

SHIRE OF EXMOUTH



SPECIAL COUNCIL MEETING MINUTES

29 March 2012

CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on 26 April 2012 as a true and accurate record of the Special Council Meeting held on 29 March, 2012.

.....
C (Turk) Shales
Shire President

*All attachment items referred to in these minutes are available
for public perusal at the Shire office*

DISCLAIMER

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

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

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Signed at Exmouth  (B Price), Chief Executive Officer Shire of Exmouth

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SPECIAL COUNCIL MEETING MINUTES

Our Vision

To support and develop a vibrant, welcoming community that embraces its past, values its present and plans for a sustainable future

Our Purpose

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

Our Strategic Objectives

- To provide sustainable management of the organisation
- To consistently apply the principles of Good Governance
 - To communicate effectively
 - To promote socioeconomic development
 - To value our environment and heritage

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 3.30pm.

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

Councillor C (Turk) Shales
Councillor S Fitzgerald
Councillor R Winzer
Councillor G Thompson
Mr B Price
Mrs Sue O'Toole

Shire President
Deputy Shire President

Chief Executive Officer
Executive Manager Corporate Services

GALLERY

Visitors 0

APOLOGIES

Councillor M Hood
Councillor J Warren
Mr R Kempe
Mr R Manning
Mr R Mhasho
Mr K Woodward
Mr A Forte

Executive Manager Community Engagement
Executive Manager Health & Building
Executive Manager Town Planning
Executive Manager Engineering Services
Executive Manager Aviation Services

LEAVE

Nil.

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).

Nil.

5 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.

Nil.

6. REPORTS OF OFFICERS

6.1 Executive Manager Corporate Services

6.1.1 2011/12 Budget Review & Budget Amendment

Location:	Exmouth
Applicant:	S O'Toole
File Reference:	FM.BU.10.11
Disclosure of Interest:	Nil
Date:	12 March 2012
Author:	Executive Manager Corporate Services, Sue O'Toole
Signature of Author:	
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY

This report recommends Council of the Shire of Exmouth adopt this Mid Year Budget Review prepared as at 29 February 2012 and amend the 2011/12 Budget.

BACKGROUND

Section 33A of the Local Government (Financial Management) Regulations 1996 requires:

- (1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.
- (2A) The review of an annual budget for a financial year must —
 - (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
 - (b) consider the local government's financial position as at the date of the review; and
 - (c) review the outcomes for the end of that financial year that are forecast in the budget.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.
- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

COMMENT

The financial report for the period 1 July 2011 to 29 February 2012 is attached (Refer *Attachment 1*) to the Council Report 10.2.2 Monthly Financial Statements and Reports. This financial report includes:

- **Statement of Financial Activity** – displays the Council's year to date position to 29 February 2012 including the projected closing position for 2011/12 financial year.
- **Identified Material Variances Report** - Examines the financial performance of the year to date against the budget.

This report also requests Council to amend the 2011/12 Budget to include a correction to Learmonth rent identified by the Auditors in the Management Letter dated 5 December 2011. Rent for Learmonth Airport is based on expenditure for the preceding financial year and is paid in arrears in the following financial year. The Auditor has requested rent to accrue to the correct financial year, and to correct this, a budget amendment is required to show double rent paid in this financial year and to adjust our estimated closing position.

It is anticipated the 2011/12 financial year including this budget amendment, will achieve a net result of \$59,186, a reduction of approximately \$19,147 overall.

Each of Council’s programs are performing to budget estimates and are listed below together with an explanation of any identified variance.

Opening Balance Variance

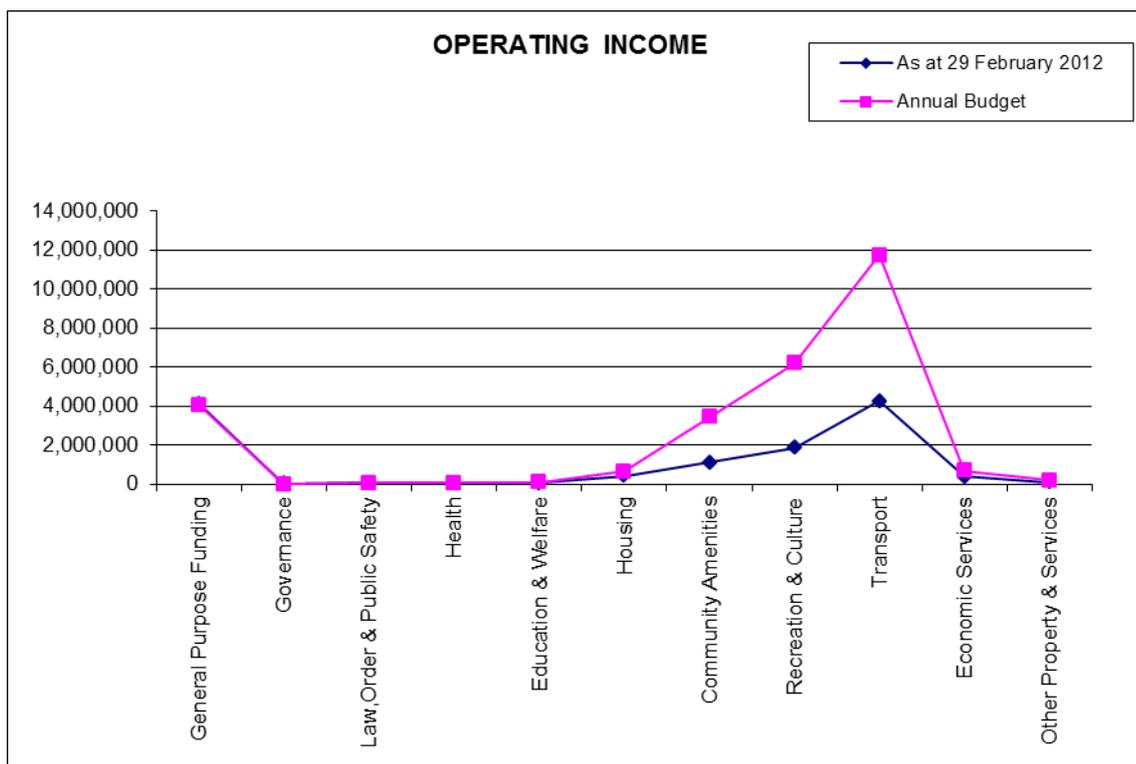
	\$
Opening Balance – Budget	2,185,044
Opening Balance - Actual	2,103,482
Variance	81,562

- | | |
|---|--------|
| | \$ |
| • Correction to Movement in Employee Benefit Provisions | 6,233 |
| • Increase Works In Progress for partial installation of windows at Learmonth Airport | 36,840 |
| • Correction to FBT Liability during 2011/12 | 32,483 |
| Variance | 75,556 |

Operating Income

Income is tracking to the year to date (YTD) budget with a positive variance of 25% (\$2,426,070).

	Actual	YTD Budget	Annual Budget	Variance to Budget to		Material	Estimated
				Actual YTD		Variance	Year End
	\$	\$	\$	\$	%	\$	\$
GENERAL PURPOSE FUNDING	4,122,937	3,963,965	4,066,746	102,781	104%	▲ 102,781	4,122,278
GOVERNANCE	6,081	500	500	5,581	1216%		6,081
LAW ORDER & PUBLIC SAFETY	43,463	48,872	64,746	(5,409)	89%		62,848
HEALTH	37,329	30,220	34,450	7,109	124%		37,988
EDUCATION & WELFARE	47,952	62,503	92,078	(14,551)	77%	▼ (14,551)	92,081
HOUSING	420,330	410,164	638,874	10,166	102%	▲ 10,166	639,522
COMMUNITY AMENITIES	1,097,429	1,096,288	3,422,998	1,141	100%		3,410,848
RECREATION & CULTURE	1,869,196	256,506	6,190,740	1,612,690	729%	▲ 1,612,690	6,199,362
TRANSPORT	4,244,509	3,580,462	11,718,240	664,047	119%	▲ 664,047	11,730,796
ECONOMIC SERVICES	368,948	293,711	673,185	75,237	126%	▲ 75,237	706,428
OTHER PROPERTY & SERVICES	92,989	125,712	180,434	(32,723)	74%	▼ (32,723)	240,825
	12,351,163	9,868,903	27,082,991	2,426,070	125%		27,249,057



Operating Income

Income received to 29 February 2012 is 25% (\$2,426,070) above the year to date budget. Detail of each program where a material variance has been identified is listed below:

▲ **General Purpose income is 4% (\$102,781) above the year to date budget**

Interest earned on accounts is exceeding the ytd budget by \$140,223. however \$88,478 will be transferred to Reserve accounts leaving a net positive result of \$51,745.

▼ **Education and Welfare income is 23% (\$14,551) below the year to date budget**

Minor timing issue in relation to raising a debtors invoice for the operations of the Telecentre for February 2012.

▲ **Housing income is 2% (\$10,166) above the year to date budget**

Higher than anticipated income from staff for leased properties is \$14,520, however this income is offset against rental costs with estate agents and will not impact on the final year end position.

▲ **Recreation and Culture income is 629% (\$1,612,690) above the year to date budget**

Minor timing issue in relation to a grant received earlier than expected from Dept Regional Development & Lands for the construction of the Tantabiddi Boat Ramp of \$1.5m.

Reimbursement of expenses for canal monitoring has been received earlier than anticipated and this is impacting on our ytd budget by \$98,972.

Unbudgeted grant funds have been received totalling \$8,591 from: CSRFF \$3,591 for hosting the 2012 Sport Club Conference; \$5,000 from Chevron to purchase equipment for the 'Dive in Movies' program run by the Swimming Pool.

▲ **Transport income is 19% (\$664,047) above the year to date budget.**

Minor timing issue in relation to grants received earlier than expected from Dept of Lands & National Disaster for LIA Floodway works of \$1,575,000. However are yet to received grant funding for the following projects: \$1m from R4R for Flood Mitigation Works, \$143,934 from Main Roads for Murat Road Works, \$40,195 from Main Roads for Pace Retreat Yardie Creek Road.

Operating Income (cont)

▲ **Transport (cont)**

Income at Learmonth Airport is currently exceeding the ytd budget by \$235,382. Security Levy fees are 26% above the ytd budget, however 50% of these funds are transferred to a Reserve account, leaving a net positive result of \$41,983.

Heliport processing fees are 48% above the ytd budget, however during the period of operating, this facility has had a number of cyclone down and up manning.

▲ **Economic Services income is 26% (\$75,237) above the year to date budget.**

Minor timing issue in relation to grants either received earlier than anticipated or are yet to be received: grants received earlier than anticipated for Display Banners \$5,000 & Heritage Trail \$59,200, however \$40,000 is yet to be received for the Community Development Programs.

Unbudgeted income of \$7,154 has been received to offset costs for Russell Goodrick's Best Country Program.

Unbudgeted income of \$22,336 has been received for the settlement of an insurance claim for legal expenses.

▼ **Other Property and Services income is 26% (\$32,723) below the year to date budget**

The suspense account currently has a balance of \$55,163 which is used to hold monies awaiting further details to credit various accounts.

Revenue from the sale of Pindan is exceeding the ytd budget by \$13,858, however this income is transferred to a Reserve account and will have no impact on the final year end position.

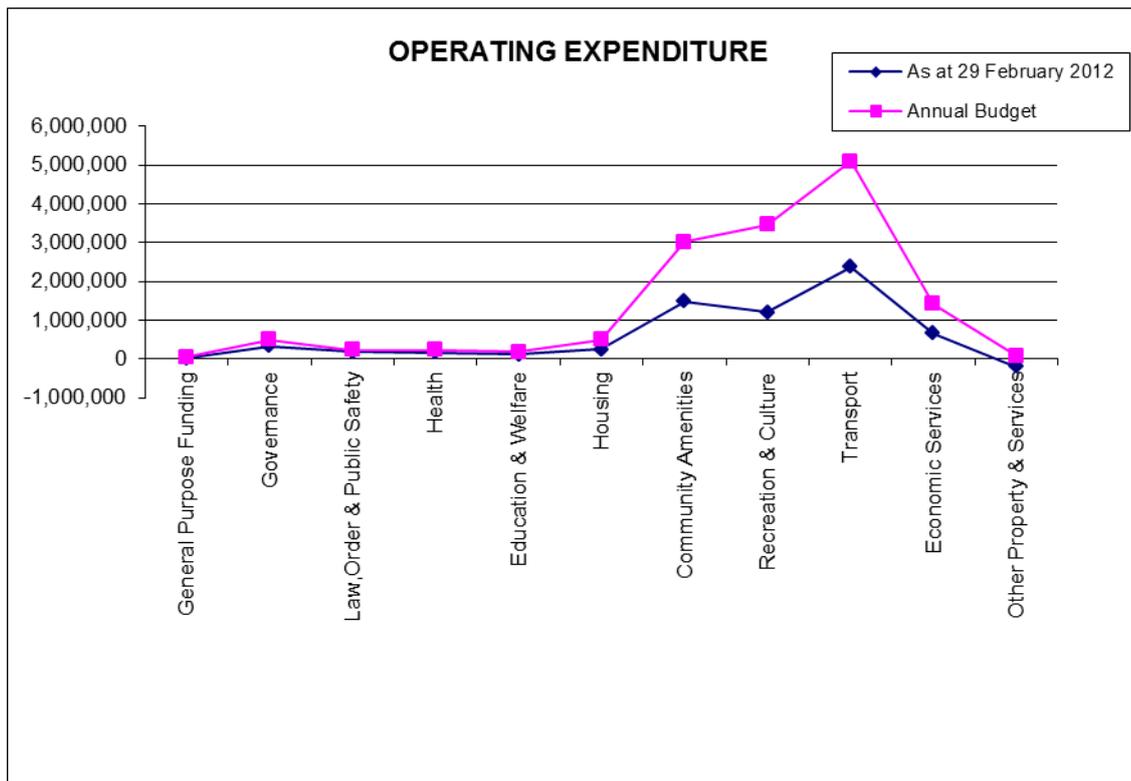
Private Works income is higher than anticipated by \$98,086, however this type of work is undertaken on request and is offset against Private Works expenditure.

Profit on sale of assets are yet to occur and this is creating a variance with the ytd budget by \$97,884, however this is a non cash account and will have no impact on the final year end position.

Operating Expenditure

Expenses are tracking close to the Year to Date (YTD) budget and is 83% (\$1,319,356) on target.

	Actual	YTD Budget	Annual Budget	Variance to Budget to Actual YTD		Material Variance	Estimated Year End Position
	\$	\$	\$	\$	%		\$
GENERAL PURPOSE FUNDING	(26,842)	(23,769)	(43,400)	(3,073)	113%		(44,144)
GOVERNANCE	(329,143)	(331,910)	(490,384)	2,767	99%		(491,996)
LAW ORDER & PUBLIC SAFETY	(188,496)	(170,935)	(240,565)	(17,561)	110% ▲	(17,561)	(242,173)
HEALTH	(165,920)	(158,296)	(240,533)	(7,624)	105%		(235,474)
EDUCATION & WELFARE	(115,155)	(117,257)	(184,284)	2,102	98%		(177,902)
HOUSING	(255,601)	(236,947)	(489,459)	(18,654)	108% ▲	(18,654)	(492,400)
COMMUNITY AMENITIES	(1,492,446)	(1,823,862)	(3,009,040)	331,416	82% ▼	331,416	(2,929,014)
RECREATION & CULTURE	(1,205,844)	(1,369,279)	(3,463,064)	163,435	88% ▼	163,435	(3,508,810)
TRANSPORT	(2,381,899)	(3,042,599)	(5,091,819)	660,701	78% ▼	660,701	(5,105,892)
ECONOMIC SERVICES	(653,857)	(662,456)	(1,425,220)	8,599	99%		(1,446,661)
OTHER PROPERTY & SERVICES	190,385	(6,864)	(88,210)	197,249	-2774% ▼	197,249	(139,802)
	(6,624,818)	(7,944,174)	(14,765,978)	1,319,356	83%		(14,814,268)



Operating Expenditure

Expenses are tracking close to the year to date budget with 83% (\$1,319,356) on target. Detail of each program where a material variance has been identified is listed below:

▲ Law, Order & Public Safety expenditure is 10% (\$17,561) above the year to date budget

Works Overheads for Fire Prevention has exceeded the ytd and annual budget by \$35,269 which is due to Works Staff having to fight 2 fires since the xmas period, however as this account is an allocation from Public Works Overheads and Salaries, it will have no impact on the final year end position.

Depreciation is yet to be run due to changing computer software in December 2011, and this is creating a variance with the ytd budget of \$10,606.

▲ Housing expenditure is 8% (\$18,654) above the year to date budget.

Depreciation is yet to be run and this is creating a variance with the ytd budget by \$37,360.

Staff Housing Allocations are below the ytd budget by \$76,993, however this account is an allocation to other sub programs and will have no impact on the final year end position.

Maintenance costs for APH units are exceeding the ytd budget by \$13,449.

▼ Community Amenities expenditure is 18% (\$331,416) below the year to date budget.

Works Overheads expenditure for Community Amenities is either below anticipated levels or above. Works are planned to begin at certain times however can be affected by other developments and as explained previously, these are an allocation from Public Works Overheads and Salaries accounts and will have no impact on the final year end position.

Sanitation is exceeding the ytd budget by \$156,836, however Town Centre \$19,454 & Public Conveniences \$98,400 are below anticipated expenditure

Foreshore and Revitalisation expenditure is below the ytd budget by \$333,673, however it is anticipated this account will be fully expended by June 2012.

▼ Recreation & Culture expenditure is 12% (\$163,435) below the year to date budget.

Swimming Pool maintenance is higher than anticipated by \$37,037, however \$35,000 is included in the capital acquisition budget for works to the swimming pool bowl.

Canal Monitoring of \$31,736 is yet to be expended and this is impacting on the ytd budget.

Depreciation of \$161,665 for Recreation & Culture program is yet to be allocated, however as this is a non cash expense, it will have no impact on the final year end position.

▼ Transport expenditure is 12% (\$660,701) below the year to date budget

Works Overheads for Transport Program is currently under expended by \$184,249, however Footpaths, Signs & Depot expenditure is exceeding the ytd budget by \$42,195. These programs begin at certain times and the commencement/finishing dates can be affected by other developments, however as these are allocations from Public Works Overheads and Salaries, they won't have any impact on the final year end result.

Depreciation of \$401,0945 for Transport program is yet to be allocated, however as this is a non cash expense, it will have no impact on the final year end position.

▼ Other Property & Services expenditure is 2674% (\$197,249) below the year to date budget

Overhead & admin allocations are currently over allocated when compared to the ytd budget by (\$401,376) for Public Works, Plant & Administration. As these are non-cash allocations, they will have no impact on the final year end position.

Depreciation of \$110,108 for Other Property and Services Program is yet to be allocated.

Private Works expenditure has a variance with the ytd and annual budget by \$90,409. As this work is undertaken upon request, this is offset against higher than anticipated income.

Sale of Assets are yet to occur and this is impacting on the Loss on Disposal of Assets by \$45,660, however as this is a non cash expense, it will have no impact on the final year end position.

This report was reviewed by Council at the Ordinary Council Meeting held 15 March 2012 and required an absolute majority vote, however due to the absence of three Councillors on the day, this was not achieved. Therefore this report is re-submitted for Council consideration.

CONSULTATION

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996 Section 33A

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

Budget amendment of \$120,000 will decrease estimated closing position.

STRATEGIC IMPLICATIONS

Civic Leadership

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

Outcome: 4.2: A local government that is respected, professional, trustworthy and accountable

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION – 6.1.1

That the Council of the Shire of Exmouth:

- 1. Adopt 2011/12 Budget Review prepared as at 29 February 2012.*
- 2. Authorise Budget amendment to account E126605 Learmonth Rent, increase expenditure from \$123,396 to \$243,396*

COUNCIL DECISION – 18-0312 – 6.1.1

Moved Councillor Winzer, Seconded Councillor Fitzgerald.

That the Council of the Shire of Exmouth:

- 1. Adopt 2011/12 Budget Review prepared as at 29 February 2012.*
- 2. Authorise Budget amendment to account E126605 Learmonth Rent, increase expenditure from \$123,396 to \$243,396*

CARRIED BY ABSOLUTE MAJORITY 4/0

6. REPORTS OF OFFICERS

6.2 Executive Manager Health and Building Services

6.2.1 New Building Act – 2011/12 Fees and Charges

Location: Exmouth
 Applicant: N/A
 File Reference: FM.FE.0; DB.ST.1
 Disclosure of Interest: Nil
 Date: 14 March 2012
 Author: Executive Manager Health and Building

Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

The Building Act 2011(the Act) was passed on 23 June 2011 and came into operation from 31 October 2011 with a phased implementation over a period of 12 months.

This report seeks to briefly outline the changes that are proposed in the Act and also to seek approval for amendments to the schedule of Fees and Charges and Delegations of Authority. It is considered that these are required to ensure that the Council's Building Services are able to continue to operate under the provisions of the Building Act 2011 and Building Regulations 2012 to the same extent as it currently does under the existing Act as well as meet new statutory procedures.

BACKGROUND

The new Building Act and Regs have been developed to replace parts of the *Local Government (Miscellaneous Provisions) Act 1960* and the *Building Regulations 1989* respectively. The Act covers all buildings and the whole State of Western Australia and introduces permit issuing authorities, enables private certification of design compliance and is designed to streamline and clarify the building process.

COMMENT

The Building approval process in Western Australia is about to undergo significant change. The changes have been discussed for many years however the Building Act was passed by the Government in June 2011 and commenced operation on 31 October 2011. The final Draft of the Regulations supporting this Act, have only been released in recent weeks and are expected to be introduced at the beginning of April 2012. While the Act has been discussed for a number of years, the implementation has been phased over a period six (or more) months and supplementary guidance information has been introduced within a very short period of time in relation to the Regulations.

One of the key factors of the new Building Act for Local Governments is that it enables privatisation of the Building Surveying function that was previously provided by Local Government. It is now open to competition from a private approval provider which is a relatively new industry in WA, although this has been established in other Australian states for some time.

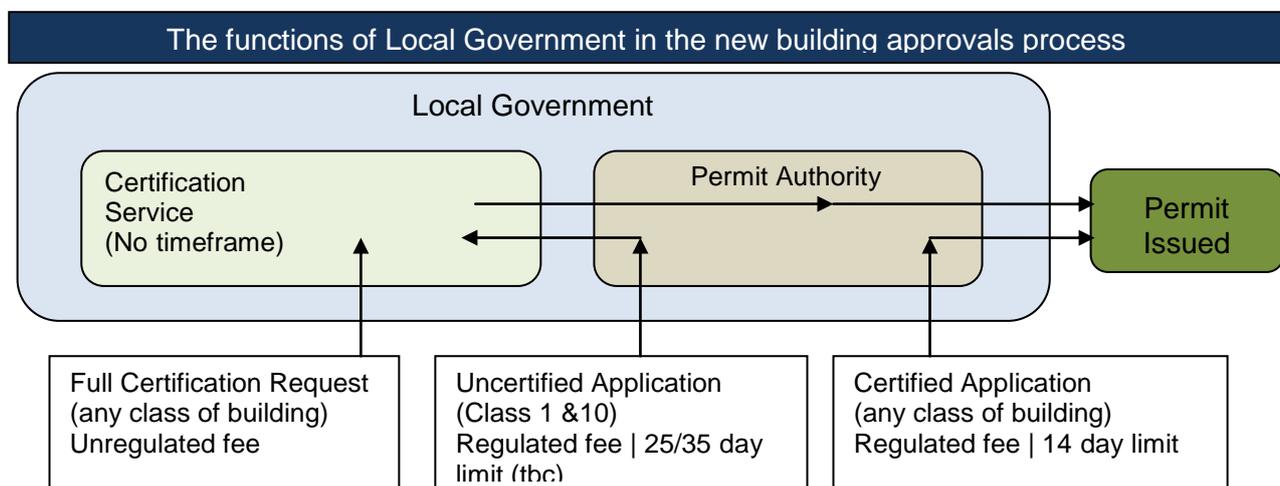
It has been too early in the transition for Council Office's to make any recommendations to the Council with regard to whether it would be desirable to offer industry competitive certification services (or in fact whether Exmouth should) and compete in the open market place or whether our role should be confined to Building Permit issuance and Compliance. Section 3.59 of the Local Government Act 1995 indicates that there may be scope to establish a business unit; however this would require further and close consideration and may be a direction best left for the private market to pursue.

The Building Act 2011

The minimum functions that Local Governments are required to perform under the Building Act 2011 include;

- Issue prescribed permits (Permit Authority)
- Ensure building works within its district achieve statutory compliance,
- Undertake assessment and issue Certificate of Design Compliance for class 1 (single houses) and 10 (sheds, pools & patios etc)

The key change to the building approvals system is that there is no longer a requirement for a proposal within a local government district to be assessed by the local government in which the development is situated. Currently if building work is undertaken within the Shire of Exmouth, the applicant must obtain a building permit by submitting a building licence application to the Shire of Exmouth. Under the proposed system, an applicant may seek the services of any qualified Building Surveyor who may be employed by the Shire of Exmouth, a Private Building Surveyor or another local government or other agency. The Building Surveyor then issues a “Certificate of Design Compliance”, (CDC). Once the owner or builder has obtained the CDC, an application for a Building Permit is submitted which must include the CDC together with the necessary plans and specifications to the Local Government (in whose district the development is proposed) who then has 14 days in which to issue the “Building Permit”. The diagram below provides a summary of the new process.



The Act now covers all work and provides that the Certificate of Design Compliance must be issued by a person who is not associated with the building owner. This means that a building development proposed by a local government will no longer be able to be certified by the local government building surveyor; the Shire will therefore be required to seek certification externally from a private certifier or other permit authority, however local governments will still need to issue a permit.

While Local Governments only have to provide the minimum services specified above, they may also be able to consider providing other services and be able to charge a fee to recover the cost of those services. Before doing so, local governments will need to ensure they do not breach the provisions of the Local Government Act and other legislation such as the National Competition Policy. These other services may include issuing:

- Certificate of Design Compliance, (Certification Services for all classes of buildings)
- Certificate of Construction Compliance, (Inspection and Certification of various portions of a building during construction work that is within the scope of skills and qualifications available)
- Certificate of Building Compliance, (coordinate, inspect and certify that a completed building is compliant)

It is considered that initially, the Shire of Exmouth should endeavour to maintain the services to at a minimum, an equivalent level to that currently provided, while positioning itself to be able to either extend or contract that business over time (likely over a 2 year period) as the development industry begins to understand the systems provided by the Building Act.

However, the Executive Manager of Health & Building considers that given the distance to other major centres where local builders and developers would find private certifiers and the convenience of local builders still using the local government to provide design certification services, it is expected that for the Shire to offer such services would be more so out of convenience to the local builders/developers than out of any great desire to generate income via a prospective business opportunity.

In order to do so, there are two possible options provided under the Local Government Act that may be considered which include, either the establishment of a 'business unit' under s3.59 of the Local Government Act, or expanding the current service the local government provides, (an 'adjusted service model') as set out by s3.18 of the Local Government Act.

At this stage, and given the short timeframe within which the Regs are due to come into force, the Shire will proceed with the 'adjusted service model': This model requires no significant changes to the existing operational environment other than an assessment of actual costs associated with the operation. The *certifying charge* will be required to accurately reflect all costs associated with providing that service including precisely costed operating overheads. Fees for *permit issue* will be set by statute (refer to **Attachment 1**); however the fees for the Certification process will be set by Council and a proposal for this has been included in this report at **Attachment 2**.

Council Decision 23-1111-13.1 of the November 2011 OCM adopted a revised wording for the Council's schedule of Fees and Charges 2011/2012 to accommodate the changes that will occur due to the new Reg's in relation textual references and fees relating to the statutory services (refer to **Attachment 3**). The new Reg's (as drafted) also prescribe fees for extending the duration of a permit. This is not prescribed by the current Reg's and as such Council's Delegation (100) to the EMHB has to date provided for this. In consideration of the above and the various other textual references that need revising, a number of Council Delegations are provided at **Attachment 4** with suggested amendments for consideration.

Further to the above, there are also a number of delegations that will become irrelevant

CONSULTATION

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

- Building Act 2011
- Building Regulations 2012
- Local Government Act 1995
- Local Government (Miscellaneous Provisions) Act 1960
- Building Regulations 1989

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

It is likely that the new system will result in additional income being generated via the provision of the new certification services.

STRATEGIC IMPLICATIONS

Economic

Objective 1: To be a diverse and innovative economy with a range of local employment opportunities.

- Outcome 1.2 - Planned and balanced economic growth.

Social

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

- Outcome 3.4: A community that is well informed and educated about our natural, cultural and built environment.

Civic Leadership

Objective 4: To work together as custodians for now and the future.

- Outcome 4.2: A local government that is respected, professional, trustworthy and accountable.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION – 6.2.1

That the Council of the Shire of Exmouth receives the report and its content in relation to the approach that Officers will take in response to the Building Act 2011 and Building Regulations 2012, and further:-

- 1 Approve the addition to the 2011/2012 Schedule of Fees and Charges as set out in Attachment 4 of the report, to be implemented at the commencement of the Building Act 2011 and the Building Regulations 2012; and*
- 2 Adopts the amendments to the updated delegations shown in Attachment 6 of the report which are necessary to account for the relevant provisions of the Building Act 2011.*

COUNCIL DECISION – 19-0312 – 6.2.1

Moved Councillor Thompson, Seconded Councillor Winzer.

That the Council of the Shire of Exmouth receives the report and its content in relation to the approach that Officers will take in response to the Building Act 2011 and Building Regulations 2012, and further:-

- 1 Approve the addition to the 2011/2012 Schedule of Fees and Charges as set out in Attachment 4 of the report, to be implemented at the commencement of the Building Act 2011 and the Building Regulations 2012; and*
- 2 Adopts the amendments to the updated delegations shown in Attachment 6 of the report which are necessary to account for the relevant provisions of the Building Act 2011.*

CARRIED BY ABSOLUTE MAJORITY 4/0

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

7.1 Councillor R (Ross) Winzer

7.1.1 Amendment of Legislation in Relation to Fish Offal

Location: Exmouth
Applicant: Cr R (Ross) Winzer
File Reference: GV.CM
Disclosure of Interest: Nil
Date: 26 March 2012
Signature of Author: 

SUMMARY

This report requests Council consideration in writing to the Minister for Fisheries, Hon. Norman Moore MLC, requesting his consideration for legislative change that allows for the processing of offal waste derived from a recreational catch.

BACKGROUND

Currently legislation under the Fisheries Act states that a person must not directly or indirectly sell fish unless it is taken under a commercial fishing licence. The fish offal collected at the cleaning stations, having been recreationally caught, unfortunately also falls under the same legislation and cannot be used for commercial gain or reward.

I am proposing that Council write to the Minister for Fisheries, with copies sent to Vince Catania, Member for North West and WALGA State Council requesting that due to the excessive operational costs being borne by the Council in the disposal process, that consideration be given for legislative change that enables alternative disposal options for the waste product.

COMMENT

Annually the Shire of Exmouth collects upwards of 400 ton of fish refuse from our fish cleaning facilities. The current operation requires the removal of fish offal on a daily basis and is disposed of in the shire landfill site. This annual cost of managing fish offal exceeds the shires financial support to its various local community clubs and care agencies.

The daily pick up of this fish product we see as essential in maintaining our pristine coastal environment yet there is no legislation that requires the shire to provide such service, either the fish cleaning station, nor their daily maintenance.

It is expected the number of recreational fisherman numbers will increase in years to come along with the increase in the costs of servicing the fish cleaning stations we would therefore appreciate being given the opportunity to carry out a cost benefit analysis and recycling initiatives, (that under the current legislation is not possible) minimizing the land fill waste, recycling and recouping some of the ongoing costs of maintenance, collection and disposal of fish offal waste.

CONSULTATION

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

To consistently apply the Principles of Good Governance.

To Communicate Effectively
To promote Socioeconomic Development
To value our Environment and Heritage

VOTING REQUIREMENTS

Simple Majority

COUNCILLOR'S RECOMMENDATION – 7.1.1

That the Council of the Shire of Exmouth write to the Minister for Fisheries, Hon. Norman Moore MLC, requesting his consideration for legislative change that allows for the processing of offal waste derived from a recreational catch.

COUNCIL DECISION – 20-0312 – 7.1.1

Moved Councillor Fitzgerald, Seconded Councillor Thompson.

That the Council of the Shire of Exmouth write to the Minister for Fisheries, Hon. Norman Moore MLC, requesting his consideration for legislative change that allows for the processing of offal waste derived from a recreational catch.

CARRIED 4/0

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

9. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS

10. CLOSURE OF MEETING

The President declared the meeting closed at 3.47pm.