

ORDINARY COUNCIL MEETING

AGENDA



16 December 2021

NOTICE OF MEETING

Notice is hereby given that the

Shire of Exmouth
Ordinary Council Meeting
will be held on
16 December 2021

Commencing at 4.00pm

In the Mandu Mandu Function Room, Ningaloo Centre,
2Truscott Crescent, Exmouth

Ben Lewis
Chief Executive Officer

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.

No responsibility whatsoever is implied or accepted by the Shire of Exmouth for any act, omission, statement or intimation occurring during the Council/Committee meetings or during formal/informal conversations with staff. The Shire of Exmouth disclaims any liability for any loss whatsoever and however caused arising out of reliance by any person or legal entity on any such act, omission, statement or intimation. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

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

PO Box 21, EXMOUTH WA 6707 | Tel: (08) 9949 3000 | Fax: (08) 9949 3000
Email: records@exmouth.wa.gov.au | Website: www.exmouth.wa.gov.au

Disclosure of Interest Form

(Elected Members/Committee Members/Employees/Contractors)

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

To: Chief Executive Officer

- Ordinary Council Meeting held on _____
- Special Council Meeting held on _____
- Committee Meeting held on _____
- Other _____

Report No _____

Report Title _____

Name _____

- Elected Member
- Committee
- Employee
- Contractor

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

- Proximity
- Financial
- Impartiality

Nature of Interest

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

Name: _____ Signed: _____ Date: _____

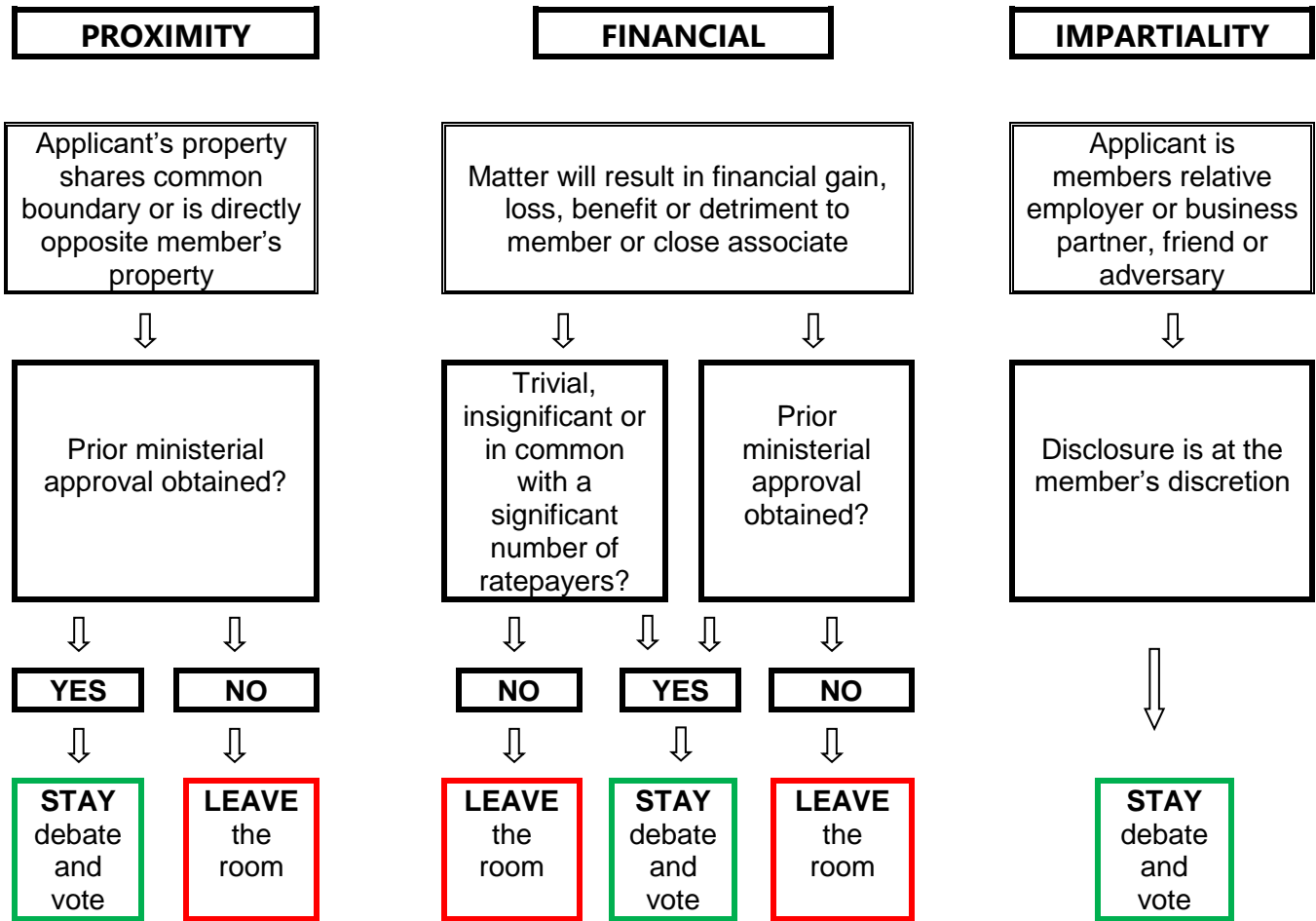
Note 1: For Ordinary meetings of Council, elected members and employees are requested to submit this completed form to the Chief Executive Officer prior to the meeting. Where this is not practicable, disclosure(s) must be given to the Chief Executive Officer prior to the matter being discussed.

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

OFFICE USE ONLY

CEO: _____ Signed: _____ Date: _____

*** Declaring an Interest**



Local Government Act 1995 - Extract

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

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

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

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

5.71 - Employees to disclose interests relating to delegated functions.

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

'Local Government (Administration) Regulations 1996 – Extract

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

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AGENDA

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 XX

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

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

The Shire President 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 D (Darlene Allston)	Shire President
Councillor J (Jackie) Brooks	Deputy Shire President
Councillor H (Heather) Lake	
Councillor M (Mark) Lucas	
Councillor A (Anne) McCarrol	
Councillor D (David) Gillespie	
Mr B Lewis	Chief Executive Officer
Mr M Bird	Executive Manager Commercial and Community
Mr M Richardson	Executive Manager Development Services
Mr G Coetzee	Executive Manager Corporate Services

Ms M Head

Minute Clerk

GALLERY

APOLOGIES

LEAVE OF ABSENCE

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTIONS TIME

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

Council Consideration Towards Public

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

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

5. DECLARATIONS OF INTEREST

6. APPLICATIONS FOR LEAVE OF ABSENCE

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

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

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

That the Minutes and associated attachments of the Ordinary Meeting of the Shire of Exmouth held on the 25 November 2021 be confirmed as a true and correct record of proceedings.

8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS

9. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Presentation by Executive Manager Corporate Services in relation to the Audited Financial Report for the Year ended 30 June 2021.

11. MATTERS ARISING FROM COMMITTEES OF COUNCIL

11.1.1 AUDITED FINANCIAL REPORT FOR THE YEAR ENDED 30 JUNE 2021

A complete version of the unconfirmed minutes of the Audit Committee meeting are available on the Shire of Exmouth website.

AUDIT COMMITTEE RESOLUTION

ITEM 11.1.1

That the Audit Committee recommends to Council that it:

1. Receives the 2020/21 Annual Financial Report; and
2. Receives the Audit Opinion for the Year Ended 30 June 2021.

AUDIT COMMITTEE RECOMMENDATION

ITEM 11.1.1

That the Audit Committee recommends to Council that it:

1. Receives the 2020/21 Annual Financial Report; and
2. Receives the Audit Opinion for the Year Ended 30 June 2021.

12. REPORTS OF OFFICERS

EXECUTIVE SERVICES

12.1.1 AFFIXING COMMON SEAL UNDER DELEGATED AUTHORITY

File Reference:	GV.AU.2
Reporting Officer:	Executive Secretary
Responsible Officer:	Chief Executive Officer
Date of Report:	1 December 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Nil

PURPOSE

1. To advise Council of the documents that have had the Shire of Exmouth's common seal affixed under delegated authority since the last council meeting on the 25 November 2021.

BACKGROUND

2. There has been one document that has had the Shire's common seal affixed under delegated authority since the last Council meeting.

COMMENT

3.

Date	Document	Details	Parties
26/11/21	Minor Works contract	RFQ 18-2021 Construction of a new evaporation pond for the liquid waste facility at the Qualing Scarp Waste Facility	Shire of Exmouth and Exmouth Civil
03/12/21	Surrender of Lease	Lot 16B Exmouth Aerodrome	Ningaloo Aviation LVW Aviation

CONSULTATION

4. Nil

STATUTORY ENVIRONMENT

5. *Local Government Act 1995*, Part 9, Division s, s9.49A Execution of Documents

POLICY IMPLICATIONS

6. Council Policy 2.3 – Common Seal

FINANCIAL IMPLICATIONS

7. Nil

RISK MANAGEMENT

8. Identified risks implications

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance (operational) - That executed documents would be void if the common seal was not affixed in accordance with the requirements of the Local Government Act	Almost certain	Major	High	Council to endorse the use of the common seal

ALTERNATE OPTIONS

9. Nil

STRATEGIC ALIGNMENT

10. 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

11. Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.1.1

That Council ACCEPT that the Common Seal has been affixed under delegated authority to the following documents:

Date	Document	Details	Parties
26/11/21	Minor Works contract	RFQ 18-2021 Construction of a new evaporation pond for the liquid waste facility at the Qualing Scarp Waste Facility	Shire of Exmouth and Exmouth Civil
03/12/21	Surrender of Lease	Lot 16B Exmouth Aerodrome	Ningaloo Aviation LVW Aviation

12.1.2 CHANGE OF ORDINARY COUNCIL MEETING DATE – JUNE 2022

File Reference:	GV.CM.0
Reporting Officer:	Executive Secretary
Responsible Officer:	Chief Executive Officer
Date of Report:	30 November 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Nil

PURPOSE

1. That Council approve to change the published date for the June Ordinary Council meeting from Thursday 23 June 2022 to Wednesday 22 June 2022.
2. The meeting will be held at the usual place (Ningaloo Centre, Mandu Function Centre) and commencement time (4.00pm).

BACKGROUND

3. The purpose of the change of date for the June Ordinary Council meeting is due to a conflict with the June WALGA Zone Meeting in Shark Bay.
4. The WALGA Zone passed an item at the last Gascoyne Zone Meeting on the 19 November to set the following dates for the 2022 year:

Zone Meeting	Type	Location
10:00am, Friday 18 February	In-Person	Carnarvon
10:00am, Friday 22 April	<i>Teleconference</i>	
10:00am, Friday 24 June	In-Person	Shark Bay
10:00am, Friday 19 August	<i>Teleconference</i>	
10:00am, Friday 18 November	In-Person	Carnarvon

5. The WALGA Zone Meeting is a face to face meeting scheduled for Friday 24 June 2022.
6. The June Ordinary Council meeting is scheduled for Thursday 23 June 2022, commencing at 4.00pm; logistically Shire staff and Councillor representatives of the Gascoyne Zone would not arrive in Shark Bay in time to attend the meeting.

COMMENT

7. Nil

CONSULTATION

8. Nil

STATUTORY ENVIRONMENT

9. *Local Government Act 1995, s.5.25(1)(g)*

5.25. Regulations about council and committee meetings and committees

(1) *Without limiting the generality of section 9.59, regulations may make provision in relation to —*

(g) *the giving of public notice of the date and agenda for council or committee meetings;*

10. *Local Government (Administration) Regulations 1996,*

12. Publication of meeting details (Act s. 5.25(1)(g))

g) Any change to the meeting details for a meeting referred to in sub regulation (2) must be published on the local government's official website as soon as practicable after the change is made.

POLICY IMPLICATIONS

11. Nil

FINANCIAL IMPLICATIONS

12. Nil

RISK MANAGEMENT

13. Identified risks implications

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational - Shire would develop a reputation amongst the zone that they don't attend the face to face meetings.	Possible	Minor	Low	Moving the OCM date will allow staff and Council reps time to ensure representation can be achieved at all face to face meetings.

ALTERNATE OPTION

14. Council do not support the change to June Ordinary Council Meeting and Shire staff and Councillor representatives will be an apology the WALGA Zone Meeting in Shark Bay.

STRATEGIC ALIGNMENT

15. 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

16. Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.1.2

That Council approve to change the published date for the June Ordinary Council meeting from Thursday 23 June 2022 to Wednesday 22 June 2022.

12.1.3 LOCAL GOVERNMENT REFORM SUBMISSION

File Reference:	GR.SL.14
Reporting Officer:	Chief Executive Officer
Responsible Officer:	As above
Date of Report:	9 December 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. CONFIDENTIAL Local Government Reform Summary of Proposed Reforms

PURPOSE

1. That Council endorse the Shire's submission, in response to the Minister for Local Government's Local Government Reform Proposal.

BACKGROUND

2. The State Government have recently advised of a 3 month consultation period, which is due to close on Friday 4 February 2022, (postscript now extended to 25 February) on the proposed Local Government Act legislative reforms.
3. At WALGA's State Council Meeting held on Wednesday 1 December, the State Council resolved to approach the Minister for Local Government for an extension to the consultation period by 1 month due to the Christmas holiday period. A response has been received extending submissions now to 25 February 2022.
4. The following is the timeline and process for a sector submission on the Local Government Legislative Reform Program developed by WALGA:
 - Friday 28 January 2022 - Local Governments requested to provide feedback to WALGA by 5pm;
 - February 2022 – Zone Meetings to consider a draft sector submission;
 - Wednesday 23 February 2022 – WALGA Special Meeting of State Council via video conference to endorse submission; and
 - Friday 25 February 2022 - WALGA to present submission to the State Government.

COMMENT

5. The Department of Local Government, Sport and Cultural Industries notes the following:
"Local government benefits all Western Australians. It is critical that local government works with:
 - *a culture of openness to innovation and change*

- *continuous focus on the effective delivery of services*
- *respectful and constructive policy debate and democratic decision-making*
- *an environment of transparency and accountability to ensure effective public engagement on important community decisions.*

Since first coming to office in 2017, the McGowan Government has already progressed reforms to improve specific aspects of local government performance. This includes new laws that work to improve transparency, cut red tape, and support jobs growth and economic development - ensuring that local government works for the benefit of local communities.

Based on the significant volume of research and consultation undertaken over the past five years, the Minister for Local Government has now announced the most significant package of major reforms to local government in Western Australia since the Local Government Act 1995 was passed more than 25 years ago. The package is based on six major themes:

1. *Earlier intervention, effective regulation and stronger penalties*
2. *Reducing red tape, increasing consistency and simplicity*
3. *Greater transparency and accountability*
4. *Stronger local democracy and community engagement*
5. *Clear roles and responsibilities*
6. *Improved financial management and reporting.*

A large focus on the new reform is oversight and intervention where there are significant problems arising within a local government. The introduction of new intermediate powers for intervention will increase the number of tools available to more quickly address problems and dysfunction within local governments. The proposed system for early intervention has been developed based on similar legislation in place in other jurisdictions, including Victoria and Queensland.

This will deliver significant benefits for small business, residents and ratepayers, industry, elected members and professionals working in the sector”.

6. Elected Members should refer to the Attachment for a suggested response to each of the proposed matters slated for reform. Most are supported and relatively inconsequential.
7. Several are potentially far reaching, including;
 - a maximum number of elected members (five) for smaller local governments up to 5,000 population;
 - the election of Mayor / President by the people (for certain sized local governments);
 - reversion to preferential voting for election of elected members; and
 - compulsory live streaming and audio recording of meetings, including confidential meetings.
8. It is pleasing to see the Minister has listened to some of the concerns of the sector in relation to 'size and scale' with compliance and reporting.
9. The Council is free to alter any or all of the comments listed as 'Shire of Exmouth Comments'.

CONSULTATION

10. WALGA Gascoyne Zone

- 11. Executive Managers
- 12. Councillors

STATUTORY ENVIRONMENT

- 13. Local Government Act 1995

POLICY IMPLICATIONS

- 14. Nil

FINANCIAL IMPLICATIONS

- 15. There are no known meaningful financial implications relative to this matter in excess of officer time and minor administrative cost. It should be noted that this comment relates to the submission process not the impact of any reform.

RISK MANAGEMENT

- 16. Identified risks implications

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance (operational) – risk of not proving comment means Council's won't be heard	Almost certain	Moderate	Low	Council submits its comments directly to the Department and to the WALGA Zone

ALTERNATE OPTIONS

- 17. Nil

STRATEGIC ALIGNMENT

- 18. 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.
- 4.3 To be a champion for our community

VOTING REQUIREMENTS

- 19. Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.1.3

That Council ENDORSE the Shire's submission, in response to the Minister for Local Government's Local Government Reform Proposal as detailed in CONFIDENTIAL Attachment 1 to this report.

DEVELOPMENT SERVICES

12.2.1 APPOINTMENT OF BUSH FIRE CONTROL OFFICERS

File Reference:	ES.AP.1
Reporting Officer:	Executive Manager Development Services
Responsible Officer:	As above
Date of Report:	6 December 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Nil

PURPOSE

1. That Council appoint persons to the positions of Deputy Chief Fire Control Officer and Bush Fire Control Officers to the Shire of Exmouth Volunteer Bush Fire Brigade.

BACKGROUND

2. In accordance with the *Bush Fire Act 1954* the local government must appoint individuals to be the Chief Bush Fire Control Officer, the Deputy Chief Bush Fire Control Officer and the Bush Fire Control Officers.
3. At the Ordinary Council meeting held on 27 August 2020 Council approved the following:

COUNCIL RESOLUTION

ITEM 12.2.1

Res No: 05-0820

That Council:

1. **RESCIND Council Decision No: 09-1017 dated 10 October 2017, 12.1.1 Appointment of Bush Fire Control Officers.**
2. **APPOINT the following persons to the positions of:**

Deputy Chief Bush Fire Officer	Colin Walker
Bush Fire Control Officer	Joanne Gordon
Bush Fire Control Officer	Katrina Stephens
Bush Fire Control Officer	Craig Smith
Bush Fire Control Officer	Michael Hall
Bush Fire Control Officer	Corey McKenzie

CARRIED 5/0

COMMENT

4. The Shire of Exmouth has a Memorandum of Understanding with the Department of Fire and Emergency Services (DFES) under the *Bush Fires Act 1954* for management and control of bush fires and Emergency Services in the Pilbara.
5. The Fire and Emergency Services Commissioner designates a person employed in the Department of Fire and Emergency Services to act as the Chief Bush Fire Control Officer in accordance with section 38A of the *Bush Fires Act 1954*.
6. In line with these arrangements a DFES officer will take all triple zero fire calls and undertake the initial assessment of a fire and consider the allocation of resources based on that assessment. Local government will still be relied upon to be a combat agency for bush fire in line with its current role and responsibilities.
7. The Chief Bushfire Control Officer was awarded to the current Exmouth Gulf Area Officer, Morgwyn Jones through the FES Commissioner.
8. The following nominations are supported by DFES and the Shire:

Deputy Chief Bush Fire Officer	Colin Walker
Bush Fire Control Officer	Katrina Stephens
Bush Fire Control Officer	Craig Smith
Bush Fire Control Officer	Michael Hall
Bush Fire Control Officer	Corey McKenzie
Bush Fire Control Officer	Murray Swarbrick
Bush Fire Control Officer	Lauren Quigley
Bush Fire Control Officer	Susan Koefler
Bush Fire Control Officer	Cindy Small

CONSULTATION

9. Department of Fire and Emergency Services
Shire of Exmouth Volunteer Bush Fire Brigade

STATUTORY ENVIRONMENT

10. The *Bush Fires Act 1954*:
 - Part IV, Division 1, Section 38 outlines Council’s process to appoint a Bush Fire Control Officer.
 - Section 38A – FES Commissioner may designate person employed in department as Chief Bush Fire Control Officer
11. Shire of Exmouth Bush Fire Brigades Local Law 2020

POLICY IMPLICATIONS

12. Nil

FINANCIAL IMPLICATIONS

13. Nil

RISK MANAGEMENT

14. Identified risk implications

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance Reduced ability for the Shire to undertake its compliance obligations under the Bush Fire Act	Likely	Major	High	Reduced risk if there is a good pool of trained staff to be drawn upon for compliance duties.
Financial Shire could be liable for insurance claims if compliance not undertaken	Possible	Major	High	Increased inspection and compliance will assist in reducing the spread of fire.
Environmental Significant damage to flora and fauna from bush fires.	Likely	Major	High	Increased inspection and compliance will assist in reducing the spread of fire.
Reputational Poor community perception if fires are proven to be from poor Shire management	Likely	Major	High	Increased inspection and compliance will assist in reducing the spread of fire and improve the Shires bush fire management operations.

ALTERNATE OPTIONS

15. Council may choose the following alternative options:

- Amend the proposed nomination list;
- Reject the proposed nomination list.

STRATEGIC ALIGNMENT

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

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

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

17. Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.2.2

That Council:

1. RESCIND Council Resolution No: 05-0820 dated 27 August 2020, 12.2.1 Appointment of Bush Fire Control Officers.
2. APPROVE the appointment of the following persons to the positions of:

Deputy Chief Bush Fire Officer	Colin Walker
Bush Fire Control Officer	Katrina Stephens
Bush Fire Control Officer	Craig Smith
Bush Fire Control Officer	Michael Hall
Bush Fire Control Officer	Corey McKenzie
Bush Fire Control Officer	Murray Swarbrick
Bush Fire Control Officer	Lauren Quigley
Bush Fire Control Officer	Susan Koefler
Bush Fire Control Officer	Cindy Small

COMMERCIAL AND COMMUNITY

12.3.1 REQUEST FOR GRANT FUNDING - EXMOUTH GOLF CLUB INC

File Reference:	RC.LI.12
Reporting Officer:	Manager Community, Sport and Recreation
Responsible Officer:	Executive Manager Commercial and Community
Date of Report:	7 December 2021
Applicant/Proponent:	Exmouth Golf Club Inc
Disclosure of Interest:	Manager Community, Sport and Recreation has recently become a member of the Exmouth Golf Club Inc
Attachment(s):	<ol style="list-style-type: none">1. Letter from DLGSC - 29 June 20212. Letter from DLGSC - 6 December 20213. Letter from Exmouth Golf Club Inc - 1 December 20214. CONFIDENTIAL – Exmouth Golf Club Inc documentation to support application for Shire of Exmouth grant funding

PURPOSE

1. That Council approves a grant application from the Exmouth Golf Club Inc's for \$31,250 (excluding GST) to be funded from the Shire of Exmouth's Community Development Fund Reserve.

BACKGROUND

2. The Exmouth Golf Club Inc has planned a building project that involves an extension to the eastern end of their existing machinery shed which will provide a purpose-built storage area for the motorised golf carts of golf club members plus also provide additional storage space for the golf club's minor equipment such as lawn mowers. The club has received Development Approval (DA37/21) for the cart shed extension.
 3. The club is seeking through this project to especially support its older membership group who are retired and of an age and physical condition that prevents them from being able to walk a round of golf. Currently some members of the club are storing their motorised carts in a small shed that was previously being used for golf course maintenance equipment.
 4. The state government has a facilities grant fund for sporting projects called the Community Sporting and Recreation Facilities Fund (CSRFF).
 5. The CSRFF grant funding program for community sporting facilities is administered by the Department of Local Government, Sport and Cultural Industries (DLGSC).
-

6. The DLGSC CSRFF application form calls for applications to be initially submitted to the Local Government within which the project proposal is located.
7. An element of the assessment process involves Council consideration and priority ranking of applications received.
8. DLGSC provides guidance for Local Government Authorities to assess each CSRFF grant funding submission with the grant guidelines requiring Council to provide a ranking for projects (if there is more than one project being submitted for funding).
9. This assessment uses the following ten (10) criteria and project ranking by the Local Government Authority of satisfactory/unsatisfactory or not relevant against each criterion.

Project justification	Design
Planned approach	Financial viability
Community consultation	Coordination
Management planning	Potential to increase physical activity
Access and opportunity	Sustainability

10. With overall project rating by the Local Government Authority being one of the following below:
 - Well planned and needed by the municipality
 - Well planned and needed by the applicant
 - Needed by municipality, more planning required
 - Needed by applicant, more planning required
 - Idea has merit, more planning work needed
 - Not recommended
11. Projects are ranked on the strength of the application, participation numbers, ability to increase physical activity and potential impact as well as consultation with the DLGSC and the applicant.
12. The golf club, with Council’s support, has previously made, separately, two CSRFF Small Grant funding applications to the State Government’s Community Sporting and Recreation Facilities Fund (CSRFF).
13. At the Ordinary Council Meeting of 25 March 2021:

COUNCIL RESOLUTION
Res. No. 11-0321

ITEM 12.3.1

That Council SUPPORTS the submission of the Exmouth Golf Club Inc’s CSRFF Small Grants application to the Department of Local Government, Sport and Cultural Industries.

CARRIED 6/0

14. The golf club received a letter dated 29 June 2021 from DLGSC’s Executive Director Infrastructure (refer Attachment 1) that informed the club that their application for CSRFF funding had not been successful.

15. Due to the popularity of this program and the limited funding available for this state-wide grant program, applicants who are not successful are encouraged to apply again.
16. At the Ordinary Council Meeting of 26 August 2021:

COUNCIL RESOLUTION
Res No: 02-0821

ITEM 12.3.1

That Council:

2. SUPPORTS the Exmouth Golf Club Inc's CSRFF Small Grants Round 1 funding application to be forwarded to the Department of Local Government, Sport and Recreation.

CARRIED by ABSOLUTE MAJORITY 6/0

17. The golf club received a letter dated 6 December 2021 from DLGSC's Director Infrastructure Programs (refer Attachment 2) that informed the club that their application for CSRFF funding had not been successful.
18. Currently, the golf club has an interest free loan of \$40,000 from the Shire's Community Interest Free Loan Reserve plus the club needed to pay a loan application fee of 5 per cent (\$2,000) of the amount borrowed. This loan commenced on 10 May 2016 and is to be paid back within 10 years, with the golf club on target to pay out the remaining \$20,000. The loan was sought for the reticulation of the club's fairways.

COMMENT

19. The Exmouth Golf Club Inc forwarded a letter dated 1 December 2021 (refer Attachment 3) to the Shire's Chief Executive Officer stating that the club had twice applied for CSRFF Small Grants funding in 2021 "in order to construct an extension to the current machinery shed to provide storage space for members motorised golf carts".
20. The club says that it is committed to achieving this project. The club is aware that building costs are increasing rapidly due to increases in material costs, supply chain challenges caused by COVID-19 pandemic and the significant boom in the building industry in WA. The club is keen to bring this project to fruition as soon as possible by obtaining a grant through the Community Development Fund Reserve.
21. The Shire of Exmouth's Community Sports and Recreation Facilities Funding (CSRFF) Small Grant Policy provides an opportunity for sporting organisations within the Shire to provide for a grant out of the Shire's Community Development Fund Reserve. According to this policy:

If an applicant is unsuccessful (for CSRFF funding) Council may still consider contributing up to a maximum of 50% of the total estimated project costs to an applicant's project with the following conditions:

- *The applicant has made at least two attempts to leverage CSRFF and have been unsuccessful.*
- *The applicant can source the remaining 50% of the total estimated project costs themselves.*

- *The project is ranked as a high community priority.*

- The golf club, with Council's support, has previously made, separately, two CSRFF Small Grant funding applications to the State Government's Community Sporting and Recreation Facilities Fund (CSRFF).
- In the letter dated 1 December 2021 from the club's president (refer Attachment 3), the club "is seeking a grant for 50% of the project cost (\$31,250 excluding GST) through the Shire's Community Development Fund Reserve".
- The club has provided documentation (refer CONFIDENTIAL Attachment 4) in support of their grant application to the Shire.

CONSULTATION

- Exmouth Golf Club Inc
- Department of Local Government, Sport and Cultural Industries

STATUTORY ENVIRONMENT

- Local Government Act 1995*
- Section 6.8 Expenditure from municipal fund not included in annual budget
- (1) A local government is not to incur expenditure from the municipal fund for an additional purpose except where the expenditure – (b) is authorised in advance by resolution (*Absolute majority required*)

POLICY IMPLICATIONS

- Council Policy 4.2 – Community Sports and Recreation Facilities Funding (CSRFF) Small Grant Policy

FINANCIAL IMPLICATIONS

- The balance of the Shire of Exmouth's Community Development Fund Reserve was \$1,383,672 as at 7 December 2021.

RISK MANAGEMENT

- Identified risks

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<u>Financial</u> Finance is not made available to support the grant application	Possible	Moderate	Medium	Budget considerations are made when choosing to support this application
<u>Financial</u> Finance could be diverted from other community projects in order to support this application	Possible	Moderate	Medium	Budget considerations are made when choosing to support this application

ALTERNATE OPTIONS

- Council can decide to not support the grant application for \$31,250 (excluding GST);
- Council can decide to grant a lesser amount;

35. Council can offer an additional interest free loan.

STRATEGIC ALIGNMENT

36. 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

1.2 Facilitate the strengthening and growth of our visitor experience.

Social: To be a vibrant, passionate and safe community valuing our natural environment and unique heritage

3.1 Explore opportunities to deliver services and facilities that attract and retain people living in the Shire.

3.2 Promote facilities/services that enhance public health and safety.

3.3 Champion self-supporting community clubs and associations.

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

4.3 To be a champion for our community

VOTING REQUIREMENTS

37. Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.3.1

That Council APPROVE the grant application from the Exmouth Golf Club Inc's for \$31,250 (excluding GST) to be funded from the Shire of Exmouth's Community Development Fund Reserve.

CORPORATE SERVICES

12.4.1 FINANCIAL STATEMENT FOR PERIOD ENDING 30 NOVEMBER 2021

File Reference:	FM.FI.0
Reporting Officer:	Manager Finance
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	7 December 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Monthly Financial Report as at 30 November 2021

PURPOSE

1. That Council accepts the financial report for the financial period ending 30 November 2021.

BACKGROUND

2. The provisions of the Local Government Act 1995 and *Local Government (Financial Management) Regulations 1996* Regulation 34 requires a statement of financial activity be presented at ordinary meeting of council within 2 months of the period end date (refer Attachment 1).

COMMENT

3. As at 30 November 2021, the operating revenue is above target by \$197,938 (2.21%). Variances are mainly due to heliport revenue and overflow camping revenue being over budget. Sanitation and planning application revenue are also over budget.
4. Operating expenditure is under budget by \$377,399 (5.29%). Variances are mainly due to material and contracts being under budget and current vacant positions. Applications for the building stimulus package have been received and some are yet to be claimed.
5. A total of \$1,954,648 has been spent to date for capital projects within the Financial Year 2021/2022. This includes the purchase of executive housing, Murat Road and Yardie Creek road edge repairs, as well as various preparation works for the Town Beach upgrade. Building of staff housing is in progress.
6. Rate notices were issued on 30 July 2021. Rates collected as at 30 November 2021 were 81% compared to 76% for the same period last year.
7. General Debtors is \$1,307,983 with \$948,605 being for aviation operations.

CONSULTATION

8. Nil

STATUTORY ENVIRONMENT

9. Section 6.4 of the *Local Government Act 1995* provides for the preparation of financial reports.
10. In accordance with *Local Government (Financial Management) Regulations 1996* Regulation 34 (5), a report must be compiled on variances greater than the materiality threshold adopted by Council of \$25,000 or 10% whichever is greater. As this report is composed at a nature/type level, variance commentary considers the most significant items that comprise the variance.

POLICY IMPLICATIONS

11. Nil

FINANCIAL IMPLICATIONS

12. Nil

RISK MANAGEMENT

13. Risks implications

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational – That Council does not receive the financial activity statements as required by S6.4 of the LG Act 1995.	Rare	Insignificant	Very Low	That Council receives the financial activity statements as required by legislation.

ALTERNATE OPTIONS

14. Nil

STRATEGIC ALIGNMENT

15. 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

16. Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.4.1

That Council RECEIVES the Financial Report for the financial period ending 30 November 2021.

12.4.2 LIST OF ACCOUNTS FOR PERIOD ENDING 30 NOVEMBER 2021

File Reference:	FM.FI.0
Reporting Officer:	Manager Finance
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	7 December 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. List of Accounts for period ending 30 November 2021

PURPOSE

1. That Council receives payments made since the previous Ordinary Council Meeting.

BACKGROUND

2. *Local Government (Financial Management) Regulations 1996*, Regulation 13 (3) requires a list of payments is to be presented at the next ordinary meeting of council.
3. 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

4. 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. (refer Attachment 1).

5. Payments

Municipal Fund totalling \$1,582,090.01
Incorporating cheques, direct debits, electronic payments and credit cards.

Trust Fund totalling \$NIL
Incorporating electronic payments.

Total Payments: \$1,582,090.01

CONSULTATION

6. Nil

STATUTORY ENVIRONMENT

7. 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

8. Staff are required to ensure that they comply under Council Policy 2.7 – Procurement and 2.12 – Regional Price Preference Policy (where applicable) and that budget provision is available for any expenditure commitments

FINANCIAL IMPLICATIONS

9. 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.

RISK MANAGEMENT

10. Risk implications

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational – That Council does not receive the list of payments.	Rare	Insignificant	Very Low	That Council receives the list of payments as required by legislation.

ALTERNATE OPTIONS

11. Nil

STRATEGIC ALIGNMENT

12. 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

13. Simple Majority

OFFICER’S RECOMMENDATION

ITEM 12.4.2

That Council RECEIVES the report of payments made from the Municipal and Trust bank accounts during the month of November 2021 (*totalling \$1,582,090.01*).

12.4.3 2020/2021 ANNUAL REPORT AND ANNUAL ELECTORS MEETING DATE

File Reference:	FM.FI.0
Reporting Officer:	Executive Manager Corporate Services
Responsible Officer:	As above
Date of Report:	2 December 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. 2020/21 Annual and Financial Report

PURPOSE

1. That Council consider accepting the Annual Report for the year ending 30 June 2021 and set a date for convening an Annual Electors Meeting.

BACKGROUND

2. Council are to prepare an Annual Report for each financial year and the Chief Executive Officer is to give local public notice of the availability of the Annual Report as soon as practicable after the report has been accepted by Council.

COMMENT

3. Council are to accept the annual report by 31 December after the financial year or if the Auditor's report is not available by this date, no later than 2 months after the Auditor's report becomes available. The Annual Financial Report and Audit Opinion Report were received on 17 November 2021.
4. Both reports were provided to the Audit Committee at their meeting held 2 December 2021 and the committee have reviewed the reports and have recommended them to Council.
5. It is required to then advertise that the Annual Report is available for the community to view for a period of 14 days, after which an Annual Electors Meeting can be held. However, this must be within 56 days of accepting the annual report, therefore the meeting cannot be held later than 10 February 2022.
6. It is recommended the Annual Electors Meeting be held on 3 February 2022 commencing at 6pm in the Mandu Mandu Function Centre at the Ningaloo Centre, Truscott Crescent Exmouth.

CONSULTATION

7. Local public notice of the availability of the Annual Report, the date set for the annual General Meeting of Electors will be provided in the Pilbara Newspaper, Shire and Library noticeboards.

STATUTORY ENVIRONMENT

8. Sections 5.26, 5.27, 5.53, 5.54 of the *Local Government Act 1995*

POLICY IMPLICATIONS

9. Nil

FINANCIAL IMPLICATIONS

10. Nil

RISK MANAGEMENT

11. Identified risks implications

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Financial/Compliance/Performance Council does not accept the Annual Financial Report	Unlikely	Minor	Low	Officers work with the auditors to ensure timeliness and accuracy to ensure compliance with the prescribed time period in accordance with the Act.

ALTERNATE OPTIONS

12. N/A

STRATEGIC ALIGNMENT

13. 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.

4.3 To be a champion for our community

VOTING REQUIREMENTS

14. Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.4.3

That Council:

1. ACCEPT the Annual Report for the financial year ended 30 June 2021; and
2. AUTHORISE the Annual Electors Meeting scheduled to be held in the Mandu Mandu Function Centre at the Ningaloo Centre, Truscott Crescent Exmouth on 3 February 2022 commencing at 6pm.

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

13.1.1 CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE REVIEW

File Reference:	PE.EC.0
Reporting Officer:	Shire President
Responsible Officer:	CEO Performance Review Committee
Date of Report:	16 December 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. CONFIDENTIAL Proposed CEO KPI 2021

PURPOSE

1. For Council to adopt the Key Performance Indicators (KPI's) in accordance with the *Local Government Act 1995* section 5.38 and Chief Executive Officer's contract of employment.

BACKGROUND

2. The employment contract for the Chief Executive Officer states that the initial KPI's are to be agreed and set by Council within the first three months of the contract start date.

COMMENT

3. Agreement was reached between the Chief Executive Officer and full Council following a workshop in accordance with Council Policy 1.19 – CEO Performance Review.

CONSULTATION

4. External HR consultant Adrian Robinson from Azure HR liaised with the Shire President to review the draft KPI's and provided comment.

STATUTORY ENVIRONMENT

5. Local Government Act 1995, Part 5, Division 4, s 5.38 and Division 2, s5.23 (2)

POLICY IMPLICATIONS

6. Council Policy 1.19 Chief Executive Officer Performance Review

FINANCIAL IMPLICATIONS

7. N/A

STRATEGIC IMPLICATIONS

8. 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.

4.3 To be a champion for our community

VOTING REQUIREMENTS

9. Absolute Majority

SHIRE PRESIDENTS RECOMMENDATION

ITEM 13.1.1

That Council ADOPT the Key Performance Indicators set for the Chief Executive Officer's as outlined in CONFIDENTIAL Attachment 1.

- 14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**
- 15. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS**
- 16. CLOSURE OF MEETING**