

Shire of Exmouth

ORDINARY COUNCIL MEETING

MINUTES



24 October 2019

CONFIRMATION OF MINUTES

I hereby certify that the Minutes and Attachments of the Ordinary Council Meeting of held on the 24 October 2019 are a true and accurate record of the proceedings contained therein.

Matthew Niikkula
Shire President

28/11/2019

Dated

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MINUTES

Our Vision *To be a prosperous and sustainable community living in harmony with our natural environment.*

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

Our Strategic Objectives

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

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 4.00pm.

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 B (Ben) Dixon	Deputy Shire President
Councillor G (Gary) Mounsey	
Councillor H (Heather) Lake	
Councillor M (Mark) Lucas	
Councillor A (Anne) McCarrol	
Mr C Woods	Chief Executive Officer
Mr M Richardson	Executive Manager Development Services
Mr M Bird	Executive Manager Commercial and Community
Mr G Coetzee	Executive Manager Corporate Services
Ms Head	Minute Clerk

GALLERY 3

APOLOGIES 0

LEAVE OF ABSENCE 0

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE
Nil

4. PUBLIC QUESTIONS TIME
Nil

5. DECLARATIONS OF INTEREST

Name	Report	Type of Interest	Extent of Interest
Councillor Mark Lucas	15.1 – Management Strategy, Land and Building Acquisition and Rationalisation Report	Financial	Potential sale of property which in Cr Lucas role as a real estate agent, may be appointed to sell the property for a commission.

6. APPLICATIONS FOR LEAVE OF ABSENCE
Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

That the Minutes and associated attachments of the Ordinary Meeting of the Shire of Exmouth held on the 26 September 2019 be confirmed as a true and correct record of proceedings.

COUNCIL RESOLUTION

ITEM 7

Res No: 04-1019

MOVED: Cr Dixon

SECONDED: Cr Lucas

That the Minutes and associated attachments of the Ordinary Meeting of the Shire of Exmouth held on the 26 September 2019 be confirmed as a true and correct record of proceedings.

CARRIED 6/0

8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS

Councillor Dixon	Attended the Nationals State Conference, Shire presentation and tour.
Councillor Lake	<p>"On the evening of Friday, the 18th I had the pleasure of welcoming 250 members of the Rolling Solo 'girls only' travellers to our now famous tourism town. Their week long of adventures in Exmouth was kicked off with our welcome in the atrium of the Ningaloo Centre. The Solo Rollers became part of the life at Ningaloo with a mass of creative Ningaloo marine inspired outfits worn for the occasion. There were several Queen Neptune's, kitted out divers, the odd squid and quite a few mermaids. Our own aquarium fish looked out from the small aquarium watching the fun, friendship and frivolity as it transpired. There are already tales of their emersion into Exmouth visitor experiences and we thank them very much for choosing Exmouth for this year's trip.</p> <p>BHP and CSIRO presented another information laden session last night about the Ningaloo Outlook Project to 60 plus people at the Ningaloo Centre. It was centred on the continuation of their marine studies of Ningaloo Reef, its coral and migrations of marine animals. In particular it focussed on the shallow and deep reefs of the area, including the growth patterns of life on the reef slopes. The population and breeding migration of the turtles off Ningaloo was another study carried out, as well as the relationship of whale shark injuries to the travel hot spots of marine vessels where there is a presence of whale sharks.</p> <p>The students from Exmouth District High School have participated in a substantial turtle monitoring program BHP and CSIRO in their Outlook Project previously as part of their marine studies.</p> <p>I understand that the scientists involved are trying to establish some baseline information which can be used to monitor the marine life at Ningaloo in the future".</p>
Councillor Lucas	Nil
Councillor McCarrol	<p>Pleased to be voted I by the community and looking forward to the next four years.</p> <p>Attended the Ningaloo Outlook information session.</p>
Councillor Mounsey	Attended an information session by Curtin University in relation to retiring oil and gas infrastructure on the sea bed to be utilised as reefs in the gulf.

9. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

The Shire President read the following to the gallery:

"I would like to take this opportunity to officially congratulate the 3 successful candidates in last Saturdays Local Government Election.

We welcome back Cr Lake and Cr Lucas and extend a warm welcome to our new Cr McCarrol. To me, the result of this election highlighted some key important messages.

The first is that our community is still actively interested in the wellbeing of their local government, with a Voter turnout of 46.7%. Whilst down on the 2017 Election of 64%, this year's figures are well above the state average of just 27%.

The second, and to me, most important message I got out of the result was that the highest two vote tallies went to our two re-nominating candidates. With only 1 vote separating them, and receiving 497 and 496 respectively, out of the total 792 votes cast, it showed that the voting community was generally satisfied with the role council has played over the past 2 years, renewing their faith in us to continue with the hard work.

I would like to congratulate Cr Dixon on being elected Deputy President, a role I am sure he will excel at.

Likewise, I am very proud to have been Elected President by my councillor peers for a second time, and am very much looking forward to the next 2 years working with this leadership group for the benefit of our community as a whole.

We have achieved a great deal, made some tough decisions and reinvested in the social and physical wellbeing of our town. This Council is excited at the future and realises, there is still a great deal to be done".

10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

11. MATTERS ARISING FROM COMMITTEES OF COUNCIL

Nil

12. REPORTS OF OFFICERS

EXECUTIVE SERVICES

12.1.1 NEW COUNCIL POLICY 1.21 - APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER

File Reference	CM.PO.5
Reporting Officer	Executive Secretary
Responsible Officer	Chief Executive Officer
Date of Report:	9 October 2019
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s): Executive	1. New Council Policy – Appointment of Acting Chief Officer

PURPOSE

That Council:

1. rescind Council policy 1.13 Acting Chief Executive Officer, and
2. endorse new Council policy 1.21 Appointment of Acting Chief Executive Officer.

BACKGROUND

New Council Policy 1.21 Appointment of Acting Chief Executive Officer is designed to ensure that the function and affairs of the Local Government continue when the Chief Executive Officer is on limited absences from the organisation; including but not limited to annual, long service and extended sick leave.

COMMENT

The role of Council is to determine the local governments policies.

The objectives of the Council's Policy Manual are:

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

In accordance with the requirements of the *Local Government Act 1995* Section 5.36

- (2) *A person is not to be employed in the position of CEO unless the council —*
 (a) *believes that the person is suitably qualified for the position; and*
 (b) *is satisfied* with the provisions of the proposed employment contract.*

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Section 2.7(2)(b) and section 5.36(2)(a) of the Local Government Act 1995

POLICY IMPLICATIONS

New Council policy

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

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

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.1.1

That Council:

1. RECIND Council policy 1.13 Acting Chief Executive Officer, and
2. ENDORSE new Council policy 1.21 Appointment of Acting Chief Executive Officer.

COUNCIL RESOLUTION

ITEM 12.1.1

Res No: 05-1019

MOVED: Cr Dixon

SECONDED: Cr McCarrol

1. **RECIND Council policy 1.13 Acting Chief Executive Officer, and**
2. **ENDORSE new Council policy 1.21 Appointment of Acting Chief Executive Officer.**

CARRIED 6/0

DEVELOPMENT SERVICES

12.2.1 ANNUAL CARAVAN PARK AND CAMPING GROUND LICENCE RENEWALS

File Reference:	LE.RE.5
Reporting Officer	Environmental Health Officer
Responsible Officer	Executive Manager Development Services
Date of Report:	14 October 2019
Applicant/Proponent:	RAC Exmouth Cape Holiday Park and Ningaloo Caravan and Holiday Park
Disclosure of Interest:	Nil
Attachment(s):	1. CONFIDENTIAL Caravan Park and Camping Ground Licence Renewals for 2019-2020

PURPOSE

That Council approve the renewal of the annual Caravan Parks and Camping Grounds Licences for RAC Exmouth Cape Holiday Park and Ningaloo Caravan and Holiday Resort.

BACKGROUND

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

COMMENT

In the last 12 months all the caravan parks and their respective overflow wares were inspected for compliance with the *Caravan Parks and Camping Grounds Regulations 1997*, the current licences and approved site plans.

Overflow conditions have been recommended on all of the licences with an overflow period being recommended from 3 July to 31 August 2020.

Although the licences have expired on the 30 September, the renewal period can occur 28 days after the expiry. The new expiry date for the licences is taken from the existing expired licence, therefore all licences will expire on 30 September 2020.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Caravan Parks and Camping Grounds Act 1995

Caravan Parks and Camping Grounds Regulations 1997

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

Economic: Diversify and grow our economy in a manner that provides year-round employment opportunities

1.1 A diverse and environmentally aware local economy that can attract business investment and provide employment opportunities

1.2 Facilitate the strengthening and growth of our visitor experience.

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

4.2 A local government that is respected and accountable.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.2.1

That Council APPROVE the issuing of the Caravan Parks and Camping Grounds Licences valid until 30 September 2020 as presented in confidential Attachment 1, for signing by the Chief Executive Officer for the following caravan parks:

- a) RAC Exmouth Cape Holiday Park and
- b) Ningaloo Caravan and Holiday Resort.

COUNCIL RESOLUTION

ITEM 12.2.1

Res No: 06-1019

MOVED: Cr Mounsey

SECONDED: Cr Lake

That Council APPROVE the issuing of the Caravan Parks and Camping Grounds Licences valid until 30 September 2020 as presented in confidential Attachment 1, for signing by the Chief Executive Officer for the following caravan parks:

- a) RAC Exmouth Cape Holiday Park and**
- b) Ningaloo Caravan and Holiday Resort.**

CARRIED 6/0

12.2.2 FINAL DECISION FOR THE PROPOSED PARTIAL CLOSURE OF RIGGS STREET LOCAL ROAD RESERVE, EXMOUTH AND AMALGAMATE THAT CLOSED PORTION INTO ADJOINING RESERVE 28153 (LOT 3001 ON PLAN 046875)

File Reference:	RD.RO.0
Reporting Officer:	Senior Town Planner
Responsible Officer:	Executive Manager Development Services
Date of Report:	24 October 2019
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Nil

PURPOSE

That Council approve the partial road closure of Riggs Street Exmouth.

BACKGROUND

At its meeting 25 July 2019 (item 12.2.3), resolution number 06-0719, council resolved to initiate the permanent partial closure and advertising of a 110 square metre portion of Riggs Street road reserve and amalgamate that portion into the adjoining Reserve 28153 which is under Management Order to the Shire for purpose of 'Civil Defence Emergency Services Site'.

COMMENT

It is considered that the proposed partial closure of Riggs Street and the subsequent amalgamation into the adjoining reserve would not adversely affect the functionality of the road reserve. The local government has not received any objections to the proposed partial road closure.

CONSULTATION

The proposal was publicly advertised from 1 August 2019 to 11 September 2019 comprising of consultation letters sent to utility stakeholders and an advertisement in the Pilbara News. As a result of the advertising there were three (3) submissions received of no-objection from Horizon Power, Telstra and Main Roads WA.

STATUTORY ENVIRONMENT

Planning and Development Act 2005
Land Administration Act 1997
Land Administration Regulations 1998

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

- Economic: Diversify and grow our economy in a manner that provides year-round employment opportunities
 1.3 Enable the provision of essential infrastructure that will support investment and diversify our economy.
- Environment: To protect and value our unique natural and built environment as we grow our economy.
 2.1 A strong focus on environmental conservation and sustainable management of our natural environment
 2.3 Advocate and promote opportunities for the development of environmentally sustainable essential infrastructure and services
- Leadership: To provide open transparent, accountable leadership working in collaboration with our community.
 4.1 To provide proactive, collaborative and transparent leadership
 4.2 A local government that is respected and accountable.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.2.2

That Council RESOLVES to approve the progression of the partial closure of Riggs Street, Exmouth and for the purposes of preparing and delivering a request under section 58(2) of the *Land Administration Act 1997* and forward a request to the Minister by:

- a) Writing to the Minister with confirmation that the local government has resolved to make the request and details of the date when the relevant resolution was passed;
- b) Providing a sketch plan showing the location of the road and the proposed future disposition of the land comprising the road after it has been closed;
- c) Provide the Minister with copies of any submissions relating to the request that, after complying with the requirement to publish the relevant notice of motion under section 58(3) of the Act, the local government has received, and the local government's comments on those submissions;
- d) Providing a copy of the relevant notice of motion referred to in paragraph (c); and
- e) Providing the Minister with written confirmation that the local government has complied with section 58(2) and (3) of the *Land Administration Act 1997*.

COUNCIL RESOLUTION

ITEM 12.2.2

Res No: 07-1019

MOVED: Cr Lake

SECONDED: Cr Mounsey

That Council RESOLVES to approve the progression of the partial closure of Riggs Street, Exmouth and for the purposes of preparing and delivering a request under section 58(2) of the *Land Administration Act 1997* and forward a request to the Minister by:

- a) Writing to the Minister with confirmation that the local government has resolved to make the request and details of the date when the relevant resolution was passed;**
- b) Providing a sketch plan showing the location of the road and the proposed future disposition of the land comprising the road after it has been closed;**
- c) Provide the Minister with copies of any submissions relating to the request that, after complying with the requirement to publish the relevant notice of motion under section 58(3) of the Act, the local government has received, and the local government's comments on those submissions;**
- d) Providing a copy of the relevant notice of motion referred to in paragraph (c); and**
- e) Providing the Minister with written confirmation that the local government has complied with section 58(2) and (3) of the *Land Administration Act 1997*.**

CARRIED 6/0

CORPORATE SERVICES

The following reports were recommended enbloc – 12.4.1, 12.4.2 and 12.5.1

12.4.1 FINANCIAL STATEMENTS FOR PERIOD ENDING 30 SEPTEMBER 2019

File Reference:	FM.FL.0
Reporting Officer:	Executive Manager Corporate Services
Responsible Officer:	As above
Date of Report:	16 October 2019
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Monthly Financial Report as at 30 September 2019

PURPOSE

That Council accepts the financial reports for the financial period ending 30 September 2019.

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

As at 30 September 2019, operating revenue was exceeding target by \$340k (6%). This is mainly due to increased revenue received from airport operations, domestic refuse and the timing of roads grant funding.

Operating expenditure is under budget by \$490k (13%) due to timing of expenditure. The variance is mainly in Employee Costs, Materials and Contracts and utilities. Which is a result of the timing of maintenance activities.

The capital program is currently under budget \$760k due to projects accrued from 2018/19. The air conditioning at the Lefroy units have been completed. Work has commenced to fix the retaining walls at 12 Fletcher Street. The upgrade at the irrigation sewerage ponds have been completed. Plant and vehicle replacements have commenced and RFQ's are being assessed.

Rate notices were issued on 30 July 2019, and the first instalment was due on 3 September 2019. The Shire has collected 66% of total rates outstanding, which is up from the 62% collected at the same time last year. Second instalment is due on 15 November 2019.

General Debtors is \$1,2m with the \$970k of the current debt being for September airport operations.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

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

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.4.1

That Council RECEIVES the Financial Report for the financial period ending 30 September 2019.

COUNCIL RESOLUTION

ITEM 12.4.1

Res No: 08-1019

MOVED: Cr Niikkula

SECONDED: Cr Mounsey

That Council RECEIVES the Financial Report for the financial period ending 30 September 2019.

CARRIED 6/0

12.4.2 LIST OF ACCOUNTS FOR PERIOD ENDING 30 SEPTEMBER 2019

File Reference:	FM.FI.0
Reporting Officer:	Executive Manager Corporate Services
Responsible Officer:	As above
Date of Report:	16 October 2019
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. List of Accounts for period ending 30 September 2019

PURPOSE

That Council receives the report 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.

September Payments

Municipal Fund	totalling \$6,541,144.59 Incorporating cheques, direct debits, electronic payments and credit cards.
Trust Fund	totalling \$379,987.47 Incorporating electronic payments.
Total Payments:	\$6,921,132.06

CONSULTATION

Nil

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.4.2

That Council pursuant to Sections 6.7 and 6.9 of the *Local Government Act 1995* RECEIVES the report of payments made from the Municipal and Trust bank accounts during the month of September 2019 (*totalling \$6,776,681.66*).

COUNCIL RESOLUTION

ITEM 12.4.2

Res No: 09-1019

MOVED: Cr Niikkula

SECONDED: Cr Mounsey

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 September 2019 (*totalling \$6,776,681.66*).

12.4.3 REVISED AUDIT COMMITTEE TERMS OF REFERENCE

File Reference:	FM.AD.2019.2020
Reporting Officer	Executive Manager Corporate Services
Responsible Officer:	As above
Date of Report:	8 October 2019
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Audit Committee Terms of Reference

PURPOSE

That Council ENDORSE the revised Audit Committee Terms of Reference.

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.

Local Governments are to establish and operate an effective audit committee. Clear and comprehensive terms of reference, setting out the committee's roles and responsibilities, are essential. 'The Local Government Operational Guideline number 09-Revised September 2013, Audit in Local Government the appointment, function and responsibilities of audit committees' guided the development of the Shire of Exmouth Audit Committee Terms of Reference.

The Audit Committee Terms of Reference was adopted by Council at the 2019 February Ordinary Council meeting, council decision 05-0219. An amendment is proposed to include reviews on risk management and internal controls as set out in the Act.

COUNCIL RESOLUTION

ITEM 12.1.1

Res No: 05-0219

That Council endorse the Audit Committee Terms of Reference as follows:

Shire of Exmouth Audit Committee Terms of Reference

Objectives of Audit Committees

The primary objective of the Shire of Exmouth Audit Committee is to accept responsibility for the annual external audit and liaise with the local government's auditor so that Council can be satisfied with the performance of the local government in managing its financial affairs.

Reports from the committee will assist Council in discharging its legislative responsibilities of controlling the local government's affairs, determining

the local government's policies and overseeing the allocation of the local government's finances and resources.

The committee will ensure openness in the local government's financial reporting and will liaise with the CEO to ensure the effective and efficient management of the local government's financial accounting systems and compliance with legislation.

The committee is to facilitate –

- ***the enhancement of the credibility and objectivity of internal and external financial reporting;***
- ***effective management of financial and other risks and the protection of Council assets;***
- ***compliance with laws and regulations as well as use of best practice guidelines relative to audit, risk management, internal control and legislative compliance;***
- ***the coordination of the role of the external audit; and***
- ***the provision of an effective means of communication between the external auditor, the CEO and the Council***

Powers of the Audit Committee

The Audit committee is to report to Council and provide appropriate advice and recommendations on matters relevant to its term of reference. This is in order to facilitate informed decision-making by Council in relation to the legislative functions and duties of the local government that have not been delegated to the CEO.

The committee is a formally appointed committee of council and is responsible to that body. The committee does not have executive powers or authority to implement actions in areas over which the CEO has legislative responsibility and does not have any delegated financial responsibility. The committee does not have any management functions and cannot involve itself in management processes or procedures.

Membership

The committee will consist of a minimum of three elected members. The presiding member of the Committee will be an elected member chosen by the elected members of the Committee.

The CEO and employees are not members of the committee.

The CEO or his/her nominee is to be available to attend meetings to provide advice and guidance to the committee.

The local government shall provide secretarial and administrative support to the committee.

The Office of the Auditor General has been appointed by government to audit the financial operations of the Shire of Exmouth.

Meetings

The committee shall meet at least twice per year to review the annual draft audit and mid-year audit opinion.

Additional meetings shall be convened at the discretion of the presiding person.

Reporting

Reports and recommendations of each committee meeting shall be presented to the next ordinary meeting of the Council.

Duties and Responsibilities

The duties and responsibilities of the committee will be –

- a) ***Provide guidance and assistance to Council as to the carrying out the functions of the local government in relation to audits and statutory compliance reporting.***
- b) ***Meet with the auditor once in each year and provide a report to Council on the matters discussed and outcome of those discussions;***
- c) ***Liaise with the CEO to ensure that the local government does everything in its power to –***
 - ***assist the auditor to conduct the audit and carry out his or her other duties under the Local Government Act 1995; and***
 - ***ensure that audits and statutory compliance reviews are conducted successfully and expeditiously;***
- d) ***Examine the reports of the auditor and reviews after receiving a report from the CEO on the matters to –***
 - ***determine if any matters raised require action to be taken by the local government; and***
 - ***ensure that appropriate action is taken in respect of those matters;***
- e) ***Review the report prepared by the CEO on any actions taken in respect of any matters raised in the report of the auditor and presenting the report to Council for adoption prior to the end of the next financial year or 6 months after the last report prepared by the auditor is received, whichever is the latest in time;***
- f) ***Consider and recommend adoption of the annual financial report to Council. Review any significant changes that may arise subsequent to any such recommendation but before the annual financial report is signed;***
- g) ***Address issues brought to the attention of the committee, including responding of reference;***
- h) ***Seek information or obtain expert advice through the CEO on matters of concern within the scope of the committee's terms of reference following authorisation from the Council;***
- i) ***Review the annual Compliance Audit Return and report to the council the results of that review, and***
- j) ***Consider the appropriateness and effectiveness of the local government's systems and procedures in regard to risk management, internal control and legislative compliance, required to be provided to the committee, and report to the council the results of those reviews.***

CARRIED 6/0

COMMENT

The *Local Government Act 1995* requires that all local governments establish an audit committee. An audit committee plays a key role in assisting a local government to fulfil its governance and oversight

responsibilities in relation to financial reporting, internal control structure, risk management systems, legislative compliance, ethical accountability and the internal and external audit functions.

The role of the audit committee is to support Council in fulfilling its governance and oversight responsibilities in relation to financial reporting, internal control structure, risk management systems, internal and external audit functions and ethical accountability.

These changes in the attached Terms of Reference is to further align the Audit Committee to the requirements required by the *Local Government Act 1995* (the Act) and the Local Government (Audit) Regulations 1996.

The amendments include:

Membership

Committee now has the ability, should it wish to, to have an external member as long as the majority of members are elected members. It also includes experience and knowledge required and how the external person is to be appointed.

Council will reimburse any approved expenses associated with being a member of the committee.

Duties and Responsibilities

The Audit Committee's responsibilities have been aligned with the act with a focus on risk management, internal controls, legislative compliance, external audit and financial reporting.

The Audit Committee's main duties include review of interim and final audit report and audited financial statements, review of the annual Compliance Audit Return and review of the CEO report in relation to risk management, internal control and legislative compliance.

CONSULTATION

Government of Western Australia, Department of Local Government and Communities, Local Government Operational Guideline *"Number 09-Revised September 2013 Audit in Local Government-The appointment, function and responsibility of Audit Committees"*.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

- | | |
|-------------|---|
| Leadership: | <u>To provide open transparent, accountable leadership working in collaboration with our community.</u> |
| | 4.1 To provide proactive, collaborative and transparent leadership |
| | 4.2 A local government that is respected and accountable. |

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.4.3

That Council ENDORSE the revised Audit Committee of Reference.

COUNCIL RESOLUTION

ITEM 12.4.3

Res No: 10-1019

MOVED: Cr Mounsey

SECONDED: Cr Dixon

That Council ENDORSE the revised Audit Committee of Reference.

CARRIED 6/0

ITEMS FOR INFORMATION ONLY

12.5.1 ITEMS FOR INFORMATION ONLY

PURPOSE

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

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

ITEM 12.5.1

That Council note the following information items:

Register of Documents Stamped with the Shire of Exmouth Common Seal

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

DATE	DOCUMENT
12/09/19	Sub Lease Agreement Shire of Exmouth – Babcock Services Australia (Council Decision 06-0519)

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 30 September 2019.

App #	Date Received	Lot	Property Address	Description	Decision	Decision Date
19/84	28/08/19	13	116 Madaffari Drive	New building	Approved	05/10/19
19/86	23/08/19	43	11 Searaven Cres	New dwelling and attached garage	On hold (stopped by applicant)	
19/88	27/08/19	21	5 Kennedy Street	Attach solar array to existing roof	Approved	19/09/19
19/90	29/08/19	81	35 Kennedy Street	Outdoor laundry and bathroom connected to outbuilding	Approved	20/09/19
19/91	30/08/19	361	27 Pellew Street	Attach solar array to existing roof	Awaiting information	
19/100	17/09/19	117	33 Snapper Loop	Attach solar array to existing roof	Approved	05/10/19
19/101	18/09/19	1384	67 Preston Street	Attach solar array to existing roof	Approved	20/09/19
19/107	26/09/19	115	29 Snapper Loop	Attach solar array to existing roof	Approved	27/09/19
19/108	26/09/19	1208	19 Skipjack Circle	Attach solar array to existing roof	Approved	27/09/19
19/109	26/09/19	116	31 Snapper Loop	Attach solar array to existing roof	Approved	27/09/19
19/93	30/08/19	1268	3 Sculpin Court	Attach solar array to existing roof	Approved	14/09/19

19/94	03/09/19	453	7 Gndaroo Road	New construction of dwelling	Approved	07/09/19
19/95	04/09/19	3	38 Pelias Street	Attach solar array to existing roof	Approved	19/09/19
19/97	16/09/19	453	7 Gndaroo Road	New construction of shed, carport & boundary fence	Approved	28/09/19
19/98	17/09/19	1	Unit 1, 13 Davidson Street	Attach solar array to existing roof	Approved	05/10/19
19/99	17/09/19	399	1 Corella Court	Attach solar array to existing roof	Approved	05/10/19

Planning applications as at 30 September 2019

A summary of the planning decisions issued under delegation or outstanding up to 30 September 2019.

App #	Date Received	Lot	Property Address	Description.	Decision	Decision Date
PA112/16	25/08/16	1586 and 1587	164 Lyndon Location Exmouth Gulf Pastoral Station	Nature based camping	Deferred	28/06/19
PA12/19	29/01/19	411	36 Madaffari Drive	Single house	Deferred	20/03/19
PA14/19	31/01/19	36	2 Pelias Street	Shop, signage	Approved	18/09/19
PA32/19	13/03/19		Scheme Amendment 1 to LPS4		Processing	
PA48/19	17/04/19	102	441 Murat Road	Carport	Deferred	17/04/19
PA58/19	17/05/19	166	166 Lyndon location	Nature based park - Bullara station stay	Deferred	17/05/19
PA78/19	04/07/19	373	18 Corella Court	Single house	Processing	
PA83/19	16/07/19	366	4 Corella Court	Addition of BBQ shelter to single house	Processing	
PA84/19	05/08/19	901	7 Patterson Way	Change of Use - Motor vehicle, boat and caravan sales	Approved	14/10/19
PA87/19	09/08/19	447	41 Madaffari Drive	Swimming pool	Processing	
PA88/19	09/08/19	1340	27 Salmon Loop	Extension/Carport	Processing	
PA93/19	15/08/19	50	L50 Murat Road	Use for the stockpiling of limestone	Cancelled	26/09/19
PA95/19	20/08/19	104	35 Bluefin Cove	Home Occupation - beauty therapy	Approved	14/10/19
PA101/19	20/08/19	162	14 Tuckey Street	Additional predominant use - motor vehicle wash	Deferred	20/09/19
PA102/19	28/08/19	1148	39 Welch Street	Construction of a mechanical workshop attached to existing shed	Deferred	19/09/19
PA105/19	03/09/19	361	27 Pellew Street	Installation of solar panels on existing building	Deferred	12/09/19
PA106/19	09/09/19	206	42 Cobia Close	Single dwelling	Processing	
PA107/19	09/09/19	3	38 Pelias Street	installation of 21 solar panels on existing roof	Approved	17/09/19
PA109/19	11/09/19	434	88 Madaffari Drive	Jetty	Processing	
PA111/19	17/09/19	21	5 Kennedy Street	Installation of solar panels on the existing roof	Approved	19/09/19
PA113/19	23/09/19	1366	43 Heron Way	2 outbuildings and a crossover	Deferred	23/09/19

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

App #	Date Received	Description.	Decision	Permit issued
PA77/19	04/07/19	Food Van - Short Order Local at Town Beach 1 July 2019- 30 June 2020	Issued	26/09/2019
PA86/19	06/08/2019	Ningaloo Massage and Health - Exercise classes at Federation Park	Issued	13/09/2019
PA91/19	14/08/2019	Exmouth Yacht Club - 31 July 2019 - 21 July 2020	Issued	11/10/2019
PA100/19	20/08/2019	Ultimate Watersports Town Beach Activities	Issued	26/09/2019
PA104/19	29/08/2019	Exmouth Swim Club - raffle at Kennedy Street Mall	Issued	18/09/2019
PA108/19	11/09/2019	Wedding at Town Beach - 3rd November 2019	Issued	16/09/2019
PA110/19	12/09/2019	Anglican Church - Wedding at Vlamingh Head Lighthouse - 23 May 2020	Deferred	16/09/2019
PA112/19	20/09/2019	Margaret River Burger Company - AFL Grand Final @ Froth Craft, Kennedy Street Mall. 28 September 2019 11am to 5pm	Issued	23/09/2019

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

OFFICER'S RECOMMENDATION

ITEM 12.5.1

That Council note the following information items:

- Register of Documents Stamped with the Shire of Exmouth Common Seal;
- Building Decisions Issued up to September 2019; and
- Planning Decisions Issued up to September 2019.

COUNCIL RESOLUTION

ITEM 12.5.1

Res No: 11-1019

MOVED: Cr Niikkula

SECONDED: Cr Mounsey

That Council note the following information items:

- **Register of Documents Stamped with the Shire of Exmouth Common Seal;**
- **Building Decisions Issued up to September 2019; and**
- **Planning Decisions Issued up to September 2019.**

CARRIED 6/0

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

Nil

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

14.1 APPOINT COUNCIL REPRESENTATIVES TO NINGALOO TOURISM ADVISORY GROUP COMMITTEE

File Reference:	GV.CM.0
Reporting Officer:	Executive Manager Commercial and Community
Responsible Officer:	As above
Date of Report:	24 October 2019
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Ningaloo Tourism Advisory Group Terms of Reference

PURPOSE

The purpose of this report is to seek Council approval to authorise the appointment of Councillors (Member and Proxy) as representatives on the newly established Ningaloo Tourism Advisory Group (NTAG).

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.

At the 21 October 2019 Special Council Meeting, Council considered item 12.1.1 Appoint Representatives to Internal Committees which included seeking Council appointments to the newly created Ningaloo Tourism Advisory Group.

Council approved the establishment of the Ningaloo Tourism Advisory Group as a Committee of Council at the 26 September 2019 OCM as per Resolution Number 10-0919.

Res No: 10-0919

MOVED: Cr Lucas

SECONDED: Cr Lake

That Council APPROVE:

1. The establishment of the Ningaloo Tourism Advisory Group as a committee of council as per Part 5 Administration of the Local Government Act 1995;

2. The Terms of Reference for the establishment of the Ningaloo Tourism Advisory Group in Attachment 1 to this report; and

3. The Chief Executive Officer to allocate appropriate staff resources and establish the new group as per the legislative requirements as a priority.

CARRIED 5/0

At the 21 October 2019 Special Council Meeting a query was raised regarding the legality of the NTAG Terms of Reference, specifically relating to the minimum number of Councillors required to participate on the Committee. Part 3 of the Council Resolution 01-1019 instructed Shire officers to review the NTAG terms of reference as it relates to the Local Government Act 1995 as follows;

3. Ningaloo Tourism Advisory Committee, appointment of Councillors, be held off until the October Ordinary Council Meeting on 24th to check for legality of the terms of reference and then fill the positions.

COMMENT

As per section 5.8 *Local Government Act 1995* (WA) 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."*

As per s5.9 (2) types of committees there are 6 different types of Council Committees based on composition of elected members, shire officers and other persons. A Committee of Council may comprise council members, employees and other persons.

The NTAG committee of council was established at the September 2019 OCM as per Part 5 Administration of the L. The NTAG committee of council adheres to the following sections of the Act as per;

- s5.9 (2) *types of committees - "a committee is to comprise (c) council members, employees and other persons".*
- s5.16 (1) *delegation of some powers and duties to certain committees - "a local government may delegate to a committee any of its powers and duties other than this power of delegation", and*
- s5.17 (1) *limits on delegation of powers and duties to certain committees "a local government can delegate (c) to a committee referred to in section 5.9(2)(c) any of the local government's powers or duties that are necessary or convenient for the proper management of i) the local government's property; or ii) an event in which the local government is involved".*

There is no minimum requirement for number of elected members under the Act for the type of Council Committee established for the Ningaloo Tourism Advisory Group. The Terms of Reference for the NTAG as adopted by Council in September 2019 remain permitted.

This report now seeks Council approval to authorise the appointment of Councillors (Member and Proxy) as representatives on the Ningaloo Tourism Advisory Group (NTAG).

CONSULTATION

Nil

STATUTORY ENVIRONMENT

All Committees are established under provisions of Subdivision 2 – Committees and their meetings s 5.8 to 5.18 of the *Local Government Act 1995*.

POLICY IMPLICATIONS

There are no policy implications

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

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

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 14.1

That Council APPOINT the following Councillors to the Shire of Exmouth Ningaloo Tourism Advisory Group Committee:

- Cr
- Proxy Cr

COUNCIL RESOLUTION

ITEM 15.1

Res No: 12-1019

MOVED: Cr Dixon

SECONDED: Cr Mounsey

That Council APPOINT the following Councillors to the Shire of Exmouth Ningaloo Tourism Advisory Group Committee:

- Cr Lucas
- Proxy Cr Lake

CARRIED 6/0

15. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS

The following Agenda items are to be considered under *15. Matters to be Considered Behind Closed Doors*, in accordance with section 5.23(2) of the *Local Government Act 1995*.

Shire President asked that the Minute Taker and gallery leave the Chambers.

COUNCIL RESOLUTION

ITEM 15

Res No: 13-1019

MOVED: Cr Niikkula

SECONDED: Cr Lucas

That Council move Behind Closed Doors at 4.32pm in accordance with the Local Government Act 1995 section 5.23 (2).

CARRIED 6/0

15.1 MANAGEMENT STRATEGY - LAND AND BUILDING ACQUISITION AND RATIONALISATION REPORT

COUNCIL RESOLUTION

ITEM 15.1

Res No: 14-1019

MOVED: Cr Dixon

SECONDED: Cr Mounsey

An amendment to the original officer's recommendation was moved by:

MOVED: Cr Mounsey

That Council accepted the amendment to the original officer's recommendation.

SECONDED: Cr Dixon

CARRIED 5/0

15.2 ANNUAL CARAVAN PARK AND CAMPING GROUND LICENCE RENEWAL – YARDIE HOMESTEAD CARAVAN PARK

COUNCIL RESOLUTION

ITEM 15.2

Res No: 15-1019

MOVED: Cr Lucas

SECONDED: Cr Mounsey

That Council accept the officer's recommendation.

CARRIED 6/0

COUNCIL RESOLUTION

Res No: 16-1019

MOVED: Cr Mounsey

SECONDED: Cr McCarrol

That Council return from Behind Closed Doors at 5.04pm.

CARRIED 6/0

16. CLOSURE OF MEETING

The Shire President thanked the gallery for attending and closed the meeting at 5.04pm.