



Ordinary Council Meeting
Agenda
22 November 2018

NOTICE OF MEETING

Notice is hereby given that the

Shire of Exmouth
Ordinary Council Meeting

will be held on
22 November 2018

Commencing at 4.00pm
In the Mandu Mandu Function Room, Ningaloo Centre,
2Truscott Crescent, Exmouth

Cameron Woods
Chief Executive Officer

22 November 2018

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.

Disclosure of Interest Form
(Elected Members/Committee Members/Employees/Contractors)

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

To: Chief Executive Officer

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

Report No _____

Report Title _____

Name _____

- Elected Member Committee Employee Contractor

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

- Proximity Financial Impartiality

Nature of Interest

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

Name: _____ Signed: _____ Date: _____

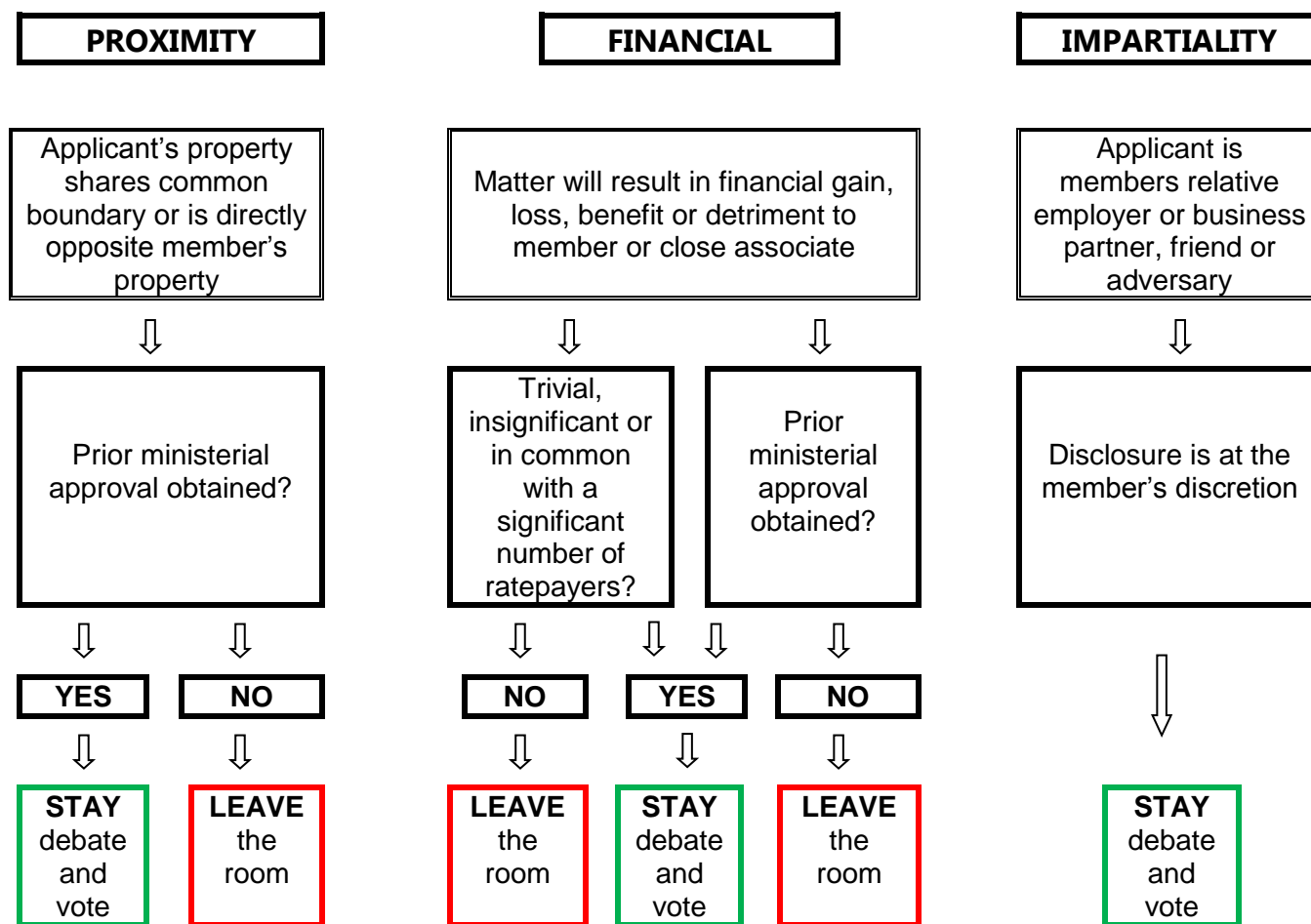
Note 1: For Ordinary meetings of Council, elected members and employees are requested to submit this completed form to the Chief Executive Officer prior to the meeting. Where this is not practicable, disclosure(s) must be given to the Chief Executive Officer prior to the matter being discussed.

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

OFFICE USE ONLY

CEO: _____ Signed: _____ Date: _____

* Declaring an Interest



Local Government Act 1995 - Extract

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

(1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest:

(a) in a written notice given to the CEO before the meeting; or (b) at the meeting immediately before the matter is discussed. (Penalties apply).

(2) It is a defence to a prosecution under this section if the member proves that he or she did not know:

(a) that he or she had an interest in the matter; or (b) that the matter in which he or she had an interest would be discussed at the meeting.

(3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

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

(1) In this section: 'employee' includes a person who, under a contract for services with the local government, provides advice or a report on a matter.

(2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.

(3) An employee who discloses an interest under this section must, if required to do so by the council or committee, as the case may be, disclose the extent of the interest. (Penalties apply).

5.71 - Employees to disclose interests relating to delegated functions.

If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and:

(a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter. (Penalties apply)

'Local Government (Administration) Regulations 1996 - Extract

In this clause and in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996:

"Interest" means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

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ORDINARY COUNCIL MEETING AGENDA

Our Vision To 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.

He advised the gallery the meeting will be recorded by the Executive Secretary for the purpose of compiling an accurate record of the minutes only; and the recording will be erased once they are confirmed.

2. **RECORD OF ATTENDANCE, APOLOGIES AND APPROVED LEAVE OF ABSENCE**

Councillor M (Matthew) Niikkula	Shire President
Councillor G (Gary) Mounsey	Deputy Shire President
Councillor B (Ben) Dixon	
Councillor H (Heather) Lake	
Councillor M (Mark) Lucas	
Councillor G (Gavin) Penfold	
Mr C Woods	Chief Executive Officer

Mr K Woodward
Mr M Bird
Mr K Wilson
Mrs M Head

Deputy Chief Executive Officer
Executive Manger Commercial and Community
Executive Manager Corporate Services
Minute Clerk

GALLERY

APOLOGIES

LEAVE OF ABSENCE

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4. PUBLIC QUESTIONS TIME

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

Council Consideration Towards Public

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

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

5. DECLARATIONS OF INTEREST

6. APPLICATIONS FOR LEAVE OF ABSENCE

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

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

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

That the Minutes of the Ordinary Meeting of the Shire of Exmouth held on the 25 October 2018 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****11. MATTERS ARISING FROM COMMITTEES OF COUNCIL**

12. REPORTS OF OFFICERS

EXECUTIVE SERVICES

12.1.1 ANNUAL COUNCIL POLICY MANUAL REVIEW

File Reference:	CM.PO.6
Responsible Officer:	Chief Executive Officer
Date of Report:	23 October 2018
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1 New Policy 2.5: Reserves Funding Policy and 2.15 Information Management – IT Systems Security.

PURPOSE

That Council adopt the reviewed Council Policy Manual dated 22 November 2018 to improve the effectiveness of the policy structure.

BACKGROUND

In 2017 the Department of Local Government and Communities (DLG) and the Western Australian Local Government Association (WALGA) have reviewed the Council Policy manual. The rescinded and amended policy manual review was reported to Council at the October 2017 Ordinary Council meeting.

COUNCIL RECOMMENDATION

ITEM 12.1

Res No: 06-1017

That Council:

1. Rescind the following policies from the 22 August 2017 Council Policy:

1.7 - Councillor Induction;

1.8 - Council Meetings;

1.9 - Committee Meetings;

1.12 - Local Government Elections;

1.13 - Civic Receptions;

1.18 - Provision of Business Cards for Councillors;

1.30 - Gratuity;

1.31 - Committee Fees and Expenses Benefits;

1.32 - Selection and Appointment of CEO;

2.6 - Token Gifts;

2.11 - Smoke Free Workplace;

- 2.16 - Joint Venture Aged Pension Units;**
4.1 - Volunteering and Volunteer Management;
7.2 - Sealing of Roads;
7.3 - Extra Mass Permits;
7.13 - Kerbing;
7.16 - Playground Equipment;
8.2 - Litter Control – Honorary Inspectors;
8.3 - Dog Control – Honorary Officers; and
8.6 - Camp Fires.
- 2. Authorise the transfer of the following policies to the Management Practice and Procedure Manual:**
- 1.21 - Attendance at Conferences, Seminars, Training Courses and Meetings;**
1.28 - Shire Security;
1.29 - Staff Induction Manual;
1.30 - Gratuity;
1.34 - Protection from the Sun for Outdoor Work;
1.37 - Apprenticeships & Trainees;
1.39 - First Aid Training;
1.40 - Medical Examination;
1.41 - Employee Grievance Policy;
1.43 - Personal Leave & Sick Leave (Entitlements);
2.7 - Responding to Repetitive and/or Abusive Requests;
2.8 - Complaints Handling;
4.2 - Hire and Use of Shire Venues; Shire Hall and Recreation Centre;
4.4 - Use of Social Media (Facebook) for Publicity;
5.6 - Group Instruction at the Paltridge Memorial Swimming Pool; and
8.1 - Use of Council Firearms.
- 3. Formally adopt the reviewed and new Council Policies numbered 1.1 to 8.5 contained within the Council Policy Manual 10 October 2017.**
- CARRIED 1/0**

The objectives of the Council's Policy Manual are:

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

The process associated with the Council Policy Manual review has been separated into three sections which are:

1. Rescind policy that should not be included in the Council Policy Manual;
2. Adopt the modified Council Policies; and
3. Adopt new Council Policies.

The Shire of Exmouth Draft Town Planning Scheme No. 4, as advertised, Revision 10 – May 2016 is scheduled to be presented before the Planning Minister Hon Rita Saffioti in November 2018 for endorsement. Once this occurs the Town Planning Scheme No. 4 and the associated policies will be reviewed and reported to Council.

COMMENT

It is recommended that the following policies are rescinded and removed from the Council Policy Manual. The justification is outlined in Table 1 below:

Table 1 - Rescind Policy

Policy	Justification
1.13 Employee Gifts on Retirement & Resignation	An administrative matter that is the responsibility of the CEO under Section 5.41 of the LGA.
1.15 Uniforms	An administrative matter that is the responsibility of the CEO under Section 5.41 of the LGA.
1.18 Email & Internet Usage	An administrative matter that is the responsibility of the CEO under Section 5.41 of the LGA.
1.19 Injury Management & Rehabilitation	An administrative matter that is the responsibility of the CEO under Section 5.41 of the LGA.
1.20 Equal Opportunity	An administrative matter that is the responsibility of the CEO under Section 5.41 of the LGA.
1.21 Sexual Harassment	An administrative matter that is the responsibility of the CEO under Section 5.41 of the LGA.
1.22 Occupational Safety & Health	An administrative matter that is the responsibility of the CEO under Section 5.41 of the LGA.
1.24 Managing Public Question Time	Governed by the Meeting Procedure Local Law 2015
1.25 Managing Petitions, Deputations, Presentations & Submissions	Governed by the Meeting Procedure Local Law 2015
2.5 Community Notice Board	An administrative matter that is the responsibility of the CEO under Section 5.41 of the LGA.
3.1 Learmonth Airport	An administrative matter that is the responsibility of the CEO under Section 5.41 of the LGA.
3.2 Exmouth Aerodrome	An administrative matter that is the responsibility of the CEO under Section 5.41 of the LGA.
3.3 Display of Promotional material and Advertising Signs at the Learmonth Airport Terminals.	An administrative matter that is the responsibility of the CEO under Section 5.41 of the LGA.

It is recommended that the following Policies are modified. The justification is outlined in Table 2 below:

Table 2 - Adoption of modified Council Policy

Policy		Justification
1.6	Council Briefing Sessions	Timing and to allow additional agenda preparation time.
1.9	Provision of Tablet (Internet Plan) to Councillors	Major amendments included expanding the scope of the policy to provide an either an allowance to Councillors as a contribution to a data plan for their own device or continue with providing a device and pay for the data plan. Also included a provision for either an allowance for staff who require a mobile plan for work related business calls or provide a phone with a plan.
2.1	Asset Capitalisation - Depreciation	Major amendments included a review of the useful life of asset categories in accordance with Local Government standards set for this region, including a section on the residual value of an asset to determine the depreciation expense in accordance with accounting standards and added a new section covering attractive & portable assets in accordance with new LG regulation 17B.
2.3	Common Seal	Reviewed the Common Seal policy to meet appropriate procedural requirements.
2.10	Debt Recovery	Minor changes around we now issue notice of intention to lodge claims with Magistrate Court rather than Notice of Intention to issue Summons.
2.14	Asset Management Policy	Asset Management Policy amended to include description of council assets in policy statement.

It is recommended that the following new policies are adopted. The justification is outlined in Table 3 below:

Table 3 - Adoption of new Council Policy (refer Attachment 1):

Policy		Justification
2.5	Reserves Policy	Reserve Policy is new and developed in accordance with S6.11 of the LGA.
2.15	Information Management – IT System Security	New policy covering Physical security, data security and access security.

CONSULTATION

The policies have been considered by the Executive Management Team and Councillors.

STATUTORY ENVIRONMENT

Section 2.7 (2)(b) of the *Local Government Act 1995* states that one of the roles of a Council is to determine the Local Government's policies.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

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

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.1.1

That Council adopt the reviewed Council Policy Manual dated 22 November 2018 to improve the effectiveness of the policy structure which includes;

1. Rescinding the following policies from the current Council Policy Manual dated 27 September 2018:
 - 1.24 - Managing Public Question Time
 - 1.25 - Managing Petitions, Deputations, Presentations & Submissions
 - 1.18 - Email and Internet Usage
 - 1.19 - Injury Management & Rehabilitation
 - 1.20 - Equal Opportunity
 - 1.21 - Sexual Harassment
 - 1.22 - Occupational Safety & Health
 - 2.5 - Community Notice Board
 - 3.1 - Learmonth Airport
 - 3.2 - Exmouth Aerodrome
 - 3.3 - Display of Promotional material and Advertising Signs at the Learmonth Airport Terminals.
2. Formally adopting the following modified Council policies:
 - 1.6 - Council Briefing Sessions
 - 1.9 - Provision of Tablet (Internet Plan) to Councillors
 - 2.1 - Asset Capitalisation – Depreciation
 - 2.3 - Common Seal
 - 2.10 - Debt Recovery
 - 2.14 - Asset Management Policy
3. Formally adopting the following new Council policies (refer Attachment 1):
 - 2.5 - Reserves Policy
 - 2.15 – Information Management – IT System Security

DEVELOPMENT SERVICES

12.2.1 SUBLEASE BETWEEN THE MENS SHED EXMOUTH WA AND THE CAPE RANGE RIDERS INC

File Reference:	CS.SP.6
Responsible Officer:	Deputy Chief Executive Officer
Date of Report:	November 2018
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Letters from the Exmouth Men's Shed and the Cape Range Riders.

PURPOSE

The purpose of this report is to commence the formal process associated with the Men's Shed subleasing part of their lease area to the Cape Range Riders.

BACKGROUND

The Shire has received a formal submission from the Men's Shed to sublease a portion of the lease area to the Cape Range riders. The letters and drawings are attached for Council's information.

COMMENT

The lease request to sublease aligns with Council Policy 2.4 Leases and Licences *"Where land and building assets are managed by the Shire under a management order for civic or community purposes, every effort should be undertaken to co-locate appropriate community groups and not for profit entities under a licence or lease agreement."* and *"a lease will only be provided to a not for profit incorporated organisation whom requires a lease to attract funding, or to invest funds for capital improvements. The maximum lease term will be 10 years with a further option of 10 years. These community leases can be established as a peppercorn rental but lessees will be responsible as a minimum for the following costs: i. Lease preparation and administration ii. Building insurance, contents insurance, public liability insurance, utilities, minor maintenance and waste service charges."*

Therefore, the Shire provided a letter of support *"Approval in Principle"* to the Men's Shed and Cape Range Riders to assist their Building Better Regions Fund (Community Investments Stream) grant application. The grant application is associated with a joint use shed.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995 Part 3, Division 3 section 3.58.

Local Government (Functions and General) Regulations 1996 Miscellaneous Part 6 r. 30

POLICY IMPLICATIONS

Policy No 2.4 Leases and Licences

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

- Economic: Diversify and grow our economy in a manner that provides year round employment opportunities
- 1.1 A diverse and environmentally aware local economy that can attract business investment and provide employment opportunities
 - 1.2 Facilitate the strengthening and growth of our visitor experience.
 - 1.3 Enable the provision of essential infrastructure that will support investment and diversify our economy.
- 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.
- 4.1 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

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.2.1

That Council:

1. Support the formalisation of a sublease between the Shire, the Exmouth Men's Shed and the Cape Ranger Riders.
2. Delegate authority to the Chief Executive Officer to administrate and execute the lease or sub lease documents.
3. Delegate authority to the Chief Executive Officer to approve any further conditions of the leases.

12.2.2 REQUEST FOR UNBUDGETED EXPENDITURE – SPRAY PARK SURFACE REMEDIAL WORKS

File Reference:	CP.MA.0
Responsible Officer:	Deputy Chief Executive Officer
Date of Report:	25 October 2018
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Briefing Note dated September 2018

PURPOSE

The purpose of this report is to obtain Council's approval to reallocate funds from A114100 Infrastructure (New) New Bore & Casing at Sanctuary Bore, to a new project associated with the Spray Park Concrete Surface Remediation.

BACKGROUND

In December 2017 the Shire of Exmouth undertook remedial works on the Spray Park surface with the removal of the original flooring and replaced with non-slip concrete surface. In January/February 2018 it was identified that the new surface was failing and contact with the contractor was made to discuss warranty and call-back works. This contractor after the works were completed was found to be obstructive and difficult to secure a commitment to revisit and rectify the failings. After numerous attempts it has been discovered that the Contractor no longer exists therefore remedial works would not be undertaken.

The current location of Sanctuary Bore is no longer in operation due to the ground water not being at a level conducive for extraction. The bore was planned to be relocated within the same water licence zone to ensure future requirements of water was secured. With Water Corporation's relocation of the waste water ponds it is their intention to supplement the waste water with bore water to ensure consistent delivery can be achieved over a 12 month period. The Water Corporation are funding a new bore under the Shire of Exmouth bore water licence near to the holding tanks. It is intended that the Shire of Exmouth will connect the Sanctuary Bore holding tank to this bore. The Water Corporation supports this initiative.

COMMENT

A local contractor was engaged to provide expertise on what is required to rectify the failings of the new surface. Consultation with local expertise through North West Relief Labour Hire Pty Ltd produced a report as below:

The main reason for the coating laminating etc., is because the existing expansion joints were filled with the spray coat which therefore stopped any movement. Also the water gets in the new cracks and underneath the sealer causing it to go milky. I feel the expansion joints should be recut to establish original moving points. Fill joints with a silicone type mastic that can be painted over. Grind parts of areas effected by cracking and milky look. Fill low areas that hold water causing fading in surface. Respray and coat areas repaired.

CONSULTATION

North West Relief Labour Hire Pty Ltd

STATUTORY ENVIRONMENT

Local Government Act 1995, Division 4, Section 6.8

6.8 Expenditure from municipal fund not included in annual budget

(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure –

- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
- (b) is authorised in advance by resolution*; or
- (c) is authorised in advance by the mayor or president in an emergency

POLICY IMPLICATIONS

2.7 Purchasing Policy

FINANCIAL IMPLICATIONS

The Spray Park concrete surface remedial works will be paid for by the reallocation of funds from A114100 Infrastructure (New) New Bore & casing at Sanctuary Bore. The reallocation of the funding allows for any variations that may present during the works as the contractor is not confident that all of the issues can be identified until removal of the existing surface reveals other faults. The remedial works will be closely monitored by Council Superintendent and variations will be clearly documented within an approval process.

STRATEGIC IMPLICATIONS

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

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

1.2 Facilitate the strengthening and growth of our visitor experience.

1.3 Enable the provision of essential infrastructure that will support investment and diversify our economy.

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.

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

- 4.1 To provide proactive, collaborative and transparent leadership
- 4.2 A local government that is respected and accountable.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.2.2

That Council, in accordance with Section 6.,8 (1)(b) of the *Local Government Act 1995* approve to incur unbudgeted expenditure to conduct remedial works required to the concrete surface of the Spray Park via a reallocation of funds from A114100 Infrastructure (New) New Bore & Casing at Sanctuary Bore.

12.2.3 BUSH FIRE BRIGADE LOCAL LAW

File Reference:	LE.LO.10
Responsible Officer:	Deputy Chief Executive Officer
Date of Report:	12 November 2018
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none">1. Legislative Officer Department of Local Government, Sport and Cultural Industries2. Minister for Emergency Services3. Captain of the Exmouth Volunteer Bush Fire Brigade4. Public Notice Advert

PURPOSE

That Council approve the following process related to the replacement of the Bushfire Brigade Local Law 2012 as gazetted 30 October 2012 No.197.

1. Consider the responses to the State-wide public notification associated Council Resolution 23 August 2018 as referenced below.
2. The Local Law is amended to include the recommendations from the Legislative Officer Department of Local Government, Sport and Cultural Industries.
3. Repeal the Exmouth Bushfire Brigade Local Law 2012 as gazetted 30 October 2012 No.197 and adopt the newly amended Exmouth Bushfire Brigade Local Law 2018.
4. Publish the repealed Local Law in the Government Gazette, after being published send a signed and sealed copy to the Minister for Local Government and the Minister for Emergency Services.
5. Give local public notice of gazettal published in a newspaper circulating generally throughout the State, and exhibited on a notice board of the local government's offices and every public library in the district.
6. Within 10 working days of the Gazettal date: supply copies of the Exmouth Bushfire Brigade Local Law 2018, Explanatory Memorandum, Statutory Procedures Checklist and other supporting material in accordance with Ministerial Directions, to the WA Parliament's Joint Standing Committee on Delegated Legislation.

BACKGROUND

The Shire of Exmouth Local Law relating to Bush Fire Brigades was adopted at the Council meeting 20 September 2012.

COUNCIL DECISION – 18-0912 – 10.6.2

**Moved Councillor Winzer, Seconded Councillor Fitzgerald.
That Council of the Shire of Exmouth:**

- 1) Under the provisions of Section 3.12 of the Local Government Act 1995:
 - a. adopt the Shire of Exmouth Bush Fire Brigades Local Law 2012 as attached**
 - b. publish the Shire of Exmouth Bush Fire Brigades Local Law 2012 in the Government Gazette and provide local public notice of the Local Law.****
- 2) Forward copies of the gazetted Shire of Exmouth Bush Fire Brigades Local Law 2012 to the Minister for Emergency Services and the Minister for Local Government, and provide documentation supporting the Local Law to the Joint Standing Committee on Delegated Legislation.**

CARRIED by ABSOLUTE MAJORITY 6/0

During 2017 the Shire of Exmouth and the Department of Fire and Emergency Services have implemented a Memorandum of Understanding to give operational control of any Bushfire Brigade established within the Shire of Exmouth to the Department of Fire and Emergency Services.

As a result of this Memorandum of Understanding a new Local Law relating to Bush Fire Brigades needs to be adopted to accurately reflect this relationship.

At the ordinary council meeting 23 August 2018 council moved to:

OFFICER'S RECOMMENDATION**ITEM 12.2.1**

That Council:

- I. Adopt the proposed Shire of Exmouth Bushfire Brigade Local Law 2018 for advertising;**
- II. Give Statewide public notice stating that:
 - i. the local government proposes to make a local law the purpose and effect of which is summarized in the notice;**
 - ii. a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and**
 - iii. submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.****
- III. A final report is presented to Council for consideration of any submissions received.**

COMMENT

Local Governments have been responsible for Bush Fire Brigades and have adopted Local Laws to manage them through the *Bush Fires Act 1954*. As part of the Memorandum of Understanding with the Department of Fire and Emergency Services, the Department has supplied the Shire of Exmouth with the proposed Bush Fire Brigades Local Law 2018 to assist in the adoption of Local Laws

supplementary to the *Bush Fires Act 1954* and accurately capturing the Departments greater responsibility to the operation of Bush Fire Brigades.

CONSULTATION

The advertisement (Attachment 4) was displayed in the following newspapers circulated within the district:

- The West Australian newspaper for 8 weeks beginning September 8.
- The Pilbara News classifieds for 8 weeks beginning September 12.

The attached advertisement was also displayed locally:

- On the Exmouth public Library noticeboard for 8 weeks beginning September 8.
- On the public noticeboard in the Ross Street Mall for 8 weeks beginning September 8.
- On the Shire of Exmouth Website beginning September 8.

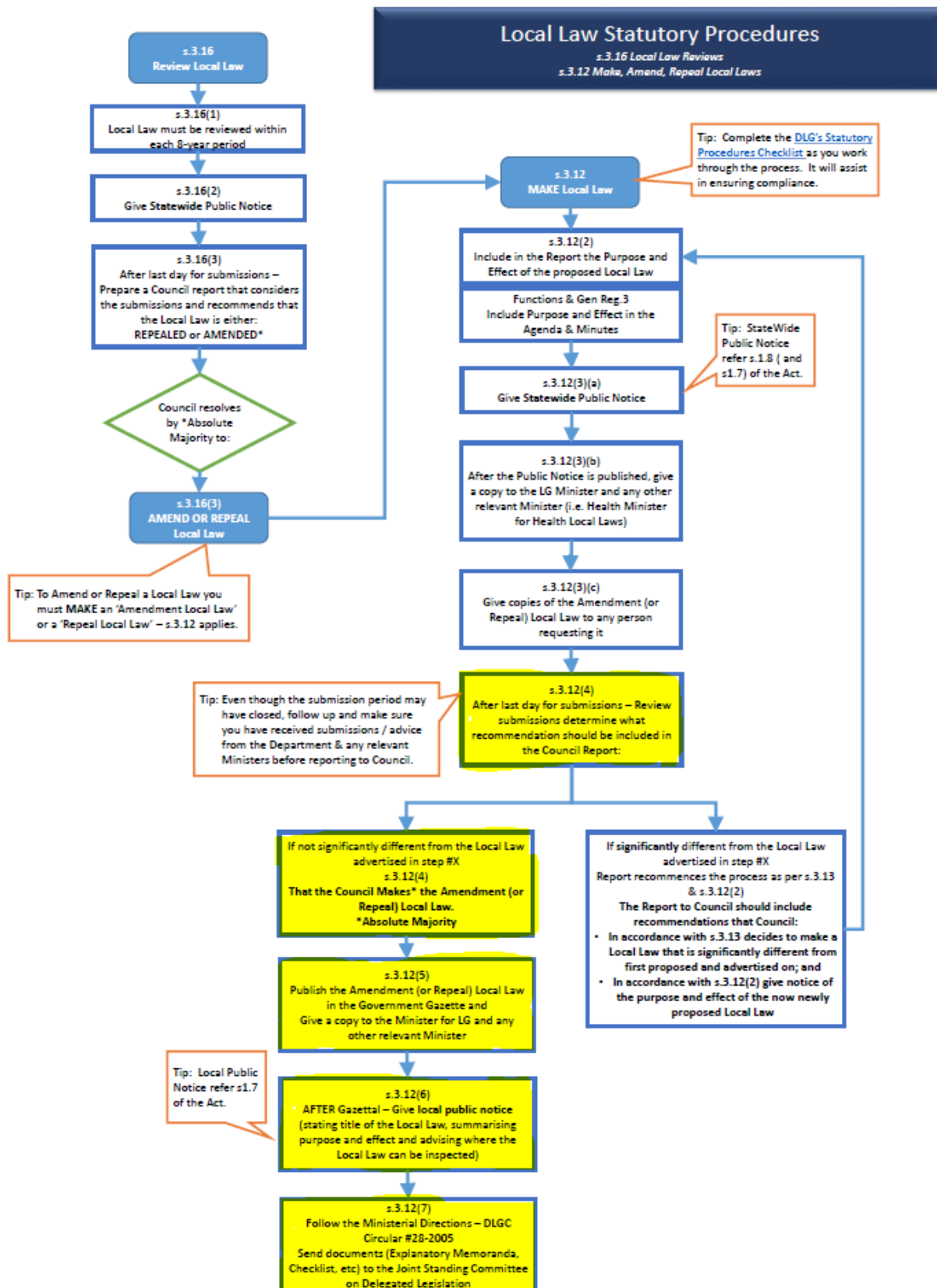
After the public notice had been published Section 3.12(3)(b) of the *Local Government Act 1995* required the Local Government to send a copy of the proposed Local Law to the Minister for Local Government and any other relevant Minister which in this case was the Minister for Emergency Services.

The proposed local law was forwarded to both ministers on September 19 along with a copy of the advertisement notice. The responses received are found in Attachment 2 and 3.

STATUTORY ENVIRONMENT

The *Local Government Act 1995* requires the person presiding at a Council meeting to give notice of the purpose and effect of the proposed local law by ensuring that the purpose and effect are included in the agenda for the meeting and that the minutes of the meeting include the purpose and effect of the proposed Local Law. Subsequently, the purpose and effect of the proposed Local Law are as follows:

Section 3.12 of the *Local Government Act 1995* sets out the Statutory Procedures to make a Local Law. A summary of 3.12 is:



(Note: the yellow highlighted sections of the graph above show the next procedural steps associated with recommendations in this report)

- Purpose
The purpose of the proposed Shire of Exmouth Bush Fire Brigades Local Law is to provide for the regulation, control and management of bush fire brigades within the district.
- Effect
The effect of the proposed Local Law is to ensure safe, fair and equitable control of bushfire brigades jointly managed by the Department of Fire and Emergency Services and the Shire of Exmouth.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

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

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.2.3

That Council:

1. Consider the responses to the State-wide public notification associated Council Resolution 23 August 2018 as referenced below.
2. Authorise the Local Law amendment to include the recommendations from the Legislative Officer Department of Local Government, Sport and Cultural Industries.
3. Authorise the repeal the Exmouth Bushfire Brigade Local Law 2012 as gazetted 30 October 2012 No.197 and adopt the newly amended Exmouth Bushfire Brigade Local Law 2018.
4. Publish the repealed Local Law in the Government Gazette, after being published send a signed and sealed copy to the Minister for Local Government and the Minister for Emergency Services.

5. Give local public notice of gazettal published in a newspaper circulating generally throughout the State, and exhibited on a notice board of the local government's offices and every public library in the district.
6. Within 10 working days of the Gazettal date: supply copies of the Exmouth Bushfire Brigade Local Law 2018, Explanatory Memorandum, Statutory Procedures Checklist and other supporting material in accordance with Ministerial Directions, to the WA Parliament's Joint Standing Committee on Delegated Legislation.

CORPORATE SERVICES

12.4.1 FINANCIAL STATEMENTS FOR PERIOD ENDING 31 OCTOBER 2018

File Reference:	FM.FI.0
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	31 October 2018
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Monthly Financial Report as at 31 October 2018

PURPOSE

This report recommends Council accepts the financial reports for the financial periods ending 31 October 2018.

BACKGROUND

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

COMMENT

Revenue 4.5% over budget mainly in fees and charges (airport operations), interest earnings and other revenue

Expenditure is 1.9% over year to date budget, however this is mainly as a result of depreciation being over budget in roads and infrastructure resulting from the asset revaluation which was not recognised in 2018/19 budget due to the timing of the valuation reports. These will be adjust at midyear review.

The year to date surplus is high due to delayed capital acquisition program and disposal of assets.

2017/18 Annual Financial Audit is being finalised and is expected to be presented to the Audit Committee in November.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

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

In accordance with Regulation 34 (5), a report must be compiled on variances greater than the materiality threshold adopted by Council of \$10,000 or 10% whichever is greater. As this report is

composed at a program level, variance commentary considers the most significant items that comprise the variance.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.4.1

That Council receives the Financial Report for the financial period ending 31 October 2018.

12.4.2 LIST OF ACCOUNTS FOR PERIOD ENDING 31 OCTOBER 2018

File Reference:	FM.FI.0
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	7 November 2018
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	List of Accounts for period ending 31 October 2018

PURPOSE

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

BACKGROUND

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

COMMENT

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

October Payments

Municipal Fund totalling \$904,809.98
Incorporating cheques, direct debits, electronic payments and credit cards.

Trust Fund totalling \$1,118.25
Incorporating cheques and electronic payments.

Total October Payments: \$905,928.23

CONSULTATION

Nil

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

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

4.2 A local government that is respected and accountable.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION**ITEM 12.4.2**

That Council pursuant to Sections 6.7 and 6.9 of the Local Government Act 1995 receives the report of payments made from the Municipal and Trust bank accounts during the month of October 2018 (*totalling \$905,928.23*).

ITEMS FOR INFORMATION ONLY

12.5.1 ITEMS FOR INFORMATION ONLY

PURPOSE

To advise Council of the information items for February 2018 as listed below.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

ITEM 12.5.1

That Council note the following information items:

Register of Documents Stamped with the Shire of Exmouth Common Seal

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

DATE	DOCUMENT
Nil	

Concessions on Fees for Council Facilities

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

NAME	REASON	AMOUNT (exc GST)
Exmouth Volunteer Fire & Rescue Service	Recreation Centre Hire Fees 10/08/2018 for AFL Raffle Draw Night	\$ 43.00

Building Decisions Issued

To provide Council with the building licence and building certificate applications and approvals made under Delegation pursuant to the Building Act 2011 up to 31 October 2018.

App #	Date Received	Lot	Property Address	Description	Decision	Decision Date
18/63	1/10/18	273	32 Christie Street	New Construction Timber Decking & above ground Swimming Pool	Approved	10/10/18
18/64	9/10/18	84	Lyndon Location, Exmouth	Demolition of old BOM Building site at Airport	Approved	16/10/18

Planning Decisions Issued

To advise Council of the following planning decisions issued under delegation for the period ending 31 October 2018.

App #	Date Received	Lot	Property Address	Description.	Decision	Decision Date
PA112/16	25/08/16	1586 and 1587	164 Lyndon Location Exmouth Gulf Pastoral Station	Use Not Listed (Nature Based Park)	Deferred	27/07/18
PA65/18	8/06/18	198	Yardie Creek Rd	Caravan Park Additions	Deferred	14/06/18
PA72/18	3/07/18	321	Minilya-Exmouth Rd	Outbuilding	Deferred	04/09/18
PA74/18	9/07/18	417	54 Madaffari Drive	Single House & Swimming Pool	Approved	30/10/18
PA76/18	12/07/18	2	Yardie Creek Road	Change of Use	Processing	
PA82/18	30/07/18	311	561 Maidstone Crescent	Signage	Approved	08/11/18
PA84/18	3/08/18	462	16 Osprey Way	Garage	Deferred	4/09/18
PA91/18	13/08/18	382	36 Corella Court	Single House & Swimming Pool	Processing	
PA92/18	15/08/18	101	15 Ingram Street	Concrete Batching Plant	Approved	29/10/18
PA94/18	16/08/18	134	63 Skipjack Circle	Outbuilding and Carport	Approved	31/10/18
PA96/18	17/08/18	963	27 Patterson Way	Change of Use	Deferred	07/09/18
PA101/18	29/08/18	1134	13 Koolinda Way	Swimming Pool	Refused	29/10/18
PA108/18	19/09/18	432	84 Madaffari Drive	Single House & Swimming Pool	Processing	
PA101/18	5/10/18	311	12 Maidstone Crescent	Incidental Use 'Shop' (Beauty Therapy)	Approved	10/10/18
PA112/18	11/10/18	461	14 Osprey Way	Single House	Processing	
PA115/18	19/10/18	131	42 Young Street	Amendment to PA106/18 – Extension Time for Outbuilding	Deferred	31/10/18
PA116/18	23/10/18	319	11 Pellew Street	Change of Use	Processing	

Permits issued for an Activity on Local Government Property

Month	No. Applications
October	1

OFFICER'S RECOMMENDATION

ITEM 12.5.1

That Council note the following information items:

- Register of Documents Stamped with the Shire of Exmouth Common Seal;
- Concessions on Fees for Council Facilities for 31 October 2018;
- Building Decisions Issued up to 31 October 2018; and
- Planning Decisions Issued up to 31 October 2018.

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