



Ordinary Council Meeting
Agenda
6 November 2017

NOTICE OF MEETING

Notice is hereby given that the

Shire of Exmouth
Ordinary Council Meeting

will be held on
6 November 2017
Commencing at 4.30pm
In the Council Chambers, behind Administration Centre,
22 Maidstone Crescent, Exmouth

Cameron Woods
Chief Executive Officer

6 November 2017

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



Shire of Exmouth
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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: _____

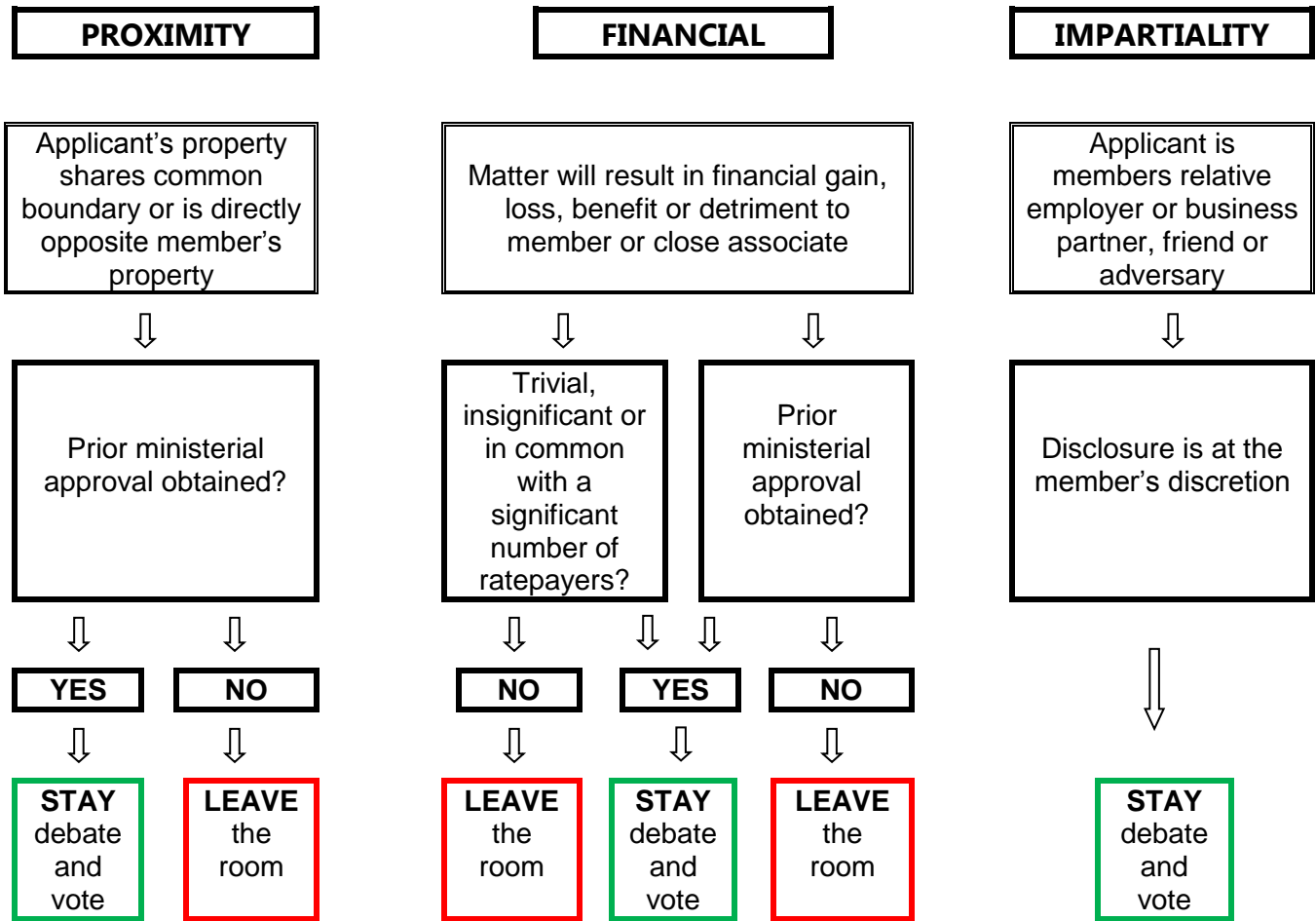
Note 1: For Ordinary meetings of Council, elected members and employees are requested to submit this completed form to the Chief Executive Officer prior to the meeting. Where this is not practicable, disclosure(s) must be given to the Chief Executive Officer prior to the matter being discussed.

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/ANNOUNCEMENT OF VISITORS

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

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

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

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

Item/Description	Name	Detail of Interest	Extent 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 XX 2017 be confirmed as a true and correct record of proceedings.

8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

10. MATTERS ARISING FROM COMMITTEES OF COUNCIL

11. EXECUTIVE SERVICES

11.1 DELEGATION OF AUTHORITY TO THE CHIEF EXECUTIVE OFFICER TO DESIGNATE AUTHORISED AND APPROVED OFFICERS FOR THE PURPOSES OF THE HEALTH (ASBESTOS) REGULATIONS 1997

File Reference:	GV.AU.2
Responsible Officer:	Deputy Chief Executive Officer
Date of Report:	23 October 2017
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Amended Delegation GO001 – Appoint Authorised Persons

PURPOSE

That Council consider delegating power of duty to the Chief Executive Officer for the purpose of appointing authorised and approved officers under the Health (Asbestos) Regulations 1992.

BACKGROUND

In January 2017 amendments came into effect for the appointment of approved and authorised officers under the Criminal Procedure Act 2004 for the purposes of issuing, extending or withdrawing infringements for breaches of the Health (Asbestos) Regulations 1992. These amendments to the Health (Asbestos) Regulations 1992 were made as an interim measure until the implementation of the penalty framework for the Public Health Act 2016 comes into effect. This stage won't occur until the final stages of the implementation which is approximately 3 to 5 years away.

The Chief Executive Officer was appointed as an approved officer and the Executive Manager Health and Building and the Environmental Health Officer were appointed authorised officers. These changes were adopted at the February 2017 Council Meeting.

Res No: 04-0217

That the Commissioner adopt the proposed new delegation HB014 – Criminal Procedure Act 2004 provided at Attachment 2.

CARRIED 1/0

In August 2017 an annual review of the delegation register was conducted and Council adopted the new delegation register which removed the Executive Manager Health and Building position and added the Deputy Chief Executive Officer and the Building Surveyor as authorised officer for the purposes of issuing an infringement.

Res No: 07-0817

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

CARRIED 1/0

COMMENT

The changes to the Health (Asbestos) Regulations 1992 didn't give delegated authority to the Chief Executive Officer to appoint approved or authorised officers. This was considered problematic and made the administration of the Health (Asbestos) Regulations 1992 time consuming. On the 27 September 2017 amendments were made to allow for the delegation of power. There is no allowance for this delegation to be sub delegated. Council staff support the delegation of authority as it allows for smoother transitions for relief or replacement staff.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Public Health Act 2016

Health (Miscellaneous Provisions) Act 1911

Criminal Procedure Act 2004

Health (Asbestos) Regulations 1992

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

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

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 11.1

That Council delegates the power to appoint approved and authorised officers under the Health (Asbestos) Regulations 1992 to the Chief Executive Officer.

11.2 APPOINT REPRESENTATIVES TO EXTERNAL COMMITTEES

File Reference:	GV.CM.0
Responsible Officer:	Chief Executive Officer
Date of Report:	27 October 2017
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none"> 1. Roles and Responsibilities of Regional Road Group Members 2. Ningaloo Coast World Heritage Advisory Committee Terms of Reference

PURPOSE

The purpose of this report is to revoke council decision 21-1017 from special Council Meeting held 23 October 2017 and nominate representatives to external Committees to exercise the powers and discharge the duties of the local government.

BACKGROUND

The *Local Government Act 1995* Section 5.8, 5.9 and 5.10 empowers Council to establish committees and elect persons to serve on those committees.

Council passed the following resolution at the Special Council Meeting held 23 October 2017, Council Decision 021-1017

COUNCIL RESOLUTION

ITEM 13.3

Res No:

21-1017

MOVED: Councillor Lake

SECONDED: Councillor Dixon

Revised motion put forward to rescind Council Decision 03-117 and defer filling all the committees until the next ordinary meeting scheduled for the 6 November 2017 and fill the required positions for the Ningaloo Coast World Heritage Advisory Committee (NCWHAC)

MOVED: Councillor Mounsey

SECONDED: Councillor Dixon

That the Council:

- 1. Rescind Council Decision 03-117 and defer filling the remaining committees as detailed in the Officers recommendation until the next ordinary meeting on***

the 6 November 2017 and fill the required positions for the Ningaloo Coast World Heritage Advisory Committee (NCWHAC).

2. And elected the following

4. Ningaloo Coast World Heritage Advisory Committee (NCWHAC)

That the Council of the Shire of Exmouth:-

- a) In accordance with provisions of Sections 5.8 of the Local Government Act 1995 establishes a Gascoyne Development Committee;***
- b) In accordance with provisions of Sections 5.9 of the Local Government Act 1995, the Committee is to comprise of Councillors and Staff;***
- c) In accordance with provisions of section 5.10 (1)(a) and (3) of the Local Government Act 1995 the Committee shall have as its Members the following Councillors, the Chief Executive Officer and the Deputy Chief Executive Officer.***

MEMBERS:

- Councillor Niikula**
- Councillor Dixon**
- Councillor Lake**

CARRIED 6/0

COMMENT

Councillors and Officers are required to be appointed as representatives for the Shire of Exmouth on the following external committees:

1. Gascoyne Development Commission

The Gascoyne Development Commission. A Western Australian Government statutory authority dedicated to the economic social development of the Gascoyne region.

The objectives of the Regional Development Commissions (RDCs) are to:

- maximise job creation and improve career opportunities in the region;
- develop and broaden the economic base of the region;
- identify infrastructure services needed to promote economic and social development within the region;
- provide information and advice to promote business development within the region;
- seek to ensure that the general standard of government services and access to those services in the region is comparable to that which applies in the metropolitan area; and
- generally take steps to encourage, promote, facilitate and monitor the economic development in the region.

2. WALGA Zone Regional Committees and the Regional Road Group Meeting

The WA Local Government Association (WALGA) is working for Local Government in Western Australia. As the peak industry body, WALGA advocates on behalf of 138 WA Local Governments and negotiates service agreements for the sector. WALGA is not a government department or agency.

The WA Local Government Association was formed on 6 December 2001 to provide a truly representative and united voice for Local Government in WA. Prior to this, a number of membership-based representative structures existed to represent Local Government in WA.

The WALGA operational structure is comprised of a number of internal business units who undertake either policy and advocacy work on behalf of the Local Government sector or offer services to assist Local Governments to perform their duties.

Our Governance structure comprises of our State Council and Zones. The structure of WALGA is designed to ensure we remain representative of our Member Councils. The structure also enables us to work efficiently and effectively in meeting our goals.

The WALGA operational structure is comprised of a number of internal business units who undertake both policy and advocacy work on behalf of the Local Government sector, or offer services to assist Local Governments to perform their duties.

WALGA State Council is the decision making representative body of all Member Councils, who are responsible for sector-wide policy making and strategic planning on behalf of Local Government.

Zones are groups of geographically aligned Member Councils who are responsible for direct elections of State Councillors, providing input into policy formulation and providing advice on various matters.

3. Development Assessment Panels (DAPS)

As a key component of planning reform in Western Australia, Development Assessment Panels (DAPs) are intended to enhance planning expertise in decision making by improving the balance between technical advice and local knowledge.

Each DAP consists of five panel members, three being specialist members and two local government councillors.

Under the DAP regulations, each DAP will determine development applications that meet set type and value thresholds as if it were the responsible authority under the relevant planning instrument, such as the local planning scheme or region planning scheme. The DAP regulations state that DAP applications cannot be determined by local government or the Western Australian Planning Commission (WAPC).

The role of **DAP members** is to determine development applications within a certain type and value threshold through consistent, accountable, and professional decision-making.

A Mandatory DAP application is type of development application for the approval of a development outside the City of Perth with an estimated value of \$10 million or more.

4. Ningaloo Coast World Heritage Advisory Committee (NCWHAC)

Ningaloo Coast World Heritage Advisory Committee – Code of Conduct

An appointment of the Ningaloo Coast Heritage Advisory Committee (NCWHAC) carries with it responsibilities and obligations. This Code of Conduct outlines these NCWHAC member responsibilities and obligations and provides guidance about ethical issues that may arise.

All members are required to adopt this Code of Conduct to assist the NCWHAC's ability to perform its functions as specified in the Terms of Reference and Operating Procedures and strengthen the ability of members to contribute to the committee in a positive way.

The Code of Conduct requirements are based on the Office of the Public Sector Standards Commissioner's publication *Template Code of Conduct for Government Boards and Committees*, which in turn, is based on the *Western Australian Public Sector Code of Ethics*.

1.1 Understand the NCWHAC role:

Members will:

- Operate within the framework of the Terms of Reference and Operating Procedures of the NCWHAC.
- Gain a clear understanding of the purpose and function of the NCWHAC in addition to the statutory and regulation requirements of the World Heritage area and associated land tenure within which DPAW and other government agencies carry out their responsibilities.
- Stay informed about the relevant activities and management issues concerning the Ningaloo Coast World Heritage area.
- Make decisions fairly, impartially, promptly and considering all available information to ensure the best outcome for the Ningaloo Coast World Heritage area.

CONSULTATION

Local Government Act 1995

STATUTORY ENVIRONMENT

All Committees are established under provisions of Sections 5.8 to 5.18 of the local Government Act 1995.

5.8. Establishment of committees

A local government may establish committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

** Absolute majority required.*

5.9. Committees, types of

- (1) *In this section —*
other person means a person who is not a council member or an employee.
- (2) *A committee is to comprise —*
- council members only; or*
 - council members and employees; or*
 - council members, employees and other persons; or*
 - council members and other persons; or*
 - employees and other persons; or*
 - other persons only.*

5.10. Committee members, appointment of

- (1) *A committee is to have as its members —*
- (a) *persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and*
 - (b) *persons who are appointed to be members of the committee under subsection (4) or (5).*

** Absolute majority required.*

- (2) *At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.*
- (3) *Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.*
- (4) *If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.*
- (5) *If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —*
- (a) *to be a member of the committee; or*
 - (b) *that a representative of the CEO be a member of the committee,*
- the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.*

5.11A. Deputy committee members

- (1) *The local government may appoint* a person to be a deputy of a member of a committee and may terminate such an appointment* at any time.*

** Absolute majority required.*

- (2) *A person who is appointed as a deputy of a member of a committee is to be —*
- (a) *if the member of the committee is a council member — a council member; or*
 - (b) *if the member of the committee is an employee — an employee; or*
 - (c) *if the member of the committee is not a council member or an employee — a person who is not a council member or an employee; or*
 - (d) *if the member of the committee is a person appointed under section 5.10(5) — a person nominated by the CEO.*

- (3) *A deputy of a member of a committee may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause.*
- (4) *A deputy of a member of a committee, while acting as a member, has all the functions of and all the protection given to a member.*

[Section 5.11A inserted by No. 17 of 2009 s. 20.]

5.11. Committee membership, tenure of

- (1) *Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —*
- (a) *the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or*
- (b) *the person resigns from membership of the committee; or*
- (c) *the committee is disbanded; or*
- (d) *the next ordinary elections day,*
- whichever happens first.*
- (2) *Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —*
- (a) *the term of the person's appointment as a committee member expires; or*
- (b) *the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or*
- (c) *the committee is disbanded; or*
- (d) *the next ordinary elections day,*
- whichever happens first.*

POLICY IMPLICATIONS

Council Policy 1.9 Committee Meetings

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

<i>Civic Leadership:</i>	<i>4</i>	<i><u>To work together as custodians of now and the future.</u></i>
	<i>4.2</i>	<i>A local government that is respected, professional, trustworthy and accountable.</i>
	<i>4.3</i>	<i>To be strong advocates representing the region's interests.</i>

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION**ITEM 11.2**

That the Council:

1. Revoke council decision 21-1017 from special Council Meeting held 23 October 2017 and nominate representatives to external Committees to exercise the powers and discharge the duties of the local government.

COUNCIL RESOLUTION**ITEM 13.3****Res No:****21-1017****MOVED: Councillor Lake****SECONDED: Councillor Dixon**

Revised motion put forward to rescind Council Decision 03-117 and defer filling all the committees until the next ordinary meeting scheduled for the 6 November 2017 and fill the required positions for the Ningaloo Coast World Heritage Advisory Committee (NCWHAC) And elected the following

MOVED: Councillor Mounsey**SECONDED: Councillor Dixon****That the Council:**

1. **Rescind Council Decision 03-117 and defer filling the remaining committees as detailed in the Officers recommendation until the next ordinary meeting on the 6 November 2017 and fill the required positions for the Ningaloo Coast World Heritage Advisory Committee (NCWHAC).**
2. **And elected the following**
 5. **Ningaloo Coast World Heritage Advisory Committee (NCWHAC)**
That the Council of the Shire of Exmouth:-
 - a) **In accordance with provisions of Sections 5.8 of the Local Government Act 1995 establishes a Gascoyne Development Committee;**
 - b) **In accordance with provisions of Sections 5.9 of the Local Government Act 1995, the Committee is to comprise of Councillors and Staff;**
 - c) **In accordance with provisions of section 5.10 (1)(a) and (3) of the Local Government Act 1995 the Committee shall have as its Members the following Councillors, the Chief Executive Officer and the Deputy Chief Executive Officer.**

MEMBERS:

- **Councillor Niikula**
- **Councillor Dixon**
- **Councillor Lake**

CARRIED 6/0

2. Authorise the newly Elected Council and Officers to be appointed as representatives for the Shire of Exmouth on the following committees:

1. Gascoyne Development Commission
That the Council of the Shire of Exmouth:-
 - a) *In accordance with provisions of Sections 5.8 of the Local Government Act 1995 establishes a Gascoyne Development Committee;*
 - b) *In accordance with provisions of Sections 5.9 of the Local Government Act 1995, the Committee is to comprise of Councillors and Staff;*
 - c) *In accordance with provisions of section 5.10 (1)(a) and (3) of the Local Government Act 1995 the Committee shall have as its Members the following Councillors, the Chief Executive Officer and the Deputy Chief Executive Officer.*

MEMBER:

- Councillor –

PROXY:

- Councillor -

2. WALGA Gascoyne Zone and Regional Road Group Committee
That the Council of the Shire of Exmouth :-
 3. a) *In accordance with provisions of Sections 5.8 of the Local Government Act 1995 establishes a WALGA Gascoyne Zone and Regional Road Group Committee;*
 - b) *In accordance with provisions of Sections 5.9 of the Local Government Act 1995, the Committee is to comprise of Councillors and Staff;*
 - c) *In accordance with provisions of section 5.10 (1)(a) and (3) of the Local Government Act 1995 the Committee shall have as its Members the following Councillors, the Chief Executive Officer and the Deputy Chief Executive Officer.*

MEMBER:

- Councillor –

PROXY:

- Councillor -

4. Development Assessment Panel (DAPS):
That the Council of the Shire of Exmouth:-
 - a) *In accordance with provisions of Sections 5.8 of the Local Government Act 1995 establishes a Development Assessment Panel (DAPS);*
 - b) *In accordance with provisions of Sections 5.9 of the Local Government Act 1995, the Committee is to comprise of Councillors;*
 - c) *In accordance with provisions of section 5.10 (1)(a) and (3) of the Local Government Act 1995 the Committee shall have as its Members the following Councillors:*

MEMBER:

- Councillor -

5. Ningaloo Coast World Heritage Advisory Committee (NCWHAC)
That the Council of the Shire of Exmouth:-
 - a) *In accordance with provisions of Sections 5.8 of the Local Government Act 1995 establishes a Gascoyne Development Committee;*

- b) *In accordance with provisions of Sections 5.9 of the Local Government Act 1995, the Committee is to comprise of Councillors and Staff;*
- c) *In accordance with provisions of section 5.10 (1)(a) and (3) of the Local Government Act 1995 the Committee shall have as its Members the following Councillors, the Chief Executive Officer and the Deputy Chief Executive Officer.*

MEMBER:

- *Councillor –*

PROXY:

- *Councillor -*

12. DEVELOPMENT SERVICES

12.1 ENDORSEMENT OF LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS AND LOCAL RECOVERY PLAN

File Reference:	ES.PL.1, ES.PL.4
Responsible Officer:	Deputy Chief Executive Officer
Date of Report:	6 November 2017
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none">1. Local Emergency Management Arrangements October 20172. Local Recovery Plan October 2017

PURPOSE

The purpose of this report is to have Council approve the Shire of Exmouth Local Emergency Management Arrangements Plan October 2017 (LEMA) and the Local Recovery Plan October 2017 (LRP) (Attachment 1 & 2).

The emergency management plans are a statutory responsibility of the Local Government. Both plans accord with the *Emergency Management Act 2005* and the State Emergency Management Committee (SEMC) Policy.

The Plans have been developed and reviewed in consultation with the Office of Emergency Management (OEM), the District Emergency Management Committee (DEMC).

BACKGROUND

The Shire of Exmouth is subject to a wide variety of hazards which result from both natural and technological events. Effective local emergency management arrangements assist in enhancing the community's resilience and preparedness for emergencies by utilising strategies that apply prevention/mitigation, preparedness, and response and recovery measures.

It is for this reason that the Emergency Management Act 2005 contains the provision that Local Government must ensure local emergency management arrangements are prepared for its Local Government district, "A local government is to ensure that arrangements (**local emergency management arrangements**) for emergency management in the local government's district are prepared. EM Act 2005 s. 41 (1)."

The approval process is as follows:

1. The OEM reviews the LEMA to ensure compliance with legislation.
 2. The OEM provides the LEMA and the LRP to the DEMC for review.
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3. The Local Emergency Management Committee (LEMC) reviews the LEMA.
4. The Exmouth Shire Council endorses LEMA.
5. The LEMA provided to the (SEMC) for tabling.
6. Letter from the SEMC Executive Officer sent to the Local Government Chief Executive Officer advising LEMA now meets legislative requirements and has been noted by the SEMC.

COMMENT

Where Local Governments do not have compliant local emergency management arrangements in place and are, therefore, in breach of the *Emergency Management Act 2005*, a process of non-completion may be undertaken as follows:

- When the issue has been identified, a letter of concern will be sent to the Local Government from the DEMC.
- If the matter has not been addressed within the designated period of time, a letter will be sent to the Local Government from the SEMC.
- If no action has been taken following the letter from the SEMC, the matter will be referred to the Department of Local Government, Sport and Cultural Industries.

CONSULTATION

The LEMA and the LRP have been provided to the members of the Exmouth LEMC for their review and comment; and for promotion among their networks including community groups and members. The composition of the LEMC representation is:

Shire of Exmouth

Exmouth Police

Exmouth State Emergency Service

Exmouth Volunteer Bush Fire Brigade

Exmouth Volunteer Fire & Rescue Brigade

Department of Environment & Conservation (Exmouth)

Department of Communities (Geraldton Office)

Exmouth Hospital

Water Corporation (Exmouth)

Horizon Power

Telstra (Emergency Services Liaison Officer – Geraldton)

Department of Transport (Exmouth)

Department of Defence (HEH Base, Exmouth)

Department of Fire and Emergency Services (Karratha District Office)

Exmouth District School

Exmouth Volunteer Marine Rescue

Centacare

St John's Ambulance (Exmouth)

RAAF (Exmouth)

Red Cross (Exmouth)

Pilbara Regiment (Exmouth)

Office of Emergency Management

Additionally, once endorsed, the LEMA will be available on the Shire's website and in hard copy format at the Shire Administration office and the library for members of the public to view and provide comment.

STATUTORY ENVIRONMENT

Emergency Management Act 2005

The LEMA and the LRP October 2017 have been reviewed by the OEM District Emergency Management Advisor - Kimberley & Pilbara for compliance with legislation; and reviewed by the Pilbara DEMC which is comprised of emergency management agencies including hazard management agencies, combat agencies and support agencies.

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 2012-2016

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

3.1 *Retain a safe community environment.*

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

4.1 *To be a collaborative community with the capacity to manage the current and future direction of Exmouth.*

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

4.3 *To be strong advocates representing the region's interests.*

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.1

That Council endorse the Shire of Exmouth Local Emergency Management Arrangements October 2017 and the Local Recovery Plan October 2017.

13. COMMERCIAL AND COMMUNITY

Nil

14. CORPORATE SERVICES

14.1 FINANCIAL STATEMENTS FOR PERIOD ENDING 30 SEPTEMBER 2017

File Reference:	FM.FL.0
Responsible Officer:	Acting Executive Manager Corporate Services
Date of Report:	25 October 2017
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Financial Report as at 30 September 2017

PURPOSE

This report recommends Council accepts the financial report for the financial period ending 30 September 2017.

BACKGROUND

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

COMMENT

Carried Forward Surplus (Net Current Assets) from 2016/17 Financial Year

The financial report records a carried forward surplus from the 2016/17 financial year of \$962,667. This amount is calculated as the Net Current Assets as at 30 June 2017.

This is an unaudited forecast and remains a provisional sum subject to the annual audit. This reported carried forward surplus estimate has been used in the formulation of the 2017/18 Annual Budget.

The author of the June 2017 and July 2017 Financial Report provides an explanation in the report to the ordinary meeting of Council on 22 August 2017.

The 2016/17 Budget estimated to deliver a budget with a surplus of \$16,515, however due to the early receipt of an instalment of the Financial Assistance Grant of \$993,202 in June 2017 from the Local Government Grants Commission, this increased our surplus to \$962,702. Had this grant not been paid early, a closing deficit of (\$30,500) would've been attained.

The forecast surplus amount is material. Due to unforeseen circumstances that has delayed the preparation of the 2016/17 Annual Financial Report, a verifiable estimate is not anticipated to be available until December 2017. The Annual Financial Report is now in a draft form nearing readiness for submission to Council's Auditor's.

A review of the methodology used in calculating the Closing Funds (Net Current Assets) as at 30 June 2017 (and used for the purpose of the 2017/18 Annual Budget) has highlighted a funding deficiency for Council's current liability for employee leave provision.

Local Government Operational Guideline Number 8 – June 2013 *Net Current Assets (Opening and Closing Funds) Used in the Annual Budget and Annual Financial Report (Department of Local Government and Communities)* provides advice and guidance regarding what portion of leave provisions should be considered when determining closing funds.

Deciding what portion of leave provisions to 'add back' should be carefully considered in terms of what is already funded in the budget or can be funded from a cash reserve

Consideration would need to be given to:

- *Whether annual leave is funded through 52 weeks of budget for salaries and wages for each employee and the extent to which periods of extended leave are funded;*
- *Whether relief staff are engaged and how that cost is funded;*
- *The likelihood of large leave accruals being paid out on termination.*

Long service leave provision is calculated in accordance with AASB 119; a calculation based on the present value of probable future cash flows relevant to each employee. The provision includes a calculation for employees with less than 7 years continuous service and who would have no legal claim to leave until after that period of service is achieved. The accumulated value of this portion of the provision would not require funding.

It is stressed that if this is not assessed correctly, a funding shortfall may occur or the calculated budget deficiency may be incorrect.

Calculation for the carried forward Surplus used in the 2017/18 Annual Budget has been calculated writing back 100% of Councils Current Liability for Employee Leave Provisions.

Local Government Operational Guideline Number 8 – June 2013 provides direction that Leave Provisions are written back to the extent of;

- a) Leave Provisions that are Cash Backed
- b) Leave funded in the Annual Budget

As at 30 June 2017, the draft Annual Financial Report records current liability for employee leave provisions totalling \$822,969 with \$250,942 held in Cash Backed reserves for Leave Liability.

It is estimated that approximately \$488,475 is budgeted for staff leave in the 2017/18 Annual Budget. This estimation has been based upon 5/52 of the total payroll 2017/18 budget. Being 5 weeks annual in a 52 week year. It should be noted that this amount does not provide for large leave accruals being paid out on termination, or cover of relive staff during periods of leave.

The following table details the Carried Forward Surplus calculated in accordance with - Local Government Operational Guideline Number 8 – June 2013 *Net Current Assets (Opening and Closing Funds) Used in the Annual Budget and Annual Financial Report (Department of Local Government and Communities)*

NET CURRENT ASSETS

Composition of net current assets

2017**CURRENT ASSETS**

Cash and cash equivalents

Unrestricted	1,260,337.00
Restricted	6,028,803.00
Cash on Hand	4,048.00
OCDF - Restricted	3,102,000.00

Investments

Receivables

Rates	336,908.00
Sundry Debtors	1,120,190.00
Goods & Services Tax	62,357.00
Self Supporting Loans	54,000.00
Accrued Revenue	47,913.00
Rental Bonds	100.00
Prepaid Expenditure	5,721.00

Inventories

Materials	39,398.00
Land Held for Resale	1,446,263.00

LESS: CURRENT LIABILITIES

Trade and other payables

Sundry Creditors	(1,690,488.00)
Other Payables	(714.00)
Prepaid Revenue	(3,124,080.00)
Accrued Interest on Debentures	(8,677.00)
Accrued Expenses	(76,792.00)
Tax Liabilities	0.00
PAYG Withholdings	0.00
Accrued Salaries & Wages	(115,553.00)

Current portion of long term borrowings

Secured by floating charge	(253,764.00)
User defined	0.00

Provisions

Provision for Annual Leave	(488,998.00)
Provision for Long Service Leave	(259,531.00)
Provision for Gratuity	(74,440.00)

Unadjusted net current assets**7,415,001.00**

Adjustments

Less: Reserves - Restricted Cash	(6,028,804.00)
Less: Loans receivable - clubs/institutions	(54,000.00)
Less: Land Held for Resale	(1,446,263.00)
Add: Current Borrowings Secured by floating charge	253,764.00
Add: Provisions Cash Backed (Leave Reserve)	250,942.00

Adjusted net current assets - surplus/(deficit)	390,640.00
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Net Current Assets Per 17.18 Annual Budget	962,666.21
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Variance	Before Calculating Leave Budgeted in 2017/18	(572,026.21)
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Annual Leave Budgeted in 2017/18 Budget

Total Wages Budget (Excl Super)	\$5,080,352	
Total Employee Hours Budgeted	134,729	
Average Hourly Rate 2017/18	\$37.71	
Budgeted Employee FTE Numbers	68.18	
Hours of Annual Leave per officer	190.00	
Total Hours of Leave p/a	12,954	
Total Annual Leave Budgeted	\$488,475.95	488,475.95
Variance		(83,550.26)

It is therefore estimated that there is reduced surplus from the amount calculated for the purpose of the 2017/18 Annual Budget of approximately \$83,550. This amount is the unfunded current employee leave liability of Council as at 30 June 2017.

The likelihood that Council will be called upon to meet 100% of its current employee leave liability is very remote. However, it is advisable practice to have current employee leave liability cash backed with a calculated Carried Forward Surplus (Net Current Assets) reflective of Councils actual financial position. This is so that Council is in the position to meet its Currently Liability obligations from Current Assets.

For the purpose of preparing the Monthly Financial Report the methodology has remain unchanged as to the meet the shortfall will require a future funding allocation should Council deem it appropriate to fully fund the provision for current employ leave liability.

Statement of Financial Position

The 2017/18 budget comparatives have yet to be loaded into the Shire's financial system due to a technical problem that is in process of being rectified. It is expected this will be carried out for the ordinary meeting of Council in December.

Annual Rates have been levied and are in line with the 2017/18 Annual Budget.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

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

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 14.1

That Council resolves to receive the Financial Report for the financial period ending 30 September 2017.

14.2 LIST OF ACCOUNTS FOR PERIOD ENDING SEPTEMBER 2017

File Reference:	FM.FI.0
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	26 October 2017
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. List of Accounts for period ending September 2017.

PURPOSE

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

BACKGROUND

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

COMMENT

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

CONSULTATION

Nil

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

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 14.2

That Council pursuant to Sections 6.7 and 6.9 of the *Local Government Act 1995* resolves to receive payments consisting:

1. Municipal Fund – August 2017 \$1,036,944.55 incorporating of cheques 13477 – 13480 and direct debits; and transfers.
2. Trust Fund – August 2017 \$3,725.60 incorporating transfers.

15 ITEMS FOR INFORMATION ONLY

Responsible Officer: Chief Executive Officer

Disclosure of Interest: Nil

PURPOSE

To advise Council of the information items for October 2017.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

ITEM 15

That Council note the following information items:

- 15.1 Register of Documents Stamped with the Shire of Exmouth Common Seal
- 15.2 Concessions on Fees for Council Facilities for October 2017
- 15.3 Building Decisions Issued up to 18 October 2017
- 15.4 Planning Decisions Issued up to 18 October 2017

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

Responsible Officer: Chief Executive Officer

Disclosure of Interest: Nil

PURPOSE

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

DATE	DOCUMENT
23/10/2017	Deed of Settlement Shire of Exmouth and Ocean Reefs Production (Council Decision 06-0917)

15.2 CONCESSIONS ON FEES FOR COUNCIL FACILITIES FOR OCTOBER 2017

File Reference: CP.US.0

Responsible Officer: Executive Manager Commercial and Community

Date of Report: 26 October 2017

PURPOSE

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

Name	Reason	Amount
PCYC	Hire of Rec Centre & Oval for School Holiday Program 3/10/17	\$117.00
Exmouth Bowling Club	Disposal of 3m3 General waste 9/10/17	\$67.50
K Perraudin – Accountant	Transit house 1 x night accommodation whilst vacating and cleaning 34B Carr Way 12/10/17	\$35.96
PCYC	Hire of Oval for 6 x weeks Junior Soccer Program from 19/10/17	\$222.00

15.3 BUILDING DECISIONS ISSUED UP TO 18 OCTOBER 2017

File Reference: DB.BD.0

Responsible Officer: Deputy Chief Executive Officer

Date of Report: 26 October 2017

PURPOSE

To provide Council with the building licence and building certificate applications and approvals made under Delegation pursuant to the Building Act 2011 up to 18 October 2017.

App #	Date Received	Lot	Property Address	Description	Decision	Decision Date
17/73	17/08/17	1372	74 Preston Street	Turning existing shed into a house	Pending	
17/77	1/09/17	134	R40007 Minilya Road-Exmouth	Telecommunications Tower, Equipment cabinet and Solar panels	Pending	
17/81	7/09/17	947	16 Griffiths Way	Patio	Pending	
17/83	12/09/17	734	32 Carr Way	Carport	Approved	27/09/17
17/84	14/09/17	102	23 Ingram Street	Roof on shed	Pending	
17/86	28/09/17	105	41 Ingram Street	Shed	Pending	
17/87	28/09/17	1210	15 Skipjack Circle	Pergola	Approved	9/10/17
17/88	2/10/17	1148	Unit 1/26 Carey Street	Decking	Approved	6/08/17
17/89	2/10/17	952	3 Welch Street	Fence	Approved	9/10/17
17/90	3/10/17	2	118 Learmonth Street	Shed	Approved	12/10/17
17/91	9/10/17	434	88 Madaffari Drive	Pool Fence & Boundary Fence	Pending	
17/92	12/10/17	276	26 Christie Street	Outbuilding Changing to Habitable Room	Pending	
17/93	13/10/17	749	3 Turner Place	Shed	Pending	

15.4 PLANNING DECISIONS ISSUED UP TO 18 OCTOBER 2017

File Reference: LP.PL.0

Responsible Officer: Deputy Chief Executive Officer

Date of Report: 18 October 2017

Disclosure of Interest: Nil

PURPOSE

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

App #	Date Received	Lot	Property Address	Description	Decision	Decision Date
PA70/16	13/06/16	2	Yardie Creek Road	Additional Camping Sites	ON HOLD - Pending information from Applicant	
PA107/16	15/08/16	50	Murat Road	Barge Loading Facility	ON HOLD - Pending information from Applicant	
PA112/16	25/08/16	1586 & 1587	164 Lyndon Location	Nature Based Park - Exmouth Gulf Pastoral Station	ON HOLD - Pending information from Applicant	
PA152/16	24/11/16	2 & 1	40 Pelias Street & 1 Carter Road	Change of Use	ON HOLD – At request of Applicant	
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	
PA126/17	7/08/17	21	5 Kennedy Street	Change of Use to Tavern	Pending – Request for comment	
PA132/17	29/08/17	1372	74 Preston Street	Change of Use – Shed to Residential Dwelling	Approved	12/10/17
PA134/17	1/09/17	343	28 Kestrel Place	Dwelling	Processing	
PA135/17	1/09/17	111	Thresher Street	Shed	Approved	16/10/17
PA139/17	8/09/17	452	12 Stokes-Hughes	Garage	Processing	
PA142/17	14/09/17	11	112 Madaffari Drive	Change of Use to Holiday Accommodation	Processing	
PA143/17	19/09/17	17	Unit 27/2 Murat Road	Shed	Processing	
PA144/17	19/09/17	33	Unit 18/2 Murat Road	Chalet	Processing	
PA150/17	27/09/17	162	14 Tuckey Street	Carport	Processing	
PA151/17	12/10/17	26	13 Tuckey Street	Carport & Patio Extension	Processing	

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	Processing
PA148/17	26/09/17	Lioness Club – Raffle Tickets	27/09/17
PA152/17	12/10/17	Change of use – Home Occupation	Processing
PA153/17	13/10/17	Lioness Club – Raffle Tickets	Processing
PA154/17	13/10/17	Community Markets	Processing

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