



Ordinary Council Meeting  
Agenda  
10 October 2017

# NOTICE OF MEETING

Notice is hereby given that the

Shire of Exmouth  
Ordinary Council Meeting

will be held on  
10 October 2017  
Commencing at 4.30pm  
In the Council Chambers, behind Administration Centre,  
22 Maidstone Crescent, Exmouth

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**Cameron Woods**  
**Chief Executive Officer**

**10 October 2017**

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## **Disclaimer**

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

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

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**Shire of Exmouth**  
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**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: \_\_\_\_\_

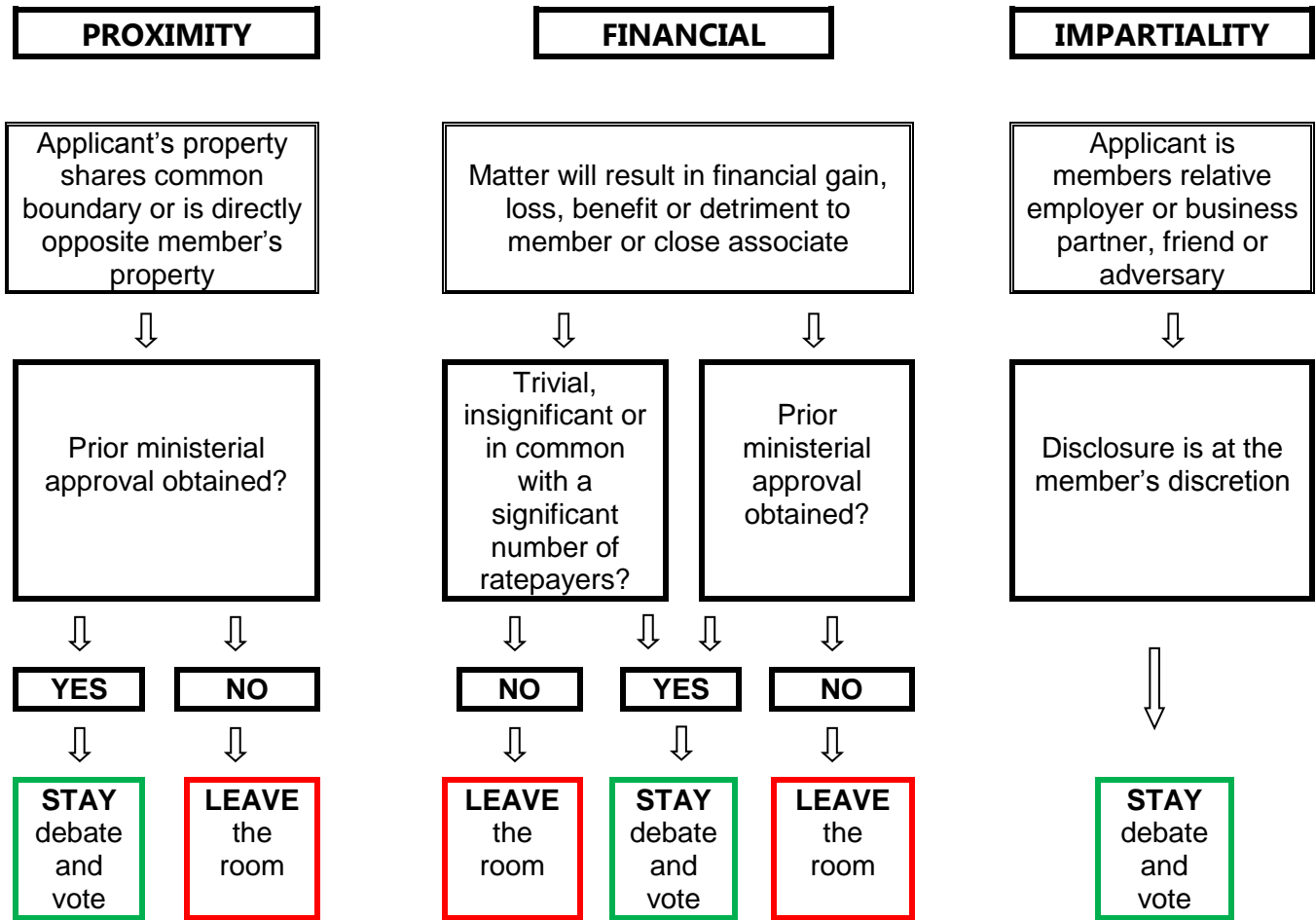
**Note 1:** For Ordinary meetings of Council, elected members and employees are requested to submit this completed form to the Chief Executive Officer prior to the meeting. Where this is not practicable, disclosure(s) must be given to the Chief Executive Officer prior to the matter being discussed.

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

## *Our Purpose*

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

## *Our Strategic Objectives*

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

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

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

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

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

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

Council Consideration Towards Public

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

When a matter is listed on the Agenda and member/s of the public are in attendance to observe the determination of the matter, out of courtesy and at the discretion of the

President the matter is to be brought forward on the agenda and dealt with immediately to allow the public to observe the determination of the matter (again this obviates the need for the public to wait an indeterminate period of time).

## 5. DECLARATIONS OF INTEREST

Item/Description	Name	Detail of Interest	Extent 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 5 September 2017 be confirmed as a true and correct record of proceedings.

## 8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

## 9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

## 10. MATTERS ARISING FROM COMMITTEES OF COUNCIL

## **11. EXECUTIVE SERVICES**

### **11.1 CHANGE OF COUNCIL MEETING DATES – NOVEMBER AND DECEMBER 2017**

File Reference:	GV.CM.0
Responsible Officer:	Chief Executive Officer
Date of Report:	19 September 2017
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Nil

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#### **PURPOSE**

That Council change the published dates for the November and December ordinary Council meetings as follows:

- November ordinary meeting from Tuesday 7 November 2017 to Monday 6 November 2017; and
- December ordinary meeting from Tuesday 5 December 2017 to Thursday 21 December 2017.

The meetings will be held at the usual place and commencement time.

#### **BACKGROUND**

The purpose of the change of date for the November Ordinary Council meeting is that it coincides with the 2017 Melbourne Cup day. Given the Local Government Election occurs on the 21 October 2017, a quorum maybe unlikely on such a significant day of celebration.

The purpose of the change of date for the December ordinary Council meeting is to align the Ordinary Council dates with the proposed 2018 Ordinary Council Meeting Calendar where all Council meetings will occur on the fourth Thursday of the month except for December where it will fall on the third Thursday of the month.

#### **COMMENT**

Nil

#### **CONSULTATION**

Nil

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995

#### **POLICY IMPLICATIONS**

Nil



**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2016-2020.

- Civic Leadership: 4 To work together as custodians of now and the future.
- 4.1 *To be a collaborative community with the capacity to manage the current and future direction of Exmouth.*
  - 4.2 *A local government that is respected, professional, trustworthy and accountable.*
  - 4.3 *To be strong advocates representing the region's interests.*

**VOTING REQUIREMENTS**

Simple Majority

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**OFFICER'S RECOMMENDATION****ITEM 11.1**

That Council endorse a change to the published dates for the November and December ordinary Council meetings as follows:

1. November ordinary meeting from Tuesday 7 November 2017 to Monday 6 November 2017; and
2. December ordinary meeting from Tuesday 5 December 2017 to Thursday 21 December 2017.

## 11.2 CHRISTMAS CLOSURE PERIOD BETWEEN CHRISTMAS AND NEW YEAR PERIOD

File Reference:	GV.CM.0
Responsible Officer:	Chief Executive Officer
Date of Report:	19 September 2017
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Nil

### PURPOSE

That Council consider closing the various Shire departments during the Christmas period.

### BACKGROUND

In previous years Council has resolved to close the Shire Office over the Christmas New Year period. Shire staff usually take annual/accumulated leave for the days on which the office is closed. Generally, the town is very quiet at that time of the year and previously it does not seem to have been inconvenient to the general public to have the office closed. It is proposed that a Senior Officer of the Shire will be in town during this period should an emergency arise.

This year the days in question are Wednesday 27 to Friday 29 December 2017(3 days inclusive).

Hence, the office will be closed from COB Friday 22 December 2017 and reopen again on Tuesday 2 January 2018, allowing administrative staff to have a decent break over the festive period.

### COMMENT

The following table shows the specific days/dates Shire departments will be closed during the Christmas period

Department	Closed
Shire Administration office	Friday 22/12/17 – Tuesday 02/01/18 inclusive
Ningaloo Centre	Monday 25/12/17, Tuesday 26/12/18 and Monday 01/01/18
Library	Friday 22/12/17 – Tuesday 02/01/18 inclusive
Airport	Normal operating hours will apply
Swimming Pool	Monday 25/12/17 & Monday 01/01/18
Tip	Monday 25/12/17 & Monday 01/01/18
Depot	Friday 22/12/17 – Tuesday 02/01/18 (Minimal staff will continue to operate during this time including Amenities Officer and Rubbish Truck driver who will run as normal on all public holidays)
Centrelink	Friday 22/12/17 – Tuesday 02/01/18 inclusive

### CONSULTATION

Nil

**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2016-2020.

- Civic Leadership: 4    To work together as custodians of now and the future.
- 4.1    *To be a collaborative community with the capacity to manage the current and future direction of Exmouth.*
- 4.2    *A local government that is respected, professional, trustworthy and accountable.*
- 4.3    *To be strong advocates representing the region's interests.*

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION****ITEM 11.2**

That Council agrees to close the various Shire departments during the Christmas period as the following table:

<b>Department</b>	<b>Closed</b>
Shire Administration office	Friday 22/12/17 – Tuesday 02/01/18 inclusive
Ningaloo Centre	Monday 25/12/17, Tuesday 26/12/18 and Monday 01/01/18
Library	Friday 22/12/17 – Tuesday 02/01/18 inclusive
Airport	Normal operating hours will apply
Swimming Pool	Monday 25/12/17 & Monday 01/01/18
Tip	Monday 25/12/17 & Monday 01/01/18
Depot	Friday 22/12/17 – Tuesday 02/01/18 (Minimal staff will continue to operate during this time including Amenities Officer and Rubbish Truck driver who will run as normal on all public holidays)
Centrelink	Friday 22/12/17 – Tuesday 02/01/18 inclusive

## 12 DEVELOPMENT SERVICES

### 12.1 COUNCIL POLICY MANUAL REVIEW

File Reference:	CM.PO.6
Responsible Officer:	Deputy Chief Executive Officer
Date of Report:	28 September 2017
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none"><li>1. October 2017 Council Policy Manual (Amended Policy Manual)</li><li>2. September 2017 Management Practice and Procedure Policy Manual</li></ol>

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#### PURPOSE

The Department of Local Government and Communities (DLG) and the Western Australian Local Government Association (WALGA) have reviewed the current Council Policy manual and this report recommends that Council:

1. Rescind policy that should not be included in the Council Policy Manual because some policy is inappropriate for Council Policy and some policy is deficient or does not comply with relevant legislation.
2. Council adopt new policy that improves the effectiveness of the policy structure and complies with relevant legislation.

#### BACKGROUND

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 Council Policy manual was reviewed by the Department of Local Government and Communities (DLG) and based on their recommendation phase one of the Council policy review has occurred.

*"That the Shire review the policies contained in its policy manual and remove any policies identified as unnecessary, update out of date policies and amend the content of policies where the content is inadequate or incorrect. As part of that review, the Shire consider adding new policies to improve the effectiveness of its policy structure"* DLG

The Western Australian Local Government Associated (WALGA) reviewed the Council Policy Manual. Their comment has been incorporated into the Council policy review.

*"Please find attached my comments on your Council Policies. As can be seen, on many occasions the content is either inappropriate for Council Policy (due to a matter being a function of the CEO), the Policy subject matter can be better dealt with in an alternative fashion or a current Policy is simply inappropriate. I have also attached a number of draft Policies that will replace some content that features in the current Policy Manual, but are either deficient or do not comply with relevant legislation."* WALGA

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

1. Rescind policy that should not be included in the Council Policy Manual;
2. Transfer from Council policy to the September 2017 Management Practice and Procedure Manual; and
3. New/revised Council Policy Manual 10 October 2017.

## COMMENT

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

**Table 1 - Rescind Policy** (Note: Policy numbers based on the 22 August 2017 Council Policy Manual)

<b>Policy</b>	<b>Comment</b>
1.7 Councillor Induction	The Department of Local Government and Communities Operational Guideline No 4 provides a better guide on Councillor Induction. Recommend deleting this policy.
1.8 Council Meetings	Section 5.25(1) (g) and <i>Local Government (Administration) Regulation 12</i> requires that the date, time and place of Council meetings is to be publicly advertised once every year. Recommend delete this policy.
1.9 Committee Meetings	This Policy has no apparent purpose as Committees of Council is covered in the Act and Regulations. Recommend delete this policy.
1.12 Local Government Elections	This Policy is not necessary. Local Governments intending to conduct postal elections are obligated to determine to do so by absolute majority in accordance with Section 4.20 of the <i>Local Government Act 1995</i> (LGA). Recommend delete this policy.
1.13 Civic Receptions	There appears to be no rationale for this Policy, nor any reason why a major event such as a Civic Reception should not be referred to Council. Recommend deleting this Policy.

1.18	Provision of Business Cards for Councillors	A Council Policy is not required for the purpose of providing Elected Members with stationery items. Recommend deleting this Policy.
1.30	Gratuity	This matter has been dealt with under Policy 1.23. Recommend deleting this Policy.
1.31	Committee Fees and Expenses Benefits	The matter of fees associated with external Committees and Boards is beyond the power of Council to manage by Policy. Recommend deleting this Policy.
1.32	Selection and Appointment of CEO	It is more common for Councils to consider the recruitment process as an item for Council consideration and determination, rather than following a policy. Recommend deleting this Policy.
2.11	Smoke Free Workplace	Legislation ( <i>Tobacco Products Control Act</i> and associated Regulations) designates that workplaces are to be smoke free. Recommend deleting this Policy.
2.6	Token Gifts	This Policy may potentially lead to breaches of the gift declaration provisions of the <i>Local Government Act, Administration Regulations</i> and Rules of Conduct Regulations due to poor wording and lack of reference to the appropriate categories of gifts. Recommend deleting this Policy.
2.16	Joint Venture Aged Pension Units	The content appears more appropriate as a Practice and Procedure related to the operation of this facility, under the management responsibility of the CEO. Recommend deleting this Policy.
4.1	Volunteering and Volunteer Management	Volunteer placement, practice and procedure is the management responsibility of the CEO under Section 5.41(g) of the LGA. Recommend deleting this Policy.
7.2	Sealing of Roads	This is an administrative matter that is the responsibility of the CEO under Section 5.41(d) of the LGA.
7.3	Extra Mass Permits	Managed under the Main Roads Transport Acts. Recommend deleting this Policy.
7.13	Kerbing	This is an administrative matter that is the responsibility of the CEO under Section 5.41(d) of the LGA.
7.16	Playground Equipment	This is an administrative matter that is the responsibility of the CEO under Section 5.41(d) of the LGA.
8.2	Litter Control – Honorary Inspectors	This is an administrative matter that is the responsibility of the CEO under Section 5.41(d) of the LGA.
8.3	Dog Control – Honorary Officers	This is an administrative matter that is the responsibility of the CEO under Section 5.41(d) of the LGA.
8.6	Camp Fires	Managed under the <i>Bush Fires Act</i> .

It will be recommended that the following policies are transferred to the September 2017 Management Practice and Procedure Manual and removed from the Council Policy Manual. The justification is outlined in the comment section in Table 2. The policy referenced in Table 2 is included in the attached September 2017 Management Practice and Procedure Manual.

**Table 2- Transfer from Council Policy to the September 2017 Management Practice and Procedure Manual.** (Note: Policy numbers based on the 22 August 2017 Council Policy Manual)

<b>Policy</b>		<b>Comment</b>
1.21	Attendance at Conferences, Seminars, Training Courses and Meetings	This is an administrative matter that is the responsibility of the CEO under Section 5.41(g) of the LGA.
1.28	Shire Security	This is an administrative matter that is the responsibility of the CEO under Section 5.41(d) of the LGA.
1.29	Staff Induction Manual	This is an administrative matter that is the responsibility of the CEO under Section 5.41(g) of the LGA.
1.30	Gratuity	This is an administrative matter that is the responsibility of the CEO under Section 5.41(g) of the LGA.
1.34	Protection from the Sun for Outdoor Work	Management of employees is the responsibility of the CEO under Section 5.41(g) of the LGA. Delete Policy and potentially transfer to Practice and Procedure Manual.
1.37	Apprenticeships & Trainees	Employee matters are the responsibility of the CEO under Section 5.41(g) of the LGA. Delete Policy.
1.39	First Aid Training	This is a day to day operational matter that is the responsibility of the CEO under Section 5.41(d) of the LGA.
1.40	Medical Examination	This is a day to day operational matter that is the responsibility of the CEO under Section 5.41(d) of the LGA.
1.41	Employee Grievance Policy	Policy 1.39 to 1.41 are the management responsibility of the CEO under Section 5.41(g) of the LGA. Delete Policy and consider transferring to Practice and Procedure Manual.
1.43	Personal Leave & Sick Leave (Entitlements)	This is a management responsibility of the CEO under Section 5.41(g) of the LGA. Delete Policy and consider transferring to Practice and Procedure Manual.
2.7	Responding to Repetitive and/or Abusive Requests	The subject matter is inappropriate for Council Policy. The CEO has administrative responsibility for the day to day management of the Local Government (Sec.5.41 (d)) and maintenance of records and document (Sec, 5.41h)). This matter is therefore properly the responsibility of the CEO.
2.8	Complaints Handling	See amended Grievance Procedure relating to Council Policy 1.20
4.2	Hire and Use of Shire Venues; Shire Hall and Recreation Centre	This is a day to day operational matter that is the responsibility of the CEO under Section 5.41(d) of the LGA.
4.4	Use of Social Media (Facebook) for Publicity	This is an employee management and records management issue that is the responsibility of the CEO under Sections 5.41(g) and (h) of the LGA. Delete Policy and consider transferring to Practice and Procedure Manual.
5.6	Group Instruction at the Paltridge Memorial Swimming Pool	Day to day operational matter that is the responsibility of the CEO under Section 5.41(d) of the LGA.
8.1	Use of Council Firearms	Section 5.41(h) of the LGA applies. Delete Policy and consider transferring to Practice and Procedure Manual.

The following policies have been amended or replaced the justification is outlined in the comment section in Table 3. The policy referenced in Table 3 is included in the attached 2017 Council Policy Manual.

**Table 3-Adoption of new and modified Council Policy.** (Note: Policy numbers based on the 10 October 2017 Council Policy Manual)

<b>Policy</b>		<b>WALGA Comment</b>	<b>DLG Comment</b>	<b>Shire Comment</b>
1.5	Election of Committees and Representatives			Simplified the first paragraph in the policy statement.
1.9	Provision of Tablet (Internet Plan) to Councillors			Removed Section 6 related to the purchase of iPads. Removed Deputy Shire President Section 7 related to a mobile phone.
1.11	Councillors Complaints Policy		Public Sector Commission reviewed policy 1.20.	The PSC recommendations have been incorporated in policy 1.20.
1.12	Motor Vehicle Policy	Recommend the highlighted content be transferred to a Practice and Procedure, as the detail of vehicle arrangements is an administrative responsibility of the CEO under Section 5.41(g) of the LG Act.		The Shire engaged Claytonutz solicitors to review the existing motor vehicle policy and their recommendations have been incorporated to the new policy removing ambiguity associated with the policy terms and meaning. The framework of the new Vehicle policy is based on the City of Karratha Vehicle Policy.
1.17	Relocation Expenses	This Policy requires clarity on how specified staff are to be identified.		Policy modified in accordance with the WALGA directive.
1.26	Fitness For work			Strengthened Fitness For Work policy is being reintroduced.
2.7	Purchasing Policy	Policy does not reflect recent amendments to the Local Government (Functions and General) Regulations. Recommend	That the Shire review the effectiveness of its purchasing policy no. 2.10 and include more information and guidance about dealing with "unique supplier"	The WALGA Model Purchasing Policy is the basis for the September 2017 Purchasing Policy



		adopting the attached WALGA Template Purchasing Policy.	tender exemptions and record keeping procedures in regard to the retention of quotations. It is suggested that WALGA's Model Purchasing Policy be listed as the basis for reviewing the policy	
2.11	Use of Corporate Credit Card	Replace with attached WALGA's Model Policy	That the CEO reviews the policy and procedures for the use of Shire's corporate credit cards to ensure that best practice with proper audit standards are aligned with the recommended procedures contained in the Department's Operational Guideline No.11 on Use of Corporate Credit Cards	WALGA's Model Credit Card Policy has been incorporated into Policy 2.15 Use of Corporate Credit Card. The new policy complies with Guideline no.11.

## CONSULTATION

The Council Policy Manual was reviewed by the DLG and WALGA. The policies have been considered by the Chief Executive Officer and Deputy Chief Executive Officer. The DLG and WALGA policy directives have been implemented.

## STATUTORY ENVIRONMENT

Section 2.7 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 2011-2021 and Corporate Business Plan 2016 - 2020.

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

## VOTING REQUIREMENTS

Absolute Majority

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**OFFICER'S RECOMMENDATION****ITEM 12.1**

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.

## 12.2 NINGALOO CENTRE LEASES

File Reference:	CP.AD.3
Responsible Officer:	Deputy Chief Executive Officer (Development Services Executive)
Date of Report:	August 2017
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Valuation Report 13 September 2017 2. Local Public Notice

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### PURPOSE

The purpose of this report is to attain Council approval to enter into Ningaloo Centre leases on Lots 300 Deposited Plan 408720 Murat Road Exmouth.

The leases will be between the Shire of Exmouth and:

1. University of Western Australia Oceans Institute;
2. Central Regional College of TAFE;
3. Community Housing Limited; and
4. Gascoyne Development Commission.

### BACKGROUND

The requirement to lease floor space within the Ningaloo Centre has been known since the inception of the project. The associated Business Cases for the Ningaloo Centre Stage 1 - Planning, dated 18 January 2013 and the Shire of Exmouth Ningaloo Centre Business Case Stage 2 - Construction and Fitout, dated 15 May 2014 both highlighted the necessity to lease floor space associated with the financial sustainability of the Ningaloo Centre.

### COMMENT

The Shire engaged Property Valuation and Advisory (WA) (PVA) to assess market rents for various tenancies within the Ningaloo Centre for lease negotiation purposes and supports section 3.58 (4) (c) (i) of the *Local Government Act 1995*.

### CONSULTATION

1. University of Western Australia Oceans Institute
2. Central Regional College of TAFE
3. Department of Community Housing
4. Gascoyne Development Commission

### STATUTORY ENVIRONMENT

The leasing of Shire property is governed by the *Local Government Act 1995*, Section 3.58.

In accordance with the *Local Government Act 1995* section 3.58 (3) (a) the Shire has provided local public notice inviting submissions related to the lease proposals. The local public notice was

advertised from the 22 September 2017 to the 9 October 2017 on the Shire Notice Board, the Mall Notice Board and on the Shire website. A copy of the public notice is attached.

The Shire received XX of submissions as outlined in Table 1:

<b>Table 1</b>		
<b>Date</b>	<b>Parties Concerned</b>	<b>Shires Position</b>

In accordance with *Local Government Act 1995* section 3.58 (b) (ii) the valuation was carried out on the 13 September 2017. A copy of the valuation report has been attached.

### **POLICY IMPLICATIONS**

Policy 2.3 – Common Seal

Policy 2.4 – Leases

### **FINANCIAL IMPLICATIONS**

The Market Rent for the proposed tenancy has been assessed using a Direct Comparison approach which involves applying a Value Rate to the selected unit of comparison which in this case is the rent per square metre of Net Lettable Area exclusive of outgoings and GST. The adopted Rental Rate has been derived from analysis of broadly comparable rental evidence. The analysis of the rental evidence takes into account the various transaction dates and any market movements since the transaction occurred; and weighs it accordingly for comparison to the subject tenancies in the current market.

The market evidence confirms that commercial office tenancies are generally leased or available for lease in the range from \$280 to \$450 per square metre depending primarily on location, tenancy area, tenancy use and local population/demographics. Larger retail rental evidence ranges from \$120 to \$280 per square metre.

Proposed Leaseholder	M2	Reason for Lease	Term of Lease (years)	Commencement Date	Annual Rental Rate
The University of Western Australia	511sqm, plus 124sqm courtyard	Education and research	5 years, plus 2 x 5 year options	1 November 2017	\$80,000 p.a. plus GST and outgoings.
Central Regional College of TAFE	247sqm, plus 47sqm external store	Education and training	10 years, plus 2 x 5 year options	1 December 2017	\$40,755 p.a. plus GST and outgoings.
Community Housing Limited	55sqm	Commercial office	3 years, plus 3 year option	1 November 2017	\$15,125 p.a. plus GST and outgoings.
Gascoyne Development Commission	20m2	Commercial office	TBA	TBA	\$5,500 p.a. plus GST and outgoings.

### **STRATEGIC IMPLICATIONS**

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2016 - 2020.

- Civic Leadership: 4 To work together as custodians of now and the future.  
4.2 *A local government that is respected, professional, trustworthy and accountable.*  
4.3 *To be strong advocates representing the region's interests.*

## **VOTING REQUIREMENTS**

Absolute Majority

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### **OFFICER'S RECOMMENDATION**

**ITEM 12.2**

That Council:

1. Accept the receipt of the Property Valuation and Advisory (WA) dated 13 September 2017.
2. Authorise the execution of the lease documents between the Shire of Exmouth and the:
  - a) University of Western Australia Oceans Institute
  - b) Central Regional College of TAFE
  - c) Department of Community Housing
  - d) Gascoyne Development Commission
3. Delegate Authority to the Chief Executive Officer to approve any further terms of the lease.
4. Delegate authority to the Chief Executive Officer to apply the Shire of Exmouth common seal.
5. Acknowledge the submissions related to the public notice.

## 12.3 UNBUDGETED EXPENDITURE

File Reference:	FM.AT.0 /FM.BU.0 / FM.CR.0/ FM.FI.0
Responsible Officer:	Deputy Chief Executive Officer
Date of Report:	27 September 2017
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Nil

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### PURPOSE

The purpose of this report is to obtain Council approval to expend funds for the purpose of meeting temporary personnel costs caused by extended vacancies and resignations within the Shire's finance department.

The engagement of financial staff is urgent because Local Government has statutory financial reporting obligations as per the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*.

Therefore Council will be requested to set aside the quotation provisions of Council's Purchasing Policy (Policy 2.10) to procure temporary personnel caused by vacant positions on the basis of qualifications and experience.

### BACKGROUND

Council is currently experiencing a period of abnormal staff shortages in the Corporate Service Directorate caused by a number of staff on extended sick leave and a pending departure due to resignation.

The absence of these staff has created a risk for the Shire with regards to the ability to meet statutory financial reporting obligations together with the ability to meet fundamental business continuity roles.

It is the opinion of officers that these roles are unable to be covered in-house and there is an urgent need to appoint contractors into these roles to meet the immediate demand.

It is the intention to advertise vacancies in the normal manner. The use contract staff will cease upon permanent placement of vacated roles or upon the return to work of staff on sick leave.

The critical operational areas affected include;

- Statutory Financial Reporting
- Financial oversight
- Directorate management
- Payroll
- Accounts Payable

**COMMENT**

All local governments in Western Australia are required to prepare their financial statements in accordance with the *Local Government Act 1995* (LGA), the *Local Government (Financial Management) Regulations 1996* (FMR).

**Annual Financial Report**

LGA s. 6.4 FMR r. 36	A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed. The form of the annual financial report is as prescribed under FMR r. 36
LGA s. 5.53(2)(f)&(h)	A local government is to prepare an annual report for each financial year and is to contain the financial report and the auditor's report for the preceding financial year.
FMR r. 4	The FMR are in addition to and not in derogation of Australian Accounting Standards (referred to as AAS in the FMR but now abbreviated to AASB). If a provision of the FMR is inconsistent with the provision of an AASB, the FMR applies to the extent of the inconsistency.
FMR r. 5A	Subject to FMR r. 4, the annual budget, annual financial report and other financial reports of a local government must comply with the AASB.

**Monthly Financial Reports to Council**

A local government is to prepare a Statement of Financial Activity each month as prescribed by section 6.4 of the LGA and Regulation 34 of the FMR. The Statement of Financial Activity is to be compiled on the accrual basis and set out in a similar format to the Rate Setting Statement.

It is to include a comparison of actual results with budget estimates and a summary of the net assets at the end of the month to which the statement relates. Material variances between the actual revenue and expenditure and the comparable year to date budget estimates should be investigated and included in a report, along with the reasons for the variances. There needs to be an explanation of the composition of the net current assets at the end of the month to which the statement relates less committed and restricted assets.

<b>Compliance and Reporting Summary</b>	
FMR r. 34(1)	A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1) (d), for the month as prescribed.
FMR r. 34(4)	The Statement is to be presented to council at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates and recorded in the minutes of the meeting.

## Reporting Timeline

The following table details statutory reporting timelines for annual and monthly financial reports.

REF	ACTION	TIMELINE	DETAILS
LGA s. 6.4(3)	Local government to submit to its Auditor the Accounts and Annual Financial Report for the preceding financial year	30 September	Or such extended time as the Minister allows (delegated to Director General)
LGA s. 7.9(1)	Auditor to examine accounts and Annual Financial Report and prepare Audit Report	31 December	Or such later date as may be prescribed – no date prescribed
Audit R r. 10(1)	Auditor to forward copy of Audit Report to Minister (and Mayor/President and CEO)	Within 30 days	Following completion of audit
FMR r. 51	Local government is to submit a copy of the Annual Financial Report to the Departmental CEO	Within 30 days	Following receipt of Auditor's Report
LGA s. 5.54(1) LGA s. 5.54(2)	Local government to accept Annual Report	By 31 December OR Within 2 months	Which is to include the Annual Financial Report and Auditor's Report After Auditor's Report becomes available if not available in time for it to be accepted by 31 December
FMR r. 34	Monthly Statement of Financial Activity to be presented to council	Within 2 months	After the end of the month to which the statement relates

## CONSULTATION

Nil

## STATUTORY ENVIRONMENT

*Local Government Act 1995*

*Local Government (Financial Management) Regulations 1996 (FMR).*

Local Government Act 1995 section 6.8 (1) (b)

## POLICY IMPLICATIONS

Policy 2.7 – Purchasing Policy

## FINANCIAL IMPLICATIONS

The cost associated with the engagement of temporary personal will be managed through the midyear financial review process.

## STRATEGIC IMPLICATIONS

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



4.2 *A local government that is respected, professional, trustworthy and accountable.*

## **VOTING REQUIREMENTS**

Absolute Majority

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### **OFFICER'S RECOMMENDATION**

**ITEM 12.3**

That Council authorise the Chief Executive Officer to:

1. Incur additional purpose expenditure of up to \$80,000 in the 2017/18 financial year for the purpose of meeting temporary personnel costs caused by extended vacant positions within the Shire's finance department.
2. Set aside quotation provisions of Council's Purchasing Policy (Policy 2.7) to procure temporary personnel caused by vacant position on the basis of qualifications and experience.

## 12.4 APPOINTMENT OF BUSH FIRE CONTROL OFFICERS

File Reference:	ES.VO.1
Responsible Officer:	Deputy Chief Executive Officer
Date of Report:	27 September 2017
Applicant/Proponent:	Deputy Chief Executive Officer
Disclosure of Interest:	Nil
Attachment(s):	Nil

### PURPOSE

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

Rescind Council Resolution dated "20 September 2016, Item 17.1. Appointment of Bush Fire Control Officers", being affective from the 11 October 2017.

### BACKGROUND

In accordance with the *Bush Fire Act 1954* the local government must appoint individuals to be the Chief Bush Fire Control Officer, the Deputy Chief Bush Fire Control Officer and the Bush Fire Control Officers.

In June 2017 the Shire entered into a Memorandum of Understanding with the Department of Fire and Emergency Services (DFES) under the *Bush Fires Act 1954* for management and control of bush fires and Emergency Services in the Pilbara on a three year trial basis; and requested that the Fire and Emergency Services Commissioner designate a person employed in the Department of Fire and Emergency Services to act as the Chief Bush Fire Control Officer in accordance with section 38A of the *Bush Fires Act 1954*. In line with these new arrangements a DFES officer will take all triple zero fire calls and undertake the initial assessment of a fire and consider the allocation of resources based on that assessment. Local government will still be relied upon to be a combat agency for bush fire in line with our current role and responsibilities.

DFES has taken control of the Shire of Exmouth Volunteer Bush Fire Brigade (VBFB) and will manage the volunteers and the day to day operations. These new arrangements will require a settling in period; however, the MOU agreement will assist with administration, management, training and incident response activities.

DFES and the Shire have reviewed the VBFB staff structure and both agencies support the following appointments:

Captain	Stuart Robertson
Chief Bush Fire Officer	Department of Fire and Emergency Services
Deputy Chief Bush Fire Officer	Colin Walker
Bush Fire Control Officer	Katrina Stephens
Bush Fire Control Officer	Craig Smith
Bush Fire Control Officer	Bruce Watts

Bush Fire Control Officer	Morgwn Jones
Bush Fire Control Officer	Michael Hall

## CONSULTATION

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

## STATUTORY ENVIRONMENT

The *Bush Fires Act 1954*, Part IV, Division 1, Section 38 outlines Council's process to appoint a Bush Fire Control Officer.

Shire of Exmouth Bush Fire Brigades Local Law 2012.

## POLICY IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

Nil

## STRATEGIC IMPLICATIONS

This item is relevant to the Council's approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2012-2016.

- Social:                    3     To be a dynamic, passionate and safe community valuing natural and cultural heritage.  
                                  3.1   *Retain a safe community environment.*

## VOTING REQUIREMENTS

Simple Majority

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## OFFICER'S RECOMMENDATION

## ITEM 12.4

That Council:

1. Rescind resolution No: 20-0916 dated 20 September 2016, 17.1 Appointment of Bush Fire Control Officers being effective from the 11 October 2017.
2. Appoint the following persons to the positions of:
  - Colin Walker to the position of Deputy Chief Bush Fire Control Officer;
  - Katrina Stephens to the position of Bush Fire Control Officer;
  - Craig Smith to the position of Bush Fire Control Officer;
  - Bruce Watts to the position of Bush Fire Control Officer;
  - Morgwn Jones to the position of Bush Fire Control Officer;
  - Michael Hall to the position of Bush Fire Control Officer.

## **12.5 APPOINTMENT OF SUCCESSFUL TENDER APPLICATION - TENDER 03/2017 – PALTRIDGE MEMORIAL SWIMMING POOL MULTI-PURPOSE COMMUNITY ROOM AND STORE**

File Reference:	CM.TE.03.2017
Responsible Officer:	Deputy Chief Executive Officer
Date of Report:	22 September 2017
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. <u>Confidential</u> Tender Evaluation Report 2. Tender Addendum No. 001

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### **PURPOSE**

This report recommends that Tender 03/2017 for the construction of the Paltridge Memorial Swimming Pool Multi-Purpose Community Room & Store is awarded as per the recommendation in the Confidential Evaluation Report – RFT 03-2017 at Attachment 1.

### **BACKGROUND**

In September 2016 the Shire of Exmouth (Shire) applied for a grant under the Royalties for Regions Gascoyne Regional Grants Scheme. The successful grant application was for a Multi-purpose Community Meeting Room and Store room. The aim of the project was to address current storage issues and provide development opportunities for the Shire and the Exmouth Amateur Swimming Club (EASC). The project also benefits the wider Gascoyne region as the multi-purpose community room will be available to a range of external clubs, groups and organisations.

### **COMMENT**

Tender RFT 03/2017 Paltridge Memorial Swimming Pool Multi-Purpose Community Meeting Room and Store was advertised on Wednesday 13 September 2017 in the West Australian and Pilbara News, Shire Website and Local Noticeboard. Tenders Closed 2pm, 29 September 2017. Eleven (11) companies made enquires during the tender period.

Three tenders were received by the tender deadline of 2pm, 29 September 2017.

A non-mandatory site briefing was held on 19 September 2017 with 2 companies attending.

Tenders were evaluated by a three person panel comprising of:

1. Keith Woodward, Deputy Chief Executive Officer
2. Steve Foster, Building Surveyor
3. Carla Webster, Environmental Health Officer

The tenders were assessed for compliance with the tender document and against the qualitative criteria that were weighted as follows:

<b>Criteria</b>	<b>Weighting</b>
Relevant Experience	50%
Key Personnel Skills and Experience	20%
Tenderer's Resources	15%
Demonstrated Understanding	<u>15%</u>
<b>Total</b>	<b>100%</b>
Price	60%

The confidential tender evaluation report is available at Attachment 1.

## **CONSULTATION**

One tender addendum was released during the tender period, Attachment 2.

WALGA – Advice was sort from WALGA regarding the writing of the agenda and reference to the Evaluation Report. In regards to naming of the tenderers it is up to the Local Government on whether they refer to them within the agenda item or refer to the Confidential Tender Evaluation Report. WALGA also advised to place within the evaluation report the option for Council to delegate authority to the Chief Executive Officer should the preferred Tenderer not progress to satisfy the commitment to local spend that the second ranked Tenderer be awarded the contract subject to the same stipulated agreements.

## **STATUTORY ENVIRONMENT**

Section 3.57 of the *Local Government Act 1995 and the Local Government Regulation 1996 (Function and General)* Part 4, Division 2 section 11 (2) (b).

Section 3.57 of the *Local Government Act (LGA) 1995* and the LGA Functions and General Regulations, 11 to 24G.

Regulation 18 (4) of the *Local Government (Functions and General) Regulations* states:

*"Tenders that have not been rejected under sub regulation (1), (2), or (3) are to be assessed by the local government by means of a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept and it is to decide which of them it thinks it would be most advantageous to the local government to accept."*

All tenders were evaluated against the selection criteria by which each tender is assigned a score based on the tenderers capacity to meet the tender objectives.

The Contract will be awarded to a Tenderer who best demonstrates the ability to carry out the required service at a competitive price. The tendered prices were assessed via qualitative and compliance criteria to determine the most advantageous outcome to Council.

This means that, although price is considered, the Tender containing the lowest price will not necessarily be accepted, nor will the offer ranked the highest on the qualitative criteria.

## **POLICY IMPLICATIONS**

Purchasing Policy 2.10

## **FINANCIAL IMPLICATIONS**

The financial expenditure for the project has been included 2017/2018 Shire Budget.

<b>Contributor</b>	<b>Main Purpose</b>	<b>Amount \$</b>	<b>2017/18 Budget</b>
Royalties for Regions Gascoyne Regional Grants Scheme	Construction Costs	105,886	R113704
Shire of Exmouth	Detailed plans and Construction Costs	9,166	L019210 Swimming Pool Reserve
Exmouth Amateur Swim Club	Construction costs	20,000	R113703 Contribution
Department of Sports and Recreation, Community Pool Revitalisation Grant	Construction Costs	64,119	R113702 \$32000 L030340- \$32119 (Unspent Grant)
<b>Total Project Costs</b>		<b>\$199,171</b>	

### STRATEGIC IMPLICATIONS

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2016-2020.

- Economic:
- 1 To be a diverse and innovative economy with a range of local employment opportunities.
  - 1.5 *Maintain and improve Shire infrastructure.*
- Social:
- 3 To be a dynamic, passionate and safe community valuing natural and cultural heritage.
  - 3.2 *Excellent lifestyle, recreational and cultural facilities.*
- Civic Leadership:
- 4 To work together as custodians of now and the future.
  - 4.2 *A local government that is respected, professional, trustworthy and accountable.*

### VOTING REQUIREMENTS

Absolute Majority

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### OFFICER'S RECOMMENDATION

**ITEM 12.5**

That Council:

1. Award Tender 03/2017 – Paltridge Memorial Swimming Pool Multi-Purpose Community Room & Store to CJ Lord Building & Renovations noting that any variations to scope or price must be approved by the Deputy Chief Executive Officer; and
2. Should negotiations with the Preferred Tenderer not progress, the Chief Executive Officer is authorised to award the second ranked Tenderer, CMCK Constructions the Contract, subject to the same stipulated agreement of terms.

## 12.6 FEES AND CHARGES – AMENDMENT TO AQUA RUN AND POOL MAT HIRE FEE

File Reference:	FM.FE.0
Responsible Officer:	Deputy Chief Executive Officer
Date of Report:	22 September 2017
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Nil

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### PURPOSE

This report recommends that Council amend the Shire's 2017/18 Fees and Charges relating to the use of the Aqua run Fun Day and pool mat hire fee by:

1. Reduce the Aqua – run Fun Day per person from \$4.25 to \$4.00.
2. Correct wording with the mat hire fee the charge has been written as a per hour rate but has always been allocated at a per ½ hour rate.
3. Reduce the mat hire fee from \$0.75 to \$0.50 per ½ hour.

### BACKGROUND

At the August 2017 Ordinary Council meeting, Council adopted the 2017/18 Fees and Charges. Some minor faults were found for the use of the pool mats and aqua run fun day rate.

### COMMENT

The mat hire fee was initially developed to help control the use of the mats within the pool. The increase of the \$0.75 fee made the administration of this fee awkward. The Aqua-run Fun Day fee is kept at a whole dollar amount for ease of use by the community.

### CONSULTATION

Nil

### STATUTORY ENVIRONMENT

Local Government Act 1995, Sections 6.16, 6.17 and 6.19

### POLICY IMPLICATIONS

Nil

### FINANCIAL IMPLICATIONS

As it is the start of the pool season and the minor nature of the adjustment the financial implications are negligible.

### STRATEGIC IMPLICATIONS

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2016 - 2020.

- Social: 3 To be a dynamic, passionate and safe community valuing natural and cultural heritage.  
3.2 *Excellent lifestyle, recreational and cultural facilities.*  
3.7 *Residents and visitors have access to appropriate services and facilities to enhance their health and wellbeing.*
- Civic Leadership: 4 To work together as custodians of now and the future.  
4.2 *A local government that is respected, professional, trustworthy and accountable.*

## **VOTING REQUIREMENTS**

Absolute Majority

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### **OFFICER'S RECOMMENDATION**

### **ITEM 12.6**

That Council adopts amendments to the 2017/18 Fees and Charges relating to the use of the Aqua run Fun Day and pool mat hire fee by:

1. Reduce the Aqua – run Fun Day per person from \$4.25 to \$4.00.
2. Correct wording with the Mat Hire Fee the charge has been written as a per hour rate but has always been allocated at a per ½ hour rate.
3. Reduce the Mat Hire Fee from \$0.75 to \$0.50 per ½ hour.



## 12.7 PROPOSED TAVERN - LOT 21 (5) KENNEDY STREET, EXMOUTH

File Reference:	A372; PA126/17
Responsible Officer:	Deputy Chief Executive Officer
Date of Report:	13 September 2017
Applicant/Proponent:	Froth Craft
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none"><li>1. Site Plan</li><li>2. Cover Letter</li><li>3. Consultation Plan</li><li>4. Site Photos</li></ol>

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### PURPOSE

That Council consider a development application for a change of use to a Tavern at Lot 21 (5) Kennedy Street, Exmouth (Attachment 1, 2 & 4).

### BACKGROUND

The applicant currently operates a 'Restaurant' land use lawfully established prior to the commencement of the Shire of Exmouth Town Planning Scheme No. 3. A shed and patio addition have been approved as works under the Restaurant use through two separate applications when the Scheme was in effect.

As a part of the current operations a small amount of beer is brewed on site to be served with the Restaurant. The proposed 'Tavern' is intended to operate similar to the existing Restaurant. The main purpose of seeking approval for the Tavern land use is so that a Tavern Liquor License can also be obtained. The applicant advised a Tavern Liquor License allows for greater operation flexibility and cost efficiency. The proposed changes in operation are as follows:

- Customers can consume liquor while standing and over the bar which will result in less wait staff being required.
- The kitchen does not have to be open when serving liquor which will result in less kitchen staff being required and/or kitchen staff being required for fewer hours.
- The proposed operating hours are 12pm to 11pm Monday to Thursday, 12pm to 12am Friday, 8am to 12am Saturday and 8am to 10pm Sunday. This exceeds the current operating hours by one additional hour on a Friday and Saturday.
- The capacity can increase from 1 person per square metre under the Restaurant to 0.85 persons per square metre under the Tavern. However, this is also restricted by the number of toilets provided. No additional toilets are proposed and the intention is for the capacity to remain at the current number. The capacity is also limited through the liquor license process which is currently limited to 120 people for the entire premises.

- The sale of packaged liquor is permitted as a part of a Tavern. The intention is only to sell the liquor brewed on the premises in reusable 1.89L bottles.
- There is an intention to conduct tours of where the beer is brewed. Currently any tastings as a part of the tour would require customers to be seated. The Tavern Liquor License would remove this requirement which is sought as part of the experience.
- No works are proposed to the existing premises.



A Caretakers Dwelling also exists at the property which was lawfully established prior to the commencement of the Scheme. No changes to the Caretakers Dwelling are proposed.

**COMMENT**

Town Planning Scheme No. 3 (TPS3)

The subject property is zoned 'Town Centre' by Town Planning Scheme No. 3 (TPS3). A 'Tavern' land use is proposed which is defined by TPS3 as follows:

**tavern:** means any land or buildings wherein the primary use is the consumption of beverages and may include a restaurant or facilities for entertainment and to which a license may have been granted under the provisions of the Liquor Licensing Act, 1988.

A Tavern is prescribed as an 'SA' use in the Town Centre Zone which means that the use is not permitted unless the Council has granted development approval after giving notice in accordance with clause 9.3 of TPS3 and the *Planning and Development (Local Planning Scheme) Regulations 2015*. The objectives of the Town Centre Zone are as follows:

5.3 TOWN CENTRE ZONE

5.3.1 Objectives

- a) to ensure the established town centre remains the principal place for retail, commercial, civic, and administrative functions in the district.
- b) to ensure development will not adversely affect local amenities, and will enhance the character of the town centre.

- c) *to provide for the efficient and safe movement of vehicles (including trucks, buses, and caravans) and pedestrians in and around the town centre.*
- d) *to provide sufficient parking spaces for cars, caravans, and buses, without compromising pedestrian movements through the town centre.*
- e) *to provide an increased level of public amenities including public toilets, shaded areas, and street furniture.*
- f) *to provide for expansion of the town centre to meet future demands.*

The proposal is considered consistent with the objectives of the zone. The land use is commercial in nature. The change in operation is not considered to adversely affect the amenity of the area as the legislative noise levels permitted are the same. The land use does not impede existing or require additional parking and/or access. The proposal does not impede the expansion of the town centre in the future and provision of public amenities.

Section '5.3 Town Centre Zone' prescribes site and development requirements in the zone, such as setbacks and building heights, which are not applicable to this proposal as no works are being proposed and these matters were addressed through the shed and patio addition approvals under TPS3. The parking requirements for a Tavern are the same as the existing Restaurant. No additions or expansion to the footprint of the existing Restaurant are proposed. Therefore, no additional parking spaces are required.

The only other considerations of Section 5.3 are the function of the building and its relationship to the surrounding development. As no works are proposed the visual impact will not change. In addition, the function of the building is similar, being the consumption of liquor and food and entertainment is currently provided. The noise permitted to be made by the Tavern is prescribed by the *Environmental Protection (Noise) Regulations 1997* and is the same as what is permitted for the existing Restaurant. Therefore, the function and relationship of the building to the surrounding development is considered to be the same.

The proposal is considered consistent with TPS3. Therefore, development approval is recommended subject to standard conditions outlined in the Officers Recommendation.

#### Draft Local Planning Scheme No. 4 (LPS4)

Pursuant to Deemed Provision 67 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, in considering a development application a Local Government is required to have due regard, to the extent considered relevant, to a planning instrument that the Local Government is seriously considering adopting. Council is in the process of adopting draft LPS4 which will replace TPS3 as the main statutory planning framework for the Shire of Exmouth.

Tavern is a permissible land use in LPS4 at the subject property and required to follow the same approval process. The applicable site and development requirements are in regard to works which are not proposed. Therefore, the proposal is considered consistent with LPS4.

#### Advertisement

The proposal was required to be advertised by TPS3 (refer to Consultation Section below). The main comments received were as follows:

- The potential for noise to be created by the Tavern.

- People gathering at the front of the property and behaving antisocially without moving on after the venue closes.
- Proximity to houses.

None of the comments received were considered to warrant refusal and/or inclusion of additional conditions in the Officer's Recommendation. Noise and antisocial behaviour are dealt with outside of Council's planning framework through the noise Regulations and Police. Therefore, they cannot be considered as having planning merits in the decision. A number of advice notes have been recommended as a result of the comments in the Officer Response.

## CONSULTATION

Advertisement of the application was required in accordance with TPS3 and the *Planning and Development (Local Planning Scheme) Regulations 2015* through one or a combination of the following ways:

- by giving notice of the proposed use or development to owners and occupiers of properties in the vicinity of the development who, in the opinion of the local government, are likely to be affected by the granting of development approval, including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is given to the person;*
- by publishing a notice of the proposed use or development in a newspaper circulating in the Scheme area including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is published;*
- by publishing a notice of the proposed use or development by electronic means in a form approved by the local government CEO including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is published;*
- by erecting a sign or signs in a conspicuous place on the land the subject of the application giving notice of the proposed use or development for a period of not less than 14 days from the day on which the sign is erected including on each sign a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the sign is erected.*

It was considered that the proposal may affect anyone up to 100m away from the property and that it could be adequately advertised through letter referrals to any property owner within this proximity. Letters were sent to the properties on the 15 August 2017 allowing fifteen (15) days for submissions to be lodged with the Shire until the 30 August 2017 (refer Attachment 3 Consultation Plan). Eight (8) submissions were received with two (2) outlining that they object and six (6) outlining that they do not object to the proposal. The comments were as follows:

<b>Submission</b>	<b>Comments</b>	<b>Officer Response</b>
Public Submission 1	a) Do not object.	Noted.
Public Submission 2	a) Do not object.	Noted.
Public Submission 3	a) Do not object.	Noted.

Public Submission 4	<p>a) Do not object.</p> <p>b) So far the proprietors of Froth have done an amazing job with their business. They are responsible, creative, friendly and have helped bring life into the Mall again. I feel quite sure that this will continue.</p>	<p>Noted.</p> <p>Noted.</p>
Public Submission 5	<p>Do not object.</p> <p>c) I worry that when the music stops at 10pm the standing (and other) drinkers will continue to down beer and chatter noisily until closing time, i.e. midnight twice a week.</p> <p>d) If walking home the loud talking can be a nuisance.</p> <p>e) My hope is that Froth can curtail excessive drinking by patrons. Generally I do not object.</p>	<p>Noted.</p> <p>Noted. The <i>Environmental Protection (Noise) Regulations 1997</i> prescribe maximum noise levels that all properties in the State are permitted to produce. It is an offence to exceed the noise levels. An advice note is recommended accordingly.</p> <p>Noted. Pedestrian traffic on public thoroughfares in the area is out of the control of the subject property and is a Police matter in certain circumstances.</p> <p>Noted.</p>
Public Submission 6	<p>a) Do not object.</p> <p>b) We have no problem with the Tavern hours license proposal.</p> <p>c) However how will the noise factor be monitored by Froth/Shire of Exmouth?</p> <p>d) My husband is a shift worker and we foresee after closure people hanging around the car park region, urinating on the fence due to closure of public toilets at set time and nobody to move them on.</p>	<p>Noted.</p> <p>Noted.</p> <p>Refer to response 5c above. Noise complaints can be made to the Shire of Exmouth for activities that do not comply with the prescribed noise levels.</p> <p>Noted. There is no evidence that suggests people will necessary congregate at the front of the property following closing time. In addition, noise and antisocial</p>

		behaviour in public places are a Police matter. An advice note is recommended advising the applicant to encourage customers to move on after closing time.
Public Submission 7	a) Object. No comments provided.	Noted.
Public Submission 8	a) Object.  b) We believe that because of the close proximity to the existing shopping centre it would be inappropriate to allow a Tavern in this area.  c) The Area is too close to residential housing, supermarkets and retail shops and any move to change it to a Tavern would have negative social impact on families.  d) We have already seen noise levels increase along with anti-social behaviour and don't believe we need another outlet.	Noted.  Noted. The property and existing shopping centre are zoned 'Town Centre' by TPS3. The intention of this zone is for the development of commercial land uses. The proposed land use is commercial in nature. Therefore, the Tavern land use is permissible in the zone.  Noted. There is no evidence to suggest the proposal would have a negative social impact on families. In addition, Council is currently in the process of adopting draft LPS4 which proposes to rezone surrounding properties to the 'Commercial' zone providing greater separation from the Residential zone.  Noted. Refer to responses 5c and 6c above.

## STATUTORY ENVIRONMENT

Planning and Development Act 2005

Planning and Development (Local Planning Scheme) Regulations 2015

Town Planning Scheme No. 3

Liquor Control Act 1988

Environmental Protection (Noise) Regulations 1997

## **POLICY IMPLICATIONS**

Draft Local Planning Scheme No. 4

## **FINANCIAL IMPLICATIONS**

Nil

## **STRATEGIC IMPLICATIONS**

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2016 - 2020.

- |                      |   |
|----------------------|---|
| Economic:            | <p>1    <u>To be a diverse and innovative economy with a range of local employment opportunities.</u></p> <p>1.1    <i>To increase the number of local businesses, industries and services that will provide a range of employment opportunities for the people of Exmouth.</i></p> <p>1.2    <i>Planned and balanced economic growth.</i></p> <p>1.3    <i>Diverse tourism opportunities.</i></p>  |
| Environment:         | <p>2    <u>To have a balanced respect for our environment and heritage, both natural and built.</u></p> <p>2.3    <i>To have a town and community that takes pride in its world heritage status.</i></p> <p>2.4    <i>To be a leader in eco-friendly initiatives and innovations.</i></p> <p>2.5    <i>To make Exmouth an attractive town that is a comfortable and welcoming place to live and visit, and reflects the lifestyle values and unique natural environment.</i></p> <p>2.6    <i>Incorporate Climate Change impacts onto current and future planning and policy of Land Developments.</i></p>  |
| Social:              | <p>3    <u>To be a dynamic, passionate and safe community valuing natural and cultural heritage.</u></p> <p>3.1    <i>Retain a safe community environment.</i></p> <p>3.2    <i>Excellent lifestyle, recreational and cultural facilities.</i></p> <p>3.3    <i>An inclusive, responsible and cohesive community.</i></p> <p>3.4    <i>A community that is well informed and educated about our natural, cultural and built environment.</i></p> <p>3.6    <i>Expand education and training facilities and opportunities.</i></p> <p>3.7    <i>Residents and visitors have access to appropriate services and facilities to enhance their health and wellbeing.</i></p> |
| Civic<br>Leadership: | <p>4    <u>To work together as custodians of now and the future.</u></p> <p>4.1    <i>To be a collaborative community with the capacity to manage the current and future direction of Exmouth.</i></p> <p>4.2    <i>A local government that is respected, professional, trustworthy and accountable.</i></p> <p>4.3    <i>To be strong advocates representing the region's interests.</i></p>   |

## **VOTING REQUIREMENTS**

Simple Majority

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**OFFICER'S RECOMMENDATION****ITEM 12.7**

That Council resolve to grant development approval for a change of use to a Tavern at Lot 21 (5) Kennedy Street, Exmouth subject to the following conditions:

1. The development being carried out in accordance with the stamped approved plans (PA126/17), and the Shire of Exmouth Town Planning Scheme No. 3 together with any annotations detailed thereon by the Shire; and
2. If the development which is the subject of this approval is not substantially commenced within a period of 2 years, the approval will lapse and be of no further effect.

Advice

- i. The approval granted is not to be construed as approval granted under the *Building Act 2011*, *Building Regulations 2012* or any other relevant statutory approval.
- ii. The noise generated by any activities on-site shall not exceed the levels prescribed by the *Environmental Protection (Noise) Regulations 1997*, which may affect operating hours. After 10pm at night the prescribed noise levels are substantially lower. It is an offence to contravene the Regulations.
- iii. No signage has been approved as part of this application. Signage may require additional development approval from the Shire.
- iv. The applicant is advised to encourage customers to move on after leaving the premises and not congregate at the front of the premises.
- v. Any additional development or substantial variation from the stamped approved plans, will require separate development approval from the Shire.
- vi. This approval is not an authority to ignore any constraint or additional requirement to development on the land, which may exist through contract or on title, such as an easement, encumbrance, restrictive covenant or any other limitation. It is the responsibility of the applicant and not the Shire to investigate any such constraints before commencing development.
- vii. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within twenty eight (28) days of the determination.



## 12.8 SCHEME AMENDMENT NO. 32 – ADOPTION FOR ADVERTISING

File Reference:	LP.PL.3.32; PA149/17
Responsible Officer:	Deputy Chief Executive Officer
Date of Report:	27 September 2017
Applicant/Proponent:	Taylor Burrell Barnet
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none"><li>1. Scheme Amendment Document (to be tabled)</li><li>2. Proposed Scheme Map</li><li>3. Site Photos</li><li>4. Town Planning Scheme No. 3 Land Use Definitions</li></ol>

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### PURPOSE

That Council consider a request to adopt Scheme Amendment No. 32 to the Shire of Exmouth Town Planning Scheme No. 3 (TPS3).

### BACKGROUND

Council is in receipt of scheme amendment request to TPS3 which seeks to rezone a portion of Lot 233 Minilya-Exmouth Road and Lot 1586 Minilya-Exmouth Road, Learmonth from 'Pastoral' to 'Special Use No. 9' Zone (Attachment 1 and 3).

The special use is for a pipeline fabrication facility to service the oil and gas industry off the coast of Western Australia. The site area is approximately 424 hectares and orientated in a 10km long narrow north east corridor between Heron Point and Minilya-Exmouth Road (Attachment 2). A corridor also extends directly west from Heron Point to Minilya Exmouth Road. The southern end of the facility would include large sheds for manufacturing segments of pipe together. A series of roads and tracks would run along the corridor to convey manufactured pipeline to the coast. At the coast manufactured pipelines would be launched into the water to be towed to their installation location.

A number of locations around the state were investigated for this project and the proposed location was determined the most suitable due the proximity to a relatively protected coastline, flat surface and length of land allowing for a 10km corridor.

The purpose of the scheme amendment is to allow a development application to be lodged to seek development consent for the project. The current zoning classification and land use permissibility do not effectively capture such a unique land use proposal. Therefore, the following is proposed through the scheme amendment:

- Change in zoning to give effect to special use zone conditions;
- Inclusion of an additional 'Pipeline Fabrication Facility' land use to effectively capture the intended activities at the site;
- Inclusion of any other possible land uses that may be conducted at the site in the future;

- Updating of land use definitions so that the proposed special use zone can be in its final format for inclusion in draft *Local Planning Scheme No. 4*;
- Inclusion of a 100m setback to maintain a natural landscape view corridor from Minilya-Exmouth Road;
- Fencing requirements; and
- Environmental referral and development application information requirements.

## **COMMENT**

The *Planning and Development Act 2005* (Act) and *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) set out the statutory process for adopting and amending a local planning scheme. The Act allows a local government to resolve to amend a local planning scheme upon request. Pursuant to the Regulations, in considering such a request a local government must:

- (a) to proceed to advertise the amendment to the local planning scheme without modification; or*
- (b) to proceed to advertise the amendment to the local planning scheme with modifications; or*
- (c) not to proceed to advertise the amendment to the local planning scheme.*

In addition, the resolution must specify whether the amendment is a complex, standard or basic amendment as defined by the Regulations, including reasons for the specification. The different amendment types incur different statutory timeframes for the following processes to occur. The proposed amendment is considered a 'complex amendment' as it is an amendment not addressed by a local planning strategy currently in effect.

Upon resolution to adopt a scheme amendment that resolution and prescribed details of the amendment are required to be forwarded to the Environmental Protection Authority (EPA) and Western Australian Planning Commission (WAPC) for consent to advertise the amendment. Once consent has been granted and advertising completed Council must pass a resolution in light of any submissions as follows:

- (a) to support the amendment to the local planning scheme without modification; or*
- (b) to support the amendment to the local planning scheme with proposed modifications to address issues raised in the submissions; or*
- (c) not to support the amendment to the local planning scheme.*

Should Council resolve to proceed the amendment is required to be forward to the WAPC and Minister for Planning for final approval.

### Town Planning Scheme No. 3

The proposed rezoning is in the middle of a large 'Pastoral' zone area. The proposal is considered compatible with the Pastoral zone and is unlikely to result in and land use conflict with the activities conducted in this zone.

### Exmouth South Structure Plan

The *Exmouth South Structure Plan* identifies Lot 233 for industrial investigation, particularly aquaculture. Therefore, the locality of the site is already strategically contemplated for an industrial purpose giving support to the proposal. The Structure Plan outlines the following considerations applicable to the site:

- Building heights due to proximity to Learmonth RAAF Base and Airport.
- Encroachment of Learmonth Solar Observatory.
- Subterranean waterways and environmentally sensitive areas.
- Aboriginal heritage sites.
- The remote status of the land in tourism and landscape terms.

Most of the matters above are dealt with through legislated approval processes outside of the planning system, such as environmental and native title approvals. The 100m setback proposed addresses the remote tourism and landscape values. In addition, the proponent has advised that there is enough separation distance to not impact environmentally sensitive areas and surrounding land uses such as the solar observatory. The impacts will be considered further through the advertisement process where public authorities, surrounding land owners and tenants are referred the proposal for comment.

#### State Planning Policy Framework

Pursuant to the Act, in adopting a scheme amendment local government is required to have due regard to any State planning policy which affects its district. It is considered that the applicant has provided sufficient justification (Attachment 1) of the proposals consistency with the following State planning policies:

- State Planning Policy 2.5 Rural Planning.
- State Planning Policy 2.6 State Coastal Planning Policy.
- State Planning Policy 3.7 Planning in Bushfire Prone Areas.
- State Planning Policy 6.3 Ningaloo Coast.

The only other applicable State planning policies are:

- State Planning Policy 4.1 State Industrial Buffer Policy.
- State Planning Policy 5.2 Telecommunications Infrastructure.

The proposal is considered consistent with both as it achieves substantial separation distance from any lawful sensitive land use and 'Telecommunications Infrastructure' is a permissible land use in the proposed zone.

#### Draft Local Planning Scheme No. 4 and Local Planning Strategy

Council is in the process of adopting draft *Local Planning Scheme No. 4* (LPS4) to replace TPS3 and the first ever *Local Planning Strategy* (Strategy) for the Shire of Exmouth, for which the advertising process has concluded. It is possible to simply amend LPS4 to incorporate the proposed amendment. However, this would require re-advertising of the whole of LPS4 which may raise submissions irrelevant to the proposal. Dealing with the proposal as an amendment to TPS3 allows advertising of the amendment on its own which can then be rolled into LPS4 towards the end of the scheme amendment process.

Currently the zoning arrangement of the land in LPS4 is the same as TPS3 with the Pastoral zone being retitled to the 'Rural' zone. Therefore, the compatibility of the proposal with the surrounding Rural zone is considered the same as the Pastoral zone. In addition, the amendment includes the updating of any land uses included in the special use zone to be consistent with LPS4 so that the special use zone can be rolled into the new scheme without further modification being required (Attachment 4).

The only other applicable consideration of LPS4 is the proposed 'Special Control Area 5 - Minilya-Exmouth Road' which aims at maintaining a 100m wide natural environmental and landscape view shed either side of Minilya-Exmouth Road through appropriate development in this area. The proposal satisfies this consideration through applying a 100m setback from property boundaries fronting Minilya-Exmouth Road, excluding the gatehouse and incidental structures.

It is considered that the proponent has adequately justified support for the amendment under the proposed Strategy in addressing the strategies and objectives for pastoral areas and industrial development (Attachment 1). Many of the considerations in the Strategy have been taken from the *Exmouth South Structure Plan*. Therefore, consistency with the Structure Plan generally results in similar consistency with the Strategy. However, it is recommended that the Strategy is updated to more specifically reflect the proposed zoning arrangement under this scheme amendment as the Strategy informs the zoning arrangements and requirements of LPS4. This will occur through the final adoption of the Strategy and is outside the scope of this process. An advice note is recommended.

### Conclusion

Based on the above it is considered that the proposal achieves consistency with the state and local planning framework. No modifications are considered necessary to further achieve compliance. In addition, subject to satisfying environmental approval requirements, the project is considered a sustainable development for the locality in diversifying the economy and the potential social wellbeing improvement through employment opportunity.

Therefore, it is recommended that Council resolves to proceed to advertise the amendment without modification as outlined in the Officers Recommendation.

### **CONSULTATION**

The Regulations set out the statutory process for the amendment of a local planning scheme which includes a number of referral and advertising processes with the WAPC, public authorities and the community. These processes are in order as follows:

1. Local government resolves to amend local planning scheme (TPS3).
2. Immediately after the decision notice of the resolution and prescribed information regarding the amendment is required to be forwarded to the EPA immediately. The same notice and information is required to be sent to the WAPC within 21 days of the decision.
3. Subject to the EPA determining that the amendment does not require environmental review, the WAPC must within 60 days advise whether it gives consent for the amendment to be advertised, with or without any required modifications.
4. Upon receiving consent a notice detailing the purpose of the amendment, where it may be inspected and to whom and what period submissions may be made must be advertised.
5. The notice must be advertised via a newspaper circulating the scheme area, the local government offices, a copy given to each public authority considered to be affected by the proposal, the local government website and any other means considered appropriate and/or directed by the WAPC.
6. The period for making submissions must not be less than 60 days from the date that the notice features in the newspaper, being the submission period.

7. Within 90 days of the end of the submission period the local government must pass a resolution, in light of any submissions received, determining whether to proceed with the amendment, with or without modification, or not to proceed.
8. The resolution following advertisement and the final amendment must be forwarded to the WAPC for final approval within 21 days of the date of decision.

The timeframes above may be exceeded upon consent from the WAPC or any re-advertisement of modifications which is permitted under the Regulations.

## **STATUTORY ENVIRONMENT**

Planning and Development Act 2005

Planning and Development (Local Planning Scheme) Regulations 2015

Town Planning Scheme No. 3

Environmental Protection Act 1986

## **POLICY IMPLICATIONS**

Draft Local Planning Scheme No. 4

Draft Local Planning Strategy

Exmouth South Structure Plan

State Planning Policy 2.5 Rural Planning

State Planning Policy 2.6 State Coastal Planning Policy

State Planning Policy 3.7 Planning in Bushfire Prone Areas

State Planning Policy 4.1 State Industrial Buffer Policy

State Planning Policy 5.2 Telecommunications Infrastructure

State Planning Policy 6.3 Ningaloo Coast

## **FINANCIAL IMPLICATIONS**

Nil

## **STRATEGIC IMPLICATIONS**

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2016-2020

- Economic:
- 1 To be a diverse and innovative economy with a range of local employment opportunities.
    - 1.1 *To increase the number of local businesses, industries and services that will provide a range of employment opportunities for the people of Exmouth.*
    - 1.2 *Planned and balanced economic growth.*
- Environment:
- 2 To have a balanced respect for our environment and heritage, both natural and built.
    - 2.1 *To maintain and improve access and connectivity to our natural assets.*
    - 2.2 *Our pristine natural environment and biodiversity will be understood, maintained and protected.*
    - 2.3 *To have a town and community that takes pride in its world heritage status.*
    - 2.4 *To be a leader in eco-friendly initiatives and innovations.*
    - 2.5 *To make Exmouth an attractive town that is a comfortable and welcoming place to live and visit, and reflects the lifestyle values and unique natural environment.*
    - 2.6 *Incorporate Climate Change impacts onto current and future planning and policy of Land Developments.*

- Social: 3 To be a dynamic, passionate and safe community valuing natural and cultural heritage.
- 3.1 *Retain a safe community environment.*
- 3.2 *Excellent lifestyle, recreational and cultural facilities.*
- 3.3 *An inclusive, responsible and cohesive community.*
- 3.4 *A community that is well informed and educated about our natural, cultural and built environment.*
- 3.6 *Expand education and training facilities and opportunities.*
- 3.7 *Residents and visitors have access to appropriate services and facilities to enhance their health and wellbeing.*
- Civic Leadership: 4 To work together as custodians of now and the future.
- 4.1 *To be a collaborative community with the capacity to manage the current and future direction of Exmouth.*
- 4.2 *A local government that is respected, professional, trustworthy and accountable.*
- 4.3 *To be strong advocates representing the region's interests.*

## VOTING REQUIREMENTS

Simple Majority

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### OFFICER'S RECOMMENDATION

**ITEM 12.8**

That Council resolve to:

1. Pursuant to Section 75 of the *Planning and Development Act 2005* amends Town Planning Scheme No. 3 by:
  1. Rezoning Part of Lot 233 Minilya-Exmouth Road and Part of Lot 1586 Minilya-Exmouth Road, Learmonth, from 'Pastoral' to 'Special Use No. 9' Zone;
  2. Amend the Scheme Map accordingly;
  3. Amend 'Schedule 3 – Special Use Zones' to include SU9 and relevant conditions to apply to that zoned Part of Lot 233 Minilya-Exmouth Road and Part of Lot 1586 Minilya-Exmouth Road, Learmonth:

	No	PARTICULARS OF LAND	SPECIAL USE	CONDITIONS
<b>SU9</b>	<b>9</b>	Part of Lot 233 Minilya-Exmouth Road, Learmonth, and Part of Lot 1586 Minilya-Exmouth Road, Learmonth	As a 'P' use, subject to development approval: <ul style="list-style-type: none"> <li>• Industry</li> <li>• Industry - Light</li> <li>• Marine support facility</li> <li>• Pipeline Fabrication Facility</li> <li>• Public Utility</li> <li>• Telecommunications Infrastructure</li> <li>• Warehouse/Storage</li> </ul>	<ol style="list-style-type: none"> <li>1. Buildings (excluding gatehouse and incidental structures) shall be setback a minimum of 100 metres from any lot boundary with frontage to Minilya-Exmouth Road.</li> <li>2. Rural style fencing is permitted.</li> <li>3. Development within the Special Use zone area is subject to referral of a proposal to the Environmental Protection Authority under section 38 of</li> </ol>

				<p>the <i>Environmental Protection Act 1986</i>.</p> <p>4. As part of a Development Application the following shall be addressed to the specification and satisfaction of the local government:</p> <ul style="list-style-type: none"> <li>a. Details of heritage assessment processes.</li> <li>b. Details for a potable and non-potable water supply.</li> <li>c. Details for waste water treatment.</li> <li>d. Details for stormwater management.</li> <li>e. Access from Minilya-Exmouth Road, in consultation with Main Roads WA.</li> <li>f. Details for construction management.</li> </ul>
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4. Modify the land use definitions in the Shire of Exmouth *Town Planning Scheme No. 3* as required in order to be consistent with the advertised draft *Local Planning Scheme No. 4* and the *Planning and Development (Local Planning Schemes) Regulations 2015* as follows:
- a. Replace the 'Industry' definition with – "**industry** means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes —
    - (a) the storage of goods;
    - (b) the work of administration or accounting;
    - (c) the selling of goods by wholesale or retail;
    - (d) the provision of amenities for employees;
    - (e) incidental purposes."
  - b. Replace the 'Industry - Light' definition with – "**industry — light** means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed."
  - c. Insert the following definition for 'Marine Support Facility' – "**marine support facility** means premises used for lay-down, fabrication, repair, loading and maintenance purposes associated with marine based industry, and may include a marine based component as a single operator or common use facility and terrestrial based components, whether contiguous or not."

- d. Insert the following definition for 'Pipeline Fabrication Facility' – "**pipeline fabrication facility** means premises used for fabricating and launching pipelines and includes: lay down and parking area(s); road access; workshops for fabrication facilities; track(s), launchway(s) and coastal infrastructure used to convey pipelines to the coastline; and incidental uses and services thereto."
  - e. Replace the 'Public Utility' definition with – "**public utility** means any work or undertaking constructed or maintained by a public authority or the local government as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services."
  - f. Replace the 'Storage Yard' definition with – "**warehouse/storage** means premises including indoor or outdoor facilities used for —
    - (a) the storage of goods, equipment, plant or materials; or
    - (b) the display or sale by wholesale of goods.";
2. Pursuant to Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, determines that the amendment is a 'Complex Amendment' for the reason that the proposal is not addressed by any Western Australian Planning Commission endorsed Local Planning Strategy that applies to the Shire of Exmouth;
  3. Authorise the Exmouth Commissioner and/or President and the Chief Executive Officer to execute the relevant documentation as required by the Environmental Protection Authority and Western Australian Planning Commission;
  4. Proceed to advertise Scheme Amendment No. 32 without modification and forward a copy to the Environmental Protection Authority and the Western Australian Planning Commission in accordance with Section 81 of the *Planning and Development Act 2005* and Regulation 37 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
  5. Upon receiving consent from the Western Australian Planning Commission advertise Scheme Amendment No. 32 in accordance with Regulation 38 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
  6. Pursuant to Regulation 41 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, consider any submissions lodged and determine whether to proceed with Scheme Amendment 32, with or without modification.

#### Advice

- i. The proponent is advised that Council is in the process of adopting draft *Local Planning Scheme No. 4* and a *Local Planning Strategy* to replace *Town Planning Scheme No. 3*. Should the subject Scheme Amendment No. 32 proceed for final approval the proposed 'Special Use Zone – Pipeline Fabrication Facility' will be included in *Local Planning Scheme No. 4*. This will likely require modification to the draft *Local Planning Strategy* which provides the basis to zoning arrangements and site and development requirements in the new Scheme.



## 13 COMMERCIAL AND COMMUNITY

### 13.1 NINGALOO VISITOR CENTRE REVIEW OF OPERATIONS

File Reference:	CP.SU.29
Responsible Officer:	Executive Manager Commercial & Community Services
Date of Report:	28 September 2017
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Ningaloo Visitor Centre Review of Operations Report

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#### PURPOSE

This report seeks Council endorsement for the Ningaloo Visitor Centre – Review of Operations report August 2017 (the Report) undertaken by Kirkgate Consulting for the Shire of Exmouth (Attachment 1).

#### BACKGROUND

At the Ordinary Council meeting held on the 2 May 2017 Council resolved the following:

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**COUNCIL RESOLUTION****ITEM 11.4**

**Res No: 06-0517**

***That the Commissioner authorises the engagement of Mr Edward Watling through Kirkgate Consulting to undertake a review Exmouth Visitors Centre in association with the relocation of this operation to Ningaloo Centre, Exmouth.***

**CARRIED 1/0**

The Shire currently contributes approximately \$300,000 towards the annual operating costs of the NVC comprising \$217,000 in direct cash subsidy combined with the provision of current premises at no cost (2015/16 figures).

The purpose of the Review was to determine whether Shire of Exmouth ratepayers are receiving value for money for the level of investment made towards the operational subsidy of the Ningaloo Visitor Centre.

More specifically the scope of works of the Review included the following;

1. Assessment of contribution being made to the tourism industry by NVC,
2. Examination of the role currently being played by NVC,
3. Review of financial operations,
4. Review of operating hours and staff structure,
5. Evaluation of the local industry relationship,

6. Evaluation of suitability and sustainability of current location,
7. Assess location of Ningaloo Centre as suitable venue for a Visitor Centre,
8. Assess role and function of NVC if relocated,
9. Evaluation of the sustainability of the NVC if relocated,
10. Analysis of NVC customer and operational performance data,
11. Identification of grant funding availability from outside sources, and
12. Options for future contractual arrangement between the Shire of Exmouth and the NVC.

## COMMENT

The Report's key findings were as follows:

1. As a general industry statement, the true benefit of a Visitor Centre to a destination is not just reflected in the financial statements but also the indirect and additional visitor spend generated by Visitor Centre activities.
2. It is estimated that around 130,000 visitors entered into the NVC during the 2016/17 period making this one of the larger and busier regional Visitor Centres in WA.
3. The Report estimated that the NVC generates between \$2m-\$3m in direct economic impact based on the level of accommodation and tour bookings made in the 2016/17 year. Using the current Shire spend estimate of \$300,000 per annum towards the NVC this equates to a return of between \$6.66 to \$10 for every \$1 invested by the Shire on behalf of the community.
4. Using the Haeberlin Report's economic impact estimates for Visitor Centres generally and applying these to the current door counter traffic at the NVC, then a more accurate estimate of the value of the NVC to the local community could be in the order of \$6.7m-\$12.8m once indirect and additional visitor spend is considered.
5. The Report found that the Shire annual subsidy to the NVC is, relative to other local government authorities, at an extremely high cost of \$120 per local resident (Shire annual commitment of \$300,000 divided by a population of 2,500). This is compared to other similar highly tourism dependent local government authority destinations and the State average of \$22 per resident (DBM Consultants, Local Government Spending on Tourism, January 2017). This high per capita cost is largely a result of the small resident base of Exmouth being only 2,500.
6. On the question of whether the Exmouth local ratepayer is receiving value for money from the annual funding provided by the Shire the Report stated *"Yes, albeit that as a comparison is at the higher end with the cost burden per resident being at an extremely high level due to the small population base"*.
7. The proposed relocation presents the opportunity for greater integration of the region's visitor information services within the administrative operations of the Shire with potential cost savings.
8. The current funding agreement between the Shire and the NVCMC is due to expire in June 2018 and along with the relocation opportunity *"provides an incentive for both parties to work together with a view to developing a sustainable visitor servicing model"*.
9. There is an opportunity for the Shire to restructure its tourism involvement which is critical to a locality where tourism is the main economic pillar for the community.
10. One option for a new relationship between the tourism industry and the Shire would require the current contractual arrangement with the NVCMC to be terminated in favour of the formation of

a Ningaloo Tourism Advisory Group (NTAG) and for this structure to be developed in cooperation with all relevant stakeholders.

11. The opportunity exists for the Shire and the NVCMC to develop a bespoke model for visitor servicing and destination development which reduces the operating subsidy on ratepayers and increases the return on investment to the local economy.

As a result of the Report findings the Shire is now progressing the investigation of a bespoke visitor servicing and destination marketing model in close cooperation with the NVC Management Committee.

## **CONSULTATION**

Kirkgate Consulting conducted a range of meetings and a four day site visit in the preparation of the Report. A full list of those consulted is included in the Appendix C – Interview List of the Report. As a summary those interviewed included representatives from the Ningaloo Visitor Centre Management Committee, local Ningaloo tourism businesses, Shire of Exmouth staff, NVC staff, Exmouth Chamber of Commerce, and Perth based tourism organisations including Tourism WA, Australia's Coral Coast, Qantas, Visitor Centre Association of WA, and Tourism Council of WA.

The Kirkgate Report findings have been presented to the NVC Management Committee and the Committee is working closely with the Shire and supportive of developing a sustainable visitor servicing and destination marketing model moving forward.

## **STATUTORY ENVIRONMENT**

Nil

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

The Shire of Exmouth provides an annual funding subsidy to the NVC based on a formula specified in the "Agreement for the provision of funding support of the Exmouth Visitor Centre" entered into in 2013 by the Shire and the Exmouth Visitor Centre Marketing Committee Inc. (now the Ningaloo Visitor Centre Marketing Committee). This agreement is due to expire on 30 June 2018 and commits the Shire to a direct cash subsidy funding of no more than \$220,000 for the 2017/18 period.

## **STRATEGIC IMPLICATIONS**

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2016-2020.

- Economic:
- 1 To be a diverse and innovative economy with a range of local employment opportunities.
    - 1.1 To increase the number of local businesses, industries and services that will provide a range of employment opportunities for the people of Exmouth.
    - 1.2 Planned and balanced economic growth.
    - 1.3 Diverse tourism opportunities.
    - 1.5 Maintain and improve Shire infrastructure.

- Environment: 2 To have a balanced respect for our environment and heritage, both natural and built.
- 2.1 To maintain and improve access and connectivity to our natural assets.
- 2.3 To have a town and community that takes pride in its world heritage status.
- 2.5 To make Exmouth an attractive town that is a comfortable and welcoming place to live and visit, and reflects the lifestyle values and unique natural environment.
- Social: 3 To be a dynamic, passionate and safe community valuing natural and cultural heritage.
- 3.2 Excellent lifestyle, recreational and cultural facilities.
- Civic Leadership: 4 To work together as custodians of now and the future.
- 4.1 To be a collaborative community with the capacity to manage the current and future direction of Exmouth.
- 4.2 A local government that is respected, professional, trustworthy and accountable.
- 4.3 To be strong advocates representing the region's interests.

## **VOTING REQUIREMENTS**

Simple Majority

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### **OFFICER'S RECOMMENDATION**

**ITEM 13.1**

That Council:

1. Endorse the Ningaloo Visitor Centre Review of Operations Report.
2. Approve the Chief Executive Officer to progress and implement the report findings where required and more specifically:
  - Appoint a suitably qualified consultant to consult and develop a bespoke destination development framework that will clearly outline;
    - A sustainable business model that delivers effective visitor servicing at the Ningaloo Centre,
    - A destination marketing strategy for the Ningaloo region that achieves buy in from all relevant stakeholders,
    - A recommended governance structure that ensures strong local industry and tourism stakeholder engagement.

## 13.2 FRIENDS OF NINGALOO CENTRE – FEES AND CHARGES

File Reference:	ED.PJ.1
Responsible Officer:	Executive Manager Commercial & Community Services
Date of Report:	28 September 2017
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Friends of Ningaloo Centre promotional flyer

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### PURPOSE

This report recommends that Council adopt amendments to the 2017/2018 Fees & Charges relating to the operations of the Ningaloo Centre and more specifically by introducing a Friends of the Ningaloo Centre membership program that will allow free entry to the Ningaloo Centre exhibit galleries for eligible local Exmouth residents registered for this program and introducing an annual Friends of Ningaloo Centre fee schedule payable by all non-residents.

### BACKGROUND

The Ningaloo Centre is the Shire of Exmouth's most significant tourism and community asset and will be a focal point for growth in the local tourism, research and education industry sectors.

The Ningaloo Centre is rolling out a free membership based program aimed at delivering a variety of benefits to Exmouth locals who visit the Centre. The Friends of Ningaloo Centre group will be free to join for local Exmouth residents.

The Friends of Ningaloo Centre concept was promoted to the general public visiting the facility over the 3 day official opening period (15-17 September) and the follow up half day opening 23 September. Visitors were encouraged to register their interest on a dedicated Ningaloo Centre webpage and to date some 340 expressions of interest have been received.

### COMMENT

In response to strong public interest it is now proposed to extend the Friends of Ningaloo Centre membership offer to non Exmouth residents on an annual membership fee basis. The proposed 2017/18 fee structure for the Friends of Ningaloo Centre membership program is as follows;

- Individual (residing within the 6707 postcode) free of cost
- Individual (residing outside of 6707 postcode) 1 year \$95
- Joint (2 people living at the same address outside of 6707 postcode) 1 year \$150
- Corporate members/sponsorship – negotiated in recognition of benefits to be received as required.

### CONSULTATION

The Friends of Ningaloo Centre concept was promoted during the official opening 3 day public open days and due to strong public enquiry the program was extended to non Exmouth residents.

## STATUTORY ENVIRONMENT

Local Government Act 1995, Sections 6.16, 6.17 and 6.19

## POLICY IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

The direct costs for implementing the Friends of Ningaloo Centre program are considered to be minor (limited to only printing and issuing of membership cards), communication newsletters will be distributed electronically and responsibility for managing the program will be undertaken within existing staffing resources. The imposition of annual membership fees for non local residents will generate additional but unknown income to the Ningaloo Centre. The greatest value of the membership program lies in the potential for member local residents to become local product champions, to accompany and encourage visiting friends and relatives to visit the Ningaloo Centre as fee paying visitors.

## STRATEGIC IMPLICATIONS

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2016-2020.

- |                   |     |   |
|-------------------|-----|---|
| Economic:         | 1   | <u>To be a diverse and innovative economy with a range of local employment opportunities.</u>   |
|                   | 1.3 | Diverse tourism opportunities.  |
|                   | 1.5 | Maintain and improve Shire infrastructure.  |
| Environment:      | 2   | <u>To have a balanced respect for our environment and heritage, both natural and built.</u>   |
|                   | 2.1 | To maintain and improve access and connectivity to our natural assets.  |
|                   | 2.2 | Our pristine natural environment and biodiversity will be understood, maintained and protected.   |
|                   | 2.3 | To have a town and community that takes pride in its world heritage status.   |
|                   | 2.5 | To make Exmouth an attractive town that is a comfortable and welcoming place to live and visit, and reflects the lifestyle values and unique natural environment. |
| Social:           | 3   | <u>To be a dynamic, passionate and safe community valuing natural and cultural heritage.</u>  |
|                   | 3.2 | Excellent lifestyle, recreational and cultural facilities.  |
|                   | 3.3 | An inclusive, responsible and cohesive community.   |
|                   | 3.4 | A community that is well informed and educated about our natural, cultural and built environment.   |
|                   | 3.7 | Residents and visitors have access to appropriate services and facilities to enhance their health and wellbeing.  |
| Civic Leadership: | 4   | <u>To work together as custodians of now and the future.</u>  |
|                   | 4.3 | To be strong advocates representing the region's interests.   |

## VOTING REQUIREMENTS

Simple Majority

**OFFICER'S RECOMMENDATION****ITEM 13.2**

That Council:

1. Approve the introduction of proposed new fees to the operations of the Ningaloo Centre for implementation of the Friends of Ningaloo Centre program for the 2017/18 period as follows:
  - Individual (residing within the 6707 postcode) free of cost.
  - Individual (residing outside of 6707 postcode) 1 year \$95.
  - Joint (2 people living at the same address outside of 6707 postcode) 1 year \$150.
2. Provide delegated authority to the Chief Executive Officer to negotiate corporate memberships and sponsorships as required.
3. In accordance with Section 6.19 of the *Local Government Act 1995*, give local public notice of the intent to introduce the above changes to the 2017-2018 Fees and Charges effective 1 November 2017.

## 14 CORPORATE SERVICES

### 14.1 FINANCIAL STATEMENTS FOR PERIOD ENDING 31 AUGUST 2017

File Reference:	FM.FL.0
Responsible Officer:	Acting Executive Manager Corporate Services
Date of Report:	2 October 2017
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Financial Report as at 31 August 2017

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#### PURPOSE

This report recommends Council accepts the financial report for the financial period ending 31 August 2017.

#### 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

##### Carried Forward Surplus from 2016/17

The financial report records a carried forward surplus from the 2016/17 financial year of \$962,707. This is an unaudited forecast and remains a provisional sum subject to the annual audit. This reported carried forward surplus estimate of \$962,707 has been used in the formulation of the 2017/18 Annual Budget.

The author of the June 2017 and July 2017 Financial Report provides an explanation in the report to the ordinary meeting of Council on 22 August 2017.

*The 2016/17 Budget estimated to deliver a budget with a surplus of \$16,515, however due to the early receipt of an instalment of the Financial Assistance Grant of \$993,202 in June 2017 from the Local Government Grants Commission, this increased our surplus to \$962,702. Had this grant not been paid early, a closing deficit of (\$30,500) would've been attained.*

The forecast surplus amount is material. Due to unforeseen circumstances that has delayed the preparation of the 2016/17 Annual Financial Report, a verifiable estimate is not anticipated to be available until October or November 2017.

The reporting officer is relying upon the estimate made by the author of the June 2017 & July 2017 Financial Report to Council. There are however, no indications of a material variation to this estimate.



### Statement of Financial Position

The 2017/18 budget comparatives have yet to be loaded into the Shire's financial system due to unforeseen circumstances. It is expected this will be carried out for the ordinary meeting of Council in November.

Annual Rates have been levied and are in line with the 2017/18 Annual Budget.

Council has not resolved any variations to the 2017/18 Annual Budget since its adoption and there are no indications of material variations from the 2017/18 Annual Budget.

### **CONSULTATION**

Nil

### **STATUTORY ENVIRONMENT**

Section 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 the 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 2011-2021 and Corporate Business Plan 2016-2020.

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

### **VOTING REQUIREMENTS**

Simple Majority

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### **OFFICER'S RECOMMENDATION**

### **ITEM 14.1**

That Council resolves to receive the Financial Report for the financial period ending 31 August 2017.

## **14.2 LIST OF ACCOUNTS FOR PERIOD ENDING AUGUST 2017**

File Reference:	FM.FI.0
Responsible Officer:	Acting Executive Manager Corporate Services
Date of Report:	2 October 2017
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. List of Accounts for period ending August 2017.

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### **PURPOSE**

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

### **BACKGROUND**

It has been a 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.

### **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 CEO.

### **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 2011-2021 and Corporate Business Plan 2016-2020.

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

## **VOTING REQUIREMENTS**

Simple Majority

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### **OFFICER'S RECOMMENDATION**

### **ITEM 14.2**

That Council pursuant to Sections 6.7 and 6.9 of the *Local Government Act 1995* resolves to accept accepts payments being made up of:

1.    Municipal Fund – August 2017 \$2,245,522.10 incorporating of cheques 13468 – 13476 and direct debits; and transfers.
2.    Trust Fund – August 2017 \$1,350 incorporating transfers.

With Outstanding Creditors as at 31<sup>st</sup> August 2017 being \$691,321.01

## **15. ITEMS FOR INFORMATION ONLY**

Responsible Officer: Chief Executive Officer

Disclosure of Interest: Nil

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### **PURPOSE**

To advise Council of the information items for September 2017.

### **VOTING REQUIREMENTS**

Simple Majority.

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### **OFFICER'S RECOMMENDATION**

### **ITEM 15**

That Council note the following information items:

- 15.1 Register of Documents Stamped with the Shire of Exmouth Common Seal
- 15.2 Concessions on Fees for Council Facilities for September 2017
- 15.3 Building Decisions Issued up to 26 September 2017
- 15.4 Planning Decisions Issued up to 26 September 2017

## 15.1 REGISTER OF DOCUMENTS STAMPED WITH THE SHIRE OF EXMOUTH COMMON SEAL

Responsible Officer: Chief Executive Officer

Disclosure of Interest: Nil

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### PURPOSE

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

DATE	DOCUMENT
Nil	

## 15.2 CONCESSIONS ON FEES FOR COUNCIL FACILITIES FOR SEPTEMBER 2017

File Reference: CP.US.0

Responsible Officer: Executive Manager Commercial and Community

Date of Report: 28 September 2017

Disclosure of Interest: Nil

### PURPOSE

To provide Council with 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 Sporting Shooters Association	Supply of Pindan to Exmouth Sporting Shooters Association 23/9/17	\$101.25
Exmouth District High School	Hire of oval 2 x days for athletics carnival 7/9/17 & 8/9/17	\$276.00
Cape Conservation	Hire of Chairs for Community Meeting 31/8/17	\$113.50
PCYC	Hire of oval 4 x hours for school holiday program 27/9/17	\$74.00
Bangarang Dance	Local Government property permit and temporary food permit for Fundraising concert at Federation Park 22/9/17	\$144.25

### 15.3 BUILDING DECISIONS ISSUED UP TO 26 SEPTEMBER 2017

File Reference: DB.BD.0

Responsible Officer: Deputy Chief Executive Officer

Date of Report: 26 September 2017

#### PURPOSE

To provide Council with the building licence and building certificate applications and approvals made under Delegation pursuant to the *Building Act 2011* up to 26 September 2017.

App #	Date Received	Lot	Property Address	Description	Decision	Decision Date
17/70	11/08/17	371	14 Corella Court	Single Dwelling	Approved	29/08/17
17/71	14/08/17	35	6 Searaven Crescent	Shed	Approved	25/08/17
17/72	17/08/17	9	108 Madaffari Drive	Enclosing of Carport	Approved	29/08/17
17/73	17/08/17	1372	74 Preston Street	Turning existing shed into a house	Pending	
17/74	17/08/17	73	43 Kennedy Street	Bathroom Extension	Approved	30/08/17
17/75	22/08/17	23	44 Mortiss Street	Shed	Approved	28/08/17
17/76	28/08/17	112	19 Tautog Street	Verandah	Approved	7/09/17
17/77	1/09/17	134	R40007 Minilya Road-Exmouth	Telecommunications Tower, Equipment cabinet and Solar panels	Pending	
17/78	4/09/17	447	41 Madaffari Drive	Fence	Approved	19/09/17
17/79	5/09/17	437	37 Fitzhardinge Street	Fence	Approved	11/09/17
17/81	7/09/17	947	16 Griffiths Way	Patio	Pending	
17/82	7/09/17	646	28 Hall Street	Verandah and Carport	Approved	11/09/17
17/83	12/09/17	734	32 Carr Way	Carport	Pending	
17/84	14/09/17	102	23 Ingram Street	Roof on shed	Pending	

## 15.4 PLANNING DECISIONS ISSUED UP TO 26 SEPTEMBER 2017

File Reference: LP.PL.0

Responsible Officer: Deputy Chief Executive Officer

Date of Report: 28 September 2017

### PURPOSE

To advise Council of the following planning decisions issued under delegation for the above period.

App #	Date Received	Lot	Property Address	Description	Decision	Decision Date
PA70/16	13/06/16	2	Yardie Creek Road	Additional Camping Sites	ON HOLD - Pending information from Applicant	
PA107/16	15/08/16	50	Murat Road	Barge Loading Facility	ON HOLD - Pending information from Applicant	
PA112/16	25/08/16	1586 & 1587	164 Lyndon Location	Nature Based Park - Exmouth Gulf Pastoral Station	ON HOLD - Pending information from Applicant	
PA152/16	24/11/16	2 & 1	40 Pelias Street & 1 Carter Road	Change of Use	ON HOLD – At request of Applicant	
PA44/17	28/02/17	831	7 Pelias Street	Storage Unit	ON HOLD - Pending information from Applicant	
PA45/17	28/02/17	141	7 Dugong Close	Dwelling	Processing – Pending Information from Applicant	
PA100/17	14/06/17	789	5 Jones Place	Front Upper Floor Balcony Addition	Approved	13/09/17
PA126/17	7/08/17	21	5 Kennedy Street	Change of Use to Tavern	Pending – Request for comment	
PA127/17	16/08/17		Willersdorf Road	Telecommunications Infrastructure	Approved	13/09/17
PA128/17	17/08/17	112	54 Bluefin Cove	New Dwelling	Approved	13/09/17
PA129/17	21/08/17	1148	39 Welch Street	Deck	Approved	13/09/17
PA132/17	29/08/17	1372	74 Preston Street	Change of Use – Shed to Residential Dwelling	Processing	
PA134/17	1/09/17	343	28 Kestrel Place	Dwelling	Processing	
PA135/17	1/09/17	111	Thresher Street	Shed	Processing	
PA139/17	8/09/17	452	12 Stokes-Hughes	Garage	Processing	
PA142/17	14/09/17	11	112 Madaffari Drive	Change of Use to Holiday Accommodation	Processing	
PA143/17	19/09/17	17	Unit 27/2 Murat Road	Shed	Processing	
PA144/17	19/09/17	33	Unit 18/2 Murat Road	Chalet	Processing	
PA150/17	27/09/17	162	14 Tuckey Street	Carport	Processing	



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

<b>App</b>	<b>Date Received</b>	<b>Description</b>	<b>Date Issued</b>
PA110/17	03/07/17	Portable Sign	Processing
PA130/17	22/08/17	State Maritime Environmental Emergency Exercise	4/09/17
PA131/17	22/08/17	Mobile Butcher Shop	21/09/17
PA133/17	30/08/17	Mobile Health Facility Clinic	14/09/17
PA136/17	4/09/17	Sea Shepard Artwork Display	Cancelled
PA137/17	6/09/17	Lioness Club – Raffle Tickets	Cancelled
PA140/17	11/09/17	Juice Place	Processing
PA141/17	12/09/17	Clothing & Jewellery Stall	13/09/17
PA145/17	21/09/17	Clothing Sale	21/09/17
PA146/17	22/09/17	Dance Concert	22/09/17
PA147/17	26/09/17	Concert at Federation Park	Processing
PA148/17	26/09/17	Lioness Club – Raffle Tickets	Processing

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