



Ordinary Council Meeting
MINUTES
22 March 2018

CONFIRMATION OF MINUTES

I hereby certify that the Minutes of the Ordinary Council Meeting held on 22 March 2018 are a true and accurate record of the proceedings contained therein.

.....
Matthew Niikkula
Shire President

26/4/2018

.....
Dated

INDEX OF MINUTES

1.	DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS	3
2.	RECORD OF ATTENDANCE, APOLOGIES AND APPROVED LEAVE OF ABSENCE	3
3.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	4
4.	PUBLIC QUESTIONS TIME.....	4
5.	DECLARATIONS OF INTEREST	5
6.	APPLICATIONS FOR LEAVE OF ABSENCE	5
7.	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS	6
8.	ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS	6
9.	ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION	6
10.	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS.....	7
11.	MATTERS ARISING FROM COMMITTEES OF COUNCIL	8
11.1	AUDITED FINANCIAL REPORT FOR THE YEAR ENDED 30 JUNE 2017	8
11.2	2017 COMPLIANCE AUDIT RETURN	10
12.	REPORTS OF OFFICERS.....	13
12.4.1	FINANCIAL STATEMENTS FOR PERIOD ENDING 28 FEBRUARY 2018.....	13
12.4.2	LIST OF ACCOUNTS FOR PERIOD ENDING 28 FEBRUARY 2018.....	15
12.5.1	ITEMS FOR INFORMATION ONLY	17
12.2.1	NEW POLICY - CODE OF CONDUCT	20
12.4.3	2017/2018 MID-YEAR BUDGET REVIEW	23
13.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING.....	27
13.1	APPOINTMENT OF SUCCESSFUL TENDER APPLICATION – RFT 03/2018 - VOLUNTEER BUSHFIRE BRIGADE SHED	27
13.2	COUNCIL SUPPORT FOR GAMEX.....	31
14.	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	34
15.	MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS.....	34
16.	CLOSURE OF MEETING.....	34

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 AND ANNOUNCEMENT OF VISITORS

The Shire President welcomed the gallery and declared the meeting open at 4.00 pm.

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

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

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

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

Councillor M (Matthew) Niikkula	Shire President
Councillor G (Gary) Mounsey	Deputy Shire President
Councillor H (Heather) Lake	
Councillor B (Ben) Dixon	
Councillor M (Mark) Lucas	
Councillor G (Gavin) Penfold	
Mr C Woods	Chief Executive Officer

Mr K Woodward	Deputy Chief Executive Officer
Mr M Bird	Executive Manger Commercial and Community
Mr K Wilson	Executive Manager Corporate Services
Mrs M Head	Minute Clerk

GALLERY 3

APOLOGIES Nil

LEAVE OF ABSENCE Nil

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

The following question was taken on notice from Mr Brian Mortiss at the latest Ordinary Council meeting in February.

Reid Street and Maley Street intersection is still not sealed after works completed. Not finished safely.

The Deputy Chief Executive Officer provided the following response.

The corner of Reid Street and Maley Street will be resealed in a months' time; there will be agenda item presented to the April Ordinary Council meeting awarding the tender for the bitumen resealing program for 2018. This intersection forms part of this program.

Correspondence has been forwarded to Mr Mortiss.

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).

There were no public questions received.

5. DECLARATIONS OF INTEREST

Item/Description	Name	Detail of Interest	Extent of Interest
13.1 – Appointment of successful tender application - Volunteer Bushfire Brigade Shed	Cr Ben Dixon	Over the last 12 years I have worked for CJ Lord Building Company for extended periods, and in the future may also be engaged as a subcontractor, there is a possibility that I may gain work as a direct result of this decision.	I will not be seeking approval to be involved and intend to leave the room for this item.
13.2 – Council Support for GAMEX	Cr Gary Mounsey	I am a member of the Club	N/A

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.

The Shire President advised the request for leave of absence received from Councillor Lake at the Special Council meeting on the 7 March, had been updated to include the period 4th June to the 7th July inclusive.

The Shire President also advised the request for leave of absence received from Councillor Dixon for the Ordinary Council meeting on 22 March has been cancelled due to a change in circumstances. He advised the updated period of leave requested by Councillor Dixon includes the period 26th March to the 11th April inclusive.

COUNCIL RESOLUTION

ITEM 6

Res No: 01/0318

MOVED: Cr Lucas

SECONDED: Cr Mounsey

That Council approve:

- The request for leave of absence from Councillor Lake be changed from only the June Ordinary Council meeting to the period 4th June to the 7th July inclusive.**
- The leave previously granted to Councillor Dixon for the March Ordinary Council meeting be rescinded and replaced with the period 26th March to 11th April inclusive.**

CARRIED 6/0

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

That the Minutes of the Special Council Meeting of the Shire of Exmouth held on the 7th March 2018 be confirmed as a true and correct record of proceedings.

COUNCIL RESOLUTION

ITEM 7

Res No: 02/0318

MOVED: Cr Lucas

SECONDED: Cr Lake

That the Minutes of the Special Council Meeting of the Shire of Exmouth held on the 7th March 2018 be confirmed as a true and correct record of proceedings.

CARRIED 6/0

8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS

Date	Activity	Councillor					
		Cr Niikkula	Cr Mounsey	Cr Dixon	Cr Lake	Cr Lucas	Cr Penfold
27/2 – 28/2/18	WALGA training; Integrated Strategic Planning – Essentials and Understanding Financial Reports and Budgets.	✓	✓	✓	✓	✓	
02/03/18	WALGA Gascoyne Zone meeting and Regional Road Group meeting; attended via teleconference.			✓			
07/03/18	Audit Committee meeting.	✓	✓	✓	✓	✓	
	Special Ordinary Council meeting.	✓	✓	✓	✓	✓	
08/03/18	Exmouth Community Reference group meeting with BHP, Quadrant and Woodside.		✓	✓	✓	✓	

9. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

The Shire President read the following to the gallery:

“Since our last OCM on February 22nd, your councillors have undergone 2 full days of training on Understanding Financial Statements and Budgets and Integrated Strategic Planning to better equip us for the months ahead. The Executive team are providing us elected members with complex and accurate Strategic Briefings in order to highlight the “Where we are at right now” which will give us good grounding to make some tough decisions for the financial stability of our Shire.

We are looking forward to receiving compiled results of the Strategic Community Survey and starting to plan for the future of our wonderful town.

I have represented Council at Mayors & Presidents Forum, thrown the ceremonial "1st Pitch" at the Skins Softball Tournament in which 5 out of town teams came to compete at our facilities over a weekend, and also, just last Saturday officially opened the 50th GAMEX Tournament on behalf of the Shire and the Community.

10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

11. MATTERS ARISING FROM COMMITTEES OF COUNCIL

11.1 AUDITED FINANCIAL REPORT FOR THE YEAR ENDED 30 JUNE 2017

File Reference:	FM.FI.1
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	14 February 2018
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none">1. Financial Report for the Year Ended 30 June 20172. Audit Report for the Year Ended 30 June 20173. Management Report for the Year Ended 30 June 2017

PURPOSE

To receive the 2017/18 Audited Financial Report and Management Report issued by Council's auditors, Moore Stephens for recommendation to the Council.

BACKGROUND

Following receipt of the audit report for the year ended 30 June 2017, the Audit Committee is required to consider any compliance issues raised in the Independent Audit Report and Management Report and recommend they be accepted by Council.

Moore Stephens, Council Auditors have completed their audit for the financial year ending 30 June 2017 and the Independent Audit Report and Management Report are attached.

COMMENT

The objective of the Management Report is to advise Council of any matters arising from the audit that are considered relevant to the Shire's operations.

The Independent Audit Report highlighted some instances of concern around the rates process and financial ratios which will be managed and monitored going forward.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

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

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

That the Audit Committee recommends to the Council that it:

1. Receives the 2016/2017 Annual Financial Report;
2. Receives the Audit Report for the year Ended 30 June 2017; and
3. Receives the Management Report the Year Ended 30 June 2017.

COMMITTEE'S RESOLUTION

That the Audit Committee recommends to the Council that it:

1. Receives the 2016/2017 Annual Financial Report;
2. Receives the Audit Report for the year Ended 30 June 2017; and
3. Receives the Management Report the Year Ended 30 June 2017.

COUNCIL RESOLUTION

ITEM 11.1

Res No: 03/0318

MOVED: Cr Mounsey

SECONDED: Cr Dixon

That Council:

- 1. Receives the 2016/2017 Annual Financial Report;**
- 2. Receives the Audit Report for the year Ended 30 June 2017; and**
- 3. Receives the Management Report the Year Ended 30 June 2017.**

CARRIED 6/0

11.2 2017 COMPLIANCE AUDIT RETURN

File Reference:	FM.AD.1
Responsible Officer:	Chief Executive Officer
Date of Report:	14 February 2018
Applicant/Proponent:	Department of Local Government
Disclosure of Interest:	Nil
Attachment(s):	1. 2017 Compliance Audit Return and Report

PURPOSE

The purpose of this report is for Council to consider the Compliance Audit Return (the Return) for the calendar year 1 January to 31 December 2017.

BACKGROUND

Each year the Department of Local Government requires Councils to conduct an annual assessment of their compliance with key components of the *Local Government Act 1995* (the Act) and associated Regulations.

The 2017 Return is to be provided to the Department by 31 March 2018.

94 questions are contained within the 2017 return. A copy of the reviewed Return and the independent consultant's report is attached at Attachment 1.

COMMENT

The 2017 Compliance Audit Return was undertaken by an independent consultant.

The audit has revealed the Shire to be compliant on all aspects of the Return except three (3).

These being;

Disclosures of Interest

- *Question 5 – Completion of the Primarily Return for designated employees within 3 months of their commencement.*

This related to four new employees. The returns have now been received. Procedures have been implemented to reduce future risk of non-compliance in this areas.

- *Question 7 – The Annual Return lodged by all employees by 31 August each year.*

This relates to one employee who did not submit the return by the due date but has since left the organisation.

Finance

- *Question 6 – Receipt of the Audit Report for 30 June 2017 by 31 December 2017.*

- This is due to the delay in commencing the Annual Financial Report process due to departure of former members of staff. All departmental approvals were obtained in advance for the delay in producing the Annual Financial Report and annual audit process.

CONSULTATION

Executive Managers

STATUTORY ENVIRONMENT

Pursuant to Regulations 14 & 15 of the *Local Government (Audit) Regulations 1996* requires the 2016 Compliance Audit Return to be completed and returned by the 31 March 2018.

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.

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

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

That the Audit Committee recommend that Council adopt the Statutory Compliance Audit Return for the Shire of Exmouth for the period 1 January 2017 to 31 December 2017.

COMMITTEE'S RESOLUTION

That the Audit Committee recommend that Council:

1. Adopt the Statutory Compliance Audit Return for the Shire of Exmouth for the period 1 January 2017 to 31 December 2017; and
2. Note the recommendation on Page 3 of the of the Compliance Audit Return notes (Attachment 1), that each year in June, a workshop be held on the requirements of the Annual Financial returns to ensure awareness of the statutory requirements before the returns are circulated for attention and to avoid future breaches.

COUNCIL RESOLUTION**ITEM 11.2****Res No: 04/0318****MOVED: Cr Lake****SECONDED: Cr Dixon****That Council:**

- 1. Adopt the Statutory Compliance Audit Return for the Shire of Exmouth for the period 1 January 2017 to 31 December 2017; and**
- 2. Note the recommendation on Page 3 of the of the Compliance Audit Return notes (Attachment 1), that each year in June, a workshop be held on the requirements of the Annual Financial returns to ensure awareness of the statutory requirements before the returns are circulated for attention and to avoid future breaches.**

CARRIED 6/0

12. REPORTS OF OFFICERS

The following recommendations 12.4.1, 12.4.2 and 12.5.1 were adopted en bloc.

12.4.1 FINANCIAL STATEMENTS FOR PERIOD ENDING 28 FEBRUARY 2018

File Reference:	FM.FL.0
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	8 March 2018
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Monthly Financial Report as at 28 February 2018

PURPOSE

This report recommends Council accepts the financial reports for the financial periods ending 28 February 2018.

BACKGROUND

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

COMMENT

Council has not resolved any variations to the 2017/18 Annual Budget since its adoption and any variations to year to date are to be addressed at the mid-year 2017/18 Budget Review.

The 2016/2017 financial audit has been completed. The net current asset position is \$962,707.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

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

In accordance with Regulation 34 (5), a report must be compiled on variances greater than the materiality threshold adopted by Council of \$10,000 or 10% whichever is greater. As this report is composed at a program level, variance commentary considers the most significant items that comprise the variance.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION**ITEM 12.4.1**

That Council receives the Financial Report for the financial periods ending 28 February 2018.

COUNCIL RESOLUTION**ITEM 12.4.1**

Res No: 05/0318

MOVED: Cr Lucas

SECONDED: Cr Lake

That Council receives the Financial Report for the financial periods ending 28 February 2018.

CARRIED 6/0

12.4.2 LIST OF ACCOUNTS FOR PERIOD ENDING 28 FEBRUARY 2018

File Reference:	FM.FI.0
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	8 March 2018
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	List of Accounts for period ending 28 February 2018

PURPOSE

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

BACKGROUND

It has been customary practice that whilst being a leader in the community, we meet our terms of credit as established between suppliers and aspire to obtain discounts where practicable. Payments have been approved by authorised officers in accordance with agreed delegations and policy frameworks.

COMMENT

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

February Payments

Municipal Fund	totalling \$451,321.08
	Incorporating cheques, direct debits and electronic payments.
Trust Fund	totalling \$0.

Total February Payments: \$451,321.08

CONSULTATION

Nil

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.4.2

That Council pursuant to Sections 6.7 and 6.9 of the *Local Government Act 1995* receives the report of payments made from the Municipal and Trust bank accounts during the month of February 2018 (*totalling \$451,321.08*).

COUNCIL RESOLUTION

ITEM 12.4.2

Res No: **06/0318**

MOVED: **Cr Lucas**

SECONDED: **Cr Lake**

That Council pursuant to Sections 6.7 and 6.9 of the *Local Government Act 1995* receives the report of payments made from the Municipal and Trust bank accounts during the month of February 2018 (*totalling \$451,321.08*).

CARRIED 6/0

INFORMATION ONLY

12.5.1 ITEMS FOR INFORMATION ONLY

PURPOSE

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

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

ITEM 12.5.1

That Council note the following information items:

Register of Documents Stamped with the Shire of Exmouth Common Seal

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

DATE	DOCUMENT
08/02/18	Lease Agreement – Portion of the Ningaloo Centre to Community Housing (x3). Council decision 07-1017

Concessions on Fees for Council Facilities

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

NAME	REASON	AMOUNT (exc GST)
Exmouth Yacht Club	Australia Day Event – Use and collection of 6 x bins for event at Yacht Club @ \$6.50 per collection	\$39.00
Frack Free Exmouth	Hire of Board Room at Ningaloo Centre 10/2/2018 to hold a Community Meeting/Workshop regarding hydraulic fracture simulation.	\$40.00
Exmouth PCYC	Hire of Function Room/West 26/2/2018 for a Public Meeting regarding establishing a Little Athletics competition.	\$60.00

Building Decisions Issued

A summary of the building licence and building certificate applications and approvals made under Delegation pursuant to the *Building Act 2011* up to 6 March 2018.

App #	Date Received	Lot	Property Address	Description	Decision	Decision Date
17/111	28/11/17	47	3 Searaven Crescent	Fence	Pending	
17/113	6/12/17	73	43 Kennedy Street	Steel framed carport	Pending	
18/3	12/01/18	315	27 Gnulli Court	New Dwelling	Pending	
18/05	6/02/18	53	7 Inggarda Lane	Dwelling	Approved	2/03/18
18/12	07/02/18	1277	2 Seawolf Circle	Side Fence	Pending	

Planning Decisions Issued

A summary of the planning decisions issued under delegation up to 31 January 2018.

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	
PA112/16	25/08/16	1586 & 1587	164 Lyndon Location	Nature Based Park - Exmouth Gulf Pastoral Station	ON HOLD - Pending information from Applicant	
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 – Pending Information from Applicant	
PA171/17	8/12/17	434	88 Madaffari Drive	Change of Use	Approved	8/02/18
PA173/17	14/12/17	53	7 Inggarda Lane	Proposed Dwelling	Approved	8/02/18
PA174/17	20/12/17	378	28 Corella Court	New Dwelling	Pending	
PA02/18	5/01/18	8	106 Madaffari Drive	New Dwelling	Approved	16/02/18
PA05/18	10/01/18	308	Lot 308 Minilya Road	Alteration and Addition to Residence	Approved	20/02/18
PA07/18	15/01/18	1359	9 Redfin Court	Change of Use	Pending	
PA10/18	19/01/18	501	Lot 501 Lefroy Street	Strata Subdivision	Pending	
PA12/18	30/01/18	43	11 Searaven Crescent	Single Dwelling	Pending	
PA13/18	2/02/18	500	1 Nimitz Street	Holiday Caravan	Pending	
PA15/18	9/02/18	1112	Murat Road Exmouth	Carport and Patio	Pending	
PA17/18	4/02/18	459	10 Osprey Way	Gazebo	Pending	
PA19/18	2/02/18	315	27 Gnulli Court	Single Dwelling	Pending	
PA21/18	21/02/18	475	7 Osprey Way	Carport Extension and Balcony Extension	Pending	

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

App	Date Received	Description	Date Issued
PA110/17	03/07/17	Portable Sign	Processing
PA140/17	11/09/17	Juice Place	Processing
PA147/17	26/09/17	Concert at Federation Park	26/10/17
PA11/18	24/01/18	Cookie Dough Fundraiser	1/02/18
PA20/18	22/02/18	Mobile Food Van – Soft Ball Tournament	2/03/18
PA27/18	6/03/18	Mobile Food Van – Tantabiddi Boat Ramp	Processing

OFFICER'S RECOMMENDATION

ITEM 12.5.1

That Council note the following information items:

- Register of Documents Stamped with the Shire of Exmouth Common Seal;
- Concessions on Fees for Council Facilities for February 2018;
- Building Decisions Issued up to 31 January 2018; and
- Planning Decisions Issued up to 31 January 2018.

COUNCIL RESOLUTION

ITEM 12.5.1

Res No: 07/0318

MOVED: Cr Lucas

SECONDED: Cr Lake

That Council note the following information items:

- **Register of Documents Stamped with the Shire of Exmouth Common Seal;**
- **Concessions on Fees for Council Facilities for February 2018;**
- **Building Decisions Issued up to 31 January 2018; and**
- **Planning Decisions Issued up to 31 January 2018.**

CARRIED 6/0

DEVELOPMENT SERVICES

12.2.1 NEW POLICY - CODE OF CONDUCT

File Reference:	CM.PO.6
Responsible Officer:	Deputy Chief Executive Officer
Date of Report:	8 February 2018
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Policy 1.27 - Code of Conduct

PURPOSE

The purpose of this report is to adopt new Council policy 1.27 - Code of Conduct, as stated in the *Local Government Act 1995* section 5.103 Codes of conduct;

- (1) *Every local government is to prepare or adopt a code of conduct to be observed by council members, committee members and employees.*

BACKGROUND

A code of conduct translates the principles of the *Code of Ethics* (personal integrity, relationships with others and accountability) and the Local Government (LG) Act into action and commitment for the Shire's Councillors and employees. It sets the minimum standard of behaviour expected from Councillors and employees when carrying out their daily duties. A code is also a practical tool to guide Councillors and employees' in accountable and ethical decision making that recognises the context in which the Shire operates and its integrity risks.

An effective code of conduct can build and sustain an ethical culture and contribute to the positive reputation of the wider public sector. It can 'set the tone' from the top, clearly articulating the Shire's commitment to the code and the requirement for Councillors and employees to comply.

COMMENT

The Shire's local government elected members and employees play an important role in the Exmouth community. This role includes the delivery of a diverse range of services from town planning, waste management and recreation facilities. While the roles of elected members and employees are different, both are essential to ensuring confidence in local government. Furthermore, officers, whether elected members, committee members or employees, must act – and be seen to act – with integrity. All have a responsibility to perform their duties in the public interest and make accountable and ethical decisions.

Codes of conduct communicate expected standards of conduct and integrity to all those in an organisation. Effective codes that are well communicated throughout the workplace contribute to building and sustaining a culture of integrity, and create a robust and transparent framework in which to operate, both of which are fundamental to good organisational performance and public confidence.

CONSULTATION

Public Sector Commission
Corruption and Crime Commission
Department of Local Government

STATUTORY ENVIRONMENT

Local Government Act 1995
Local Government (Administration) Regulations 1996
Local Government (Rules of Conduct) Regulation 2007
Shire of Exmouth Meeting Procedures Local Law 2015
Corruption and Crime Commission Act 2003
Criminal Code Act 1913
Public Sector Management Act 1994
Public Interest Disclosure Act 2003

POLICY IMPLICATIONS

Adoption of new Policy.

Compliance with Probity Audit undertaken by the Department of Local Government.

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.
- 4.1 *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 12.2.1**

That Council adopt new Policy 1.27 Code of Conduct dated 22 February 2018 as detailed in Attachment 1.

COUNCIL RESOLUTION**ITEM 12.2.1**

Res No: 08/0318

MOVED: Cr Mounsey

SECONDED: Cr Penfold

That Council adopt new Policy 1.27 Code of Conduct dated 22 February 2018 as detailed in Attachment 1.

CARRIED 6/0

12.4.3 2017/2018 MID-YEAR BUDGET REVIEW

File Reference:	FM.BU.17.18
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	9 March 2018
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Mid-Year Budget Review Report

PURPOSE

Council adopt this 2017/18 Mid-Year Budget Review prepared as at 31 January with budget amendments required.

BACKGROUND

A review of budget projections as at 31 January was conducted and a comparison of the year to date actuals with the adopted budget has established whether Council are continuing meeting its budget commitments, Using materiality levels of \$10,000 or 10% against each of the accounts has identified some timing differences as well as some projects being delayed and cancelled or postponed until next year.

COMMENT

The original budget projected to deliver a small surplus of \$4,188 which included expenditure allocations for the new Ningaloo Centre operations which were considered as fair estimates due to the unknown quantum that are involved especially in relation to ongoing utilities costs and staffing arrangements and third party tenancy commencement dates. The budget also included amounts for the acquisition of \$7.2m of assets and the disposal of \$247, 559 of assets.

It was also agreed by Council that there was to be no increase in rates for the 2017/18 financial year.

At the time of adopting the 2017/18 budget the Carried Forward surplus from 2016/17 was \$942,995 however, the audited financial statements was amended this to \$962,707 which primarily relates to early payment of the 1st quarter 2017/18 Financial Assistance Grants in the 2016/17 financial year.

The budgeted closing position for the 2017/18 will increase from a surplus of \$4,188 to a forecast surplus of \$915,625 and it is anticipated as future expenditure and revenue expectations are refined and additional information is received this surplus may move.

Listed below is a summary of identified major revenue and expenditure expectations:

General Purpose Funding

- Grants Commission Funding over budgeted by \$33,343.
- The 17/18 rates processing was undertaken by contract at additional cost of \$11,500.
- The depreciation expense was increased over budget due to revaluation of land and building by \$13,400.

Governance

- Savings in employee costs and training of \$21,000.
- Reduction in administration overheads and depreciation expense of \$40,000.

Law, Order and Public Safety

- Increase in dog registration fees and impounding fees of \$7,000.
- Increase of ESL grant of \$10,000.
- Increase in depreciation expense of \$27,000 due to revaluation of land and buildings.

Staff Housing

- Increase in rental receipts of \$13,000 with reduction in operating costs of \$30,000.

Community Amenities

- Reduction in use of tip by customers resulting in reduced revenue of \$12,000.
- Reduction in employee costs due to resignation of Executive Manager.
- Depreciation costs increase due to revaluation of \$13,000.

Health

- Reduction in Analytical fees revenue of \$7,000 with and a reduction in expenses of \$3,000.
- Reduction of Pest Control/Chicken Bleed program \$25,000.
- Increase in depreciation expense of \$28,000 due to asset revaluation.

Recreation and Culture

- Reduction in Ningaloo revenue projections due to delay in tenancy of \$80,000 and Exhibition revenue of \$86,000.
- Swimming pool entrance fee revenue down by \$7,000.
- Revised expenditure budget in Foreshore, Beaches and Boat ramps down by \$52,000.
- Increase in depreciation expense by \$309,000 with the majority (\$218,000) for Ningaloo Centre.

Transport

- Increase employee costs \$19,000.

- Reduction in profit on sale of excavator \$11,000.
- The Ningaloo access road be postponed to 2018/19 \$47,698.
- Increased fees revenue at Learmonth Airport of \$406,000.
- Reduction in fees at Exmouth Aerodrome of \$21,000.
- Increase in depreciation expense of \$264,000 due to asset revaluation.

Economic Services

- Savings of \$147,000 due to reduction of contributions to Visitor Centre.
- Increase in depreciation of \$87,000 due to asset revaluation.

CONSULTATION

All Executive Managers and CEO were involved in the budget review.

STATUTORY ENVIRONMENT

Local Government (Financial) Regulations 33A

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The adopted budget surplus position is \$915,626.

The Moore Stephens audit report for the 2016/17 Financial Statement, signed on 28 February 2018 states that the Shires ratios are declining and the Council making effort to make effort to improve the sustainability of the Shire. This in fact means surpluses should put directed into reserves for the preservation of assets

STRATEGIC IMPLICATIONS

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

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

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION**ITEM 12.4.3**

That Council:

1. Resolves to adopt the 2017/18 Budget Review as provided in Attachment 1 resulting a net budget surplus of \$915,626 as a result of the movement in revenue and expenditure accounts by program.
2. That end year surplus be directed into reserves for the preservation of assets.

COUNCIL RESOLUTION**ITEM 12.4.3****Res No: 09/0318****MOVED: Cr Mounsey****SECONDED: Cr Dixon****That Council:**

1. **Resolves to adopt the 2017/18 Budget Review as provided in Attachment 1 resulting a net budget surplus of \$915,626 as a result of the movement in revenue and expenditure accounts by program.**
2. **That end year surplus be directed into reserves for the preservation of assets.**

CARRIED 6/0

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

Councillor Dixon declared a financial interest in the following report and departed the Chambers at 4.20pm.

13.1 APPOINTMENT OF SUCCESSFUL TENDER APPLICATION – RFT 03/2018 - VOLUNTEER BUSHFIRE BRIGADE SHED

File Reference:	CM.TE.03.2018
Responsible Officer:	Deputy Chief Executive Officer
Date of Report:	15 March 2018
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. <u>CONFIDENTIAL</u> Tender Evaluation & Recommendation Report

PURPOSE

This report recommends that Tender 03/2018 for the construction of a 2 bay shed for the Volunteer Bushfire Brigade be awarded as per the recommendation in the Confidential Evaluation Report – RFT 03- 2018 (Attachment 1).

BACKGROUND

On 3 August 2017 the Shire of Exmouth received notification that a capital grant application as part of the Local Government Grant Scheme had been successful. The aim of the grant was to install a shed to house the Volunteer Bushfire Brigade urban 3.4 tanker and the Department of Fire and Emergency Services on loan light tanker at the collocated Exmouth Emergency Services facility on Payne Street, formally known as the Exmouth State Emergency Service facility.

Currently the vehicles are kept at the Shire Works Depot under an open sided structure, the Exmouth Volunteer Bushfire Brigade uniforms are also stored at the Works Depot. The Exmouth Volunteer Bushfire Brigade equipment is stored at the Combined Exmouth Emergency Services facility on Payne St where member training sessions are also conducted.

COMMENT

The new structure will allow the Exmouth Volunteer Bushfire Brigade to collocate with the State Emergency Services and the Exmouth Volunteer Fire and Rescue Service in a central location.

Once the vehicles are properly sheltered from the weather it is expected that the on loan light tanker will be transferred to the Exmouth Volunteer Bushfire Brigade permanently, increasing the Brigades response capabilities and mitigation competencies considerably. It is also anticipated that with a more professional and well equipped facility the Exmouth Volunteer Bushfire Brigade will be better equipped to recruit new volunteers and provide essential emergency services into the future.

CONSULTATION

Tender RFT 03/2018 Volunteer Bushfire Brigade Shed was advertised on Wednesday 14 February 2018 in the West Australian and Pilbara News, also on the Shire website and local notice board.

Ten (10) companies made enquires during the tender period.

A non-mandatory site briefing was held on 23 February 2018 at 2pm with one (1) company attending.

Three (3) tenders were received by the tender deadline of 2pm Friday 9 March 2018.

Tenders were evaluated by a three person panel comprising of:

1. Colin Walker, Compliance and Emergency services Coordinator
2. Joanne Gordon, Manager Works
3. Steve Foster, Building Surveyor

The tenders were assessed for compliance with all three (3) deemed compliant. The tenders were then assessed against the qualitative criteria that were weighted as follows:

Criteria	Weighting
Relevant Experience	50%
Key Personnel Skills and Experience	20%
Tenderer's Resources	15%
Demonstrated Understanding	15%
Total	100%
Price	80%

The confidential tender evaluation report is available as Attachment 1.

STATUTORY ENVIRONMENT

Section 3.57 of the *Local Government Act 1995 and the Local Government Regulation 1996 (Function and General)* Part 4, Division 2 section 11 (2) (b).

Section 3.57 of the *Local Government Act (LGA) 1995* and the LGA Functions and General Regulations, 11 to 24G.

Regulation 18 (4) of the *Local Government (Functions and General) Regulations* states:

"Tenders that have not been rejected under sub regulation (1), (2), or (3) are to be assessed by the local government by means of a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept and it is to decide which of them it thinks it would be most advantageous to the local government to accept."

All tenders were evaluated against the selection criteria by which each tender is assigned a score based on the tenderers capacity to meet the tender objectives.

The Contract will be awarded to a Tenderer who best demonstrates the ability to carry out the required service at a competitive price. The tendered prices were assessed via qualitative and compliance criteria to determine the most advantageous outcome to Council.

This means that, although price is considered, the Tender containing the lowest price will not necessarily be accepted, nor will the offer ranked the highest on the qualitative criteria.

POLICY IMPLICATIONS

Purchasing Policy 2.10

FINANCIAL IMPLICATIONS

The Financial Expenditure for the project can be claimed from the Department of Fire and Emergency Services once the tender contract is agreed upon and signed.

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> |
| | 1.5 | <i>Maintain and improve Shire infrastructure.</i> |
| Civic Leadership: | 4 | <u>To work together as custodians of now and the future.</u> |
| | 4.2 | <i>A local government that is respected, professional, trustworthy and accountable.</i> |

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 13.1

That Council:

1. Award the contract for Tender 03/2018 as per the recommendation in the Confidential Evaluation Report – RFT 03/2018 noting that any variations to scope or price must be approved by the Deputy Chief Executive Officer ;
2. Should negotiations with the preferred tenderer not progress, the Chief Executive Officer is authorised to award the second ranked Tenderer, as per the for the Confidential Evaluation Report – RFT 03/2018, subject to the same stipulated agreement of terms; and
3. Record the recommendation for Tender RFT 03/2018 as provided in the Confidential Evaluation Report – RFT 03/2018 in the meeting minutes.

COUNCIL RESOLUTION**ITEM 13.1****Res No: 10/0318****MOVED: Cr Mounsey****SECONDED: Cr Penfold****That Council:**

- 1. Award the contract for Tender 03/2018 as per the recommendation in the Confidential Evaluation Report – RFT 03/2018 noting that any variations to scope or price must be approved by the Deputy Chief Executive Officer ;**
- 2. Should negotiations with the preferred tenderer not progress, the Chief Executive Officer is authorised to award the second ranked Tenderer, as per the for the Confidential Evaluation Report – RFT 03/2018, subject to the same stipulated agreement of terms; and**
- 3. Record the recommendation for Tender RFT 03/2018 as provided in the Confidential Evaluation Report – RFT 03/2018 in the meeting minutes.**

CARRIED 5/0

The Deputy Chief Executive Officer announced the successful tenderer, C. J. Lord Building and Renovations to the gallery.

Councillor Dixon returned to the Chambers at 4.26 pm.

13.2 COUNCIL SUPPORT FOR GAMEX

File Reference:	CR.SP.0
Responsible Officer:	Executive Manager Commercial and Community
Date of Report:	15 March 2018
Applicant/Proponent:	GAMEX
Disclosure of Interest:	Nil
Attachment(s):	Nil

PURPOSE

This report recommends that Council supports the 50th annual GAMEX event, being held in Exmouth from 16-24th of March 2018. The request from the Exmouth Game Fishing Club for Shire support includes fee-waivers.

BACKGROUND

Held every year in March, GAMEX is Western Australia's premier fishing event. As well as competitive fishing, the event includes social events, family days and educational sessions. GAMEX is expected to attract in just over 50 boats to Exmouth this year. Independent research carried out in 2016 shows that the GAMEX event injects approximately \$1 million into the local economy each year.

COMMENT

Over the years, the Shire has supported GAMEX in various ways, and this year the Shire has been asked to provide assistance with additional daily bin lifts, the printing of fliers for the family fun day on Sunday, 18 March and waivers of notice board fees to promote this event.

Council Officers consider that this event will continue to have positive impact on the local business community by attracting visitors to Exmouth as well as promoting Exmouth as a premier fishing destination on the National and International stage. On this basis the event fits within eligibility criteria set out in Council Policy 4.1 - Sponsorships, Donations and Waiver of Fees which states that to be eligible for funding, the applicant must:

1. Offer a specific activity(project, program or event) within the Shire of Exmouth's local government boundaries;
2. Provide a direct benefit to the wider Exmouth community.

In accordance with policy 4.1, any waiver of Councils adopted Fees & Charges for an event is considered a 'Non-cash Contribution' to that event. The Policy also provides that "An Exmouth Event Sponsorship may be provided in cash, non-cash or a combination of these to the maximum combined value per financial year of \$1,500 per organisation."

"Any Sponsorship proposals over \$1,500 may be determined by Council. The actual Event Sponsorship contribution will be determined on a case-by-case basis." The requested fee waiver and in kind support amounts to \$2241.75 and therefore requires approval by Council.

In addition to the value of the support requiring Council approval, the timing of this request also deems it necessary for this application to be approved by Council. Council policy 4.1 states that the Shire of Exmouth does not provide funding support for "retrospective costs".

Due to the late application for this assistance, if Council decides to support this application, the support will be applied for costs that have, in the main, already been accumulated as the event is being held from 16-24 March.

Should council decided to approve this request, Council may request that this financial support be recognised and Council be acknowledged as a sponsor of the event. It is therefore recommended that Council authorise the CEO to use his discretion to determine support for such request where possible given the event is almost complete.

In consideration of the above it is recommended that the Council support the request for assistance and provides a full fee waiver as part of its support for the 2018 Gamex event. An overview of the value of this request is included under the heading 'Financial Implications'.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Shire Policy Council Policy 4.3 - Sponsorships, Donations and Waiver of Fees

FINANCIAL IMPLICATIONS

If the Council grant approval for the support as recommended, the following (estimated) amounts will be recorded as a non-cash contribution to the Whaleshark Festival Committee. The shire contribution would equate to the following:

Requested support	Fees	Total
2x A5 community noticeboard fliers	\$6.50	
Print 600x A4 single sided colour fliers	\$1,800	
Electronic noticeboard fees	\$3.25	
Additional daily bin lifts (8 bins x 8 days)	\$432	
		\$2241.75

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.
 1.3 *Diverse tourism opportunities.*
- Environment: 2 To have a balanced respect for our environment and heritage, both natural and built.
 2.3 *To have a town and community that takes pride in its world heritage status.*

- 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.*

- Social: 3 To be a dynamic, passionate and safe community valuing natural and cultural heritage.
- 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.*
- 3.5 *Maintain and increase participation levels in local community organisations and clubs.*

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 13.2

That Council:

1. Grants the GAMEX 2018 event retrospective in-kind support to the value of \$2241.75; and
2. Advise the organisers of GAMEX that its support for the GAMEX event is subject to the Shire of Exmouth being acknowledged as a sponsor for the event.

COUNCIL RESOLUTION

ITEM 13.2

Res No: 11/0318

MOVED: Cr Lucas

SECONDED: Cr Lake

That Council:

- 1. Grants the GAMEX 2018 event retrospective in-kind support to the value of \$2241.75; and**
- 2. Advise the organisers of GAMEX that its support for the GAMEX event is subject to the Shire of Exmouth being acknowledged as a sponsor for the event.**

CARRIED 6/0

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

Nil.

15. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS

Nil.

16. CLOSURE OF MEETING

The Shire President closed the meeting at 4.29pm.