
- Northern Territory roads 1800 246 199 or [www.ntlis.nt.gov.au/roadreport](http://www.ntlis.nt.gov.au/roadreport)

## KALUMBURU ROAD

Gibb River Road turnoff to Drysdale River Station	OPEN
Drysdale River Station to Port Warrender Road/Kalumburu Road Junction	OPEN <i>Machinery on road until 6/12/14</i>
Port Warrender Road/Kalumburu Road Junction to Carson River	OPEN
Carson River to Kalumburu	OPEN <i>Caution, rough road</i>

## PORT WARRENDER ROAD (INCLUDES MITCHELL PLATEAU/FALLS)

Port Warrender Road/Kalumburu Road Junction to Department of Parks and Wildlife (DPAW) boundary (Mitchell Falls access)	OPEN
DPAW Boundary (Mitchell Falls access) to Port Warrender	OPEN <i>Unmaintained track, extreme caution, high clearance 4WD</i>

## MT ELIZABETH ROAD

Mt Elizabeth Road from Gibb River Road to Mt Elizabeth Station Boundary	OPEN
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## CARLTON HILL ROAD

Carlton Hill Road	OPEN <i>Caution some sections have rough patches</i>
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## MOONAMANG ROAD

Moonamang Road (end of sealed section) to NT Border ONLY	OPEN
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## KING RIVER ROAD - flood damage repairs commenced, caution machinery on road

Great Northern Highway to Moochalabra Dam turnoff	OPEN
Moochalabra Dam turnoff to King River Crossing	OPEN
King River Crossing to Diggers Rest turn off	OPEN

## KARUNJIE TRACK

Karunjie Track to Gibb River Road	STOCK ROUTE <i>Not a gazetted road, not maintained. Extreme caution, high clearance 4WD, scouring along track, no caravans or camper trailers Please leave gates as you find them as it is a stock route.</i>
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**PARRY CREEK ROAD (INCLUDING ACCESS TO VALENTINE SPRING)**

Victoria Highway to Valentine Spring	OPEN
Valentine Spring to Buttons Crossing	OPEN
Buttons Crossing to Mambi Boat Ramp	OPEN
Mambi Boat Ramp to Parry Creek Crossing	OPEN
Parry Creek Crossing to Parry Creek Farm	OPEN
Parry Creek Farm to Great Northern Highway	OPEN

**DUNCAN ROAD**

Duncan Road	OPEN <i>WA Section ONLY see NT website <a href="http://www.ntlis.nt.gov.au/roadreport">http://www.ntlis.nt.gov.au/roadreport</a></i>
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**IVANHOE ROAD**

Ivanhoe Crossing	CLOSED <i>Will remain closed until further notice. Structural condition inspection report now received, programing repair later in dry season when water levels subside.</i>
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**LAKE ARGYLE ROAD**

Lake Argyle Road	OPEN <i>Caution some sections narrow road verges</i>
Long Michael Plain Road	To be permanently CLOSED

**STATION ACCESS ROADS**

For information regarding access roads to stations, it is recommended that stations are contacted direct

Please note:

- Exemptions to a road closure or a load limit in extenuating circumstances for a specific purpose apply only if applied for in writing and where an exemption is granted in writing by the Chief Executive Officer or his authorised delegate
- Conditions can vary rapidly and 4WD is recommended on all gravel roads
- Roads will be slippery and unsuitable for travel after significant rainfall
- Caution should be exercised at all flood ways and creek crossings, delays can occur
- Towing of trailers or caravans on unsealed roads over the Wet Season is not recommended.

NB: Travelling on a closed road is an offence under the Activities in *Thoroughfares and Public Places and Trading Local Law 2003* section:

**2.19 No driving on a closed thoroughfare**

- (1) A person shall not drive or take a vehicle on a closed thoroughfare unless –
- a. That it is in accordance with any limits or exceptions specified in the order made under section 3.50 of the *Local Government Act 1995*; or
  - b. The person has first obtained a permit.
- (2) In this clause –  
“Closed thoroughfare” means a thoroughfare wholly or partially closed under section 3.50 or 3.50A of the *Local Government Act 1995*

**A penalty of \$300 applies.**

**Kevin Hannagan  
Acting Chief Executive Officer**

**13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**14. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil

**15. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION**

Nil

**16. MATTERS BEHIND CLOSED DOORS  
MOTION**

Cr K Wright moves to defer the item to a briefing session.

No seconder – motion lapsed.

**MOTION**

Cr K Wright moves that the meeting go behind closed doors.

Seconded by Cr B Robinson.

The motion was not put.

N Octoman, D Kyle, L Gee and the Gallery leave the Chambers at 4.21pm

**16.1 APPOINTMENT OF DIRECTOR INFRASTRUCTURE**

<b>DATE:</b>	2 December 2014
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Kevin Hannagan, Acting Chief Executive Officer
<b>REPORTING OFFICER:</b>	Kevin Hannagan, Acting Chief Executive Officer
<b>FILE NO:</b>	N/A

This part of the meeting is of a confidential nature. The item will be discussed Behind Closed Doors in accordance with the *Local Government Act 1995*, Section 5.23 (2) as this item deals with:

- a) a matter affecting an employee or employees;

**PURPOSE**

For Council to consider the appointment of the Director Infrastructure.

**ATTACHMENTS**

The report and all attachments are provided under separate cover.

**VOTING REQUIREMENT**

Simple Majority

**MOTION**

Cr S Cooke moves the officer's recommendation with a note, asking that the CEO consider offering a 3-year contract instead of a 5-year contract.

**COUNCIL DECISION**

**Minute No. 10696**

**Moved: Cr S Cooke**

**Seconded: Cr B Robinson**

**That Council notes the Chief Executive Officers intention to offer a five year contract of employment as Director Infrastructure to David Klye subject to the receipt of a satisfactory National Police Certificate and a Medical Certificate.**

**That Council asks the CEO to consider offering a 3-year contract instead of a 5-year contract.**

**Carried Unanimously 7/0**

**COUNCIL DECISION**

**Minute No. 10697**

**Moved: Cr B Robinson**

**Seconded: Cr R Dessert**

**That Council move out from behind closed doors.**

**Carried Unanimously 7/0**

## **17. CLOSURE**

The Shire President declares the meeting closed at 4.43pm.