



Ordinary Council Meeting Minutes 23 August 2018

CONFIRMATION OF MINUTES

I hereby certify that the Minutes of the Ordinary Council Meeting held on 23 August 2018 are a true and accurate record of the proceedings contained therein.

.....
Matthew Niikkula
Shire President

.....
27/9/2018
Dated

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SHIRE OF EXMOUTH

ORDINARY COUNCIL MEETING – MINUTES

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

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

Our Strategic Objectives

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

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 4.01pm.

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

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

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

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

Councillor M (Matthew) Niikkula	Shire President
Councillor G (Gary) Mounsey	Deputy Shire President
Councillor B (Ben) Dixon	
Councillor H (Heather) Lake	
Councillor M (Mark) Lucas	
Councillor G (Gavin) Penfold	
Mr C Woods	Chief Executive Officer
Mr M Bird	Executive Manager Commercial and Community
Mr K Wilson	Executive Manager Corporate Services
Mrs M Head	Minute Clerk

GALLERY	6	
APOLOGIES	Nil	
LEAVE OF ABSENCE	Mr K Woodward	Deputy Chief Executive Officer

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).

Nil

5. DECLARATIONS OF INTEREST

Nil

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.

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

That the Minutes of the Special Council Meeting of the Shire of Exmouth held on the 25 July 2018 be confirmed as a true and correct record of proceedings.

That the Minutes of the Ordinary Meeting of the Shire of Exmouth held on the 26 July 2018 be confirmed as a true and correct record of proceedings.

COUNCIL RESOLUTION**ITEM 7****Res No: 01-0818****MOVED: Cr Mounsey****SECONDED: Cr Lake**

That the Minutes of the Special Council Meeting of the Shire of Exmouth held on the 25 July 2018 be confirmed as a true and correct record of proceedings.

CARRIED 6/0

COUNCIL RESOLUTION**ITEM 7****Res No: 02-0818****MOVED: Cr Lucas****SECONDED: Cr Penfold**

That the Minutes of the Ordinary Meeting of the Shire of Exmouth held on the 26 July 2018 be confirmed as a true and correct record of proceedings.

CARRIED 6/0

8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS**Councillor Lake**

- Attended Ningalens Festival band night and expressed her commendation to the Festival Committee for their effort putting such as successful event together.
- Attended the 2018 WA Local Government Convention from the 1 – August 2018.

Councillor Mounsey

- Attended the 2018 WA Local Government Convention from the 1 – August 2018.

Councillor Penfold

- Expressed his thanks to Mr Pete Firth for such an “Amazing Ningalens Festival”, and commended the efforts of many individuals who contribute to the Community. He also thanked Froth Brewery and Shire for their assistance.

Councillor Lucas

- Advised of his involvement with the CEO Performance Review Committee and expressed his appreciation to all involved with special thanks to Mr Kerry Graham who participated as an independent reviewer for the performance review process.

Shire President

- Expressed his thanks also to Mr Kerry Graham for the guidance he provided throughout the CEO Performance Review process.

9. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

The Shire President read the following to the gallery:

The beginning of August was WA "Local Government Week" held at the Perth Convention Centre. This event was attended by myself, Cr Lake and Cr Mounsey and we were joined by our CEO for the AGM of WALGA and several business sessions. This conference proved to be extremely valuable for such a new group of councillors, allowing opportunities to network and interact with peers from other councils throughout WA.

The presentation of awards saw our fantastic "Banners in the Terrace" entry just miss out on a win, but I would once again like to congratulate both the Senior Citizens and Playgroup for the outstanding banner they produced on behalf of Exmouth.

Congratulations must also be given to Joanne and the Depot staff, as the Shire of Exmouth was awarded the "Safety Excellence Award" by LGIS.

I myself was the recipient of a full scholarship to complete a "Diploma of Local Government" over the next 2 years at no cost to our council. In the interest of good governance, this is a training course I will endeavour to dedicate a huge amount of time and effort completing.

During our first few meetings in late 2017, council was required to nominate representatives for committees and boards as in previous years. As part of this process, council resolved to nominate Cr's Lake, Penfold and Lucas for the 2 positions set aside for council representatives on the Gascoyne Development Commission. We waited a very long time for the outcome of our nominations, and were finally advised via letter on the 8th of June, that all of our nominations were unsuccessful, as the Hon Alannah MacTiernan decided the positions should be filled by community representatives and not council representatives.

Likewise, our nomination of Cr Lake to the vacant councillor position on the "Ningaloo Coast World Heritage Advisory Committee", also put forward in late 2017, was also unsuccessful. This was primarily due to the committee changing their "Terms of Reference" so that councillors are no longer apart of the membership. We have been advised that the Exmouth Shire is still to remain a stakeholder, and will be requested to provide regular updates to the committee, but the position of elected councillor will be changed to a representative of the community.

Whilst council acknowledges that these decisions are above our control, we also believe that elected members of the public, ie: councillors, are by definition representative of the community. We are very disappointed that not only was council unsuccessful in gaining a seat on both of these important committees, but also at the fact it took 6 months to be advised of the outcomes. Both of these committees have insisted that council acknowledges them as key stakeholders throughout all our decision making processes, but we feel the same courtesy has not been reciprocated.

I will be composing a letter, on behalf of council, advising of our disappointment at these outcomes and decisions”.

10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Exmouth Police OIC, Mr Paul World presented Councillor Gavin Penfold with a Certificate of Appreciation award in recognition of his efforts and significant contribution in locating and rescuing two tourists in waters off Ningaloo Station on the 25 April 2018.

11. MATTERS ARISING FROM COMMITTEES OF COUNCIL

Nil

12. REPORTS OF OFFICERS

EXECUTIVE SERVICES

12.1.1 CHRISTMAS CLOSURE PERIOD BETWEEN CHRISTMAS NEW YEAR PERIOD

File Reference:	GV.CM.0
Responsible Officer:	Chief Executive Officer
Date of Report:	8 August 2018
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 Monday 24, Thursday 27, Friday 28 and Monday 31 December 2018.

Hence, the office will be closed from COB Friday 21 December 2018 and reopen again on Wednesday, 2 January 2019, allowing administrative staff to have a decent break over the festive period.

COMMENT

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

Department	Closed	Open
Shire Administration office	COB Friday 21/12/18	Wednesday 02/01/19
Ningaloo Visitors Centre and Exhibits	Tuesday 25/12/18 Wednesday 26/12/18 Tuesday 01/01/19	
Library	COB Friday 21/12/18	Wednesday 02/01/19
Airport	Normal operating hours will apply	
Swimming Pool	Tuesday 25/12/18 Tuesday 01/01/19	
Tip	Tuesday 25/12/18 Tuesday 01/01/19	
Depot	COB Friday 21/12/18	Wednesday 02/01/19
	<i>(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)</i>	

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

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

- 4.1 To provide proactive, collaborative and transparent leadership
- 4.2 A local government that is respected and accountable.
- 4.3 To be a champion for our community

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.1.1

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

Department	Closed	Open
Shire Administration office	COB Friday 21/12/18	Wednesday 02/01/19
Ningaloo Visitors Centre and Exhibits	Tuesday 25/12/18	

	Wednesday 26/12/18 Tuesday 01/01/19	
Library	COB Friday 21/12/18	Wednesday 02/01/19
Airport	Normal operating hours will apply	
Swimming Pool	Tuesday 25/12/18 Tuesday 01/01/19	
Tip	Tuesday 25/12/18 Tuesday 01/01/19	
Depot	COB Friday 21/12/18	Wednesday 02/01/19
	<i>(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)</i>	

COUNCIL RESOLUTION**ITEM 12.1.1****Res No: 03-0818****MOVED: Cr Mounsey****SECONDED: Cr Lucas**

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

Department	Closed	Open
Shire Administration office	COB Friday 21/12/18	Wednesday 02/01/19
Ningaloo Visitors Centre and Exhibits	Tuesday 25/12/18 Wednesday 26/12/18 Tuesday 01/01/19	
Library	COB Friday 21/12/18	Wednesday 02/01/19
Airport	Normal operating hours will apply	
Swimming Pool	Tuesday 25/12/18 Tuesday 01/01/19	
Tip	Tuesday 25/12/18 Tuesday 01/01/19	
Depot	COB Friday 21/12/18	Wednesday 02/01/19
	<i>(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)</i>	

CARRIED 6/0

DEVELOPMENT SERVICES

12.2.1 BUSH FIRE BRIGADES LOCAL LAW

File Reference:	LE.LO.10
Responsible Officer:	Deputy Chief Executive Officer
Date of Report:	8 August 2018
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Proposed Bush Fire Brigade Local Law 2018

PURPOSE

This Report recommends that Council adopt the proposed Bush Fire Brigade Local Law 2018 for public notice and advertising.

BACKGROUND

The Shire of Exmouth Local Law relating to Bush Fire Brigades was adopted at the Council Meeting 20 September 2012. The Local Law was then published in the Government gazette 20 October 2012 (No. 197).

During 2017 the Shire of Exmouth and the Department of Fire and Emergency Services implemented a Memorandum of Understanding to give operational control of any Bushfire Brigade established within the Shire of Exmouth to the Department of Fire and Emergency Services. As a result of this Memorandum of Understanding a new Local Law relating to Bush Fire Brigades needs to be adopted to accurately reflect this relationship.

COMMENT

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

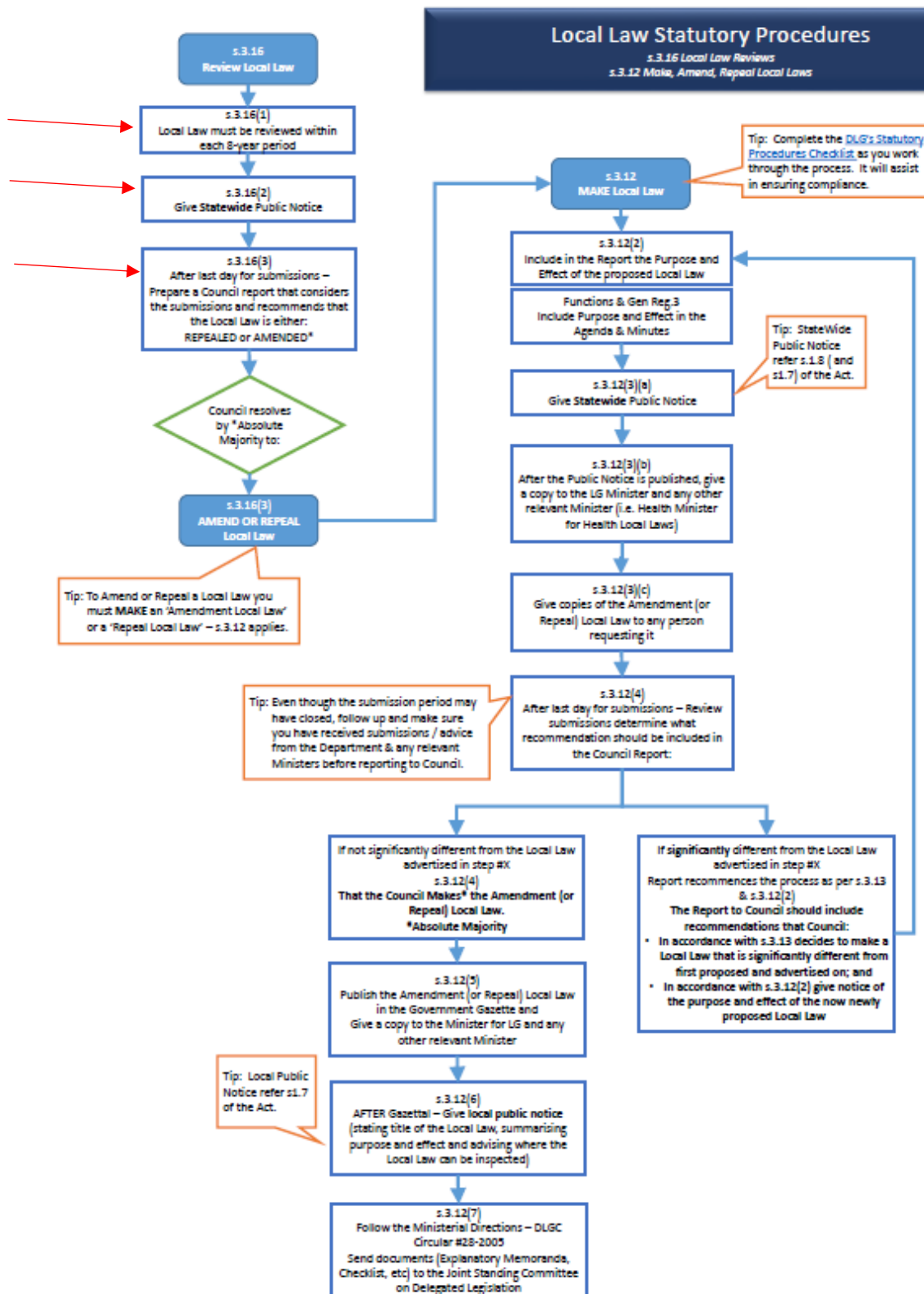
CONSULTATION

Department of Fire and Emergency Services.

Section 3.12(3) of the *Local Government Act 1995* requires Local Government to give state-wide and local public notice stating that it proposes to make a local law, the purpose and effect of which is summarised in the notice for a minimum period of 50 days. After the Public Notice has been published Section 3.12(3)(b) requires the Local Government to send a copy of the proposed Local Law to the Minister for Local Government and any other relevant Minister which in this case would be the Minister for Emergency Services.

STATUTORY ENVIRONMENT

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



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

- Purpose
The purpose of this Local Law is to supply suitable rules to govern any Bush Fire Brigade established within the Shire of Exmouth.
- Effect
The Exmouth Volunteer Bush Fire Brigade established on 21 April 2011 *Council Decision – 2053 – 10.5.2* will need to comply with the adopted local law.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

Environment: To protect and value our unique natural and built environment as we grow our economy.
2.1 A strong focus on environmental conservation and sustainable management of our natural environment

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.2.1

That Council:

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

COUNCIL RESOLUTION**ITEM 12.2.1****Res No: 04-0818****MOVED: Cr Dixon****SECONDED: Cr Lake****That Council:**

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

CARRIED 6/0

12.2.2 PROPOSED OUTBUILDING – LOT 311 MINILYA-EXMOUTH ROAD, NORTH WEST CAPE

File Reference:	A1161; PA86/18
Responsible Officer:	Deputy Chief Executive Officer
Date of Report:	7 August 2018
Applicant/Proponent:	Ricky Thomas
Disclosure of Interest:	Nil
Attachment(s):	1. Site Plan and Elevations Plan 2. Bushfire Attack Level Assessment

PURPOSE

That Council consider granting development approval for a proposed Outbuilding at Lot 311 Minilya-Exmouth Road, North West Cape.

BACKGROUND

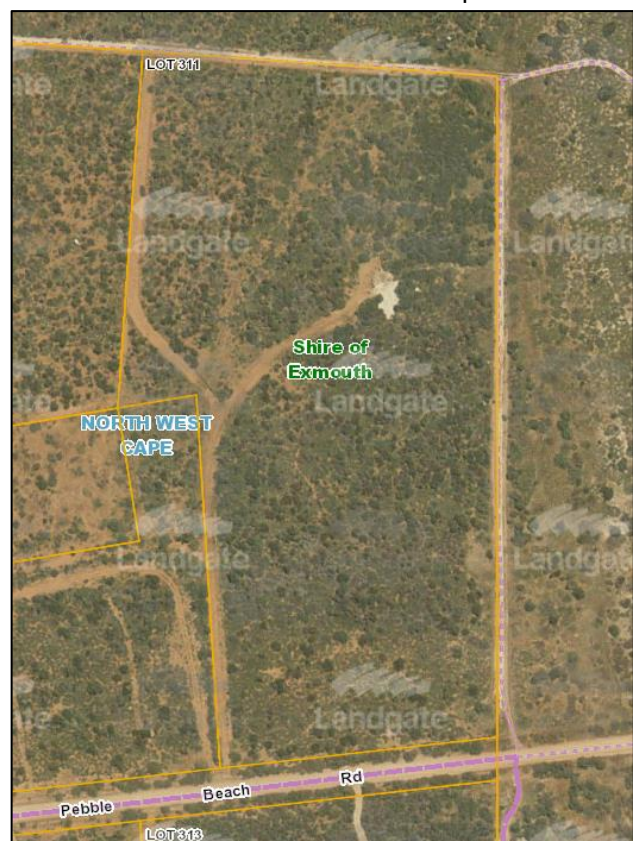
The applicant is proposing the development of an outbuilding at the property prior to the development of a Dwelling (refer Attachment 1). The outbuilding is proposed to be constructed out of two (2) sea containers spaced apart with a Colorbond roof between them forming a carport in the middle of the structure. The sea containers are also clad in Colorbond. The development is sited at the rear north-east portion of the property. In addition, a line of landscaping is proposed which will screen the structure from view of the road.

COMMENT

Town Planning Scheme No. 3

The property is zoned 'Special Use Zone 3' by the Shire of Exmouth *Town Planning Scheme No. 3* (TPS3) for the purpose of the Wilderness Estate. Outbuildings are incidental to a Dwelling which is prescribed as an 'AA' land use within the zone which means that the use is not permitted unless the Council has granted planning approval. Council has delegated authority to the Senior Planning Officer to determine development applications for 'AA' uses which comply with Council's planning framework. As the outbuilding is proposed prior to the Dwelling special Council approval is required in accordance with Council's Policy No. 6.6 – Outbuildings.

The relevant provisions of TPS3 are as follows:



Special Use Zone 3	
3. Dwelling and Siting Requirements	Officers Comment
<p>(i) When the first application for planning approval is made for a lot, a building envelope not exceeding 4000m² is to be defined by the owner and approved by Council. Each building envelope shall be located to reflect the following criteria.</p> <ul style="list-style-type: none"> • The building envelope is to be located no closer to Murat Road than the specified Murat Road Development Limit Line, as shown on the Subdivision Guide Plan; • No building envelope shall be closer than 20 metres from any lot boundary; • No building envelope to be situated on land below the RL3.0 metres natural contour and no floor level of any dwelling to be less than RL3.5metres 	<p>Complies. Building envelope is 10m wide by 100m long being 4000m² in area.</p> <p>The building envelope location complies with the Subdivision Guide Plan.</p> <p>Minimum distance is 20m.</p> <p>The entire area on the Subdivision Guide Plan within the subject property that the building envelope is required to be located within is a minimum of RL4.0 metres.</p>
<p>(ii) Not more than one building envelope and one dwelling are permitted per lot.</p>	<p>Complies. Only one building envelope proposed and one future dwelling proposed.</p>
<p>(iii) Clearing of vegetation within a building envelope shall only be permitted for the construction of a residence and associated outbuildings, clearing for yard areas and the immediate curtilage of buildings, installation of effluent disposal systems, vegetarian clearance required for fire protection or the establishment of other uses as approved by Council.</p>	<p>No details provided. Can achieve compliance through condition of approval.</p>
4. Clearing Controls	Officers Comment
<p>(i) Clearing controls under this section are applied to maximise the preservation of all vegetation on each lot. For this purpose, clearing is only permitted within the building envelope. Any clearing outside the building envelope for any purpose is prohibited except for the following circumstances;</p> <ul style="list-style-type: none"> • A driveway to the building envelope; • Strategic firebreaks as defined on the Subdivision Guide Plan; • Provision of underground services. 	<p>Complies.</p> <p>A driveway to the building envelope is existing.</p> <p>Can achieve compliance through condition of approval.</p>
5. Services	Officers Comment
<p>(ii) The internal power supply line to the dwelling is to be provided underground;</p>	<p>No details provided. A standard condition of approval is recommended to ensure compliance with this requirement.</p>
<p>(v) On-site effluent disposal shall be located within the building envelope and are to be provided to the specification and satisfaction of the Local Authority;</p>	<p>Complies. Proposed within the building envelope. A standard condition of approval is recommended to ensure continued compliance with this requirement.</p>

(vi) Driveways should follow the natural contour of the land by meandering and should avoid straight routes and significant vegetation to minimised visual impact;	Complies. Existing driveway. Property relatively flat, sloping down towards the Exmouth Gulf. Therefore, there is no contour feature to follow.
(vii) The maximum width of any driveway shall be 3 metres. Any driveway shall be constructed of local materials which are complimentary in colour to the natural landscape.	3m wide existing driveway. A standard condition of approval is recommended to ensure compliance with this requirement.
6. Landscaping and Foreshore	Officers Comment
(i) Council may require a landowner at the time of seeking a building licence to prepare a landscaping plan to demonstrate how structures will be screened from Murat Road. Where a landscape plan is required, Council will only permit the planting of local Western Australian species;	Support for this proposal is based on the proposed landscaping screening the structure from view (refer to assessment against <i>Policy No. 6.6 – Outbuildings</i>). It is considered more effective to require landscaping as a part of development application. Therefore, a standard condition is recommended requiring landscaping to be established within 6 months of the date of the building permit which allows the applicant to commence construction.
7. Fencing	Officers Comment
(i) Fencing of, and within, the building envelope is only permitted where the fencing is of a form and type approved by Council. In this regard, Council will only approve open styles of fencing which have low visual impact. Solid fences include masonry, fibre cement, timberlap, brush etc are not permitted within the estate;	No details regarding fencing have been provided. A standard condition of approval is recommended to allow fencing which is in accordance with this requirement.
(ii) Property boundary fencing is permitted, however it must be star iron pickets (of minimum spacings of 12 metres) with four strands of wire.	No details provided. A standard condition of approval is recommended to ensure compliance with this requirement.
9. Building Character, Design and Materials	Officers Comment
(i) In order to protect and enhance visual amenity and the character of the estate, Council shall promote a high standard of built form which promotes compatibility with the overall landscape, colours and textures of the area. Where it is considered that any proposal submitted is incompatible with this overall objective and does not meet any of the criteria listed below, then Council may exercise its right to refuse the application in the form submitted;	The proposed structure has the same impact as a normal Outbuilding and/or carport. The only difference is that it precedes the development of a Dwelling. Where an estate, which is primarily for residential purposes, is developed with only sheds and not Dwellings it can have a negative impact on the amenity. However, in this instance the applicant is proposing landscaping which will screen the development from the road.
(ii) Styles of dwellings that are "Rural Australian in character blending into the rural landscape of Exmouth will be encouraged. The Australian character of dwelling, with wide verandahs, simple forms, use of muted colours and natural materials is consistent with these objectives. Highly reflective surfaces are not permitted;	N/A. The proposal is not for a Dwelling.
(iii) Minimum floor area of any dwelling shall be 150m ² (including verandahs);	N/A. The proposal is not for a Dwelling.

(iv) All roofs are to be of non-reflective material;	Complies. The proposed roof is colourbond. Recommend standard cladding condition to ensure continued compliance.
(v) The use of borrowed styles of design typical to other countries and cultures should be avoided;	Complies. The design is not considered borrowed from another country.
(vi) Transportable and "second hand" homes are not permitted in the estate;	N/A. The proposal is not for a Dwelling.
(vii) The maximum building height of any dwelling, shall be 10 metres from the nearest adjacent ground surface;	Complies. The maximum ridge height of the outbuilding is 6.093m from natural ground level.
(viii) Separate sheds and/or garages are permitted, providing they are located and designed to be consistent with the overall visual amenity objectives;	Refer to assessment above.
(ix) Where outdoor areas for the parking of vehicles are proposed these shall be provided on the eastern side of the dwelling to screen these areas from Murat Road.	Complies. Parking proposed to the east of the structure. Recommend standard condition to ensure continued compliance.

Draft Local Planning Scheme No. 4

The site and development requirements in draft Local Planning Scheme No. 4 are the same as TPS3 and no guidance is provided regarding the development of an outbuilding prior to a Dwelling.

Policy No. 6.2 – Colour Palette for Developments

The structure is proposed to be clad in colourbond in an unspecified colour. A standard condition of approval is recommended to ensure future compliance with Council's colour palette.

Policy No. 6.6 – Outbuildings

Council's Policy No. 6.6 – Outbuildings outlines development requirements for Outbuildings in Special Use Zone 3. The relevant provisions are as follows:

Required	Proposed	Officer Comment
Does not exceed 150m ²	146.4m ²	Complies
Max wall height 3.8m	2.6m	Complies
Max pitched roof height 4.8m	2.6m	Complies

The Policy also provides the following guidance on the development of an Outbuilding prior to a Dwelling:

3.1. BUILDING AN OUTBUILDING ON VACANT LAND (PRIOR TO A DWELLING)

As an outbuilding is ancillary to a dwelling, the approval of an outbuilding on land prior to the construction of a dwelling shall only be granted if one of the following requirements has been satisfied:

- 1) Council has granted special approval for the outbuilding to be erected prior to the dwelling; or*
- 2) The applicant has a current building permit, through a registered builder for the dwelling issued prior to or with the building permit for the outbuilding; or*
- 3) In the case of an owner builder, the applicant has a current building licence for the dwelling and provides a Statutory Declaration with the building permit application for the*

outbuilding providing a commitment to construct a residence within 6 months of completion of the outbuilding (the residence and outbuilding applications can be submitted together, accompanied by the Statutory Declaration).

Special approval was granted by Council for an Outbuilding prior to a Dwelling at Lot 314 Minilya-Exmouth Road, North West Cape and Lot 315 Minilya-Exmouth Road, North West Cape which are nearby to the subject property. This is considered to set a precedence which supports granting special approval for the proposed Outbuilding in accordance with Section 3.1(1) of the Policy in order to achieve consistent decision making.

Generally the main concerns for developing an Outbuilding prior to a Dwelling are the impact on amenity and the use of the Outbuilding for habitation. Outbuildings have the appearance of a shed and if an estate is developed with sheds and no Dwellings then it can have the appearance of an industrial area which can negatively impact the amenity of an area used primarily for residential purposes. In addition, the absence of a Dwelling leaves the Outbuilding as the only structure to conduct habitable uses. This often does not comply with the standards of Council's Policy No. 6.15 – Construction of Shed/Barn Style Dwellings and the Building Codes of Australia as Outbuildings are not developed to the standards required for a Dwelling.

The Applicant is proposing landscaping to screen the structure from view from the street. This is considered to address the amenity impact concern of a standalone Outbuilding on the surrounding area. In addition, the use of the structure for habitable purposes can be restricted through a condition of approval. Therefore, the concerns above can be addressed in this instance.

Based on the above it is recommended that development approval is granted in accordance with Section 3.1(1) of Council's Policy No. 6.6 – Outbuildings.

Policy No. 6.9 – Use of Sea Containers

Although the development utilises sea containers, they are clad and developed with a roof. Therefore, they are effectively internal building materials and Council's Policy No. 6.9 – Use of Sea Containers is not considered relevant.

State Planning Policy 3.7 Planning in Bushfire Prone Areas

The subject property is located within a bushfire prone area as determined by an order made by the Fire and Emergency Services Commissioner under the *Fire and Emergency Services Act 1998*. For development in a bushfire prone area State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP3.7) requires a Bushfire Attack Level (BAL) Assessment demonstrating a maximum BAL of 29 and a report demonstrating compliance with the Bushfire Protection Criteria contained in the Guidelines for Planning in Bushfire Prone Areas. Recently the Western Australian Planning Commission released Planning Bulletin 111/2016 Planning in Bushfire Prone Areas which provides further guidance on when SPP3.7 should be applied.

The Bulletin outlines that where developments do not:

- *result in the intensification of development (or land use);*
- *result in an increase of residents or employees;*
- *involve the occupation of employees on site for any considerable amount of time; or*
- *result in an increase to the bushfire threat;*

they may be exempt from the provisions of SPP3.7. Pursuant to deemed provision 67 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, state planning policies are to be given

due regard to the extent that they are considered relevant. In this instance the property is vacant meaning it has a 0% development intensity. Therefore, any development increases intensity of development at the property. Furthermore, accessing the structure will result in the future residents accessing the site for a longer period of time on a more frequent basis.

Based on the above SPP3.7 is considered relevant in this instance. The applicant has provided a BAL Assessment justifying that the development will achieve a maximum BAL Level of BAL 12.5. In addition, a report has been provided identifying how the development will achieve compliance with the applicable Bushfire Protection Criteria on completion. Therefore, the proposal is considered to comply with SPP3.7 and standard conditions are recommended to achieve future compliance.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Town Planning Scheme No. 3

Fire and Emergency Services Act 1998

POLICY IMPLICATIONS

Policy No. 6.2 – Colour Palette for Developments

Policy No. 6.6 – Outbuildings

Policy No. 6.9 – Use of Sea Containers

Policy No. 6.15 – Construction of Shed/Barn Style Dwellings

State Planning Policy 3.7 Planning in Bushfire Prone Areas

Draft Local Planning Scheme No. 4

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

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

1.1 A diverse and environmentally aware local economy that can attract business investment and provide employment opportunities

1.2 Facilitate the strengthening and growth of our visitor experience.

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

Environment: To protect and value our unique natural and built environment as we grow our economy.

2.1 A strong focus on environmental conservation and sustainable management of our natural environment

- 2.2 Strive to achieve a balance between the preservation of our unique environment and the delivery of sustainable economic growth.
- 2.3 Advocate and promote opportunities for the development of environmentally sustainable essential infrastructure and services

Social: To be a vibrant, passionate and safe community valuing our natural environment and unique heritage

- 3.1 Explore opportunities to deliver services and facilities that attract and retain people living in the Shire.
- 3.2 Promote facilities/services that enhance public health and safety.
- 3.3 Champion self-supporting community clubs and associations.

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

- 4.1 To provide proactive, collaborative and transparent leadership
- 4.2 A local government that is respected and accountable.
- 4.3 To be a champion for our community

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.2.2

That Council grant development approval for a proposed outbuilding at Lot 311 Minilya-Exmouth Road, North West Cape subject to the following conditions:

1. The development shall be carried out in accordance with the stamped approved plans (PA86/18), and the Shire of Exmouth Town Planning Scheme No. 3 including any annotations detailed thereon by the Shire;
2. The approved building envelope shall be in accordance with the stamped approved plans (PA86/18) and no development or clearing of remnant natural vegetation shall occur outside of the approved building envelope other than for a firebreak and installation of underground services;
3. Clearing of remnant natural vegetation within the approved building envelope shall only be for the construction of a residence, associated outbuildings, clearing for yard areas and the immediate curtilage of buildings, installation of effluent disposal systems, fire protection or the establishment of other uses as approved by Council;
4. Any effluent disposal systems shall be contained within the approved building envelope;
5. The internal power supply line to the Dwelling shall be provided underground;
6. Any property boundary fencing shall be star iron pickets spaced a minimum distance of twelve (12) metres with four strands of wire;
7. Any fencing within the approved building envelope shall be open style fencing to the satisfaction of Council Officers. Solid fences such as masonry, fibre cement, timber lap and brush are not permitted;

8. All water draining from roofs, driveways, communal streets and other surfaces as a result of the development the subject of this approval shall be managed on site and/or discharged into the local drainage system;
9. The Outbuilding shall not be used for habitable purposes;
10. External colours shall be generally in accordance with Councils Policy No. 6.2 - Colour Palette for Developments;
11. The proposed landscaping shall be located within and/or on the western boundary of the approved building envelope to completely screen the Outbuilding from view of the street;
12. The proposed landscaping shall be established within 6 months of the date of the approved building permit for the Outbuilding and maintained at all times;
13. The parking of vehicles shall be located on the eastern side of the development and located within the approved building envelope;
14. A notification, pursuant to Section 165 of the *Planning and Development Act 2005*, is to be placed on the certificate of title of the property, advising of the existence of a hazard or other factor and notice of this notification is to be included on the diagram or plan of survey. The notification is to state as follows:

'This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and may be subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land';
15. The development shall achieve a maximum Bushfire Attack Level (BAL) of BAL-12.5 in accordance with State Planning Policy 3.7 Planning in Bushfire Prone Areas;
16. The property shall be maintained in accordance with the stamped approved Bushfire Attack Level (BAL) Assessment Report (PA86/18) and as it amended subject to approval from the Shire of Exmouth; and
17. If the development the subject of this approval is not substantially commenced within a period of 2 years from the date of the determination, the approval will lapse and be of no further effect.

Advice

- i. This approval is not an authorisation to commence construction. Prior to any construction, a building permit approval from the Shire must be obtained.
- ii. 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.
- iii. The property is located within a Bushfire Prone Area as designated by an Order made by the Fire and Emergency Services Commissioner under the *Fire and Emergency Services Act 1998*. Development in the future may be subject to the requirement for a Bushfire Attack Level Assessment and corresponding additional building standards.

- iv. Effluent disposal systems may require approval by the Department of Health and/or the Shire of Exmouth's Environmental Health Officer. For further information the Environmental Health Officer can be contacted on 9949 3000.
- v. It is an offence to clear native vegetation without the authority of a permit from the Department of Environment Regulation unless the clearing is exempt from a permit. It is recommended to liaise with the Department of Environment Regulation in relation to whether a clearing permit or exemption applies.
- vi. Any additional development or substantial variation from the stamped approved plans, will require separate development approval from the Shire.
- vii. 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.
- viii. 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 28 days of the determination.

COUNCIL RESOLUTION**ITEM 12.2.2**

Res No: 05-0818

MOVED: Cr Lucas

SECONDED: Cr Mounsey

That Council grant development approval for a proposed outbuilding at Lot 311 Minilya-Exmouth Road, North West Cape subject to the following conditions:

- 1. The development shall be carried out in accordance with the stamped approved plans (PA86/18), and the Shire of Exmouth Town Planning Scheme No. 3 including any annotations detailed thereon by the Shire;**
- 2. The approved building envelope shall be in accordance with the stamped approved plans (PA86/18) and no development or clearing of remnant natural vegetation shall occur outside of the approved building envelope other than for a firebreak and installation of underground services;**
- 3. Clearing of remnant natural vegetation within the approved building envelope shall only be for the construction of a residence, associated outbuildings, clearing for yard areas and the immediate curtilage of buildings, installation of effluent disposal systems, fire protection or the establishment of other uses as approved by Council;**
- 4. Any effluent disposal systems shall be contained within the approved building envelope;**
- 5. The internal power supply line to the Dwelling shall be provided underground;**

6. Any property boundary fencing shall be star iron pickets spaced a minimum distance of twelve (12) metres with four strands of wire;
7. Any fencing within the approved building envelope shall be open style fencing to the satisfaction of Council Officers. Solid fences such as masonry, fibre cement, timber lap and brush are not permitted;
8. All water draining from roofs, driveways, communal streets and other surfaces as a result of the development the subject of this approval shall be managed on site and/or discharged into the local drainage system;
9. The Outbuilding shall not be used for habitable purposes;
10. External colours shall be generally in accordance with Councils Policy No. 6.2 - Colour Palette for Developments;
11. The proposed landscaping shall be located within and/or on the western boundary of the approved building envelope to completely screen the Outbuilding from view of the street;
12. The proposed landscaping shall be established within 6 months of the date of the approved building permit for the Outbuilding and maintained at all times;
13. The parking of vehicles shall be located on the eastern side of the development and located within the approved building envelope;
14. A notification, pursuant to Section 165 of the *Planning and Development Act 2005*, is to be placed on the certificate of title of the property, advising of the existence of a hazard or other factor and notice of this notification is to be included on the diagram or plan of survey. The notification is to state as follows:

'This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and may be subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land';
15. The development shall achieve a maximum Bushfire Attack Level (BAL) of BAL-12.5 in accordance with State Planning Policy 3.7 Planning in Bushfire Prone Areas;
16. The property shall be maintained in accordance with the stamped approved Bushfire Attack Level (BAL) Assessment Report (PA86/18) and as it amended subject to approval from the Shire of Exmouth; and
17. If the development the subject of this approval is not substantially commenced within a period of 2 years from the date of the determination, the approval will lapse and be of no further effect.

Advice

- i. This approval is not an authorisation to commence construction. Prior to any construction, a building permit approval from the Shire must be obtained.**
- ii. 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.**
- iii. The property is located within a Bushfire Prone Area as designated by an Order made by the Fire and Emergency Services Commissioner under the *Fire and Emergency Services Act 1998*. Development in the future may be subject to the requirement for a Bushfire Attack Level Assessment and corresponding additional building standards.**
- iv. Effluent disposal systems may require approval by the Department of Health and/or the Shire of Exmouth's Environmental Health Officer. For further information the Environmental Health Officer can be contacted on 9949 3000.**
- v. It is an offence to clear native vegetation without the authority of a permit from the Department of Environment Regulation unless the clearing is exempt from a permit. It is recommended to liaise with the Department of Environment Regulation in relation to whether a clearing permit or exemption applies.**
- vi. Any additional development or substantial variation from the stamped approved plans, will require separate development approval from the Shire.**
- vii. 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.**
- viii. 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 28 days of the determination.**

CARRIED 6/0

COMMERCIAL AND COMMUNITY

12.3.1 EXMOUTH STRATEGIC COMMUNITY REFERENCE GROUP

File Reference:	CR.CO.5
Responsible Officer:	Executive Manager Commercial and Community
Date of Report:	9 August 2018
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Nil

PURPOSE

This report recommends Council support a decision by the Strategic Community Reference Group (SCRG) to formally dissolve the group following the completion of the Shire of Exmouth Strategic Community Plan: Exmouth 2030.

BACKGROUND

In 2017, following the Shire of Exmouth's Corruption and Crime Commission inquiry, subsequent events and the status of the governance, management and operations of the Shire, Commissioner Ian Fletcher (the Commissioner) commenced a series of reviews and other initiatives necessary for the short and medium benefit of the Shire. This included reviewing the Shire's Strategic Community Plan (2011 - 2021). Under the *Local Government (Administration) Regulations 1996* Division 3, 19C (4) A local government is to review the current strategic community plan for its district at least once every 4 years.

In view of this, the Commissioner moved to establish a SCRG to open dialogue with the community and gather feedback to assist in the review of the Shire of Exmouth's Strategic objectives as outlined in the Strategic Community Plan.

To establish the first SCRG the Commissioner in consultation with the Acting Chief Executive Officer identified a number of community leaders and representatives to be directly approached to be part of the group.

These nominees were suggested based on their ability to;

- provide valuable feedback to the group;
- represent Exmouth's four economic pillars (tourism, defence, primary production, oil and gas);
- reflect the views of the community on matters concerning seniors, youth and families, education, health, community safety, environment, culture and recreation.

In February, 2017 the Commissioner adopted Council resolution 03-0317 authorising:

"...the establishment of the Shire of Exmouth Strategic Community Reference Group to advise on matters of significant community interest and strategic initiatives, in particular the Strategic Community Plan (2011-2021) review."

To guide the operations of the SCRG, these proposed aims, representation, membership, meeting requirements, agendas, management, tenure and other relevant matters were to be set out in a terms of reference document to be endorsed by Council following consultation with the SCRG members.

In May 2017 the Commissioner adopted Council resolution 16-0517:

That the Commissioner endorse the Strategic Community Reference Group's Terms of Reference document, noting the 12 month review period.

In December 2017 the newly elected Exmouth Shire Council adopted resolution 03-1217:

That Council:

1. Endorse changes to the Strategic Community Reference Group's Terms of Reference document, including the addition of a representative of the youth and families sector to the group; and

2. Authorise the Chief Executive Officer to seek nominations from the community to represent youth and families on the SCRG so that Council can then select a candidate based on the nominations received.

COMMENT

Since being established the SCRG has played an important role in restoring trust in the Shire of Exmouth and opening channels of communication with the community.

In the absence of an elected Council, the SCRG brought together key community stakeholders and established a working relationship based on two-way communication and respect for a diversity of views. It also provided a formalised process for the former Commissioner to gauge community opinion.

The group was involved in the development of the community engagement methodology and strategy for the review of the Strategic Community Plan (2011-2021). It also acted as a key focus group during public consultation and has provided feedback during development of the final document. The Shire of Exmouth Strategic Community Plan: Exmouth 2030, was formally adopted by Council on 28 June 2018.

At its meeting on 7 August 2018 SCRG Chairman Kerry Graham sought the views of the group regarding the future role of the committee given the completion of the Strategic Community Plan review. Those attending the meeting were unanimously of the view that, following first the appointment of a new Council and then the adoption of the Strategic Community Plan: Exmouth 2030, the SCRG had completed its functions and should now be dissolved. All members of the SCRG have since been formally contacted regarding the decision with no concerns raised with officers regarding the decision.

CONSULTATION

Strategic Community Reference Group

Chief Executive Officer

STATUTORY ENVIRONMENT

Local Government (Administration) Regulations 1996 (Act s.5.56), Division 3 19C states:

(4) A local government is to review the current strategic community plan for its district at least once every 4 years.

Section 1.3(2) of the Local Government Act 1995 states:

This Act is intended to result in –

- (a) Better decision making by local governments;
- (b) Greater community participation in the decisions and affairs of local government;
- (c) Greater accountability of local governments to their communities; and
- (d) More efficient and effective local government.

POLICY IMPLICATIONS

4.1 Volunteering and Volunteer Management

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This item is relevant to the Councils approved Strategic Community Plan: Exmouth 2030

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.3.1

That Council:

1. Rescind resolutions 03-0317, 16-0517 and 03-1217 relating to the establishment of the Strategic Community Reference Group and its Terms of Reference; and
2. Expresses its thanks to members of the Strategic Community Reference Group for their valuable contribution to the Exmouth Community and the Shire of Exmouth.

COUNCIL RESOLUTION

ITEM 12.3.1

Res No: 06-0818

MOVED: Cr Mounsey

SECONDED: Cr Dixon

That Council:

- 1. Rescind resolutions 03-0317, 16-0517 and 03-1217 relating to the establishment of the Strategic Community Reference Group and its Terms of Reference; and**
- 2. Expresses its thanks to members of the Strategic Community Reference Group for their valuable contribution to the Exmouth Community and the Shire of Exmouth.**

CARRIED 6/0

Executive Manger Commercial and Community acknowledged the members of the Strategic Community Reference Group;

- *Mr Kerry Graham, Chairperson*
- *Paul World, Exmouth Police Station*
- *Jacqueline Hine, Cape Conservation Group, who was replaced by Grace Keest*
- *Mick Husband, Independent Tour Operator*
- *Barry Sullivan, Exmouth Chamber of Commerce and Industry*
- *Emma Howard, Exmouth District Hospital*
- *Lloyd Goodlad, Exmouth Senior Citizens*
- *Ann Preest, North West Cape Aboriginal Corporation*
- *Ned Heywood, Department of Defence*
- *Mark Lucas, Local Business and CBD*
- *Shane Coote, Oil and Gas*

12.3.2 RESCIND COUNCIL SPONSORSHIP, DONATIONS AND FEE WAIVER POLICY

File Reference:	CM.PO.7
Responsible Officer:	Executive Manager Commercial and Community
Date of Report:	9 August 2018
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Nil

PURPOSE

This report recommends the rescinding of the current Council Policy 4.1 "Sponsorships, donations and waiver of fees" to be replaced by a new policy to be presented for Council consideration at the September Ordinary Council Meeting.

BACKGROUND

The current Council Policy 4.1 "Sponsorships, donations and waiver of fees" was adopted at Council meeting 20 September 2012. The current policy addresses three main headings and outlines how Council and Shire will manage requests for sponsorships, donations and any waiver of fees.

In addition, in 2015 Council reviewed fees and charges for its various sporting groups and at the July 2015 meeting Council decision 14-0715 adopted a number of recommendations relating to sporting club use of Shire facilities with the items relating to fee waivers as follows;

That Council:

- 1. Use the principle of supporting community participation in sport to underpin its decision making in terms of the application of Council fees and charges;***
- 2. Not charge junior sports for any hire or utility fee associated with the ovals, recreation centre, hard courts and shire hall;***
- 3. Charge senior sports for the full hire costs of Shire facilities as per the fees and charges for scheduled events/matches;***
- 4. Charge senior sports for utility costs only (nil facility hire) of Shire facilities as per the fees and charges for training purposes;***

Carried by absolute majority 5/0

Extensive business planning was undertaken by Council as part of the preparation for the Shire of Exmouth 2018/19 Annual Budget. This included review of current fees and charges and associated policies relating to the use of Shire buildings, venues, sporting facilities and delivery of services.

During this review process it was identified that the current Council Policy 4.1 "Sponsorships, donations and waiver of fees" required review. This policy is six years old and requires updating to reflect the 2018/19 fees and charges adopted at the July 2018 Council meeting, to reflect the use and management of new and additional Shire facilities that have become operational since 2012 and the current approach of Shire to requests for waiver of fees.

COMMENT

As a result of detailed business planning undertaken across a range of the Shire of Exmouth business unit and service delivery programs it became evident that the current approach to managing requests for sponsorships, donations and waiver of fees was both confusing to potential users and highly inefficient in terms of application of Shire staffing resources.

The recent commencement of operations of new Shire infrastructure such as the Ningaloo Centre also identified the need to update and clearly outline Council's approach to managing requests for use of Shire venues typically at no cost but at the same time ensuring that Shire maintains a commercial approach to the delivery of important commercial services.

It was also identified that the Shire's current approach to accepting, processing, recording and notifying of fee waiver requests was both cumbersome and a high wage cost in relation to the scale of fee waiver being typically requested.

It is recommended that the current Council Policy 4.1 "Sponsorships, donations and fee waivers" be rescinded and replaced with a new Sponsorships Policy that will be presented to Council at the September OCM.

In 2015 Council adopted a number of resolutions that relate directly to the use by local sporting groups of Shire facilities. As detailed above items included the removal of any hire charge or utility fee for junior sport and to impose nil hire charge to seniors for training purposes. The 2018/19 budget adopted by Council at the June 2018 Council meeting includes a new fees and charges schedule that works against some of these principles and this report recommends Council rescind identified aspects of this 2015 motion.

Sponsorship is defined as the contribution of financial and/or "in kind" support that the Shire of Exmouth receives or provides for the purpose of, partnering in the provision of community infrastructure, a service or program, event or activity that may contribute to the economic, social, sporting, environmental or cultural development of the Shire. Sponsorships are undertaken or entered into, in order to help achieve business or community objectives.

The current blanket approach to requests for waiver of fees will be replaced by the new sponsorship policy and fee waivers will only be considered as part of any "in-kind" sponsorship request.

CONSULTATION

The review of current policies was undertaken by Shire of Exmouth officers and included Council review as part of the business planning and budget adoption process.

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

If approved by Council the current Policy 4.1 "Sponsorships, donations and fee waivers" will be rescinded to be replaced with a new policy.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

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

- 1.1 A diverse and environmentally aware local economy that can attract business investment and provide employment opportunities
- 1.2 Facilitate the strengthening and growth of our visitor experience.
- 1.3 Enable the provision of essential infrastructure that will support investment and diversify our economy.

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

- 4.1 To provide proactive, collaborative and transparent leadership
- 4.2 A local government that is respected and accountable.
- 4.3 To be a champion for our community

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.3.2

That Council:

1. Rescind the current Policy 4.1 "Sponsorships, donations and fee waivers" to be replaced by a new policy to be presented for Council consideration at the September Ordinary Council Meeting.
2. Rescind the following items of Council decision 14-0715- 11.4.3 adopted in July 2015 relating to fees and charges for sporting club use of Shire facilities to allow the application of the 2018/19 fees and charges adopted at the July 2018 Council Meeting;
 2. Not charge junior sports for any hire or utility fee associated with the ovals, recreation centre, hard courts and shire hall; and
 4. Charge senior sports for utility costs only (nil facility hire) of Shire facilities as per the fees and charges for training purposes.

COUNCIL RESOLUTION

ITEM 12.3.2

Res No: 07-0818

MOVED: Cr Lucas

SECONDED: Cr Lake

That Council:

- 1. Rescind the current Policy 4.1 "Sponsorships, donations and fee waivers" to be replaced by a new policy to be presented for Council consideration at the September Ordinary Council Meeting.**

- 2. Rescind the following items of Council decision 14-0715- 11.4.3 adopted in July 2015 relating to fees and charges for sporting club use of Shire facilities to allow the application of the 2018/19 fees and charges adopted at the July 2018 Council Meeting;**
 - 2. Not charge junior sports for any hire or utility fee associated with the ovals, recreation centre, hard courts and shire hall; and**
 - 4. Charge senior sports for utility costs only (nil facility hire) of Shire facilities as per the fees and charges for training purposes.**

CARRIED 6/0

CORPORATE SERVICES

The following recommendations 12.4.1, 12.4.2, 12.5.1 where adopted en bloc.

12.4.1 FINANCIAL STATEMENTS FOR PERIOD ENDING 31 JULY 2018

File Reference:	FM.FL.0
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	8 August 2018
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Monthly Financial Report as at 31 July 2018

PURPOSE

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

BACKGROUND

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

COMMENT

First month of the new financial year, reporting minimal movement.

Reports reflect employee and depreciation allocations have not been undertaken due to the preparation of the budget and annual financial statements.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

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

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.4.1

That Council receives the Financial Report for the financial periods ending 31 July 2018.

COUNCIL RESOLUTION

ITEM 12.4.1

Res No: 08-0818

MOVED: Cr Niikkula

SECONDED: Cr Penfold

That Council receives the Financial Report for the financial periods ending 31 July 2018.

CARRIED 6/0

12.4.2 LIST OF ACCOUNTS FOR PERIOD ENDING 31 JULY 2018

File Reference:	FM.FI.0
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	8 August 2018
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. List of Accounts for period ending 31 July 2018

PURPOSE

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

BACKGROUND

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

COMMENT

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

July Payments

Municipal Fund totalling \$1,318,628.39
Incorporating cheques, direct debits, electronic payments and credit cards.

Trust Fund totalling \$0

Total July Payments: \$1,318,628.39

CONSULTATION

Nil

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

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

4.2 A local government that is respected and accountable.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.4.2

That Council pursuant to Sections 6.7 and 6.9 of the *Local Government Act 1995* receives the report of payments made from the Municipal and Trust bank accounts during the month of July 2018 (totalling \$1,318,628.39).

COUNCIL RESOLUTION

ITEM 12.4.2

Res No: 09-0818

MOVED: Cr Niikkula

SECONDED: Cr Penfold

That Council pursuant to Sections 6.7 and 6.9 of the *Local Government Act 1995* receives the report of payments made from the Municipal and Trust bank accounts during the month of July 2018 (totalling \$1,318,628.39).

CARRIED 6/0

ITEMS FOR INFORMATION ONLY

12.5.1 ITEMS FOR INFORMATION ONLY

PURPOSE

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.5.1

That Council note the following information items:

Register of Documents Stamped with the Shire of Exmouth Common Seal

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

DATE	DOCUMENT
25/07/18	Deed of Release: Shire of Exmouth and University of WA (Council Decision 03-0718)

Concessions on Fees for Council Facilities

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

NAME	REASON	AMOUNT
Exmouth Senior & Pensioners Club	Hire of Function Centre for 6 th to 8 th July 2018 for Seniors Art & Craft Fair	\$1,167.00
Exmouth Cultural Arts Centre Inc.	Hire of Ningaloo Centre Travelling Gallery for 4 th to 8 th July for 'ArtQuest 2018'	\$1,221.75

Building Decisions Issued

A summary of the building licence and building certificate applications and approvals made under Delegation pursuant to the *Building Act 2011* up to 31 July 2018.

Applic #	Date Received	Lot	Development location	Description	Decision	Decision Date
18/48	13/07/18	631	6 Fletcher Street	Carport and Verandah	Approved	06/08/18
18/49	16/07/18	18	20 Pelias Street	Boundary fence	Approved	18/07/18
18/50	16/07/18	1148	39 Welch Street	Verandah	Approved	18/07/18

Planning Decisions Issued

A summary of the planning decisions issued under delegation up to 31 July 2018.

Applic No	Date Received	Lot	Property Address	Description.	Decision Date	Decision
PA70/16	13/06/2016	2	Yardie Creek Rd	Additional Camping Sites	23/07/2018	Refused-expired
PA112/16	25/08/2016	1586&1587	164 Lyndon Location	Nature Based Park – Exmouth Gulf Pastoral Station	Pending information from Applicant	
PA44/17	28/02/2017	831	7 Pelias str	Storage Unit - Donga	23/07/2018	Refused - expired
PA45/17	28/02/2017	141	7 Dugong Close	Dwelling	23/07/2018	Refused - expired
PA12/18	30/01/2018	43	11Searaven Cres	Dwelling and Garage	26/07/2018	Approved
PA65/18	8/06/2018	198	Yardie Creek Rd	Caravan Park Additions	Pending information from Applicant	
PA66/18	8/06/2018	904	13 Patterson Way	Change of use	26/07/2018	Approved
PA67/18	19/06/2018	1481	Neale Cove	Shed	Pending - information from Applicant	
PA69/18	25/06/2018	63	6 Fyfe street	Outbuilding	3/08/2018	Approved
PA70/18	25/06/2018	13	116 Madaffari Drive	Dwelling	Processing	
PA72/18	3/07/2018	321	Minilya-Exmouth Rd	Habitable Shed	Pending information from Applicant	
PA73/18	5/07/2018	735	30 Carr Way	Home Occupation	Processing	
PA74/18	9/07/2018	417	54 Madaffari Drive	Single Dwelling	Processing	
PA76/18	12/07/2018	2	Yardie Creek Road	Change of Use -	Processing	
PA77/18	17/07/2018	437	37 Fitzhardinge Street	Outbuilding	Processing	

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

App	Date Received	Description	Date Issued
PA75/18	12/07/2018	Country Women Association Jumble Sale - 28th August 2018. Old Shire of Exmouth Administration carpark	09/08/18
PA82/18	30/07/2018	Signage - Exmouth Health professionals	Processing

OFFICER'S RECOMMENDATION**ITEM 12.5.1**

That Council note the following information items:

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

COUNCIL RESOLUTION**ITEM 12.5.1**

Res No: 10-0818

MOVED: Cr Niikkula

SECONDED: Cr Penfold

That Council note the following information items:

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

CARRIED 6/0

12.4.3 DEBTORS WRITE OFF

File Reference:	FM.DB.2
Responsible Officer:	Executive Manager of Corporate Services
Date of Report:	3 August 2018
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Nil

PURPOSE

That Council authorises to write off outstanding fees and charges of \$6,437.03 as of the 30 June 2018.

BACKGROUND

Above customers have in the past received goods and/or service from Council. Individual details are listed in the attachments.

COMMENT

After multiple correspondence and phone calls, Council has exhausted all avenues of recovery of these debts. With debtors related to Library services, their membership has been cancelled and notes put on file to advice of history.

As accounted for in the 2018/19 Annual Budget and considering the details in the attachments and above, it is proposed that Council write off the fees and charges as detailed below:

Library Reimbursements	\$160.20
Tip Fees	\$2,275.10
Legal Fees	\$1,140.24
Advertising	\$17.31
Rental income	\$1,875.18
Dog Infringements	\$969.00
TOTAL	\$6,437.03

CONSULTATION

Austral Mercantile Debt Collections
Debtors
Aravanis Bankruptcy Lawyers

STATUTORY ENVIRONMENT

Section 6.12 of the Local Government Act 1995

POLICY IMPLICATIONS

Policy 3.33 Debt Recovery

FINANCIAL IMPLICATIONS

The financial implication resulting from the recommendation is a loss of outstanding fees and charges of \$6437.03.

STRATEGIC IMPLICATIONS

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

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

4.2 A local government that is respected and accountable.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION**ITEM 12.4.3**

That Council authorises to write off outstanding fees and charges of \$6,437.03 as of the 30 June 2018.

COUNCIL RESOLUTION**ITEM 12.4.3**

Res No: 11-0818

MOVED: Cr Dixon

SECONDED: Cr Lucas

That Council authorises to write off outstanding fees and charges of \$6,437.03 as of the 30 June 2018.

CARRIED 6/0

12.4.4 PARTIAL RATES WRITE OFF

File Reference:	FM.DB.2
Responsible Officer:	Executive Manager of Corporate Services
Date of Report:	3 August 2018
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Nil

PURPOSE

That Council write off 15% of rates raised for 2018/2019 for the below properties totalling \$6,713.55.

- A2105 – Lot 232 Lyndon Location, Exmouth
- A1332 – Lot 296 Lyndon Location, Exmouth
- A1333 – Lot 200 Lyndon Location, Exmouth
- A512 – Lot 164 Lyndon Location, Exmouth
- A514 – Lot 166 Lyndon Location, Exmouth
- A643 – Lot 148 Lyndon Location, Exmouth
- A688 – Lot 300 Lyndon Location, Exmouth

BACKGROUND

Council in 2016/2017 simplified their Differential Rating Categories, rate in the dollar and minimum payment to provide fairness and equity by ensuring that all ratepayers make a reasonable contribution to the rate burden. To achieve this, Council combined 11 differential rate codes that were levied in 2015/2016, into 6 rating codes and proposed an average rate increase of 4.8%. To minimise any significant increases to those properties that had been combined, Council provided concessions to properties that capped the maximum increase for any individual property to 10%.

In 2017/2018 Council approved the same differential rating categories, rate in the dollar, minimum payment and concessions.

A notice of intention to levy differential rates for 2018/19 was advertised on 29 June 2018 on public notice boards and the Shire's website. Public submissions were invited and closed on 20 July 2018. Council had intended to raise rates by 1%, and remove all concessions.

A letter was also issued on 19 June 2018 to 166 ratepayers that received in excess of 9% concession. Approximately 116 properties received more than 10%. The above properties were effected more than 30%.

COMMENT

Council received only 5 public submissions from rate payers. One from property owner not effected by the removal of concessions, one on behalf of mining tenement holders, one from property owner with property zoned Special Use, one from property owner with property zoned Special Rural and ratepayer with property UV Rural (pastoral leases).

The previous concessions were applied by the rate in the dollar, and due to the high UV value of these Rural properties they have been effected the most in dollar value. Due to this and the limited services that Council can offer these properties it is proposed that Council write off 15% rates raised on these properties in this financial year totalling \$6,713.55.

CONSULTATION

CEO
DCEO
Bullara Station

STATUTORY ENVIRONMENT

Section 6.12 of the Local Government Act 1995

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

The financial implication resulting from the recommendation is a loss of rate revenue for 2018/2019 of \$6,713.55.

STRATEGIC IMPLICATIONS

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

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

1.1 A diverse and environmentally aware local economy that can attract business investment and provide employment opportunities

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

4.2 A local government that is respected and accountable.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.4.4

That Council write off \$6,713.55 in rates raised in 2018/2019 financial year for the following UV Rural (pastoral) properties:

- A2105 – Lot 232 Lyndon Location, Exmouth
- A1332 – Lot 296 Lyndon Location, Exmouth
- A1333 – Lot 200 Lyndon Location, Exmouth
- A512 – Lot 164 Lyndon Location, Exmouth
- A514 – Lot 166 Lyndon Location, Exmouth
- A643 – Lot 148 Lyndon Location, Exmouth
- A688 – Lot 300 Lyndon Location, Exmouth

COUNCIL RESOLUTION**ITEM 12.4.4****Res No: 12-0818****MOVED: Cr Lucas****SECONDED: Cr Lake**

That Council write off \$6,713.55 in rates raised in 2018/2019 financial year for the following UV Rural (pastoral) properties:

- **A2105 – Lot 232 Lyndon Location, Exmouth**
- **A1332 – Lot 296 Lyndon Location, Exmouth**
- **A1333 – Lot 200 Lyndon Location, Exmouth**
- **A512 – Lot 164 Lyndon Location, Exmouth**
- **A514 – Lot 166 Lyndon Location, Exmouth**
- **A643 – Lot 148 Lyndon Location, Exmouth**
- **A688 – Lot 300 Lyndon Location, Exmouth**

CARRIED 6/0

13. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

15. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS

Nil

16. CLOSURE OF MEETING

The Shire President closed the meeting at 4.39pm.