

## 12.5 INFASTRUCTURE

### 12.5.1 Wyndham Reticulation Review

<b>DATE:</b>	20 December 2016
<b>AUTHOR:</b>	Manager Operations
<b>RESPONSIBLE OFFICER:</b>	David Klye, Director Infrastructure
<b>FILE NO:</b>	PR.07.21
<b>DISCLOSURE OF INTERESTS:</b>	Nil

#### VOTING REQUIREMENT

Simple Majority

#### OFFICER'S RECOMMENDATION

**That Council:**

- 1. Notes the officer's report on the Wyndham reticulation system;**
- 2. Approve the transfer \$100,000 from the Wyndham Reticulation Upgrade budget (GL 04110615) to the Wyndham Wastewater Treatment Plant upgrade budget (GL 04111319) to enable the completion of necessary upgrade works at the Wyndham sewage reuse Chlorination Plant as per option 1;**
- 3. Note that the remaining \$50,000 in the 2016/17 Wyndham Reticulation Upgrade budget (GL 04110615) will fund the connection of the two separate irrigation systems at the football oval and at the Great Northern Highway in Wyndham. The budget will also funds the first stage of reticulation upgrades and installation of a fully automated system at the Croc Park.**

**COUNCIL DECISION**

**Minute No: 20/12/2016-11572**

**Commissioner resolved:**

**That Council:**

- 1. Notes the officer's report on the Wyndham reticulation system;**
- 2. Approve the transfer \$100,000 from the Wyndham Reticulation Upgrade budget (GL 04110615) to the Wyndham Wastewater Treatment Plant upgrade budget (GL 04111319) to enable the completion of necessary upgrade works at the Wyndham sewage reuse Chlorination Plant as per option 1;**
- 3. Note that the remaining \$50,000 in the 2016/17 Wyndham Reticulation Upgrade budget (GL 04110615) will fund the connection of the two separate irrigation systems at the football oval and at the Great Northern Highway in Wyndham. The budget will also funds the first stage of reticulation upgrades and installation of a fully automated system at the Croc Park.**

**Carried 1/0**

**PURPOSE**

To provide a report to Council on the upgrade of the Wyndham Reticulation system in accordance with Council's request in February 2016.

**NATURE OF COUNCIL'S ROLE IN THE MATTER**

Provider - provide physical infrastructure and essential services

**BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

Council at its ordinary Council meeting of 23 February 2016 resolved as follows;

**COUNCIL DECISION**

**Minute No. 11283**

**Moved: Cr B Robinson**

**Seconded: Cr N Perry**

**That Council request the Chief Executive Officer to provide a report to Council on the Wyndham reticulation system for inclusion in the 2016/17 budget considerations. The report shall include details on the cost to replace the aging public open space reticulation system with an integrated,**

automatic system. The report should provide budget estimates for the project to be undertaken in stages of between approximately \$100,000 and \$150,000 per annum for consideration in the forthcoming budget deliberations.

**Carried 5/4**

**For: Cr J Parker, Cr E Bolto, Cr N Perry, Cr S Cooke, Cr B Robinson  
Against: Cr K Wright, Cr D Spackman, Cr S Rushby, Cr A Petherick**

### **STATUTORY IMPLICATIONS**

The *Local Government Act 1996* section 3.1 and section 6.8(1)(b) applies to this report.

### **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

### **FINANCIAL IMPLICATIONS**

The 2016/17 budget provides \$150,000 for Wyndham Reticulation Upgrade.

It is proposed to transfer \$100,000 from the Wyndham Reticulation Upgrade budget (GL 04110615) to the Wyndham Wastewater Treatment Plant upgrade budget (GL 04111319) to enable the Shire to complete the necessary upgrade works at the Wyndham sewage reuse Chlorination plant as a priority.

The balance of \$50,000 for Wyndham Reticulation Upgrade will fund the connection of the reuse system at the Wyndham football oval with the reticulation system along the Great Northern Highway in Wyndham. The budget allocation will also fund the installation of an automated system to the Great Northern Highway road reserve area known locally as the Croc Park.

Council has indicated in its 2017/18 forward plan, provision of \$150,000 for the upgrade of the balance of the reticulation systems in Wyndham including the installation of automated irrigation systems for the balance of the Great Northern Highway, Peter Reid Memorial Hall, Seven Mile Cemetery, Gully Cemetery, Information Bay on the Great Northern Highway, Bessie Wylie Park at the Wyndham Port and Lions Park.

## **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2012-2022*

Goal 2: Greater returns from regional investment to ensure sustainable provision of appropriate physical and social infrastructure

Objective 2.3: Assets are appropriate for their intended purpose and factor in whole of life costing and maintenance

Strategy 2.3.1 : Manage and maintain assets in a strategic and cost effective manner

Strategy 2.3.2 : Plan, design and budget for sustainable infrastructure

## **RISK IMPLICATIONS**

### **Risk:**

Inability to deliver levels of service expected by the community.

### **Control:**

Develop agreed standards of service and communicate with the community.

### **Risk:**

Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

### **Control:**

Review policies and procedures (eg building, planning, health, childcare) in accordance with review schedule.

## **COMMUNITY ENGAGEMENT**

The Shire of Wyndham East Kimberley's CP/GOV-3100 Community Engagement Policy has been considered in relation to this item.

Community consultation is not required in relation to this item.

## **COMMENTS**

The irrigation reticulation system in the town of Wyndham operates as several separate parts;

- The football oval - currently irrigated using scheme water,
- The verges of the Great Northern Highway - currently irrigated using bore water,
- The Baby Tree Park and the Shire offices grounds - currently irrigated using scheme water,
- The grounds of the swimming pool - currently irrigated using scheme water,
- Lions park - currently irrigated using scheme water.

In recent years the bore water supply at Wyndham has seen a significant decrease in yield. The Shire's bore is located at the eastern entry to the town. At present the bore is yielding 26,000 litres over a 24 hour period which is less than half the required amount to keep the

verges of the Great Northern Highway irrigated to an acceptable level. The normal irrigation requirement for the Great Northern Highway road reserve including the Croc Park is more than 60,000 litres per day, as a result, some areas are not able to be irrigated under the "usual" irrigation regime causing some areas to dry off and brown during the dry season.

Until the failure of the Chlorination plant, the football oval was irrigated using reuse water from the town's sewage treatment plant. The football oval is currently irrigated using scheme water.

The upgrade of the Chlorination plant and the installation of a connecting pipe between the football oval system and the Great Northern Highway will allow those areas to be switched to reuse water with the following benefits to the community and Shire;

- a) providing enough water for the verges of the Great Northern Highway including the Croc Park and,
- b) significantly reduce the cost of water purchased from Water Corp.

It is also proposed to upgrade the entire system by installing an automated system. This will allow more efficient irrigation in terms of water use and it will reduce the staff time required to operate the system.

The Shire has investigated the cost re-establish the Chlorination plant to Chlorinate the secondary treated effluent from the town's sewerage treatment plant. The review identified three options for consideration presented below together with estimated costs:

- Option 1 - Replace Existing Equipment & Reuse Existing Facility/Building - \$185K
- Option 2 - Replacement Facility/Building - Chlorine Gas - \$230K
- Option 3 - Replacement Facility/Building - Onsite Generation - \$240K

The current budget provision to re-establish the Chlorination plant is \$95,000 and it is recommended that \$100,000 be transferred from the current Wyndham Reticulation Upgrade budget (GL 04110615) to the Wyndham Wastewater Treatment Plant upgrade budget (GL 04111319) to enable the Shire to complete the necessary upgrade works as per option 1 and which will assist in the first stage of reticulation upgrades to Wyndham.

The remaining \$50,000 in Wyndham Reticulation Upgrade budget (GL 04110615) will provide for the following works to the Wyndham reticulation system in 2016/17;

1. Provision of a connection between the football oval system and the Great Northern Highway system by either utilising an existing pipe under the Highway or by boring a new connecting pipe under the Highway.
2. The installation of an upgraded automated irrigation system at Croc Park which will include automated sprinklers that can be remotely programmed to enable optimum irrigation of the park.

Council has also indicated in its 2017/18 forward plan, provision of \$150,000 for the second stage of upgrade of the reticulation systems in Wyndham, including the installation of automated irrigation systems for the balance of the Great Northern Highway, Peter Reid

Memorial Hall, Seven Mile Cemetery, Gully Cemetery, Information Bay on the Great Northern Highway, Bessie Wylie Park at the Wyndham Port and Lions Park.

The proposed program for 2017/18 includes the following improvements to the Wyndham irrigation system;

1. Boring under several roads and placement of several conduits will be undertaken to provide for future irrigation of areas including Peter Reid Memorial Hall and the Shire office grounds. Under road boring will be carried out at, Great Northern Highway, St Peters Way, Bonaparte Street and Koolama Street. The estimated cost for these works is \$25,000.
2. The installation of a new fully automated irrigation system to Peter Reid Memorial Hall. The works will include the installation of new underground piping, new sprinklers and a new lawn area. The estimated cost of these works is \$15,000.
3. Upgrades to cemetery irrigation systems including the installation of new underground piping, installation of a dripper system and automated systems to Seven Mile Cemetery and Gully Cemetery. The estimated cost of these works is \$ 20,000.
4. The installation of a new fully automated irrigation system to the Information Bay on the Great Northern Highway will include the installation of new underground piping, new sprinklers and a new lawn area the estimated cost of these works is \$ 20,000.
5. Upgrades to the system at Bessie Wylie Park at the Wyndham Port area including the installation of new underground piping, installation of a dripper and sprinkler system and an automated telemetry system. The estimated cost of these works is \$ 15,000.
6. The installation of a new fully automated irrigation system to Lions Park and will include the installation of new underground piping and new sprinklers, the estimated cost of these works is \$ 20,000.

In summary, the proposed Wyndham irrigation system renewal programme will see the re-establishment the Chlorination plant to treat reuse water, a new grassed area and garden bed at the Information Bay, a new grassed area and garden bed at Peter Reid Hall, and the installation of a water saving automated telemetry controlled irrigation system.

## **ATTACHMENTS**

Attachment 1 - Wyndham Township Reticulation Areas.



**Legend**

- Wyndham Reticulation Areas
- Water Source
- Scheme
- Bore
- MRWA\_RoadCL\_2014

Attachment 1  
Wyndham Township Reticulation Areas



Bessie Wylie Park



Gully Cemetery



7 Mile Cemetery



Info Bay



## 12.5.2 Clarification of Aircraft Landing Fees to commence 1 January 2017

<b>DATE:</b>	20 December 2016
<b>AUTHOR:</b>	Manager East Kimberley Regional Airport
<b>RESPONSIBLE OFFICER:</b>	David Klye, Director Infrastructure
<b>FILE NO:</b>	TT.05.1
<b>DISCLOSURE OF INTERESTS:</b>	Nil

### VOTING REQUIREMENT

Absolute Majority

### OFFICER'S RECOMMENDATION

That Council clarify the following Aircraft Landing Fees due to become effective on 1 January 2017 in Schedule 12 - Aerodromes, of the Shire Budget 2016 - 2017 as follows:

1. The category "Fixed Wing Aircraft - Regular Public Transport (RPT)" shall be altered to read "Fixed Wing Aircraft - MTOW Over 5,700kg";
2. The category "Fixed Wing Aircraft - General Aviation (GA)" shall be altered to read "Fixed Wing Aircraft - General Aviation (GA) - MTOW up to and including 5,700kg"; and,
3. The term "Per Tonne and part thereof (Per landing)" shall be altered to read "Per Tonne pro rata to the nearest 100kg (Per landing)".

### COUNCIL DECISION

Minute No: 20/12/2016-11573

Commissioner resolved:

That Council clarify the following Aircraft Landing Fees due to become effective on 1 January 2017 in Schedule 12 - Aerodromes, of the Shire Budget 2016 - 2017 as follows:

1. The category "Fixed Wing Aircraft - Regular Public Transport (RPT)" shall be altered to read "Fixed Wing Aircraft - MTOW Over 5,700kg";
2. The category "Fixed Wing Aircraft - General Aviation (GA)" shall be altered to read "Fixed Wing Aircraft - General Aviation (GA) - MTOW up to and including 5,700kg"; and,
3. The term "Per Tonne and part thereof (Per landing)" shall be altered to read "Per Tonne pro rata to the nearest 100kg (Per landing)".

Carried 1/0

## **PURPOSE**

The purpose of this report is to provide an opportunity to clarify three related aspects of airport fees that become operational on 1 January 2017.

## **NATURE OF COUNCIL'S ROLE IN THE MATTER**

Provider - provide physical infrastructure and essential services

## **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL**

The Council adopted the 2016/17 Shire Budget on 15 September 2016.

The level of aircraft landing fees was the subject of a presentation from the key charter operators that included a comparison with a number of other aerodromes.

As part of the adopted Budget several significant changes were made in the landing fees from a common \$29/tonne landing fee to the following categories:

- Fixed Wing Aircraft (RPT) remaining at \$29/tonne.
- Fixed Wing Aircraft - General Aviation reduced to \$20/tonne
- Rotary Wing Aircraft - reduced to \$15/tonne

There was no specific strategy on addressing the reduced income although one view was that lower fees could encourage increased landings. The outcomes will be monitored and reported as part of the 2017/18 budget considerations.

## **STATUTORY IMPLICATIONS**

Section 6.16(1) of the *Local Government Act 1995* applies to this matter. The preparation of the budget met the statutory requirements of the Local Government Act and Regulations. This report seeks to clarify the new categories of aircraft landings and payment.

## **POLICY IMPLICATIONS**

This report does not raise any policy implications.

## **FINANCIAL IMPLICATIONS**

The approach to define the categories of landings and payments is considered practical and will not impact on anticipated income levels.

## **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2012-2022*

Goal 2: Greater returns from regional investment to ensure sustainable provision of appropriate physical and social infrastructure

Objective 2.3: Assets are appropriate for their intended purpose and factor in whole of life costing and maintenance

Strategy 2.3.1 : Manage and maintain assets in a strategic and cost effective manner

## **RISK IMPLICATIONS**

The wider risk implications are as follows:

**Risk:** Inability to deliver levels of service expected by the community.

**Control:** Develop agreed standards of service and communicate with the community.

**Risk:** Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

**Control:** Increased accountability to the Audit (Finance and Risk) Committee

## **COMMUNITY ENGAGEMENT**

No community engagement is required.

## **COMMENTS**

Through testing of the new landing fee categories there is considered a need to better define the following:

<b>Threshold in Budget</b>	<b>Area of uncertainty</b>	<b>Proposed - Revised Definition</b>
Fixed Wing Aircraft - Regular Public Transport (RPT)	While focusing on larger aircraft the reference to RPT is arbitrary e.g. unclear on status of charters, freight and executive aircraft.	Define as all Fixed Wing Aircraft with MTOW over 5,700kg
Fixed Wing Aircraft - General Aviation (GA)	Unclear when a fixed wing aircraft is defined as General Aviation.	Define as all Fixed Wing Aircraft with MTOW up to and including 5,700kg
Rotary Wing Aircraft	Nil	Nil

\* MTOW means Maximum Take Off Weight of an aircraft.

The threshold of 5,700kg is proposed as this is the weight limit for aircraft utilising the Airport's West and East General Aviation Aprons. It also corresponds with the maximum weight of aircraft operated by the local charter companies.

The definition of rotary wing aircraft is readily understood with current operations being based on aircraft using the General Aviation Aprons.

Another term that requires clarification in the Aerodromes section of the Shire's schedule of Fees and Charges is "Per tonne and part thereof (Per landing)". It is understood that this seeks to recognise a gradual increase of costs particularly for smaller aircraft. With the number of landings and accounts generated through the Avdata system a consistent approach is important. It is suggested the calculation be to one decimal point e.g.: Aircraft 1.22t would pay  $1.2 \times \$20/t = \$24$  per landing.

### **ATTACHMENTS**

Attachment 1 - Extract from 2016-17 Budget - Aircraft Landing Fees



### 12.5.3 Coolibah Drive Footpath Improvements Project

<b>DATE:</b>	20 December 2016
<b>AUTHOR:</b>	Manager Engineering Services
<b>RESPONSIBLE OFFICER:</b>	David Klye, Director Infrastructure
<b>FILE NO:</b>	RD.16.1
<b>DISCLOSURE OF INTERESTS:</b>	Nil

#### VOTING REQUIREMENT

Simple Majority

#### OFFICER'S RECOMMENDATION

**That Council:**

- 1. Approves the transfer of forecasted underspend of Municipal funds (estimated to be \$17,457) from GL 04120317 – Parking / Safety Improvements Mangaloo Street to GL 0412313 - Coolibah Drive Footpath Improvements following practical completion of both projects;**
- 2. Approves the alternative speed reduction treatment proposed for Mangaloo Street and Ironwood Drive in accordance with the advice from Main Roads Western Australia Road Safety Auditor, dated 25 October 2016; and**
- 3. Notes the expected estimated nett over-run of \$9,868, in the combined \$350,370 allocation for both programs.**

#### COUNCIL DECISION

**Minute No: 20/12/2016-11574**

**Commissioner resolved:**

**That Council:**

- 1. Approves the transfer of forecasted underspend of Municipal funds (estimated to be \$17,457) from GL 04120317 – Parking / Safety Improvements Mangaloo Street to GL 0412313 - Coolibah Drive Footpath Improvements following practical completion of both projects;**
- 2. Approves the alternative speed reduction treatment proposed for Mangaloo Street and Ironwood Drive in accordance with the advice from Main Roads Western Australia Road Safety Auditor, dated 25 October 2016; and**
- 3. Notes the expected estimated nett over-run of \$9,868, in the combined \$350,370 allocation for both programs.**

**Carried 1/0**

## **PURPOSE**

To seek Council approval to reallocate projected surplus Municipal funds from the “GL 04120317 – Parking/Safety Improvements Mangaloo Street Project” (MRWA ID 21110593) to the “GL 0412313 - Coolibah Drive Footpath Improvements Project” (MRWA ID 21110595), both projects are State Black Spot funded projects and endorse alternative speed reduction treatment in Mangaloo Street and Ironwood Drive.

The reallocated surplus State Road Black Spot funding will continue the delivery of a revised traffic calming treatment to Ironwood and Mangaloo Streets.

## **NATURE OF COUNCIL’S ROLE IN THE MATTER**

Provider - provide physical infrastructure and essential services

## **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

The Shire commissioned Shawmac Consulting Civil and Traffic Engineers to undertake an audit on the section of Coolibah Drive between Mangaloo Street and Ivanhoe Road, including a review of the intersections and side streets between Mangaloo Street and Ivanhoe road.

The audit commented on road safety in relation to design form, sight distances and general road safety in an objective manner. The audit report outlined potential or pre-existing road safety issues and established a basis upon which design could produce an acceptable solution to identified safety problems where acceptance of risk was assessed as being inappropriate.

The Road Safety Audit Report, dated 17 September 2012 was submitted to the Director Infrastructure for response as to whether the Client (Shire Wyndham East Kimberley) agreed or otherwise with each safety audit issue raised in the report, and recommend whether each audit recommendation should be adopted. In this instance the Director Infrastructure adopted all the recommendations in the audit’s Corrective Action Report in their entirety, assigning the corrective actions a priority classification as follows:

1. Immediate – Shire and/or Main Roads action; and
2. Under investigation – budget consideration for future works

## **STATUTORY IMPLICATIONS**

The *Local Government Act 1995*, Section 3.12 applies to this report.

### **3.1. General function**

- (1) *The general function of a local government is to provide for the good government of persons in its district.*
  
- (2) *The scope of the general function of a local government is to be construed in the context of its other functions under this Act or any other written law and any constraints imposed by this Act or any other written law on the performance of its functions.*
  
- (3) *A liberal approach is to be taken to the construction of the scope of the general function of a local government.*

## **POLICY IMPLICATIONS**

This report is prepared having regard to the Council's Policy *CP/FIN-3216 Asset Management*.

## **FINANCIAL IMPLICATIONS**

The 2016/17 adopted budget currently includes the following for Black Spot Projects "GL 04120313 - Coolibah & Ironwood Path Improvements" and "GL 04120317- Parking / Safety Improvements Mangaloo St":

	<b>Year</b>	<b>State Black Spot Funds</b>	<b>Shire Funds</b>	<b>TOTAL</b>
GL 04120313 - Coolibah & Ironwood Path Improvements (MRWA ID 21110595)	2015/16 Carried Forward	\$ 102,000	\$ 51,000	<b>\$ 153,000</b>
GL 04120317- Parking / Safety improvements Mangaloo St (MRWA ID 21110593)	2015/16 Carried Forward	\$ 131,384	\$ 65,692	<b>\$ 197,076</b>

"GL 04120313 – Coolibah Drive Footpath Improvements", no expenditure was incurred in 2015/16, leaving an unchanged balance of \$153,000 carried forward into 2016/17. The Shire had already received payment of the first 40% (\$40,800) for this project in 2015/16. This Project was completed on 12 October 2016, and a Final Claim (60%) has been submitted to MRWA for the balance of the State Black Spot Funds. The Project incurred total expenditure as follows:

<b>GL 04120313 - Coolibah &amp; Ironwood Path Improvements (MRWA ID 21110595)</b>			
	<b>State Black Spot Funds</b>	<b>Shire Funds</b>	<b>TOTAL</b>
<b>2016/17 Adopted Budget</b>	\$102,000	\$51,000	<b>\$153,000</b>
<b>Incurred Expenditure</b>	\$120,217	\$60,108	<b>\$180,325</b>
<b>Overrun</b>	<b>N/A</b>	<b>\$9,108</b>	<b>\$27,325</b>

The total expenditure for “GL 04120313 – Coolibah Drive Footpath Improvements” was \$180,325, which resulted in overrun of \$27,325. All of the overrun cost are borne by the Shire. The overrun was the result of an error in the Shire’s State Black Spot nomination form when submitted to Main Roads Western Australia in 2014/15. The nomination submission contained a cost estimated of the \$153,000, which provided for a car park expansion and the installation of a speed plateau to Ironwood Street, but the text of estimate did not specifically detail this. However, the scope of works description in the submission documentation detailed only footpath expansion works to Coolibah Drive and Ironwood Street, resulting in a disconnect between the cost estimate and submitted scope of work in the nomination documentation. Relatively new Shire engineers proceeded with the project on the basis of the details contained within the nomination documentation as the basis of the scope of works, for part of Tender T01 16/17 - Stage 2 Coolibah Drive State Black Spot Works - Ironwood Drive and Coolibah Drive Treatments scope, which was awarded on 2 September 2016. The disconnect in the Shire’s 2014/15 State Black Spot nomination submission was not revealed until recent relief coverage in the Shire engineers.

GL 04120317– “Parking / Safety Improvements Mangaloo Street”, has incurred an expenditure of \$3,630 in 2015/16, leaving a balance of \$197,370 carried forward into 2016/17. The Shire had already received payment of the first 40% (\$53,600) for this project in 2015/16. The balance of 60% payment for this projects will be claimed on practical completion in 2016/17.

It is anticipated that the delivery of the revised speed plateaus treatment in Mangaloo Street and Ironwood Drive for “GL 04120317- Parking / Safety improvements Mangaloo St” can be executed for an estimated project cost of \$145,000, resulting in an forecast saving of \$ 17,457 in Municipal funds.

The adjusted project expenditure for both “GL 04120317- Parking / Safety improvements Mangaloo St” and “GL 04120313 – Coolibah Drive Footpath Improvements” funding would be as follows:

	GL 04120313 - Coolibah Footpath Improvements (MRWA ID 21110595)			GL 04120317 - Parking/Safety Improvements Mangaloo Street (MRWA ID 21110593)		
	State Black Spot Funds	Shire Funds	TOTAL	State Black Spot Funds	Shire Funds	TOTAL
<b>2016/17 Adopted Budget</b>	\$102,000	\$51,000	<b>\$153,000</b>	\$131,580	\$65,790	<b>\$197,370</b>
<b>Incurred Expenditure</b>	\$120,217	\$60,108	<b>\$180,325</b>			
<b>Forecast Expenditure</b>				\$96,667	\$48,333	<b>\$145,000</b>
	N/A	\$9,108 *	\$27,325 *	-\$34,913 <sup>#</sup>	-\$17,457 <sup>#</sup>	-\$52,370 <sup>#</sup>

# Underrun

\* Overrun

The estimated savings in Municipal funds to “GL 04120317 - Parking / Safety improvements Mangaloo St” be transferred to “GL 04120313 – Coolibah Drive Footpath Improvements”, leaving “GL 04120313 – Coolibah Drive Footpath Improvements” with an estimated nett overrun of \$9,868, in the combined \$350,370 allocation for both programs.

### **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2012-2022*

Goal 2: Greater returns from regional investment to ensure sustainable provision of appropriate physical and social infrastructure

Objective 2.3: Facilities are appropriate for their intended purpose and factor in whole of life costing and maintenance

Strategy 2.3.1: Manage and maintain assets in a strategic and cost effective manner

### **RISK IMPLICATIONS**

Strategic Risk: Failure to comply with legislative requirements leading to damage of reputation and /or financial loss.

Operational Risk: Failure to achieve best value outcome.

## **COMMUNITY ENGAGEMENT**

The Shire of Wyndham East Kimberley's CP/GOV-3100 Community Engagement Policy has been considered in relation to this item.

Community engagement was undertaken as a part of the broader Corporate Business Plan engagement process. Additional engagement was undertaken with local stakeholders regarding the timing and delivery of Tender T01 2016/17.

## **COMMENTS**

Any proposed changes to the findings and recommendations of the Road Safety Audit Report requires endorsement of the Road Safety Audit Team Leader that change/s are acceptable. Recommendation 2.2.7 of the Audit Report recommended:

*'consideration should be given to widening portion of Mangaloo Street and Ironwood Drive north of the school so as to provide a turn facility and would also serve to slow traffic on approach to the school.'*

The treatment proposed by the Audit Team Leader was construction of a mid-block island (blister island) in both Mangaloo Street and Ironwood Drive respectively. However, installation of a blister island in Ironwood Drive was found to be cost prohibitive due to a Horizon Power asset being positioned only 0.65m from the proposed road alignment.

According to the Austroads guides, the minimum width of the Clear Zone is 3m. However, in urban low-speed areas, where it can be difficult to achieve a 3m width, the *Urban Roads Design Guide* states that a reduced Clear Zone of 1m may be acceptable. Horizon Power concur the 1m distance from the proposed road alignment is the minimum distance to minimise the likelihood of them being accidentally hit by vehicles.

An additional impediment to the proposed blister island was the proximity of road works to surface roots of an existing boab tree. Department of Wildlife and Parks advise they are confident the boab would survive the proposed roadworks, but to minimise impact to the tree it would help to move the island further away which would exacerbate the problem with the power pole.

Therefore, to progress completion of the Ironwood Drive and Mangaloo Street proposed blister island treatment, the Shire has 2 options:

1. Relocate the pole (Horizon Power has provided indicative costs of \$20,000+/- 20%) to relocate pole to satisfy the 1.0m Clear Zone criteria;
2. Redesign an alternative traffic calming device to satisfy the Clear Zone criteria

In this instance Shire engineers contacted the Main Roads Western Australia Road Safety Audit Team Leader, requesting if an alternative treatment to the blister island is acceptable. Advice received via email dated 25 October 2016 as follows:

*“With respect to the type of device to be installed, the intent is to provide an impediment to slow the traffic down and create a safer road environment. If the blister island is not feasible due to the presence of trees and/or utilities, other management devices such as speed plateaus or horizontal displacement slow points can be substituted and achieve similar outcomes in terms of speed reduction. Alternative devices designed in accordance with design guidelines would be consistent with the findings and recommended outcomes from the Road Safety Audit.”*

An additional approval process required to be followed is that any variation to the approved scope of a project or to the total estimated cost (TEC) must be recommended by the Program Development Coordinator or by the Regional Road Group and approved by the Executive Director Finance and Commercial Services (MRWA) prior to any scope variation being implemented and/or expenditure exceeding the approved TEC.

Variation to the approved scope and to the TEC of “GL 04120317 - Parking / Safety improvements Mangaloo St” (MRWA ID 21110593) has been approved by Main Roads WA in an email dated 25 October 2016. Any savings made in the Local Roads Program will be returned to the regional State Black Spot Funding pool, in the first instance, for allocation to its reserve projects.

“GL 04120313 – Coolibah Drive Footpath Improvements” (MRWA Project ID 21110595) was completed on 12 October 2016 with scope of works delivered included:

1. Construction of on-street 11 car parking embayment facility in Ironwood Drive;
2. Construction of “speed plateau” crossing (speed hump) in Ironwood Drive;
3. Construction of new 2m wide footpath connectivity from Ewan Centre to Coolibah Drive; and
4. Widen existing 1.5m wide footpath to 2.0 width footpath Coolibah Drive adjacent to St Joseph’s primary school.

## **ATTACHMENTS**

Nil

#### 12.5.4 Policy Review - Private Works and Developments on Road Verges and Shire Managed Land

<b>DATE:</b>	20 December 2016
<b>AUTHOR:</b>	Director Infrastructure
<b>RESPONSIBLE OFFICER:</b>	David Klye, Director Infrastructure
<b>FILE NO:</b>	CM.11.2
<b>DECLARATION OF INTERESTS:</b>	Nil

#### VOTING REQUIREMENT

Simple Majority

#### OFFICER'S RECOMMENDATION

That Council amend its policy CP-OPS-3651 Private Works and Developments on Road Verges and Shire Managed Land to clarify the minor works activities exempt from the requirement to obtain a Permit to Undertake Works on Public Land as attached.

#### COUNCIL DECISION

Minute No: 20/12/2016-11575

Commissioner resolved:

That Council amend its policy CP-OPS-3651 Private Works and Developments on Road Verges and Shire Managed Land to clarify the minor works activities exempt from the requirement to obtain a Permit to Undertake Works on Public Land as attached.

Carried 1/0

#### PURPOSE

To clarify the definition of minor works in Council's policy, CP/OPS-3651 Private Works and Developments on Road Verges and Shire Managed Land, which are exempt from the requirement to obtain a Permit to Undertake Works on Public Land.

#### NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

## **BACKGROUND/PREVIOUS CONSIDERATIONS BY COUNCIL/COMMITTEE**

Council at its ordinary meeting of 28 April 2015 revised its policy CP/OPS-3651 Private Works and Developments on Road Verges and Shire Managed Land to the current version, see Attachment 1.

### **COUNCIL DECISION**

*Minute No. 10899*

*Moved: Cr K Wright*

*Seconded: Cr B Robinson*

*That Council;*

- 1. Amends the title of its policy CP/OPS-3651- "Private Works and Developments on Road Verges and Council Managed Land" to "Private Works and Developments on Road Verges and Shire Managed Land".*
- 2. Amends the content of its policy CP/OPS-3651- "Private Works and Developments on Road Verges and Council Managed Land" as attached.*

*Carried Unanimously 8/0*

## **STATUTORY IMPLICATIONS**

The *Local Government Act 1995* Section 3.1 applies to this item.

## **POLICY IMPLICATIONS**

The proposal clarifies Council's policy position in relation to minor works which are exempt from the requirement to obtain a Permit to Undertake Works on Public Land.

## **FINANCIAL IMPLICATIONS**

There are no direct additional financial implications in adopting the proposed policy clarification.

## **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2012-2022*

Goal 2: Greater returns from regional investment to ensure sustainable provision of appropriate physical and social infrastructure

Objective 2.3: Assets are appropriate for their intended purpose and factor in whole of life costing and maintenance

Strategy 2.3.1 : Manage and maintain assets in a strategic and cost effective manner

Strategy 2.3.2 : Plan, design and budget for sustainable infrastructure

### **RISK IMPLICATIONS**

**Risk:** Inability to deliver levels of service expected by the community.

**Control:** Develop agreed standards of service and communicate with the community.

**Risk:** Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

**Control:** Review policies and procedures (eg building, planning, health, childcare) in accordance with review schedule.

### **COMMUNITY ENGAGEMENT**

This policy has been considered by Council on two previous occasions on 16 December 2014 and on 28 April 2015.

### **COMMENTS**

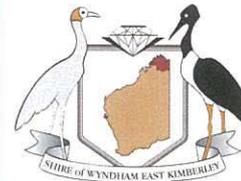
It was brought to the Shire's attention that there was limited provision for residents to undertake minor works on Shire road reserves such as weed spraying and litter collection. This item seeks to review Council's policy CP/OPS - 3651 Private Works and Developments on Road Verges and Shire Managed Land to clarify the the definition of minor works in Council's policy which are exempt from the requirement to obtain a Permit to Undertake Works on Public Land to reduce the administrative burden for minor and incidental works on Shire road reserves.

The significant amendments are highlighted in yellow in Attachment 2. There are other minor changes in grammar etc. not highlighted.

### **ATTACHMENT**

Attachment 1 - CP-OPS-3651 Private Works and Developments on Road Verges and Shire Managed Land

Attachment 2 - CP-OPS-3651 Private Works and Developments on Road Verges and Shire Managed Land Nov 16 review draft



<b>POLICY NO</b>	CP/OPS-3651	
<b>POLICY</b>	Private Works and Developments on Road Verges and Council Managed Land	
<b>RESPONSIBLE DIRECTORATE</b>	Infrastructure	
<b>COUNCIL ADOPTION</b>	Date: 16/12/14	Resolution No. 10705
<b>REVIEWED/MODIFIED</b>	Date:	Resolution No.
	Date:	Resolution No.
<b>LEGISLATION</b>	<i>Local Government Act 1995, Section 3.1</i>	
<b>RELEVANT DELEGATIONS</b>		
<b>CEO SIGNATURE</b>		

**OBJECTIVES:**

To provide guidance on what works and developments on road verges, nature strips and Council Managed Land may be undertaken without a Permit to Undertake Works on Public Land and without Council or Shire Administrative Approval.

**DEFINITION/S:**

**Public land** means any land that is under the control and management of the Shire

**POLICY STATEMENT/S:**

1. Any works on Council managed property requires either Council permission or a Permit to Undertake Works on Public Land other than for the following:
  - 1.1 planting and maintaining grass, crushed rock etc. including installation of a water reticulation system for the maintenance of grass;
  - 1.2 construction of terracing or garden beds with or without edging with a total maximum height of less than 300 mm and more than 1.8 metres from the back of kerb;
  - 1.3 growing of plants less than 0.9 m high, more than 1.8 m from the back of kerb and more than 20m from the boundary line of an intersecting street.

Note: The works referred to above do not require a Permit to Undertake Works on Public Land.
2. A Permit to Undertake Works on Public Land must be obtained prior to undertaking any works on council managed property, other than those referred to above. Application forms are available from the Shire offices.

3. Statutory Authorities undertaking normal maintenance on their own assets do not require Development Approval.
4. To support Council in effective management of council's assets, statutory authorities are requested to obtain a permit to undertake works on public land from the Shire.
5. Any development on public land shall not impact on any existing or planned footpaths or any other Shire or other authority's infrastructure.
6. Notwithstanding any of the above the Shire may at any time undertake any works on property under its management and control as required.
7. Reinstatement by the Shire of any development undertaken under this policy will be at the Shire's entire discretion.

#### **EXPLANATORY NOTES:**

Authorisation for significant works such as the development of parking associated with a private development or the construction of other significant infrastructure associated with a private development shall be referred to Council for determination.

#### **APPLICATION/S:**

This policy applies to all Council managed property within the Shire.



POLICY NO	CP/OPS-3651	
POLICY	Private Works and Developments on Road Verges and Shire Managed Land	
RESPONSIBLE DIRECTORATE	Infrastructure	
RESPONSIBLE OFFICER	Director of Infrastructure	
COUNCIL ADOPTION	Date: 16/12/2014	Resolution No: 10705
REVIEWED/MODIFIED	Date: 28/4/2015	Resolution No: 10899
	Date:	Resolution No:
REVIEW DUE	28/4/2019	
LEGISLATION	<i>Local Government Act 1995, Section 3.1, Section 3.53 and Section 3.54</i>	
RELATED POLICIES	CP/OPS-3650 - Private Works, CP/OPS-3652 Cattle Grids, CP/OPS-3653 Vehicle Cross Over Subsidy	
RELATED ORGANISATIONAL DIRECTIVES/FORMS	Crossover Application, Crossover Subsidy Application, Permit to undertake works on public land request-authority	

#### **PURPOSE:**

To provide guidance on what works and developments on road verges, nature strips and Shire Managed Land may be undertaken without a Permit to Undertake Works on Public Land and without Council or Shire Administrative Approval.

#### **DEFINITIONS:**

**Public land** means any land that is under the control and management of the Shire.

#### **POLICY STATEMENTS:**

1. Any works on Shire managed property requires either Council permission or a Permit to Undertake Works on Public Land other than for the following:
  - 1.1 Planting and maintaining grass, crushed rock etc. including installation of a water reticulation system for the maintenance of grass.
  - 1.2 Construction of terracing or garden beds with or without edging with a total maximum height of less than 300 mm and more than 1.8 metres behind the back of kerb or edge of seal.
  - 1.3 Growing of plants less than 0.9 m high, more than 1.8 m from the back of kerb or edge of seal and more than 20m from the boundary line of an intersecting street.
  - 1.4 The maintenance of a road verge excluding the use of heavy machinery and tractor mounted equipment.
  - 1.5 Minor works which in the opinion of the Chief Executive Officer does not cause distraction, interference or obstruction to the normal use of a road by any road user.

2. The maintenance of any development completed under Clauses 1.1, 1.2 and 1.3 above shall be the entire responsibility of the owner of the property that fronts the developed area.
3. A Permit to Undertake Works on Public Land must be obtained prior to undertaking any works on Shire managed property, other than those referred to above. Permit to Undertake Works on Public Land Request – Authority Forms are available from the Shire offices and the Shire website.
4. To support the Shire in effective management of Shire assets, Utility service providers are requested to obtain a Permit to Undertake Works on Public Land from the Shire in accordance with sections 4.3.1(d), (e) and (f) of the Utility Providers Code of Practice.
5. Any development on public land shall not impact on any existing or planned footpaths or any other Shire or other authority's infrastructure.
6. Notwithstanding any of the above the Shire may at any time undertake any works on property under its management and control as required.
7. Reinstatement by the Shire of any development undertaken under this policy will be at the Shire's entire discretion

#### **EXPLANATORY NOTES:**

Authorisation for significant works such as the development of parking associated with a private development or the construction of other significant infrastructure associated with a private development shall be referred to the Shire for determination.

#### **APPLICATION/S:**

This Policy applies to all Shire managed property within the Shire.

#### **RISKS:**

**Risk:** Inability to deliver levels of service expected by the community.

**Control:** Current budget and service levels.

**Risk:** Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

**Controls:** Review policies and procedures (eg building, planning, health, childcare) in accordance with review schedule.

## 12.5.5 Policy Review - Roadside Advertising

<b>DATE:</b>	20 December 2016
<b>AUTHOR:</b>	Director Infrastructure
<b>REPORTING OFFICER:</b>	David Klye, Director Infrastructure
<b>FILE NO:</b>	CM.11.2
<b>DECLARATION OF INTERESTS:</b>	Nil

### VOTING

Simple Majority

### OFFICER'S RECOMMENDATION

#### **That Council**

- 1. Adopt the draft policy CP/OPS-3658 Roadside Advertising Signage (Attachment 2) effective from 2 February 2017**
- 2. Establish and maintain a business directional signage register to:**
  - a. ensure that business directional signage is up to date and accurate; and,**
  - b. ensure that business directional signage is maintained in an acceptable and safe condition in accordance with the Shire's policy CP/OPS-3658 Roadside Advertising Signage.**
- 3. In accordance with section 6.19 of the Local Government Act 1995, give local public notice of its intention to apply a fee to process an application, purchase and install business directional signage.**
- 4. In accordance with section 6.16 of the Local Government Act 1995, apply an annual fee to cover the cost of managing signage and maintaining the business directional signage register. The annual fee to cover the cost of managing signage and maintaining the register shall be included in the Shire's 2016/17 Fees and Charges schedule at \$85.00 per annum per sign.**
- 5. Note that the fee to process an application, purchase and install directional signage is identified in the Shire's 2016/17 Fees and Charges schedule as a "Full Cost Recovery" item.**
- 6. Accept existing business directional signs onto the business directional signage register and apply the new annual fee to those signs.**

**COUNCIL DECISION**

Minute No: 20/12/2016-11576

Commissioner resolved:

That Council

1. Adopt the draft policy CP/OPS-3658 Roadside Advertising Signage (Attachment 2) effective from 2 February 2017
2. Establish and maintain a business directional signage register to:
  - a. ensure that business directional signage is up to date and accurate; and,
  - b. ensure that business directional signage is maintained in an acceptable and safe condition in accordance with the Shire's policy CP/OPS-3658 Roadside Advertising Signage.
3. In accordance with section 6.19 of the Local Government Act 1995, give local public notice of its intention to apply a fee to process an application, purchase and install business directional signage.
4. In accordance with section 6.16 of the Local Government Act 1995, apply an annual fee to cover the cost of managing signage and maintaining the business directional signage register. The annual fee to cover the cost of managing signage and maintaining the register shall be included in the Shire's 2016/17 Fees and Charges schedule at \$85.00 per annum per sign.
5. Note that the fee to process an application, purchase and install directional signage is identified in the Shire's 2016/17 Fees and Charges schedule as a "Full Cost Recovery" item.
6. Accept existing business directional signs onto the business directional signage register and apply the new annual fee to those signs.

Carried 1/0

**PURPOSE**

To update and clarify Council's policy on roadside advertising on Shire maintained land.

## **BACKGROUND/PREVIOUS CONSIDERATIONS BY COUNCIL**

Council at its 20 July 2004 meeting resolved as follows;

**MINUTE NO 6795**

**Moved Cr K Wright/J Nelson**

***That Council:***

- 1. Repeal all current Engineering policies in their entirety***
- 2. Endorse the modified Engineering policies as attached.***

**CARRIED UNANIMOUSLY (7-0)**

Policy E10 Roadside Advertising Signage was attached to the agenda item. That policy is attached to this report as Attachment 1 - Policy E10 Roadside Advertising Signage.

## **STATUTORY IMPLICATIONS**

The *Local Government Act 1995* Section 3.1 applies to this item.

## **POLICY IMPLICATIONS**

The proposal updates Council's policy position in relation to roadside advertising signage on Shire maintained land.

## **FINANCIAL IMPLICATIONS**

There are no direct financial implications in adopting the proposed policy update.

## **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2012-2022*

Goal 2: Greater returns from regional investment to ensure sustainable provision of appropriate physical and social infrastructure

Objective 2.3: Assets are appropriate for their intended purpose and factor in whole of life costing and maintenance

Strategy 2.3.1 : Manage and maintain assets in a strategic and cost effective manner

Strategy 2.3.2 : Plan, design and budget for sustainable infrastructure

## **COMMUNITY ENGAGEMENT**

The Shire of Wyndham East Kimberley's CP/GOV-3100 Community Engagement Policy has been considered in relation to this item.

No community engagement is required.

## **COMMENT**

The current policy, E10 Roadside Advertising Policy was adopted in 2004 and is overdue for revision. The new draft policy, CP/OPS-3658 Roadside Advertising Signage (see Attachment 2) is a complete redraft of the policy to bring it into line with current best practice and to bring it into line with Main Roads Western Australia Roadside Advertising policy.

The proposed updates to the Roadside Advertising Signage includes the requirements of the previous version where practical and the standard requirements of Main Roads Western Australia Advertising policy. The reason for including the standard requirements of Main Roads Western Australia is to create and maintain a consistency of approach to the issue where possible.

The update also includes provision for a fee to enable the establishment and maintenance of a roadside advertising signage register to assist in managing roadside advertising within the Shire. It is proposed that the fee be the same as for Business directional signage approved by Council in July 2016.

## **ATTACHMENT**

Attachment 1 - Policy E10 Roadside Advertising Signage

Attachment 2 - CP/OPS-3658 Roadside Advertising Signage



*Shire of Wyndham East Kimberley*  
**Council Policy Manual**  
**E10**

<b>POLICY No:</b>	<b>E10</b>
<b>DIVISION:</b>	<b>Engineering</b>
<b>SUBJECT:</b>	<b>Roadside Advertising Signage</b>
<b>REPORTING OFFICER:</b>	<b>Executive Manager Engineering and Development Services</b>
<b>ENABLING LEGISLATION:</b>	<b>Division 2 Local Government Act 1995 Shire of Wyndham-East Kimberley Signs, Hoardings &amp; Billposting Local Law, Main Roads (Control of Advertising) Regulations 1996</b>

**OBJECTIVE:**

To control roadside advertising signage within the road reserves of highways, main roads and local roads.

This policy is not applicable to advertising signage on property adjacent to road reserves which is directed at traffic on the road. Such signage requires development approval under the Town Planning Scheme and approval under the Main Roads (Control of Advertising) Regulations 1996 where adjacent to a highway or main road.

**POLICY:**

1. Commercial roadside advertising signage shall not be permitted within road reserves in the Shire except where permitted elsewhere in this policy.
2. Free standing double sided advertising boards (portable A frame type) up to 1m<sup>2</sup> may be permitted on the road reserve clear of traffic and pedestrians adjacent to premises advertising a product or service. One advertising device may be permitted per premises subject to the location not interfering with pedestrians or traffic and shall be displayed only during open hours of the business.
3. Community activity, charitable function, sporting event or public exhibition or public interest event temporary promotional signs or banners may be erected for a period leading up to and during such activities at locations approved by the Council.
4. Festival banners, flags and promotional material may be erected for community or religious celebrations or events leading up to and during such events at locations approved by the Council.
5. Community and visitor messages, greetings and service club information may be erected on township approaches at locations approved by the Council.

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*Date Printed 28/07/2004*

6. Bus shelter and roadside seat advertising may be permitted upon payment of an annual licence to the Council.
7. Community information boards, locality boards and nameboards erected or approved by the Council may be erected at locations approved by the Council.
8. Business or service or facility advertising and promotional signs may be erected in Information Bays developed and maintained for that purpose subject to the approval of the Council or its agent responsible for managing the Information Bay.
9. The content of any sign shall not be objectionable, misleading or offensive or in breach of the Trade Practices Act or other legislation.
10. Consent for the erection of roadside advertising signs under this policy does not preclude the requirement for compliance with and issue of a licence pursuant to Council's Local Law relating to Signs, Hoardings and Billboards.
11. Consent for the erection of roadside advertising signs on highways and main roads requires approval under the Main Roads (Control of Advertising) regulations 1996 in addition to Clause 9 above.
12. Any sign erected under this policy shall be of frangible construction and located to the approval of the Council and Main Roads where applicable and the owner shall indemnify and keep indemnified the Council and Main Roads against any claim, process or liability for damage or injury arising from the existence of the sign.
13. The owner of an approved sign shall keep it repaired and maintained in good condition at all times and any sign which is not maintained or falls into disrepair may be removed by the Council.
14. Consent for roadside advertising signs may be revoked by the Council at any time and the owner shall have no claim against the Council.

**ADOPTED: 20 July 2004**

**REVIEWED:**

**AMENDED:**



POLICY NO	CP/OPS-3658	
POLICY	Roadside Advertising Signage	
RESPONSIBLE DIRECTORATE	Infrastructure	
RESPONSIBLE OFFICER	Director Infrastructure	
COUNCIL ADOPTION	Date: 20 July 2004	Resolution No: 6795
REVIEWED/MODIFIED	Date: 9 December 2016	Resolution No:
	Date:	Resolution No:
REVIEW DUE	Date: November 2018	
LEGISLATION	<i>Local Government Act 1995</i> <i>Town Planning Scheme No. 6 – Wyndham Townsite</i> <i>Town Planning Scheme No. 7 – Kununurra and Environs</i>	
RELATED POLICIES	CP-OPS-3655 Directional Signage Policy Local Planning Policy 15 – Signage Activities in Thoroughfares and Public Places and Trading Local Law 2005	
RELATED ORGANISATIONAL DIRECTIVES	Permit to undertake works on Public Land Request – Authority Form	

#### PURPOSE:

To control roadside advertising signage within Shire managed road reserves.

While the Shire is mindful that effective signage is important for business, it aims to ensure that such advertising does not pose a safety hazard to road users and does not adversely impact on the visual amenity of the roadside environment and surrounding areas.

#### DEFINITIONS:

**Street Name sign:** (white background with black lettering) shows name and the Shire logo.

**Chief Executive Officer;** The Chief Executive Officer for the Shire of Wyndham East Kimberley.

**Roadside Advertising Signs Permit and Shire Permit:** is a Permit issued by the Shire to authorise the permit holder to install and maintain Roadside Advertising Signage on Shire maintained land.

**Freestanding sign** is a sign not permanently attached to a structure or fixed to the ground and includes “A-frame” or “Sandwich Boards” signs consisting of 2 sign boards attached to each other by hinges or other means up to 1m<sup>2</sup> (per side)

**Roadside Advertising Sign:** A sign or a banner within a road reserve which is authorised by the Shire, installed and maintained to Shire standards by the applicant.

**Shire:** means the Shire of Wyndham East Kimberley.

**Temporary Community Signs:** promotional signs or banners may be erected for a short period leading up to and during community and not-for-profit events and activities

## **POLICY STATEMENTS:**

### **1. Roadside Advertising**

Roadside advertising shall not be permitted within Shire road reserves except in accordance with this Policy.

Moving or rotating billboard sign components are not permitted.

No vehicle with a sign upon or inside, adapted and exhibited primarily to facilitate advertising is to park for any lengthy period of time (as determined by the Chief Executive Officer) on any road reserve, with the exception of being parked at the owners residence or with the consent of the Shire.

### **2. Existing signage**

The owners of Roadside Advertising Signs existing at the time of adoption of this policy are required to make application to the Shire for the sign to remain. Such applications will be treated as new applications.

### **3. New Roadside Advertising Signs**

Applications for the installation of new or replacement Roadside Advertising Signs shall be made to the Shire. The proposal will be assessed in accordance with this Policy.

### **4. Relevant Authorities**

A Roadside Advertising Signs Permit is to be obtained from the Shire prior to placement or erection of any signage on road reserves under the Shire's control.

The consent of Main Roads Western Australia is to be obtained prior to placement or erection of any signage on road reserves under its control. Main Roads Western Australia roads include Victoria Highway, Great Northern Highway and Gibb River Road.

### **5. Signs that do not require Shire Approval**

Subject to the provisions of the *Main Roads (Control of Signs) Regulations 1983* the Shire's prior approval is not required in respect of those advertising signs listed in Table 5 of Town Planning Scheme No. 6 and Appendix 7 of Town Planning Scheme No. 7 which are referred to as 'exempted advertisements'. These exemptions do not apply to buildings, conservation areas or landscape protection zones which are either:

- (a) listed by the Heritage Council;
- (b) listed on the register of the National Estate;

- (c) included in Town Planning Scheme No. 6 or 7 because of their heritage or landscape value.

## **6. Prohibited signs**

In accordance with the *Road Traffic Code 2000*, Regulation 297(5) a person shall not erect, establish, place, maintain or display, on a road, anything that:

- (a) Is a false representation of, or a colourable imitation of, a traffic sign or traffic-control signal.
- (b) Interferes with the effectiveness of, or of any part of, a traffic sign or traffic-control signal.
- (c) Prevents an approaching driver from clearly distinguishing the whole, or part, of a traffic sign or traffic-control signal.
- (d) Distracts a driver's attention from a traffic sign or traffic-control signal.
- (e) Not being a traffic sign, displays a word or direction ordinarily associated with a traffic sign.

## **7. Freestanding Signs**

There shall be no more than one freestanding sign that relates to a specific activity or business placed on the road reserve.

Freestanding signs should:

- (a) Not exceed 1m in height;
- (b) Not exceed an area of 1m<sup>2</sup> on any side;
- (c) Not be placed in any position other than immediately adjacent to the building or business or property to which the sign relates, with the exception of signs relating to a real estate 'open home' or a private 'garage sale'. These signs can be displayed at the nearest intersection or driveway providing vehicle access to the property;
- (d) Be removed each day at the close of the business to which it relates and not be placed on site again until the business next opens for trading; and
- (e) Any sheet metal components shall be protected by a frame, with all components free of sharp edges and protrusions.
- (f) Shall be stable in windy conditions and shall not be weighted or secured with extraneous objects such as bricks, sandbags, stakes, chains or padlocks. Freestanding Signs shall be subject to regular inspection to ensure they have not become dislodged.
- (g)

Portable A frame signs and Temporary Community Signs shall not be installed:

- (a) On road sections with a road speed limit greater than 70 km/h

- (b) On any paved verge area if in the opinion of the Chief Executive Officer the sign restricts the access of drivers, bicyclists or pedestrians including people with disabilities and those pushing prams and wheelchairs.
- (c) Where the sign is at risk of causing an obstruction to sightlines of drivers, bicyclists or pedestrians along roads or driveways.
- (d) Within 3.0 m of a carriageway

## **8. Temporary Community Signs**

Temporary Community Signs, promotional signs or banners may be erected for a period leading up to and during events and activities at locations approved by the Chief Executive Officer. Events and activities eligible to erect Temporary Community Signs may include:

- (a) Community activities including community fete, fair or festival,
- (b) Charitable functions,
- (c) Sporting events,
- (d) Public institution open day,
- (e) Public exhibitions or public interest events,
- (f) Community or religious celebrations or events,
- (g) Community and visitor messages, greetings and service club information.

A Roadside Advertising Permit is not required for a temporary community sign which neither exceeds 500mm in height nor 0.5m<sup>2</sup> in area.

Events and activities eligible to erect Temporary Community Signs are determined at the Chief Executive Officer's absolute discretion.

Trailer-mounted variable message boards (VMBs) are excluded for use as Temporary Community Signs. A Shire Permit is required for the use of VMBs

## **9. Roadside Advertising Signs**

Applications for the erection and maintenance of Roadside Advertising Signs will be considered following submission to Shire Administration of a completed application on the 'Application Form – Roadside Advertising Signs'.

Applications will be considered by Shire administration and maybe accepted, accepted with conditions, amended or refused. Following determination applicants will be advised accordingly.

Signs are not to detract from the visual amenity of scenic vistas and landscapes. A formal visual impact assessment report may be requested from the applicant as part of the assessment process.

Bus shelter and roadside seat advertising may be permitted upon payment of an annual licence to the Shire.

Community information boards, locality boards and name boards erected or approved by the Shire may be erected at locations approved by the Shire.

Business or service or facility advertising and promotional signs may be erected in Information Bays developed and maintained for that purpose subject to the approval of the Shire or its agent responsible for managing the Information Bay.

The content of any sign shall not, in the opinion of the Chief Executive Officer, be objectionable, misleading or offensive or in breach of the Trade Practices Act or other legislation.

## **10. General safety and efficiency**

Roadside advertising devices are one of many stimuli confronting road users. The driver needs to assess the relevance of these stimuli to the driving task. Cognitive assessment of roadside objects or devices becomes more difficult as the level of the driver attention, distraction and decision making is increased.

The general approval criteria for the display of advertising devices within the boundaries of, or visible from roads are intended to ensure that:

- (a) A high level of safety for road users is maintained,
- (b) Traffic efficiency is assured.

An advertising sign may be considered a traffic hazard if it interferes with road safety or traffic efficiency; or if it:

- (a) Interferes with the effectiveness of traffic control devices (e.g. traffic signals, stop or give way signs), or
- (b) Distracts a driver at a critical time (high demand, decision making areas), or
- (c) Obscures a driver's view of a road hazard (e.g. curves, traffic Stopping Sight Distance), or
- (d) Gives instructions to traffic to "stop", "halt" or other (give way, merge, turn), or
- (e) Imitates a traffic control device, or
- (f) Is a dangerous obstruction to road or other infrastructure, traffic, pedestrians, cyclists or other road users, or
- (g) Is in an area where there are several devices and the cumulative effect of those devices may be potentially hazardous, distracting or demanding

To maintain safety and efficiency for road users, the following two main areas should be controlled for proposed advertising devices:

- (a) The lateral placement of the advertising device to ensure the device does not become a hazard for errant vehicles, and to ensure the effectiveness of official traffic signs.

- (b) The longitudinal placement of the advertising device to minimise the driver distraction, and control the demand placed on a driver.

## **11. Location of Roadside Advertising Signs**

Business signs shall not be installed at the following locations:

- (a) On median strips and traffic islands including roundabouts.
- (b) Within clear zones, with the exception of Portable A frame signs.
- (c) Within driver sightline area.

Business signs shall not be attached to existing signs, including other advertising signs, or any road-related infrastructure such as traffic sign supports, bridges, bus shelters, lighting/power poles, trees, etc.

In the event that the site where the sign has been erected is needed for roadworks or maintenance, or a regulatory or guide sign installation, or the sign no longer meets the requirements of these guidelines, the applicant shall upon receipt of a notice from the Shire, promptly remove the sign at their own expense.

## **12. Design, Construction and Maintenance**

Signs displaying any retro-reflective material at a vertical distance less than 4.0 m above the road level shall be rotated approximately five degrees away from the normal to the alignment of the carriageway in order to reduce glare from specular reflection.

Signs directly attached to building infrastructure shall not project beyond the extremities of the infrastructure, e.g. signs attached to awnings shall not extend beyond the length or width of the awning.

Non-portable, free-standing business signs shall not exceed an overall height of 6.0 m above the ground.

The minimum allowable clearance beneath a non-portable sign is 2.6 m where the structure overhangs a footway, and 2.2 m elsewhere.

Vegetation shall not be removed or trimmed to locate a business sign or to improve visibility to any business sign.

Removal of graffiti and rectification of any sign damage, on any part of the sign structure, shall be completed promptly by the applicant.

With the exception of freestanding signs, erection, installation and maintenance activities shall be subject to the requirements of a Shire Permit to undertake works on Public Land.

## **13. Damage to Shire Infrastructure**

If in the Shire's opinion, the construction of a Roadside Advertising Sign resulted in damage to any of the Shire's assets such as the roadway surface or pavement, kerb, footpath, verges, signage, vegetation or the like, the Shire may order the applicant to effect repairs. If the applicant fails to repair the damage within the time stipulated by the notice, The Shire may do so and all costs, including administrative costs and administrative on costs will be payable by the applicant.

#### **14. Insurance Requirements**

As a part of the approval process the applicant shall ensure that the following indemnity and insurance requirements are arranged and that copies of the relevant insurance documents are made available, either at the time of application or in accordance with any subsequent conditions of approval:

The owner of a Roadside Advertising Sign located within a Shire road reserve shall, in respect to that sign, effect and maintain a \$20M public liability insurance policy which covers claims in respect of:

- (a) Loss of, or damage to, or loss of use of, any real or personal property; and
- (b) The personal injury, disease or illness to, or death of any person;
- (c) Arising out of the erection, or existence or operation of the Roadside Advertising Signs.

#### **15. Costs and Maintenance**

Unless otherwise directed, all signs are to be erected and maintained by the applicant at the expense of the applicant.

An annual administration fee payable by the applicant shall apply to all Roadside Advertising Signs.

The Shire reserves the right to remove without notice signs that are badly damaged, dangerous, offensive or any sign considered by the Chief Executive Officer to be inappropriate. In this instance the Shire will endeavour to contact the original applicant to advise that the sign has been removed.

### **EXPLANATORY NOTES:**

Intentionally blank

### **RISK:**

**Risk:** Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

**Controls:** Review policies and procedures in accordance with review schedule.

## 12.5.6 Port Warrender Road Dedication

<b>DATE:</b>	20 December 2016
<b>AUTHOR:</b>	Director Infrastructure
<b>REPORTING OFFICER:</b>	David Klye, Director Infrastructure
<b>FILE NO:</b>	RD.12.2
<b>DECLARATION OF INTERESTS:</b>	Nil

### VOTING REQUIREMENT

Simple Majority

### OFFICER'S RECOMMENDATION

**That Council:**

- 1. Advises the Department of Lands that the Shire is prepared to accept formal dedication of a 200 metre wide road reserve, where possible, over the Port Warrender Road from its junction with Kalumburu Road (at around SLK 159 km) in the southeast up to and including the natural beach boat launching ramp at Welsh Point in the north conditional upon the Shire bearing none of the costs associated with the dedication process.**
- 2. Advises the Department of Lands that a 200 metre wide road reserve is sought in order to provide for proper maintenance and development of the road. The 200 metre road reserve width will allow for necessary off-shoot drains to be constructed, for road building material to be won and for minor realignments of the road to be made when required.**
- 3. Advises the Department of Lands that it is the Shire's view that Port Warrender Road is a road dedicated at common law on the basis that;**
  - a) The road is identifiable as a road,**
  - b) The road appears on publically available maps,**
  - c) The Shire undertakes regular maintenance of the road,**
  - d) The road is on the Shire's asset register,**
  - e) The public have had free and open access to the road since before the 1980s,**
  - f) The public (in large numbers) have regularly used the road since the mid 1980s,**
  - g) The regular and continued maintenance and use of the road infer an intention and an acceptance of dedication by the public, and**
  - h) That if tested in Court, the road would be found to be dedicated at common law.**

## **COUNCIL DECISION**

**Minute No: 20/12/2016-11577**

**Commissioner resolved:**

**That Council:**

- 1. Advises the Department of Lands that the Shire is prepared to accept formal dedication of a 200 metre wide road reserve, where possible, over the Port Warrender Road from its junction with Kalumburu Road (at around SLK 159 km) in the southeast up to and including the natural beach boat launching ramp at Welsh Point in the north conditional upon the Shire bearing none of the costs associated with the dedication process.**
- 2. Advises the Department of Lands that a 200 metre wide road reserve is sought in order to provide for proper maintenance and development of the road. The 200 metre road reserve width will allow for necessary off-shoot drains to be constructed, for road building material to be won and for minor realignments of the road to be made when required.**
- 3. Advises the Department of Lands that it is the Shire's view that Port Warrender Road is a road dedicated at common law on the basis that;**
  - a) The road is identifiable as a road,**
  - b) The road appears on publically available maps,**
  - c) The Shire undertakes regular maintenance of the road,**
  - d) The road is on the Shire's asset register,**
  - e) The public have had free and open access to the road since before the 1980s,**
  - f) The public (in large numbers) have regularly used the road since the mid 1980s,**
  - g) The regular and continued maintenance and use of the road infer an intention and an acceptance of dedication by the public, and**
  - h) That if tested in Court, the road would be found to be dedicated at common law.**

**Carried 1/0**

## **PURPOSE**

For Council to take a position on the formal dedication of the Port Warrender Road.

## **NATURE OF COUNCIL'S ROLE IN THE MATTER**

Provider - provide physical infrastructure and essential services

## **BACKGROUND**

During recent administrative work towards the dedication of Kalumburu Road it was noted that Port Warrender Road has not been formally dedicated as a road. It can be reasonably inferred from advice received on the Kalumburu Road, Karunjie Track and Ivanhoe Crossing, that the Port Warrender Road is a road that that would be considered to be dedicated at common law. Personal communications with Department of Land staff indicate that native title may exist.

This item seeks to establish Council's position on acceptance of the Port Warrender Road as a formal, dedicated road.

## **STATUTORY IMPLICATIONS**

It is the Shire's understanding that that in accordance with the *Local Government Act 1995*, Section 3.53(2) and the *Land Administration Act 1997*, Section 55(2), the Shire is responsible for managing the Port Warrender Road.

## **POLICY IMPLICATIONS**

This item has no implications for policy .

## **FINANCIAL IMPLICATIONS**

There will be costs associated with dedication of the road, these may include but not limited to surveying costs and the costs associated with preparation of the Deposited Plans although the Department of Lands may meet these costs. There is not expected to be additional costs associated with maintenance of the road. To the contrary, should dedication proceed and should dedication include a 200 m wide road reserve, as is the case with Kalumburu Road, there is potential to gain maintenance funding from other government sources and to source road building and maintenance materials from within the road reserve which will reduce maintenance costs to the Shire.

## **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2012-2022*

Goal 2: Greater returns from regional investment to ensure sustainable provision of appropriate physical and social infrastructure

Objective 2.3: Assets are appropriate for their intended purpose and factor in whole of life costing and maintenance

Strategy 2.3.1 : Manage and maintain assets in a strategic and cost effective manner

Strategy 2.3.2 : Plan, design and budget for sustainable infrastructure

## **RISK IMPLICATIONS**

**Risk:** Inability to deliver levels of service expected by the community.

**Control:** Develop agreed standards of service and communicate with the community.

**Risk:** Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

**Control:** Review policies and procedures (eg building, planning, health, childcare) in accordance with review schedule.

## **COMMUNITY ENGAGEMENT**

The Shire of Wyndham East Kimberley's CP/GOV-3100 Community Engagement Policy has been considered in relation to this item.

Community engagement is not required in relation to this item.

## **COMMENT**

Port Warrender Road lies between its junction with Kalumburu Road at around SLK 159 km in the southeast and Welsh Point in the north where the road terminates as a natural beach boat launching ramp. The road is shown in Attachment 1 Port Warrender Road. Port warrender Road is the only public access road to the Timor Sea for the 1,000 km stretch of Western Australian coast between Wyndham and Derby and as such it is an important public road.

Port Warrender Road has been used by the public to access the Mitchell Falls, Surveyors Pool and the Timor Sea for many decades. The Shire has maintained the Port Warrender Road (in 4WD passable condition) for many years. According to legal advice received by the Shire on the previous status of the Kalumburu Road, Karunjie Track and Ivanhoe Crossing, the Port Warrender Road is a road that at law would be considered to be a road "dedicated at common law". This means that the legal status of the road is basically the same as for a dedicated road.

During recent administrative work towards the dedication of Kalumburu Road it was noted that the Port Warrender Road has not been formally dedicated as a road. The Department of Lands has been asked for detailed information regarding costs and process for dedication of the road.

The Department of Lands has advised in personal communications that their legal advice is that native title may still exist over Port Warrender Road.

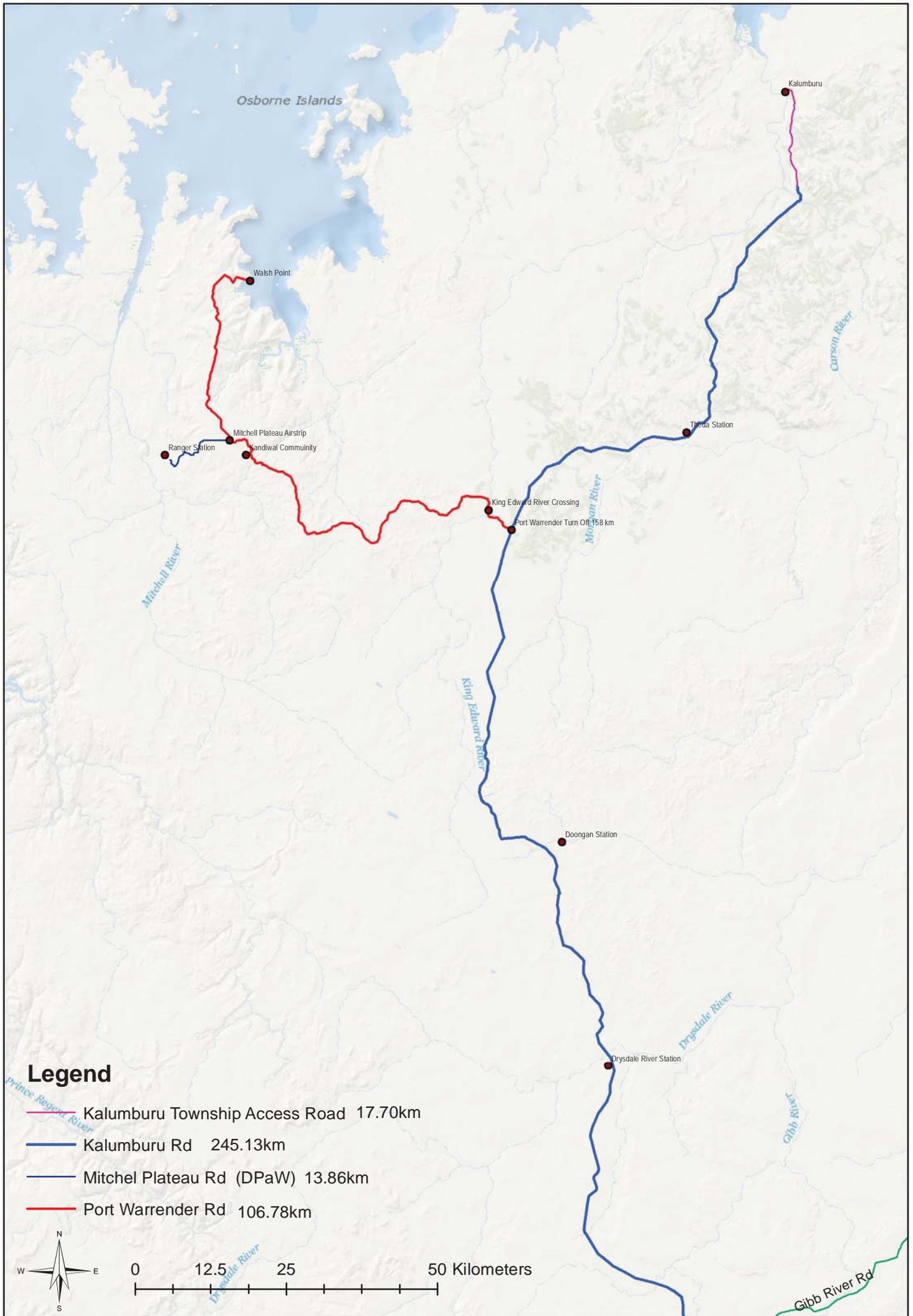
The Department of Lands has requested Council's formal position on the road prior to investing further resources in Port Warrender Road and progressing the formalisation of a road reserve and dedication of the road. The Department of Lands wishes to confirm the Shire's preparedness to undertake the necessary requirements in accordance with the *Land Administration Act 1997*, Section 56 and accept Port Warrender Road as a dedicated road.

The Shire administration is seeking guidance on Council's view of the proposed dedication of the Port Warrender Road.

**ATTACHMENT**

Attachment 1 - Port Warrender Road.

# Attachment 1 Port Warrender Road



### 12.5.7 Proposed closure of Jandami Lane

<b>DATE:</b>	20 December 2016
<b>AUTHOR:</b>	Director Infrastructure
<b>RESPONSIBLE OFFICER:</b>	David Klye, Director Infrastructure
<b>FILE NO:</b>	RD.07.46
<b>DISCLOSURE OF INTERESTS:</b>	Nil

#### VOTING REQUIREMENT

Simple Majority

#### OFFICER'S RECOMMENDATION

That Council approves:

1. The closure of a 3.2 km section of Jandami Lane as shown on *Attachment 1 – Jandami Lane, section proposed for closure November 2016*, in accordance with section 3.50 of the *Local Government Act 1995*, until the long term future of the lane is finalised,
2. A Shire application to the Department of Lands to relinquish the 3.2 km section of Jandami Lane road reserve,
3. The disposal of the road reserve, road and drainage assets on the 3.2 km section of Jandami Lane, as an exempt disposition in accordance with section 30(2)(c) of the *Local Government (Functions and General) Regulations 1996* noting that the section of road and drainage has a written down value of \$1.9M as at 31/10/2016.
4. The permanent closure of a 3.2 km section of Jandami Lane, in accordance with section 3.50 of the *Local Government Act 1995*, when necessary to facilitate the transfer of that part of the road reserve to another party, and
5. The removal from the Shire's asset register of the 3.2 km section of Jandami Lane, when that section of the lane is permanently closed.

## **COUNCIL DECISION**

Minute No: 20/12/2016-11578

Commissioner resolved:

That Council approves:

1. The closure of a 3.2 km section of Jandami Lane as shown on *Attachment 1 – Jandami Lane, section proposed for closure November 2016*, in accordance with section 3.50 of the *Local Government Act 1995*, until the long term future of the lane is finalised,
2. A Shire application to the Department of Lands to relinquish the 3.2 km section of Jandami Lane road reserve,
3. The disposal of the road reserve, road and drainage assets on the 3.2 km section of Jandami Lane, as an exempt disposition in accordance with section 30(2)(c) of the *Local Government (Functions and General) Regulations 1996* noting that the section of road and drainage has a written down value of \$1.9M as at 31/10/2016.
4. The permanent closure of a 3.2 km section of Jandami Lane, in accordance with section 3.50 of the *Local Government Act 1995*, when necessary to facilitate the transfer of that part of the road reserve to another party, and
5. The removal from the Shire's asset register of the 3.2 km section of Jandami Lane, when that section of the lane is permanently closed.

Carried 1/0

## **PURPOSE**

To seek Council's authorisation to permanently close part of Jandami Lane and relinquish that part of the road reserve.

## **NATURE OF COUNCIL'S ROLE IN THE MATTER**

Provider - provide physical infrastructure and essential services

## **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

Jandami Lane was dedicated to the Shire in mid 2015 by the State Government following finalisation of the Ord River stage 2 expansion project. As part of that dedication the State Government funded the as at that time incomplete final seal by providing funds to the Shire to cover the cost of the work.

Council at its 28 July 2015 meeting resolved;

## **COUNCIL DECISION**

**Minute No. 11027**

**Moved: Cr B Robinson**

**Seconded: Cr G King**

**That Council;**

- 1. Endorses the Chief Executive Officer's intention to sign the Memorandum of Understanding between the Shire of Wyndham East Kimberley and Main Roads WA, with the inclusion of an upper expenditure limit of \$2,889,313 (plus interest) for the Ord East Kimberley Stage**
- 2 Expansion Road Seal Project, 2. Endorses the Chief Executive Officer's intention to sign a Memorandum of Understanding between the Shire of Wyndham East Kimberley and Main Roads WA for the spray sealing of Mills Road (3500m<sup>2</sup> ), Research Station Road (1000m<sup>2</sup> ), and Egret Close (945m<sup>2</sup> ), and**
- 3. Commit from the Supplementary R2R program (\$1,245,775), additional funds of \$95,916 for Mills Road and \$23,638 for Research Station Road for inclusion in the proposed 2015/16 budget.**

**Carried unanimously 8/0**

## **STATUTORY IMPLICATIONS**

The statutory process to closure a road is specified in Section 58 of the *Land Administration Act 1997* and Regulation 9 of the *Land Administration Regulations 1998*.

## **POLICY IMPLICATIONS**

There are no policy implications associated with this report. The road closure process is a legislative and regulative process as set by the State of Western Australia.

## **FINANCIAL IMPLICATIONS**

The road and drainage infrastructure on the section of road reserve under consideration has a written down value of approximately \$1.9M as at 31 October 2016. The value is in the formation, the pavement and the seal. There is no advantage to the Shire in removing any of the assets prior to transfer.

If the road was closed, the Shire's Federal grant funding for road maintenance would be reduced by approximately \$8,600 per annum based on 2016/17 grants. The maintenance cost to the Shire is about \$16,000 per annum to maintain the section of road under consideration in good condition.

### **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2012-2022*

Goal 2: Greater returns from regional investment to ensure sustainable provision of appropriate physical and social infrastructure

Objective 2.3: Assets are appropriate for their intended purpose and factor in whole of life costing and maintenance

Strategy 2.3.1 : Manage and maintain assets in a strategic and cost effective manner

Strategy 2.3.2 : Plan, design and budget for sustainable infrastructure

### **RISK IMPLICATIONS**

**Risk:** Inability to deliver levels of service expected by the community.

**Control:** Develop agreed standards of service and communicate with the community.

**Risk:** Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

**Control:** Review policies and procedures (eg building, planning, health, childcare) in accordance with review schedule.

### **COMMUNITY ENGAGEMENT**

Engagement will take place in accordance with Section 58(3) of the *Land Administration Act 1997* and the Shire's Community Engagement Guidelines and will include;

- Formal notification in a paper with statewide distribution as required by the *Land Administration Act 1997*
- Public notices in the local paper and the Shire notice boards, Facebook page etc.

### **COMMENTS**

Jandami Lane is approximately 3.3 km long and joins Goomig Road approximately 40 km north of Kununurra, refer to Attachment 1. Jandami Lane was constructed to provide access to three parcels of land that have now been amalgamated into one parcel of land owned by Kimberley Agricultural Investment (KAI).

Some irrigation infrastructure (water delivery pits or bubblers) have been built partially on the Jandami Lane road reserve which has interfered with road drainage. KAI and has proposed as a solution to the problem to close a significant portion of Jandami Lane and for KAI to take it over as a private road and amalgamate it into their lot. The amalgamated parcel of

land abuts almost the entire length of Jandami Lane and can be accessed from the section of the lane that is proposed to remain open.

There is no community benefit in maintaining the entire length of Jandami Lane. If the road was closed the Shire's Federal grant funding for road maintenance would be reduced by approximately \$8,600 per annum based on 2016/17 grants. However there would be reduction in the maintenance cost to the Shire for the road in the order of \$16,000 per annum.

The road and drainage infrastructure on the section of road under consideration has a current (31/10/2016) written down value of approximately \$1.9M. The value is in the formation, the pavement and the seal. There is no advantage to the Shire in removing any of the assets prior to transfer.

The Director General, Department of Lands is aware of the proposal and in an email dated 15 September 2016 indicated his expectation that following a request from the Shire, the Department of Lands would close the road and amalgamate the road reserve with the adjoining parcel of land.

It is proposed that 3.2 km of Jandami Lane as shown on *Attachment 1 – Jandami Lane, section proposed for closure November 2016*, be permanently closed, the reserve relinquished by the Shire and that section of the road be removed from the Shire's asset register.

## **ATTACHMENTS**

Attachment 1 – Jandami Lane, section proposed for closure November 2016

Attachment 1  
Jandami Lane , Section Proposed for Closure November 2016



**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**

**COUNCIL DECISION**

**Minute No: 20/12/2016-11579**

**Commissioner resolved:**

**That Council move into camera with relevant staff to remain.**

**Carried 1/0**

Council moved into camera at 5:46pm.

**16.1 REQUEST FOR WRITE OFF OF PENALTY INTEREST; WAIVER OF PENALTY INTEREST; AND FOR A SELF SUPPORTING LOAN - RATES DEBTOR A501**

<b>DATE:</b>	20 December 2016
<b>AUTHOR:</b>	Coordinator Financial Operations
<b>RESPONSIBLE OFFICER:</b>	Chief Executive Officer
<b>FILE NO:</b>	A501D, FM.11.94
<b>DISCLOSURE OF INTERESTS:</b>	Nil

This item is to be considered behind closed doors as per the *Local Government Act 1995*:

**5.23. Meetings generally open to public**

(2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*

- (a) *a matter affecting an employee or employees; and*
  - (b) *the personal affairs of any person; and*
  - (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
  - (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
  - (e) *a matter that if disclosed, would reveal —*
    - (i) *a trade secret; or*
    - (ii) *information that has a commercial value to a person; or*
    - (iii) *information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and*
  - (f) *a matter that if disclosed, could be reasonably expected to —*
    - (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or*
    - (ii) *endanger the security of the local government's property; or*
    - (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety; and*
  - (g) *information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
  - (h) *such other matters as may be prescribed.*
- (3) *A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

**VOTING REQUIREMENT**

Simple Majority

**COUNCIL DECISION**

**Minute No: 20/12/2016-11580**

**Commissioner resolved:**

**That Council authorises the CEO to advise rates debtor A501 that:**

- 1. The outstanding interest on rates and service charges will be written off on the condition:
  - a. that the rates and services debt is fully paid by 30 June 2017**
  - b. a lease with the Shire has been executed inclusive of a business plan by 30 June 2017****
- 2. the Shire will consider an application for a rates concession for the 2017/18 if the above conditions are met**

**Carried 1/0**

**PURPOSE**

For Council to consider a further request to write off outstanding penalty interest, waive future penalty interest and provide a self-supporting loan for rates debtor A501.

## 16.2 APPOINTMENT OF DIRECTOR CORPORATE SERVICES

<b>DATE:</b>	20 December 2016
<b>AUTHOR:</b>	Chief Executive Officer
<b>RESPONSIBLE OFFICER:</b>	Carl Askew, Chief Executive Officer
<b>FILE NO:</b>	PL.21.93
<b>DISCLOSURE OF INTERESTS:</b>	Nil

This item is to be considered behind closed doors as per the *Local Government Act 1995*:

### 5.23. *Meetings generally open to public*

(2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*

- (a) *a matter affecting an employee or employees; and*
- (b) *the personal affairs of any person; and*
- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*

(3) *A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

### VOTING REQUIREMENT

Simple Majority

#### COUNCIL DECISION

Minute No: 20/12/2016-11581

Commissioner resolved:

**That Council notes the Chief Executive Officer's intention to offer a five (5) year performance based contract of employment as Director Corporate Services to Vernon Lawrence, as outlined in the confidential report - subject to the receipt of satisfactory References, National Police Clearance and Medical.**

**Carried 1/0**

### PURPOSE

For Council to be informed of the Chief Executive Officer's intention to appoint a Director Corporate Services.

**COUNCIL DECISION**

**Minute No: 20/12/2016-11582**

**Commissioner resolved:**

**That Council come out of camera.**

**Carried 1/0**

Council came out of camera at 6:13pm.

The gallery returned to the Council Chambers.

The resolution and voting results of the items considered behind closed doors were read out to the members of the public by the Commissioner.

**17 CLOSURE**

The Commissioner closed the meeting at 6:15pm