



Ordinary Council Meeting 22 August 2017

CONFIRMATION OF MINUTES

I hereby certify that the Minutes of the Ordinary Council Meeting held on 22 August 2017 are a true and accurate record of the proceedings contained therein.

.....
Mr Ian Fletcher
Commissioner

5/09/2017

.....
Dated

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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 declared the meeting open at 4.30 pm.

He acknowledged the aboriginal people both past and present, as the traditional custodians of the land of which we meet.

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

Mr I Fletcher AM JP
Mr C Woods
Mr M Bird
Mrs M Head

Commissioner
Chief Executive Officer
Executive Manager Commercial and Community
Minute Clerk

GALLERY

Visitors

11

APOLOGIES

Mr K Woodward
Mrs S O'Toole

Executive Manager Engineering Services
Executive Manager Corporate Services

LEAVE OF ABSENCE

Nil

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

The following question was taken on notice from Suzanne McHutchison at the previous Ordinary Council meeting held on the 4 July 2017.

What is the cost to the ratepayer and the shire to move the shire into the Ningaloo Centre and what benefit to town is that going to provide?

Under the terms of the current Financial Assistance Agreements (FAA) signed in June 2015 with both the State Government the Shire of Exmouth is required to occupy and manage the following components of the Ningaloo Centre:

- Library and community meeting spaces @ 350 square meters;
- Community Centre @ 550 square metres; and
- Centre Management Offices @ 100 square metres.

The Shire is responsible for all of the outgoings associated with the above operational spaces. This cost is estimated as being \$172,000 per annum.

Further, under the FAA the Shire is the asset manager responsible for all outgoings in the following areas:

- Common areas totalling 390 sq. metres; and
- Exhibition and display spaces totalling 1214 square metres.

These costs are estimated to be \$275,888 per annum. That is a total cost of \$447,888.

The Shire is currently waiting on approval from the Department of Regional Development to occupy additional space with Central Regional TAFE (CRT) to ensure that the Centre is fully occupied.

This cost (subject to approval) is identified as;

- Rent of \$36,960 per annum for the additional proposed 225 square metres. This will be diverted from general municipal revenue into a building asset management reserve totalling \$37,000.
- The cost of outgoings for this proposed additional 225 square metres is estimated to be \$38,700 per annum.

This amounts to a total cost of \$75,660 to have the Shire of Exmouth located at the Ningaloo Centre.

The Shire will also generate income from commercial tenants and the revenue from exhibitions which is estimated to be \$479,000 in year one all of which reduces the total cost to the Shire of Exmouth.

Other benefits, whilst hard to quantify in real dollar terms, of the Shire moving to the Ningaloo Centre include:

1. The current Council administration and Library facilities are nearly at the end of their useful life and the cost of upgrading these facilities would be far more costly than occupying new **fully funded** Ningaloo Centre facilities. There is no likelihood of securing government funding for a new stand-alone Shire Administration and therefore the Shire would need to borrow the majority of the funds and increase rates to meet the repayments.
2. Vacating the current Shire Administration office location in the CBD provides an opportunity to masterplan the expansion of the Exmouth CBD to meet future needs and to lease out the facilities for other purposes until such time as the masterplan is completed.
3. Relocating all staff to the Ningaloo Centre will improve customer service efficiencies and reduce costs by keeping all staff in one location rather than splitting them over the four different worksites, those being the Shire Administration at Maidstone Crescent, Ningaloo Centre, Depot and Learmonth.
4. It was identified at the Ningaloo Centre stakeholder reference group meeting earlier this year that having a large workforce at the Ningaloo Centre would improve activation and sustainability of the centre and boost the viability of commercial operations such as the Café. Amongst those who provided this advice were Alec Coles, Director of the WA Museum and James Dexter. The WA Museum, in conjunction with the City of Albany was responsible for building the National ANZAC Centre. The Shire is the only tenant of sufficient size that could occupy these premises.

The Shire has prepared and will adopt the 2017/18 annual budget tonight with no increase in rates to ratepayers and almost no increase in many of its fees and charges.

On this basis, having demonstrated the costs associated with the Shire's partial and possible full location to the Ningaloo Centre I can confirm that the cost to ratepayers has been managed within the annual budget with no rate increases to its residents.

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).

In accordance with section 11 of the *Local Government (Administration) Regulations 1996*:

11 . Minutes, content of (Act s. 5.25(1)(f))

The content of minutes of a meeting of a council or a committee is to include —

- (e) a summary of each question raised by members of the public at the meeting and a summary of the response to the question;**

Questions received by Phillip Short

Can we get a playground at town beach?

The Chief Executive Officer advised the question will be taken on notice.

Questions received by Brian Mortiss

Regarding the intersection of Maley and Reid Street; when is the Shire going to address people cutting this corner?

The Chief Executive Officer advised the question will be taken on notice.

5. DECLARATIONS OF INTEREST

Item/Description	Name	Detail of Interest	Extent of Interest
Nil			

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.

Nil.

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

That the Minutes of the Ordinary Meeting of the Shire of Exmouth held on the 4 July 2017 be confirmed as a true and correct record of proceedings.

COUNCIL RESOLUTION**ITEM 7**

Res No: 01-0817

That the Minutes of the Ordinary Meeting of the Shire of Exmouth held on the 4 July 2017 be confirmed as a true and correct record of proceedings.

CARRIED 1/0

8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

- Welcome to Matt Bird as our new Executive Manager Commercial and Community.
- On 26 July, I met with Senator Linda Reynolds to discuss the need for a deepwater port in Exmouth. Senator Reynolds is the Chair of the Defence Subcommittee of the Commonwealth Parliamentary Committee. The Defence Subcommittee will be in Exmouth on 19 and 20 September. The purpose of the visit will be to inspect Naval Commsta HEH, RAAF Learmonth, the US Solar Observatory and the new Observatory site. There will be an opportunity to discuss the importance of a long term deepwater port for joint use by Defence, industry and tourism (cruise ships).
- Members of Subsea 7 will be in Exmouth tomorrow to have discussions with the Exmouth Community Strategic Reference Group, the Exmouth Chamber of Commerce & Industry and the Shire on their proposal to develop a subsea gas pipeline manufacturing operation for the Southern Hemisphere at Learmonth.
- The Director General of Jobs, Tourism, Science & Innovation, Steve Wood will be coming to Exmouth in September to see firsthand the potential for a deepwater port versus a floating pontoon for cruise ships.
- John Langoulant who is conducting the WA Government's Commission of Inquiry into Major Projects will be in Exmouth in September to inspect the Ningaloo Centre which is one of the 26 projects under investigation.
- There have been expressions of interest from 15 members of the community who are considering nominating to be a candidate for the Exmouth local government election on 21 October. Two training sessions for potential elected members will be conducted by the Department of Local Government on 29 August. There is still opportunity to consider becoming an elected member. Electoral rolls close on 1 September, nominations for council open on 7 September and close a week later. Have a say in Exmouth's future by voting in the local government election. To be eligible to vote, you must be on the electoral roll, be over 18 years of age and live in Exmouth or own property in Exmouth but not live here. It is an election conducted by postal vote. Mr Lois Zampogna will be the Returning Officer for the election. He is an experienced officer from the WA Electoral Commission (WAEC) and is based in Perth. Mr Ken Downes from Exmouth will be the Assistant Returning Officer. Mr Downes will be undertaking training with the WAEC for this position.
- The 50th Anniversary Celebrations will include three days of entertainment commencing on the 15th September with the opening of Ningaloo Centre, by the Honourable Mark McGowan, Premier of WA, including a projection light show and fireworks. On Saturday the 16th an Official ceremony will be held at the Harold E Holt, Naval Communication Station, there will also be an Australia vs USA softball game at Koobooroo Oval, and a party in the park including a 50 year float parade. In the evening there will also be a Military Ball at the Ningaloo Centre. To conclude the weekend on the 17th, there will be a family beach day and boat parade, followed by an evening of live music and fireworks at the Exmouth Yacht Club.

- The 17/18 Shire Budget will be considered for adoption at this OCM. Key features of the Budget are:
 - this year will be a year of consolidation and review with a new Council commencing in November and a new CEO with a strong management team.
 - a new Integrated Strategic Plan (ISP) will be developed as required under the Local Government Act to commence in the 18/19 FY. This plan will be developed by the new Council and CEO with support from council officers. The ISP will involve substantial community engagement and input and will be a key role for the Exmouth Community Strategic Reference Group, chaired by Kerry Graham.
 - no increase in rates.
 - minimum increases in fees and charges.
 - no increase in fees and charges at Learmonth Airport.
 - there will be an increased focus on governance at the shire. This was identified by the CCC and other reports as a major weakness in the shire.
 - absorbed the cost of operating the Ningaloo Centre within the existing budget.
 - the external cost imposed on the shire as a result of the CCC Investigation has cost ratepayers \$309,000. We have managed those additional costs and it should never happen again.
 - the shire has a strong foundation on which to build and look to the future. The shire will be an exemplar of what is possible in regional Australia.
- The WA Minister for Transport; Planning; Lands wrote to me on 26 July advising that I have been appointed as a Local Government Member to the Development Assessment Panel (DAP).

9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

10. MATTERS ARISING FROM COMMITTEES OF COUNCIL

10.1 FINANCIAL MANAGEMENT REVIEW

File Reference:	FM.MR.2016.2017
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	20 June 2017
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Financial Management – Internal Audit Review Report

PURPOSE

That the Audit Committee endorse the Financial Management Review as detailed in Attachment 1.

BACKGROUND

In accordance with the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*, require the CEO of a Local Government to undertake reviews of the appropriateness and effectiveness of its' financial management systems and/or procedures at least once in every four financial years.

COMMENT

Butler Settineri were engaged to undertake a financial management review, including checking the integrity of processes and controls in place which supports Council's operations as well as fulfilling the CEO's statutory requirements.

The financial management systems and procedures that were tested and reviewed included:

- Bank Reconciliations
- Revenue Collection and Cash Handling
- Procurement and Disbursements
- Credit Card Procedures and Use
- Payroll
- Asset Control and depreciation schedules
- Rates
- Trust/Deposits
- Petty Cash
- Fees and charges
- Financial Information Supplied to Council
- Stock Control
- Financial Record keeping and storage of documents

The review was also to identify opportunities and provide recommendations to continuously improve and enhance Council's systems. Butler Settineri noted that there were no findings/recommendations for improvement with regard to the Financial Record Keeping.

A detailed report including a summary of recommendations and Officers comments is attached.

CONSULTATION

Butler Settineri

STATUTORY ENVIRONMENT

Part 2 (5) Local Government (Financial Management) Regulations 1996

S. 6.10 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 4 To work together as custodians of now and the future.

Leadership:

4.2 *A local government that is respected, professional, trustworthy and accountable.*

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 10.1

That the Audit Committee recommends to the Council to endorse the Financial Management Review June 2017 prepared by Butler Settineri as detailed in Attachment 1.

COMMITTEE'S RECOMMENDATION

ITEM 10.1

That the Audit Committee recommends to the Council to endorse the Financial Management Review June 2017 prepared by Butler Settineri as detailed in Attachment 1.

COUNCIL RECOMMENDATION

ITEM 10.1

Res No: 02-0817

That the Commissioner endorse the Financial Management Review June 2017 prepared by Butler Settineri as detailed in Attachment 1.

CARRIED 1/0

10.2 EXTERNAL AUDIT CONTRACT FURTHER TERM APPOINTMENT

File Reference:	FM.AD.0
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	28 June 2017
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Nil

PURPOSE

For Council to consider:

1. revoking Part 2 of Resolution No: 02-0317, to exercise the option of annual extensions for auditing 2017/18 and 2018/19; and to
2. resolve to appoint the Auditors for the financial years; 2017/18 and 2018/19.

BACKGROUND

Following the acceptance of a quote for the Provision of External Audit Services from Moore Stephens, the Audit Committee resolved on 21 March 2017 to:

That the Audit Committee recommends to Council that it:

1. ***Accept the quotation submitted by Applicant 3 and appoint David Tomasi, registered company auditor number 15724, Wen-Shien Chai, registered company auditor number 229761 and Greg Godwin, registered company auditor number 310219 as Auditors for the Provision of External Audit Services for the lump sum fixed price of \$28,900, for the 2016/17 financial year; and***
2. ***Exercise the option of annual extensions for 2017/18 and 2018/19 financial years as submitted by Applicant 3, should the Auditor General not undertake the annual financial audits of local government.***

CARRIED COMMISSIONER

Res No:02-0317

COMMENT

At present, there is uncertainty of the timing of when the Auditor General will undertake the responsibility of annual financial audits of local governments.

During this transition period, Council may experience delays in those financial years were we have asked for annual extensions for audit services, as these would need to be scheduled into Moore Stephens timetable of when the interim and final audits could occur.

By replacing the option to exercise annual extensions with fixed term appointment, this would remove any uncertainty of when Council's audits would be completed as they can be programed by Moore Stephens now.

Considering the above, it's the Officer's recommendation to the Committee to revoke part 2 of Council resolution and to endorse engagement of Moore Stephens for the continuance of audit services for the financial years; 2017/18 and 2018/19.

CONSULTATION

Moore Stephens

STATUTORY ENVIRONMENT

Section 7.3 & 7.6 of the Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

An allocation for External Audit Services will be included in Annual Budgets for the financial years 2017/18 and 2018/19.

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 10.2

That the Audit Committee recommends to the Council that it revoke Resolution number 02-0137 to Exercise the option of annual extensions for 2017/18 and 2018/19 financial years as submitted by Applicant 3, should the Auditor General not undertake the annual financial audits of local government.

OFFICER'S RECOMMENDATION

ITEM 10.2

That the Audit Committee recommends to the Council that it appoint David Tomasi, registered company auditor number 15724, Wen-Shien Chai, registered company auditor number 229761 and Greg Godwin, registered company auditor number 310219 as Auditors for the Provision of External Audit Services for the 2017/18 and 2018/19 financial years as per their quotation submitted.

COMMITTEE'S RECOMMENDATION**ITEM 10.2**

That the Audit Committee recommends to the Council that it revoke Resolution number 02-0137 to Exercise the option of annual extensions for 2017/18 and 2018/19 financial years as submitted by Applicant 3, should the Auditor General not undertake the annual financial audits of local government.

COMMITTEE'S RECOMMENDATION**ITEM 10.2**

That the Audit Committee recommends to the Council that it appoint David Tomasi, registered company auditor number 15724, Wen-Shien Chai, registered company auditor number 229761 and Greg Godwin, registered company auditor number 310219 as Auditors for the Provision of External Audit Services for the 2017/18 and 2018/19 financial years as per their quotation submitted.

COUNCIL RECOMMENDATION**ITEM 10.2**

Res No: 03-0817

That the Commissioner endorse to revoke Resolution number 02-0137 to Exercise the option of annual extensions for 2017/18 and 2018/19 financial years as submitted by Applicant 3, should the Auditor General not undertake the annual financial audits of local government.

COUNCIL RECOMMENDATION**ITEM 10.2**

Res No: 04-0817

That the Commissioner endorse to appoint David Tomasi, registered company auditor number 15724, Wen-Shien Chai, registered company auditor number 229761 and Greg Godwin, registered company auditor number 310219 as Auditors for the Provision of External Audit Services for the 2017/18 and 2018/19 financial years as per their quotation submitted.

CARRIED 1/0

11. EXECUTIVE SERVICES

11.1 POLICY 1.24 - ACTING CHIEF EXECUTIVE OFFICER

File Reference:	CM.PO.5
Responsible Officer:	Deputy Chief Executive Officer (Development Services Executive)
Date of Report:	7 August 2017
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment:	1. Revised Acting Chief Executive Officer Policy 1.24

PURPOSE

That Council endorse the revised Acting Chief Executive Officer Policy 1.24.

BACKGROUND

The revised Acting Chief Executive Officer policy is designed to ensure the functions and affairs of the Local Government continue when the Chief Executive Officer is on leave or absent from the organisation.

COMMENT

The role of Council is to determine the local government's policies.

The objectives of the Council's Policy Manual are:

1. To provide Council with a formal written record of all policy decisions;
2. To provide the staff with precise guidelines in which to act in accordance with Council's wishes;
3. To enable the staff to act promptly in accordance with Council's requirements, but without continual reference to Council;
4. To enable Councillors to adequately handle enquiries from electors without undue reference to the staff or the Council;
5. To enable Council to maintain a continual review of Council Policy decisions and to ensure they are in keeping with community expectations, current trends and circumstances; and
6. To enable ratepayers to obtain immediate advice on matters of Council Policy.

CONSULTATION

The Department of Local Government, Sport and Cultural Industries

STATUTORY ENVIRONMENT

Section 2.7 (2) (b) of the *Local Government Act 1995* states that one of the roles of a Council is to determine the Local Government's policies.

POLICY IMPLICATIONS

Update the Shire of Exmouth Policy Manual to include the revised policy 1.24 Acting Chief Executive Officer under the Governance section.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This item is relevant to the Council's 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 11.1**

That Council endorse the revised Acting Chief Executive Officer Policy 1.24

COUNCIL RECOMMENDATION**ITEM 11.1**

Res No: 05-0817

That the Commissioner endorse the revised Acting Chief Executive Officer Policy 1.24

CARRIED 1/0

11.2 POLICY 1.47 – FITNESS FOR WORK (DRUG AND ALCOHOL)

File Reference:	CM.PO.5
Responsible Officer:	Deputy Chief Executive Officer (Development Services Executive)
Date of Report:	09 August 2017
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Policy 1.47 – Fitness for Work (Drug and Alcohol)

PURPOSE

That Council endorse the revised Fitness for Work (Drug and Alcohol) 1.47 (the Policy).

The revised Policy provides further clarification and guidance on the alcohol and drug program for the Shire of Exmouth.

BACKGROUND

At the 6 June 2017 Council meeting the Commissioner passed the following resolution:

COUNCIL RESOLUTION ITEM 11.1

Res No: 02-0617

That the Commissioner endorses the creation of a Council Policy regarding Fitness for Work (Drug and Alcohol).

CARRIED 1/0

COMMENT

The role of Council is to determine the local government's policies.

The objectives of the Council's Policy Manual are:

1. To provide Council with a formal written record of all policy decisions;
2. To provide the staff with precise guidelines in which to act in accordance with Council's wishes;
3. To enable the staff to act promptly in accordance with Council's requirements, but without continual reference to Council;
4. To enable Councillors to adequately handle enquiries from electors without undue reference to the staff or the Council;
5. To enable Council to maintain a continual review of Council Policy decisions and to ensure they are in keeping with community expectations, current trends and circumstances; and
6. To enable ratepayers to obtain immediate advice on matters of Council Policy.

CONSULTATION

External

- Work Safe Western Australia
- Department of Health Western Australian
- Western Diagnostics
- West Australian Local Government Association (WALGA)

STATUTORY ENVIRONMENT

Section 2.7 (2) (b) of the *Local Government Act 1995* states that one of the roles of a Council is to determine the Local Government's policies. Related legislation includes;

- Occupational Safety and Health Act (1984)
- Misuse of Drugs Act 1981
- Road Traffic Act 1974
- Workers Compensation and Rehabilitation Act 1981

POLICY IMPLICATIONS

This Policy and supporting Procedures replaces the following documents in full:

- 1.47 Alcohol Free Workplace; and
- 2.8 Fitness for Work found in the Shire of Exmouth's Workplace Health and Safety manual (version 1, August 2015).

FINANCIAL IMPLICATIONS

Workplace Health and Safety programs are incorporated into the annual Shire Budget.

The cost of the drug and alcohol program is \$10,000 per annum for the 2017/2018 financial year.

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 11.2

That Council endorses the revised Council Policy 1.47 – Fitness for Work (Drug and Alcohol) (refer Attachment 1) of the Council Policy Manual.

COUNCIL RECOMMENDATION**ITEM 11.2****Res No: 06-0817**

That the Commissioner endorses the revised Council Policy 1.47 – Fitness for Work (Drug and Alcohol) (refer Attachment 1) of the Council Policy Manual.

CARRIED 1/0

11.3 ANNUAL REVIEW OF THE DELEGATION REGISTER

File Reference:	GV.AU.2
Responsible Officer:	Deputy Chief Executive Officer (Development Services Executive)
Date of Report:	22 August 2017
Applicant/Proponent:	Deputy Chief Executive Officer
Disclosure of Interest:	Nil
Attachment(s):	1. Delegations Register August 2017

PURPOSE

This item serves as an annual review of Council's delegations of authority (Attachment 1).

BACKGROUND

Local Governments are empowered under a number of sections of State Government legislation (Acts and Regulations) to perform certain duties and exercise certain powers.

In many instances a piece of legislation empowers the Chief Executive Officer (CEO) or another officer of the Local Governments to perform duties, but often the Act or Regulations (particularly the *Local Government Act 1995*) defaults to the Local Government Council with the ability to delegate some of its powers and duties to the CEO or to Committees in order to expedite the effective operations and implementation of the Shire's functions.

A requirement of Council delegating its authority is that a 'Register of Delegations' needs to be maintained and reviewed annually. Therefore, the purpose of this report is to review the list of delegations to the CEO and sub-delegation of duties to other nominated officers within the organisation.

In this regard an extensive analysis of all standing delegations has been undertaken by the Executive to assess the legitimacy of each delegation against relevant legislation. It should be noted that most of the delegations have been amended in some form for clarity and understanding.

As there has been significant changes to the content of the original document and that the format of the Delegation Register has also been modified for ease of reference and convenience it is recommended that Council revoke the original register in its entirety and adopt the new version.

A further 'Schedule of Authorisations' has been prepared by the CEO that empowers various staff to perform specific/designated roles and duties under sub-delegation. These Schedules do not require Council endorsement (refer to Statutory Environment below), but will be tabled for Council to note.

COMMENT

The Delegation Register is to formalise the Council's "day to day" functions/operations through empowerment of staff to operate efficiently, effectively and productively in the interest of good governance.

However, the level of delegation should not extend beyond the Council losing (or perceived to be losing) control of its responsibilities under applied legislation.

It is also pertinent that such delegations to staff on "day to day" matters are reported back to Council to ensure the grant of delegated authority, in the Council's opinion, is not misused and abused in any way. Should Council not be satisfied it may at any time amend or remove the delegation to the CEO or another officer.

Importantly, there is also a 'Schedule of Authorisations' for many of the delegations to be actioned under sub-delegation.

CONSULTATION

In consultation with the Western Australian Local Government Association (WALGA) Governance the Shire Executive undertook an extensive review of the delegation document in consideration of the latest compliancy trends available to the industry.

STATUTORY ENVIRONMENT

The Council is empowered pursuant to Sections 5.16 and 5.42 of the *Local Government Act 1995* to delegate roles and responsibilities, while Section 5.46 (2) requires an annual review of delegations by Council.

The Act also allows the Chief Executive Officer to sub-delegate any of his/her powers to another employee with the sub-delegations to be in writing.

The Chief Executive Officer is also permitted under the Act to place conditions on any sub-delegation passed onto another Shire employee.

POLICY IMPLICATIONS

There are no evident policy implications in relation to this review.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2012-2016.

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

That Council revoke the existing Delegation Register – 7 June 2016 in its entirety.

COUNCIL RECOMMENDATION**ITEM 11.3**

Res No: 07-0817

That the Commissioner revoke the existing Delegation Register – 7 June 2016 in its entirety, and adopt the revised delegation register at Attachment 1.

CARRIED 1/0

12 DEVELOPMENT SERVICES

12.1 APPOINTMENT OF BUSH FIRE CONTROL OFFICERS

File Reference:	ES.AP.1
Responsible Officer:	Deputy Chief Executive Officer (Development Services Executive)
Date of Report:	August 2017
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Nil

PURPOSE

That Council endorse the appointment of Department of Fire and Emergency Services (DFES) to the position of Chief Bush Fire Officer (CBFO).

BACKGROUND

This appointment is a statutory appointment under the provisions of the *Bush Fire Act 1954*.

The appointment of the DFES officer as the CBFO aligns with the objectives passed by Council resolution 29 June 2016:

COUNCIL RESOLUTION

ITEM 17.2

Res No: 15-0616

MOVED: Cr Todd

SECONDED: Cr McHutchison

That Council:

- 1. Authorise the Chief Executive Officer to enter into a Memorandum of Understanding with the Department of Fire and Emergency Services under the Bush Fires Act 1954 for management and control of bush fires and Emergency Services in the Pilbara on a three year trial basis; and**
- 2. Request the Fire and Emergency Services Commissioner to designate a person employed in the Department of Fire and Emergency Services to act as the Chief Bush Fire Control Officer in accordance with section 38A of the Bush Fires Act 1954 during the trial period. CARRIED 5/0**

COMMENT

Nil

CONSULTATION

Department of Fire and Emergency Services

STATUTORY ENVIRONMENT

Emergency Management Act 2005

Bush Fire Act 1954

Emergency Services Levy Act 2001

Fire and Emergency Services Authority of WA Act 1998

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There are no financial implications. DFES has advised that there will be no additional cost to the Emergency Services Levee based on them assuming management of fires as per the MOU.

STRATEGIC IMPLICATIONS

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

Social: 3 To be a dynamic, passionate and safe community valuing natural and cultural heritage.

3.1 *Retain a safe community 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.*

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.1

Council appoint the Department of Fire and Emergency Services to the position of Chief Bush Fire Officer.

COUNCIL RECOMMENDATION

ITEM 12.1

Res No: 08-0817

That the Commissioner appoint the Department of Fire and Emergency Services to the position of Chief Bush Fire Officer.

CARRIED 1/0

12.2 ANNUAL CARAVAN PARK AND CAMPING GROUND LICENCE RENEWALS

File Reference:	LE.RE.5
Responsible Officer:	Environmental Health Officer
Date of Report:	9 August 2017
Applicant/Proponent:	Ningaloo Lighthouse Caravan Park, Yardie Homestead Caravan Park and RAC Exmouth Cape Holiday Park.
Disclosure of Interest:	Nil
Attachment(s):	1. Caravan Park and Camping Ground Licence Renewals for 2017-2018

PURPOSE

That Council consider approving to renew the annual Caravan Parks and Camping Grounds Licences for Ningaloo Lighthouse Caravan Park, Yardie Homestead Caravan Park and RAC Exmouth Cape Holiday Park.

BACKGROUND

Caravan Parks and Camping Grounds within Western Australia are required to renew their annual Caravan Parks and Camping Grounds Licence with the relevant local government authority. All Caravan Parks and Camping Grounds licences within the Shire of Exmouth expire on 30 September each year and as such, renewal notices were recently issued to the four caravan parks in the Shire.

Ningaloo Lighthouse Caravan Park, Yardie Homestead Caravan Park and RAC Exmouth Cape Holiday Park have returned their renewal forms and fees to the Shire in order for the new licences to be generated.

COMMENT

In the last 12 months all the caravan parks and their respective overflow area were inspected for compliance with the Caravan Parks and Camping Grounds Regulations 1997, the current licences and approved site plans. All were found to be generally compliant.

Overflow conditions have been recommended on all of the licences of the commercially operating caravan parks. The overflow period has been recommended for 29 June 2018 – 28 August 2018.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Caravan Parks and Camping Grounds Act 1995
Caravan Parks and Camping Regulations 1997

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.*
 - 1.3 *Diverse tourism opportunities.*
- Social:
- 3 To be a dynamic, passionate and safe community valuing natural and cultural heritage.
 - 3.2 *Excellent lifestyle, recreational and cultural facilities.*
 - 3.7 *Residents and visitors have access to appropriate services and facilities to enhance their health and wellbeing.*
- 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.*

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.2

That Council approve the issuing of the Caravan Parks and Camping Grounds licences valid until 30 September 2018 as presented in Attachment 1, for signing by the Chief Executive Officer for the following caravan parks:

1. Ningaloo Lighthouse Caravan Park;
2. RAC Exmouth Cape Holiday Park; and
3. Yardie Homestead Caravan Park.

COUNCIL RECOMMENDATION

ITEM 12.2

Res No: 09-0817

That the Commissioner approves the issuing of the Caravan Parks and Camping Grounds licences valid until 30 September 2018 as presented in Attachment 1, for signing by the Chief Executive Officer for the following caravan parks:

- 1. Ningaloo Lighthouse Caravan Park;**
- 2. RAC Exmouth Cape Holiday Park; and**
- 3. Yardie Homestead Caravan Park.**

CARRIED 1/0

12.3 UPPER FLOOR FRONT BALCONY ADDITION TO EXISTING DWELLING LOT 789 (5) JONES PLACE, EXMOUTH

File Reference:	A545 (PA100/17)
Responsible Officer:	Deputy Chief Executive Officer
Date of Report:	17 July 2017
Applicant/Proponent:	Gerrard Melis (Ningaloo Building)
Disclosure of Interest:	Nil
Attachment(s):	1. Development Plans and Site Photographs

PURPOSE

That Council consider granting conditional development approval for an upper floor front balcony addition to an existing dwelling (single house) at Lot 789 (5) Jones Place, Exmouth (Attachment 1).

BACKGROUND

The subject property has an existing single storey dwelling (single house) and outbuilding. The lot is approximately 924m² in area and zoned Residential R17.5 in Town Planning Scheme No.3.

The application proposes an upper floor front balcony addition to the existing dwelling:

- Above an existing front deck;
- Has an area of 56.24m²;
- 1.65 metre high privacy screen on the northern side;
- 1 metre high balustrade on the front and southern sides;
- Finished floor level to match upper floor;
- 10 degree metal pitched roof;
- Maximum pitched roof height of 7.8 metres.

The proposal varies the deemed-to-comply provisions of the Residential Design Codes for Western Australia with a 2 metre street setback in lieu of 3 metres. The application requires Council determination as officers are not delegated to determine applications which have a front setback variation greater than 0.5 metres. The aerial image below identifies Lot 789 (5) Jones Place, Exmouth.



Location Plan – Lot 789 (5) Jones Place, Exmouth

COMMENT

The proposal has been assessed against Town Planning Scheme Number 3, State Planning Policy 3.1: Residential Design Codes for WA, and the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Town Planning Scheme Number 3 (Scheme)

The application is within land zoned 'Residential R17.5'. The objectives of the Residential zone include:

- a) *to provide for the predominant form of residential development to be single houses whilst providing for diversity with some higher density close to the town centre.*
- b) *to provide for diversity of lifestyle choice with a range of residential densities.*
- c) *to achieve a high standard of residential development having regard to the economic importance of tourism to the town.*
- d) *to allow for the establishment of non-residential uses which are compatible with the predominant residential use and which will not adversely affect local amenities.* The proposal generally complies with the objective above.

The proposal is considered to generally comply with the objectives of the Residential zone.

Clause 4.1.3 of the scheme states '*Unless otherwise provided for in the Scheme the development of land for any of the residential purposes dealt with by the R Codes shall conform to the provisions of those Codes.*' Comments on R-Codes assessment provided below.

Clause 5.1.2 of the scheme states site requirements in accordance with the R-Codes. Comments on R-Codes assessment provided below.

State Planning Policy 3.1: Residential Design Codes for WA (R-Codes)

The proposal varies deemed to comply provision 5.1.2 Street setback of the R-Codes with a minimum 2 metre street lot boundary setback in lieu of 3 metres. Clause 2.4 of the R-Codes states:

'Where a proposal does not meet deemed to comply provision(s) of the R-Codes and addresses design principle(s), the decision maker is required to exercise judgement to determine the proposal. Judgement of merit is exercised only for specific element(s) of a proposal which do not satisfy the relevant deemed to comply provision(s).'

Assessment against 5.1.2 design principles P2.1 and P2.2 of the R-Codes below.

Design Principles	Officer Comments
<p><i>P2.1 Buildings set back from street boundaries an appropriate distance to ensure they:</i></p> <ul style="list-style-type: none"> <i>• contribute to, and are consistent with, an established streetscape;</i> <i>• provide adequate privacy and open space for dwellings;</i> <i>• accommodate site planning requirements such as parking, landscape and utilities; and</i> <i>• allow safety clearances for easements for essential service corridors.</i> 	<p>The balcony is proposed on top of an existing verandah which is setback 2 metres from the street lot boundary. This verandah establishes the existing streetscape. There are no other structures in the street with a setback less than 3 metres. The proposed balcony does not protrude forward into the front setback area less than the existing established verandah which forms the streetscape. Complies</p> <p>The southern side of the balcony allows for overlooking into adjoining Lot 790 (3) Jones Place behind the street setback area. This can be addressed with the requirement for permanent screening being a minimum 1.6 metres high above the finished floor level of the proposed balcony. Additional Condition included. There is adequate open space provided within Lot 789 (5) Jones Place. Conditioned to comply</p> <p>The deemed to comply requirements for parking have been met, and landscaping and utility connections can be made within the street setback area. Complies</p> <p>Adequate clearances for easements for essential services have been met. Complies</p>
<p><i>P2.2 Buildings mass and form that:</i></p> <ul style="list-style-type: none"> <i>• uses design features to affect the size and scale of the building;</i> 	<p>The scale of the balcony is appropriate considering that it has a maximum pitched roof height of 7.8 metres in lieu of the maximum permissible being 9 metres. Further it is only a minor portion of the balcony which encroaches into the street setback area. The majority of the balcony (being 97%) is fully compliant with the deemed to comply street setback requirements of the R-Codes.</p>

<ul style="list-style-type: none"> • <i>uses appropriate minor projections that do not detract from the character of the streetscape;</i> • <i>minimises the proportion of the façade at ground level taken up by building services, vehicle entries and parking supply, blank walls, servicing infrastructure access and meters and the like; and</i> • <i>positively contributes to the prevailing development context and streetscape.</i> 	<p>The first 1.5 metres of screening on the northern side of the balcony is not required to meet the deemed to comply provisions of overlooking. Requiring removal of the first 1.5 metres will reduce the scale of impact on adjoining Lot 101 (7) Jones Place. Additional condition included. Conditioned to comply</p> <p>The character of the existing streetscape has already been set by an existing verandah which has a minimum setback of 2 metres from the front lot boundary. The incursion into the street setback area is considered to be minor as it is only 1.5m² on a 924m² lot. Complies</p> <p>The proposed upper balcony does not affect the existing façade at ground level. Complies</p> <p>The first 1.5 metres of screening on the northern side of the balcony is not required to meet the deemed to comply provisions of overlooking. Requiring removal of the first 1.5 metres will create a more open structure, ensuring consistency with the prevailing development context and existing streetscape, as the existing verandah setback less than 3 metres is entirely open. Additional condition included. Conditioned to comply</p>
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The proposal varies deemed to comply provision 5.4.1 Visual Privacy of the R-Codes with overlooking from the southern side of the balcony into adjoining Lot 790 (3) Jones Place, Exmouth. Based on the assessment above against 5.1.2 Street Setback design principles, permanent screening being a minimum 1.6 metres high above the upper finished floor level on the southern side of the balcony is required, therefore a detailed assessment against 5.4.1 Visual Privacy design principles has not been undertaken. The requirement to provide permanent screening being a minimum 1.6 metres high above the upper finished floor level on the southern side of the balcony will ensure compliance with the deemed to comply requirements of 5.4.1 Visual Privacy.

The proposal was assessed against all other deemed to comply provisions of the R-Codes and determined to be compliant.

Considering the above the proposal can be conditioned to meet the design principles of the R-Codes, and should therefore be approved subject to conditions.

Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)

Clause 67 of the deemed provisions of the Regulations states the matters to be considered by the local government in considering an application for development approval. Clause 67 (b) states 'any proposed local planning scheme that has been advertised under the *Planning and Development*

(Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving'. Draft Local Planning Scheme Number 4 (Draft Scheme 4) has been advertised under the Regulations and the Shire is seriously considering adopting or approving it. Draft Scheme 4 classifies the lot in the Residential zone with an applicable R17.5 density coding. Draft Scheme 4 does not have any provisions greater than what has already been discussed in this assessment report.

Part 10A of the deemed provisions which relates to bushfire risk management exempts this application from the requirement to provide a bushfire attack level assessment, as the lot has an area less than 1,100m².

Considering the above officer recommends that Council grant conditional development approval for an upper floor front balcony addition at Lot 789 (5) Jones Place, Exmouth.

CONSULTATION

The application was referred to adjoining impacted neighbours to comment on the proposal from Friday 16 June 2017 until Monday 3 July 2017, for a period of 17 days in accordance with the R-Codes. A summary is tabled below:

Property Referred	Submitters Response	Officers Comment
Lot 790 (3) Jones Place, Exmouth	Nil	Nil
Lot 101 (7) Jones Place, Exmouth	Do not object.	Noted.
Lot 100 (9) Jones Place, Exmouth	Nil	Nil
Lot 300 (25) King Place, Exmouth	Nil	Nil
Lot 787 (6) Jones Place, Exmouth	Nil	Nil
Lot 786 (4) Jones Place, Exmouth	Nil	Nil

STATUTORY ENVIRONMENT

Town Planning Scheme No. 3

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

POLICY IMPLICATIONS

State Planning Policy 3.1: Residential Design Codes for WA

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.
- 4.1 *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.*

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION**ITEM 12.3**

That Council grants development approval for an upper floor front balcony addition at Lot 789 (5) Jones Place, Exmouth subject to the following conditions:

1. The development being carried out in accordance with the stamped approved plans (PA100/17), and the Shire of Exmouth Town Planning Scheme No. 3 together with any annotations detailed thereon by the Shire;
2. The first 1.5 metres of screening on the northern edge of the balcony shall be a maximum height of 1 metre above the finished level of the balcony;
3. The balcony shall have permanent vertical screening on the entire southern edge, at a minimum height of 1.6 metres above the finished level of the balcony, and being a minimum 75% obscure to prevent overlooking in accordance with deemed to comply clause 5.4.1 of the R-Codes. The screening shall be installed prior to use of the building and remain in place permanently;
4. Air conditioners and all service fittings and fixtures shall not be visible from Jones Place;
5. All water draining from roofs and other impermeable surfaces shall be managed on site and/or discharged into the Shire's road drainage system;
6. The balcony shall be of an as new standard to the satisfaction of the Shire. Zinalume is not a permitted building material;
7. If the development which is the subject of this approval is not substantially commenced within a period of 2 years, the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire of Exmouth having first been sought and obtained.

Advice

- i. This approval is not an authorisation to commence construction. Prior to any construction, a building permit approval from the Shire must be obtained.
- ii. The approval granted is not to be construed as approval granted under the *Building Act 2011*, *Building Regulations 2012* or any other relevant statutory approval.
- iii. The applicant is advised to refer to Local Policy Number 7.8: Verge Enhancement which defines an 'approved verge improvement' and Local Policy Number 7.9: Crossovers and Verges within townsites prior to undertaking any works in the verge.
- iv. The lot is located within a Bushfire Prone Area as designated by an Order made by the Fire and Emergency Services Commissioner and may be subject to the requirement for a Bushfire Attack Level Assessment and corresponding additional building standards.
- v. Any additional development or substantial variation from the stamped approved plans, will require separate development approval from the Shire.
- vi. This approval is not an authority to ignore any constraint or additional requirement to development on the land, which may exist through contract or on title, such as an easement,

encumbrance, restrictive covenant or any other limitation. It is the responsibility of the applicant and not the Shire to investigate any such constraints before commencing development.

- vii. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

COUNCIL RECOMMENDATION**ITEM 12.3**

Res No: 10-0817

That the Commissioner grants development approval for an upper floor front balcony addition at Lot 789 (5) Jones Place, Exmouth subject to the following conditions:

- 1. The development being carried out in accordance with the stamped approved plans (PA100/17), and the Shire of Exmouth Town Planning Scheme No. 3 together with any annotations detailed thereon by the Shire;**
- 2. The first 1.5 metres of screening on the northern edge of the balcony shall be a maximum height of 1 metre above the finished level of the balcony;**
- 3. The balcony shall have permanent vertical screening on the entire southern edge, at a minimum height of 1.6 metres above the finished level of the balcony, and being a minimum 75% obscure to prevent overlooking in accordance with deemed to comply clause 5.4.1 of the R-Codes. The screening shall be installed prior to use of the building and remain in place permanently;**
- 4. Air conditioners and all service fittings and fixtures shall not be visible from Jones Place;**
- 5. All water draining from roofs and other impermeable surfaces shall be managed on site and/or discharged into the Shire's road drainage system;**
- 6. The balcony shall be of an as new standard to the satisfaction of the Shire. Zinalume is not a permitted building material;**
- 7. If the development which is the subject of this approval is not substantially commenced within a period of 2 years, the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire of Exmouth having first been sought and obtained.**

Advice

- i. This approval is not an authorisation to commence construction. Prior to any construction, a building permit approval from the Shire must be obtained.**
- ii. The approval granted is not to be construed as approval granted under the *Building Act 2011*, *Building Regulations 2012* or any other relevant statutory approval.**

- iii. **The applicant is advised to refer to Local Policy Number 7.8: Verge Enhancement which defines an 'approved verge improvement' and Local Policy Number 7.9: Crossovers and Verges within townsite prior to undertaking any works in the verge.**
- iv. **The lot is located within a Bushfire Prone Area as designated by an Order made by the Fire and Emergency Services Commissioner and may be subject to the requirement for a Bushfire Attack Level Assessment and corresponding additional building standards.**
- v. **Any additional development or substantial variation from the stamped approved plans, will require separate development approval from the Shire.**
- vi. **This approval is not an authority to ignore any constraint or additional requirement to development on the land, which may exist through contract or on title, such as an easement, encumbrance, restrictive covenant or any other limitation. It is the responsibility of the applicant and not the Shire to investigate any such constraints before commencing development.**
- vii. **If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.**

CARRIED 1/0

12.4 PROPOSED CROWN AMALGAMATION – LOTS 6 AND 319 YARDIE CREEK ROAD, NORTH WEST CAPE

File Reference:	A1062;
Responsible Officer:	Deputy Chief Executive Officer
Date of Report:	3 August 2017
Applicant/Proponent:	Department of Planning, Lands and Heritage
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none">1. Proposal Letter2. Previous Land Swap Proposal3. Scheme Map4. Site Photography

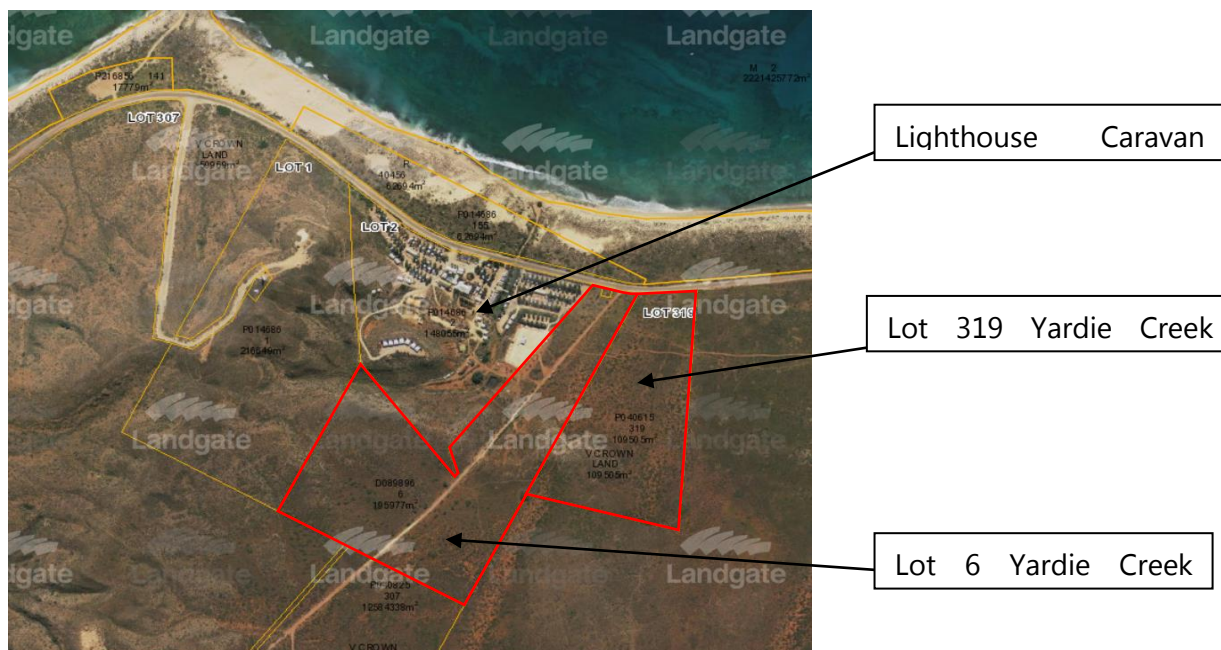
PURPOSE

That Council consider providing comments to the Department of Planning, Lands and Heritage on the proposed Crown Amalgamation of Lots 6 and 319 Yardie Creek Road, North West Cape (refer Attachment 1 and 4).

BACKGROUND

The Department of Planning, Lands and Heritage has referred the proposal to the Shire of Exmouth in order to seek any comments and/or objections in its regard. The proposal has arisen through the owner of Lot 6 seeking to purchase Lot 319.

Originally the intention was for a land swap between the rear portion of the privately owned Lot 6 with Lot 319 owned by the Department of Planning, Lands and Heritage (Attachment 2). However, during 2016 the owner of Lot 6 advised that the land swap negotiations fell through and it was not going to proceed. Over the course of 2017 the owner of Lot 6 approached the Department of Planning, Lands and Heritage with the intention of purchasing Lot 319 to be amalgamated into Lot 6, resulting in the subject proposal. Both properties are currently vacant with no previous development having occurred.



COMMENT

Town Planning Scheme No. 3

Lot 319 and a portion of Lot 6 Yardie Creek Road are classified as 'Special Use Zone 7' for the purpose of tourist accommodation by the Shire of Exmouth *Town Planning Scheme No. 3* (refer Attachment 3). The remaining portion of Lot 6 is classified as a 'Recreation and Open Space' reserve. The zoning arrangement was implemented through a Scheme Amendment which had the purpose of enforcing the Vlamingh Head Masterplan as the planning framework for the subject area.

Vlamingh Head Masterplan

The Ningaloo Coast Regional Strategy Carnarvon to Exmouth outlines Vlamingh Head as a development node along the Ningaloo Coast requiring further strategic planning. As a result the Western Australian Planning Commission adopted the Vlamingh Head Masterplan to provide strategic guidance on this location and also a development framework through site and development requirements.

As outlined in the Background Section, the Masterplan identifies a land swap between the rear portion of Lot 6 and Lot 319. This is due to the Masterplan not supporting development on the rear portion of Lot 6. The rezoning to Special Use Zone 7 encompassed the area where development is supported. Although the land swap is no longer going to proceed the proposed amalgamation would still result in the developable areas of Lots 6 and 319 identified in the Masterplan being contained within one lot. Therefore, the proposal allows the Masterplan to be carried out.

The primary matters that are generally considered through subdivision and amalgamation are as follows:

- Drainage;
- Topography;
- Vehicle and pedestrian access;
- Flora and fauna;
- Landscape and amenity;
- Utilities;
- Native title and heritage; and
- Fire and emergency.

Most of the matters above have been addressed in the Masterplan through studies, identifying developable areas and providing a site and development requirement framework for future development. In addition, the responsibility of administering some of the matters does not lie with the Shire of Exmouth, such as utilities.

Fire and emergency considerations have not currently been addressed. Both properties are located within a bushfire prone area, however the amalgamation reduces the overall number of properties within this area. Furthermore, in this instance it is considered that fire and emergency mitigation is most appropriately addressed through the development application process where the location of works, land uses and internal access is proposed in order to gauge necessary mitigation measures.

Therefore, based on the above it is considered the proposed amalgamation is consistent with the Vlamingh Head Masterplan and should be supported. Advice notes are recommended regarding potential bushfire planning requirements, the Vlamingh Head Masterplan and the requirement for a foreshore management plan as these will be the primary considerations that need to be addressed for future development.

CONSULTATION

The proposal was referred to the Shire's Health and Engineering Departments. Neither Department had any comments on the proposal.

The owner of Lot 6 Yardie Creek Road, North West Cape corresponded with Council Officers regarding the proposal within the three months leading up to this report. Advice was provided regarding the proposals consistency with the existing Shire of Exmouth local planning framework which is outlined in this report.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Town Planning Scheme No. 3

Fire and Emergency Services Act 1998

POLICY IMPLICATIONS

Ningaloo Coast Regional Strategy Carnarvon to Exmouth

Vlamingh Head Masterplan

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2012-2016.

- 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.*
 - 1.3 *Diverse tourism opportunities.*

- Environment: 2 To have a balanced respect for our environment and heritage, both natural and built.
- 2.1 *To maintain and improve access and connectivity to our natural assets.*
- 2.2 *Our pristine natural environment and biodiversity will be understood, maintained and protected.*
- 2.3 *To have a town and community that takes pride in its world heritage status.*
- 2.4 *To be a leader in eco-friendly initiatives and innovations.*
- 2.5 *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.*
- 2.6 *Incorporate Climate Change impacts onto current and future planning and policy of Land Developments.*
- Social: 3 To be a dynamic, passionate and safe community valuing natural and cultural heritage.
- 3.1 *Retain a safe community environment.*
- 3.2 *Excellent lifestyle, recreational and cultural facilities.*
- 3.3 *An inclusive, responsible and cohesive community.*
- 3.4 *A community that is well informed and educated about our natural, cultural and built environment.*
- 3.7 *Residents and visitors have access to appropriate services and facilities to enhance their health and wellbeing.*
- 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 12.4

That Council advise the Department of Planning, Lands and Heritage that the proposed Crown Amalgamation of Lot 6 and Lot 319 Yardie Creek Road, North West Cape is supported as it is considered consistent with the Vlamingh Head Masterplan.

Advice

- i. The Vlamingh Head Masterplan is applicable to all future development on the land the subject of this amalgamation.
- ii. Lot 6 and Lot 319 Yardie Creek Road, North West Cape are located within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner under the *Fire and Emergency Services Act 1998*. Additional planning and building requirements may apply to development on this land, including the requirement for a Bushfire Management Plan.
- iii. The Shire of Exmouth *Town Planning Scheme No. 3* requires the approval of a foreshore management plan in accordance with the state coastal policy requirements for future development on land zoned Special Use Zone 7.

COUNCIL RECOMMENDATION**ITEM 12.4****Res No: 11-0817**

That the Commissioner advise the Department of Planning, Lands and Heritage that the proposed Crown Amalgamation of Lot 6 and Lot 319 Yardie Creek Road, North West Cape is supported as it is considered consistent with the Vlamingh Head Masterplan.

Advice

- i. The Vlamingh Head Masterplan is applicable to all future development on the land the subject of this amalgamation.**
- ii. Lot 6 and Lot 319 Yardie Creek Road, North West Cape are located within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner under the *Fire and Emergency Services Act 1998*. Additional planning and building requirements may apply to development on this land, including the requirement for a Bushfire Management Plan.**
- iii. The Shire of Exmouth *Town Planning Scheme No. 3* requires the approval of a foreshore management plan in accordance with the state coastal policy requirements for future development on land zoned Special Use Zone 7.**

CARRIED 1/0

13 CORPORATE SERVICES

13.1 FINANCIAL STATEMENTS FOR PERIOD ENDING 30 JUNE 2017 AND 31 JULY 2017

File Reference:	FM.FL.0
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	10 August 2017
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none"> 1. Financial Report as at 30 June 2017 2. Financial Report as at 31 July 2017

PURPOSE

This report recommends Council accepts financial reports for the financial period ending 30 June 2017 and 31 July 2017.

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. Financial reports for the period ended 30 June 2017 and 31 July 2017 have been prepared and copies attached.

As these reports are for two separate financial years, the following table displays Council's unaudited closing position for 2016/17 financial year. The 2016/17 Budget estimated to deliver a budget with a surplus of \$16,515, however due to the early receipt of an instalment of the Financial Assistance Grant of \$993,202 in June 2017 from the Local Government Grants Commission, this increased our surplus to \$962,702. Had this grant not been paid early, a closing deficit of (\$30,500) would've been attained.

2016/17	2016/17 Actual	2016/17 Amended Budget	On Target with Budget
	\$	\$	%
Operating Revenue	12,838,558	11,927,193	111.8%
Operating Expenditure	(14,911,897)	(15,865,495)	104.7%
Non Operating Revenue	20,823,770	27,937,455	76.3%
Non Operating Expenditure	(22,259,108)	(28,398,920)	79.0%
Non cash Items Included	4,345,835	4,286,478	114.5%
Surplus C/Fwd June 2016	125,545	129,804	96.7%
Surplus/(Deficit)	962,702	16,515	358.5%

As the 2017/18 budget is yet to be adopted, July 2017 financial report only contains actuals and without any comparatives with budget, the table has been excluded.

COMMENT

Statement of Financial Position

Total current assets increased by 91% from May to June 2017, which is attributed to the recognition of restricted cash held by WA Treasury Corporation Overnight Cash Deposit Facility of \$3.1m. As these funds were included in current assets, they also needed to be recognised as a current liability, as unearned revenue. Accrued expenses decreased from May to June 2017 by 3,013% due to the timing of creditors invoices being entered. Loan principal repayments due in 2017/18 were transferred from non-current to current borrowings, and also included were the provisions for annual and long service leave to meet Council's current leave requirements.

Non-current Assets have only increased slightly, just 1% in recognition of construction works at the Ningaloo Centre nearing completion. Non-Current Liabilities changed by 101%, as explained above.

	30/06/2017	31/05/2017	% Change
Current	\$	\$	
Assets	12,225,008	6,415,229	91%
Liabilities	(6,256,235)	(1,707,077)	266%
Non Current			
Assets	107,145,021	105,842,212	1%
Liabilities	(2,430,125)	(1,207,610)	101%
NET ASSETS	110,663,963	109,342,754	

Capital Expenditure

The Council's 2016/17 Capital Expenditure budget was \$26,640,231, with the majority of which was associated with the construction and fitout of the Ningaloo Centre and other infrastructure improvements. The following table shows that Council achieved 79% of budgeted capital programs.

Asset Class	2016/17 Actual	Annual Budget	On Target with Budget
	\$	\$	%
Land & Buildings	18,820,676	21,749,654	87%
Furniture & Equipment	397,073	371,000	107%
Land Held for Resale	430,000	430,000	100%
Plant & Equipment	151,807	1,026,200	15%
Infrastructure Roads	1,043,249	2,267,441	46%
Infrastructure Other	257,411	795,936	32%
TOTAL	21,100,215	26,640,231	79%

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Section 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 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 13.1

That Council resolves to receive the Financial Report for the financial period ending:

1. 30 June 2017; and
2. 31 July 2017.

COUNCIL RECOMMENDATION

ITEM 13.1

Res No: 12-0817

That the Commissioner resolves to receive the Financial Report for the financial period ending:

- 1. 30 June 2017; and**
- 2. 31 July 2017.**

CARRIED 1/0

13.2 LIST OF ACCOUNTS FOR PERIOD ENDING 30 JUNE 2017 AND 31 JULY 2017

File Reference:	FM.FI.0
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	10 August 2017
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none">1. List of Accounts for period ending 30 June 2017.2. List of Accounts for period ending 31 July 2017

PURPOSE

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

BACKGROUND

It has been a 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.

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

Council Policy 2.10 – Purchasing Policy

Council 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 13.2

That Council pursuant to Sections 6.7 and 6.9 of the *Local Government Act 1995* resolves to accept accepts payments being made up of:

1. Municipal Fund – June 2017 \$1,643,030.46 incorporating of cheques 13444 - 13455 and direct debits; and
2. Municipal Fund – July 2017 \$976,104.64 incorporating of cheques 13456 – 13467 and direct debits; and
3. Trust Fund – June 2017 \$2,720.85 incorporating direct debits
4. Trust Fund – July 2017 \$18,799.69 incorporating of cheques 400854 - 400855 and direct debits

Outstanding Creditors as at 30 June 2017 being \$1,690,488.12 and as at 31 July 2017 being \$1,489,171.56

COUNCIL RECOMMENDATION

ITEM 13.2

Res No: 13-0817

That the Commissioner pursuant to Sections 6.7 and 6.9 of the *Local Government Act 1995* resolves to accept accepts payments being made up of:

1. Municipal Fund – June 2017 \$1,643,030.46 incorporating of cheques 13444 - 13455 and direct debits; and
2. Municipal Fund – July 2017 \$976,104.64 incorporating of cheques 13456 – 13467 and direct debits; and
3. Trust Fund – June 2017 \$2,720.85 incorporating direct debits
4. Trust Fund – July 2017 \$18,799.69 incorporating of cheques 400854 - 400855 and direct debits

Outstanding Creditors as at 30 June 2017 being \$1,690,488.12 and as at 31 July 2017 being \$1,489,171.56

CARRIED 1/0

13.3 ADOPTION OF THE 2017/18 BUDGET

File Reference:	FM.BU.17.18
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	15 August 2017
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. 2017/18 Budget

PURPOSE

This report recommends that Council adopt the 2017/2018 Budget.

BACKGROUND

Council is required to prepare and adopt in the manner and form prescribed, its annual budget by no later than 31 August each year in accordance with Section 6.2 of the *Local Government Act 1995*.

COMMENT

The draft budget for 2017/18 presented for adoption reflects a small closing surplus of \$4,189. The closing surplus position of \$962,702 as at 30 June 2017, was achieved due to the early receipt of an instalment of the Financial Assistance Grant of \$993,202 in June 2017 from the Local Government Grants Commission. Had this grant not been paid early, a closing deficit of (\$30,500) would've been attained.

Notwithstanding this, it is considered that the 2017/18 budget is financially prudent and this is demonstrated in a review of the 2016/17 operational costs compared to 2017/18 budget, which reflects an estimated reduction in costs of \$65,116 (-0.89%).

Operational Cost	2016/17 Actual \$	2017/18 Budget \$	Variance \$	% Change	
Salaries	5,356,839	5,098,741	(258,098)	-5%	▼
Superannuation	827,971	701,183	(126,788)	-17%	▼
Insurance	515,595	563,449	47,854	9%	▲
Utilities	683,970	955,886	271,916	33%	▲
TOTAL	7,384,375	7,319,259	(65,116)	-0.89%	▼

Council Officers are confident they will continue to meet community expectations and needs as outline in our Strategic Community Plan and Corporate Business Plan throughout 2017/18 financial year whilst achieving a forecasted closing surplus.

2017/18 Budget Highlights

- 0% rate increase
- Non operating grant funding for the year is estimated at \$5.3m
- Net transfer from reserves during 2017/18 of \$1.02m, leaving a balance in the reserve accounts of \$5m
- Existing borrowings will require principal and interest repayments of \$349,808
- Capital works programme featuring \$7.2m of planned works, with the main projects being:
 - \$3.3m Ningaloo Centre finalising construction (official opening scheduled 15 September 2017)
 - \$15k Relocation of Dog Pound from Willersdorf Road to the Works Depot
 - \$166k Construction of Septage Ponds at Refuse Site
 - \$410k Replacement Rubbish Truck
 - \$199k Construction at Swimming Pool of a Multi-purpose Community room and user Storage Facility
 - \$1.4m Murat Road, includes road widening, intersection redesign, lighting, flood mitigation and shared bike/pedestrian path.
 - \$387K General Road Sealing
 - \$316K Upgrades to Yardie Creek Rd & Ningaloo Access Rd
 - \$17K Adding non-slip surface to Tantabiddi boat ramp walkways
 - \$155k Bundegi Beach, upgrade to fender system and rust treatment
 - \$917K Replacement of Rubbish Truck, Loader & Excavator

Rating 2017/18

The overall objective of the rates and charges included in the 2017/18 budget is to provide for the net funding requirement of Council's operational and capital activities after taking into account all other forms of revenue.

The 2017/18 budget has been prepared with no increase in rates and continues to impose differential general rates, minimum payment and the same rating categories from 2016/17. In 2015/16, Council combined 11 differential rate codes into 6 rating categories, which has provided fairness and equity in our rating model, ensuring that all ratepayers made a reasonable contribution to the rate burden.

To minimise any significant increase to those properties that were grouped, concessions will still need to be applied to individual properties with a combination of zones and characteristics, which have been factored into the 2017/18 Budget.

A Notice of Intention to Levy Differential Rates for 2017/18 was advertised on 14 June 2017 in the Pilbara News and on public notice boards and the Shire's website. Public submissions were required to be provided to Council on or before 6 July 2017, and no submissions were received for Council consideration.

With respect to increases in rates over a 5 year period, shows an average of 2.22%.

	2017/18	2016/17	2015/16	2014/15	2013/14
% increase	0.0%	1.4%	1.3%	2.9%	5.5%
Source		OTHER	CPI	CPI	OTHER

As illustrated in the budget, the delivery of services and support is being fully funded, it is therefore recommended that Council adopts its 2017/18 budget as presented.

CONSULTATION

Shire of Exmouth Ratepayers

STATUTORY ENVIRONMENT

Section 6.2 & 6.35 (5) Local Government Act 1995

Local Government Financial Management Regulations 22-33

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The budget outlines the financial plans for the Shire during 2017/18 and contains estimated revenue and expenditure which is monitored throughout the year with an estimated closing surplus of \$4,189.

STRATEGIC IMPLICATIONS

Civic Leadership

Objective 4: To work together as custodians of now and the future.

- Outcome: 4.2: A local government that is respected, professional, trustworthy and accountable

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 13.3

That Council in accordance with Section 6.2(1) of the *Local Government Act 1995*, having considered any submissions received on the intended Differential Rates, Specified Area Rate, adopt the Budget for the financial year ending June 30, 2018 as resolved below :-

Differential General Rates:

Impose a differential general rate on rateable land within the Municipality of Exmouth in accordance with Section 6.33 of the *Local Government Act 1995* and adopt the following schedule of differential rates:

Rate Category	Rate in the Dollar \$	Minimum Payment \$
GRV General	0.0715	900.00
GRV Marina Developed	0.0983	900.00
GRV Holiday Homes	0.1011	900.00
GRV Vacant Land	0.1205	900.00
UV Mining	0.1552	284.00
UV Rural	0.0776	900.00
GRV Specified Area Rate	0.0130	66.00

Rating Concessions:

Apply a concession for the properties with a combination of zones and characteristics as follows:

Rate Category	Concession – Reduction in the Rate in the Dollar	Concession – Reduction in the Minimum Payment
GRV General – for properties zoned Residential and are predominantly used for residential purposes	\$0.0016	
GRV General – for properties zoned Special Rural and are developed	\$0.0147	
GRV General – for properties zoned Residential Development and used for residential purposes	\$0.0101	
GRV Vacant Land – for properties zoned Industrial, Light Industrial, Mixed Use, Strategic Industrial, Tourist, Town Centre and Composite Development	\$0.0096	
GRV Vacant Land – for properties zoned Special Rural and are vacant land	\$0.0490	
GRV Vacant Land – For properties zoned Residential Development and are vacant land		\$470.00
GRV Vacant Land – for properties zoned Residential and are vacant land	\$0.0472	
GRV Vacant Land – for properties zoned Marina and are vacant land	\$0.0015	
GRV Holiday Homes	\$0.0312	

– for properties zoned Residential that have received Town Planning approval to operate as short term holiday accommodation		
GRV Holiday Homes – for properties zoned Marina that have received Town Planning approval to operate as short term holiday accommodation	\$0.0009	
UV Rural – for properties zoned Rural and operate under a Pastoral Lease	\$0.0194	

Rubbish Removal Charges:

1. Set the following rubbish removal charges:
 - a. Residential \$362.00 for the weekly removal of each 240 litre mobile garbage bin; one collection per week.
 - b. Residential \$253.75 for the weekly removal of each 120 litre mobile garbage bin; one collection per week.
 - c. Commercial \$350.00 for the weekly removal of each 240 litre mobile garbage bin; one collection per week

Due Date for Payment of Rates and Charges:

The due date for the single payment of a rate or service charge to be 29 September 2017

Due Date for Payment of Rate Instalments

Set the due date for the payment of rate instalments as follows:-

First Instalment	29 September 2017
Second Instalment	29 November 2017
Third Instalment	29 January 2018
Fourth Instalment	29 March 2018

Options for Payment of Rates and Charges:

Option 1: Prompt Payment Due no later than 4:30pm on 29 September 2017

Option 2: Two equal instalments

- i) First instalment due no later than 4:30pm on 29 September 2017
- ii) Second instalment due no later than 4:30pm on 29 November 2017

Option 3: Four equal instalments

- i) First instalment due no later than 4:30pm on 29 September 2017
- ii) Second instalment due no later than 4:30pm on 29 November 2017
- iii) Third instalment due no later than 4:30pm on 29 January 2018
- iv) Fourth instalment due no later than 4:30pm on 29 March 2018

Administration Charge on Instalments:

Set an administration charge of \$14.50 per rate instalment notice where the instalment plan is selected.

Interest on Rate Instalments

Set as an additional charge by way of interest where the instalment plan is selected an interest rate of 5.5%.

Late Payment Interest Charge:

Set an interest rate of 11% as penalty interest for the late payment of rates and charges.

Reserve Fund:

Create Reserve Funds and allocate funds to and from the Reserve Funds for the financial year ending 30 June 2018 as specified in the 2017/18 Budget document.

Trust Fund Budget:

Adopt the Trust Fund Budget for the financial year ending 30 June 2018.

Imposition of Fees and Charges:

Adopt the Schedule of Fees and Charges for the financial year ending 30 June 2018.

Material Variance:

The 2017/18 Financial Statements presented to Council during the Financial Year for review and comparison to Budget will indicate Variance Value plus (+) or minus (-) of 10% or \$10,000, whichever is the greater.

Call Tenders:

Authorise the CEO to call Tenders for Goods and Services where there is provision in the 2017/18 Budget, with Council to determine the outcome of all Tenders.

COUNCIL RECOMMENDATION**ITEM 13.3**

Res No: 14-0817

That the Commissioner in accordance with Section 6.2(1) of the Local Government Act 1995, having considered any submissions received on the intended Differential Rates, Specified Area Rate, adopt the Budget for the financial year ending June 30, 2018 as resolved below :-

Differential General Rates:

Impose a differential general rate on rateable land within the Municipality of Exmouth in accordance with Section 6.33 of the Local Government Act 1995 and adopt the following schedule of differential rates:

Rate Category	Rate in the Dollar \$	Minimum Payment \$
GRV General	0.0715	900.00
GRV Marina Developed	0.0983	900.00
GRV Holiday Homes	0.1011	900.00
GRV Vacant Land	0.1205	900.00
UV Mining	0.1552	284.00
UV Rural	0.0776	900.00
GRV Specified Area Rate	0.0130	66.00

Rating Concessions:

Apply a concession for the properties with a combination of zones and characteristics as follows:

Rate Category	Concession – Reduction in the Rate in the Dollar	Concession – Reduction in the Minimum Payment
GRV General – for properties zoned Residential and are predominantly used for residential purposes	\$0.0016	
GRV General – for properties zoned Special Rural and are developed	\$0.0147	
GRV General – for properties zoned Residential Development and used for residential purposes	\$0.0101	
GRV Vacant Land – for properties zoned Industrial, Light Industrial, Mixed Use, Strategic Industrial, Tourist, Town Centre and Composite Development	\$0.0096	
GRV Vacant Land – for properties zoned Special Rural and are vacant land	\$0.0490	
GRV Vacant Land – For properties zoned Residential Development and are vacant land		\$470.00
GRV Vacant Land – for properties zoned Residential and are vacant land	\$0.0472	
GRV Vacant Land – for properties zoned Marina and are vacant land	\$0.0015	
GRV Holiday Homes – for properties zoned Residential that have received Town Planning approval to operate as short term holiday accommodation	\$0.0312	
GRV Holiday Homes – for properties zoned Marina that have received Town Planning approval to operate as short term holiday accommodation	\$0.0009	
UV Rural – for properties zoned Rural and operate under a Pastoral Lease	\$0.0194	

Rubbish Removal Charges:**2. Set the following rubbish removal charges:**

- a. Residential \$362.00 for the weekly removal of each 240 litre mobile garbage bin; one collection per week.
- b. Residential \$253.75 for the weekly removal of each 120 litre mobile garbage bin; one collection per week.
- c. Commercial \$350.00 for the weekly removal of each 240 litre mobile garbage bin; one collection per week

Due Date for Payment of Rates and Charges:

The due date for the single payment of a rate or service charge to be 29 September 2017

Due Date for Payment of Rate Instalments

Set the due date for the payment of rate instalments as follows:-

First Instalment	29 September 2017
Second Instalment	29 November 2017
Third Instalment	29 January 2018
Fourth Instalment	29 March 2018

Options for Payment of Rates and Charges:

Option 1: Prompt Payment Due no later than 4:30pm on 29 September 2017

Option 2: Two equal instalments

- i) First instalment due no later than 4:30pm on 29 September 2017
- ii) Second instalment due no later than 4:30pm on 29 November 2017

Option 3: Four equal instalments

- i) First instalment due no later than 4:30pm on 29 September 2017
- ii) Second instalment due no later than 4:30pm on 29 November 2017
- iii) Third instalment due no later than 4:30pm on 29 January 2018
- iv) Fourth instalment due no later than 4:30pm on 29 March 2018

Administration Charge on Instalments:

Set an administration charge of \$14.50 per rate instalment notice where the instalment plan is selected.

Interest on Rate Instalments

Set as an additional charge by way of interest where the instalment plan is selected an interest rate of 5.5%.

Late Payment Interest Charge:

Set an interest rate of 11% as penalty interest for the late payment of rates and charges.

Reserve Fund:

Create Reserve Funds and allocate funds to and from the Reserve Funds for the financial year ending 30 June 2018 as specified in the 2017/18 Budget document.

Trust Fund Budget:

Adopt the Trust Fund Budget for the financial year ending 30 June 2018.

Imposition of Fees and Charges:

Adopt the Schedule of Fees and Charges for the financial year ending 30 June 2018.

Material Variance:

The 2017/18 Financial Statements presented to Council during the Financial Year for review and comparison to Budget will indicate Variance Value plus (+) or minus (-) of 10% or \$10,000, whichever is the greater.

Call Tenders:

Authorise the CEO to call Tenders for Goods and Services where there is provision in the 2017/18 Budget, with Council to determine the outcome of all Tenders.

CARRIED 1/0

14 COMMERCIAL AND COMMUNITY SERVICES

Nil

15. ITEMS FOR INFORMATION ONLY

Responsible Officer: Chief Executive Officer

Disclosure of Interest: Nil

PURPOSE

To advise Council of the information items for July 2017.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

ITEM 15

That Council note the following information items:

- 15.1 Register of Documents Stamped with the Shire of Exmouth Common Seal
 - 15.2 Concessions on Fees for Council Facilities for July 2017
 - 15.3 Building Decisions Issued up to 31 July 2017
 - 15.4 Planning Decisions Issued up to 31 July 2017
-

COUNCIL RECOMMENDATION

ITEM 15

Res No: 15-0817

That the Commissioner notes the following information items:

- **15.1 Register of Documents Stamped with the Shire of Exmouth Common Seal**
- **15.2 Concessions on Fees for Council Facilities for July 2017**
- **15.3 Building Decisions Issued up to 31 July 2017**
- **15.4 Planning Decisions Issued up to 31 July 2017**

CARRIED 1/0

15.1 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	

15.2 CONCESSIONS ON FEES FOR COUNCIL FACILITIES FOR JULY 2017

File Reference: CP.US.0

Responsible Officer: Chief Executive Officer

Date of Report: 2 August 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)
ECAC – Suzie Lalor	Hire of Shire Hall for piano practice	\$42.00
Ningalens Film Competition	Noticeboard advertising for Ningalens Film Competition 6 x weeks A5 advert	\$18.00
Lioness Club	Lioness total donation for 2016/17 utilities as per lease agreement	\$523.05

15.3 BUILDING DECISIONS ISSUED UP TO 31 JULY 2017

File Reference: DB.BD.0

Responsible Officer: Deputy Chief Executive Officer (Development Services Executive)

Date of Report: 7 August 2017

Disclosure of Interest: 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 July 2017.

App #	Date Received	Lot	Property Address	Description	Decision	Decision Date
17/53	08/06/17	2	9B Hall Street	Shed	Approved	22/06/17
17/55	14/06/17	13	Unit 31/ 2 Murat Road	Short Stay Accommodation	Approved	03/07/17
17/57	21/06/17	18	20 Pelias Street	New Construction Steel Boundary Fence	Approved	22/06/17
17/58	21/06/17	1397	10 Eurayle Street	Shed	Approved	28/06/17
17/59	29/06/17	161	5 Maidstone Crescent	Office Addition	Approved	05/07/17
17/60	21/06/17	258	8 Davidson Street	Floor Stump Repairs and Replacement Residential Dwelling	Approved	11/07/17
17/61	7/07/17	963	27 Patterson Way	Toilet and Disabled Toilet	Approved	11/07/17
17/63	12/07/17	646	28 Hall Street	Shed and Carport	Approved	02/08/17
17/64	14/07/17	1330	18 Salmon Loop	Carport Addition and Alteration	Approved	18/07/17

15.4 PLANNING DECISIONS ISSUED UP TO 31 JULY 2017

File Reference: LP.PL.0

Responsible Officer: Deputy Chief Executive Officer (Development Services Executive)

Date of Report: 7 August 2017

Disclosure of Interest: Nil

PURPOSE

To advise Council of the following planning decisions issued under delegation for the above period.

App #	Date Received	Lot	Property Address	Description	Decision	Decision Date
PA70/16	13/06/16	2	Yardie Creek Road	Additional Camping Sites	ON HOLD - Pending information from Applicant	
PA107/16	15/08/16	50	Murat Road	Barge Loading Facility	ON HOLD - Pending information from Applicant	
PA112/16	25/08/16	1586 & 1587	164 Lyndon Location	Nature Based Park - Exmouth Gulf Pastoral Station	ON HOLD - Pending information from Applicant	
PA152/16	24/11/16	2 & 1	40 Pelias Street & 1 Carter Road	Change of Use	ON HOLD – At request of Applicant	
PA38/17	22/02/17	73	Lyndon Location (Reserve 32867/5)	Water Tank & Sea Container Insulation	Cancelled	
PA44/17	28/02/17	831	7 Pelias Street	Storage Unit	ON HOLD - Pending information from Applicant	
PA45/17	28/02/17	141	7 Dugong Close	Dwelling	Processing	
PA62/17	05/04/17	833	6 Nimitz Street	Change Of Use	Cancelled	
PA87/17	19/05/17	963	27 Patterson Way	Toilet block addition	Approved	4/07/17
PA89/17	23/05/17	101	14 Tautog Street	Change of Use - Holiday Accommodation	Approved	4/07/17
PA92/17	26/05/17	1366	43 Heron Way	Proposed outbuilding-Shed	Approved	3/07/17
PA94/17	01/06/17	98	23 Bluefin Cove	Single Dwelling	Approved	3/07/17
PA97/17	08/06/17	102	23 Ingram Street	Additions to an existing building and new sign	Approved	3/07/17
PA100/17	14/06/17	789	5 Jones Place	Front Upper Floor Balcony Addition	Processing	
PA102/17	15/06/17	1330	18 Salmon Loop	Carport	Approved	4/07/17
PA106/17	21/06/17	R50807	Willersdorf Road	Public Utility Solar Array	Approved	4/07/17
PA118/17	5/07/17	35	Searaven Crescent	Outbuilding	Approved	31/07/17
PA120/17	17/07/17	371	14 Corella Court	Two Storey Dwelling	Processing	

PA123/17	28/07/17	734	32 Carr Way	Carport Addition	Processing
PA124/17	07/08/17	9	108 Madaffari Drive	Modify Carport into Garage	Processing

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

App	Date Received	Description	Date Issued
PA103	20/06/17	Plastic Free July Stall	26/06/17
PA104/17	09/06/17	Outdoor Eating Permit	28/06/17
PA105/17	20/06/17	Outdoor Eating Permit	30/06/17
PA107/17	22/06/17	Fundraising Raffle Tickets	29/06/17
PA108/17	27/06/17	Outdoor Trading	06/07/17
PA109/17	03/07/17	Banner Sign	06/07/17
PA110/17	03/07/17	Portable Sign	Processing
PA111/17	03/07/17	Clothing and Giftware Stall	08/07/17
PA112/17	03/07/17	Busking	04/07/17
PA113/17	04/07/17	Raffle Tickets	19/08/17
PA114/17	04/07/17	Raffle Tickets	18/07/17
PA115/17	04/07/17	Wedding	24/07/17
PA116/17	04/07/17	Dance Concert at Federation Park	21/07/17
PA117/17	04/07/17	Portable Sign	19/07/17
PA119/17	07/07/17	Fundraising Raffle Tickets	13/07/17

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

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

17.1 MEMORANDUM OF UNDERSTANDING REGIONAL AIR SERVICES

File Reference:	GV.CM.0
Responsible Officer:	Chief Executive Officer
Date of Report:	21 August 2017
Applicant/Proponent:	Pilbara Regional Council
Disclosure of Interest:	Nil
Attachments:	<ol style="list-style-type: none">1. Aviair presentation "Introduction of Regular public Transport Air Services for Exmouth"2. Memorandum of Understanding Regional Air Services

PURPOSE

That Council support the exploration of greater interconnectedness within the region through an expanded regular passenger transport network by supporting the intent of the attached Memorandum of Understanding (MOU), noting that the MOU does not commit any financial resources of Council.

The Chief Executive Officer requests approval to maintain dialogue so that Exmouth interests are considered in this regional conversation before bringing back to Council any and all information which may require a Council resolution.

BACKGROUND

Aviair has provided a proposal on how an intra-regional RPT flight service could be established and operated within a relatively quick time period.

A Memorandum of Understanding has been prepared for the following Parties, City of Karratha, Town of Port Hedland, Shire of Ashburton, Shire of East Pilbara, Shire of Broome and Shire of Exmouth. It will consider the merits of developing a binding agreement regarding the development of the proposed Aviair intra-regional air service model and come together under a non-binding MOU in order to guide the process of collaboration.

The Parties acknowledge that, in the initial start-up phase, it is highly unlikely that an intra-regional RPT service will be a profitable activity, and will require support from the various Parties to come to fruition.

The nature, type, and quantum of support required to establish this service is yet to be determined but is likely to include waiver of airport related fees, grants/subsidies to the air service provider to operate the services and/or other assistance.

COMMENT

The current proposal as presented by Aviair raises a number of concerns such as:

- The proposed airfare costs from Exmouth to Karratha even with the subsidy still make travel to Perth cheaper and arguably quicker and more comfortable;
- The route is not a direct route to Karratha;
- The cost to the SOE as a cost per resident per annum is \$33 without the associated fee relief in fees and charges proposed;
- Without the ability to understand the cost of Aviair operations and given the high costs associated with airfares proposed it is difficult to justify rate payer funding to a private enterprise without a full understanding of Aviair cost structures; and
- The impact on our relationship with existing RPT operators from entering into such an arrangement with Aviair.

CONSULTATION

No consultation to date has taken place, however should the MOU progress to some more formal instrument a full consultation program will be outlined before a recommendation was brought back to Council for consideration.

STATUTORY ENVIRONMENT

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.

Economic:	1	<u>To be a diverse and innovative economy with a range of local employment opportunities.</u>
	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.
	1.3	Diverse tourism opportunities.
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>
	4.1	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 17.1

That Council endorse the Chief Executive Officer to continue ongoing negotiations with the Pilbara Regional Council for improved regular passenger transport connectivity within the region by the signing of the attached memorandum of understanding on the understanding that this endorsement gives no authority to commit Council funds including the waiver of fees and charges.

Further that all future proposals in relation to this proposal be presented to Council for consideration prior to a decision to participate or withdraw from the Memorandum of Understanding is determined.

COUNCIL RECOMMENDATION

ITEM 17.1

Res No: 16-0817

That the Commissioner endorses the Chief Executive Officer to continue ongoing negotiations with the Pilbara Regional Council for improved regular passenger transport connectivity within the region by the signing of the attached memorandum of understanding on the understanding that this endorsement gives no authority to commit Council funds including the waiver of fees and charges.

Further that all future proposals in relation to this proposal be presented to Council for consideration prior to a decision to participate or withdraw from the Memorandum of Understanding is determined.

CARRIED 1/0

18. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS

Nil

19. CLOSURE OF MEETING

The Commissioner declared the meeting closed at 5.40 pm.