

Ordinary Council Meeting
Minutes
10 October 2017

CONFIRMATION OF MINUTES

I hereby certify that the Minutes of the Ordinary Council Meeting held on 10 October 2017 are a true and accurate record of the proceedings contained therein.

.....
Mr Ian Fletcher AM JP
Commissioner

.....
23/10/2017
Dated

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ORDINARY COUNCIL MEETING MINUTES

Our Vision

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

Our Purpose

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

Our Strategic Objectives

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

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Commissioner opened the meeting at 4.35 pm.

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

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

Mr I Fletcher AM JP
Mr C Woods
Mr K Woodward

Mr M Bird
Mr S Eaton
Mr M Johnston
Mrs M Head

Commissioner
Chief Executive Officer
Deputy Chief Executive Officer (Development Services Executive)
Executive Manager Commercial and Community
Acting Executive Manager Corporate Services
Town Planner
Minute Clerk

GALLERY

Visitors 63

APOLOGIES

Nil

LEAVE OF ABSENCE

Nil

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTIONS TIME

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

Council Consideration Towards Public

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

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

In accordance with section 11 of the *Local Government (Administration) Regulations 1996*:

11 . Minutes, content of (Act s. 5.25(1)(f))

The content of minutes of a meeting of a council or a committee is to include —

- (e) a summary of each question raised by members of the public at the meeting and a summary of the response to the question;***

Question received from James Roscic

Can you please explain the payment made to Moet Hennessey Australia on the 25/08/2017 for \$8222.61. It is my understanding that the council premises are alcohol free and a google search shows this company to be a supplier of alcohol. Alcohol was not available to the general public at any of the shire hosted events.

The Chief Executive Officer responded: During the 50 year celebrations weekend there were a number of events not run by Council. The Military Ball was a Defence event run on Council premises. The ticket sales, \$180 inside and \$150 outside, more than covered the cost of alcohol, food and beverage. No Council funds, rate payer funds or sponsorship funds were used for the consumption or the use of alcohol.

The Shire was the conduit for the secretariat, as the committee was a voluntary committee, and the Shire acted as a banking agent only.

The Commissioner added there were no free tickets to the ball; all Shire staff that attended the ball paid their own way.

Question from Suzanne McHutchison

According to the press, the State Government has abandoned Exmouth as regards to the cruise shipping industry. Knowing that Exmouth is a preferred tourist destination, does the Council have any strategies to reverse this decision?"

The Commissioner responded by advising Mr Steve Wood, the Director General of the WA Department of Jobs, Science, Innovation and Tourism had been in Exmouth that afternoon to discuss the concept of a deep-water port and a floating pontoon for Exmouth.

Mr Wood explained Exmouth is not off the agenda. At a recent meeting with the Honourable Mr Paul Papalia, Minister for Tourism, it was explained that the highest priority is Broome and Exmouth will follow. As a result of Mr Wood visiting Exmouth he will be speaking with Carnival and other cruise shipping companies in relation to the Cruise shipping industry with respect to Exmouth.

5. DECLARATIONS OF INTEREST

Item/Description	Name	Detail of Interest	Extent of Interest
12.3 – Unbudgeted Expenditure	Stuart Eaton	will financially benefit from the report being one of the contractors engaged by Council	Not voting

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.

COUNCIL RESOLUTION

ITEM 7

Res No: 01-1017

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.

CARRIED 1/0

8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

- Very successful 50th Anniversary Celebrations over the weekend 15 to 17 September.
 - Over 2,000 people visited the new Ningaloo Centre. The Memory Room which was a joint initiative of the Shire and the WA Museum (WAM) as part of the Perth New Museum Project had 1,500 spend time with the WAM curator and her staff. A wealth of material, particularly photos were donated.

Even more material has since been provided by past and present community members from Exmouth. These will be digitised by the WAM and a record will be retained at our library. A special area will be set aside in the library for our Memory Room.
 - A very big thank you to everyone involved in making our 50th so memorable:
 - The 50th Anniversary Committee lead by Jaci Cutler;
 - The Military Ball Committee chaired by Major Jon Kramer;
 - Exmouth District High School, particularly the school choir and organisers of the float parade;
 - The RAN Band Western Australia;
 - Staff from the Shire of Exmouth;
 - NAVCOMMSTA HEH; and
 - Our major sponsors for the weekend:
 - Australian Government – Festivals Australia.
 - WA Government – Gascoyne Development Commission and Royalties for Regions.
 - BHP.
 - Quadrant Energy.
 - Woodside.
 - The Shire of Exmouth.
- The CEO and I met at RAAF Learmonth on Tuesday 19 September with the Federal Parliamentary Joint Standing Committee on Foreign Affairs, Defence & Trade, Defence Subcommittee, and Chaired by WA Senator Linda Reynolds.
- On 20 September, we had an economist visit Exmouth to look at developing a scope for the cost benefit analysis of a deep-water port for Exmouth.
- I visited Broome from 1 to 6 October. This gave me an opportunity to spend time looking at the Broome Information & Visitors Centre and get some insight into the WA Police campaign in the Kimberley Region *Let's Put the Heat on Ice*.
- On 7 October, I met with John Nicolaou from ACIL Tasman to discuss the Ningaloo Centre and Royalties for Regions Program. Mr Nicolaou is assisting John Langoulant with his Commission of Inquiry into Major Projects.
- I have been requested to appear before Mr Langoulant on Friday 13 October to give evidence on the Ningaloo Centre project.
- Today, the Director General of the WA Department of Jobs, Science, Innovation and Tourism has been in Exmouth to look at what happens when cruise ships come to Exmouth. We also

discussed the concept of a deep-water port for Exmouth. Mr Wood also inspected the Ningaloo Centre and the existing Ningaloo Visitors' Centre.

- Today we also have with us Mr Ron Alexander, Chair of the WA Government's Methamphetamine Task Force. This is an agenda item for the OCM. Mr Alexander is meeting with key stakeholders in our community while he is in Exmouth. I will ask Mr Alexander to address this meeting when we consider the relevant agenda item.
- The local government election on 21 October has resulted in twelve people nominating for council. This is a very good response, following the experience over the last twelve months. Postal votes for the election should have been received by now by those eligible to vote. If you have not received your postal vote, please contact Michelle Head at the Shire office and this will be addressed. Remember to only tick six boxes, no more as otherwise your vote will be invalid. I encourage everyone who is eligible to vote to do so as this is how you can have a say in the future of Exmouth.
- Following the count of votes on 21 October, I will return to Exmouth on Sunday 22 October. A Special Meeting of Council will be conducted on Monday evening 23 October at 4.30pm, where I will swear in newly elected member in my capacity as a Justice of the Peace. The new council will then elect among their number a President and Deputy President. I will then return to Perth on 24 October and my term as Commissioner comes to an end.
- This will be the last OCM that I preside over. I will return to Exmouth on 5 November to attend as a member of the public the first OCM of the new council on 6 November.
- I want to take this opportunity to say thank you to the staff at the shire, particularly Cameron Woods, Keith Woodward and Michelle Head for the incredible support that you have given me. I consider it to have been a great honour to have served the Exmouth community over the past nine months. There have been trials and tribulations over this time but I leave Exmouth satisfied that the work expected of me has been done. As I have said before, you have an amazing community spirit with a strong sense of pride for whom and what you are. Don't squander the unique characteristics of Exmouth and be ever vigilant so that you never go back to that very dark place where you were twelve months ago.

9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Mr Ron Alexander the Chair of the Methamphetamine Task Force overseas the Methamphetamine Action Plan established to ensure cross government cooperation in the battle against the devastating impact methamphetamine using is having on WA families and communities. (Attachment 1 – WA Labour Methamphetamine Action Plan – Supporting Communities and Families)

Due to the presentation given by Mr Ron Alexander, the Commissioner brought forward item 17, New Business of an Urgent Nature Introduced by Decision of Meeting, report 17.1 Methamphetamine Free Exmouth, as the next item for discussion.

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

17.1 METHAMPHETAMINE FREE EXMOUTH

File Reference:	GV.CM.0
Responsible Officer:	Chief Executive Officer
Date of Report:	29 September 2017
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Nil

PURPOSE

As part of Local Health Planning activities the Shire of Exmouth proposes to adopt a commitment to building safer communities which will include activities to promote zero tolerance to drugs with a particular focus on methamphetamines. The Shire of Exmouth has a particular aspiration to a Methamphetamine Free Zone.

The Shire of Exmouth has had initial discussions with local authorities and business partners including NAVCOMMSTA Harold E Holt, RAAF-Learmonth, Raytheon Australia, the Australian Federal Police and Exmouth District Senior High School whom have in principal supported the aspiration for the Shire of Exmouth to become a drug free community.

BACKGROUND

Federal context

In 2009 the Federal Government's National Preventative Health Taskforce launched the National Preventive Health Strategy titled, *Australia: The Healthiest Country by 2020*. The taskforce was asked to focus on how to reduce harm flowing from obesity, tobacco and alcohol. In addition the Federal Government is about to launch a \$10 million advertising blitz designed to help tackle the use of illicit drugs, particularly ice, among young Australians.

State context

At a State WA level, public health sits within the legislative framework of the Public Health Act 2016 (WA). The First Interim State Public Health Plan for Western Australia (14 July 2017) has been developed to identify public health objectives and policy priorities for WA for the next five years.

The Act will require local governments to take responsibility for public health and wellbeing planning on behalf of its community.

In June 2017, the WA Government has established a Methamphetamine Task Force chaired by Ron Alexander, former Director General of the WA Department of Sport & Recreation. The purpose of the task force is to research why methamphetamine abuse is so rampant.

Recommendations to Government from this task force could be within its first six months of establishment.

Local Context

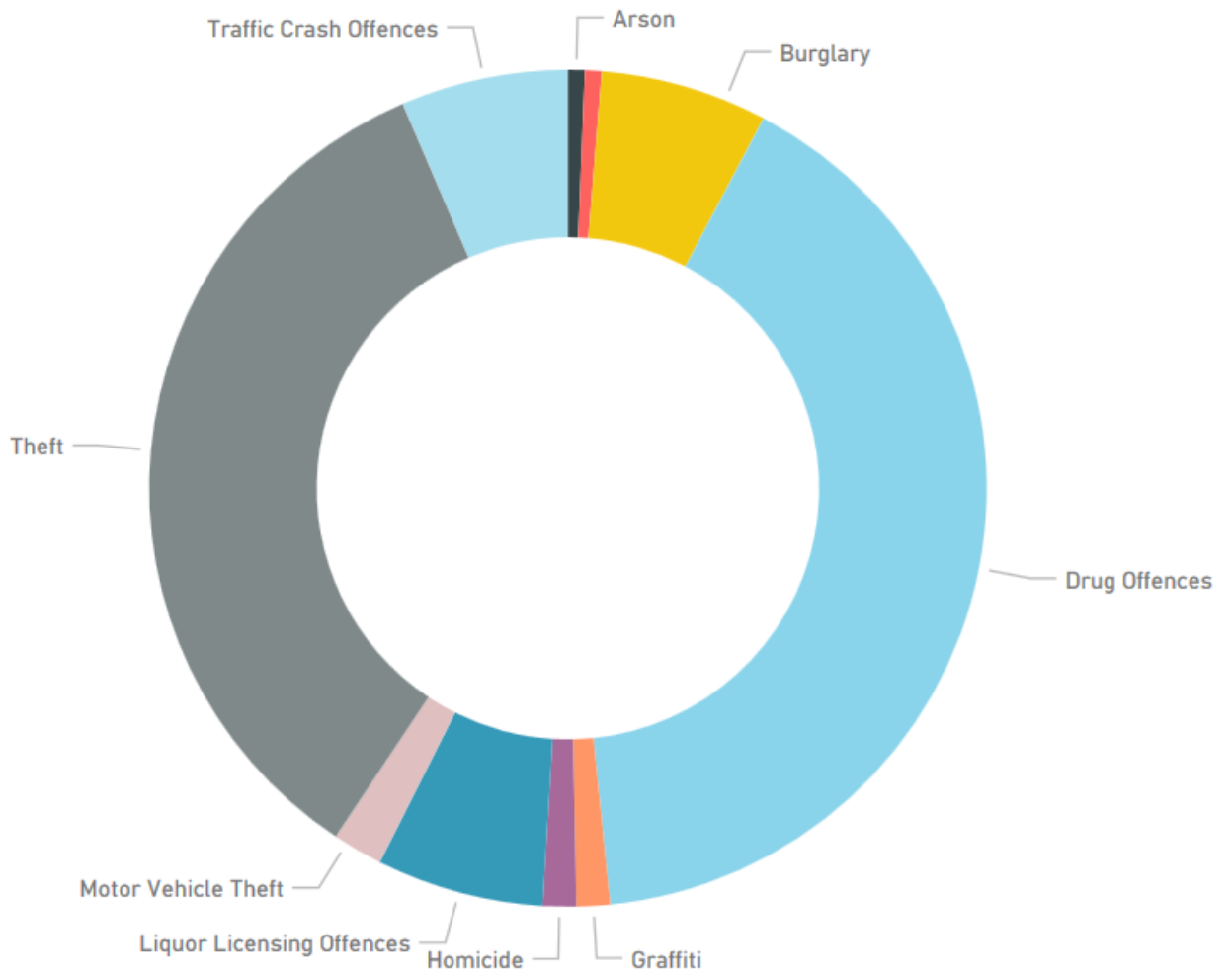
The Shire of Exmouth, local authorities and the community have concerns over high level of drug use within the Region.

Statistics provided by WA Police over the past three years for drug possession and distribution within the Exmouth sub district which includes Coral Bay are as follows:

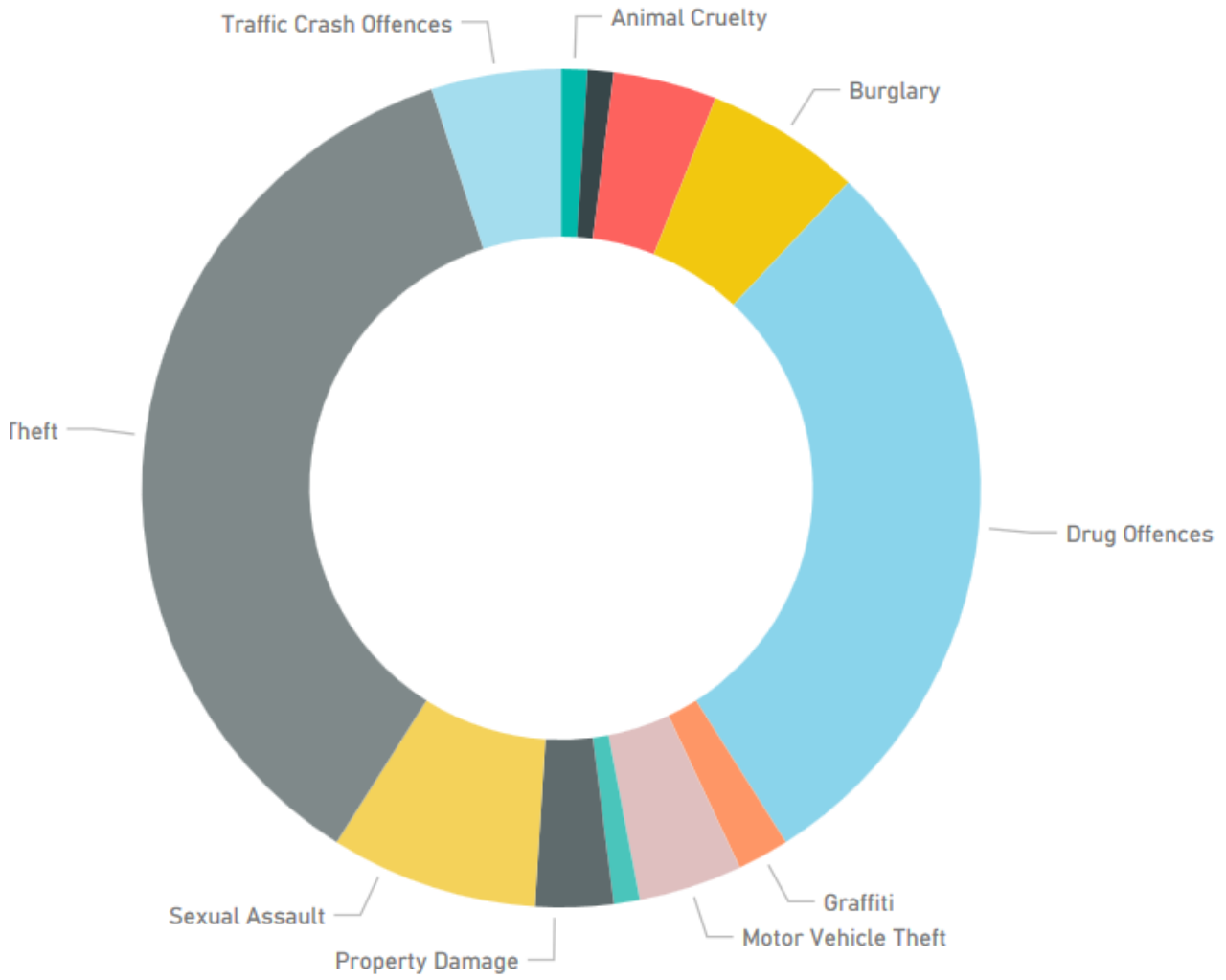
- Between 01/01/2015 – 31/12/2015 – 29 incidents involving drugs. Of those 3 x charges of possess prohibited drug with intent to sell/supply, 21 x charges of possess prohibited drugs, 29 x charges possess paraphernalia.
- Between 01/01/2016 – 31/12/2016 – 28 incidents involving drugs. Of those 1 x charges possess prohibited drug with intent to sell/supply, 19 x charges possess prohibited drugs, and 18 x charges possess paraphernalia.
- Between 01/01/2017 – to date - 42 incidents involving drugs. Of those 5 x charges possess prohibited drugs with intent to sell/supply, 38 x charges possess prohibited drug, 22 x charges possess paraphernalia.
- A Traffic Action undertaken by Exmouth Police in December 2016, tested 64 drivers, of which 1 in 8 drivers tested positive to driving under the influence of a prohibited substance. Of those a larger percentage was methamphetamine.

The WA Police have seen a significant increase in the charges of possession of methamphetamine as opposed to cannabis. This can be seen by the sharp increase in incidents involving drugs in 2017.

Shire of Exmouth Crimes by Category 1/1/2015 – 31/12/2015

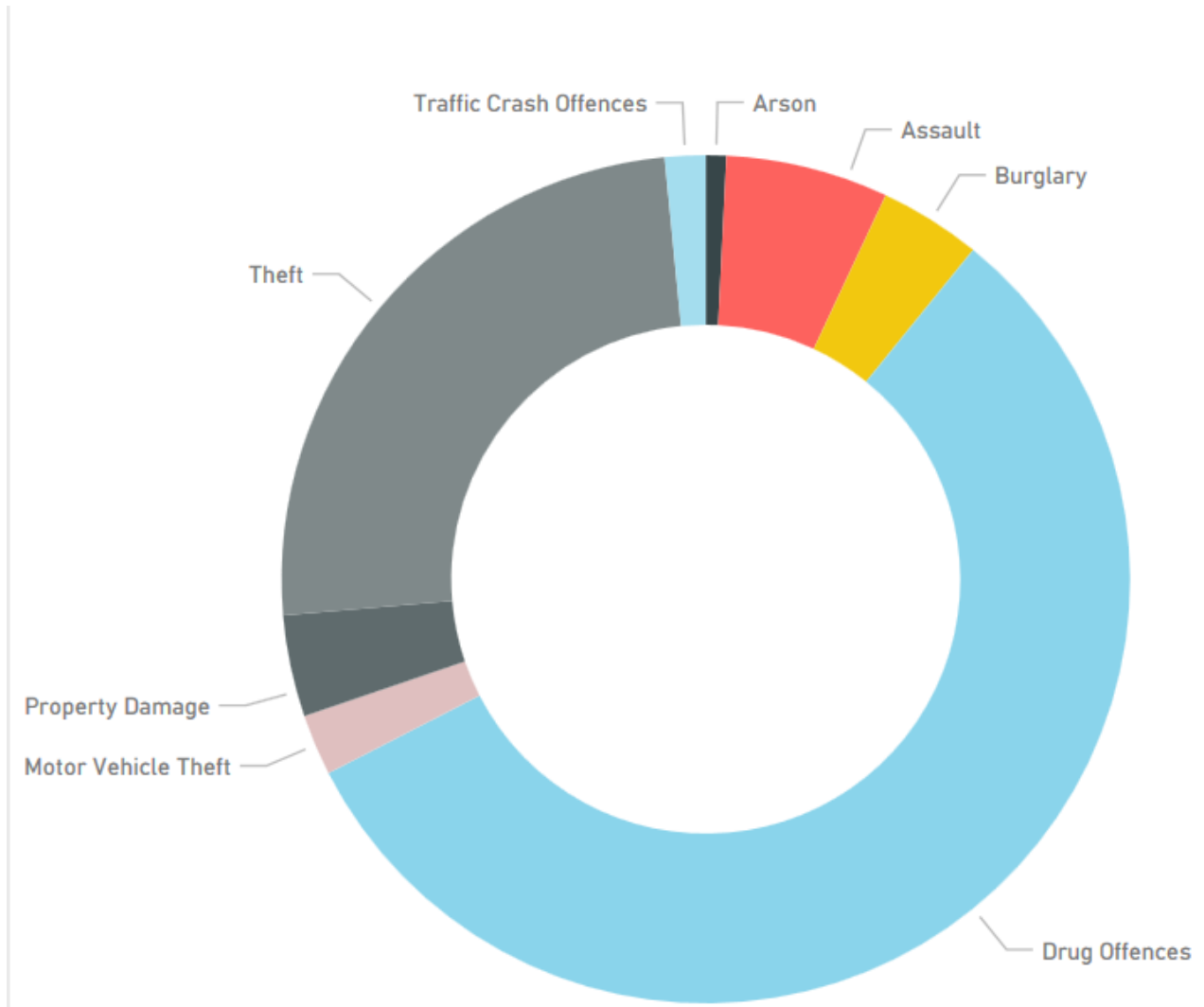


Shire of Exmouth Crimes by Category 1/1/2016 – 31/12/2016



Shire of Exmouth Crimes by Category 1/1/2017 – 31/8/2017.

Note, these statistics are only for 8 months of 2017 and the number drug related offences are already significantly greater than the previous 12 month periods.



The Shire of Exmouth is currently preparing its 10 year, Strategic Community Plan Exmouth 2030. Initial consultation has identified a strong theme to ensure a safe and healthy place to raise a family.

In addition, on 26 September the Community Strategic Reference group reinforced its commitment to ensuring Exmouth is a drug free community and the need to take a health prevention and wellness approach to those using drugs in our community.

The Shire of Exmouth has demonstrated a commitment to providing a safe working environment by minimising hazards associated with inappropriate use of alcohol and or drugs with a strengthened Fitness for Work (Drug & Alcohol) Program. The program will be rolled out to the Shire of Exmouth workforce in conjunction with Western Diagnostics on 10th and 11th October 2017.

As part of this program the Shire of Exmouth provides employees access to free professional counselling for anyone experiencing issues.

Shire of Exmouth – Methamphetamine Free Zone Leadership Role

Shire of Exmouth strategies to achieve a Methamphetamine Free Zone include but not limited to;

- Provide feedback to the WA Department of Health, through WALGA on the First Interim State Public Health Plan. The first feedback session is scheduled for 19 October 2017.
- Ensure procurement processes include a requirement for suppliers and contractors to adopt a similar approach to Fitness for Work and share our aspiration to be a Methamphetamine Free Zone.
- Facilitate a working group with clear terms of reference with interested parties to develop strategies and a unified campaign to work towards this aspiration.
- Encourage and share knowledge with other local employers to develop their own Fitness for Work program.

COMMENT

Nil

CONSULTATION

WALGA

WA Police Exmouth

Australian Federal Police

RAAF, Learmonth

Defence (HEH)

Raytheon

WA Methamphetamine Task Force Chair

Exmouth District High School

STATUTORY ENVIRONMENT

Public Health Act 2016

Misuse of Drugs Act 2015

Occupational Health and Safety Act 1984

Fair Work Act 2009

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The adopted 2017/18 budget incorporates the cost of the drug and alcohol program. The establishment and resourcing costs associated with the Exmouth Methamphetamine Free Zone Working Group will be managed within the existing salary budgets.

The Shire will formally seek grants to assist with identified and adopted actions from the cross agency Working Group.

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.
- 3.1 *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.*
- 3.5 *Maintain and increase participation levels in local community organisations and clubs.*
- 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

Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 17.1

That Council:

1. Endorse the Shire of Exmouth's aspiration to become a Methamphetamine (Drug) Free Zone.
2. Approve the Chief Executive Officer to facilitate the creation of working group with key stakeholders to develop strategies to achieve this goal.

COUNCIL RECOMMENDATION

ITEM 17.1

Res No: 02-1017

That Council:

- 1. Endorse the Shire of Exmouth's aspiration to become a Methamphetamine (Drug) Free Zone.**

- 2. Approve the Chief Executive Officer to facilitate the creation of working group with key stakeholders to develop strategies to achieve this goal and to work with the WA Government Methamphetamine Task Force.**

CARRIED 1/0

PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS continued

The President of Cape Conservation Group Denise Fitch spoke in relation to Report 12.8 Scheme Amendment No 32 Adoption for Advertising, moving that the agenda item, together with the matter of changing land use zoning and the change of definitions be removed from the Agenda and that the matter be decided only after a democratically elected Council is in place.

The following statement was read by Denis Fitch;

My name is Denise Fitch, and I'm President of the Cape Conservation Group. Thank you for the opportunity to speak today. I will speak to Item 12.8 – Scheme Amendment No. 32 – Adoption for Advertising.

The Subsea 7 proposal for Heron Point is a major industrial development. Every aspect of its construction and operation will have a significant impact on our community and its special environment.

We understand that the site at Heron Point is ideal for the *proponent's* needs. Problem is the proponent's needs are not ideal for Heron Point. Even less suitable for the Gulf. This project will effect many people, the locals and tourists who use Heron Point area for recreation. People like Brett Wolf, whose wife Simone is here today, depend on it for their tourism business. Anyone who thinks access to Heron Point won't be affected by Subsea 7 is dreaming.

The Gulf is unique. Globally important. It's a crucial calving ground and nursery for whales. And the IUCN and other agencies say it has World Heritage values, *especially* the Western Gulf.

Up until now the Gulf's special ecological values have been respected. That respect has been written into the Shire's codes. About land use, about activities allowed in or near its waters, and about what can be built along it. That's why it doesn't look like Kwinana or Dampier or Port Hedland. Locals and tourists all flock to the Gulf because of that, because it's been looked after.

The item being put forward by the Shire tonight is the first step in winding back the rules that have kept Exmouth Gulf the way it is up till now. This hasn't been done as part of a strategic planning process, with proper public discussion. It's being presented to us tonight as a fait accompli. We only get three weeks to try and make sense of it. We only get our say after it's been decided. Not much of a process.

The first point I make is, that changes to zoning and land use are normally done on principle. Same with changes to definitions of land use. And tonight, both are being put forward –not to meet a principle, but to satisfy the needs of one business. This smooths the way for Subsea 7. In other words, what we're seeing is a *proposal-driven policy*. This isn't good governance. It is not, to quote the Commissioner, 'exemplary' because it sets a terrible precedent. It means that down the track, other corporations can expect to get a little love from Shire too. You change the rules for one, you get pressured into doing it for others. And you might ask yourself, when was the last time this Shire changed the Town Planning Scheme to satisfy an ordinary ratepayer? Someone point him out and I'll buy him a beer.

The second point is this. The changes to the Town Planning Scheme on the Agenda tonight have serious implications for the Gulf well beyond the Subsea 7 proposal. If they're passed, the Gulf will be exposed to industrial development in a way that was impossible before today. The framework we've worked under so successfully and responsibly up til now, will have begun to be dismantled. And that's a tragedy.

My third point is pretty simple, even though it's a bit awkward to say. We don't have an elected Council. And we're only a week or so out from Council elections. So why is this matter being brought forward tonight, when it could have waited a few more weeks? *That's what's causing so much alarm.* What's going on here? What's the rush? Especially when very soon this could all be decided by elected representatives of this community. By locals. By ratepayers. Not just one individual who has not been elected.

This is too big a matter to leave in the hands of a single appointee. I say this without prejudice and with all due respect. I'm not questioning the integrity or competence of the Commissioner. Just making the point to underline how critical and how exceptional a decision like this is. It will have a long-lasting impact on our future, on those of us who'll be here long after the Commissioner's tenure ends. Shire should accept the gravity of what it's brought before us tonight. It should recognize its mistake and set the matter aside until we have an elected Council.

We live in a special place. That's why most of us are here. But that makes us the custodians of one of the world's natural wonders. People all over the country are watching us. They expect us to act responsibly and put the protection of the Reef first. And to safeguard the Reef, we must protect the Gulf. And now, in the wake of the Shire's recent troubles, *there's an extra burden of scrutiny.* We're a long way up the highway in Exmouth, it's easy to assume no one will notice. But believe me, there are people paying attention.

There's a Council election in just over a week. This is a decision *Exmouth representatives* should make.

So with respect, I move that Agenda Item 12.8, together with the matter of changing land use zoning and the change of definitions be removed from tonight's Agenda and that the matter be decided only after a democratically elected Council is in place (Attachment 2).

The Commissioner explained this is a statutory process. This report is to commence the process only, not to approve it. The final decision will be made by the elected Council, as it will take approximately 12 months to obtain the necessary approvals. The Commission invited Mr Mark Johnston, Planning Officer to explain the statutory process to the galley and provided them with copies of the flowchart 'Process for Complex Amendment to Local Planning Scheme' (Attachment 3).

Due to the presentation given by the President of Cape Conservation Group, Denise Fitch, the Commissioner brought forward report 12.8 Scheme Amendment No 32 Adoption for Advertising, as the next item for discussion.

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">1. Scheme Amendment Document (Tabled)2. Proposed Scheme Map3. Site Photos4. Town Planning Scheme No. 3 Land Use Definitions

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 | <u>To be a diverse and innovative economy with a range of local employment opportunities.</u> |
| | 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> |
| | 1.2 | <i>Planned and balanced economic growth.</i> |
| Environment: | 2 | <u>To have a balanced respect for our environment and heritage, both natural and built.</u> |
| | 2.1 | <i>To maintain and improve access and connectivity to our natural assets.</i> |
| | 2.2 | <i>Our pristine natural environment and biodiversity will be understood, maintained and protected.</i> |
| | 2.3 | <i>To have a town and community that takes pride in its world heritage status.</i> |
| | 2.4 | <i>To be a leader in eco-friendly initiatives and innovations.</i> |
| | 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> |

- Social:
- 2.6 *Incorporate Climate Change impacts onto current and future planning and policy of Land Developments.*
- 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

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
SU9	9	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"> • Industry • Industry - Light • Marine support facility • Pipeline Fabrication Facility • Public Utility • Telecommunications Infrastructure 	<ol style="list-style-type: none"> 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. 2. Rural style fencing is permitted. 3. Development within the Special Use zone area is subject to referral of a proposal to the Environmental Protection Authority under section 38 of

			<ul style="list-style-type: none"> • Warehouse/Storage 	<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> <ol style="list-style-type: none"> a. Details of heritage assessment processes. b. Details for a potable and non-potable water supply. c. Details for waste water treatment. d. Details for stormwater management. e. Access from Minilya-Exmouth Road, in consultation with Main Roads WA. f. Details for construction management.
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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.

COUNCIL RECOMMENDATION**ITEM 12.8****Res No: 03-1017****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
<i>SU9</i>	9	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"> • Industry • Industry - Light • Marine support facility • Pipeline Fabrication Facility • Public Utility • Telecommunications Infrastructure • Warehouse/Storage 	<ol style="list-style-type: none"> 5. Buildings (excluding gatehouse and incidental structures) shall be setback a minimum of 100 metres from any lot boundary with frontage to Minilya-Exmouth Road. 6. Rural style fencing is permitted. 7. Development within the Special Use zone area is subject to referral of a proposal to the Environmental Protection Authority under section 38 of the <i>Environmental Protection Act 1986</i>. 8. As part of a Development Application the following shall be addressed to the specification and satisfaction of the local government: <ol style="list-style-type: none"> a. Details of heritage assessment processes. b. Details for a potable and non-potable water supply. c. Details for waste water treatment.

				<p>d. Details for stormwater management.</p> <p>e. Access from Minilya-Exmouth Road, in consultation with Main Roads WA.</p> <p>f. Details for construction management.</p>
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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

- ii. 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.**

CARRIED 1/0

10. MATTERS ARISING FROM COMMITTEES OF COUNCIL

Nil

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

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

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.

COUNCIL RECOMMENDATION

ITEM 11.1

Res No: 04-1017

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.**

CARRIED 1/0

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:

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

COUNCIL RECOMMENDATION**ITEM 11.2****Res No: 05-1017**

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

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

CARRIED 1/0

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">1. October 2017 Council Policy Manual (Amended Policy Manual)2. September 2017 Management Practice and Procedure Policy Manual

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)

Policy	Comment
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)

Policy		Comment
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)

Policy		WALGA Comment	DLG Comment	Shire Comment
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 adopting the attached	That the Shire review the effectiveness of its purchasing policy no. 2.10 and include more information and guidance about dealing with "unique supplier" tender exemptions and	The WALGA Model Purchasing Policy is the basis for the September 2017 Purchasing Policy.

		WALGA Template Purchasing Policy.	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

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.

COUNCIL RECOMMENDATION**ITEM 12.1****Res No: 06-1017****That Council:****1. Rescind the following policies from the 22 August 2017 Council Policy:**

- 1.7 - Councillor Induction;**
- 1.8 - Council Meetings;**
- 1.9 - Committee Meetings;**
- 1.12 - Local Government Elections;**
- 1.13 - Civic Receptions;**
- 1.18 - Provision of Business Cards for Councillors;**
- 1.30 – Gratuity;**
- 1.31 - Committee Fees and Expenses Benefits;**
- 1.32 - Selection and Appointment of CEO;**
- 2.6 - Token Gifts;**
- 2.11 - Smoke Free Workplace;**
- 2.16 - Joint Venture Aged Pension Units;**
- 4.1 - Volunteering and Volunteer Management;**
- 7.2 - Sealing of Roads;**
- 7.3 - Extra Mass Permits;**
- 7.13 – Kerbing;**
- 7.16 - Playground Equipment;**
- 8.2 - Litter Control – Honorary Inspectors;**
- 8.3 - Dog Control – Honorary Officers; and**
- 8.6 - Camp Fires.**

2. Authorise the transfer of the following policies to the Management Practice and Procedure Manual:

- 1.21 - Attendance at Conferences, Seminars, Training Courses and Meetings;**
- 1.28 - Shire Security;**
- 1.29 - Staff Induction Manual;**
- 1.30 – Gratuity;**
- 1.34 - Protection from the Sun for Outdoor Work;**
- 1.37 - Apprenticeships & Trainees;**
- 1.39 - First Aid Training;**
- 1.40 - Medical Examination;**
- 1.41 - Employee Grievance Policy;**
- 1.43 – Personal Leave & Sick Leave (Entitlements);**
- 2.7 - Responding to Repetitive and/or Abusive Requests;**
- 2.8 - Complaints Handling;**
- 4.2 – Hire and Use of Shire Venues; Shire Hall and Recreation Centre;**
- 4.4 – Use of Social Media (Facebook) for Publicity;**
- 5.6 - Group Instruction at the Paltridge Memorial Swimming Pool; and**
- 8.1 - Use of Council Firearms.**

- 3. Formally adopt the reviewed and new Council Policies numbered 1.1 to 8.5 contained within the Council Policy Manual 10 October 2017.**

CARRIED 1/0

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

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.

No submissions were received from the public notice.

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

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; and
 - 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.

COUNCIL RECOMMENDATION**ITEM 12.2****Res No: 07-1017****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; and**
 - 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.**

CARRIED 1/0

Mark Johnston left the Chambers at 5.50pm.

Mark Johnston returned to the Chambers at 5.55pm

Acting Executive Manager Corporate Services declared a financial interest in the following report and provided the Chief Executive Officer with a Disclosure of Interest form prior to the commencement of the Ordinary Council Meeting.

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

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.

Compliance and Reporting Summary	
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

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.

COUNCIL RECOMMENDATION**ITEM 12.3****Res No: 08-1017**

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.**

CARRIED 1/0

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

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.

COUNCIL RECOMMENDATION**ITEM 12.4****Res No: 09-1017****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.**

CARRIED 1/0

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

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:

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

Contributor	Main Purpose	Amount \$	2017/18 Budget
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 Swimming 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)
Total Project Costs		\$199,171	

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

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 for the Contract, subject to the same stipulated agreement of terms.

COUNCIL RECOMMENDATION**ITEM 12.5****Res No: 10-1017****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 for the Contract, subject to the same stipulated agreement of terms.**

CARRIED 1/0

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

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

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.

COUNCIL RECOMMENDATION

ITEM 12.6

Res No: 11-1017

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.**

CARRIED 1/0

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">1. Site Plan2. Cover Letter3. Consultation Plan4. Site Photos

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

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

- a) *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;*
- b) *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;*
- c) *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;*
- d) *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:

Submission	Comments	Officer Response
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	a) Do not object. b) So far the proprietors of Froth have done an amazing job with their business. They are responsible, creative,	Noted. Noted.

	friendly and have helped bring life into the Mall again. I feel quite sure that this will continue.	
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 behaviour in public places are a Police matter. An advice note is recommended advising the applicant to</p>

		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:
- 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.*
- Environment:
- 2 To have a balanced respect for our environment and heritage, both natural and built.
 - 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

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.

COUNCIL RECOMMENDATION

ITEM 12.7

Res No: 12-1017

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.**

CARRIED 1/0

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

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:

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 | <u>To be a diverse and innovative economy with a range of local employment opportunities.</u> |
| | 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 | <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.
- 2.3 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

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; and
 - A recommended governance structure that ensures strong local industry and tourism stakeholder engagement.

COUNCIL RECOMMENDATION

ITEM 13.1

Res No: 13-1017

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; and**
- **A recommended governance structure that ensures strong local industry and tourism stakeholder engagement.**

CARRIED 1/0

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

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; and
- 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 To be a diverse and innovative economy with a range of local employment opportunities.
 - 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.
 - 2.2 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 To be a dynamic, passionate and safe community valuing natural and cultural heritage.
 - 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 To work together as custodians of now and the future.
 - 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.

COUNCIL RECOMMENDATION**ITEM 13.2**

Res No: 14-1017

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.**

CARRIED 1/0

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

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

OFFICER'S RECOMMENDATION

ITEM 14.1

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

COUNCIL RECOMMENDATION

ITEM 14.1

Res No: 15-1017

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

CARRIED 1/0

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.

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

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 31st August 2017 being \$691,321.01

COUNCIL RECOMMENDATION

ITEM 14.2

Res No: 16-1017

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 31st August 2017 being \$691,321.01

CARRIED 1/0

15. ITEMS FOR INFORMATION ONLY

Responsible Officer: Chief Executive Officer

Disclosure of Interest: Nil

PURPOSE

To advise Council of the information items for September 2017.

VOTING REQUIREMENTS

Simple Majority.

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
-

COUNCIL RECOMMENDATION

ITEM 15

Res No: 17-1017

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**

CARRIED 1/0

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

Responsible Officer: Chief Executive Officer

Disclosure of Interest: Nil

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.

App	Date Received	Description	Date Issued
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

Nil

18. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS

Nil

19. CLOSURE OF MEETING

The Commissioner declared the meeting closed at 6.25pm.