



Ordinary Council Meeting
Minutes
19 January 2017

CONFIRMATION OF MINUTES

I hereby certify that the Minutes of the Ordinary Council Meeting held on 19 January 2017 are a true and accurate record of the proceedings contained therein.

.....
Mr Ian Fletcher AM JP
Commissioner

17/02/2017
.....

Dated

All attachment items referred to in these minutes are available for public perusal at the Shire Office

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Signed at Exmouth

(K Woodward), Acting Chief Executive Officer Shire of Exmouth

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ORDINARY COUNCIL MEETING MINUTES

Our Vision

To support and develop a vibrant, welcoming community that embraces its past, values its present and plans for a sustainable future

Our Purpose

To responsibly provide governance for the whole community in the best interest of current and future generations

Our Strategic Objectives

- To provide sustainable management of the organisation
- To consistently apply the principles of Good Governance
 - To communicate effectively
 - To promote socioeconomic development
 - To value our environment and heritage

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Commissioner welcomed the gallery and declared the meeting open at 4.30 pm.

2. RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

Mr Ian Fletcher	Commissioner
Mr K Woodward	Acting Chief Executive Officer
Mrs S O'Toole	Executive Manager Corporate Services
Mr R Mhasho	Executive Manager Town Planning
Mr R Manning	Executive Manager Health & Building Services
Mr R Kemp	Executive Manager Community Engagement
Mrs J Kox	Executive Manager Aviation Services
Mrs M Head	Minute Clerk

GALLERY

Visitors 3

APOLOGIES

Nil

LEAVE OF ABSENCE

Nil

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTIONS TIME

In accordance with section 5.24 of the Local Government Act 1995, a 15 minute public question time is made available to allow members of the public the opportunity of questioning Council on matters concerning them.

Council Consideration Towards Public

When public questions necessitate resolutions of Council, out of courtesy and at the President discretion the matter is to be dealt with immediately to allow the public to observe the determination of the matter (obviates the need for the public to wait an undetermined period of time).

When a matter is listed on the Agenda and member/s of the public are in attendance to observe the determination of the matter, out of courtesy and at the discretion of the President the matter is to be brought forward on the agenda and dealt with immediately to allow the public to observe the determination of the matter (again this obviates the need for the public to wait an indeterminate period of time).

Questions by Bob Todd

At the end of each agenda item there is a voting requirement for council and a recommendation for council to consider, as there is no council why it is in the agenda. Hopefully the gallery will not be asked to vote on something that most will not have read.

The Commissioner answered this question: The Special Council Meeting of the 6 January was an exceptional circumstance. I am the Shire President and elected members and am in the role as Commissioner a 6 months term.

I thought this was dodgy, if they checked as CCC has picked up all minor discrepancies?

I have raised the issue with Jennifer Mathews, Director General, Department of Local Government and Communities and she has advised the minutes were appropriated. It was also advised that Executive Managers are not required to attend all Council meetings; they are only required when they have a report to present. I will be meeting with the Director General again, so will take this issue up with her again.

What extra financial burden has the appointment of a commissioner imposed on the shire?

I have been advised by the Minister for Local Government, that I will be remunerated \$70,000 plus expenses for the period of my tenure. I will ensure that minimal expenses will be imposed on the Exmouth public. The annual elected member's remuneration is \$71, 958 annually.

5. DECLARATIONS OF INTEREST

Item/Description	Name	Detail of Interest	Extent of Interest
Strategic Directions	Ian Fletcher		I have been on the board of Broome Futures with Mr Nick Belyea. I resigned from that Board in December 2015

6. APPLICATIONS FOR LEAVE OF ABSENCE

The Local Government Act 1995 (Section 2.25) provides that a Council may, by resolution, grant leave of absence to a member for Ordinary Council Meetings. A member who is absent, without first obtaining leave of the Council, throughout three consecutive Ordinary meetings of the Council is disqualified from continuing his or her membership of the Council.

Disqualification from membership of the Council for failure to attend Ordinary Meetings of the Council will be avoided so long as the Council grants leave prior to the member being absent. The leave cannot be granted retrospectively. An apology for non-attendance at a meeting is not an application for leave of absence.

Commissioner Ian Fletcher AM JP advised he will be on leave from the 24 January 2017 to the 12 February 2017 inclusive. Following is a copy of correspondence sent to Director General, Department of Local Government and Communities, Ms Jennifer Matthews:

• 12 January 2017

Ms Jennifer Mathews

Director General

Department of Local Government & Communities

140 William St

Perth WA 6000

Dear Ms Mathews

Leave of Absence Commissioner of Shire of Exmouth 24 January to 12 February 2017

I am writing to advise you that I will be absent overseas from 24 January to 12 February 2017 inclusive.

This was a long standing commitment that I made well before being asked if I was interested in being appointed as Commissioner. I was unable to change the arrangement and I raised this with Minister's office before my appointment and with senior officers from your department on 4 January, immediately after my appointment.

I am confident that in me doing the preliminary work that is necessary at the Shire of Exmouth, prior to my departure overseas, the acting CEO with the support of your department will be undertaking work in my absence which I can review and make the necessary decisions on my return. I was in Exmouth on 5, 6 and 7 January. I have been working with key personnel and agencies this week in Perth on shire matters and will be in Exmouth next week from 16 to 21 January. On 23 January, I have an appointment with the Public Sector Commissioner and the Commissioner of the Shire of Wyndham-East Kimberley.

During my absence overseas, it should be possible for me to receive emails from the acting CEO and next week I will work with the CEO and your department on any communication that will be required, should the CCC report on the Shire of Exmouth be made public in my absence. The acting CEO will be authorised to speak on my behalf in my absence overseas.

Yours sincerely



Ian Fletcher AM JP

Commissioner

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

That the Minutes of the Ordinary Meeting of the Shire of Exmouth held on the 15 December 2016 and Special Council Meeting of 6 January 2017 be confirmed as a true and correct record of proceedings.

COUNCIL RESOLUTION

ITEM 7

Res No: 06-0117

MOVED: Sue O'Toole

SECONDED: Keith Woodward

That the Minutes of the Ordinary Meeting of the Shire of Exmouth held on the 15 December 2016 be confirmed as a true and correct record of proceedings.

CARRIED COMMISSIONER

COUNCIL RESOLUTION

ITEM 7

Res No: 07-0117

MOVED: Keith Woodward

SECONDED: Sue O'Toole

That the Minutes of the Special Council Meeting of 6 January 2017 be confirmed as a true and correct record of proceedings.

CARRIED COMMISSIONER

8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

The Commissioner advised he will meet with US Consul General, Rachel Cooke on Monday 23 January 2017, regarding Harold E Holt Station and to reassure that the Shire will continue to support the defence activities within the Shire, including those associated with the US.

Audit Committee Report

Commissioner read an extract from the Management Letter received from Anderson Munroe and Wylie in relation to non-compliance with legislation and the Corruption and Crime Commission investigation. Following is a copy of the letter:



Anderson Munro & Wyllie

CHARTERED ACCOUNTANTS

Street Address:	Postal Address:	By Appointment:
Unit 8	PO Box 229	Level 28, AMP Tower
210 Winton Road	JOONDALLUP DC WA 6919	140 St Georges Terrace
JOONDALLUP WA 6027		PERTH WA 6000
T: (08) 9300 0400 E: reception@amwaudit.com.au		
W: www.amwaudit.com.au ABN 59 125 425 274		
Liability limited by a scheme approved under Professional Standards Legislation		

7 December 2016

Mr Keith Haywood
Acting Chief Executive Officer
Shire of Exmouth
PO Box 21
Exmouth WA 6707

Dear Mr Haywood,

MANAGEMENT LETTER

We advise that we have recently completed the audit of Shire of Exmouth for the year ended 30 June 2016.

Our audit has been conducted in accordance with Australian Auditing Standards. Our procedures included examination, on a test basis, of evidence supporting the amounts and other disclosures in the financial report and the evaluation of significant accounting estimates. While our procedures are designed to identify any material weaknesses and detect misstatements from fraud and error, there is an unavoidable risk that even some material misstatements may remain undiscovered. This unavoidable risk is due to the test nature and other inherent limitations of an audit, together with the inherent limitations of any accounting and internal control system.

We advise that we have the following matters which we believe need to be brought to your attention.

NON - COMPLIANCE WITH LEGISLATION

During the course of the audit we became aware of the following instance where the Council may not have complied with the Local Government Act 1995 (as amended) and the Local Government (Financial Management) Regulations 1996 (as amended).

- Section 3.57 and F&G Reg11 - The local government did not appear to invite tenders on all occasions (before entering into contracts for the supply of goods or services) where the consideration under the contract was more than the consideration stated in Regulation 11 (f).

Whilst we acknowledge that the Shire may have believed that, because of the unique nature of the goods or services required for the Ningaloo Centre marine life aquarium and the fact that Site Construction advised that they would not be able to adequately fulfill that part of the tender or provide adequate warranties, it was unlikely that there was more than one potential supplier. Tenders were therefore not publicly invited under Regulation 11(2)(f). However, after further investigation, there may not have been any further enquiries undertaken to confirm this.

We recommend that you implement the necessary measures to ensure that the Shire meets all its legislative requirements in the future.

CORRUPTION & CRIME COMMISSION INVESTIGATION

During our audit we noted that the Corruption and Crime Commission undertook an investigation into allegations of serious misconduct by certain officers at the Shire. The investigation and subsequent public hearings revealed several issues particularly related to the policies that govern expenditure and procurement. It was found that a \$1.1 million contract for the construction of an aquarium may have been awarded to a supplier directly by senior staff without first obtaining authorisation from Council and without calling for tenders as may have been required under legislation. It appeared that the contract was first signed in May but not presented to Council for authorisation until the July meeting.



The second issue revealed was that the Shire's own policy on the use of a corporate credit card appeared to have been disregarded by the CEO, particularly with respect to unauthorised travel expenses.

The Commission only reports to Parliament and the Council was made aware of any misconduct the Commission identified. It is the decision of Council as to what, if any, disciplinary or other actions are taken.

We recommend that all legislative requirements are met in the future and that sound management controls and processes are in place, including the adequate monitoring of compliance and adherence.

We would like to take this opportunity to thank Sue and your staff for the assistance provided during the course of the audit.

Please do not hesitate to call should you like to discuss any aspect of the audit.

Yours sincerely
ANDERSON MUNRO & WYLLIE

BILLY-JOE THOMAS
Director

The Commissioner went on to thank to Sue O'Toole and her staff for the support provided to the auditors.

A Probity Audit took place at the Shire this week by officers from the Department of Local Government & Communities. A number of issues were raised and report will be provided to the Shire in coming weeks.

The Commissioner stated it is unacceptable for alcohol to be purchased on any Shire credit card and that alcohol is banned on any Shire facility whilst he is in this role.

9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

10. MATTERS ARISING FROM COMMITTEES OF COUNCIL

COUNCIL RESOLUTION

ITEM 10

Res No: 08-0117

That the Commissioner:

Accepts the recommendation of the Audit Committee Meeting held on Thursday 19 January 2017.

CARRIED COMMISSIONER

11. EXECUTIVE SERVICES

11.1 PUBLIC HEALTH ACT 2016 DELEGATIONS

File Reference:	GV.AU.2
Responsible Officer:	Executive Manager Health & Building Services
Date of Report:	1 December 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none">1. Current Delegation HB008 – <i>Health Act 1911</i>2. Updated Delegation HB008 – <i>Health (Miscellaneous Provisions) Act 1911</i>3. Proposed new Delegation HB013 – <i>Public Health Act 2016</i>

PURPOSE

That Council consider delegating all duties conferred or imposed on it by the *Public Health Act 2016* to the Chief Executive Officer and to approve some minor amendments to the existing delegations relating to the *Health Act 1911*.

BACKGROUND

The gazettal of the *Public Health Act 2016* represents a significant update and change to the implementation of environmental health legislation, replacing the *Health Act 1911*. As there is a significant amount of work required to transition to the new regulatory framework, the Department of Health (WA) has advised that implementation is to occur in a staged manner over the next 3 to 5 years.

The old *Health Act 1911* [which will be known as the *Health (Miscellaneous Provisions) Act 1911*], and all regulations made under the *Health Act 1911*, will continue to be the main enforcement tool used by the Shire's Environmental Health Service until the provisions of the new Act are proclaimed over the coming years.

There are five (5) stages of implementation, of which Stages 1 and 2 are already in effect and have no practical implications for local government. Stage 3 involves key elements of the administrative framework provided by Part 2 of the *Public Health Act 2016* coming into operation to replace the equivalent administrative framework provided by Part II of the *Health Act 1911*. This includes gazettal of Environmental Health Officers to enforce the provisions of the Act within their local government authority and annual reporting requirements.

The Department of Health recently advised that Stage 3 will be implemented effective from 24 January 2017. Some administrative procedures need to be undertaken to effect this transition within the Shire of Exmouth, including but not limited to updating all references to the *Health Act 1911* to the *Health (Miscellaneous Provisions) Act 1911* and updating of the Delegations Register to reflect the above.

Stage 4 will adopt changes to the *Public Health Act 2016* relating to notifiable infectious diseases and related conditions, prescribed conditions of health, serious public health incident powers and public health emergencies. The date for commencement of Stage 4 is yet to be determined. No action by local government is expected during this implementation stage.

Stage 5 will be the most significant stage of implementation for enforcement agencies as it represents the point at which they move from the framework provided by the *Health (Miscellaneous Provisions) Act 1911* to the *Public Health Act 2016*. The development of new regulations under the *Public Health Act 2016* relating to environmental health matters will commence, and feature provisions for:

- the built environment;
- water;
- body art and personal appearances; and
- pests and vectors.

Equivalent provisions in the *Health (Miscellaneous Provisions) Act 1911* and regulations and by-laws made under that Act will be repealed.

The following provisions will also commence with the enforcement provisions:

- Public Health Planning;
- Public Health Assessments; and
- Registration and licensing.

Stage 5 will require substantial works by local government to implement this stage. The Department of Health has advised that it will be working closely with Local Government Authorities in the lead up to this stage, including consultation on the development of the required regulations.

COMMENT

All currently employed Environmental Health Officers will automatically be authorised officers and will continue to enforce both the new and the old public health legislation as the transition continues. However, implementation of Stage 3 requires that they must be provided a certificate of authority under the *Public Health Act 2016*, to be produced on request. The Shire's authorised delegate is required to sign the certificate.

Using Section 21(1)(b)(i) of the *Public Health Act 2016*, Council may delegate the powers and duties conferred on it to the Chief Executive Officer or an authorised officer of the Local Government. At this time, the effect of the delegation being sought is minor (i.e. sign the certificate), however as further provisions are gazetted to expand the powers of the *Public Health Act 2016*, this delegation will provide for the smooth implementation of these provisions as they are implemented.

Precedent for this already in place with Delegation HB008 – Health Act (refer Attachment 1) which enables the Chief Executive Officer, Executive Manager Health and Building and Environmental Health Officer to act on behalf of Council in respect to the *Health Act 1911* and associated Regulations and Local Laws. The above delegation will need to remain in place during the transition to the new *Public Health Act 2016* but will require some minor amendments to reflect the current changes. Upon a review of existing Delegation HB008 – Health Act it was established that a number of grammatical improvements should also be considered. A copy of the proposed updated and revised Delegation HB008 – *Health (Miscellaneous Provisions) Act 1911* is provided at Attachment 2.

A new delegation (refer Attachment 3) is recommended to give the Chief Executive Officer the delegation to appoint authorised officers under *Public Health Act 2016* Section 21(1).

As Stage 3 of the implementation of the new Act will have effect from 24 January 2017, it is desirable to obtain a Council resolution at this 19 January 2017 Ordinary Council Meeting so that the above delegations can be effective from 24 January 2017 to ensure a seamless transition and to enable updated certificates of authority to be signed on that date.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Public Health Act 2016 Section 21(1)(b)(i)
Health Act 1911
Health (Miscellaneous Provisions) Act 1911

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2016-2020.

Social:	3	<u>To be a dynamic, passionate and safe community valuing natural and cultural heritage.</u>
	3.7	Residents and visitors have access to appropriate services and facilities to enhance their health and wellbeing.
Civic Leadership:	4	<u>To work together as custodians of now and the future.</u>
	4.2	A local government that is respected, professional, trustworthy and accountable.

VOTING REQUIREMENTS

Absolute majority

OFFICER'S RECOMMENDATION

ITEM 11.1

That Council adopt the following amended and new delegations, effective from 24 January 2017:

1. Delegation HB008 – *Health (Miscellaneous Provisions) Act 1911* (refer Attachment 2); and
2. Delegation HB013 – *Public Health Act 2016* (refer Attachment 3).

COUNCIL RESOLUTION**ITEM 11.1****Res No: 09-0117**

That the Commissioner adopt the following amended and new delegations, effective from 24 January 2017:

- 1. Delegation HB008 – *Health (Miscellaneous Provisions) Act 1911* (refer Attachment 2);
and**
- 2. Delegation HB013 – *Public Health Act 2016* (refer Attachment 3).**

CARRIED COMMISSIONER

11.2 REVIEW OF POLICY NO. 1.11 LEGAL REPRESENTATION COSTS INDEMNIFICATION

File Reference:	CM.PO.5
Responsible Officer:	Acting Chief Executive Officer
Date of Report:	10 January 2017
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Amended Policy No. 1.11 Legal Representation Costs and Indemnification

PURPOSE

This report recommends that Council consider amending Policy No. 1.11 – Legal Representation Costs Indemnification.

BACKGROUND

Policy No. 1.11 – Legal Representation Costs Indemnification defines Councils position in relation to the interest of Council members and employees (including past members and former employees) where they become involved in civil legal proceedings because of their official functions.

COMMENT

Setting and reviewing policies is a prime responsibility of the Council. Amendments to Policy 1.11 – Legal Representation Costs Indemnification will provide a more consistent approach when compared with other Western Australian Councils and is aligned with the Department of Local Government and Communities Operational Guidelines Number 14.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Section 9.56 of the Local Government Act 1995

POLICY IMPLICATIONS

Policy 1.11 – Legal Representation Costs Indemnification

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2016-2020.

Civic Leadership: 4 To work together as custodians of now and the future.
4.2 *A local government that is respected, professional, trustworthy and accountable.*

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 11.2

That Council resolve to adopt the amended *Council Policy No. 1.11 – Legal Representation Costs Indemnification* referred to as Attachment 1.

REVISED RECOMMENDATION

ITEM 11.2

That Council

1. Rescind Council Resolution 11 June 2012, Decision No: 03-0612-10.1.2 relating to *Council Policy 1.11 - Legal Representation Costs Indemnification*; and
2. Resolve to adopt the amended *Council Policy No. 1.11 – Legal Representation Costs Indemnification* referred to as Attachment 1.

COUNCIL RESOLUTION

ITEM 11.2

Res No: **10-0117**

That the Commissioner:

- 1. Rescind Council Resolution 11 June 2012, Decision No: 03-0612-10.1.2 relating to *Council Policy 1.11 - Legal Representation Costs Indemnification*; and**
- 2. Resolve to adopt the amended *Council Policy No. 1.11 – Legal Representation Costs Indemnification* referred to as Attachment 1.**

CARRIED COMMISSIONER

11.3 SUBLEASE OF FREIGHT OFFICE AT LEARMONTH AIRPORT

File Reference:	TT.LR.0
Responsible Officer:	Executive Manager Aviation Services
Date of Report:	9 January 2016
Applicant/Proponent:	Exmouth Freight & Logistics Pty Ltd
Disclosure of Interest:	Nil
Attachment(s):	Nil

PURPOSE

This report recommends to sublease a freight office at Learmonth Airport to Exmouth Freight & Logistics Pty Ltd.

BACKGROUND

Exmouth Freight & Logistics Pty Ltd (previously known as Exmouth Freight Services Pty Ltd) have subleased one of two freight offices at Learmonth Airport since 1 February 2013. This sublease expires on 31 January 2017.

COMMENT

No leasing issues have been raised during the current sublease term by either party and Exmouth Freight & Logistics have proven to be a reputable leaseholder.

No significant changes to the current executed sublease document are anticipated. Council will apply a CPI increase to the current rental amount with no additional charges for utilities.

CONSULTATION

Exmouth Freight & Logistics Pty Ltd

STATUTORY ENVIRONMENT

The leasing of property is provided within Section 3.58 Disposal of Property of the *Local Government Act 1995*. This section permits the disposal or lease of property to third parties for appropriate consideration as deemed by Council whilst assessed against commercial market values and requires public advertising of the intent to dispose of property.

Department of Defence approval is also required for sub-leasing at this property and is currently being sought.

POLICY IMPLICATIONS

Policy 2.4 - Leasing

FINANCIAL IMPLICATIONS

CPI increase to the m² rate provides known incremental increases to the rent across the term of the sublease.

STRATEGIC IMPLICATIONS

This item is relevant to the Council's approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2016-2020.

- Economic: 1 To be a diverse and innovative economy with a range of local employment opportunities.
- 1.1 *To increase the number of local businesses, industries and services that will provide a range of employment opportunities for the people of Exmouth.*
- 1.2 *Planned and balanced economic growth.*
- Civic Leadership: 4 To work together as custodians of now and the future.
- 4.2 *A local government that is respected, professional, trustworthy and accountable.*

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 11.3

That Council:

1. Agree in principal to enter into a sublease with Exmouth Freight & Logistics Pty Ltd (ABN 3 37 160 144 254) for a freight office at Learmonth Airport being 11.8m² for a term of two years + two years at an initial rate of \$500/m² plus GST & outgoings, subject to approval from Department of Defence;
2. Endorse publically advertising the above proposed lease to Exmouth Freight & Logistics Pty Ltd at the negotiated rate in accordance with Council policies;
3. Delegate Authority to the Acting Chief Executive Officer to execute a sublease document upon closure of the advertising period subject to no adverse submissions being received and leasing conditions being to the satisfaction of the Acting Chief Executive Officer; and
4. Delegate Authority to the Chief Executive Officer to approve any further terms of the lease.

COUNCIL RESOLUTION

ITEM 11.3

Res No: 11-0117

That the Commissioner:

- 1. Agree in principal to enter into a sublease with Exmouth Freight & Logistics Pty Ltd (ABN 3 37 160 144 254) for a freight office at Learmonth Airport being 11.8m² for a term of two years + two years at an initial rate of \$500/m² plus GST & outgoings, subject to approval from Department of Defence;**

- 2. Endorse publically advertising the above proposed lease to Exmouth Freight & Logistics Pty Ltd at the negotiated rate in accordance with Council policies;**
- 3. Delegate Authority to the Acting Chief Executive Officer to execute a sublease document upon closure of the advertising period subject to no adverse submissions being received and leasing conditions being to the satisfaction of the Acting Chief Executive Officer; and**
- 4. Delegate Authority to the Chief Executive Officer to approve any further terms of the lease.**

CARRIED COMMISSIONER

12 CORPORATE SERVICES

12.1 FINANCIAL STATEMENT FOR PERIOD ENDING 31 DECEMBER 2016

File Reference:	FM.FL.0
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	10 January 2017
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Financial Report as at 31 December 2016

PURPOSE

This report recommends Council accept the financial report for the financial period ending 31 December 2016.

BACKGROUND

The provisions of the Local Government Act 1995 and associated Regulations require a monthly financial report is presented to the Council. The financial report for the period ended 31 December 2016 has been prepared and a copy of the Report is attached.

The following table displays the Council's year to date position to 31 December 2016 including the projected closing position for 2016/17 financial year. The 2016/17 Budget estimated to deliver a budget with a small surplus of \$1,515, however the current projected forecast closing position to 30 June 2017 is estimated a deficit of (\$31,661).

2016/17	Year to Date Actual	Year to Date Budget	Amended Budget	On Target with YTD Budget	Forecast to 30/6/17	Forecast Impact on Surplus
	\$	\$	\$	%		
Operating Revenue	7,883,615	8,225,026	11,927,194	92.3%	11,947,926	▲
Operating Expenditure	(7,371,600)	(7,750,003)	(15,865,496)	95.1%	(16,036,212)	▼
Non Operating Revenue	12,747,090	17,374,838	27,974,025	161.8%	27,582,826	▼
Non Operating Expenditure	(11,997,168)	(13,853,639)	(28,450,490)	100.1%	(27,938,224)	▲
Non cash Items Included	2,195,468	4,119,203	4,286,478	-36.7%	4,286,478	
Surplus C/Fwd June 2016	125,545	129,804	129,804	96.7%	125,545	▼
Surplus/(Deficit)	3,582,949	8,245,229	1,515	43.5%	(31,661)	▼

Monitoring of the financial statements will occur each month until the end of the financial year and the forecast result may change each month as future expenditure and revenue expectations are refined and additional information is received.

COMMENT

Statement of Financial Position

Total Current Assets have decreased by 22.28% from November to December 2016. Sundry Debtor accounts have reduced owing to invoices that were outstanding within the range of current to 60 days being paid. Current Liabilities have seen a slight decrease of 2.23% from November to December 2016 resulting in Creditors invoices being paid prior to end of month. Non-Current Assets have increased slightly by 2.69% to recognise capital acquisitions purchased to date. Non-Current Liabilities remain unchanged from November 2016.

	31/12/2016	30/11/16	% Change
Current			
Assets	11,315,765	14,560,590	(22.28%)
Liabilities	(1,600,503)	(1,636,941)	(2.23%)
Non Current			
Assets	100,369,002	97,741,692	2.69%
Liabilities	(1,288,504)	(1,288,504)	0.00%
NET ASSETS	108,795,760	109,376,838	

Capital Expenditure

The Council's 2016/17 Capital Expenditure budget is \$26,691,801, the majority of which is associated with the construction and fitout of the Ningaloo Centre and other infrastructure improvements. The following table shows that Council is currently 88% on target with capital expenditure year to date.

Asset Class	Year to Date Actual	Year to Date Budget	On Target with YTD Budget	Annual Budget
	\$	\$	%	\$
Land & Buildings	10,890,797	10,602,472	103%	21,745,904
Furniture & Equipment	12,119	6,000	202%	371,000
Land Held for Resale	430,000	430,000	100%	430,000
Plant & Equipment	22,784	867,500	3%	1,106,510
Infrastructure Roads	310,740	1,133,676	27%	2,267,441
Infrastructure Other	132,626	319,000	42%	770,946
TOTAL	11,799,066	13,358,648	88%	26,691,801

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996*.

In accordance with Regulation 34 (5), a report must be compiled on variances greater than the materiality threshold adopted by Council of \$10,000 or 10% whichever is the greater. As this report

is composed at a program level, variance commentary considers the most significant items that comprise the variance.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2016-2020.

Civic Leadership: 4 To work together as custodians of now and the future.
4.2 *A local government that is respected, professional, trustworthy and accountable.*

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.1

That Council resolves to receive the Financial Report for the financial period ending 31 December 2016.

COUNCIL RESOLUTION

ITEM 12.1

Res No: 12-0117

That the Commissioner:

Resolves to receive the Financial Report for the financial period ending 31 December 2016.

CARRIED COMMISSIONER

12.2 LIST OF PAYMENTS FOR PERIOD ENDING 31 DECEMBER 2016

File Reference:	FM.FI.0
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	10 January 2017
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Monthly List of Payments for period ending 31 December 2016.

PURPOSE

To advise Council of payments made since the previous Ordinary Council Meeting.

BACKGROUND

Council continue to meet our terms of credit as established between suppliers and aspire to obtain discounts where practicable. Payments have been approved by authorised officers in accordance with agreed delegations and policy frameworks.

COMMENT

Council has given delegated authority that allows the Chief Executive Officer to approve payments from Council's bank accounts either via cheque or through electronic lodgement.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Payments are to be made in accordance with Part 6, Division 4 of the *Local Government Act 1995* and as per the *Local Government (Financial Management) Regulations 1996*. Payments are to be made through the municipal fund, trust fund or reserve funds. Payments are to be in accordance with approved systems as authorised by the CEO.

POLICY IMPLICATIONS

Policy 2.10 – Purchasing Policy and
Policy 2.17 - Regional Price Preference Policy (where applicable)

FINANCIAL IMPLICATIONS

Payments are made under delegated authority and are within defined and approved budgets. Payment is made within agreed trade terms and in a timely manner.

STRATEGIC IMPLICATIONS

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2016-2020.

Civic Leadership: 4 To work together as custodians of now and the future.
4.2 *A local government that is respected, professional, trustworthy and accountable*

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.2

That Council resolves to accept payments from 1 December to 31 December 2016 as presented in Monthly List of Payments, Attachment 1 being made up of:

1. Municipal Fund – \$3,858,301.43 incorporating of cheques 13371 – 13382 and direct debits; and
2. Trust Fund – \$3,583.75 incorporating of direct debits

Outstanding Creditors as at 31 December 2016 being \$342,015.50

COUNCIL RESOLUTION

ITEM 12.2

Res No: 13-0117

That the Commissioner:

Resolves to accept payments from 1 December to 31 December 2016 as presented in Monthly List of Payments, Attachment 1 being made up of:

1. **Municipal Fund – \$3,858,301.43 incorporating of cheques 13371 – 13382 and direct debits; and**
2. **Trust Fund – \$3,583.75 incorporating of direct debits**

Outstanding Creditors as at 31 December 2016 being \$342,015.50

CARRIED COMMISSIONER

12.3 2015/16 ANNUAL AND FINANCIAL REPORT AND ELECTORS MEETING DATE

File Reference:	FM.FI.1
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	16 December 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. 2015/16 Annual and Financial Report

PURPOSE

That Council consider accepting the Annual and Financial Report for the year ending 30 June 2016 and set a date for convening an Annual Meeting of Electors.

BACKGROUND

Council are to prepare an Annual Report for each financial year and the Chief Executive Officer is to give local public notice of the availability of the Annual Report as soon as practicable after the report has been accepted by Council.

COMMENT

Council are to accept the annual report by 31 December after the financial year or if the Auditor's report is not available by this date, no later than 2 months after the Auditor's report becomes available. The Audit Report and Management Report were received on 7 December 2016, after which time the agendas had been finalised for the December 2016 Ordinary Council Meeting.

Both reports were provided to the Audit Committee at their meeting held 19 January 2017 and the committee have reviewed the reports and have recommended them to Council.

It is required to then advertise that the Annual Report is available for the community to view for a period of 14 days, after which an Annual Electors Meeting can be held. However, this must be within 56 days of accepting the annual report, therefore the meeting cannot be held later than 15 March 2017.

It is recommended the Annual Electors Meeting be held on 7 March 2017 commencing at 6pm in Shire Chambers, adjacent to the Shire Administration Building.

CONSULTATION

Local Public Notice of the availability of the Annual Financial Report, the date set for the annual General Meeting of Electors will be provided in the Pilbara Newspaper, Shire and Library noticeboards.

STATUTORY ENVIRONMENT

Sections 5.26, 5.27, 5.53, 5.54 of the Local Government Act 1995.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2016-2020.

- Civic Leadership: 4 To work together as custodians of now and the future.
4.2 *A local government that is respected, professional, trustworthy and accountable.*

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.3

That Council:

1. Accept the Annual Financial Report including the Independent Audit Report for the financial year ended 30 June 2016;
2. Accept the Annual Report for the financial year ended 30 June 2016; and
3. Authorise the Annual Electors Meeting scheduled to be held in the Exmouth Shire Council Chambers on 7 March 2017 commencing at 6pm.

COUNCIL RESOLUTION

ITEM 12.3

Res No: 14-0117

That the Commissioner:

- 1. Accept the Annual Financial Report including the Independent Audit Report for the financial year ended 30 June 2016;**
- 2. Accept the Annual Report for the financial year ended 30 June 2016; and**
- 3. Authorise the Annual Electors Meeting scheduled to be held in the Exmouth Shire Council Chambers on 7 March 2017 commencing at 6pm.**

CARRIED COMMISSIONER

13 AVIATION SERVICES

Nil

14 COMMUNITY ENGAGEMENT

Nil

15 HEALTH & BUILDING SERVICES

15.1 PROPOSED REDUCED FEES TO REWARD PROMPT ACTION TO RESOLVE UNAUTHORISED SEA CONTAINERS & TRANSPORTABLE BUILDINGS

File Reference:	LE.NO.0
Responsible Officer:	Executive Manager Health & Building Services
Date of Report:	5 December 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none">1. Shire Newsletter – 2016-17 Cyclone Season (Sea Containers need tick of approval)2. Letter sent to property owners with suspected unauthorised structures.

PURPOSE

That the Council consider applying a concession on Planning and Building fees applicable as a form of an incentive to help encourage property owners to obtain formal approval for unauthorised structures (namely sea containers and transportable buildings) that were recently identified throughout the commercial lots south of Nimitz Street as well as the 'Horse Blocks' and the Special Rural subdivision.

BACKGROUND

During Tropical Cyclone Olwyn (March 2015) unsecured structures within the Special Use (Industrial/Composite Industrial) Estate south of the town site became mobile during the event and caused damage to other properties. Council Officers have received several complaints over the past 12 months regarding sea containers and other structures being stored on lots in the above estate that were allegedly not, or inadequately secured. The above prompted a survey of the above estate and other areas where such structures are commonly used. The survey was completed 15 August 2016 and identified approximately 60 items that warranted further investigation.

In November 2016 a Shire Newsletter themed on preparing for the 2016-2017 cyclone season featured an article titled "Sea Containers need tick of approval" advising property owners of the requirements to obtain approvals from Council's Town Planning and Building Departments for such structures (refer Attachment 1). The Newsletter failed to motivate any positive action from the property owners towards gaining approval for these structures. On 29 November 2016 a standard letter was sent to the property owners with suspected unauthorised structures detailing the approvals process should they wish to retain the building/s (refer Attachment 2).

Council Officers have received several enquiries since sending the above correspondence.

COMMENT

The action being taken regarding the unauthorised structures is primarily about community safety. The requirement to obtain approvals/permits from the Council's Town Planning Department and Building Department is necessary to ensure compliance with relevant Council Policies, the Town

Planning Scheme #3 and the *Building Act 2011*. With respect to maintaining community safety, the building approval process will ensure that the structures have been fixed to the ground by a means certified by a practising structural engineer as being appropriate for Wind Region D, Terrain Category 2.

As these structures are existing unauthorised buildings, the proper application of the Council adopted fees and statutory fees requires higher fees to be charged than should the relevant approvals had been obtained before siting the building on the land – see table below.

Application	Standard Fee	Fee for Retrospective Approval
Planning (<\$50K value)	\$147.00	\$441.00
Building (<\$20K value)	\$157.65	\$357.15
Total	\$304.65	\$798.15

In an effort to encourage property owners to act without delay, Council Officers are requesting that the Council consider providing an amnesty on the application of the fees that would ordinarily be applied on such unauthorised development. Applications lodged by a certain date (to be determined) would only be required to pay the equivalent fee for a Planning Approval or Building Permit should the buildings not have been sited without approval.

Planning Application fees are determined by Council with legislation prescribing the maximum fee that may be adopted by Council. Therefore, Council may waive a fee or portion thereof should it deem appropriate. The fee for an application for retrospective planning approval consists of the standard fee (in this case \$147) plus two times the standard fee by way of penalty. Council Officers are recommending that the minimum fee only be applied.

The *Building Regulations 2012* prescribe a number of statutory fees that Council cannot waiver or reduce e.g. BCITF (N/A in this case) and the Building Services Levy (\$61.65). The application relevant to an existing unauthorised structure is an Application for a Building Approval Certificate (\$96.00). In order to obtain the above certificate an applicant must provide a Certificate of Building Compliance (\$199.50). The latter being a non-statutory fee set by Council and one that could be waived by Council if this proposal is supported.

It could be argued that any reduction in fees ought not to be granted as the additional fees apply by way of penalty for development occurring without the required approvals. However, the reduced fees are proposed to emphasise that this is not a revenue raising exercise but rather the action is being taken for the primary purpose of community safety. The proposed fee reduction is to encourage a timely response from affected property owners.

The recommended cut-off for the offer of the reduced fee is 28 February 2017. It is also recommended that the reduced fee be applied retrospectively to any applications submitted prior to the 19 January 2017 Ordinary Council Meeting and in relation to the correspondence of 29 November 2016 regarding unauthorised sea containers and transportable buildings.

The proposed reduced fees for prompt action fall outside the scope of Council's delegation to the CEO relating to 'Waiving and Granting of Concessions and Write-Off of Debts other than Rates & Service Charges' (Delegation # CS014). Hence this report being presented to Council.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 5.42 – Delegation of some powers and duties to the CEO.

Local Government Act 1995 Section 6.12 – Power to defer, grant discounts, waive or write off debts.

Planning and Development Act 2005

Shire of Exmouth Town Planning Scheme No.3

Building Act 2011

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The potential financial implications are difficult to ascertain as it will depend on the uptake of the amnesty for the reduced fees (should Council to resolve to proceed down this path). It is very unlikely that 50-60 complete and compliant applications will be submitted and approved by 28 February 2017 (NB: An application for a Building Approval Certificate cannot be considered until a Planning Approval has been granted and the relevant plans and structural engineering certification submitted).

If by chance 50 applications were to receive Planning Approval and lodge compliant applications for Building Approval Certificates by 28 February 2017, the Council would essentially be waiving \$24,675.00 (\$493.50 x 50) in potential fees. However, such a number of compliant applications is extremely unlikely.

STRATEGIC IMPLICATIONS

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2016-2020.

- | | | |
|-------------------|-----|--|
| Economic: | 1 | <u>To be a diverse and innovative economy with a range of local employment opportunities.</u> |
| | 1.2 | <i>Planned and balanced economic growth.</i> |
| Environment: | 2 | <u>To have a balanced respect for our environment and heritage, both natural and built.</u> |
| | 2.5 | <i>To make Exmouth an attractive town that is a comfortable and welcoming place to live and visit, and reflects the lifestyle values and unique natural environment.</i> |
| Social: | 3 | <u>To be a dynamic, passionate and safe community valuing natural and cultural heritage.</u> |
| | 3.1 | <i>Retain a safe community environment.</i> |
| | 3.4 | <i>A community that is well informed and educated about our natural, cultural and built environment.</i> |
| Civic Leadership: | 4 | <u>To work together as custodians of now and the future.</u> |
| | 4.1 | <i>To be a collaborative community with the capacity to manage the current and future direction of Exmouth.</i> |
| | 4.2 | <i>A local government that is respected, professional, trustworthy and accountable.</i> |

VOTING REQUIREMENTS

Absolute majority

That the Council:

1. Waive \$294.00 of the Planning Application fee and the fee for a Certificate of Building Compliance (\$199.50) for all complete applications lodged by 28 February 2017 for current unauthorised sea containers and transportable buildings; and
2. Apply the above fee waiver/s to any application lodged before this resolution that are so lodged in response to correspondence issued by the Shire of Exmouth dated 29 November 2016 regarding 'Unauthorised Building (Sea Container/ Transportable Building)'.

The Executive Manager Health and Building read out the following additional information in relation to report 15.1 which was tabled at the meeting:

With regard to the process of obtaining a Certificate of Building Compliance, Council is advised that as per the normal process of acquiring a Building Permit, an applicant will need to provide sufficient plans and specifications of the sea container/transportable building, associated footings and hold down connection details.

In relation to submissions for sea containers, the above may be by way of the applicant submitting plans and specifications certified by a practising structural engineer, or submitting sufficient details to enable Council Officers to compare the same to the Shire's generic engineer certified guidance specifications. If the use of the Shire's Structural Engineer Certified Specifications is necessary then the Council Fee of \$138.50 for the use of the same will be applicable. The above is applicable to sea containers only and not to prefabricated transportable 'donga' type buildings. The latter are structures that vary greatly in size and construction methodology and are therefore not considered generic.

Council Officers are currently consulting with a structural engineer to produce and update generic engineering guidance specifications for sea container footings and hold down details. If an applicant does not provide independent engineering certification, the above will be used by Council Officers to make an informed assessment of the adequacy of the proposal to meet minimum compliance requirements.

COUNCIL RESOLUTION**ITEM 15.1****Res No: 15-0117****That the Commissioner:**

1. **Waive \$294.00 of the Planning Application fee and the fee for a Certificate of Building Compliance (\$199.50) for all complete applications lodged by 28 February 2017 for current unauthorised sea containers and transportable buildings; and**
2. **Apply the above fee waiver/s to any application lodged before this resolution that are so lodged in response to correspondence issued by the Shire of Exmouth dated 29 November 2016 regarding 'Unauthorised Building (Sea Container/ Transportable Building)'.**

CARRIED COMMISSIONER

16 TOWN PLANNING SERVICES

16.1 EXTENSION OF TIME FOR THE SUBMISSION OF LOCAL PLANNING SCHEME NO. 4

File Reference:	LP.PL.0.2; LP.PL.0.4
Responsible Officer:	Executive Manager Town Planning Services
Date of Report:	10 January 2017
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil

PURPOSE

That Council make a submission to the Department of Planning requesting a six (6) months extension of time for the submission of the Local Planning Scheme No. 4 to the Western Australian Planning Commission (WAPC) for their consideration.

BACKGROUND

At the 15 December 2016 Ordinary Council Meeting, Council resolved (Decision 23-1216) to:

1. *Adopts Local Planning Scheme Number 4 (refer Attachment 1) subject to modifications (refer Attachment 2) pursuant to Section 87(1) of the Planning and Development Act 2005 and Regulation 25 (3) of the Planning and Development (Local Planning Schemes) Regulations 2015;*
2. *Forward the advertised Local Planning Scheme Number 4 (refer Attachment 1); modifications to the advertised Local Planning Scheme Number 4 proposed by Council (refer Attachment 2); and schedule of submissions received including Council response to each submission (refer Attachment 3) to the Western Australian Planning Commission for final approval; and*
3. *Advise all submitters of Council's resolution in relation to Local Planning Scheme Number 4 following advertising; modifications to the advertised Local Planning Scheme Number 4 proposed by Council (refer Attachment 2); and schedule of submissions received including Council response to each submission (refer Attachment 3).*

Regulation 28 (3) requires Council to forward the Local Planning Scheme No. 4 to the WAPC within 21 days of passing the resolution if the local government decides not to advertise the proposed modification; or if the WAPC in any case approves a longer period — within that longer period.

COMMENT

Council is unable to submit the Exmouth Local Planning Scheme No. 4 within the 21 days as required by Regulation 28 (3) (b) (i) of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The reason for the request of the extension of time is to enable the current Council to review

the document as part of the on-going review of the administrative functions and projects carried by the previous Council.

CONSULTATION

A meeting was held between the Commissioner and the Director General – Department of Planning during January 2017.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2016-2020.

- Economic: 1 To be a diverse and innovative economy with a range of local employment opportunities.
 1.2 *Planned and balanced economic growth.*
- Environment: 2 To have a balanced respect for our environment and heritage, both natural and built.
 2.2 *Our pristine natural environment and biodiversity will be understood, maintained and protected.*
- Social: 3 To be a dynamic, passionate and safe community valuing natural and cultural heritage.
 3.4 *A community that is well informed and educated about our natural, cultural and built environment.*
- Civic Leadership: 4 To work together as custodians of now and the future.
 4.1 *To be a collaborative community with the capacity to manage the current and future direction of Exmouth.*
 4.2 *A local government that is respected, professional, trustworthy and accountable.*
 4.3 *To be strong advocates representing the region's interests.*

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION**ITEM 16.1**

That Council request the Department of Planning for a six (6) months extension from 15 December 2016 for the submission of the Town Planning Scheme No. 4 to the Western Australian Planning Commission pursuant to Regulation 28 (3) (c) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

COUNCIL RESOLUTION**ITEM 16.1****Res No: 16-0117****That the Commissioner:**

That Council request the Department of Planning for a six (6) months extension from 15 December 2016 for the submission of the Town Planning Scheme No. 4 to the Western Australian Planning Commission pursuant to Regulation 28 (3) (c) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

CARRIED COMMISSIONER

17 ENGINEERING SERVICES

Nil

18. ITEMS FOR INFORMATION ONLY

Responsible Officer: Chief Executive Officer

Disclosure of Interest: Nil

PURPOSE

To advise Council of the information items for December 2016.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

ITEM 18

That the Commissioner note the following information items:

- 18.1 Register of Documents Stamped with the Shire of Exmouth Common Seal
 - 18.2 Concessions on Fees for Council Facilities for December 2016
 - 18.3 Building Decisions Issued up to 31 December 2016
 - 18.4 Planning Decisions Issued up to 31 December 2016
-

COUNCIL RESOLUTION

ITEM 18

Res No: 17-0117

That the Commissioner note the following information items:

- **18.1 Register of Documents Stamped with the Shire of Exmouth Common Seal**
- **18.2 Concessions on Fees for Council Facilities for December 2016**
- **18.3 Building Decisions Issued up to 31 December 2016**
- **18.4 Planning Decisions Issued up to 31 December 2016**

CARRIED COMMISSIONER

18.1 REGISTER OF DOCUMENTS STAMPED WITH THE SHIRE OF EXMOUTH COMMON SEAL

Responsible Officer: Chief Executive Officer

Disclosure of Interest: Nil

PURPOSE

To advise Council of documents, as listed below, that have been stamped with the Common Seal of the Shire of Exmouth since the last meeting.

DATE	DOCUMENT
Nil	

18.2 CONCESSIONS ON FEES FOR COUNCIL FACILITIES FOR DECEMBER 2016

File Reference: CP.US.0

Responsible Officer: Executive Manager Community Engagement

Date of Report: 10 January 2017

Disclosure of Interest: Nil

PURPOSE

To provide Council with a summary of all concessions on fees for Council's facilities and services under Section 4.1 of the *Register of Delegations of Authority from Council to the CEO and Other Officers* since the last Ordinary Council Meeting.

NAME	REASON	AMOUNT (exc GST)
Exmouth Fellowship	Printing of A4 flyers (A4 x 150 double sided) for Carols by Starlight	\$450.00
Exmouth Basketball Association	Hire of Shire Hall for Basketball Presentation Night	\$42.00
Exmouth Amateur Swim Club	Application for permit to access Paltridge Memorial Swimming Pool after hours	\$114.00
Exmouth Community Garden	Planning Application fee for 2m x 2m garden shed	\$147.00
Exmouth Community Garden	Building Application fee 16/132 for 2m x 2m garden shed	\$96.00

18.3 BUILDING DECISIONS ISSUED UP TO 31 DECEMBER 2016

File Reference: DB.BD.0

Responsible Officer: Executive Manager Health & Building Services

Date of Report: 05 January 2017

Disclosure of Interest: Nil

Attachment(s): Nil

PURPOSE

To provide Council with the building licence and building certificate applications and approvals made under Delegation pursuant to the *Building Act 2011* up to 31 December 2016.

App #	Date Received	Lot	Property Address	Description	Decision	Decision Date
16/21	22/02/16	146	10 Hunt Street	Outbuilding Extension	Awaiting information from applicant	
16/87	22/07/16	334	19 Ningaloo Street	Dwelling, Additions & Swimming Pool	Approved	16/12/16
16/125	23/11/16	374	20 Corella Ct	Two Storey Residential Dwelling & Swimming Pool	Approved	12/12/16
16/126	24/11/16	19	5 Maley St	Shed, Carport, Veranda & Storeroom	Approved	13/12/16
16/128	28/11/16	1	4A Pellew St	Showroom & Mezzanine Floor	Approved	06/12/16
16/129	29/11/16	936	27 Learmonth St	Steel Framed Shed	Approved	01/12/16
16/130	30/11/16	190	5 Grenadier Street	Steel Framed Shed	Approved	21/12/16
16/132	01/12/16	1419	Willersdorf Road (Reserve 50807)	(Community Garden) - Shed & Chicken Coop	Awaiting Planning Approval	
16/133	02/12/16	1419	Willersdorf Road (Reserve 50807)	(Community Men's Shed) – Alterations / Additions to Shed	Approved	06/12/16
16/134	06/12/16	253	18 Davidson Street	Steel Framed Shed	Approved	20/12/16
16/135	07/12/16	318	Minilya-Exmouth Road	Sea Containers with Roof	Approved	13/12/16
16/136	16/12/16	1133	17 Koolinda Way	Lean-To	Approved	19/12/16

18.4 PLANNING DECISIONS ISSUED UP TO 31 DECEMBER 2016

File Reference: LP.PL.0

Responsible Officer: Executive Manager Town Planning

Date of Report: 5 January 2016

Disclosure of Interest: Nil

PURPOSE

To advise Council of the following planning decisions issued under delegation for the period up to 31 December 2016.

App #	Date Received	Lot	Property Address	Description	Decision	Decision Date
PA70/16	13/06/2016	2	Yardie Creek Road	Additional Camping Sites	ON HOLD - Pending information from Applicant	
PA107/16	15/08/2016	50	Murat Road	Barge Loading Facility	ON HOLD - Pending information from Applicant	
PA112/16	25/08/2016	1586 & 1587	164 Lyndon Location	Nature Based Park - Exmouth Gulf Pastoral Station	ON HOLD - Pending information from Applicant	
PA119/16	14/09/2016	310	Minilya-Exmouth Road	Dwelling Addition	Approved	01/12/2016
PA127/16	28/09/2016	311	30 Gnulli Court	Dwelling	Special CM	01/12/2016
PA144/16	04/11/2016	101	1 Snapper Loop	Outbuilding, Carport & Driveway prior to dwelling	OCM	15/12/2016
PA145/16	07/11/2016	254	16 Davidson Street	Holiday Accommodation	OCM	15/12/2016
PA152/16	24/11/2016	2 & 1	40 Pelias Street & 1 Carter Road	Change of use	Processing	
PA154/16	1/12/2016	2	24 Nimitz Street	Sea Container	Processing	
PA155/16	05/12/2016	147	6 Hunt Street	3 x Sea Containers	Processing	
PA156/16	05/12/2016		Murat Road Reserve & Minilya Exmouth Road Reserve	Advertising Signage	OCM	15/12/2016
PA157/16	05/12/2016	1366	43 Heron Way	Outbuilding	Approved	07/12/2016
PA158/16	05/12/2016	1133	17 Koolinda Way	Lean-To Addition	Approved	06/12/2016
PA159/16	06/12/2016	963	27 Patterson Way	Brewery	OCM	15/12/2016
PA161/16	19/12/2016	25	11 Pelias Street	2 x Sea Containers	Processing	
PA162/16	20/12/2016	126	35 Young Street	Sea Container	Processing	
PA163/16	20/12/2016	18	3 Maley Street	Sea Container / Storage Shed	Processing	
PA164/16	15/12/2016		Willersdorf Road (Reserve 50807) – Community Garden	Arboretum	Processing	
PA165/16	22/12/2016	1380	37 Preston Street	Sea Container	Processing	

Permits Issued Under the Local Government Act 1995, Local Government Property Local Law.

App	Date Received	Description	Date Issued
PA160/16	15/12/2016	Wedding at Town Beach (29/04/2017)	23/12/2016

19. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

20. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

20.1 STRATEGIC REVIEW

File Reference:	CM.PL.1
Responsible Officer:	Acting Chief Executive Officer
Date of Report:	17 January 2017
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachments	1. Capability Statement – Mr Ron Back 2. Capability Statement – Mr Nick Belyea 3. Capability Statement – Mr Garry Martin

PURPOSE

The purpose of this report is to obtain approval to expend funds not included in the annual budget and to engage consultants outside the quoting requirements of Council Purchasing Policy 2.10. The consultants will review the Shire's statutory strategic and business documents that are critical to the governance and sustainability of the Shire of Exmouth.

BACKGROUND

As a result of Corruption and Crime Commission investigation and findings, the termination of the Chief Executive Officer, the suspension of Council and the appointment of Mr Ian Fletcher as the Commissioner of the Shire of Exmouth on the 4 January 2017 (Western Australian Government Gazette No. 3) it is imperative that a holistic review of the Shires Integrated Strategic Plans, Strategic Community Plan, Corporate Business Plan, Asset Management Plans, Long Term Financial Plans and Workforce Plan etc. is completed.

COMMENT

The review will include strategizing the existing plans into a rational corporate strategy that are compliant with the *Local Government Act 1995, Local Government (Administration) Regulations 1996* and are operationally functional. The assessment will encapsulate the:

1. Integrated Strategic Plans;
2. Ningaloo Centre;
3. Aviation Business and Operations Plans;
4. Corruption and Crime Commission Employment Matters; and
5. Midyear, Annual and 5/10 year Budget Review.

CONSULTATION

- Mr Ian Fletcher, Commissioner of the Shire of Exmouth
- The Department of Local Government and Communities
- City of Karratha
- City of Kalgoorlie Boulder
- Integrated Planning and the Midyear and the Annual and 5/10 year Budget Review - Ron Back (refer Attachment 1)
- Aviation Business and Operations Plans - Nick Belyea (refer Attachment 2)
- Ningaloo Centre - Moore Stevens
- Corruption and Crime Commission Employment Matters - Garry Martin (refer Attachment 3)

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Administration) Regulation 1996, Part 5, Division 3

POLICY IMPLICATIONS

Shire Purchasing Policy 2.10

FINANCIAL IMPLICATIONS

The costs have not been ascertained at this time. The cost associated with the consultations will be reported to the Commissioner, Mr Ian Fletcher prior to purchase orders being issued.

The costs will be reconciled in the mid-year financial review.

STRATEGIC IMPLICATIONS

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2016-2020.

- Civic Leadership: 4 To work together as custodians of now and the future.
- 4.1 To be a collaborative community with the capacity to manage the current and future direction of Exmouth.
 - 4.2 A local government that is respected, professional, trustworthy and accountable.
 - 4.3 To be strong advocates representing the region's interests.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 20.1

That the Council of the Shire of Exmouth authorises:

1. The review the Shire's statutory strategic and business documents:
 - a) The Integrated Strategic Plans;
 - b) The Ningaloo Centre;
 - c) The Aviation Business and Operations Plans;
 - d) The Corruption and Crime Commission Employment Matters; and

- e) The Midyear, Annual and 5/10 year Budget Review.
- 2. To expend funds not included in the annual budget. The review costs will be reconciled in the mid-year financial review;
- 3. To engage consultants outside the quoting requirements of Council Purchasing Policy 2.10; and
- 4. Note: This situation is not typical and the strategic reviews as listed in resolution 1. (A, B, C, D,E) are to be reported to the Department of Local Government and Communities and the Department of Regional Development and are critical to the governance and sustainability of the Shire of Exmouth

COUNCIL RESOLUTION**ITEM 20.1****Res No: 18-0117****That the Commissioner authorises:**

- 1. The review the Shire's statutory strategic and business documents:**
 - a) The Integrated Strategic Plans;**
 - b) The Ningaloo Centre;**
 - c) The Aviation Business and Operations Plans;**
 - d) The Corruption and Crime Commission Employment Matters; and**
 - e) The Midyear, Annual and 5/10 year Budget Review.**
- 2. To expend funds not included in the annual budget. The review costs will be reconciled in the mid-year financial review;**
- 3. To engage consultants outside the quoting requirements of Council Purchasing Policy 2.10; and**
- 4. Note: This situation is not typical and the strategic reviews as listed in resolution 1. (A, B, C, D,E) are to be reported to the Department of Local Government and Communities and the Department of Regional Development and are critical to the governance and sustainability of the Shire of Exmouth**

CARRIED COMMISSIONER

21. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS

The Commissioner advised there will be no behind closed doors reports in the future unless for the purpose of a legal, commercial in confidence or human resources issue as a general rule.

22. CLOSURE OF MEETING

The Commissioner closed the meeting at 5.15 pm.