



Special Council Meeting  
Agenda  
9 August 2016

# NOTICE OF MEETING

Notice is hereby given that the

## Shire of Exmouth Special Council Meeting

will be held on  
9 August 2016  
Commencing at 6:00pm



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**Bill Price**  
**Chief Executive Officer**

**9 August 2016**

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### **Disclaimer**

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

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

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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.

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# SHIRE OF EXMOUTH

## DISCLOSURE OF INTEREST

**To: Chief Executive Officer**

As required by Section 5.65(1)(a) of the Local Government Act 1995, I \_\_\_\_\_ hereby declare my interest in the following matters included on the Agenda paper for the Council/Committee meeting to be held on \_\_\_\_\_ (Date).

Item No.	Subject	Details of Interest	*Extent of Interest (see below)

\*Extent of Interest only has to be declared if the Councillor also requests to remain present at a meeting, preside, or participate in discussions or the decision making process (see item 6 below)

Councillor / Employee Signature \_\_\_\_\_ Date \_\_\_\_\_

NB:

1. This notice must be given to the Chief Executive Officer prior to the meeting or at the meeting immediately before the matter in which you have an interest is discussed, Section 5.65(2)(a) & (b).
2. It remains Councillor's responsibility to make further declarations to the Council if a matter arises during the course of a meeting and no previous declarations have been made.
3. It is a Councillor's responsibility to ensure that the interest is brought to the attention of the Council/Committee when the Agenda item arises and to ensure that it is recorded in the minutes.
4. It remains the Councillor's responsibility to ensure that he/she does not vote on a matter in which a declaration has been made, unless specifically entitled under the Local Government Act 1995. This responsibility also includes the recording of particulars in minutes to ensure they are correct when such minutes are being confirmed.
5. It is recommended that when previewing Agendas, Councillors mark Agendas with items on which an interest is to be declared and complete the declaration form at the same time.
6. Councillors may be allowed to remain at meetings at which they have declared an interest and may also be allowed to preside (if applicable) and participate in discussions and the decision making process upon the declared matter subject to strict compliance with the enabling provisions of the Local Government Act 1995 and appropriately recorded resolutions of the Council. Where Councillor's request consideration of such Council approval the affected Councillor must vacate the Council Chambers in the first instance whilst the Council discusses and decides upon the Councillor's application.
7. Local Governments are required to include in their codes of conduct certain provisions in relation to the disclosure of interests that are perceived to affect the impartiality of elected members or employees. It is the Councillor's responsibility to declare those matters where they perceive they may have an Impartiality Interest – however Councillor's are entitled to stay in the room, participate in the debate and vote on matters where they have declared an Impartiality Interest.

Remember: The responsibility to declare an interest rests with individual Councillors. If Councillor's are in any doubt seek legal opinion or, to be absolutely sure, simply declare in any case.

**Office Use Only:**

**Date/Initial**

1. Particulars of declaration given to the meeting \_\_\_\_\_
  2. Particulars recorded in the minutes \_\_\_\_\_
- Signed by the Chief Executive Officer \_\_\_\_\_

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# ORDINARY COUNCIL MEETING AGENDA

## *Our Vision*

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

## *Our Purpose*

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

## *Our Strategic Objectives*

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

### **1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

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

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

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

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

Council Consideration Towards Public

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

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

The Deputy Shire President opened public question time. A number of people submitted similar questions in relation to the rate increase issue.

## **5. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

## **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. ANNOUNCEMENTS BY THE PRECIDING PERSON WITHOUT DISCUSSION**

## 8. CORPORATE SERVICES

### 8.1 ADOPTION OF THE 2016/2017 BUDGET

File Reference:	FM.BU.16.17
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	3 August 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none"><li>1. 2016/17 Budget</li><li>2. 25 Public Submissions regarding Notice of Intention to Levy Differential Rates for 2016/17</li></ol>

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#### PURPOSE

This report recommends that Council adopt the 2016/2017 Budget.

#### BACKGROUND

Council is required to prepare and adopt in the manner and form prescribed its annual budget by no later than 31 August each year in accordance with Section 6.2 of the Local Government Act 1995.

#### COMMENT

The Draft Budget for 2016/17 has been prepared in accordance with the Local Government Act and is attached for consideration and final adoption (Refer **Attachment 1**).

The main features of the draft budget include:

- Non operating grant funding for the year is estimated at \$13.8m.
- Loan borrowings of \$1m to fund construction of the Ningaloo Centre & \$410k for the purchase of a replacement Rubbish Truck.
- Capital works programme featuring \$26.7m of planned works, with the main projects being:
  - \$21.2m Ningaloo Centre construction (should be finalised in March 2017)
  - \$220k Recycle Site Shed/Office/Compound
  - \$33k Recycle Site Road Access/parking
  - \$146k Recycle Site - Baler Machine and Glass Crusher
  - \$1.7m Murat Road, includes road widening, intersection redesign, lighting, flood mitigation and shared bike/pedestrian path.
  - \$233K Upgrades to Maidstone Cr, Yardie Creek Rd & Ningaloo Access Rd
  - \$209k Aerodrome animal exclusion fencing
  - \$155k Bundegi Beach, upgrade to fender system and rust treatment
  - \$50k Marina, landscaping the public open space on both sides of the pedestrian walk bridge.
  - \$85k Tourism awareness entry signage

### Rating 2016/17

The 2016/17 Differential rating categories, rate in the dollar and minimum payment have been simplified, providing fairness and equity by ensuring that all ratepayers make a reasonable contribution to the rate burden.

To achieve this, Council has combined 11 differential rate codes that were levied in 2015/16, into 6 rating codes and proposed an average rate increase of 4.8%. To minimise any significant increases to those properties that have been combined, the rate model included providing a concession that would cap the maximum increase for any individual property to 10%.

A Notice of Intention to Levy Differential Rates for 2016/17 was advertised on 6 July 2016 in the Pilbara News and on public notice boards and the Shire's website. Public submissions were invited and closed on 27 July 2016.

Prior to the closing of the submission period, an 'Information Sheet for the Proposed Council Rates for 2016/17' was mailed to all ratepayers, communicating the reasons for the change in our rating categories and the level of concessions that were being proposed.

As a result of Council advertising the Differential Rating, Council received 25 submissions and a form of a statement with a total of 103 signatures on them. At its' Ordinary Council Meeting held 27 July 2016, during Public Question Time, several ratepayers expressed their concerns and asked Council to consider when adopting the 2016/17 Budget, the current economic climate when setting the level of concessions to be applied.

Council listened and subsequent changes have been incorporated into the 2016/17 Budget of the level of concession for Gross Rental Valuations for each zone where improved properties rates increase will now be capped at 5% and unimproved properties rates increase will remain at 10%.

Once Council adopt the 2016/17 Annual Budget, Council will communicate to the community through a variety of media channels, the projects and strategic outcomes that will be achieved as a result of this Budget.

## **CONSULTATION**

Shire of Exmouth Ratepayers

## **STATUTORY ENVIRONMENT**

Section 6.2 & 6.35 (5) Local Government Act 1995

Local Government Financial Management Regulations 22-33

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

The Budget outlines the financial plans for the Shire during 2016/17 and contains estimated revenue and expenditure which is monitored throughout the year with an estimated Closing Surplus of \$1,515.

**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

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

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER’S RECOMMENDATION**

**ITEM 8.1**

That Council in accordance with Section 6.2(1) of the Local Government Act 1995, having considered any submissions received on the intended Differential Rates, Specified Area Rate, adopt the Budget for the financial year ending June 30, 2017 as resolved below :-

Differential General Rates:

Impose a differential general rate on rateable land within the Municipality of Exmouth in accordance with Section 6.33 of the Local Government Act 1995 and adopt the following schedule of differential rates:

Rate Category	Rate in the Dollar \$	Minimum Payment \$
GRV General	0.0715	900.00
GRV Marina Developed	0.0983	900.00
GRV Holiday Homes	0.1011	900.00
GRV Vacant Land	0.1205	900.00
UV Mining	0.1552	284.00
UV Rural	0.0776	900.00
GRV Specified Area Rate	0.0130	66.00

Rating Concessions:

Apply a concession for the properties with a combination of zones and characteristics as follows:

Rate Category	Concession – Reduction in the Rate in the Dollar	Concession – Reduction in the Minimum Payment
GRV General – for properties zoned Residential and are predominantly used for residential purposes	\$0.0016	

Rate Category	Concession – Reduction in the Rate in the Dollar	Concession – Reduction in the Minimum Payment
GRV General – for properties zoned Special Rural and are developed	\$0.0147	
GRV General – for properties zoned Residential Development and used for residential purposes	\$0.0101	
GRV Vacant Land – for properties zoned Industrial, Light Industrial, Mixed Use, Strategic Industrial, Tourist, Town Centre and Composite Development	\$0.0096	
GRV Vacant Land – for properties zoned Special Rural and are vacant land	\$0.0490	
GRV Vacant Land – For properties zoned Residential Development and are vacant land		\$470.00
GRV Vacant Land – for properties zoned Residential and are vacant land	\$0.0472	
GRV Vacant Land – for properties zoned Marina and are vacant land	\$0.0015	
GRV Holiday Homes – for properties zoned Residential that have received Town Planning approval to operate as short term holiday accommodation	\$0.0312	
GRV Holiday Homes – for properties zoned Marina that have received Town Planning approval to operate as short term holiday accommodation	\$0.0009	
UV Rural – for properties zoned Rural and operate under a Pastoral Lease	\$0.0194	

#### Rubbish Removal Charges:

Set the following rubbish removal charges:

- a.** Residential \$355.00 for the weekly removal of each 240 litre mobile garbage bin; one collection per week.
- b.** Residential \$248.50 for the weekly removal of each 120 litre mobile garbage bin; one collection per week.
- c.** Commercial \$340.00 for the weekly removal of each 240 litre mobile garbage bin; one collection per week

Due Date for Payment of Rates and Charges:

The due date for the single payment of a rate or service charge for the 2016/17 financial year to be 16 September 2016

Due Date for Payment of Rate Instalments

Set the due date for the payment of rate instalments for the 2016/17 financial year as follows:-

First Instalment	16 September 2016
Second Instalment	16 November 2016
Third Instalment	16 January 2017
Fourth Instalment	16 March 2017

Options for Payment of Rates and Charges:

Option 1: Prompt Payment Due no later than 4:00pm on 16 September 2016

Option 2: Two equal instalments

- i)** First instalment due no later than 4:00pm on 16 September 2016
- ii)** Second instalment due no later than 4:00pm on 16 November 2016

Option 3: Four equal instalments

- i)** First instalment due no later than 4:00pm on 16 September 2016
- ii)** Second instalment due no later than 4:00pm on 16 November 2016
- iii)** Third instalment due no later than 4:00pm on 16 January 2017
- iv)** Fourth instalment due no later than 4:00pm on 16 March 2017

Administration Charge on Instalments:

Set an administration charge of \$14.00 per rate instalment notice for the 2016/17 financial year where the instalment plan is selected.

Interest on Rate Instalments

Set as an additional charge by way of interest where the instalment plan is selected an interest rate of 5.5% for the 2016/17 financial year.

Late Payment Interest Charge:

Set an interest rate of 11% for the 2016/17 financial year as penalty interest for the late payment of rates and charges.

Interest on Money Owing to Council – General Debtors:

Set an interest rate of 11% for the 2016/17 financial year and in accordance with Section 6.13(6) of the Local Government Act 1995, the period of time after which an account incurs interest is 60 days.

Reserve Fund:

Create Reserve Funds and allocate funds to and from the Reserve Funds for the financial year ending 30 June 2017 as specified in the 2016/17 Budget document.

Trust Fund Budget:

Adopt the Trust Fund Budget for the financial year ending 30 June 2017 as included in the 2016/17 Budget.

Imposition of Fees and Charges:

Adopt the Schedule of Fees and Charges for the financial year ending 30 June 2017 as included in the 2016/17 Budget.

Material Variance:

The 2016/17 Financial Statements presented to Council during the Financial Year for review and comparison to Budget will indicate Variance Value plus (+) or minus (-) of 10% or \$10,000, whichever is the greater.

Call Tenders:

Authorise the CEO to call Tenders for Goods and Services where there is provision in the 2016/17 Budget, with Council to determine the outcome of all Tenders.

- 9. ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 10. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**
- 11. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS**
- 12. CLOSURE OF MEETING**