

Shire of Exmouth

ORDINARY COUNCIL MEETING

AGENDA



25 June 2020

NOTICE OF MEETING

Notice is hereby given that the

Shire of Exmouth
Ordinary Council Meeting
will be held on
25 June 2020
Commencing at 4.00pm
In the Mandu Mandu Function Room, Ningaloo Centre,
2Truscott Crescent, Exmouth

Cameron Woods
Chief Executive Officer

Disclaimer

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

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

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

In particular and without derogating in any way from the broader disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Exmouth during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Exmouth. The Shire of Exmouth warns that anyone who has an application lodged with the Shire of Exmouth must obtain and should only rely on written confirmation of the outcome of the application, and any conditions attached to the decision made by the Shire of Exmouth in respect of the application.

Shire of Exmouth

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Email: records@exmouth.wa.gov.au | Website: www.exmouth.wa.gov.au

Disclosure of Interest Form

(Elected Members/Committee Members/Employees/Contractors)

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

To: Chief Executive Officer

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

Report No _____

Report Title _____

Name _____

- Elected Member
- Committee
- Employee
- Contractor

Type of Interest (*see overleaf for further information)

- Proximity
- Financial
- Impartiality

Nature of Interest

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

Name: _____ Signed: _____ Date: _____

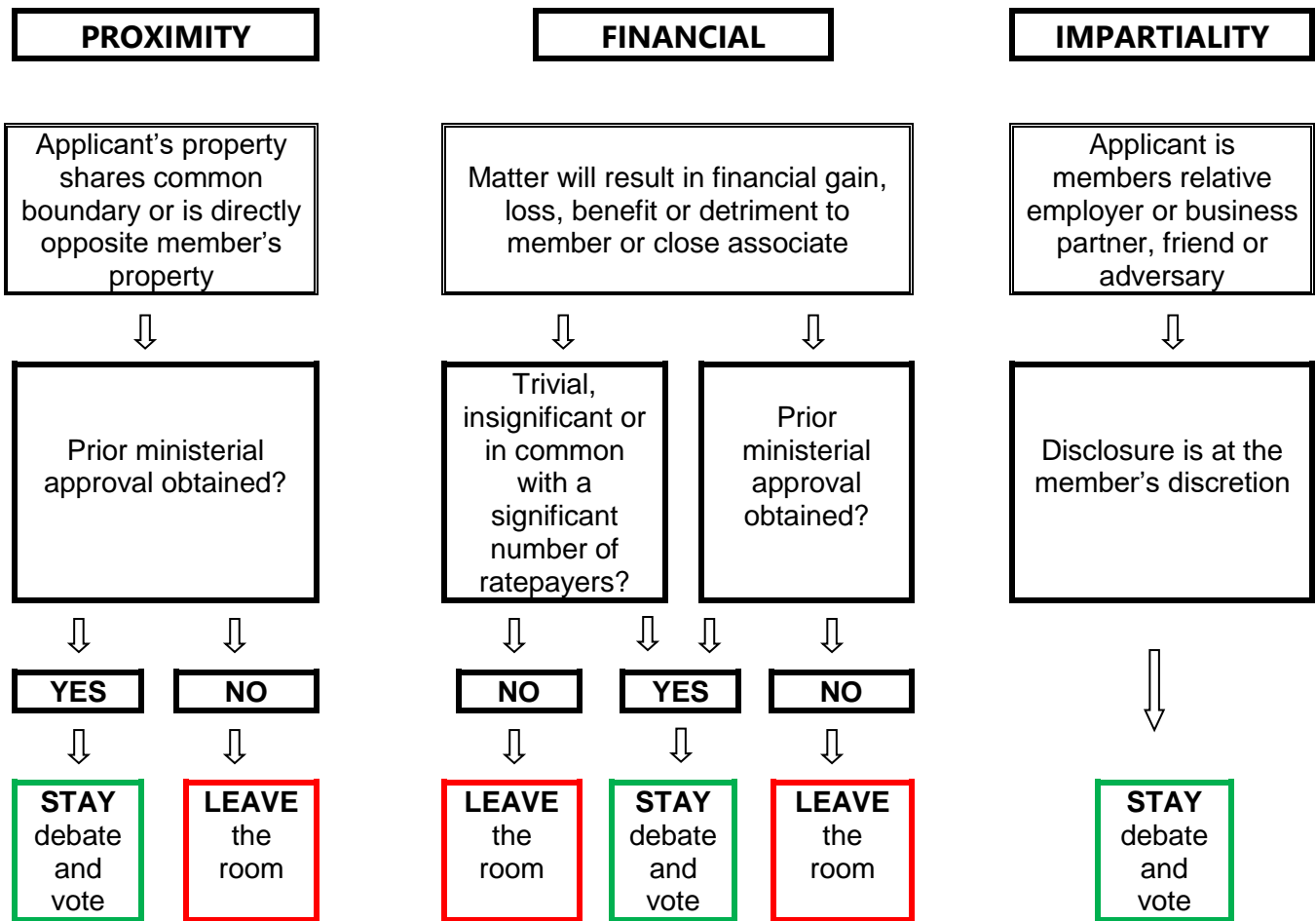
Note 1: For Ordinary meetings of Council, elected members and employees are requested to submit this completed form to the Chief Executive Officer prior to the meeting. Where this is not practicable, disclosure(s) must be given to the Chief Executive Officer prior to the matter being discussed.

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

OFFICE USE ONLY

CEO: _____ Signed: _____ Date: _____

*** Declaring an Interest**



Local Government Act 1995 - Extract

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

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

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

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

5.71 - Employees to disclose interests relating to delegated functions.

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

'Local Government (Administration) Regulations 1996 – Extract

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

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

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AGENDA

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

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

Our Strategic Objectives

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

1. **DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS**

The Shire President declared the meeting open at XX

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

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

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

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

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

Mr G Coetzee
Ms Head

Executive Manager Corporate Services
Minute Clerk

GALLERY

APOLOGIES

LEAVE OF ABSENCE

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTIONS TIME

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

Council Consideration Towards Public

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

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

5. DECLARATIONS OF INTEREST

6. APPLICATIONS FOR LEAVE OF ABSENCE

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

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

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

That the Minutes and associated attachments of the Ordinary Meeting of the Shire of Exmouth held on the 28 May 2020 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

Nil

11. MATTERS ARISING FROM COMMITTEES OF COUNCIL

Nil

12. REPORTS OF OFFICERS

EXECUTIVE SERVICES

12.1.1 ANNUAL REVIEW – COUNCIL POLICY MANUAL

File Reference:	CM.PO.6
Reporting Officer:	Executive Secretary
Responsible Officer:	Chief Executive Officer
Date of Report:	8 June 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Reviewed Council Policy Manual

PURPOSE

The Council Policy Manual is required to be reviewed on an annual basis. This report provides Council with the policy review and providing recommendations regarding policy that requires rescinding or modifying, creation of a new policy and noting those without change.

BACKGROUND

The objectives of the Council's Policy Manual are:

- To provide Council with a formal written record of all policy decisions;
- To provide staff with precise guidelines in which to act in accordance with Council's wishes;
- To enable 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 staff or 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.

An annual review (financial year) of all Council policies is undertaken to adhere to the Shire of Exmouth Compliance Calendar, which is the basis of the Compliance Audit Return submitted to the Department of Local Government, Sport and Cultural Industries annually.

The last annual review was endorsed by Council at the Ordinary Council Meeting held 22 November 2018:

COUNCIL RESOLUTION

ITEM 12.1.2

Res No: 08-1219

That Council ENDORSE the:

- 1. Following modified Council policies:**
 - 2.1 – Asset Capitalisation**
 - 2.2 – Interest Free Loans to Clubs and Organisations**
 - 2.6 – Investment Policy**
 - 2.7 – Procurement Policy**
 - 2.11 – Use of Corporate Credit Cards**
 - 2.13 – Risk Management Policy**
 - 2.15 – Information Management – IT Systems Security**

- 2. Review of the following policies which require no change:**
 - 2.3 – Common Seal**
 - 2.4 – Leases and Licences**
 - 2.5 – Reserve Funding Policy**
 - 2.8 – Distribution and Display of Promotional and Advertising Material at Council Offices or Buildings**
 - 2.9 – Disposal of Surplus Council Furniture and Equipment**
 - 2.10 – Debt Recovery**
 - 2.12 – Regional Price Preference**
 - 2.14 – Asset Management Policy**
 - 2.16 – Record Management Policy**
 - 2.17 – Related Party Disclosures**

CARRIED 6/0

Subsequent minor reviews have been approved by Council since the previous annual review. The table below provides a summary of these:

Policy No.	Policy Name	Action	Details (Include OCM date & Council Dec No.)
4.2	CSRFF Small Grant Policy	New Policy	OCM 28/02/19 Council Decision 09-0219
4.3	Economic Development	New Policy	OCM 28/02/19 Council Decision 10-0219
6.1 6.3 6.4 6.5 6.6 6.7 6.9, 6.11 6.12 6.13 6.14 6.16 6.17 6.18 6.19 6.20 6.21,	Home Occupation Ancillary Accommodation Caretakers Dwelling Bed and Breakfast Accommodation Outbuildings Murat Road Development Guidelines Use of Sea Containers Parking Holiday Accommodation Temporary Workers Accommodation Design Guidelines for Exmouth Marina Village Precinct A Design Guidelines for Exmouth Marina Village Precinct A Design Guidelines for lot 11 and 12 Market Street Town Planning Fees District Water Management Strategy Design Guidelines for Exmouth Marina Village Precinct B Design Guidelines for Exmouth Marina Village Precinct C	Rescinded	OCM 28/02/19 Council Decision 08-0219

6.22	Sand and Dust Control		
6.23.	Second hand Buildings and Second hand Building Materials		
2.16	Records Policy	New Policy	OCM 28/03/19 Council Decision 07-0919
4.1	Sponsorship Policy	Modified	OCM 02/05/19 Council Decision 03-0419
6.8	Signs	Modified	OCM 27/06/19 Council Decision 05-0619
2.17	Related Party Disclosures	New Policy	OCM 27/06/19 Council Decision 07-0619
1.16	Ex-Factor Allowance (Cost of Living Assistance)	Rescinded	OCM 25/07/19 Council Decision 03-0719
6.24 6.25	Container Deposit Scheme Infrastructure Exmouth Boat Harbour Development Plan	New Policy New Policy	OCM 22/08/19 Council Decision 03-0819 Council Decision 04-0819
1.13 1.21	Acting Chief Executive Officer Appointment of Acting Chief Executive Officer	Rescinded New Policy	OCM 24/10/19 Council Decision 05-1019
6.10 6.15 6.2	Landscaping Construction of Shed/Barn Style dwellings Colour Palette for Developments	Rescinded Rescinded Modified	OCM 28/11/19 Council Decision 06-1119
2.1 2.2 2.6 2.7 2.11 2.13 2.15	Asset Capitalisation Interest Free Loans to Clubs and Organisations Investment Policy Procurement Policy Use of Corporate Credit Cards Risk Management Policy Information Management – IT Systems Security	Modified	OCM 19/12/19 Council Decision 08-1219 CORPORATE SERVICES DIRECTORATE COMPLETE REVIEW
2.18	Financial Hardship Policy – COVID-19	New Policy	SCM 23/04/20 Council Decision 02-0420
8.4	Emergency Overflow Camping Grounds	Modified	SCM 23/04/20 Council Decision 03-0420
1.22	Electronic Meetings (Council and Committee)	New Policy	SCM 23/04/20 Council Decision 08-0420
6.8 6.8	Signs Advertising Signage, Town Centre Public Space Permit, And Outdoor Eating Permit Policy	Rescinded New Policy (using same policy number)	OCM 28/05/20 Council Decision 08-0520
6.9	Itinerant Trading	New Policy	OCM 28/05/20 Council Decision 09-0520

COMMENT

The process associated with this Council Policy Manual review has been separated into four sections for Council consideration:

1. *Rescind* redundant policies;
2. Adopt *modified* policies;
3. Adopt *new* policies; and
4. *Note* policies reviewed and no changes recommended.

In addition to the above, minor updates to position titles, Act and legislation references, grammatical and formatting errors have also been made to ensure the manual remains current.

Table 1 – Proposed Rescinded Policies

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

Policy	Title	Justification
5.1	Building Permit Fees	These fees are statutory and set by the Building Commission, therefore Council policy is not required.
5.3	Building Control – Verandahs and Awnings over Streets	A building policy is not required as any work upon local government property requires development approval in the first instance.
7.1	Multi Use Paths within the Exmouth Town site.	To be replaced with a 10-year Pathway Master Plan which will identify a strategic framework of pathway development based on population density, demographics, high traffic areas and access to important community hubs i.e. CBD schools, hospital, recreational areas etc. Current policy is committing Council to works not necessarily of the greatest value to its community
7.6	Crossovers and Verges – within Townsite	Replaced by new policy
7.7	Crossover – Commercial and Outside Townsite	Replaced by new policy
7.9	Lighting - Street, Footpaths, Recreation and Other Areas	The legislative obligation to provide street lighting is managed by Horizon Power and Western Power State Policy. Local government is required to use their process for any new installations or modification to State network. The management of street lighting associated with new sub-divisions is done via Western Australian Planning Commission development conditions. Other lighting requirements for incidental Shire infrastructure can be facilitated via Council and the capital works programme.
8.1	Vandalism – Reward for Conviction	Policy has not been used since its adoption in 2012.
8.2	Cyclone Clean-up	Policy in current form is no longer consistent with its original intent

Table 2 – Proposed Modified Policies

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

Policy	Title	Justification
1.2	Use of Council Logo	Reference to branding style guide to be removed.
1.6	Council Briefing Sessions	Updated commencement time of briefing session from 3pm to <i>'prescribed time'</i> .
1.7	Legal Representation Costs Indemnification	Update purpose to include <i>"councillors and employees of the Shire of Exmouth"</i>
1.8	Public Relations – Press Release	Rewording only: <i>"with approval of the Chief Executive Officer...."</i> to replace <i>'Subject to the authorisation of the Chief Executive Officer.....'</i>
1.12	Council Vehicle Fleet	Remove category 2 in vehicle categories table; notation to specific car makes; Deputy CEO position and the log book requirement for officers who are allocated a Shire vehicles full time.
1.14	Council Employees Housing	Edit reference to Residential Tenancy Act – amend to 1987
1.15	Relocation Expenses	Remove sentence – <i>"The CEO may approve reasonable requests for alternate arrangements in lieu of reimbursement of removal expenses to assist with resettlement if the dollar value does not exceed \$6000."</i>
1.17	Fitness for Work – Drug and Alcohol	<p>Change sentence under the <i>Alcohol Standard</i> heading From: <i>'if a confirmed result is returned with a BAC reading of 0.02% or less the person will not be in breach of...</i> To: <i>'if a confirmed result is returned with a BAC Reading of less than 0.02% the person will not be in breach of ..."</i>. This change aligns with CASA and our updated Fitness for work Procedure in December 2019.</p> <p>Add under Types of Drug and Alcohol Testing: <i>'Daily (BAC) Testing'</i>.</p> <p>Add under Testing Agency at end of last sentence: <i>'or authorised representative of the Shire'</i>.</p>
1.19	CEO Performance Review	<p>Update paragraph: <i>All Councillors seeking appointment to the CEO review panel are encouraged to undertake the relevant CEO performance review training course provided by WALGA.</i> To:</p>

		<i>As a minimum the Chair of the CEO Performance Review Committee is to undertake the relevant CEO performance review training course provided by WALGA.</i>
1.20	Responsible Service of Alcohol	Incorrect policy numbers referred: to be updated.
2.2	Interest Free Loans to Clubs and Organisations	Incorrect reserve name: update from Community Development Reserve Fund to <i>Community Interest Free Loans Reserve</i>
2.3	Common Seal	Update list of 'documents to be sealed' current policy only refers to transfer of land. Common Seal Register to details to include the council decision reference number.
2.4	Leases and Licences	Public liability; increase to \$20 million. Move the paragraph titled ' <i>Essential Differences between Lease and Licenses</i> ' before the ' <i>Guiding Principles</i> ' paragraph to provide the reader with a better understanding of the differences prior to reading the policy. Commercial lease tenure - minimum of 10 years with a further option of 10 years amended to read: <i>"The <u>maximum</u> lease term will be 10 years with a further option of up to 10 years.</i> Not for Profit incorporated organisation lease tenure – minimum lease term will be 10 years with a further option of 10 years amended to read: <i>'The <u>maximum</u> lease term will be <u>5</u> years with a further option of up to 5 years.'</i>
2.12	Regional Price Preference Policy	Inclusion of map and definition of Prescribed Area - <i>The local government area of Shire of Exmouth.</i>
4.1	Sponsorship Policy	Addition of dot point under Economic heading <i>Add- Applicants for MESP must demonstrate (explain) how their event has the potential to deliver significant Council outcomes to the Shire of Exmouth. Update position title.</i>
4.2	Community Sports and Recreation Facilities Funding (CSRFF) Small Grant Policy	Update department details - Department of Local Government, Sport and Cultural Industries (DLGSCI); DSP = DLGSCI throughout document. Add Eligibility criteria to read ' <i>Have discussed their project with Shire and DLGSCI Officers</i> '.
5.5	Temporary Accommodation (Caravans)	A review was conducted on Policy 5.5 – Temporary Accommodation (Caravans) with the aim of keeping the policy clear and separating out the requirements of those who are seeking temporary accommodation with family and friends while visiting Exmouth from those seeking approval to reside in a caravan park while constructing a dwelling. Simplifies policy and provides clearer guidance, previously located under item 2.

		Ensure camps are not located where they may encroach on vehicle access areas or neighbouring properties. Ensure tents are located in an area where there is reduced visual impact.
7.3	Guidelines and Specifications for the Design and Construction of Storm Water Drainage Systems	Revision of policy and included additional reference documents: <i>Exmouth Floodplain Study 2007</i> <i>District Water Management Study V11049</i>
7.5	Verge Enhancement	Deleted redundant references to "Executive Manager Engineering Services" and "Town Site Tree Policy". Included Clause 3 concerning tree removal to replace reference to "Town Site Tree Policy". Removed the requirement to plant two trees on the verge. Added applications outside of the policy could be assessed case by case. Definitions reformatted but same context
7.8	Alterations or Damage to Council Street Infrastructure	Deleted redundant references to "Executive Manager Engineering Services". Added "drawings" as an accompaniment to the application for alterations. Included street trees as assets to be protected by the policy. Edited grammar regarding non-compliance with Shire specification for easier reading. Context of policy remains unchanged.
7.10	Private Works	Included paragraph "A site inspection of the proposed works is undertaken by an authorised Shire officer". Grammar amended in paragraph regarding cost estimation to read "A formal cost estimation is prepared by the authorised officer and written advice is received from the customer agreeing to the work and price."

Table 3 – Proposed New Policy

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

Policy	Title	Justification
5.7	Temporary Accommodation (Construction of a dwelling)	A review was conducted on Policy 5.5 – Temporary Accommodation (Caravans) with the aim separating out the requirements of those who are approval to reside in a caravan while constructing a dwelling.
7.6	Vehicle Crossover	Combine the two existing Vehicle Crossover policies for simplification and inclusion of standards

Table 4 - Unchanged Policy

It is recommended that the following policies outlined in Table 4 are noted. These policies have been reviewed and considered relevant to the working of Council and its staff in their existing format. No amendments have been made.

Policy	Title
1.1	Senior Employees
1.3	Fauna/Flora Emblems
1.4	Citizenship Ceremonies
1.5	Election of Committees and Representatives
1.9	Provision, Usage and Disposal of Digital Equipment
1.10	Honorary Freeman
1.11	Councillor Complaints Policy
1.18	Code of Conduct for Employee, Elected Members and Committee Members
1.21	Appointment of Acting Chief Executive Officer
1.22	Electronic Meetings (Council and Committee Meetings)
2.1	Asset Capitalisation
2.5	Reserves Funding Policy
2.6	Investment Policy
2.7	Procurement Policy
2.8	Distribution and Display of Promotional and Advertising Material at Council Offices or Buildings
2.9	Disposal of Surplus Council Furniture and Equipment
2.10	Debt Recovery
2.11	Use of Corporate Credit Card
2.13	Risk Management Policy
2.14	Asset Management Policy
2.15	Information Management – IT Systems Security
2.16	Record Management Policy
2.17	Related Party Disclosures
2.18	Financial Hardship Policy - COVID-19
4.3	Economic Development Policy
5.2	Refund of Building Permit Fees
5.4	Water Tanks – Building Control
5.6	Smoke Free Outdoor
6.2	Colour Palette for Developments
6.8	Advertising Signs, Town Centre Public Space & Outdoor Eating Permit
6.9	Itinerant Trading
6.24	Container Deposit Scheme Infrastructure
6.25	Exmouth Boat Harbour Development Plan
7.2	Use of Shire Resources for Community Works
7.4	Specification for the Design and Construction of Roads, Footpaths and Car Parks
7.11	Responsibilities at School – Pedestrian and Vehicle Facilities
8.3	Camping on Exmouth Recreation Ground
8.4	Emergency Overflow Camping Grounds
8.5	Multiple Dogs

CONSULTATION

The policies have been considered by Shire staff relevant to administering the policy 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

If Council approve the officer recommendations then the Shire of Exmouth Council Policy Manual will be amended.

FINANCIAL IMPLICATIONS

Nil

ALTERNATE OPTIONS

Council may consider to amend, decline, retain or adopt any combination of policies within the report rather than support the recommendations provided by the reporting officer.

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 RECOMMENDATIONS

ITEM 12.1.1

RECOMMENDATION 1

That Council **RESCIND** the following policies:

Policy	Title	Justification
5.1	Building Permit Fees	These fees are statutory and set by the Building Commission, therefore Council policy is not required.
5.3	Building Control – Verandahs and Awnings over Streets	A building policy is not required as any work upon local government property requires development approval in the first instance.
7.1	Multi Use Paths within the Exmouth Town site.	To be replaced with a 10-year Pathway Master Plan which will identify a strategic framework of pathway development based on population density, demographics, high traffic areas and access to important community hubs i.e. CBD schools, hospital, recreational areas etc.

		Current policy is committing Council to works not necessarily of the greatest value to its community
7.6	Crossovers and Verges – within Townsite	Replaced by new policy
7.7	Crossover – Commercial and Outside Townsite	Replaced by new policy
7.9	Lighting - Street, Footpaths, Recreation and Other Areas	<p>The legislative obligation to provide street lighting is managed by Horizon Power and Western Power State Policy. Local government is required to use their process for any new installations or modification to State network.</p> <p>The management of street lighting associated with new sub-divisions is done via Western Australian Planning Commission development conditions.</p> <p>Other lighting requirements for incidental Shire infrastructure can be facilitated via Council and the capital works programme.</p>
8.1	Vandalism – Reward for Conviction	Policy has not been used since its adoption in 2012.
8.2	Cyclone Clean-up	Policy in current form is no longer consistent with its original intent

RECOMMENDATION 2

That Council **ADOPT** the following *modified* policies:

Policy	Title	Justification
1.2	Use of Council Logo	Reference to branding style guide to be removed.
1.6	Council Briefing Sessions	Updated commencement time of briefing session from 3pm to ' <i>prescribed time</i> '.
1.7	Legal Representation Costs Indemnification	Update purpose to include " <i>councillors and employees of the Shire of Exmouth</i> "
1.8	Public Relations – Press Release	Rewording only: " <i>with approval of the Chief Executive Officer....</i> " to replace 'Subject to the authorisation of the Chief Executive Officer.....'
1.12	Council Vehicle Fleet	Remove category 2 in vehicle categories table; notation to specific car makes; Deputy CEO position and the log book requirement for officers who are allocated a Shire vehicles full time.
1.14	Council Employees Housing	Edit reference to Residential Tenancy Act – amend to 1987
1.15	Relocation Expenses	Remove sentence – "The CEO may approve reasonable requests for alternate arrangements in lieu of reimbursement of removal expenses to assist with resettlement if the dollar value does not exceed \$6000."

1.17	Fitness for Work – Drug and Alcohol	<p>Change sentence under the <i>Alcohol Standard</i> heading From: <i>'if a confirmed result is returned with a BAC reading of 0.02% or less the person will not be in breach of...</i> To: <i>'if a confirmed result is returned with a BAC Reading of less than 0.02% the person will not be in breach of ...'.</i> This change aligns with CASA and our updated Fitness for work Procedure in December 2019.</p> <p>Add under Types of Drug and Alcohol Testing: 'Daily (BAC) Testing'.</p> <p>Add under Testing Agency at end of last sentence: <i>'or authorised representative of the Shire'.</i></p>
1.19	CEO Performance Review	<p>Update paragraph: <i>All Councilors seeking appointment to the CEO review panel are encouraged to undertake the relevant CEO performance review training course provided by WALGA.</i> To: <i>As a minimum the Chair of the CEO Performance Review Committee is to undertake the relevant CEO performance review training course provided by WALGA.</i></p>
1.20	Responsible Service of Alcohol	<p>Incorrect policy numbers referred: to be updated.</p>
2.2	Interest Free Loans to Clubs and Organisations	<p>Incorrect reserve name: update from Community Development Reserve Fund to <i>Community Interest Free Loans Reserve</i></p>
2.3	Common Seal	<p>Update list of 'documents to be sealed' current policy only refers to transfer of land. Common Seal Register to details to include the council decision reference number.</p>
2.4	Leases and Licences	<p>Public liability; increase to \$20 million. Move the paragraph titled '<i>Essential Differences between Lease and Licenses</i>' before the '<i>Guiding Principles</i>' paragraph to provide the reader with a better understanding of the differences prior to reading the policy. Commercial lease tenure - minimum of 10 years with a further option of 10 years amended to read: <i>"The <u>maximum</u> lease term will be 10 years with a further option of up <u>to</u> 10 years.</i> Not for Profit incorporated organisation lease tenure – minimum lease term will be 10 years with a further option of 10 years amended to read:</p>

		<i>'The <u>maximum</u> lease term will be <u>5</u> years with a further option of up to 5 years.'</i>
2.12	Regional Price Preference Policy	Inclusion of map and definition of Prescribed Area - <i>The local government area of Shire of Exmouth.</i>
4.1	Sponsorship Policy	Addition of dot point under Economic heading Add- <i>Applicants for MESP must demonstrate (explain) how their event has the potential to deliver significant Council outcomes to the Shire of Exmouth.</i> Update position title.
4.2	Community Sports and Recreation Facilities Funding (CSRFF) Small Grant Policy	Update department details - Department of Local Government, Sport and Cultural Industries (DLGSCI); DSP = DLGSCI throughout document. Add Eligibility criteria to read <i>'Have discussed their project with Shire and DLGSCI Officers'</i> .
5.5	Temporary Accommodation (Caravans)	A review was conducted on Policy 5.5 – Temporary Accommodation (Caravans) with the aim of keeping the policy clear and separating out the requirements of those who are seeking temporary accommodation with family and friends while visiting Exmouth from those seeking approval to reside in a caravan park while constructing a dwelling. Simplifies policy and provides clearer guidance, previously located under item 2. Ensure camps are not located where they may encroach on vehicle access areas or neighbouring properties. Ensure tents are located in an area where there is reduced visual impact.
7.3	Guidelines and Specifications for the Design and Construction of Storm Water Drainage Systems	Revision of policy and included additional reference documents: Exmouth Floodplain Study 2007 District Water Management Study V11049
7.5	Verge Enhancement	Deleted redundant references to "Executive Manager Engineering Services" and "Town Site Tree Policy". Included Clause 3 concerning tree removal to replace reference to "Town Site Tree Policy". Removed the requirement to plant two trees on the verge. Added applications outside of the policy could be assessed case by case. Definitions reformatted but same context
7.8	Alterations or Damage to Council Street Infrastructure	Deleted redundant references to "Executive Manager Engineering Services". Added "drawings" as an accompaniment to the application for alterations. Included street trees as assets to be protected by the policy. Edited grammar regarding non-compliance with Shire specification for easier reading. Context of policy remains unchanged.

7.10	Private Works	Included paragraph "A site inspection of the proposed works is undertaken by an authorised Shire officer". Grammar amended in paragraph regarding cost estimation to read "A formal cost estimation is prepared by the authorised officer and written advice is received from the customer agreeing to the work and price."
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RECOMMENDATION 3

That Council ADOPT the following *new* policies:

Policy	Title	Justification
5.7	Temporary Accommodation (Construction of a dwelling)	A review was conducted on Policy 5.5 – Temporary Accommodation (Caravans) with the aim separating out the requirements of those who are approval to reside in a caravan while constructing a dwelling.
7.6	Vehicle Crossover	Combine the two existing Vehicle Crossover policies for simplification and inclusion of standards

RECOMMENDATION 4

Council ACCEPT the review of the following policies which remain *unchanged*:

Policy	Title
1.1	Senior Employees
1.3	Fauna/Flora Emblems
1.4	Citizenship Ceremonies
1.5	Election of Committees and Representatives
1.9	Provision, Usage and Disposal of Digital Equipment
1.10	Honorary Freeman
1.11	Councillor Complaints Policy
1.18	Code of Conduct for Employee, Elected Members and Committee Members
1.21	Appointment of Acting Chief Executive Officer
1.22	Electronic Meetings (Council and Committee Meetings)
2.1	Asset Capitalisation
2.5	Reserves Funding Policy
2.6	Investment Policy
2.7	Procurement Policy
2.8	Distribution and Display of Promotional and Advertising Material at Council Offices or Buildings
2.9	Disposal of Surplus Council Furniture and Equipment
2.10	Debt Recovery
2.11	Use of Corporate Credit Card
2.13	Risk Management Policy
2.14	Asset Management Policy

2.15	Information Management – IT Systems Security
2.16	Record Management Policy
2.17	Related Party Disclosures
2.18	Financial Hardship Policy - COVID-19
4.3	Economic Development Policy
5.2	Refund of Building Permit Fees
5.4	Water Tanks – Building Control
5.6	Smoke Free Outdoor
6.2	Colour Palette for Developments
6.8	Advertising Signs, Town Centre Public Space & Outdoor Eating Permit
6.9	Itinerant Trading
6.24	Container Deposit Scheme Infrastructure
6.25	Exmouth Boat Harbour Development Plan
7.2	Use of Shire Resources for Community Works
7.4	Specification for the Design and Construction of Roads, Footpaths and Car Parks
7.11	Responsibilities at School – Pedestrian and Vehicle Facilities
8.3	Camping on Exmouth Recreation Ground
8.4	Emergency Overflow Camping Grounds
8.5	Multiple Dogs

12.1.2 ANNUAL REVIEW – DELEGATION REGISTER

File Reference:	GV.AU 2
Reporting Officer:	Executive Secretary
Responsible Officer:	Chief Executive Officer
Date of Report:	11 June 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Revised Delegation Register

PURPOSE

That Council consider the adoption of the Shire of Exmouth’s revised delegation register in accordance with the requirements of section 5.46(2) of the *Local Government Act 1995*.

BACKGROUND

Local Governments are empowered under a number of sections of State Government legislation (Acts and Regulations) to perform certain duties and exercise certain powers.

In many instances legislation empowers the Chief Executive Officer (CEO) or another officer of the Local Governments to perform duties, but often the Act or Regulations (particularly the *Local Government Act 1995*) defaults to the Local Government Council with the ability to delegate some of its powers and duties to the CEO or to Committees in order to expedite the effective operations and implementation of the Shire’s functions.

A requirement of Council delegating its authority is that a ‘Delegations Register’ is to be maintained and reviewed annually.

Therefore, the purpose of this report is to review the list of delegations to the CEO and sub-delegation of duties to other nominated officers within the organisation.

This fulfils the Local Government’s statutory obligation for delegations to be in writing and it is a useful management, communication and training tool for:

- Elected Members and senior staff by providing oversight of decision-making authorities.
- Delegates by providing reference to the extent of delegated authority assigned to them.
- Local Government’s operations; the register be expanded to record authorities delegated or assigned to the Local Government by State Government entities.
- Community: by informing the Community regarding who makes decisions in what circumstances.

An annual review (financial year) of all the Delegation Register is undertaken to adhere to the Shire of Exmouth Compliance Calendar, which is the basis of the annual Compliance Audit Return submitted to the Department of Local Government, Sport and Cultural Industries.

The Delegation Register is to formalise the Council's "day to day" functions/operations through empowerment of staff to operate efficiently, effectively and productively in the interest of good governance.

COMMENT

The Shires delegation register is required to be reviewed each financial year and presented to Council for adoption in accordance with the *Local Government Act 1995*. The delegation register was last reviewed by Council in May 2019.

COUNCIL RESOLUTION ITEM 12.1.1

Res No: 02-0419

That Council ADOPT the revised Delegation Register May 2019, as presented to this report in Attachment 1.

CARRIED 5/0

Since the last review the Western Australian Local Government Association (WALGA) released the WALGA Decision Making in Practice Toolkit which includes various guides and templates to assist Local Governments to:

- navigate decision making powers and duties under Western Australian Law, and
- ensure the most appropriate decision-making pathway is applied.

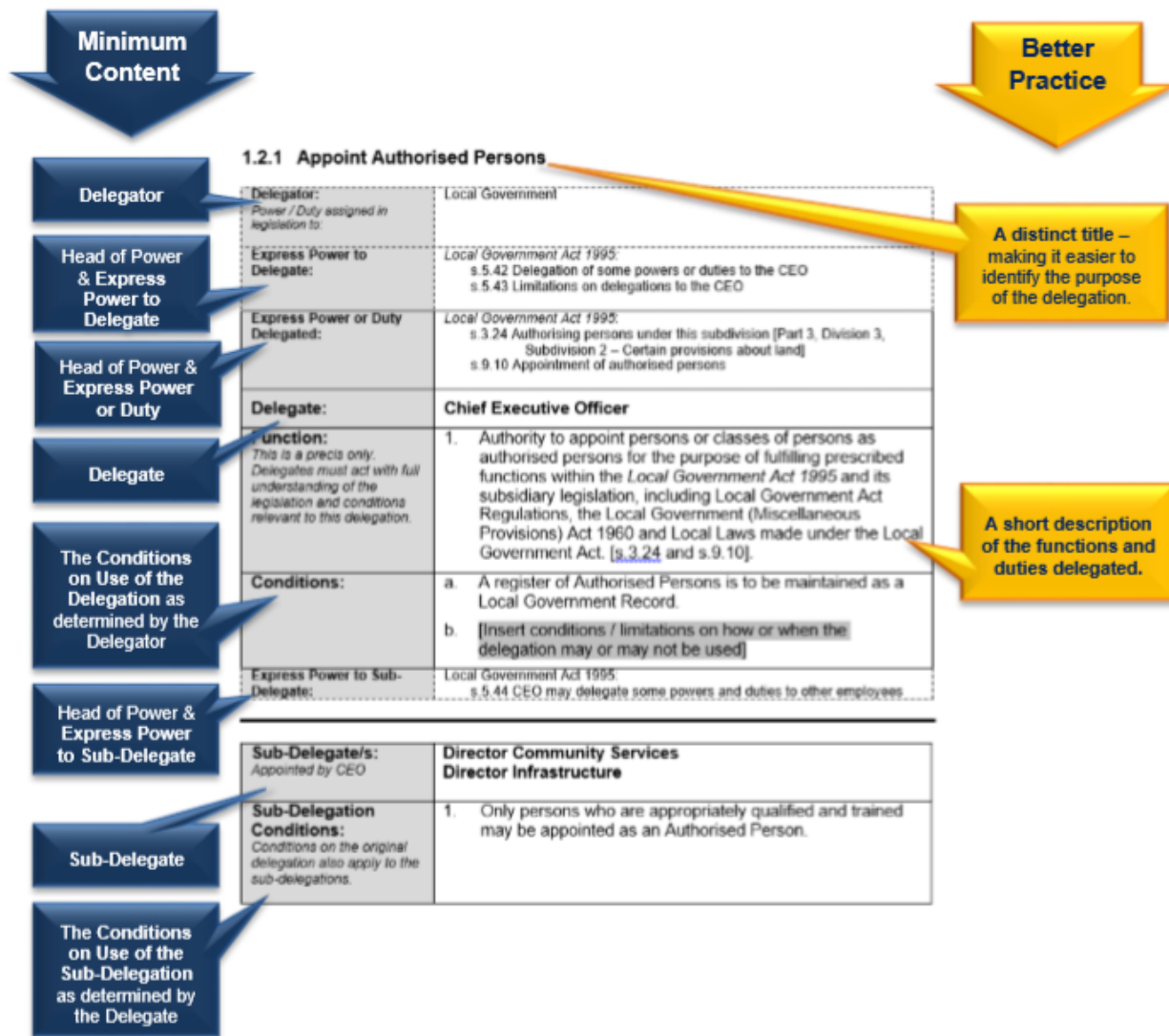
The Shire's Delegation Register (Attachment 1) was reviewed and based on WALGA's new delegations' template.

The format of the register has been changed significantly to organise the Instruments of Delegation under their relevant Head of Power (*Local Government Act 1995*). This provides an easier way to manage and navigate through the delegations.

This extract below, from WALGAs *Decision Making in Practice* guide provides a clearer understanding of the template.

2.6.2 Instrument of Delegation – Template

This example Delegation, is based upon the WALGA Template Delegation.



A summary of changes as a result of this review are listed below:

Delegation	New	Delete	Reason	
Ningaloo Tourism Advisory Group Committee	✓		New committee of Council with delegated authority	
Shire President COVID 19 Relief Fund Committee	✓		New committee of Council with delegated authority	
Public Notice of Council and Committee Meetings		✓	Detailed in the Regulations section 12	
Executing of Documents and Affixing of Common Seal		✓	Detailed in the Act 9.49	
Cemeteries Act 1986 – Authorised Person		✓	Covered in Local Law	
Making a Cash Advance to Person		✓	Detailed in the Act 5.102	
Reimbursement of Expenses incurred by an employee		✓	Detailed in the Act 5.101(2)	
Reimbursement of Expenses incurred by a Councillor		✓	Detailed in the Act 5.98(2b)	
Issue Licence to deposit Material on street and excavate on land abutting a street		✓	Section referred to Building Act 2011 166(3)(g) omitted from Act. Building Surveyor confirmed not required.	
Exemption from the requirement to pay a fee – trading in thoroughfares and public places		✓	Covered in sponsorships, Donations, Waiver of Fees	
Revocation of temporary road closure		✓	Included with road closures delegation	
Bonds for uncompleted works		✓	Policy covers this delegation	
Infringements and Directions Notices		✓	incorporated in delegation 11.1.6	
Local Government Act 1995				
• Response to Applications for Public Works	✓		The proposed new delegations have been identified following a review of the <i>WALGA Template Delegations Register</i> by Executive Managers and key operational staff who are responsible for these functions. The template, published by WALGA is a part of the <i>WALGA Decision Making in Practice Toolkit</i> , which has become an invaluable reference document in this review.	
• Destruction of Electoral Papers	✓			
• Acting Chief Executive Officer	✓			
Building Act 2011				
• Representing Local Governments in Court	✓			
• Inspection and Copies of Building Records	✓			
• Referrals and Issuing Certificates	✓			
• Private Pool Barrier - Alternative and Performance Solutions	✓			
• Smoke Alarms – Alternative Solutions	✓			
• Appointment of Authorised Persons (Swimming Pool Inspections)	✓			
Food Act 2008				
• Determine Compensation	✓			
• Debt Recovery and Prosecutions	✓			
• Food Business List – Public Access	✓			
Cat Act 2011				
• Cat Registrations	✓			
• Infringement Notices – Extensions and Withdrawals	✓			
Dog Act 1976				
• Refuse or Cancel Registration	✓			
• Kennel Establishments	✓			
• Declare Dangerous Dog	✓			
• Referring to the Bush Fire Act 1954	✓			
• Prosecution of Offences	✓			
Planning and Development Act 2005				
• Illegal Development	✓			
• Subdivision Amalgamation	✓			
• Enforcement of Powers	✓			
• Development Applications	✓			

• Structure Plans and Local Development Plans	✓		
Freedom of Information Act 1992			
• Decisions made under the Freedom of Information Act 1992	✓		
• Structure Plans and Local Development Plans	✓		
Liquor Control Act 1998			
• Compliance certificates	✓		
Statutory Authorisation and Delegations to Local Government from State Government Entities: Planning and Development Act 2005			
• Instrument of Authorisation – Sign Development Applications for Crown Land as Owner	✓		
Environmental Protection Act 1986			
• Noise Control – Environmental Protection Notice	✓		
• Noise Management Plans – Keeping Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events	✓		
• Noise Management Plans – Construction Sites	✓		

CONSULTATION

WALGA Governance Officers
 Executive Management Team
 Environmental Health Officer
 Building Surveyor
 Manager Works
 Coordinator Compliance and Emergency Services

STATUTORY ENVIRONMENT

The Council is empowered pursuant to Sections 5.16 and 5.42 of the *Local Government Act 1995* to delegate roles and responsibilities, while Section 5.46 (2) requires an annual review of delegations by Council.

Sections 5.18 and 5.46(1) of the *Local Government Act 1995* require the CEO to maintain a Register of Delegations made under that Act.

Regulation 29 of the *Local Government (Administration) Regulations 1996* requires the Delegation Register to be available for public inspection, with most Local Government’s publishing the Delegation Register on their website.

The Act also allows the Chief Executive Officer to sub-delegate any of his/her powers to another employee with the sub-delegations to be in writing.

The Chief Executive Officer is also permitted under the Act to place conditions on any sub delegation passed onto another Shire employee.

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

Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.1.2

That Council adopt the revised Delegation Register, shown in Attachment 1, to ensure compliance with the *Local Government Act 1995*.

COMMERCIAL AND COMMUNITY

12.3.1 AMENDMENT– EXMOUTH SQUASH CLUB APPLICATION FOR INTEREST FREE LOAN

File Reference:	CM.PO 9
Reporting Officer:	Executive Manager Commercial and Community
Responsible Officer:	As above
Date of Report:	16 March 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. CONFIDENTIAL - Application for Shire of Exmouth Interest Free Loan

PURPOSE

That Council consider an amendment to previous Council Resolution 09-0320 altering the specified interest free loan amount from \$23,100 to \$22,000.

BACKGROUND

At the 26 March 2020 Ordinary Council Meeting Council approved amended Resolution Number 09-0320 granting an interest free loan of \$23,100 to the Exmouth Squash Club.

COUNCIL RESOLUTION

ITEM 12.3.2

Res No: 09-0320

MOVED: Cr Lucas

SECONDED: Cr Mounsey

That Council APPROVE:

- 1. Increasing the amount previously endorsed of \$16,500 via resolution number 11-0819 by an amount of \$5,500 to total \$22,000 to meet its one third funding commitment to the Exmouth Squash Club playing surface replacement project, and**
- 2. The granting of an interest free loan of \$22,000 to the Exmouth Squash Club as per Policy conditions.**

Cr Niikkula: MOVED amended motion: The granting of an interest free loan of \$23,100 to the Exmouth Squash Club as per Policy conditions.

SECONDED: Cr Mounsey

That Council:

- 1. Increasing the amount previously endorsed of \$16,500 via resolution number 11-0819 by an amount of \$5,500 to total \$22,000 to meet its one third funding commitment to the Exmouth Squash Club playing surface replacement project, and**
- 2. The granting of an interest free loan of \$23,100 to the Exmouth Squash Club as per Policy conditions.**

CARRIED by ABSOLUTE MAJORITY 6/0

The amended motion relating to increasing the interest free loan amount from \$22,000 to \$23,100 was based on Officer advice to consolidate the administration fee of \$1,100 charged by the Shire to the Club into the total loan amount. The Officer advice at the time however was not correct and the loan amount should have remained as \$22,000 with the administration fee treated separately from a financial accounting perspective.

As per Policy 2.2 Interest Free Loans to Clubs and Organisations, the administration fee of 5% of the approved loan amount on any new applications may be paid up front or paid in instalments over the term of the loan but should be treated separately from the loan amount.

COMMENT

The previously approved Council Resolution Res No: 09-0320 requires amendment to comply with good financial accounting practices.

CONSULTATION

Exmouth Squash Club

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Policy 4.2 Community Sports and Recreation Facilities Funding (CSRFF) Small Grant
Policy 2.2 Interest Free Loans to Clubs and Organisations

FINANCIAL IMPLICATIONS

If approved the new loan amount to the Exmouth Squash Club will be reduced from \$23,100 to \$22,000 and this amount will be transferred from the Community Interest Free Loan Reserve.

RISK MANAGEMENT

Nil

ALTERNATE OPTIONS

Nil

STRATEGIC IMPLICATIONS

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

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

Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.3.1

That Council:

1. RESCIND part 2 of Resolution Number 09-320 being *"The granting of an interest free loan of \$23,100 to the Exmouth Squash Club as per Policy conditions"*, and
2. APPROVE the granting of an interest free loan of \$22,000 to the Exmouth Squash Club as per Policy conditions.

12.3.2 NATIONAL REDRESS SCHEME (PARTICIPATION OF WA LOCAL GOVERNMENTS)

File Reference:	GR.SL.14
Reporting Officer:	Manager Community, Sport and Recreation
Responsible Officer:	Executive Manager Commercial & Community
Date of Report:	17 June 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. National Redress Scheme DLGSC Information Paper

PURPOSE

That Council

- Note the background information and the WA Government’s decision in relation to the National Redress Scheme;
- Note the key considerations and administrative arrangements for the Shire of Exmouth to participate in the National Redress Scheme;
- Formally endorse the Shire of Exmouth’s participation as part of the WA Government’s declaration in the National Redress Scheme; and
- Grant authority to an appropriate position / officer to execute a service agreement with the State, if a Redress application is received.

BACKGROUND

The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) was established in 2013 to investigate failures of public and private institutions to protect children from sexual abuse. The Royal Commission released three reports throughout the inquiry:

- Working with Children Checks (August 2015);
- Redress and Civil Litigation (September 2015); and
- Criminal Justice (August 2017).

The Royal Commission’s Final Report (15 December 2017) incorporated findings and recommendations of the three previous reports and contained a total of 409 recommendations, of which 310 are applicable to the Western Australian Government and the broader WA community.

The implications of the Royal Commission’s recommendations are twofold: the first is accountability for historical breaches in the duty of care that occurred before 1 July 2018 within any institution; the second is future-facing, ensuring better child safe approaches are implemented holistically moving forward.

The scope of this report addresses only the historical element of institutional child sexual abuse through the National Redress Scheme.

All levels of Australian society (including the WA local government sector and the Shire of Exmouth) will be required to consider leading practice approaches to child safeguarding separately in the future.

National Redress Scheme

The Royal Commission's *Redress and Civil Litigation (September 2015)* Report recommended the establishment of a single National Redress Scheme (the Scheme) to recognise the harm suffered by survivors of institutional child sexual abuse.

The Scheme acknowledges that children were sexually abused, recognises the suffering endured, holds institutions accountable and helps those who have been abused access counselling, psychological services, an apology and a redress payment.

The Scheme commenced on 1 July 2018, will run for 10 years and offers eligible applicants three elements of Redress:

- A direct personal response (apology) from the responsible institution, if requested;
- Funds to access counselling and psychological care; and
- A monetary payment of up to \$150,000.

All State and Territory Governments and many major non-government organisations and church groups have joined the Scheme.

The WA Parliament has passed the legislation for the Government and WA based non-government organisations to participate in the National Redress Scheme.

The Western Australian Government (the State) started participating in the Scheme from 1 January 2019.

Under the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth), local governments may be considered a State Government institution ¹. (¹Section 111(1)(b))

A decision was made at the time of joining the Scheme to exclude WA local governments from the State Government's participation declaration. This was to allow consultation to occur with the sector about the Scheme, and for fuller consideration of how the WA local government sector could best participate.

COMMENT

Following extensive consultation, the State Government (December 2019):

- Noted the consultations undertaken to date with the WA local government sector about the National Redress Scheme;
- Noted the options for WA local government participation in the Scheme;
- Agreed to local governments participating in the Scheme as State Government institutions, with the State Government covering payments to the survivor; and
- Agrees to the Department of Local Government, Sport and Cultural Industries (DLGSC) leading further negotiations with the WA local government sector regarding local government funding costs, other than payments to the survivor including counselling, legal and administrative costs.

The following will be covered for local governments participating in the Scheme as a State Government institution and part of the State's declaration:

- Redress monetary payment provided to the survivor;
- Costs in relation to counselling, legal and administration (including the coordination of requests for information and record keeping in accordance with the *State Records Act 2000*); and
- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below for further explanation).

State Government financial support for local government participation in the Scheme, as set out, will ensure that Redress is available to as many WA survivors of institutional child sexual abuse as possible.

Individual local governments participating in the Scheme as a State Government institution, with the State will be responsible for:

- Providing the State with the necessary (facilities and services) information to participate in the Scheme;
- Resources and costs associated with gathering their own (internal) information and providing that information (Request for Information) to the State (if they receive a Redress application); and
- Costs associated with the delivery of a DPR (apology), if requested (based on a standard service fee, plus travel and accommodation depending on the survivor's circumstance). The State's decision includes that all requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice, on every occasion.

The WALGA State Council meeting of 4 March 2020:

1. Acknowledged the State Government's decision to include the participation of Local Governments in the National Redress Scheme as part of the State's declaration;
2. Endorsed the negotiation of a Memorandum of Understanding and Template Service Agreement with the State Government, and
3. Endorsed by Flying Minute the Memorandum of Understanding prior to execution, in order to uphold requirements to respond within legislative timeframes.

The State and WALGA will sign a Memorandum of Understanding to reflect the principles of WA local governments participating in the Scheme as State Government institutions and being part of the State's declaration.

State agencies (led by DLGSC), WALGA and Local Government Professionals WA will support all local governments to prepare to participate in the Scheme from 1 July 2020 (or earlier, subject to completing the necessary arrangements).

The State's decision allows for the WA Government's Scheme participation declaration to be amended to include local governments and this report seeks endorsement of the Shire of Exmouth's participation in the Scheme.

As an independent entity and for absolute clarity, it is essential that the Shire of Exmouth formally indicates via a decision of Council, the intention to be considered a State Government institution

(for the purposes on the National Redress Scheme) and be included in the WA Government's amended participation declaration.

The Shire of Exmouth will not be included in the State's amended declaration, unless it formally decides to be included.

The financial and administrative coverage offered by the State will only be afforded to WA local governments that join the Scheme as a State Government institution, as part of the State's amended declaration.

The option also exists for the Shire of Exmouth to formally decide not to participate in the Scheme (either individually or as part of the State's declaration).

Should the Shire of Exmouth formally decide (via a resolution of Council) not to participate with the State or in the Scheme altogether, considerations for the Shire of Exmouth include:

- Divergence from the Commonwealth, State, WALGA and the broader local government sector's position on the Scheme (noting the Commonwealth's preparedness to name-and-shame non-participating organisations).
- Potential reputational damage at a State, sector and community level.
- Complete removal of the State's coverage of costs and administrative support, with the Shire of Exmouth having full responsibility and liability for any potential claim.
- Acknowledgement that the only remaining method of redress for a victim and survivor would be through civil litigation, with no upper limit, posing a significant financial risk to the Shire of Exmouth.

Considerations for the Shire of Exmouth

Detailed below is a list of considerations for the Shire of Exmouth to participate in the Scheme:

1. Executing a Service Agreement

All Royal Commission information is confidential, and it is not known if the Shire of Exmouth will receive a Redress application. A Service Agreement will only be executed if the Shire of Exmouth receives a Redress application.

The Shire of Exmouth needs to give authority to an appropriate position / officer to execute a service agreement with the State, if a Redress application is received. Timeframes for responding to a Request for Information are 3 weeks for priority applications and 7 weeks for non-priority applications. A priority application timeframe (3 weeks) will be outside most Council meeting cycles and therefore it is necessary to provide the authorisation to execute an agreement in advance.

2. Reporting to Council if / when an application is received

Council will receive a confidential report, notifying when a Redress application has been received. All information in the report will be de-identified but will make Council aware that an application has been received.

3. Application Processing / Staffing and Confidentiality

Administratively the Shire of Exmouth will determine:

- Which position(s) will be responsible for receiving applications and responding to Requests for Information;
- Support mechanisms for staff members processing Requests for Information.

The appointed person(s) will have a level of seniority in order to understand the magnitude of the undertaking and to manage the potential conflicts of interest and confidentiality requirements

4. Record Keeping

The State Records Office advised (April 2019) all relevant agencies, including Local Governments, of a 'disposal freeze' initiated under the *State Records Act 2000* (the Act) to protect past and current records that may be relevant to actual and alleged incidents of child sexual abuse. The Shire of Exmouth's record keeping practices as a result, have been modified to ensure the secure protection and retention of relevant records. These records (or part thereof) may be required to be provided to the State's Redress Coordination Unit in relation to a Redress application.

The Redress Coordination Unit (Department of Justice) is the state record holder for Redress and will keep copies of all documentation and RFI responses. Local Governments will be required to keep their own records regarding a Redress application in a confidential and secure manner, and in line with all requirements in *The Act*.

5. Redress Decisions

The Council for the Shire of Exmouth should note that decisions regarding Redress applicant eligibility and the responsible institution(s), are made by Independent Decision Makers, based on the information received by the applicant and any RFI responses. The State Government and the Shire of Exmouth do not have any influence on the decision made and there is no right of appeal.

CONSULTATION

The State, through the Department of Local Government, Sport and Cultural Industries (DLGSC), consulted with the WA local government sector and other key stakeholders on the Royal Commission into Institutional Responses to Child Sexual Abuse (in 2018) and the National Redress Scheme (in 2019).

The consultation throughout 2019 has focused on the National Redress Scheme with the aim of:

- raising awareness about the Scheme;
- identifying whether WA local governments are considering participating in the Scheme;
- identifying how participation may be facilitated; and
- enabling advice to be provided to Government on the longer-term participation of WA local governments.

Between March and May 2019, DLGSC completed consultations that reached 115 out of 137 WA local governments via:

- Webinars to local governments, predominately in regional and remote areas;
- Presentations at 12 WALGA Zone and Local Government Professional WA meetings;
- Responses to email and telephone enquiries from individual local governments.

It was apparent from the consultations local governments were most commonly concerned about the:

- potential cost of Redress payments;
- availability of historical information;
- capacity of local governments to provide a Direct Personal Response (apology) if requested by Redress recipients;
- process and obligations relating to maintaining confidentiality if Redress applications are received, particularly in small local governments;
- lack of insurance coverage of Redress payments by LGIS, meaning local governments would need to self-fund participation and Redress payments.

LGIS published and distributed an update (April 2019) regarding the considerations and (potential) liability position of the WA local government sector in relation to the National Redress Scheme.

The WALGA State Council meeting on 3 July 2019 recommended that:

1. *WA local government participation in the State's National Redress Scheme declaration with full financial coverage by the State Government, be endorsed in principle, noting that further engagement with the sector will occur in the second half of 2019.*
2. *WALGA continue to promote awareness of the National Redress Scheme and note that local governments may wish to join the Scheme in the future to demonstrate a commitment to the victims of institutional child sexual abuse.*

DLGSC representatives presented at a WALGA hosted webinar on 18 February 2020 and presented at all WALGA Zone meetings in late February 2020.

The State's decision, in particular to cover the costs / payments to the survivor, has considered the feedback provided by local governments during the consultation detailed above.

FINANCIAL IMPLICATIONS

The State's decision will cover the following financial costs for local governments:

- Redress monetary payment provided to the survivor;
- Costs in relation to counselling, legal and administration (including the coordination or requests for information and record keeping); and
- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below).

The only financial cost the local government may incur will be the payment of the DPR's, which is on an 'as requested' basis by the survivor. This will be based on the standard service fee of \$3,000 plus travel and accommodation depending on the survivor's circumstances. All requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice.

RISK MANAGEMENT

The WA State Government's decision also mitigates a significant financial risk to the local government in terms of waiving rights to future claims. Accepting an offer of redress has the effect of releasing the responsible participating organisation and their officials (other than the abuser/s) from civil liability for instances of sexual abuse and related non-sexual abuse of the person that is within the scope of the Scheme. This means that the person who receives redress through the

Scheme, agrees to not bring or continue any civil claims against the responsible participating organisation in relation to any abuse within the scope of the Scheme.

STRATEGIC IMPLICATIONS

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

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

The Shire of Exmouth in agreeing to join the Scheme, is required to adhere to legislative requirements set out in the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth).

Authorisation of an appropriately appointed person to execute a service agreement with the State, if a Redress application is received, will be in accordance with s.9.49A(4) of the *Local Government Act 1995*.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.3.2

That Council APPROVES:

1. The participation of the Shire of Exmouth in the National Redress Scheme as a State Government institution and included as part of the State Government's declaration;
2. The granting of authority to the Shire of Exmouth to execute a service agreement with the State, if a Redress application is received;
3. That a confidential report will be provided if a Redress application is received by the Shire of Exmouth.

CORPORATE SERVICES

12.4.1 FINANCIAL STATEMENTS FOR PERIOD ENDING 31 MAY 2020

File Reference:	FM.FI.0
Reporting Officer:	Manager Finance
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	15 June 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Monthly Financial Report as at 31 May 2020.

PURPOSE

That Council accepts the financial report for the financial period ending 31 May 2020.

BACKGROUND

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

COMMENT

As at 30 April, operating revenue is above target by \$1,544,254 (15.13%) due receiving partial transitional funds for the Visitor Centre and an advanced payment of 20/21 financial assistance grant.

Operating expenditure is under budget by \$1,275,812 (8.82%) due to timing of maintenance programmes, mainly related to pest control, sanitation, urban stormwater, marine infrastructure, Ningaloo Centre, aviation, roads and footpaths. Community programmes and events are under budget.

The capital program is currently under budget \$628,167 due to timing of projects. Major road works have commenced on Murat Road. Yardie Creek Road works were completed in March. New reptile exhibits and disabled ramp have been installed in the Ningaloo Centre. Other projects that have been completed include upgrades to the Shire Hall, irrigation sewerage ponds, vehicle replacement, staff housing, Bundegi toilets, maintenance of the Old Administration Building and installation of lighting at Town beach. Two canter trucks were received in May and are awaiting the delivery of the rubbish truck. Townsite road seal project, Learmonth Airport landside remodel and carpark reseal works were completed in May. Footpath and pedestrian crossovers are expected to be completed in June.

Outstanding rates are \$523,584. Rate notices were issued on 30 July 2019, with the final instalment being due on 8 April 2020. The Shire has collected 89.2% of total rates outstanding, which is below

the same time last year (92.1%). As at 31 May 2020, Council had received Hardship Applications for 50 properties totalling for \$139,182.

General Debtors is \$701,590 with \$575,365 being for airport operations.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

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

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.4.1

That Council RECEIVES the Financial Report for the financial period ending 31 May 2020.

12.4.2 LIST OF ACCOUNTS FOR PERIOD ENDING 31 MAY 2020

File Reference:	FM.FI.0
Responsible Officer:	Manager Finance
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	15 June 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. List of Accounts for period ending 31 May 2020

PURPOSE

That Council receives 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.

May Payments

Municipal Fund	totalling \$1,272,060.22 Incorporating cheques, direct debits, electronic payments and credit cards.
Trust Fund	totalling \$0
Total Payments:	\$1,272,060.22

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 2.7 – Purchasing Policy and 2.12 – Regional Price Preference Policy (where applicable) and that budget provision is available for any expenditure commitments.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.4.2

That Council pursuant to Sections 6.7 and 6.9 of the Local Government Act 1995 RECEIVES the report of payments made from the Municipal and Trust bank accounts during the month of May 2020 (*totalling \$1,272,060.22*).

12.4.3 RESERVE MOVEMENTS

File Reference:	FM.RF.1
Reporting Officer:	Executive Manager Corporate Services
Responsible Officer:	As above
Date of Report:	17 June 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Nil

PURPOSE

That Council approve the following reserve movements:

1. Transfer \$48,140 to Marina Canal Reserve,
2. Transfer \$200,000 and any other funding that may be received from the transition of the Visitor Centre to the Shire of Exmouth to the Tourism Development Fund,
3. Transfer \$436,188 to the Land Acquisition Reserve.

BACKGROUND

Council have reserves set up for the preservation of assets and long-term plans that need to be funded in future. These reserves are commonly funded by surplus movements and other funding being received by Council for a specific purpose.

COMMENT

Properties within the Marina zoned area are charged a Marina Specified Area rate. The proceeds of the rate are to be applied in full on environmental monitoring and maintenance of the canal waterway, dredging and entrance channel navigation including both onshore and offshore, cost of clearing the sand traps, maintaining the main breakwaters including all breakwaters and groynes surrounding and protecting the Outer Harbour and other preservation works in accordance with the Exmouth Marina Village agreement between Minister for Transport, Landcorp and Shire of Exmouth. Council raised \$48,140 for the Marina Canal in specified area rates and proposes to add this to the Marina Canal Reserve.

The Ningaloo Visitor Centre endorsed the voluntary cancellation of their association and the transfer of remaining assets to a Shire Committee of Council. All assets are to be transferred to a dedicated Destination Development Reserve fund to be administered and controlled by the Ningaloo Tourism Advisory Group Committee. The Committee was established by the Shire in accordance with section 5.8 of the *Local Government Act 1995* and is governed by the terms of reference agreed upon with the Shire of Exmouth.

Council established a dedicated Reserve labelled "Tourism Development Fund" as part of the adoption of the 2019/20 budget. The purpose of this Reserve *"is to fund the development and*

implementation of initiatives (including but not limited to infrastructure, marketing, events and tourism experiences) to achieve the strategic tourism and economic development objectives of the Shire of Exmouth. Council received \$200,000 of these funds, which will be transferred to the Tourism Development Fund. They have indicated that they might make another payment this financial year, which will also be required to be moved to this reserve.

Council initiated acquisition of the land in Heron Way for special rural residential sub-division comprising of 11 Lots of varying sizes. Lots 1 & 10 were sold in 2019/20 and 6 Lots remain unsold. The proceeds of these sales will be used for future land acquisitions that may be required in future. The proceeds from these two properties of \$436,188 is recommended to be added to the Land Acquisition and Disposal Reserve.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Ningaloo Tourism Advisory Group Terms of Reference

FINANCIAL IMPLICATIONS

These movements will reduce the surplus and increase the restricted funds to be used in future financial years by \$684,328. Marina Canal Reserve will increase by \$48,140. Tourism Development fund will increase by \$200,000. Land acquisition and disposal reserve will increase by \$436,188.

RISK MANAGEMENT

Nil

ALTERNATE OPTIONS

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

Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.4.3

That Council APPROVE the following reserve movements:

1. Transfer \$48,140 to the Marina Canal Reserve;
2. Transfer \$200,000 and any other funding that may be received from the transition of the Visitor Centre to the Shire of Exmouth to the Tourism Development Fund;
3. Transfer \$436,188 to the Land Acquisition Reserve; and
4. That any end of year surplus not required be directed to reserves for the preservation of assets.

ITEMS FOR INFORMATION ONLY

12.5.1 ITEMS FOR INFORMATION ONLY

PURPOSE

To advise Council of the information items 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	

Building Decisions Issued

A summary of the building permits and building certificate applications and approvals made under Delegation pursuant to the *Building Act 2011* up to 31 May 2020.

App #	Date Received	Lot	Property Address	Description	Decision	Decision Date
20/28	01/05/20	1	1 Truscott Crescent	Commercial ablution block	Approved	04/05/20
20/29	07/05/20	1	1 Truscott Crescent	New construction steel framed modular camp kitchen	Approved	18/05/20
20/30	07/05/20	1	1 Truscott Crescent	New steel framed recreation block - Area 3	Approved	18/05/20
20/31	08/05/20	1	1 Truscott Crescent	New construction quad ensuite x 2 (Area 1)	Approved	14/05/20
20/32	12/05/20	104	7 Snapper Loop	New construction steel framed free-standing carport	Approved	26/05/20
20/33	13/05/20	552	55 Nimitz Street	Roof replacement	Approved	14/05/20
20/34	15/05/20	102	441 Murat Road	Alterations to existing building - shop and storage	Approved	20/05/20
20/35	21/05/20	1281	10 Seawolf Place	Addition to existing building	Approved	10/06/20
20/36	21/05/20	404	22 Madaffari Drive	Retaining walls, landscaping and fencing	Approved	28/05/20
20/37	27/05/20	300	2 Truscott Crescent	Ningaloo Centre - TAFE - enclosing existing store/ shed	Approved	02/06/20
20/38	29/05/20	130	55 Skipjack Circle	New construction free-standing alfresco	Approved	10/06/20

Planning Decisions Issued

A summary of the planning decisions issued under delegation or outstanding up to 31 May 2020.

App #	Date Received	Lot	Property Address	Description.	Decision	Decision Date
PA32/19	13/03/19		Scheme Amendment 1 to LPS4		Deferred	07/06/19
DA26/20	01/05/20	181	23 Cobia Close	Single House	Approved	05/05/20
DA27/20	01/05/20	20	140 Madaffari Drive	PLANNING ADVICE development of DUPLEX on various lots in the Marina	Issued	01/05/20
DA28/20	04/05/20	130	55 Skipjack Circle	Proposed patio addition to rear	Approved	05/05/20
DA29/20	07/05/20			Proposed enclosure of existing open fronted external storage area (TAFE).	Approved	15/05/20
DA30/20	08/05/20	768	19 Ingleton Street	Carport	Deferred	26/05/20
DA31/20	12/05/20	440	18 Osprey Way	Proposed new single house, incidental outbuilding, pool, fence, garage to vacant Lot	Approved	03/06/20
DA32/20	25/05/20	366	4 Corella Court	Proposed incidental inground pool addition to single house.	Approved	10/06/20
DA33/20	26/05/20	70	8 Bennett Street	WAPC Referral - Subdivision of Lot 70 (8) Bennett Street	Issued	03/06/20
DA34/20	27/05/20		Murat Road	Signage on the Exmouth Cultural Arts Centre building	Processing	27/05/20

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

App #	Date Received	Description.	Decision	Permit issued
PE08	19/05/20	Ultimate Watersport - 20 sq m Town Beach 25/05 - 31/10/2020	Issued	22/05/20
PE09	26/05/20	Rawlings Taekwondo - weekly Tue and Thur 06/06-31/12/2020	Issued	27/05/20
PE10	29/05/20	Inhala Yoga classes - Lefroy Street Park – 31/05, 21/06, 19/07, 16/08 and 13/09 2020	Issued	29/05/20

OFFICER'S RECOMMENDATION**ITEM 12.5.1**

That Council note the following information items:

- Register of Documents Stamped with the Shire of Exmouth Common Seal;
- Building Decisions Issued up to 31 May 2020; and
- Planning Decisions Issued up to 31 May 2020.

- 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**