



Ordinary Council Meeting  
Agenda  
26 April 2018

# NOTICE OF MEETING

Notice is hereby given that the

Shire of Exmouth  
Ordinary Council Meeting

will be held on

26 April 2018

Commencing at 4.00pm

In the Function Centre in the Ningaloo Centre, 2 Truscott  
Crescent Exmouth

**Cameron Woods**  
**Chief Executive Officer**

**26 April 2018**

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## **Disclaimer**

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

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

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**Shire of Exmouth**  
PO Box 21, EXMOUTH WA 6707 | Tel: (08) 9949 3000 | Fax: (08) 9949 3000  
Email: [records@exmouth.wa.gov.au](mailto:records@exmouth.wa.gov.au) | Website: [www.exmouth.wa.gov.au](http://www.exmouth.wa.gov.au)

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

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

To: Chief Executive Officer

- Ordinary Council Meeting held on \_\_\_\_\_
- Special Council Meeting held on \_\_\_\_\_
- Committee Meeting held on \_\_\_\_\_
- Other \_\_\_\_\_

Report No \_\_\_\_\_

Report Title \_\_\_\_\_

Name \_\_\_\_\_

- Elected Member
- Committee
- Employee
- Contractor

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

- Proximity
- Financial
- Impartiality

Nature of Interest

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

Name: \_\_\_\_\_ Signed: \_\_\_\_\_ Date: \_\_\_\_\_

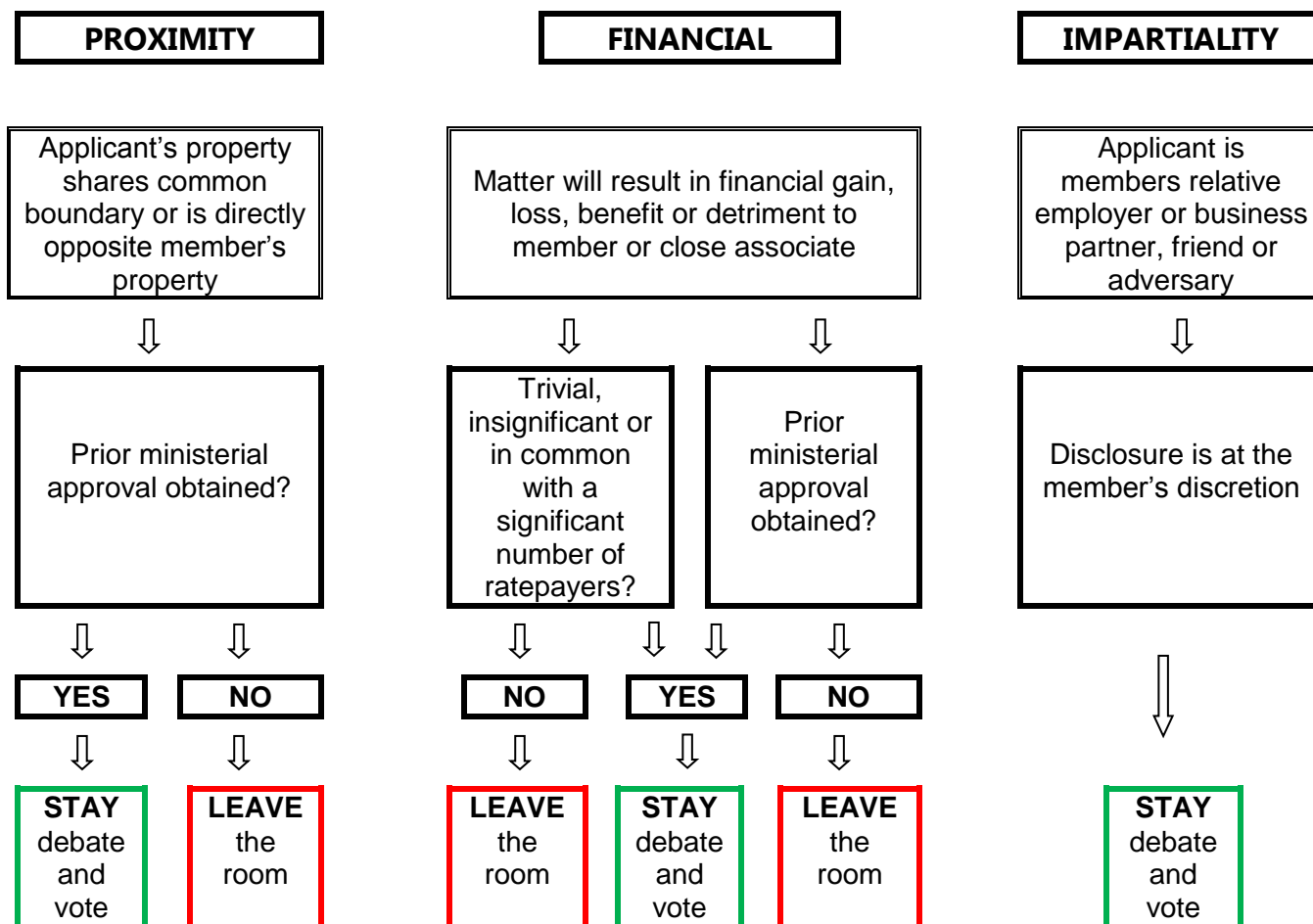
**Note 1:** For Ordinary meetings of Council, elected members and employees are requested to submit this completed form to the Chief Executive Officer prior to the meeting. Where this is not practicable, disclosure(s) must be given to the Chief Executive Officer prior to the matter being discussed.

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

**OFFICE USE ONLY**

CEO: \_\_\_\_\_ Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**\* Declaring an Interest**



**Local Government Act 1995 - Extract**

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

- (1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest:
  - (a) in a written notice given to the CEO before the meeting; or (b) at the meeting immediately before the matter is discussed. (Penalties apply).
- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know:
  - (a) that he or she had an interest in the matter; or (b) that the matter in which he or she had an interest would be discussed at the meeting.
- (3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

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

- (1) In this section: 'employee' includes a person who, under a contract for services with the local government, provides advice or a report on a matter.
- (2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.
- (3) An employee who discloses an interest under this section must, if required to do so by the council or committee, as the case may be, disclose the extent of the interest. (Penalties apply).

**5.71 - Employees to disclose interests relating to delegated functions.**

- If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and:
- (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter. (Penalties apply)

**'Local Government (Administration) Regulations 1996 – Extract**

In this clause and in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996:  
*"Interest" means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.*

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# ORDINARY COUNCIL MEETING AGENDA

## 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 declared the meeting open at XX

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

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

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

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

Councillor M (Matthew) Niikkula	Shire President
Councillor G (Gary) Mounsey	Deputy Shire President
Councillor B (Ben) Dixon	
Councillor H (Heather) Lake	
Councillor M (Mark) Lucas	

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**

## **APOLOGIES**

|

## **LEAVE OF ABSENCE**

### **3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

The following question was taken on notice from the Annual Electors Meeting held on the 22 March 2018 from Mr Bill Ruby:

*What hurdles do we have to jump through to use the banner sign rails in the Maidstone Crescent to advertise events for not for profit organisations?*

The Deputy Chief Executive Officer will provide a response to the gallery.

### **4. PUBLIC QUESTIONS TIME**

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

#### Council Consideration Towards Public

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

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

### **5. DECLARATIONS OF INTEREST**

### **6. APPLICATIONS FOR LEAVE OF ABSENCE**

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

meetings of the Council is disqualified from continuing his or her membership of the Council.

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

**7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

That the Minutes of the Ordinary Meeting of the Shire of Exmouth held on the 22 March 2018 be confirmed as a true and correct record of proceedings.

**8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS**

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

**9. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**

**10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

**11. MATTERS ARISING FROM COMMITTEES OF COUNCIL**

Nil



## 12. REPORTS OF OFFICERS

### DEVELOPMENT SERVICES

#### 12.2.1 AWARD TENDER 04-2018 SUPPLY & LAYING OF BITUMEN

File Reference:	CM.TE.04.2018
Responsible Officer:	Deputy Chief Executive Officer
Date of Report:	10 April 2018
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. CONFIDENTIAL – Evaluation Report RFT 04-2018

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#### **PURPOSE**

This report recommends that Tender 04/2018 for the Supply and Laying of Bitumen be awarded as per the recommendation in the Confidential Evaluation Report – RFT 04- 2018 (Attachment 1).

#### **BACKGROUND**

Resurfacing or resealing roads is part of the Council's asset preservation program which is funded by the Federal Governments Roads to Recovery Program. The preservation goal is to improve and restore the road surface and to prevent water ingress into the road foundation.

Bitumen seal hardens with age, cracks, loses stone and under such conditions progressively allows water into the road foundation. Bitumen spray seals provide a cost effective flexible layer over existing road surfaces or new foundations. This treatment involves spraying hot bitumen over the existing surface, quickly tipping a layer of stone on top and rolling the stone into the bitumen.

Bitumen based treatments are also known as flexible pavements because they can move and spring back under stress without cracking. This is essential to prevent traffic damage, to stop water undermining the road foundation and to provide a long road life. If the bitumen maintenance practice does not preserve the road foundation, then the road will slowly deteriorate until it has to be completely rehabilitated or reverts back to an unsealed road.

#### **COMMENT**

Local Government can purchase bitumen services through the WALGA Preferred Supply Panel. This acquisition process is permitted in the *Local Government Act 1995* (Functions and General) Regulation (s.3.57) "(b) the supply of the goods or services is to be obtained through the Council Purchasing Service of WALGA". Under the *Local Government (Functions and General) Regulations*, a tender exemption applies to WALGA's Preferred Supplier Contracts.

## WALGA Preferred Supplier Program

- The WALGA preferred Supplier Program complies with the *Local Government Regulation 1996 (Function and General)*.
- Purchasing through WALGA means that you do not have to tender. A tender exemption applies to all of our Preferred Supplier Contracts. This saves on time, money and risks associated with tendering.
- All of our Contracts (WALGA) are established by procurement specialists using a rigorous public and compliant market process. WALGA preferred suppliers are pre-qualified to provide Members with the safeguard of a quality-assured process, legal compliance, probity, risk mitigation and security of supply.

23 companies received the tender document and 5 responded.

### CONSULTATION

Western Australia Local Government Association (WALGA)  
Main Roads WA

### 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)*.

The tenders will not be publically advertised but managed through the *WALGA Preferred Supply Program* as referenced in the *Local Government Regulation 1996 (Function and General) Part 4, Division 2 section 11 (2) (b)* negating the requirements of *Local Government Regulation 1996 Part 4, Division 2 section 14*.

### POLICY IMPLICATIONS

Council Purchasing Policy 2.10

### FINANCIAL IMPLICATIONS

This bitumen program is fully funded in the 2017/2018 Shire Budget. The budget is \$387,354.00 and the successful tendered rate was \$213,325.00 excluding GST (includes incidental works to be carried out at the Exmouth Aerodrome which is budgeted for under operating expenditure). Additional town streets will be added to the bitumen seal program to expend the project budget of \$387,354.00.

### 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.
  - 1.5 Maintain and improve Shire infrastructure.
- Environment:
- 2 To have a balanced respect for our environment and heritage, both natural and built.

- 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.

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

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### **OFFICER'S RECOMMENDATION**

### **ITEM 12.2.1**

That Council:

1. Award the contract for Tender 04/2018 as per the recommendation in the Confidential Evaluation Report at Attachment 1.
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 04/2018, subject to the same stipulated agreement of terms; and
3. Record the recommendation for Tender RFT 04/2018 as provided in the Confidential Evaluation Report – RFT 04/2018 in the meeting minutes.

## **COMMERCIAL AND COMMUNITY**

### **12.3.1 COUNCIL SUPPORT FOR NINGALOO WHALESHARK FESTIVAL**

File Reference:	CR.SP.0
Responsible Officer:	Executive Manager Commercial and Community
Date of Report:	12 April 2018
Applicant/Proponent:	Ningaloo Whale Shark Festival Inc.
Disclosure of Interest:	Nil
Attachment(s):	Nil

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#### **PURPOSE**

This report recommends that Council supports the Ningaloo Whale Shark Festival, which will be held from 25 May to 27 May 2018. The request from the organising committee for Shire support includes the provision of fee-waivers and in-kind assistance.

#### **BACKGROUND**

The Ningaloo Whale Shark Festival is held every year in the last week of May and is one of the biggest annual events in Exmouth. The festival has been very successful over many years, attracting visitor and participants from Exmouth but also many tourists who join the festivities. The Committee has requested Council support and the use of Council facilities for this year's event.

#### **COMMENT**

Over the years, the Shire has supported the Festival in various ways, including staff assistance, additional programming and activities, materials and waiver of fees and charges. The Shire also has a staff member on the organising Committee to streamline shire support and input.

Council Officers consider that this event will have a positive social impact on the local community. It provides a focal point for activities, an opportunity for Exmouth's clubs and associations to fundraise and local talent to perform over the course of the event. However the economic impact of the event has not been formally measured, as it has for other major events the Shire supports. In consideration of the above it is recommended that Council support the request from the Committee for assistance and provides a full fee waiver as part of its sponsorship to the 2018 Ningaloo Whale Shark Festival. In addition it is recommended that Council also request the Ningaloo Whaleshark Festival Committee put in place a process to formally quantify the economic value of the event to the local economy.

In accordance with Council Policy 4.2 - Sponsorships, Donations and Waiver of Fees, 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 \$9295.30 and therefore requires approval by Council.

In return for its support, Council may request that this financial support be recognised and the Council be acknowledged as a major sponsor of the event.

## CONSULTATION

Nil

## STATUTORY ENVIRONMENT

Nil

## POLICY IMPLICATIONS

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

## FINANCIAL IMPLICATIONS

Council financial support for the Whale Shark Festival was previously approved as part of the 2017/18 adopted budget under E170749 Community Events and the level of support requested is within current available budget.

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

Whale Shark Festival Requested support	Fees	Staff cost	Total
Use Rec Centre ( 3x days @ \$43 per day)	\$129.00		\$129.00
Use Talanjee Oval (3 x days @ \$138.00 day)	\$414.00		\$414.00
Event Application fee	\$67.50		\$67.50
Oval Lights (11 x hrs @ \$26.25 per hr)	\$288.75		\$288.75
Extra bins whole Festival x 40	\$280.75		\$280.75
Staff assistance Talanjee Oval Friday set up 4 x 8hr \$56.25		\$1800.00	\$1800.00
Use of Mobile Toilets	\$674.00		\$674.00
Marking/managing sprinklers Oval 4 hr x \$56.25		\$225.00	\$225.00
Advertising on Community notice board 6 weeks @ \$3.25	\$19.50		\$19.50
Advertising on E notice board 6 weeks @ \$3.25	\$19.50		\$19.50
Generator hire delivery 6hr x \$174.05	\$1044.30		\$1044.30
Liquid waste 5 pump outs @5000L	\$4333.00		\$4333.00
<b>Total</b>	<b>\$7,2070.30</b>	<b>\$2,025.00</b>	<b>\$9295.30</b>

## 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

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### **OFFICER'S RECOMMENDATION**

**ITEM 12.3.1**

That Council:

1. Grant the Ningaloo Whale Shark Festival Inc. in-kind support to the value of \$9295.30
2. Advise the Ningaloo Whale Shark Festival Inc. that support for the Ningaloo Whale Shark Festival is subject to the Shire of Exmouth being acknowledged as a sponsor for the event.
3. Advise the Ningaloo Whale Shark Festival Inc that support is subject to the Committee undertaking analysis to quantify the value of the event to the community.

## **CORPORATE SERVICES**

### **12.4.1 FINANCIAL STATEMENTS FOR PERIOD ENDING 31 MARCH 2018**

File Reference:	FM.FI.0
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	11 April 2018
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Monthly Financial Report as at 31 March 2018

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#### **PURPOSE**

This report recommends Council accepts the financial reports for the financial periods ending 31 March 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 adopted the 2017/18 Budget Review at the Ordinary Council Meeting held on 22 March 2018 (Council Resolution 09/0318) which resulted in a net budget surplus of \$915,626 as a result of movement on the revenue and expenditure.

Council also resolved that the end year surplus be directed in reserves for the preservation of assets.

#### **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

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**OFFICER'S RECOMMENDATION****ITEM 12.4.1**

That Council receives the Financial Report for the financial periods ending 31 March 2018.



## 12.4.2 LIST OF ACCOUNTS FOR PERIOD ENDING 31 MARCH 2018

File Reference:	FM.FI.0
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	11 April 2018
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. List of Accounts for period ending 31 March 2018

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### 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.

#### March Payments

Municipal Fund	totalling \$567,812.31 Incorporating cheques, direct debits, electronic payments and credit cards.
Trust Fund	totalling \$14,034.98 Incorporating electronic payments.
Total March Payments	\$581,847.29

### 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

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**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 March 2018 (*totalling \$581,847.29*).

### **12.4.3 2016/17 FINANCIAL STATEMENTS- AUDITORS OPINION**

File Reference:	FM.AD.2017.2018
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	27 March 2018
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Letter to Minister

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#### **PURPOSE**

That Council note the letter sent to the Minister concerning the significant finding in the Auditors Report on the 2016/17 Financial Statements.

#### **BACKGROUND**

Section 7.12A of the Local Government Act 1995 outlines the duties of Local government with respect to audits. It states that local government must prepare a report addressing any matters identified as significant by the auditor in the audit report and stating any action to take with respect of those matters. A copy of that report is to be sent to the Minister within three months after the audit report is received by the local government.

As the 2016/17 Financial Statements were not qualified by the auditor, clarification was sought from the Department of Local Government on what they may deem to be significant in the auditor's management report. Their advice was that the matters raised concerning Registers and Year-end audit readiness and efficiency are the matters that should be drawn to the Minister's attention.

The advice also provided that the letter can be prepared and submitted by the Chief Executive Officer and that it be tabled at Council for information.

#### **COMMENT**

The matters raised in the Moore Stephens audit report have been addressed and processes are now in place to ensure that these issues will not be repeated.

#### **CONSULTATION**

Department of Local Government – Compliance Manager

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995 Section 7.12A (3), (4) & (5)

#### **POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

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

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

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

**VOTING REQUIREMENTS**

Absolute Majority

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**OFFICER'S RECOMMENDATION****ITEM 12.4.3**

That Council receives the letter to the Minister and notes the actions taken by the Management in addressing the matters raised by the Auditor.

#### **12.4.4 COMMUNITY DEVELOPMENT FUND APPLICATION – TRUSCOTT MEMORIAL CLUB**

File Reference:	RC.LI.38
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	10 April
Applicant/Proponent:	Truscott Memorial Club
Disclosure of Interest:	Nil
Attachment(s):	1. CONFIDENTIAL Community Development Application Fund (Loan)

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#### **PURPOSE**

The Truscott Memorial Club have submitted an application for a Loan under the Community Interest Free Loan (Reserves) program.

#### **BACKGROUND**

The Truscott Memorial Club is requesting a loan under the above program for the purposes of major and minor restoration work of a capital nature on the club building, which includes repairs to the roof, recladding of external walls and refurbishing of the façade and fascia. On a visit to the club it is noticeable that these works are of a high priority due to their current state.

#### **COMMENT**

The Shire currently has a Policy No 2.2 – Interest Free Loans to Clubs & Organisations and within this policy there are certain criteria that must be met by any clubs or organisations seeking loans from the Shire.

In addressing the criteria it is noted that:

- The Truscott Memorial Club is a community based organisation with local ratepayers as members. The club appears to be well established community organisation and has been in existence for several years.
- The club provides an alternative venue to other facilities within the Shire such as local hotels and tavern.
- The club has previously had two interest free loans through the Shire being one for a kitchen upgrade between 2005-2011 and recently a \$20K loan for the cool room upgrade and paid back at \$5K a year over 4 years.
- As such the club has a proven history of meeting its payments/commitments.
- The club has a sound balance sheet backed by substantial asset holdings. The club has improved its financial operations from a loss in 2015/16 of \$22,656 to a surplus of \$11,223 in 2016/17 as a result of a 6.23% increase in income and a decrease in expenses of 10% mainly as a result of a reduction in wages.

- The liquidity ratio is 1.125 which means that the club has sufficient current assets to meet its current liabilities.
- It was noticed that the club operates on a bank overdraft approved by the bank and discussions with the bookkeeper advise that they manage within the limits of the overdraft.
- It was advised by the club that the recent summer was not as profitable as in the past but they are anticipating that the peak period will be similar to previous years.
- The loan requested is for \$60,000 plus an administration fee of \$2,000 which they have requested to be paid back over 10 years.
- The club has advised that if approved the repayments would be scheduled over the peak months between March to October.

## CONSULTATION

Truscott Memorial Club

## STATUTORY ENVIRONMENT

Local Government Act 1995, Division 4, Section 6.8

### *6.8 Expenditure from municipal fund not included in annual budget*

*(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure –*

- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or*
- (b) is authorised in advance by resolution\*; or*
- (c) is authorised in advance by the mayor or president in an emergency*

## POLICY IMPLICATIONS

Policy 2.2 Interest Free Loans to Clubs & Organisations.

## FINANCIAL IMPLICATIONS

Loan to be met from the Community Interest Free Loan Reserve - \$60,000. The current balance of this reserve is \$365,000.

## STRATEGIC IMPLICATIONS

This item is relevant to the Councils 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.
  - 3.2 *Excellent lifestyle, recreational and cultural facilities.*
  - 3.5 *Maintain and increase participation levels in local community organisations and clubs.*
  - 3.7 *Residents and visitors have access to appropriate services and facilities to enhance their health and wellbeing.*

**VOTING REQUIREMENTS**

Absolute Majority

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**OFFICER'S RECOMMENDATION****ITEM 12.4.4**

That Council:

1. Approve the application for a loan of from the Truscott Memorial Club of \$60,000 from the Community Interest Free Loan Reserve.
2. That the loan be paid back over 10 years at \$6,000 per year with an administration fee of \$2,000 that can be apportioned over the 10 year period.
3. That the Truscott Memorial Club produce a current profit and loss statement within three weeks of a request being made by the Council.

### 12.4.5 REQUEST FOR UNBUDGETED EXPENDITURE – PALTRIDGE MEMORIAL SWIMMING POOL FIRST AID ROOM, OFFICE AND KIOSK

File Reference:	CP.US.1.2017.2018
Responsible Officer:	Deputy Chief Executive Officer
Date of Report:	10 April 2018
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none"> <li>1. E-quotes – RFQ 06-2018 – Paltridge Memorial Swimming Pool First Aid Room &amp; Kiosk Upgrade</li> <li>2. Building Alterations Site Plan</li> </ol>

#### PURPOSE

Council approval to incur unbudgeted expenditure to conduct renovations to the Paltridge Memorial Swimming Pool first aid room, office and kiosk is being sought with funds being secured via transfer of \$14,403 from the Swimming Pool Reserve.

#### BACKGROUND

In December 2017 the Shire of Exmouth completed a Gascoyne Regional Grants Scheme project. The project was jointly funded by the Gascoyne Development Commission (GDC) Regional Grants Scheme, Department of Sports and Recreation (DSR) Community Pool Revitalisation Grant, Exmouth Amateur Swimming Club and the Shire of Exmouth. An overall outline of each contribution is below:

Contributor	Amount \$
Gascoyne Development Commission	105,886
Department Sports and Recreation	64,000
Exmouth Amateur Swimming Club	18,000
Shire of Exmouth	9,924

The project was completed under budget with an excess of \$27,597 remaining and ahead of schedule with the project completion date set for the 15 May 2018. The remaining funds are considered to be part of the DSR grant contribution and approval has been given from DSR for the funds to be used on an additional capital project.

The regulation and management of public swimming pools is governed by the *Health (Aquatic Facilities) Regulations 2007* and the Code of Practice for the Design, Construction, Operation, Management and Maintenance of Aquatic Facilities. Under the classifications of pools the Paltridge Memorial Swimming Pool is a Group 1 facility and has to meet all the Codes of Practice relating to a Group 1 facility.



Part of this is the requirement for first aid facilities to have a separate room or area containing:

1. Resuscitation Notice
2. Examination Couch
3. Hand wash basin with reticulated potable water
4. Communication system
5. One GPO outlet
6. Work bench for the preparation or the cleaning and sterilisation of items used in first aid treatment.
7. Storage for first aid supplies and equipment.
8. Washable flooring.

The current pool first aid room is shared with the office and the closest available sink is used for water testing and staff kitchen. The area isn't considered suitable for the current purpose and the intention was to use the remaining funds to improve on the compliance in this area.

The intention is to enclose the current entry, move the office and kiosk along and have a dedicated first aid room as per the attached plan (Attachment 1). A request for quote was submitted to e-quotes on 19 March 2018, closing on the 2 April 2018 (Attachment 2).

## **COMMENT**

Only one quote was received to the value of \$42,000 exc GST, exceeding the budgeted amount by \$14,403 from CJ Lord Building and Renovations. Consultation with CJ Lord Building and Renovations to see what could be removed from the quote to reduce the cost of the build could still not reduce the overall cost below the budgeted amount, without compromising the original intention of the build or the build being staged out over a period of time.

If the DSR funds aren't expended they will have to be returned. The proposed use of the Swimming Pool Reserve reflects the intention of the reserve which is for swimming pool upgrades. The balance of the reserve currently sits at \$429,445.

## **CONSULTATION**

Department of Sport and Recreation  
CJ Lord Building and Renovations

## **STATUTORY ENVIRONMENT**

Local Government Act 1995, Division 4, Section 6.8

### *6.8 Expenditure from municipal fund not included in annual budget*

*(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure –*

*(a) is incurred in a financial year before the adoption of the annual budget by the local government; or*

*(b) is authorised in advance by resolution\*; or*

*(c) is authorised in advance by the mayor or president in an emergency*

## POLICY IMPLICATIONS

### 2.7 Purchasing Policy

## FINANCIAL IMPLICATIONS

	\$
Swimming Pool Reserve	429,445
Proposed Drawdown from Reserve	14,403
<b>Balance</b>	<b>415,042</b>

## 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.
  - 1.5 *Maintain and improve Shire infrastructure.*
- Social:
- 3 To be a dynamic, passionate and safe community valuing natural and cultural heritage.
  - 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.
  - 4.2 *A local government that is respected, professional, trustworthy and accountable.*

## VOTING REQUIREMENTS

Absolute Majority

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## OFFICER'S RECOMMENDATION

## ITEM 12.4.5

Council approval as per Local Government Act 1995 Section 6.8, to incur unbudgeted expenditure to conduct renovations to the Paltridge Memorial Swimming Pool first aid room, office and kiosk with funds being secured via transfer of \$14,403 from the Swimming Pool Reserve.

## **ITEMS FOR 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.

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#### **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.

<b>DATE</b>	<b>DOCUMENT</b>
14/03/18	Licensed Electrical Contract between Shire of Exmouth and Dalglish Enterprises t/a ERA Contractors (x2) Council Decision 10-0218.
14/03/18	Licensed Plumbing and Drainage repairs and Licensed Gas Repairs between Shire of Exmouth and EXY Plumbing and Contracting (x2) Council Decision 10-0218.
14/03/18	Lease of Crown Land R32867 between the Shire of Exmouth and Norwest Airworks (x3) Council Decision 13-0713.
14/03/18	Removal of expired lease – Lot 73 on DP 211885 (x3) Council Decision 13-0713.
11/04/18	Licensed Air Conditioning between Shire of Exmouth and Network Power Solutions (x2) Council Decision 10-0218.

#### 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.

<b>NAME</b>	<b>REASON</b>	<b>AMOUNT (exc GST)</b>
Exmouth District High School	Hire of Ningaloo Centre Community Centre for 2017 School production, multiple days and times during Nov-Dec 2017	\$1,224.00
Exmouth PCYC	Hire of oval for Junior Cricket Tuesdays 5:30-6:30pm, 9 days @ 1 hr	\$166.50

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 31 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	New Construction Two Storey Steel Framed Dwelling	Approved	2/03/18
18/12	07/02/18	1277	2 Seawolf Circle	Side Fence	Pending	
18/17	06/03/18	467	21 Osprey Way	Single Storey Dwelling	Approved	9/04/18
18/18	12/03/18	437	37 Fitzhardinge Street	Alterations/Addition Verandah Upgrade	Pending	
18/19	15/03/18	8	106 Madaffari Drive	New Dwelling	Pending	
18/20	15/03/18	443	30 Stokes Hughes Street	New Construction Steel Framed Boundary Fence	Pending	
18/22	15/03/18	111	Thresher Street	New Construction Industrial Shed, Office and Caretakers	Pending	

Planning Decisions Issued

A summary of the planning decisions issued under delegation up to 31 March 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	
<b>PA174/17</b>	<b>20/12/17</b>	<b>378</b>	<b>28 Corella Court</b>	<b>New Dwelling</b>	<b>Approved</b>	<b>20/03/18</b>
PA07/18	15/01/18	1359	9 Redfin Court	Change of Use	Pending	
<b>PA10/18</b>	<b>19/01/18</b>	<b>501</b>	<b>Lot 501 Lefroy Street</b>	<b>Strata Subdivision</b>	<b>Approved</b>	<b>4/04/18</b>
PA12/18	30/01/18	43	11 Searaven Crescent	Single Dwelling	Pending	
PA13/18	2/02/18	500	1 Nimitz Street	Carport	Pending	

<b>PA15/18</b>	<b>9/02/18</b>	<b>1112</b>	<b>Murat Road</b>	<b>Carport and Patio</b>	<b>Approved</b>	<b>27/03/18</b>
<b>PA17/18</b>	<b>4/02/18</b>	<b>459</b>	<b>10 Osprey Way</b>	<b>Gazebo</b>	<b>Approved</b>	<b>6/04/18</b>
<b>PA19/18</b>	<b>2/02/18</b>	<b>315</b>	<b>27 Gnulli Court</b>	<b>Single Dwelling</b>	<b>Approved</b>	<b>13/03/18</b>
PA21/18	21/02/18	475	7 Osprey Way	Carport Extension and Balcony Extension	Pending	
PA29/18	09/03/18	267	25 Christie Street	New Carport	Pending	
PA34/18	23/03/18	23	146 Madaffari Drive	Residence and Carport	Pending	
PA35/18	27/03/18	789	5 Jones Place	Single residential + single outbuilding (existing)	Pending	

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

<b>App</b>	<b>Date Received</b>	<b>Description</b>	<b>Date Issued</b>
PA27/18	6/03/18	The Lost Shipp Food Van	22/03/18
PA28/18	7/03/18	Wedding	3/04/18
PA30/18	9/03/18	Raffle Tickets – Fundraiser	22/03/18
PA31/18	15/03/18	Press and Restore Food Van	3/04/18
PA32/18	16/03/18	Anglican Dawn Service – Vlaming Head Lighthouse	19/03/18
PA33/18	21/3/18	Semi-Trailer Truck - Butcher	11/04/18

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## **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 March 2018;
- Building Decisions Issued up to 31 March 2018; and
- Planning Decisions Issued up to 31 March 2018.

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