



Ordinary Council Meeting
Agenda
13 December 2018

NOTICE OF MEETING

Notice is hereby given that the

Shire of Exmouth
Ordinary Council Meeting

will be held on
13 December 2018
Commencing at 4.00 pm
In the Mandu Mandu Function Room, Ningaloo Centre,
2Truscott Crescent, Exmouth

Cameron Woods
Chief Executive Officer

13 December 2018

Disclaimer

The advice and information contained herein is given by and to the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to the Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

Please note this agenda contains recommendations which have not yet been adopted by Council.

No responsibility whatsoever is implied or accepted by the Shire of Exmouth for any act, omission, statement or intimation occurring during the Council/Committee meetings or during formal/informal conversations with staff. The Shire of Exmouth disclaims any liability for any loss whatsoever and however caused arising out of reliance by any person or legal entity on any such act, omission, statement or intimation. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broader disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Exmouth during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Exmouth. The Shire of Exmouth warns that anyone who has an application lodged with the Shire of Exmouth must obtain and should only rely on written confirmation of the outcome of the application, and any conditions attached to the decision made by the Shire of Exmouth in respect of the application.

Disclosure of Interest Form
(Elected Members/Committee Members/Employees/Contractors)

Local Government Act 1995 (Section 5.65, 5.70 & 5.71)

To: Chief Executive Officer

- Ordinary Council Meeting held on _____
- Special Council Meeting held on _____
- Committee Meeting held on _____
- Other _____

Report No _____

Report Title _____

Name _____

- Elected Member Committee Employee Contractor

Type of Interest (**see overleaf for further information*)

- Proximity Financial Impartiality

Nature of Interest

Extent of Interest (if intending to seek Council approval to be involved with debate and/or vote)

Name: _____ Signed: _____ Date: _____

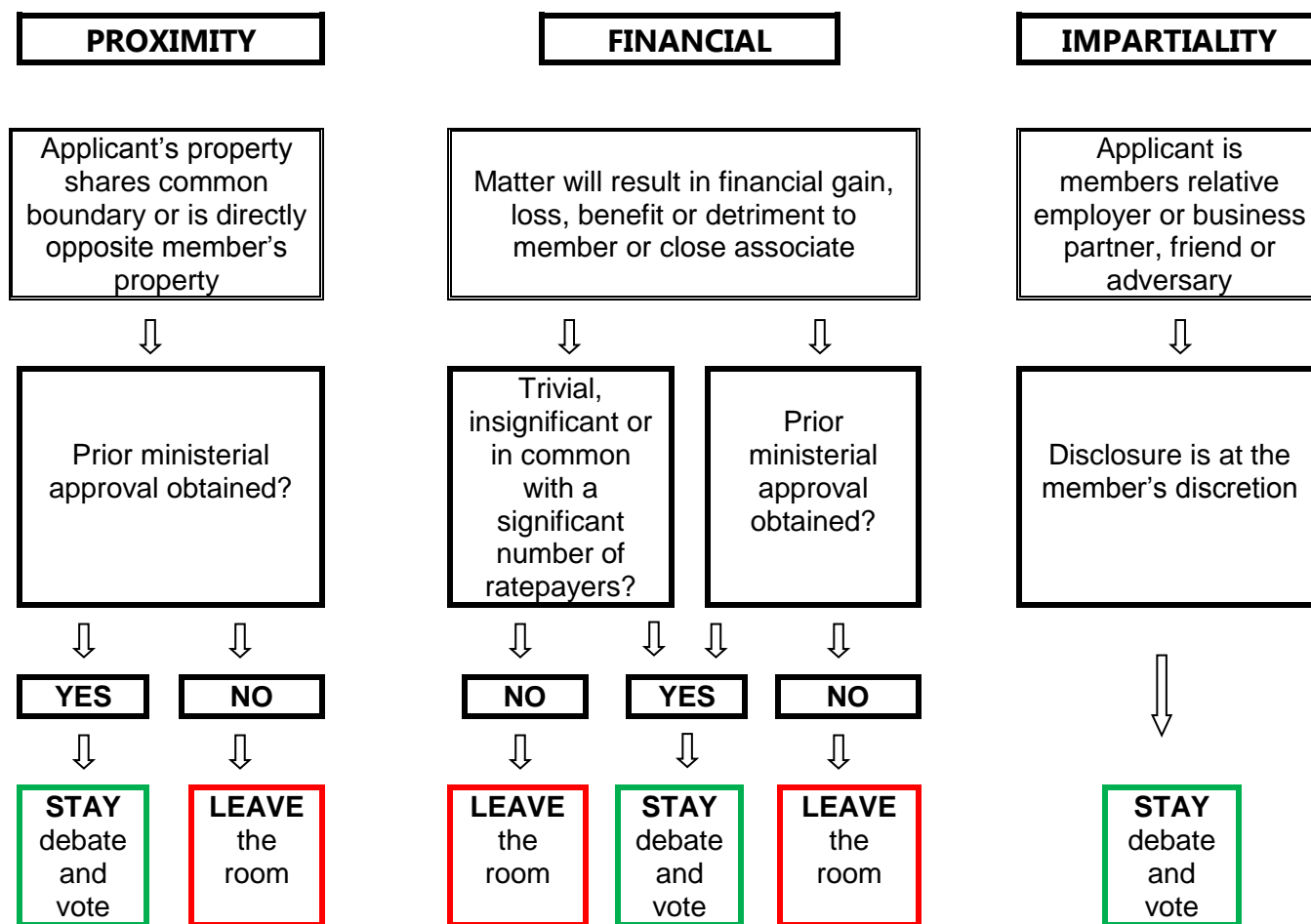
Note 1: For Ordinary meetings of Council, elected members and employees are requested to submit this completed form to the Chief Executive Officer prior to the meeting. Where this is not practicable, disclosure(s) must be given to the Chief Executive Officer prior to the matter being discussed.

Note 2: Employees or Contractors disclosing an interest in any matter apart from at meetings, where there is a conflict of interest including disclosures required by s5.71 are required to submit this form to the CEO as soon as practicable.

OFFICE USE ONLY

CEO: _____ Signed: _____ Date: _____

* Declaring an Interest



Local Government Act 1995 - Extract

5.65 - Members' interests in matters to be discussed at meetings to be disclosed.

(1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest:

(a) in a written notice given to the CEO before the meeting; or (b) at the meeting immediately before the matter is discussed. (Penalties apply).

(2) It is a defence to a prosecution under this section if the member proves that he or she did not know:

(a) that he or she had an interest in the matter; or (b) that the matter in which he or she had an interest would be discussed at the meeting.

(3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

5.70 - Employees to disclose interests relating to advice or reports.

(1) In this section: 'employee' includes a person who, under a contract for services with the local government, provides advice or a report on a matter.

(2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.

(3) An employee who discloses an interest under this section must, if required to do so by the council or committee, as the case may be, disclose the extent of the interest. (Penalties apply).

5.71 - Employees to disclose interests relating to delegated functions.

If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and:

(a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter. (Penalties apply)

'Local Government (Administration) Regulations 1996 - Extract

In this clause and in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996:

"Interest" means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

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ORDINARY COUNCIL MEETING AGENDA

4.112.4.1matt To be a prosperous and sustainable community living in harmony with our natural environment.

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

Our Strategic Objectives

- Diversify and grow our economy in a manner that provides year round employment opportunities
- *To protect and value our unique natural and built environment as we grow our economy.*
- *To be a vibrant, passionate and safe community valuing our natural environment and unique heritage*
- *To provide open transparent, accountable leadership working in collaboration with our community.*

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at XX

The Shire President acknowledged the aboriginal people both past and present, as the traditional custodians of the land on which we meet.

The Shire President advised the gallery in adhering to both the *Local Government Act 1995*, and the Shire of Exmouth Meeting Procedures Local Law 2015, it is an offense to record the proceedings of this meeting and asked the gallery to switch off any recording devices, including phones.

He advised the gallery the meeting will be recorded by the Executive Secretary for the purpose of compiling an accurate record of the minutes only; and the recording will be erased once they are confirmed.

2. RECORD OF ATTENDANCE, APOLOGIES AND APPROVED LEAVE OF ABSENCE

Councillor M (Matthew) Niikkula	Shire President
Councillor G (Gary) Mounsey	Deputy Shire President
Councillor B (Ben) Dixon	
Councillor H (Heather) Lake	
Councillor M (Mark) Lucas	
Mr C Woods	Chief Executive Officer
Mr K Woodward	Deputy Chief Executive Officer
Mrs M Head	Minute Clerk

GALLERY

APOLOGIES

Mr M Bird	Executive Manger Commercial and Community
Mr K Wilson	Executive Manager Corporate Services

LEAVE OF ABSENCE

Councillor G (Gavin) Penfold

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).

5. DECLARATIONS OF INTEREST

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.

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

That the Minutes of the Ordinary Meeting of the Shire of Exmouth held on the 22 November 201 be confirmed as a true and correct record of proceedings.

8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS

Date	Activity	Councillor					
		Cr Niikkula	Cr Mounsey	Cr Dixon	Cr Lake	Cr Lucas	Cr Penfold

9. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

11. MATTERS ARISING FROM COMMITTEES OF COUNCIL

11.1 AUDITED FINANCIAL REPORT FOR THE YEAR ENDED 30 JUNE 2018

File Reference:	FM.FI.1
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	28 November 2018
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Financial Report for the Year Ended 30 June 2018 2. Audit Opinion for the Year Ended 30 June 2018

PURPOSE

To receive the 2017/18 Audited Financial Report and Management Report issued by Council's auditors, Office of the Auditor General for recommendation to the Council.

BACKGROUND

Following receipt of the audit report for the year ended 30 June 2018, the Audit Committee is required to consider any compliance issues raised in the Independent Audit Report and recommend they be accepted by Council.

Office of Auditor General, Council Auditors have completed their audit for the financial year ending 30 June 2018 and the Independent Audit Opinion is attached.

COMMENT

The Independent Audit Report highlighted some instances of concern around the journals not being reviewed by a senior officer and two financial ratios which will be managed and monitored going forward.

CONSULTATION

Office of Auditor General
Moore Stephens (Contract auditors)

STATUTORY ENVIRONMENT

Local Government Act 1995 S6.4(3) & 5.54(1)

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Audit Fee of \$46,000

STRATEGIC IMPLICATIONS

This item is relevant to the Councils approved Strategic Community Plan 2030 and Corporate Business Plan 2018-2022

Leadership: To provide open transparent, accountable leadership working in collaboration with our community.

- 4.1 To provide proactive, collaborative and transparent leadership
- 4.2 A local government that is respected and accountable.
- 4.3 To be a champion for our community

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 11.1

That the Audit Committee recommends to Council that it:

1. Receives the 2017/18 Annual Financial Report; and
2. Receives the Audit Opinion for the Year Ended 30 June 2018.
- 3.

COMMITTEES RESOLUTION

ITEM 11.1

That the Audit Committee recommends to Council that it:

1. Receives the 2017/18 Annual Financial Report; and
2. Receives the Audit Opinion for the Year Ended 30 June 2018.

12. REPORTS OF OFFICERS

CORPORATE SERVICES

12.4.1 FINANCIAL STATEMENTS FOR PERIOD ENDING 30 NOVEMBER 2018

File Reference:	FM.FI.0
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	30 November 2018
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Monthly Financial Report as at 30 November 2018

PURPOSE

This report recommends Council accepts the financial reports for the financial periods ending 30 November 2018.

BACKGROUND

The provisions of the *Local Government Act 1995* and associated Regulations require a monthly financial report is presented at an ordinary meeting within 2 months of the period end date.

COMMENT

Revenue 2.2% under year to date budget mainly due to early reporting as we have not received the November landing fees which are normally received service providers 10 days after the end of the month. Also, Ningaloo Centre Exhibition revenue under budget.

Expenditure is 16.2% under year to date budget, mainly as a result of reviewing the residual value of all assets resulting in reduction in depreciation charge in the system. Roads depreciation expense has increased and this will be adjusted in the midyear review.

The year to date surplus is high due to delayed capital acquisition program and disposal of assets.

2017/18 Annual Financial Audit has been presented to Audit Committee with a clear audit opinion.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Sections 6.4 of the *Local Government Act 1995* provides for the preparation of financial reports.

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 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 2030 and Corporate Business Plan 2018-2022

Leadership: To provide open transparent, accountable leadership working in collaboration with our community.

4.2 A local government that is respected and accountable.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.4.1

That Council receives the Financial Report for the financial period ending 30 November 2018.

12.4.2 LIST OF ACCOUNTS FOR PERIOD ENDING 30 NOVEMBER 2018

File Reference:	FM.FI.0
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	30 November 2018
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	List of Accounts for period ending 30 November 2018

PURPOSE

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

BACKGROUND

It has been customary practice that whilst being a leader in the community, we 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.

November Payments

Municipal Fund totalling \$1,342,416.55
Incorporating cheques, direct debits, electronic payments and credit cards.

Trust Fund totalling \$1,550.00
Incorporating cheques and electronic payments.

Total November Payments: \$1,343,966.55

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 Chief Executive Officer.

POLICY IMPLICATIONS

Staff are required to ensure that they comply under Council Policy 2.10 – Purchasing Policy and 2.17 – Regional Price Preference Policy (where applicable) and that budget provision is available for any expenditure commitments.

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 2030 and Corporate Business Plan 2018-2022

Leadership: To provide open transparent, accountable leadership working in collaboration with our community.
4.2 A local government that is respected and accountable.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION**ITEM 12.4.2**

That Council pursuant to Sections 6.7 and 6.9 of the Local Government Act 1995 receives the report of payments made from the Municipal and Trust bank accounts during the month of November 2018 (*totalling \$1,343,966.55*).

12.4.3 2017/18 ANNUAL AND FINANCIAL REPORT AND ELECTORS MEETING DATE

File Reference:	FM.FI.1
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	13 December 2018
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. 2017/18 Annual and Financial Report

PURPOSE

That Council consider accepting the Annual and Financial Report for the year ending 30 June 2018 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 27 November 2018.

Both reports were provided to the Audit Committee at their meeting held 13 December 2018 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 8 February 2018.

It is recommended the Annual Electors Meeting be held on 7 February 2019 commencing at 6pm in the Mandu Mandu Function Centre at the Ningaloo Centre, Truscott Crescent Exmouth.

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 2030 and Corporate Business Plan 2018-2022.

- 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 12.4.3**

That Council:

1. Accept the Annual Financial Report including the Audit Opinion for the financial year ended 30 June 2018;
2. Accept the Annual Report for the financial year ended 30 June 2018; and
3. Authorise the Annual Electors Meeting scheduled to be held in the Mandu Mandu Function Centre at the Ningaloo Centre, Truscott Crescent Exmouth on 7 February 2018 commencing at 6pm.

ITEMS FOR INFORMATION ONLY

12.5.1 ITEMS FOR INFORMATION ONLY

PURPOSE

To advise Council of the information items for November 2018 as listed below.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

ITEM 12.5.1

That Council note the following information items:

Register of Documents Stamped with the Shire of Exmouth Common Seal

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

DATE	DOCUMENT
Nil	

Building Permits

A summary of the building permits and building certificate applications pursuant to the *Building Act 2011* up to 26 November 2018.

App #	Date Received	Lot	Property Address	Description	Decision	Decision Date
18/68	12/11/18	749	3 Turnor Place	Boundary Fence	Pending	
18/69	12/11/18	347	4 Lockwood Street	Patio Shutters	Pending	
18/70	12/11/18	347	4 Lockwood Street	Patio Shutters	Pending	

Planning Applications

A summary of the planning applications up to 26 November 2018.

App #	Date Received	Lot	Property Address	Description.	Decision	Decision Date
PA112/16	25/08/16	1586 and 1587	164 Lyndon Location Exmouth Gulf Pastoral Station	Use Not Listed (Nature Based Park)	Deferred	27/07/18
PA65/18	8/06/18	198	Yardie Creek Rd	Caravan Park Additions	Approved	21/11/18
PA72/18	3/07/18	321	Minilya-Exmouth Rd	Outbuilding	Withdrawn	13/11/18
PA76/18	12/07/18	2	Yardie Creek Road	Change of Use	Approved	26/11/18
PA84/18	3/08/18	462	16 Osprey Way	Garage	Approved	12/11/18
PA91/18	13/08/18	382	36 Corella Court	Single House & Swimming Pool	Deferred	20/09/18
PA96/18	17/08/18	963	27 Patterson Way	Change of Use	withdrawn	16/10/18
PA108/18	19/09/18	432	84 Madaffari Drive	Single House & Swimming Pool	Approved	16/11/18
PA112/18	11/10/18	461	14 Osprey Way	Single House	Approved	23/11/18
PA115/18	19/10/18	131	42 Young Street	Extension Time for Outbuilding	Approved	15/11/18
PA116/18	23/10/18	319	11 Pellew Street	Change of Use	Processing	
PA117/18	1/11/18	379	30 Corella Court	New Dwelling	Processing	
PA119/18	9/11/18	201	30 Kennedy Street	Change of Use	Approved	09/11/18
PA120/18	12/11/18	215	Coral Way	Commercial / Residential Premise	Processing	
PA125/18	19/11/18	963	27 Patterson Way	Extend Licence area and add new toilet block	Processing	
PA126/18	20/11/18	500	1 Nimitz Street	Alfresco / Carport	Processing	
PA127/18	20/11/18	48	17 Ningaloo Street	Change of Use	Processing	
PA128/18	22/11/18	500	1 Nimitz Street	Carport and Semi Permanent Caravan	Processing	
PA129/18	23/11/18	1280	8 Seawolf Place	Pergola	Processing	
PA130/18	23/11/18	428	19 Fitzhardinge Street	Garage	Processing	

OFFICER'S RECOMMENDATION**ITEM 12.5.1**

That Council note the following information items:

- Register of Documents Stamped with the Shire of Exmouth Common Seal;
- Building Decisions Issued up to 26 Novmeber 2018; and
- Planning Decisions Issued up to 26 Novmeber 2018.

- 12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**
- 14 MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS**
- 15 CLOSURE OF MEETING**