



Ordinary Council Meeting Minutes 27 July 2016

CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on 24 August 2016 as a true and accurate record of the Ordinary Council Meeting held on 27 July 2016.

.....
Cr (Turk) Shales
Shire President

All attachment items referred to in these minutes are available for public perusal at the Shire Office

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Signed at Exmouth



(B Price), Chief Executive Officer Shire of Exmouth

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ORDINARY COUNCIL MEETING MINTUES

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 Deputy Shire President declared the meeting open at 5.05pm. He welcomed the extensive gallery for the meeting and stated that it was a shame that it needed to be a contentious issue for community to show interest in Council affairs.

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

Councillor M Hood
Councillor R (Bob) Todd
Councillor S McHutchison
Councillor J Roscic
Mr B Price
Mrs S O'Toole
Mr Roge Kempe
Mrs J Kox
Mr R Manning
Mr R Mhasho
Mr K Woodward
Mrs M Head

Deputy Shire President

Chief Executive Officer
Executive Manager Corporate Services
Executive Manager Community Engagement
Executive Manager Aviation Services
Executive Manager Health & Building
Executive Manager Town Planning
Executive Manager Engineering Services
Minute Clerk

GALLERY

Visitors Approximately 50

APOLOGIES

Councillor C (Turk) Shales Shire President

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).

The Deputy Shire President opened public question time. A number of people submitted similar questions in relation to the rate increase issue.

Nil

9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**9.1 RATE OBJECTION PETITION**

Due to the amount of attendees at the meeting for this particular agenda item it was resolved by the Council to bring this matter forward.

The following petition has been received for Council consideration;

Dear Mr Price

I oppose the advertised rate increase above the CPI Index.

It was fortunate that the shires "Notice of intention to Levy Differential Rates" was aired on local social media by a concerned rate payer as this notice was not found on any of the normal community notice boards or social media. Due to this the community felt the need to petition the shire against its intention to increase Shire Rates. Which I have signed and is has been forwarded to the shire. I do not agree to an increase in the shire rates.

As Exmouth residents we accept that we choose to live in Exmouth, above the 26th parallel, and expect a slightly higher cost of living but why are our services slowly declining yet rates increasing. Exmouth rates are comparative to more affluent areas of the Perth metropolitan region that offer significantly more services than offered here.

Residents, businesses and employees in Exmouth survive on seasonal income, minimal wages but pay exorbitant prices for necessities like food, fuel and clothing. Tourism, Exmouth's main source of income, has decreased. Historically in Exmouth unless you have a government job, with subsidised housing and utilities, a lot of families resort to FIFO work in order to afford purchasing a house. Add to that State Government increases to Utilities, services and Vehicle Registration and the mining downturn and loss of FIFO jobs, many families are doing it tough.

Exmouth is an awesome community minded town so I ask you as the CEO to;

- 1. Review the petition and take note of the communities concerns*
- 2. Abandon the proposed levy increase and keep rates at current levels or increase in line with the CPI index.*
- 3. Hold a public information session to explain why the shire feels it needs a rate increase, and*
- 4. If a public information session will be held please give adequate notice to electors and advertising on more of the community forums such as Shire Notice Board, Exmouth Info, Facebook Buy, Swap, Sell so electors and ratepayers can attend.*

Following is a list of individuals supporting the petition:

Jade Bowra	Kim Greene	Juidth Wood
Joanna Reading	Luke Ferwerda	Dennis Wood
Mark Ferguson	Stephen Owen	Scott Diffen
Carol Bickford	Andrew Young	Emma Diffen
Sascha Unger	Aaron Rampling	Robert Cooper
Josephine Bell	Colin Bettles	Martin Carver
Bradley Bell	John Marven	Pat Carver
Brad Iliffe	Ken Cameron	Karina Silich
Jane Iliffe	Tim Fisher	Anthony Silich
Geoff Daniels	Joseph Smith	Geoffrey Zuccolo
Angela Daniels	Michael Faithfull	Sabine Zuccolo
Noni Thompson	Rhonda Lord	Sarah Simmons
Debbie Snook	Alek Nowak	Kai Broedner
Brian Snook	Mesha Mounsey	Geoff Turner

Andrew Lord	Gary Mounsey	Avril Elkerbout
Jenni Lord	Silvia Desa	Helen Turner
Darnae McEwan	Shane Erbe	Daniel Elkerbout
James McEwan	Sabine Wild-Helps	Salvatore Cicchelli
Brian Reading	Louise Riley	Rocio Starling
Alexia Wekwerth	Autumn Milner	Andrew Starling
Troy Wekwerth	Gerrard Melis	Anne Roessler
Linda Lorraine	Rhonda Smith	Peter Versteeg
Robert Lorraine	Murray Howlett	Kylie Watts
Ted Motzel	Nick Blunt	Christine Collins
Levi North	Tasha Main	Lloyd Collins
Tracey Hailes	Sabrina Rampi	Ian Stewart
Craig Sawley	Natasha Tate	Jennifer Stewart
Kelly Cummins	Gordon Henderson	Craig Kitson
Jessica Dixon	Helen Eaton	Rebecca Kitson
Greta Davies	Karlee Symons	Alison Marshall
Phil Davies	Colleen Cole	Shane Wunhym
Helen Strom	Angela Dixon	Jerrad Craven
Sharee Quayle	Kerren Lister	Lyndal Rouslton
Joanne Smith	Nadia Owens	

In addition to the above there were 230 supporters to an online petition and a further 26 individual letters.

The Deputy Shire President read out the following statement to the gallery in response to the contents of the petition, which was also made available to everyone as a handout.

For the Gallery's sake it should be noted that the matter of rates is not included in this evening's Agenda. This will be dealt with at a Special Meeting of Council proposed for Tuesday, 9 August. This is an open meeting and the public is welcome to attend.

In response to the correspondence received 'opposing Council rate increases' I would like to state that this does not constitute a formal petition. However, Council acknowledge the intent of the process and the feedback provided.

Council makes the following comments in answer to the questions raised in the signed correspondence received;

- 1. That Council has reviewed the correspondence and has taken note of the communities concerns.*
- 2. That Council will consider the communities concerns when approving the final rate increase and associated methodology when adopting the 2016/17 budget at the previously mentioned Special Meeting of Council proposed for Tuesday 9 August 2016. At this meeting an additional option that sees the implementation of the new rating method but with combined increases capped at a maximum of 5% on improved properties is being considered. There are two issues that need to be recognised here:*

- *Firstly, the proposed increase in overall net rate income to the Council, which is \$50,000 or 1.6% over and above the rate revenue collected last year, to help offset the operational cost increases of the Council;*
 - *Secondly is the adjustment in individual rate notices as a result of Department of Local Government requirement for Councils to review and justify their differential rating policies. Council has undertaken this review and determined that to provide a greater level of fairness, our existing 11 categories be reduced to 6. This ensures that all ratepayers who benefit from the provision of council services and facilities contribute equitably. Unfortunately this will see variations, both positive and negative in individual rate notices. In recognition of this financial impost Council have offered concessions in each category that caps the overall adjustment of no more than 3.4% for improved properties. This adjustment does not result in any additional rate income to Council; and*
 - *Whilst Council will consider providing a rate concession for future budgets until each category has equalised, there are a number of external influences such as GRV revaluations every 4 years (next one being 2016) , new TPS zonings and other considerations that may have an overall impact to the final outcome.*
3. *That Council currently holds two Public Information sessions annually (usually in the 1st and 3rd quarter of each calendar year) with the next proposed session providing information on Council's budget details. However Council extends an invitation to all ratepayers to contact the Shire Office directly to enquire about their own individual assessments.*
4. *Council makes every effort to ensure the community are well informed about various issues, events and important information. This is done via public notices, utilising the public notice boards x 3, electronic notice board, direct mail outs to ratepayers and residents, community meetings, council agendas and minutes, Exmouth Info, newsletters, Council's webpage & Facebook Page, local newspapers, and where required by legislation in state wide circulated newspapers.*

The Deputy Shire President then invited questions from the floor.

Discussion ensued for approximately an hour based on a variety of questions raised and accordingly responded to on the principles of rate setting and operational expenditure of the Council.

The following question was received as a formal written question from the public and recorded accordingly.

Question from Rod Collins

At what stage in the rate setting/ budget adoption process does Council consider issues raised by ratepayers to the CEO which were due in today by 4pm?

The Chief Executive Officer responded by advising that Council Officers will be processing the formal submissions to the differential rate notice, which will be presented to the full Council for consideration prior to the adoption of the 2016/17 Budget at the special meeting proposed for early August.

The majority of the Gallery left at 6.05pm.

5. DECLARATIONS OF INTEREST

Item/Description	Name	Detail of Interest	Extent of Interest
14.1 – Exmouth Yacht Club Venue Upgrade	Councillor McHutchison	Member of the Exmouth Yacht Club	Impartiality

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 Ordinary Meeting of the Shire of Exmouth held on the 29 June 2016 be confirmed as a true and correct record of proceedings.

COUNCIL RESOLUTION

ITEM 7

Res No: 01-0716

MOVED: Cr Todd

SECONDED: Cr McHutchison

That the Minutes of the Ordinary Meeting of the Shire of Exmouth held on the 29 June 2016 be confirmed as a true and correct record of proceedings.

CARRIED 4/0

8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

The Deputy Shire President welcomed visitors Lauren Rampling, Exmouth PCYC and Alby Vandenburg, OIC Exmouth Police Station to the meeting at 6.10pm.

Exmouth PCYC nominated the Shire of Exmouth for a Partnership Award in the 2016 WA PCYC Awards for their contribution to Exmouth PCYC. This support has included governance support through a representative on the Exmouth PCYC committee, partnerships in the delivery of youth programs and waiver of fees for some PCYC events and sports activities.

The Shire was awarded with a High Recognition Award, for their contribution to WA PCYC in 2015-2016 and in recognition of their nomination for the WA PCYC Partnership Award (Regional).

The Deputy Shire President accepted the award presented by the Exmouth PCYC representatives, congratulating the Community Development team for all their hard work and contribution to a very worthwhile organisation which is greatly appreciated by all.

The visitors left the meeting at 6.16pm.



10. REPORT OF COUNCILLORS

Date	Activity	Councillor				
		Cr Shales	Cr Hood	Cr McHutchison	Cr Roscic	Cr Todd
01/07/16	Meeting with Jenny Shaw from Western Australian Marine Science Institution regarding decommissioning Oil and Gas structures.	✓				
05/07/16	Meeting with Steve Grieves Regional Manager of Water Corporation to discuss water supply and sewerage.	✓				
	Attended WALGA free Webinar.			✓		
07/07/16	Phone call to Melissa Price Federal Member for Durack, to congratulate her on her election success and official letter sent to her.	✓				
08/07/16	Meeting with James Bechingham Public Sector Commission.	✓				
	Letter of thanks sent to Shane Coote.	✓				
09/07/16	Presented prizes at the Seniors Art and Craft Show.			✓		
10/07/16	Spent the day with Minister for Sport and Recreation, Mia Davies and MLA Member for North West Central, Vince Catania. Picked the Minister up from the airport and took her on a tour of town showcasing our achievements and vision for the future. Then to the skate park to open the Festival of Sport, followed by an inspection of the recreation centre. This was followed by a lunch meeting at the Novotel and a meeting in Shire Chambers with Managers discussing sport and recreation priorities. Following the meeting there was a tour of the swimming pool with Executive Manager Health and Building, Rob Manning then we headed to the golf club for the Exmouth Open presentations.	✓				
	Attended the golf club for the Exmouth Open presentations.			✓		
	Met with Mia Davies and Vince Catania and discussed issues concerning town and the future race course development.		✓			
12/07/16	Evening send off for Geoff Strickland, former CEO of the Gascoyne Development Commission.	✓				✓
13/07/16	Ningaloo Centre meeting.	✓		✓		✓

	Meeting with Exmouth Power to discuss power into the future for Exmouth.					
18/07/16	Letters of thanks send to Minister Mia Davies and MLA Vince Catania.	✓				
20/07/16	Attended Exmouth Joint Industry CRG Meeting 2				✓	
21/07/16	Meeting with new CEO for Gascoyne Development Commission, Gavin Robins.	✓				✓
	Town Planning Community Consultation Session 3 (Tourism) at the Shire Hall attended by Cr McHutchison and Cr Todd, introductions by Cr Hood.		✓			✓
	Attended the GWN7 Top Tourism Town Judges Networking evening hosted by the Exmouth Visitor Centre		✓	✓		
24/07/16	Volunteer at the ArtQuest entry acceptance afternoon			✓		
26/07/16	Citizenship Ceremony.		✓			

11. EXECUTIVE SERVICES

11.1 EXPRESSION OF INTEREST (EOI) – CAFÉ NINGALOO CENTRE

File Reference:	ED.PJ.1
Responsible Officer:	Chief Executive Officer
Date of Report:	19 July 2016
Applicant/Proponent:	Shire of Exmouth
Disclosure of Interest:	Nil
Attachment(s):	1. Ningaloo Centre – Café Fitout Proposal

PURPOSE

That Council approve an Expression of Interest (EOI) process for the leasing of the Café facility within the Ningaloo Centre.

BACKGROUND

As Council are aware the Ningaloo Centre includes a Café space that is available for lease.

It is proposed that the Council seek expressions of interest from experienced food retail operators who can demonstrate a proven track record in delivering a high standard of food and beverage service.

The Café has a complete fitout with loose furniture and associated commercial grade kitchen equipment including dishwasher, electric range oven, hot food display, range hood and electric fryer. The kitchen also has a walk-in cool room and separate freezer. A Café Fit-out Proposal is attached for further reference.

The Café is expected to add great value to the experience at the Ningaloo Centre as it will complement the activities of the centre and encourage patrons to stay longer.

The successful applicant will need to demonstrate their ability to provide high quality food and beverages to patrons of the Ningaloo Centre; have a strong desire to grow a successful business alongside a multipurpose facility; and have a passion for the provision of outstanding customer service.

The venue is to serve the general public as a café focused on café style food and beverage service. This includes what may be generally seen as an affordable menu that addresses breakfast, morning tea, lunch, and afternoon tea options at various price points demonstrating value for money choices.

It would also be expected that a range of catering services related, but not necessarily limited to food and beverage provision would be available to users of the Ningaloo Centre and for events held at the Centre. This is not an exclusive right for the lessee as users of the Ningaloo Centre and its Function Centre are able to seek these services elsewhere.

COMMENT

It is proposed that the (EOI) will be the first stage of a two stage tender process. The (EOI) stage will result in a shortlist of operators who will be invited to provide further information as part of the tender.

CONSULTATION

Mark Houlahan, Strategic Valuation Services
McLeod's Barristers & Solicitors

STATUTORY ENVIRONMENT

S 21 of the Local Government (Functions & General) Regulations 1996

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

A Lease of the Café space within the Ningaloo Centre will assist the Council in its long term operational sustainability of the Centre.

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> |
| | 1.3 | <i>Diverse tourism opportunities.</i> |
| | 1.5 | <i>Maintain and improve Shire infrastructure.</i> |
| Social: | 3 | <u>To be a dynamic, passionate and safe community valuing natural and cultural heritage.</u> |
| | 3.2 | <i>Excellent lifestyle, recreational and cultural facilities.</i> |
| | 3.7 | <i>Residents and visitors have access to appropriate services and facilities to enhance their health and wellbeing.</i> |
| Civic Leadership: | 4 | <u>To work together as custodians of now and the future.</u> |
| | 4.1 | <i>To be a collaborative community with the capacity to manage the current and future direction of Exmouth.</i> |
| | 4.2 | <i>A local government that is respected, professional, trustworthy and accountable.</i> |
| | 4.3 | <i>To be strong advocates representing the region's interests.</i> |

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 11.1

That Council approve the calling for an Expression of Interest (EOI) process for the leasing of the Café facility within the Ningaloo Centre.

COUNCIL RESOLUTION**ITEM 11.1**

Res No: 02-0716

MOVED: Cr McHutchison

SECONDED: Cr Todd

That Council approve the calling for an Expression of Interest (EOI) process for the leasing of the Café facility within the Ningaloo Centre.

CARRIED 4/0

11.2 CONTRACT – FREEMAN RYAN DESIGN

File Reference:	ED.PJ.1
Responsible Officer:	Chief Executive Officer
Date of Report:	19 July 2016
Applicant/Proponent:	Freeman Ryan Design
Disclosure of Interest:	Nil
Attachment(s):	1. FRD Final Fee Proposal (Confidential)

PURPOSE

That Council formally enter into a AS 4906 2002 Minor Works Contract with Freeman Ryan Design (FRD) for the installation of Interpretive Content at the Ningaloo Centre for the sum of \$ 2,697,225.10 (inc GST).

BACKGROUND

In April 2013 Council engaged the services of Freeman Ryan Design (FRD), as part of the initial Design & Construct contract awarded to Matera Construction, to provide Stage 1 - Exhibition Design Concepts for the interpretive component of the Ningaloo Centre. In April 2015 Council resolved to terminate the contract with Matera Construction but retain all subcontractors associated with the project, including FRD.

FRD have provided the Council several design concept reports during this time that have resulted from a process of collaboration, which has balanced client objectives with design and museological considerations and architectural and financial parameters.

The concepts have also been the result of significant research into the available materials including primary and secondary sources and institutional collections, and extensive consultation with community and relevant subject matter experts.

The FRD team have used this research base to inform the development of the interpretive planning for the Ningaloo Centre, ensuring that the exhibitions present the most meaningful and interesting content and provide an enjoyable visitor experience.

Council, in May 2016, have previously endorsed the design which incorporated three significant themes reflecting the following:

1. En-route to Exmouth (History)
2. Marine (Ningaloo Reef)
3. Terrestrial (Cape Range)

FRD have provided the Council with a final Fee Proposal for the Stage 2- Installation of the Interpretive Material based on the endorsed conceptual designs, which is attached separately as a Confidential Document for consideration.

COMMENT

The Ningaloo Centre Project Steering Committee met on Wednesday 13 July 2016 to consider the proposal provided by FRD and resolved to recommend that the Council engage FRD to complete the stage 2 installation of Interpretive Elements.

CONSULTATION

Ningaloo Centre Project Steering Committee
Freeman Ryan Design
Site Architects

STATUTORY ENVIRONMENT

AS 4906 2002 Minor Works Contract

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The commitment to Freeman Ryan Design for the Installation of the Interpretive Elements of the Ningaloo Centre fits within the budgetary constraints of the Ningaloo Centre project in Councils 2015/16 & 2016/17 budgets.

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> |
| | 1.3 | <i>Diverse tourism opportunities.</i> |
| | 1.5 | <i>Maintain and improve Shire infrastructure.</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: | 3 | <u>To be a dynamic, passionate and safe community valuing natural and cultural heritage.</u> |
| | 3.1 | <i>Retain a safe community environment.</i> |
| | 3.2 | <i>Excellent lifestyle, recreational and cultural facilities.</i> |
| | 3.3 | <i>An inclusive, responsible and cohesive community.</i> |
| | 3.4 | <i>A community that is well informed and educated about our natural, cultural and built environment.</i> |

- 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

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 11.2

That Council formally enter into a AS 4906 2002 Minor Works Contract with Freeman Ryan Design (FRD) for the installation of Interpretive Content at the Ningaloo Centre for the sum of \$ 2,697,225.10 (inc GST).

COUNCIL RESOLUTION

ITEM 11.2

Res No: 03-0716

MOVED: Cr Todd

SECONDED: Cr McHutchison

That Council formally enter into a AS 4906 2002 Minor Works Contract with Freeman Ryan Design (FRD) for the installation of Interpretive Content at the Ningaloo Centre for the sum of \$ 2,697,225.10 (inc GST).

CARRIED 4/0

11.3 CONTRACT – OCEAN REEFS PRODUCTIONS PTY LTD

File Reference:	ED.PJ.1
Responsible Officer:	Chief Executive Officer
Date of Report:	19 July 2016
Applicant/Proponent:	Ocean Reefs Productions Pty Ltd
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none">1. ORP Final Fee Proposal (Confidential)2. ORP Company Profile

PURPOSE

That Council formally enter into a AS 4906 2002 Minor Works Contract with Ocean Reefs Productions Pty Ltd (ORP) for the Design, Installation & Fitout of the Aquarium at the Ningaloo Centre for the sum of \$ 1,088,260.00 (inc GST).

BACKGROUND

The Ningaloo Centre includes the installation of an Aquarium as part of the Marine interpretive experience.

Site Architecture and Council Officers have been working for several months with a design specialist from AQWA, in liaison with a recommended Aquarium contractor ORP, for the final design of a fully operational Aquarium including the Aqua tank fit out, operational systems, livestock supply and future training of a local aquarist.

ORP have provided the Council with the final Fee Proposal for the full scope of Works involving the Aquarium installation for consideration. This contract was originally captured under the Tender awarded to FIRM Construction as a provisional sum allowance, but after further consideration FIRM have advised that due to the specialist nature of the project, they are uncomfortable with the future warranting of the products and specialist workmanship.

It has been recommended that Council engage Ocean Reefs Productions Pty Ltd independently (under an AS 4906 2002 Minor Works Contract) with ORP providing the necessary Warranties for the project and advantageously the Principal will have direct access to operational systems and the involvement of an aquarist, otherwise not available until after Practical Completion.

Aquarium installations and services of this scale are extremely unique with a limited number of locally registered companies being available. ORP, a Perth based company, have been recommended and are considered specialists in aquarium design, but more importantly already have the



necessary aquarium specimen collection licenses, as regulated by the Department of Fisheries, enabling the taking of live corals and fish species from the North West/Exmouth Gulf region.

To this end it is considered that there is no requirement for the calling of an additional tender for this work, based on the following clause contained within *Division 2 – Tenders for Providing Goods & Services section of the Local Government (Functions & General) Regulations 1996*

S11 (2)(f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier.

COMMENT

The Ningaloo Centre Project Steering Committee met on Wednesday 13 July 2016 to consider the proposal provided by ORP and resolved to recommend that the Council engage ORP to proceed with the Design, Installation & Fitout of the Aquarium at the Ningaloo Centre.

CONSULTATION

Ningaloo Centre Project Steering Committee
Site Architecture
Oren LaPaz -AQWA

STATUTORY ENVIRONMENT

Division 2 – Tenders for Providing Goods & Services section of the Local Government (Functions & General) Regulations 1996
AS 4906 2002 Minor Works Contract

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The commitment to Ocean Reefs Productions Pty Ltd for the Design, Installation & Fitout of the Aquarium of the Ningaloo Centre fits within the budgetary constraints of the Ningaloo Centre project in Councils 2015/16 & 2016/17 budgets.

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> |
| | 1.3 | <i>Diverse tourism opportunities.</i> |
| | 1.5 | <i>Maintain and improve Shire infrastructure.</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 *Our pristine natural environment and biodiversity will be understood, maintained and protected.*
- 2.3 *To have a town and community that takes pride in its world heritage status.*
- 2.4 *To be a leader in eco-friendly initiatives and innovations.*
- 2.5 *To make Exmouth an attractive town that is a comfortable and welcoming place to live and visit, and reflects the lifestyle values and unique natural environment.*

- 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

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 11.3

That Council formally enter into a AS 4906 2002 Minor Works Contract with Ocean Reefs Productions Pty Ltd for the Design, Installation & Fitout of the Aquarium at the Ningaloo Centre for the sum of \$ 1,088,260.00 (inc GST).

COUNCIL RESOLUTION

ITEM 11.3

Res No: 04-0716

MOVED: Cr McHutchison

SECONDED: Cr Todd

That Council formally enter into a AS 4906 2002 Minor Works Contract with Ocean Reefs Productions Pty Ltd for the Design, Installation & Fitout of the Aquarium at the Ningaloo Centre for the sum of \$ 1,088,260.00 (inc GST).

CARRIED 4/0

11.4 AUSTRALIAN CRUISE ASSOCIATION – ANNUAL CONFERENCE

File Reference:	ED.TO.0
Responsible Officer:	Chief Executive Officer
Date of Report:	19 July 2016
Applicant/Proponent:	Australian Cruise Association
Disclosure of Interest:	Nil
Attachment(s):	1. ACA Preliminary Conference Program

PURPOSE

That Council approve for Councillor Hood and the Chief Executive Officer (CEO) to attend the Australian Cruise Association (ACA) Annual Conference being held in Sydney from 7–9 September 2016.

BACKGROUND

The Australian Cruise Association (previously Cruise Down Under) is the peak Cruise Shipping organisation for Australia with the Council being a financial member.

ACA hold an annual conference at destinations around Australia with the 20th Anniversary Conference being held in Sydney from 7 – 9 September 2016. Council delegates attended our first forum in Darwin in 2015.

Council's main Strategic focus has been on the establishment of a Multi-Purpose Deep Water Wharf in the Exmouth Gulf so that Exmouth can, amongst other things, benefit from the ever increasing Cruise Shipping market. Attendance at this conference not only keeps Council well informed on latest industry trends, but provides an opportunity to lift the profile of Exmouth and the Ningaloo Coast to the wider Cruise Shipping market.

Attached is a copy of the preliminary conference program for Councillor information.

COMMENT

Councillor Hood has the Tourism Portfolio for the Council and the CEO represents the Council on the Tourism WA Cruise Shipping Committee, so it would be appropriate that they both attend the Annual Conference.

Council Policies 1.4 & 1.21 require prior Council approval for delegates to attend interstate forums.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Policy 1.4 – Councillor Attendance at Conferences, Seminars, Training Courses and Meetings

Policy 1.21 - Staff Attendance at Conferences, Seminars, Training Courses and Meetings

FINANCIAL IMPLICATIONS

All costs associated with attending this conference including registrations, travel, accommodation is estimated at \$ 8,000, which is accommodated for in Councils proposed Budget allocation 2016/17.

STRATEGIC IMPLICATIONS

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

- Economic:
- 1 To be a diverse and innovative economy with a range of local employment opportunities.
 - 1.1 *To increase the number of local businesses, industries and services that will provide a range of employment opportunities for the people of Exmouth.*
 - 1.2 *Planned and balanced economic growth.*
 - 1.3 *Diverse tourism opportunities.*
 - 1.5 *Maintain and improve Shire infrastructure.*
- 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.
 - 4.1 *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 11.4

That Council approve for Councillor Hood and the Chief Executive Officer to attend the Australian Cruise Association (ACA) Annual Conference being held in Sydney from 7–9 September 2016.

COUNCIL RESOLUTION

ITEM 11.4

Res No: 05-0716

MOVED: Cr Todd

SECONDED: Cr McHutchison

That Council approve for Councillor Hood and the Chief Executive Officer to attend the Australian Cruise Association (ACA) Annual Conference being held in Sydney from 7–9 September 2016.

CARRIED 4/0

12 CORPORATE SERVICES

12.1 FINANCIAL STATEMENT FOR PERIOD ENDING 30 JUNE 2016

File Reference:	FM.FL.0
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	20 July 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Financial Report as at 30 June 2016

PURPOSE

The provisions of the *Local Government Act 1995* and associated Regulations require a monthly financial report for presentation to the Council. This report recommends Council accept the financial report.

BACKGROUND

A financial report for the period ended 30 June 2016 has been prepared and a copy of the Report is attached.

The following table displays Council's position to 30 June 2016 including the unaudited closing position for 2015/16 financial year. The 2015/16 Budget estimated to deliver a budget with a small surplus of \$2,880, however the current unaudited closing position to 30 June 2016 is estimated a surplus of \$71,701.

2015/16	Actual	Amended Budget	On Target with Budget	Impact on Surplus
	\$	\$	%	
Operating Revenue	35,264,667	33,132,978	103.6%	▲
Operating Expenditure	(16,100,576)	(17,555,344)	91.7%	▲
Non-Operating Revenue	1,582,054	3,773,922	115.9%	▼
Non-Operating Expenditure	(26,501,477)	(24,655,384)	109.9%	▼
Non cash Items Included	4,423,538	3,873,829	114.2%	
Surplus C/Fwd June 2015	1,403,494	1,432,879	97.9%	▼
Surplus/(Deficit)	71,701	2,880	-8.4%	▲

COMMENT

Statement of Financial Position

The construction of the Ningaloo Centre is influencing the Sundry Debtors and Creditor Control Accounts rise in percentage. Restricted Cash has also increased to recognise unspent grant funds at 30 June 2016. Non-Current Assets have increased by 4.71% to recognise capital acquisitions purchased to date.

Recognition of additional deferred rates has also contributed to this increase. Loan Liabilities repayments due during 2016/17 have been transferred from Non-Current Liabilities to Current Liabilities. Leave Provision entitlements have been calculated for 2015/16, and there has been a slight decrease in Long Service Leave provisions.

	30/06/16	31/5/16	% Change
Current			
Assets	19,039,860	21,531,030	(11.57%)
Liabilities	(4,709,727)	(2,087,524)	125.61%
Non Current			
Assets	91,522,417	87,404,269	4.71%
Liabilities	(1,316,724)	(1,437,766)	(8.42%)
NET ASSETS	104,535,826	105,410,009	

Capital Expenditure

The 2015/16 budget included \$23,328,051 for capital expenditure, with the majority of expenditure associated with major projects including the Ningaloo Centre and infrastructure improvements. The timing of projects has influenced the variance with the budget, which shows Council achieved 64% of its capital expenditure.

Asset Class	Actual	Budget	On Target
	\$	\$	%
Land & Buildings	10,620,750	19,046,000	56%
Furniture & Equipment	126,391	24,000	527%
Land Held for Resale	158,875	109,386	145%
Plant & Equipment	604,800	809,412	75%
Infrastructure Roads	2,696,110	2,763,458	98%
Infrastructure Other	647,778	575,795	113%
TOTAL	14,854,705	23,328,051	64%

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996

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 12.1**

That Council resolves to receive the Financial Reports for the financial period ending 30 June 2016.

COUNCIL RESOLUTION**ITEM 12.1**

Res No: **06-0716**

MOVED: **Cr McHutchison**

SECONDED: **Cr Roscic**

That Council resolves to receive the Financial Reports for the financial period ending 30 June 2016.

CARRIED 4/0

12.2 LIST OF ACCOUNTS FOR PERIOD ENDING JUNE 2016

File Reference:	FM.FI.0
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	20 July 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. List of Accounts for period ending 30 June 2016.

PURPOSE

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

BACKGROUND

Council continue to 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

Policy 2.10 – Purchasing Policy and

Policy 2.17 - Regional Price Preference Policy (where applicable)

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 12.2

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 – June 2016 \$3,673,718.30 incorporating of cheques 13298 – 13315 and direct debits; and
2. Trust Fund – June 2016 \$10,009.99 incorporating of cheques 400843 - 400844 and direct debits.

Outstanding Creditors as at 30 June 2016 being \$39,325.77.

COUNCIL RESOLUTION

ITEM 12.2

Res No: 07-0716

MOVED: Cr McHutchison

SECONDED: Cr Todd

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 – June 2016 \$3,673,718.30 incorporating of cheques 13298 – 13315 and direct debits; and**
- 2. Trust Fund – June 2016 \$10,009.99 incorporating of cheques 400843 - 400844 and direct debits.**

Outstanding Creditors as at 30 June 2016 being \$39,325.77.

CARRIED 3/1

Councillor Roscic voted against.

Councillor Rosic raised a question requesting details of the payment (EFT9863) made to Forte Airport Management on page 4 of the Monthly List of Payments (Attachment 2) for the amount of \$14,045.82, which was taken on notice.

13 AVIATION SERVICES

Nil.

Councillor McHutchison declared an Impartiality Interest and made the following statement. With regards to the matter of Item 14.1 in the agenda for the Ordinary Council meeting to be held on 27 July 2016 I disclose that I have an association with the group in that I am a member of Exmouth Yacht Club. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.

14 COMMUNITY ENGAGEMENT

14.1 EXMOUTH YACHT CLUB VENUE UPGRADES

File Reference:	RC.LI.5
Responsible Officer:	Executive Manager Community Engagement
Date of Report:	12 July 2016
Applicant/Proponent:	Exmouth Yacht Club (inc.)
Disclosure of Interest:	Nil
Attachment(s):	1. Grant application form – Exmouth Yacht Club Venue Upgrade

PURPOSE

This report recommends for Council to consider providing support for the Exmouth Yacht Club application for Regional Venues Improvement funding to upgrade the club's staging area and supporting facilities.

BACKGROUND

Council would be aware that the Exmouth Yacht Club (EYC) currently holds a number of events throughout the year, including live music, performances, private functions and movie screening events that require the use of the venue's stage.

The EYC is currently applying for a grant from the Royalties for Regions, Regional Venues Improvement Fund (RVIF) for the category of 'venue functional upgrade' (refer Attachment 1).

About the Exmouth Yacht Club

Currently, the EYC has 164 members (adults and children). Officers received the following information about recent activities.

The club has had a couple of adult and junior members competing in the Carnarvon Windrush Regatta in June 2014 and 2015. EYC hosted a regatta in July 2014, when they had 8 junior sailors; they have since moved on to other pursuits.

However, this year EYC sent 4 adults to Perth earlier this month for the Yachting WA Instructors Course (over one week at RPYC), incorporating training in the *Little Tackers* program. This is the first step in EYC becoming an accredited Discover Sailing Centre through Yachting Australia (now called Australian Sailing).

The EYC has a letter of support from the principal of the Exmouth District High School and the Shire President for the Youth Sailing Program which will start later this year. The Principal is keen to have sailing incorporated in the school curriculum.

About the RVIF Grant

Grants for 'Venue Functional Upgrades' are to assist applicants to improve functionality and amenity at regional performing arts and entertainment venues for the provision of performing arts productions. Projects may include, but is not limited to, back of house and stage improvements, front of house and patron amenity and disability or access upgrades.

The Handbook (guidelines) for this particular grant states that this category grant is to assist regional Local Government Authorities and eligible not for profit culture and arts organisations to improve the quality and sustainability of performing art venues in regional areas across the state.

Venue Eligibility - an eligible venue for the RVIF is:

- Located in regional Western Australia;
- Primarily delivers performing arts and entertainment services; and
- Has capacity to receive touring performing arts productions.

A performing arts and entertainment venue is defined as:

'A building that is used primarily for the programming, production, presentation, exhibition, creation of work, or any combination of the above functions of any of the performing arts and cultural disciplines, such as: music, music theatre, Aboriginal theatre, dance and drama'.

Organisation Eligibility: the RVIF is open to regional Local Government Authorities and eligible not-for-profit Western Australian arts and/or cultural organisations that own or operate a performing arts and entertainment venue located in regional WA.

You are not eligible for RVIF if your lease period in the venue is less than 10 years from the date of the RVIF funding application.

About the EYC project proposal

The EYC is applying for grant funding to improve the venue's stage area, lawn area, toilets and kitchen areas under the Regional Venues Improvement Fund.

The EYC proposes to implement the upgrades in 4 stages, as follows:

Stage 1: Relocating the stage in order to construct dressing rooms adjacent to the clubrooms and provide suitable amenities to visiting performers. In addition the stage is to be lowered and made weatherproof.

Stage 2: Relocation of three existing shade sail poles and earthworks to the lawn area (currently used for seating by patrons) by way of re-levelling, new lawn and reticulation.

Stage 3: Renovation of the current public toilet block including retiling and installation of new hand basins and toilets.

Stage 4: Upgrade to the current galley kitchen used for catering for up to 500 people when the venue is being used for performance and community events. The upgrade is to include the purchase of commercial kitchen appliances, refrigeration, and installation to public health and safety standards.

The club's committee states that the proposal falls within the objectives of the club's strategic plan and is supported by the membership. More detail on the project is provided in the attachment.

RVIF requirement of Shire support for the project

Applicants for RVIF funding need to demonstrate that they have adequate resources to manage, maintain and operate the proposed project, either within their own organisation or in partnership, and have support from the venue/land owners.

Written support from their venue owner is required, as is securing associated resources and funding. If the venue is owned by a LGA, written support will need to be in the form of a formal letter and the Ordinary Council Meeting minutes regarding the project

Council received a letter from the EYC committee stating that the club hopes that the project meets with the approval of the Shire (as the owner of the land on which the Yacht Club is situated) and that this can be ratified at a Council meeting. In addition the club kindly requests for a letter of support from Council.

COMMENT

In deciding to support the EYC project proposal, Council is informed about and may consider the following.

The Grant Application

It is not the Council's role to assess the grant application itself, but Officers note that the club may not necessarily comply with the eligibility criteria for this particular grant.

The Project Proposal

Officers note that this is a substantial project with an estimated value of \$550,000 in cash and in-kind.

It is recognised that the EYC venue is ideally situated and plays a part on the social and cultural calendar of Exmouth with a range of performances throughout the year. In this light, the venue seems to complement other venues in town.

The need for the project is not clear to establish as the venue is for the purpose of operating a Yacht Club and not a performing arts and entertainment venue. The project proposal in itself does not seem to directly improve or increase participation in sailing.

However, EYC states about this in the grant application:

'As our primary function is provision of sailing facilities we anticipate the greater exposure to the community will also increase sailing memberships and enable our education team to provide increased training to youth through investment in training craft'.

'Exmouth Yacht Club has become a highly sought after venue for performing artists and we wish to continue to develop this feature of our club. Hire of the facilities is an important revenue raising arm of the club and provides a highly desired alternative for a variety of performers'.

'The Community support for this venue is demonstrated by annual booking fees and revenue raised during events over the last two financial years in the range of \$40,000 per year. This revenue is reinvested in the club and community'.

Lease Agreement between Shire of Exmouth and Exmouth Yacht Club Inc.

The subject land is Crown Reserve vested with Shire of Exmouth through a Management Order allowing Council to lease the reserve to the EYC on approval of the Minister of Lands. The land has been reserved for the public interest of "Yacht Club Site", hence the support for the land to be leased.

In deciding to provide support for the project, Council will need to consider if the proposal is in line with the purpose of the Management Order and the current peppercorn lease between the Shire and the EYC.

Some relevant clauses of the lease include:

The Permitted Use

'The Lessee is permitted to use the Leased Area during the Term for the purpose of operating a Yacht Club for promotion of sailing and aquatic recreational activities and related Yacht Club functions, social activities and fund raising events, lawfully and in compliance with the conditions of this lease'.

The Term of the Lease

The current lease agreement came into effect on 1 November 2014 for a term of 10 years and a further 10 years at Council discretion. The RVIF funding requires a current lease period of the venue of more than 10 years from the date of the RVIF funding application. It is unclear at this stage if Council would need to review the lease agreement with the EYC.

Lease Area

Although the plans do not specifically make it clear, Council is advised that the new stage is proposed to be positioned within the new lease area boundaries as determined by Council at its meeting of 17 December 2015. The amendment of the lease area boundaries is still being progressed.

CONSULTATION

Exmouth Yacht Club

STATUTORY ENVIRONMENT

Exmouth Yacht Club Lease Agreement

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.

- 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.*
- 1.3 *Diverse tourism 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.*
- 3.5 *Maintain and increase participation levels in local community organisations and clubs.*
- 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.*

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 14.1

Council provide support for the Exmouth Yacht Club application for Regional Venues Improvement funding to upgrade the club's staging area and supporting facilities.

COUNCIL RESOLUTION

ITEM 14.1

Res No: 08-0716

MOVED: Cr Roscic

SECONDED: Cr Todd

Council provide support for the Exmouth Yacht Club application for Regional Venues Improvement funding to upgrade the club's staging area and supporting facilities.

CARRIED 4/0

15 HEALTH & BUILDING SERVICES

Nil.

16 TOWN PLANNING SERVICES

16.1 COASTAL CAMPING LICENCE OVER PORTION OF UCL ADJACENT TO EXMOUTH GULF PASTORAL STATION

File Reference:	A512
Responsible Officer:	Executive Manager Town Planning Services
Date of Report:	5 July 2016
Applicant/Proponent:	Department of Lands
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none">1. September 2014 Council Meeting Decision 17-09142. Letters/emails received from Department of Lands

PURPOSE

This report recommends that Council object to the issuing of a licence over a portion of Unclaimed Crown Land (UCL) located adjacent to the Exmouth Gulf Pastoral Station, to the lessees of the Exmouth Gulf Pastoral lease, for the management of coastal camping.

BACKGROUND

At the 18 September 2014 Ordinary Council Meeting, Council resolved (Decision 17-0914) to object to the issuing of a diversification permit for 27 wilderness campsites including tourist activities on portions of the Exmouth Gulf Pastoral Station (refer Attachment 1). The Department of Parks and Wildlife raised a significant number of environmental concerns in relation to the proposal.

The Department of Lands (DoL) are now requesting comment from the Shire regarding a new licence application they have received for the current lessees of Exmouth Gulf Pastoral Station to manage camping over a portion of UCL located adjacent to the Exmouth Gulf Pastoral Station. The proposed licence over the land would be for an initial period of five years (refer Attachment 2).



Location Plan – Portion of UCL adjacent Exmouth Gulf Pastoral Station (the site)

COMMENT

The proposal has been assessed against the provisions of the Shire of Exmouth Town Planning Scheme No. 3; Draft Local Planning Scheme No. 4, Draft Local Planning Strategy No. 1, Exmouth South Structure Plan; WAPC Ningaloo Coast Regional Strategy Carnarvon to Exmouth; and State Planning Policy 6.3: Ningaloo Coast.

Shire of Exmouth Town Planning Scheme No. 3 (Scheme)

The Scheme zones the site 'Recreation and Open Space' reserve. Although not technically a development (planning) application the scheme states *'where an application is made with respect to land within a Reserve, the Council shall have regard to the ultimate purpose intended for the Reserve'*. The proposal does not meet the ultimate purpose intended for the reserve as it relates to a tourism purpose, not recreation and open space purpose.

Draft Local Planning Scheme No. 4 (Draft Scheme)

The Draft Scheme zones the site 'Environmental Conservation' Reserve. Relevant objectives of the Environmental Conservation reserve include:

- *'To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision.'*
- *'To set aside land with conservation value within the Exmouth Gulf that reflects the 40 metre setback landward of the high water mark.'*

The proposal is inconsistent with the objectives of the 'Environmental Conservation' reserve as it does not protect the area from development and does not preserve the conservation value of the land.

Draft Local Planning Strategy No. 1 (Draft Strategy)

The Draft Strategy identifies the site 'Conservation and Landscape Protection'. Conservation objective 8.1 states *'Protect and enhance the natural characteristics of the Shire that are of local, regional, national and international significance.'* The proposal is inconsistent with the conservation objective as the site has natural characteristics of local significance.

Relevant pastoral strategies include:

- *'Protect the pastoral land use activity on the Exmouth Gulf, Bullara and Ningaloo Pastoral Stations from incompatible land uses, development and land management practices.'*
- *'Facilitate the diversification of land use for eco-tourism purposes on Exmouth Gulf, Bullara and Ningaloo Stations in locations where identified as being compatible with the established pastoral activities.'*
- *'Identify Nature-Based Camping Investigation Areas on Exmouth Gulf and Bullara Pastoral Stations within which the suitability of the site to support nature-based camping will need to be determined following which a development application may be prepared.'*

The proposal is inconsistent with the pastoral strategies as the site is not a location designated for eco-tourism purposes, where compatible with existing established pastoral activities.

Exmouth South Structure Plan

The Exmouth South Structure Plan identifies the site as 'Park, recreation and conservation opportunities' and as a possible day use site for recreation and tourism purposes. The proposal is

inconsistent with the Exmouth South Structure Plan as it decreases the conservation opportunities of the site, and is not for day use only.

WAPC Ningaloo Coast Regional Strategy Carnarvon to Exmouth (WAPC Strategy)

The WAPC Strategy identifies the site as a day use site only which is to be designated and managed for day use only. It may include parking facilities, shade shelters, barbeques, toilets and picnic areas but does not cater for, or permit overnight stays. The proposal is inconsistent with the WAPC Strategy, as it is not for day use only.

State Planning Policy 6.3: Ningaloo Coast (State Policy)

Relevant objectives include:

- *'Preserve and protect the natural environment and enhance and rehabilitate degraded areas within the environment.'*
- *'Consolidate future residential, commercial, higher-impact tourism and industrial development in the towns of Carnarvon and Exmouth and provide strategic directions for their future growth.'*

The State Policy states *'The ad hoc establishment of developments along the Ningaloo coast has the potential to erode the remote and environmental values of the area over time.'* Considering this the State Policy then goes further stating that no applications for higher impact tourism will be approved unless:

- i. they are within the townsite of Exmouth;
- ii. consistent with this policy and the WAPC Ningaloo Coast Regional Strategy Carnarvon to Exmouth; and
- iii. consistent with the applicable local planning strategy, policies and town planning scheme.

The proposal is inconsistent with the State Policy as it relates to higher impact tourism located outside of the Exmouth Townsite, is not consistent with the WAPC Strategy, is not consistent with Draft Local Planning Strategy No. 1, and is not consistent with Town Planning Scheme No. 3.

Further Issues to be addressed

No studies or investigation have been provided to address the following significant matters:

- Environmental Values for the site;
- Infrastructure servicing including power, water, sewerage, telecommunications;
- Environmental Management;
- Waste Management;
- Foreshore Management;
- Heritage;
- Bush Fire Protection, Flooding and Emergency Management; and
- Public Access to/from the site.

Considering the above officer recommends that Council object to the issuing of a licence over a portion of UCL located adjacent to the Exmouth Gulf Pastoral Station, to the lessees of the Exmouth Gulf Pastoral lease, for the management of coastal camping.

CONSULTATION

Department of Lands

STATUTORY ENVIRONMENT

Town Planning Scheme No. 3
Draft Local Planning Scheme No. 4
Draft Local Planning Strategy No. 1
Planning and Development Act 2005
Land Administration Act 1997
Exmouth South Structure Plan
WAPC Ningaloo Coast Regional Strategy Carnarvon to Exmouth

POLICY IMPLICATIONS

State Planning Policy 6.3: Ningaloo Coast

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

- Environment: 2 To have a balanced respect for our environment and heritage, both natural and built.
2.2 *Our pristine natural environment and biodiversity will be understood, maintained and protected.*
- 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.*

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 16.1

That Council object to the issuing of a licence over a portion of UCL located adjacent to the Exmouth Gulf Pastoral Station, to the lessees of the Exmouth Gulf Pastoral lease, for the management of coastal camping for the following reasons:

1. The proposal is inconsistent with the Shire of Exmouth *Town Planning Scheme No. 3* as it is not the ultimate purpose intended for the reserve as it relates to a tourism purpose, not recreation and open space purpose. As the proposed use is not supported, it cannot be licenced under the *Caravan Park and Camping Ground Act 1995* and Regulations 1997;
2. The proposal is inconsistent with the Shire of Exmouth Draft Local Planning Scheme No. 4 as it is not in accordance with the objectives of the 'Environmental Conservation' reserve as it does not protect the area from development and does not preserve the conservation value of the land;
3. The proposal is inconsistent with the Shire of Exmouth Draft Local Planning Strategy No. 1 as:

- i. it is not in accordance with Conservation Objective 8.1 as the site has natural characteristics of local significance; and
 - ii. it is not in accordance with Pastoral Strategies 1.) 3.) and 4.) as the site is not designated for eco-tourism purposes, where compatible with existing established pastoral activities.
4. The proposal is inconsistent with the Exmouth South Structure Plan and WAPC Ningaloo Coast Regional Strategy Carnarvon to Exmouth as it decreases the conservation opportunities of the site, and is not for day use only;
5. The proposal is inconsistent with State Planning Policy 6.3: Ningaloo Coast as it relates to higher impact tourism located outside of the Exmouth Townsite, and is inconsistent with the objectives of the Policy; and
6. No studies or investigation has been provided to address the following significant matters:
 - i. Environmental values for the site;
 - ii. Infrastructure servicing including power, water, sewerage, telecommunications;
 - iii. Environmental management;
 - iv. Waste Management;
 - v. Foreshore management;
 - vi. Heritage;
 - vii. Bush fire protection, flooding and emergency management; and
 - viii. Public access to/from the site.

COUNCIL RESOLUTION**ITEM 16.1**

Res No: 09-0716

MOVED: Cr Roscic

SECONDED: Cr Todd

That Council object to the issuing of a licence over a portion of UCL located adjacent to the Exmouth Gulf Pastoral Station, to the lessees of the Exmouth Gulf Pastoral lease, for the management of coastal camping for the following reasons:

- 1. The proposal is inconsistent with the Shire of Exmouth *Town Planning Scheme No. 3* as it is not the ultimate purpose intended for the reserve as it relates to a tourism purpose, not recreation and open space purpose. As the proposed use is not supported, it cannot be licenced under the *Caravan Park and Camping Ground Act 1995* and Regulations 1997;**
- 2. The proposal is inconsistent with the Shire of Exmouth Draft Local Planning Scheme No. 4 as it is not in accordance with the objectives of the 'Environmental Conservation' reserve as it does not protect the area from development and does not preserve the conservation value of the land;**
- 3. The proposal is inconsistent with the Shire of Exmouth Draft Local Planning Strategy No. 1 as:**
 - iii. it is not in accordance with Conservation Objective 8.1 as the site has natural characteristics of local significance; and**

- iv. it is not in accordance with Pastoral Strategies 1.) 3.) and 4.) as the site is not designated for eco-tourism purposes, where compatible with existing established pastoral activities.**
- 4. The proposal is inconsistent with the Exmouth South Structure Plan and WAPC Ningaloo Coast Regional Strategy Carnarvon to Exmouth as it decreases the conservation opportunities of the site, and is not for day use only;**
- 5. The proposal is inconsistent with State Planning Policy 6.3: Ningaloo Coast as it relates to higher impact tourism located outside of the Exmouth Townsite, and is inconsistent with the objectives of the Policy; and**
- 6. No studies or investigation has been provided to address the following significant matters:**
 - i. Environmental values for the site;**
 - ii. Infrastructure servicing including power, water, sewerage, telecommunications;**
 - iii. Environmental management;**
 - iv. Waste Management;**
 - v. Foreshore management;**
 - vi. Heritage;**
 - vii. Bush fire protection, flooding and emergency management; and**
 - viii. Public access to/from the site.**

CARRIED 4/0

16.2 REQUEST FOR A CHAIR AND PLAQUE TO BE INSTALLED AT TOWN BEACH

File Reference:	PK.US.0
Responsible Officer:	Executive Manager Town Planning Services
Date of Report:	8 July 2016
Applicant/Proponent:	A Burkett
Disclosure of Interest:	Nil
Attachment(s):	Nil

PURPOSE

That Council support the installation of a chair and a plaque at Town Beach for the late Brian Williams, subject to approval of the style and positioning of the chair.

BACKGROUND

Council is in receipt of a request from the Williams family to have a chair and a plaque installed at town beach.

Brian Williams and his wife Joan lived in Exmouth for 18 years before moving to Perth for medical reasons. They both played a big role at the Exmouth Bowling Club.

COMMENT

The request has been assessed against the provisions of the Shire of Exmouth Town Planning Scheme No. 3. The Scheme zones the site 'Recreation and Open Space' reserve. Although not technically a development (planning) application the scheme states '*where an application is made with respect to land within a Reserve, the Council shall have regard to the ultimate purpose intended for the Reserve*'. The installation of the chair will be consistent with the ultimate purpose intended for the reserve as it relates to a recreation and open space purpose.

The family will be in charge of all costs for the installation of the chair and the chair can also act as street furniture to be used by the general public and tourists.

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.

- 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.
 - 3.7 *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.*

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 16.2

That Council support the installation of a chair and a plaque at Town Beach for the late Brian Williams, subject to approval of the style and positioning of the chair.

COUNCIL RESOLUTION

ITEM 16.2

Res No: 10-0716

MOVED: Cr McHutchison

SECONDED: Cr Todd

That Council support the installation of a chair and a plaque at Town Beach for the late Brian Williams, subject to approval of the style and positioning of the chair.

CARRIED 4/0

16.3 HOLIDAY ACCOMMODATION – LOT 70 (8) BENNETT STREET, EXMOUTH

File Reference:	A77 (PA63/16)
Responsible Officer:	Executive Manager Town Planning Services
Date of Report:	19 July 2016
Applicant/Proponent:	Ray White t/a Exmouth Holidays
Disclosure of Interest:	Nil
Attachment(s):	1.. Holiday Accommodation Application

SUMMARY

This report recommends that Council grant conditional planning approval for Holiday Accommodation upon Lot 70 (8) Bennett Street, Exmouth (refer Attachment 1).

BACKGROUND

The subject lot has a substantially constructed dwelling and outbuilding, is approximately 998m² in area and zoned Residential R17.5 in the Scheme. It has planning approval for an oversized outbuilding (PA39/12). The aerial image below identifies Lot 70 (8) Bennett Street where the proponent seeks planning approval for Holiday Accommodation use.

Lot 70 (8) Bennett Street



COMMENT

The proposal has been assessed against the Town Planning Scheme No. 3 (Scheme) and Policy 6.12: Holiday Accommodation. Table 1 of the Scheme defines Holiday Accommodation as an 'SA' use in the residential zone meaning the use is not permitted unless the Council has granted planning

approval after giving notice in accordance with clause 9.3. The relevant Outline Development Plan states land uses to be in accordance with the residential zone of the scheme.

Policy 6.12 objectives sought to:

- *Support a diverse accommodation base within the Shire;*
- *Provide an effective management framework and guide for the provision of holiday accommodation (other than within the Tourist zone) within the Shire;*
- *Ensure that a holiday accommodation establishment is maintained to a satisfactory standard and that its use is lawfully conducted;*
- *Ensure that all holiday accommodation accords with Town Planning Scheme No. 3 by undertaking community consultation with adjoining property owners and a formal decision being made by the Council where required;*
- *Ensure holiday accommodation does not compromise the amenity of the residential neighbourhood through appropriate planning approval conditions; and*
- *Ensure that holiday accommodation establishments comply with the Building Code of Australia and Regulations and Health Act 1911.*

This application generally accords with the Policy, however, there are a number of areas where the application needs to be modified, as discussed below: -

Number of Occupants

The number of allowable occupants is restricted by the ventilation requirements under the Health Act 1911, which defines the following:

- a. For every person over the age of 10 years, there is to be a minimum of 14 cubic metres of air space per person
- b. For every person between the ages of 1 & 10 years, there is to be a minimum of 8 cubic metres of air space per person.

Officers have calculated the permissible number of occupants per bedroom:

Schedule 1: Allowable Occupants: Lot 70 (8) Bennett Street, Exmouth	
Bedroom 1: Total floor space: 13.38m ² , Approximate Air Space: 37.06m ³	
Allowable occupants: 2 adults OR 2 adults and 1 child OR 1 adult and 2 children OR 4 children	
Bedroom 2: Total floor space: 11.52m ² , Approximate Air Space: 31.91m ³	
Allowable occupants: 2 adults OR 1 adult and 2 children OR 3 children	
Bedroom 3: Total floor space: 9.29m ² , Approximate Air Space: 25.73m ³	
Allowable occupants: 1 adult OR 1 adult and 1 child OR 3 children	
<p>*Note: All persons over the age of 10 years require a minimum of 14 cubic metres of air space per person. Children aged up to 10 years require a minimum of 8 cubic metres of air space each. As such, the term 'adult' has been used for persons over the age of 10 years.</p>	
<p>**The air space is calculated with a 2.77m ceiling height.</p>	

Occupancy Levels

Following the assessment by Officers to calculate the number of guests permissible, the maximum number of overnight occupants allowed within the dwelling at the same time shall be ten (10) persons. This includes no more than five (5) occupants over the age of 10 at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of

Exmouth Health Local Laws and Council Policy. Potential occupants shall be advised of this prior to booking.

Number of Vehicles

The maximum permissible number allowed under the Holiday Accommodation Policy is three (3) vehicles and two (2) trailers. The policy states that car parking shall be calculated on the basis of four persons per vehicle. The maximum number of overnight occupants allowed within the dwelling at the same time shall be ten (10) persons and the property has space to accommodate three (3) vehicles and two (2) trailers. Considering the above, officer recommends parking for 3 vehicles and 2 trailers to adequately cater for the maximum number of overnight occupants.

Management Plan and Code of Conduct

The applicant has submitted a copy of the House Rules for Guests and Visitors and a Fire Evacuation Plan as per the Holiday Accommodation Policy 6.12. The documentation is considered sufficient to achieve the desired management framework. A condition shall be applied to ensure the occupancy numbers are written clearly to reflect the relevant Scheme provisions and approval by Council.

CONSULTATION

In accordance with the requirements of the Scheme adjoining impacted neighbours were invited to comment on the proposal from **Monday 20 June 2016 to Monday 11 July 2016** for a period of 21 days. A summary is tabled below:

Property	Response	Officer Comments
Lot 69 (18) Fyfe Street	<p>Do not object. However, we do not object to the holiday home operating next door, as long as the noise restrictions are applied and it is not used for commercial reasons. Recently, there was a professional diver/s in the house and the noise from the compressor/s was inappropriate and required us to request they turn it off (twice).</p> <p>Peter and I do not have any objections to the application, on the proviso that:</p> <ol style="list-style-type: none"> It is managed under the Shire's guidelines for Holiday Homes in Exmouth and occupant numbers are limited appropriately; The noise limitations for a residential area are strongly adhered to; The tenants renting/leasing the house <u>do not operate a commercial business from the property</u> – this comment stems from a recent rental/lease of the house by commercial shell divers – they were filling scuba tanks and running a compressor for extended periods and later in the evening. The occupants stopped when we requested (& were fine about it), however, it highlighted the need to make sure the owners & holiday rental company were aware of the need to make potential tenants know that they should not be operating a 	<p>Noted. Holiday homes are strictly for holiday use and not commercial use. Policy 6.12 Holiday Accommodation has noise restriction provisions which limit noise levels for all Holiday homes to comply with the Environmental Protection (Noise) Regulations 1997.</p> <ol style="list-style-type: none"> Policy 6.12 Holiday Accommodation limits the number of guests allowed within a holiday home. Occupancy levels (should comply with the Health Act 1911 & Council Policy). Noise levels are restricted. Noise Levels (should comply with Holiday Accommodation Policy 6.12). Commercial uses are not permitted in a holiday home.

	commercial business from the Holiday Rental property.	
Lot 52 (25) Lockwood Street	Do not object.	Noted.
Lot 51 (6) Bennett Street	Thank you for the additional information. After speaking to a Shire Planner, the Authority can confidently state we have no objections to the proposal.	Noted.
Lot 51 (6) Bennett Street (The householder)	House is currently vacant.	
Lot 43 (11) Bennett Street	Nil.	
Lot 44 (13) Bennett Street	Do not object.	Noted.

STATUTORY ENVIRONMENT

Planning and Development Act

Town Planning Scheme No. 3

POLICY IMPLICATIONS

Policy 6.12: Holiday Accommodation

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

- Economic:
- 1 To be a diverse and innovative economy with a range of local employment opportunities.
 - 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.
 - 2.5 *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.*
- 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.*

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 16.3

That Council grant planning approval for holiday accommodation upon Lot 70 (8) Bennett Street, Exmouth subject to the following conditions:

1. The approved use shall accord with the Shire of Exmouth Town Planning Scheme No. 3, approved plans (PA63/16) and Local Planning Policy No. 6.12: Holiday Accommodation;
2. The maximum number of overnight occupants allowed within the dwelling at the same time shall be ten (10) persons. This includes no more than five (5) persons over the age of ten at any one

time. Furthermore, the maximum occupancy for each room shall be in accordance with Schedule 1;

3. The maximum number of vehicles and trailers (including boats on trailers and camper trailers) that can be accommodated on the property shall be three (3) vehicles and two (2) trailers respectively;
4. The property shall provide at least two (2) 240 litre rubbish bins prior to the use commencing;
5. The management statement (House Rules for Guests and Visitors) shall be clearly displayed and complied with in the premises at all times;
6. The emergency response plan shall be clearly displayed and complied with in the premises at all times, plus:
 - a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and
 - no fires are to be lit outside with the exception of a gas or electric barbeque.
7. The property shall be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;
8. Noise generated from the Holiday Accommodation shall comply with the Environmental Protection (Noise) Regulations 1997 to the satisfaction of Council Officers. If in the opinion of Council the approved use causes a nuisance or annoyance to owner/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Councils Holiday Accommodation Policy;
9. The property not being used for the use hereby granted until an inspection has been carried out by a Shire officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with; and
10. This approval is valid until 30 September 2017. Following development approval an annual permit is required. The Shire will notify owners about the date of expiry and that a new permit is required should the property continue to be used for holiday accommodation. Should three (3) or more substantiated complaints of a serious nature be applied to the holiday house/holiday accommodation, renewal of the permit may not be granted upon expiration.

Advice

- i) Complaints received due to the activity resulting in increase in traffic, noise emission, disturbance to or loss of amenity to the area may be considered as a basis for non-renewal.
- ii) This approval does not include the road verge or adjoining/nearby vacant land to be used for the parking of vehicles and trailers. Potential occupants shall be advised of this prior to booking.
- iii) In accordance with the Health Act 1911 and Shire Local Laws the number of persons per room shall accord with the following:
 - For every person over the age of 10 years, there is to be a minimum of 14 cubic metres of air space per person; and

- For every person between the ages of 1 & 10 years, there is to be a minimum of 8 cubic metres of air space per person.

iv) Below is a schedule of permitted number of occupants per room which identifies alternative combinations of guests not to exceed a total of ten (10) persons. This includes no more than five (5) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house at all times.

Schedule 1: Allowable Occupants: Lot 70 (8) Bennett Street, Exmouth

Bedroom 1: Total floor space: 13.38m², Approximate Air Space: 37.06m³
Allowable occupants: 2 adults **OR** 2 adults and 1 child **OR** 1 adult and 2 children **OR** 4 children

Bedroom 2: Total floor space: 11.52m², Approximate Air Space: 31.91m³
Allowable occupants: 2 adults **OR** 1 adult and 2 children **OR** 3 children

Bedroom 3: Total floor space: 9.29m², Approximate Air Space: 25.73m³
Allowable occupants: 1 adult **OR** 1 adult and 1 child **OR** 3 children

*Note: All persons over the age of 10 years require a minimum of 14 cubic metres of air space per person. Children aged up to 10 years require a minimum of 8 cubic metres of air space each. As such, the term 'adult' has been used for persons over the age of 10 years.

**The air space is calculated with a 2.77m ceiling height.

v) 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 16.3**

Res No: 11-0716

MOVED: Cr Roscic

SECONDED: Cr Todd

That Council grant planning approval for holiday accommodation upon Lot 70 (8) Bennett Street, Exmouth subject to the following conditions:

- 1. The approved use shall accord with the Shire of Exmouth Town Planning Scheme No. 3, approved plans (PA63/16) and Local Planning Policy No. 6.12: Holiday Accommodation;**
- 2. The maximum number of overnight occupants allowed within the dwelling at the same time shall be ten (10) persons. This includes no more than five (5) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with Schedule 1;**
- 3. The maximum number of vehicles and trailers (including boats on trailers and camper trailers) that can be accommodated on the property shall be three (3) vehicles and two (2) trailers respectively;**

4. The property shall provide at least two (2) 240 litre rubbish bins prior to the use commencing;
5. The management statement (House Rules for Guests and Visitors) shall be clearly displayed and complied with in the premises at all times;
6. The emergency response plan shall be clearly displayed and complied with in the premises at all times, plus:
 - a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and
 - no fires are to be lit outside with the exception of a gas or electric barbeque.
7. The property shall be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;
8. Noise generated from the Holiday Accommodation shall comply with the Environmental Protection (Noise) Regulations 1997 to the satisfaction of Council Officers. If in the opinion of Council the approved use causes a nuisance or annoyance to owner/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Councils Holiday Accommodation Policy;
9. The property not being used for the use hereby granted until an inspection has been carried out by a Shire officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with; and
10. This approval is valid until 30 September 2017. Following development approval an annual permit is required. The Shire will notify owners about the date of expiry and that a new permit is required should the property continue to be used for holiday accommodation. Should three (3) or more substantiated complaints of a serious nature be applied to the holiday house/holiday accommodation, renewal of the permit may not be granted upon expiration.

Advice

- i) Complaints received due to the activity resulting in increase in traffic, noise emission, disturbance to or loss of amenity to the area may be considered as a basis for non-renewal.
- ii) This approval does not include the road verge or adjoining/nearby vacant land to be used for the parking of vehicles and trailers. Potential occupants shall be advised of this prior to booking.
- iii) In accordance with the Health Act 1911 and Shire Local Laws the number of persons per room shall accord with the following:
 - For every person over the age of 10 years, there is to be a minimum of 14 cubic metres of air space per person; and
 - For every person between the ages of 1 & 10 years, there is to be a minimum of 8 cubic metres of air space per person.

- iv) Below is a schedule of permitted number of occupants per room which identifies alternative combinations of guests not to exceed a total of ten (10) persons. This includes no more than five (5) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house at all times.**

Schedule 1: Allowable Occupants: Lot 70 (8) Bennett Street, Exmouth

Bedroom 1: Total floor space: 13.38m², Approximate Air Space: 37.06m³
Allowable occupants: 2 adults **OR** 2 adults and 1 child **OR** 1 adult and 2 children **OR** 4 children

Bedroom 2: Total floor space: 11.52m², Approximate Air Space: 31.91m³
Allowable occupants: 2 adults **OR** 1 adult and 2 children **OR** 3 children

Bedroom 3: Total floor space: 9.29m², Approximate Air Space: 25.73m³
Allowable occupants: 1 adult **OR** 1 adult and 1 child **OR** 3 children

*Note: All persons over the age of 10 years require a minimum of 14 cubic metres of air space per person. Children aged up to 10 years require a minimum of 8 cubic metres of air space each. As such, the term 'adult' has been used for persons over the age of 10 years.

**The air space is calculated with a 2.77m ceiling height.

- v) 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 4/0

17 ENGINEERING SERVICES

17.1 12 MONTH TERM-ELECTRICAL AND PLUMBING MAINTENANCE CONTRACTS

File Reference:	CP.CO.0
Responsible Officer:	Executive Manager Engineering Services
Date of Report:	July 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Nil

PURPOSE

For Council to consider an advertisement of a 12 month term Electrical and Plumbing Maintenance contracts.

BACKGROUND

In 2012 the Council awarded Tender 08/2012 to Jacksons Plumbing and Jetspark Electrical for emergency maintenance, priority maintenance and routine maintenance of the existing electrical and plumbing systems. Tender 08/2012 expires in September 2016.

Prior to Tender 08/2012, when an electrical or plumbing emergency or maintenance situation occurred Officers would ring numerous contractors to find out who was available to respond immediately. Often the contractors were not in a position to respond immediately. If Officers were unable to contact a particular contractor due to their unavailability at the time, the officer would be questioned by the contractor who demanded that the officer provide justification as to why the officer did not contact them; these complaints often involved the Shire CEO and Councillors even though the Officers complied with the Shire Purchasing Policy. On occasion the situation would become so demanding that Officers would close the facility until specifications were formulated, quotation documents released and submissions assessed. This practice was detrimental to the community and particularly onerous when considering the minor works involved.

Furthermore, the Shire found themselves in situations where multiple electrical and plumbing contractors worked on the same systems week in, week out. The contractors continually mentioned that the works done by the previous contractor were not to standard. This situation caused conflict between the multiple contractors with demands that the Shire adjudicate between parties.

COMMENT

The purpose of the Electrical and Plumbing maintenance contract is to have the ability to undertake emergency electrical and plumbing works. For example, if the football oval lights stop working during a game the officer can engage an electrician under the provisions of the electrical maintenance contract immediately, because they're obligated to provide service under contract. Or if the public toilet sewerage plumbing breaks or backs up, the officer can engage a plumber under the provisions of the plumbing maintenance contract immediately, because they're obligated to provide service

under contract. These arrangements have worked very well and have resulted in a more effective service delivery. To understate the value of these arrangements would be near sighted when considering the size of the plumbing and electrical asset.

It is the Officer's intention to advertise the plumbing and electrical emergency maintenance, priority maintenance and routine maintenance contract which will be valid for a period of 12 months only. This engagement will not be advertised via a State wide tender because the annual expenditure will not exceed the tender threshold of \$150,000 for either contract.

The Electrical and Plumbing maintenance contracts will not include new works unless the existing systems require an upgrade to meet the current standards as part of the repair.

New additional assets, will not be included in the Electrical and Plumbing maintenance contracts. New additional electrical and plumbing asset procurement will be advertised through the Shire's E-Quote communication tool.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

2.10 Purchasing Policy

FINANCIAL IMPLICATIONS

As per 2016/2017 Shire Budget

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.
 - 3.7 *Residents and visitors have access to appropriate services and facilities to enhance their health and wellbeing.*

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 17.1

That Council authorise the advertisement of the 12 month term Electrical and Plumbing Maintenance contracts.

COUNCIL RESOLUTION**ITEM 17.1**

Res No: 12-0716

MOVED: Cr McHutchison

SECONDED: Cr Todd

That Council authorise the advertisement of the 12 month term Electrical and Plumbing Maintenance contracts.

CARRIED 4/0

18. ITEMS FOR INFORMATION ONLY

Responsible Officer: Chief Executive Officer

Disclosure of Interest: Nil

PURPOSE

To advise Council of the information items for February 2016.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

ITEM 18

That Council note the following information items:

- 18.1 Register of Documents Stamped with the Shire of Exmouth Common Seal
 - 18.2 Concessions on Fees for Council Facilities for June 2016
 - 18.3 Building Decisions Issued up to 30 June 2016
 - 18.4 Planning Decisions Issued up to 30 June 2016
-

COUNCIL RESOLUTION

ITEM 18

Res No: 13-0716

MOVED: Cr McHutchison

SECONDED: Cr Roscic

That Council note the following information items:

- **18.1 Register of Documents Stamped with the Shire of Exmouth Common Seal**
- **18.2 Concessions on Fees for Council Facilities for June 2016**
- **18.3 Building Decisions Issued up to 30 June 2016**
- **18.4 Planning Decisions Issued up to 30 June 2016**

CARRIED 4/0

18.1 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
15/06/2016	Funding Agreement for Tantabiddi Boat Ramp Usage Study
15/06/2016	Funding Agreement for Bundegi Boat Ramp Jetty Upgrade
22/06/2016	Sale of Lot 9 Catalina Close
30/06/2016	Exmouth Community Garden Lease
04/07/2016	Recreational Boating Facilities Scheme Funding Agreement; Tantabiddi and Bundegi Boat Ramps
12/07/2016	Exmouth Men's Shed Lease

18.2 CONCESSIONS ON FEES FOR COUNCIL FACILITIES FOR JUNE 2016

File Reference: CP.US.0

Responsible Officer: Executive Manager Community Engagement

Date of Report: 18 July 2016

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)
Lioness Club	2015/2016 Total Donation for Utilities as per lease agreement	622.31
Mrs Macs Op Shop	Community noticeboard advertising 9 x weeks to 30 June 2016	22.50
Taddens Pty Ltd	Whaleshark Festival transportable toilet liquid waste disposal fees.	350.00

18.3 BUILDING DECISIONS ISSUED UP TO 30 JUNE 2016

File Reference: GV.CM.0

Responsible Officer: Executive Manager Health & Building Services

Date of Report: 15 July 2016

Disclosure of Interest: Nil

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 30 June 2016.

App No.	Date Received	Lot	Street	Description	Status	Decision Date
16/21	22/02/16	146	10 Hunt Street	Outbuilding Extension	Awaiting information from applicant	
16/41	04/04/16	1277	2 Seawolf Close	Dwelling	Awaiting information from applicant	
16/49	05/05/16	2	Yardie Creek Road	Undercover BBQ Facility / Gazebo	Approved	14/07/2016
16/52	20/05/16	3	5 Ningaloo Street	Steel Framed Swimming Pool Shelter	Approved	08/06/2016
16/53	23/05/16	210	7 Carpenter Street	Bathroom/Bar	Approved	01/06/2016
16/54	25/05/16	899	3 Patterson Way	Transportable Office	Approved	22/06/2016
16/57	18/05/16	360	Reserve 49037 - Madaffari Drive	Demolition Permit	Approved	16/06/2016
16/58	27/05/16	326	Minilya-Exmouth Road	Retaining Wall and Swimming Pool	Approved	09/06/2016
16/59	27/05/16	327	9 Falls St	Steel Framed Verandah	Approved	08/06/2016
16/60	30/05/16	324	Minilya-Exmouth Road	New Dwelling, Parents Retreat and 2 x Garages	Approved	16/06/2016
16/63	31/05/16	183	27 Cobia Close	Steel Framed Storeroom & Patio	Approved	14/06/2016
16/64	01/06/16	486	10 Potshot Street	Steel Fencing	Approved	09/06/2016
16/65	10/06/16	737	26 Carr Way	Steel Fencing	Approved	14/06/2016
16/66	07/06/16	8	Catalina Close	Dwelling	Approved	08/07/2016
16/67	07/06/16	336	14 Kestrel Place	Pontoon / Jetty	Approved	05/07/2016
16/68	07/06/16	328	1 Gnulli Court	Pontoon / Jetty	Approved	05/07/2016
16/71	16/06/16	830	5 Pelias Street	Steel Framed Verandah	Approved	22/06/2016
16/72	16/06/16	837	Friedman Way	Steel Framed Outbuilding / Shed	Approved	17/06/2016
16/73	17/06/16	1361	5 Redfin Court	Shed	Approved	28/06/2016
16/74	20/06/16	428	19 Fitzhardinge Street	Verandah & Carport	Processing	
16/75	16/06/16	186	10 Rimau Way	Boundary Fence	Approved	05/07/2016

18.4 PLANNING DECISIONS ISSUED UP TO 30 JUNE 2016

File Reference: LP.PL.0

Responsible Officer: Executive Manager Town Planning

Date of Report: 14 July 2016

Disclosure of Interest: Nil

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
PA21/16	26/02/2016	1406	Willersdorf Road	Additions to Club Rooms	ON HOLD	
PA45/16	08/04/2016	319	11 Pellew Street	Change of Use	Awaiting information from Applicant	
PA33/16	18/03/2016	492	6 Eurayle Street	Home Occupation - Cake Making Business	Approved	02/06/2016
PA68/16	07/06/2016	830	5 Pelias Street	Patio	Approved	13/06/2016
PA69/16	07/06/2016	796	10 King Place	Boat Port	Approved	28/06/2016
PA70/16	13/06/2016	2	Yardie Creek Road	Additional Camping Sites	Processing	
PA71/16	14/06/2016	2	Yardie Creek Road	Undercover BBQ / Gazebo Facilities	Approved	07/07/2016
PA73/16	16/06/2016	837	Friedman Way	Exmouth Yacht Club New Outbuilding	Approved	17/06/2016
PA74/16	16/06/2016	296	Minilya – Exmouth Road	Transportable Building and Sea Containers	Approved at June OCM	29/06/2016
PA75/16	16/06/2016	867	11 Carter Road	Home Occupation - Florist	Approved	20/06/2016
PA77/16	20/06/2016	332	6 Kestrel Place	Dwelling (Single House)	Approved	14/07/2016
PA79/16	21/06/2016	466	23 Osprey Way	Additions To Existing Two Storey Single Dwelling	Approved	29/06/2016
PA83/16	23/06/2016	1366	43 Heron Way	Extension to Existing Residence	Approved	14/07/2016
PA84/16	28/06/2016	332	6 Kestrel Place	Swimming Pool, Retaining Walls And Stairs	Awaiting further information from Applicant	
PA85/16	29/06/2016	390	19 Corella Court	Addition of a Spa	Processing	

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

App	Date Received	Description	Date Issued
PA53/16	05/05/2016	Wedding at Town Beach & BBQ Area	13/06/2016
PA64/16	31/05/2016	Sea Dog International - Tantabiddi Boat Ramp Filming	13/06/2016
PA65/16	31/05/2016	Fundraising for Red Cross	13/06/2016
PA72/16	15/06/2016	Ningaloo Coast World Heritage Celebration Day	22/06/2016
PA76/16	17/06/2016	Ningalens Outdoor Film Showing	28/06/2016
PA80/16	21/06/2016	Idaho Boutique - Gazebo for Winter Stock in Ross Street Mall	24/06/2016
PA82/16	22/06/2016	Cape Hideaway Surf Shop - Clothing Sale Marquee and Musician	23/06/2016

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

Nil.

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

COUNCIL RESOLUTION**ITEM 20.1**

Res No: 14-0716

MOVED: Cr Todd

SECONDED: Cr McHutchison

That Council accept the new business of an urgent nature report 20.1 – Council Meeting Dates August 2016.

CARRIED 4/0

20.1 COUNCIL MEETING DATES AUGUST 2016

File Reference:	Nil
Responsible Officer:	Chief Executive officer
Date of Report:	25 July 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Nil

PURPOSE

That Council hold a Special Council Meeting on Tuesday 9 August 2016 commencing at 6.00pm for the purposes of adopting the 2016/17 Budget.

That Council change their next ordinary meeting date from Thursday 25 August 2016 to Wednesday 24 August 2016 at the usual place and commencement time.

BACKGROUND

A Special meeting of Council is required to be held in early August so that Council can adopt the proposed 2016/17 Financial Budget prior to the legislated deadlines and so that Council operations can proceed accordingly.

In relation to the August ordinary Council meeting, and so that the Deputy Shire President can attend in the Shire Presidents proposed absence and so that the Council can achieve an Absolute Majority decision should it be required, it is recommended that the ordinary meeting date change from Thursday 25 August to Wednesday 24 August 2016.

COMMENT

Nil

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation

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 20.1**

That the Council hold a Special Council Meeting on Tuesday 9 August 2016 commencing at 6.00pm for the purposes of adopting the 2016/17 Budget.

COUNCIL RESOLUTION**ITEM 20.1**

Res No: **15-0716**

MOVED: **Cr Todd**

SECONDED: **Cr Roscic**

That the Council hold a Special Council Meeting on Tuesday 9 August 2016 commencing at 6.00pm for the purposes of adopting the 2016/17 Budget.

CARRIED 4/0

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION**ITEM 20.1**

That the Council change their next ordinary meeting date from Thursday 25 August 2016 to Wednesday 24 August 2016 at the usual place and commencement time.

COUNCIL RESOLUTION**ITEM 20.1**

Res No: 16-0716

MOVED: Cr Todd

SECONDED: Cr McHutchison

That the Council change their next ordinary meeting date from Thursday 25 August 2016 to Wednesday 24 August 2016 at the usual place and commencement time.

CARRIED 4/0

21. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS

Nil.

22. CLOSURE OF MEETING

The meeting was closed at 6.42 pm.