



Ordinary Council Meeting
Agenda
28 June 2018

NOTICE OF MEETING

Notice is hereby given that the

Shire of Exmouth
Ordinary Council Meeting

will be held on

28 June 2018

Commencing at 4.00pm

In the Mandu Mandu Function Room, Ningaloo Centre,
2Truscott Crescent, Exmouth

Cameron Woods
Chief Executive Officer

28 June 2018

Disclaimer

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

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

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

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

Disclosure of Interest Form
(Elected Members/Committee Members/Employees/Contractors)

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

To: Chief Executive Officer

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

Report No _____

Report Title _____

Name _____

- Elected Member Committee Employee Contractor

Type of Interest (**see overleaf for further information*)

- Proximity Financial Impartiality

Nature of Interest

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

Name: _____ Signed: _____ Date: _____

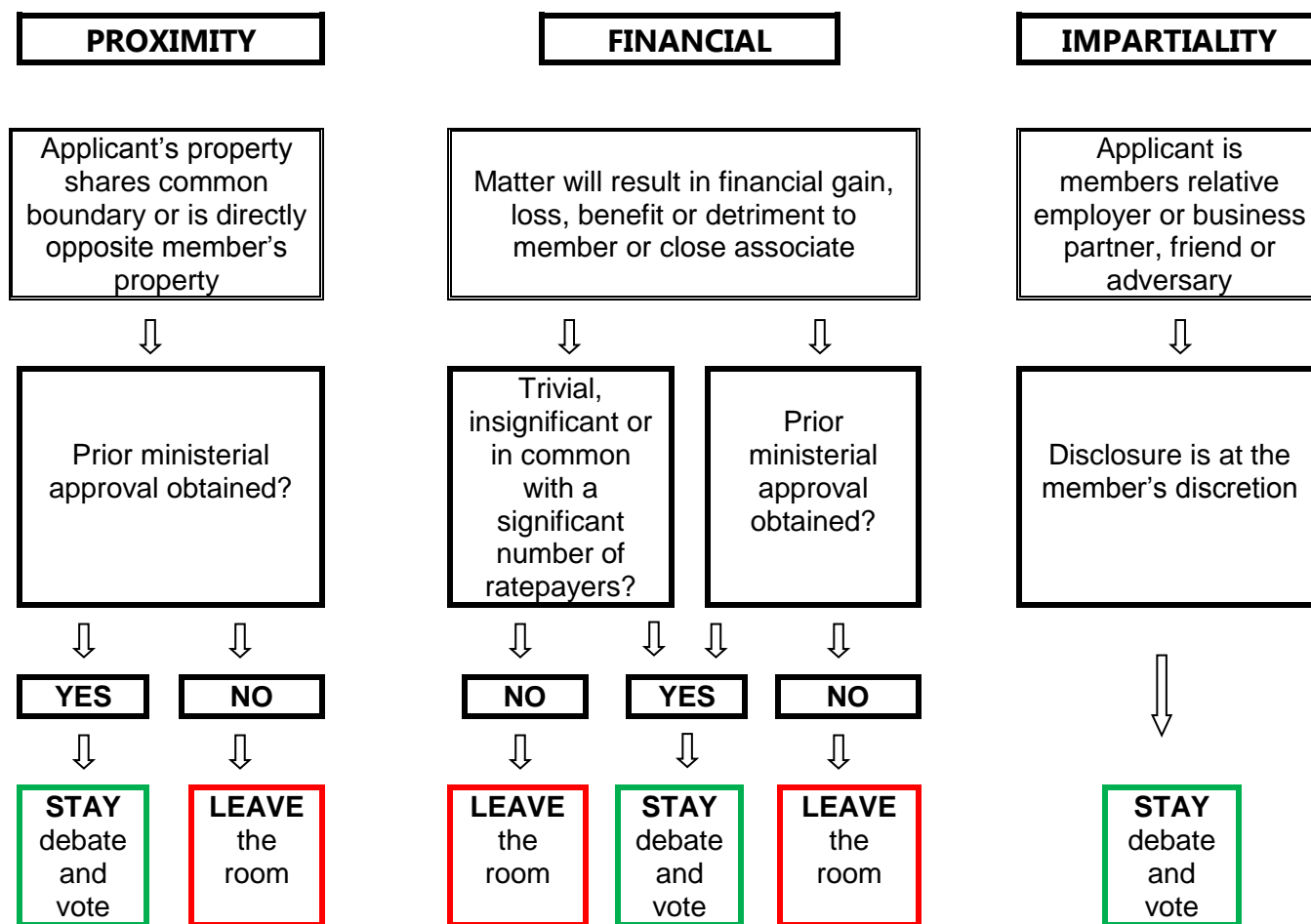
Note 1: For Ordinary meetings of Council, elected members and employees are requested to submit this completed form to the Chief Executive Officer prior to the meeting. Where this is not practicable, disclosure(s) must be given to the Chief Executive Officer prior to the matter being discussed.

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

OFFICE USE ONLY

CEO: _____ Signed: _____ Date: _____

* Declaring an Interest



Local Government Act 1995 - Extract

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

(1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest:

(a) in a written notice given to the CEO before the meeting; or (b) at the meeting immediately before the matter is discussed. (Penalties apply).

(2) It is a defence to a prosecution under this section if the member proves that he or she did not know:

(a) that he or she had an interest in the matter; or (b) that the matter in which he or she had an interest would be discussed at the meeting.

(3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

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

(1) In this section: 'employee' includes a person who, under a contract for services with the local government, provides advice or a report on a matter.

(2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.

(3) An employee who discloses an interest under this section must, if required to do so by the council or committee, as the case may be, disclose the extent of the interest. (Penalties apply).

5.71 - Employees to disclose interests relating to delegated functions.

If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and:

(a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter. (Penalties apply)

'Local Government (Administration) Regulations 1996 - Extract

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

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

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ORDINARY COUNCIL MEETING AGENDA

Our Vision

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

Our Purpose

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

Our Strategic Objectives

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

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

The Shire President declared the meeting open at XX

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

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

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

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

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

GALLERY

APOLOGIES

Councillor H (Heather) Lake

LEAVE OF ABSENCE

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

The following question was taken on notice from the Ordinary Council Meeting held on the 24 May 2018 from Mr Garry James:

"As a property owner in Exmouth I am becoming increasing concerned by the lack of street lighting from Warne Street to Gnulli Crescent. I was hopeful that over time, once all the wide walkways were completed, lighting would follow but this has not been the case.

This area is very dark at night, the ground often has debris on the footpath which cannot always be seen which make it very dangerous for pedestrians. The addition of lighting would also make pedestrians feel more at ease walking along the path when dark."

The Deputy Chief Executive Officer will provide a response to the gallery.

4. PUBLIC QUESTIONS TIME

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

Council Consideration Towards Public

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

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

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

5. DECLARATIONS OF INTEREST

6. APPLICATIONS FOR LEAVE OF ABSENCE

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

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

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

That the Minutes of the Ordinary Meeting of the Shire of Exmouth held on the 24 May 2018 be confirmed as a true and correct record of proceedings.

8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS

Date	Activity	Councillor					
		Cr Niikkula	Cr Mounsey	Cr Dixon	Cr Lake	Cr Lucas	Cr Penfold

9. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

11. MATTERS ARISING FROM COMMITTEES OF COUNCIL

Nil

12. REPORTS OF OFFICERS

12.2 DEVELOPMENT SERVICES

12.2.1 PROPOSED RESTAURANT/CAFÉ, SHOP AND FAST FOOD OUTLET – LOT 44 ON DEPOSITED PLAN 209471

File Reference:	A1700; PA62/18
Responsible Officer:	Deputy Chief Executive Officer
Date of Report:	7 June 2018
Applicant/Proponent:	Matthew Winter
Disclosure of Interest:	Nil
Attachment(s):	1. Application Plans

PURPOSE

That Council consider granting conditional approval for a proposed change of use development application for a Restaurant/Café, Shop and Fast Food Outlet at Lot 44 on Deposited Plan 209471.

BACKGROUND

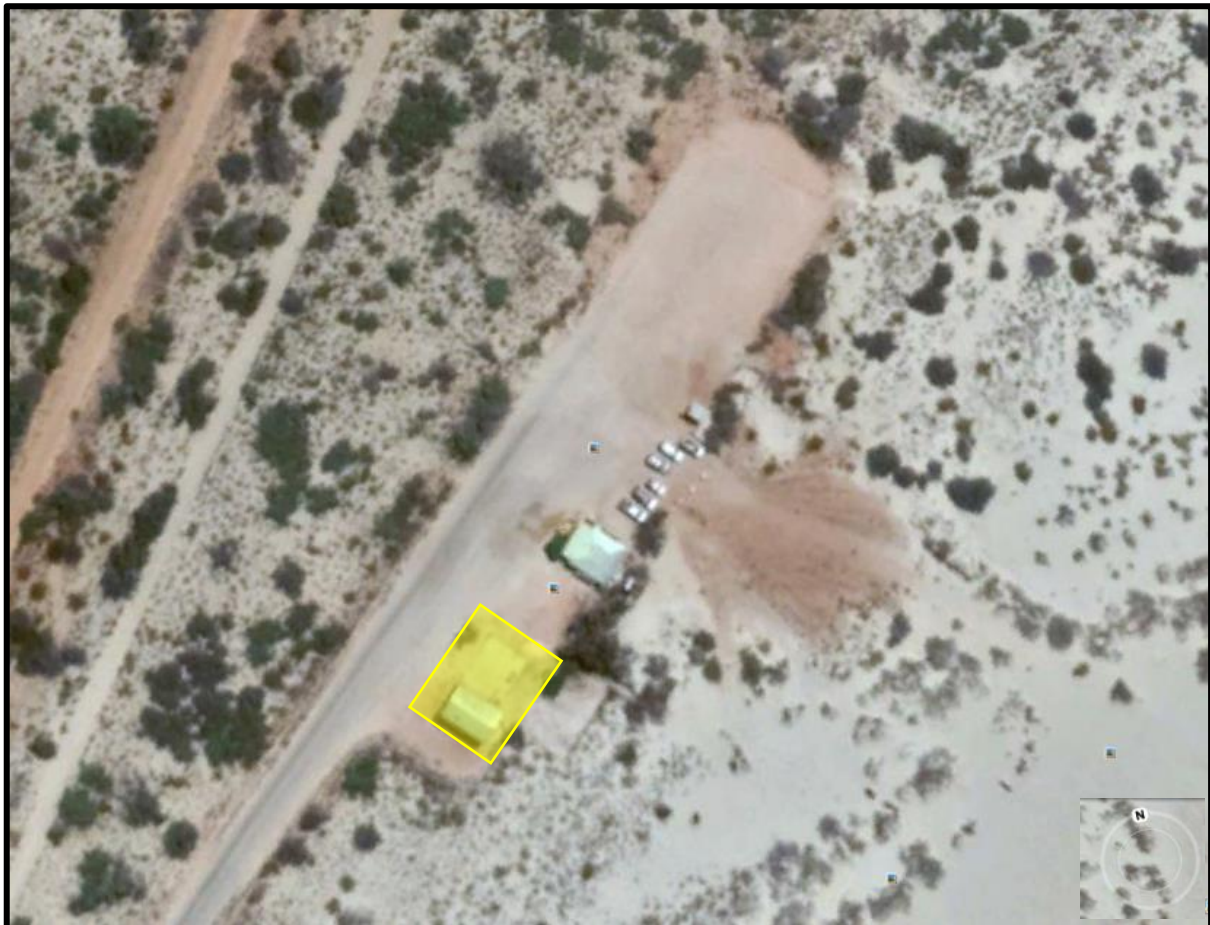
The site is known as Bundegi and the property is owned by the Department of Defence. The proposal (Attachment 1) is as follows:

- Kiosk and retail outlet;
- Beach hire activities including umbrellas, snorkelling equipment, sun lounges etc.;
- Function facility; and
- Catering.

The activities are proposed within an existing structure that has been previously used for the same purpose, known as the Bundegi Beach Shack, commencing in 1997. However, development approval was never obtained for the development following the commencement of Town Planning Scheme No. 3. The Department of Defence advised that the activities ceased from 2010 to 2015. Subsequently, multiple attempts were made to re-open the facility which never saw it formally re-open.

The Bundegi Beach Shack has changed operators a number of times. The applicant is the latest operator and had tenure of the facility when its operation ceased. The land tenure is through a license agreement with the Department of Defence.

The aerial image below identifies the portion of Lot 44 where the Bundegi Beach Shack is located.



Portion of Lot 44 (Lyndon Locality 44) on Plan 209471, Bundegi Beach Shack, Exmouth.

COMMENT

The proposal has been assessed against Council's planning framework. The following requirements are applicable to the proposal.

Town Planning Number 3 (Scheme)

The current Shire of Exmouth Town Planning Scheme No. 3 (Scheme) commenced in 1999 which introduced the requirement for development approval for the Bundegi Beach Shack. Therefore, technically the development does not conform with the Scheme because it does not have the required development approval. However, where land was used lawfully prior to the commencement of the Scheme, which subsequently made its use unlawful, the use of the land is permitted to continue in the manner in which it was operating prior to the Scheme coming into effect. This is called a 'Non-Conforming Use Right' in accordance with Part 8 of the Scheme.

The Bundegi Beach Shack was lawfully operating prior to the commencement of the Scheme in 1999. As a result, its operation was permitted to continue under a Non-Conforming Use Right. Pursuant to Clause 8.4.1 of the Scheme, where a Non-Conforming Use is discontinued for a period of 6 months or more, such land or building shall not thereafter be used otherwise than in conformity with the provisions of the Scheme. From 2010, the Bundegi Beach Shack was discontinued for a period of 6 months or more. Therefore, the development consent for the previous activities through the Non-Conforming Use Right has ceased. As a result, the operation of the site is required to conform with the Scheme, namely the requirement for development approval.

The Scheme classifies Lot 44 as a 'Public Purposes' local scheme reserve. Clause 2.2 of the scheme states:

2.2 MATTERS TO BE CONSIDERED BY THE COUNCIL

Where an application for planning approval is made with respect to land within a Reserve, the Council shall have regard to the ultimate purpose intended for the Reserve and the Council shall, in the case of land reserved for the purposes of a public authority, confer with that authority before granting its planning approval.

The objective of the 'Public Purposes' Reserve under the adopted Draft Local Planning Scheme No.4 is:

(i) To provide for a range of essential physical and community infrastructure.

The proposed activities are considered most appropriately classified as a 'Restaurant/Café', 'Shop' and 'Fast Food Outlet' which are defined in the Scheme as follows:

"Restaurant/cafe: *means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the Liquor Control Act 1988.*

'Shop: *means premises other than a bulky goods showroom, a liquor store – large or a liquor store – small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services.'*

Fast food outlet: *means premises, including premises with a facility for drive-through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten -*

- (a) without further preparation; and*
- (b) primarily off the premises.*

The proposed land uses are not considered to undermine the ultimate purpose of the reserve which is carried out by the Department of Defence. This is evident by the Department of Defence supporting a land tenure arrangement for the site's operation.

Considering the above, the officer recommends that Council grant conditional development approval for the change of use to a Restaurant/Café, Shop and Fast Food Outlet at Lot 44 on Deposited Plan 209471, being the Bundegi Beach Shack.

Schedule 4 of the Scheme outlines car parking requirements as per below:

Use	Number of Parking Spaces
1. Shop	Six (6) spaces for every 100 square metres of Nett Lettable Areas (NLA). Notes: (i) Parking bays for the vehicles of disabled persons shall be provided in all shopping centres in the ratio of 1 bay for 100 car parking spaces. Such bays will be clearly marked "DISABLED DRIVER ONLY".

2. Hotel, motel, tavern, club, private hotel, lodging house, restaurant, nightclub, place of public assembly	Where applicable to the particular use: Restaurant: One (1) space for every four (4) seats which an eating area is designed to provide, or twenty-five (25) spaces for every 100 square metres of eating area of part thereof, whichever produces the greater number of parking spaces.
--	---

The application proposes a Nett Lettable Area of 54m² and an outdoor alfresco area which may provide seating. Depending on how the applicant wishes to operate the site from time to time, in terms the amount of space occupied by the different land uses, there may be different combinations of minimum parking space numbers required. In addition, Council's *Policy No. 6.11 – Parking* requires that parking access should be in forward gear in out and out of the property, there should be enough space for manoeuvring within the property and the parking and access should be to appropriate sealed standards.

There is sufficient area within the property to provide the parking requirements outlined by the Scheme and Policy regardless of the combination proposed in the future. Therefore, standard conditions of approval are considered sufficient to achieve compliance with the Scheme as provided in the Officers Recommendation.

State Planning Policy 3.7: Planning in Bushfire Prone Areas (SPP 3.7)

This lot is within a designated bushfire prone area as determined by the Department of Fire and Emergency Services. SPP 3.7 requires all development to comply with a maximum Bushfire Attack Level (BAL) of BAL 29 through the provision of a BAL Assessment and addressing Bushfire Protection Criteria contained in the Guidelines for Planning in Bushfire Prone Areas, read in conjunction with SPP 3.7.

The Western Australian Planning Commission released Planning Bulletin 111/2016 Planning in Bushfire Prone Areas which provides further guidance on when SPP 3.7 should be applied. The Bulletin outlines that where developments do not:

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

The applicant may be exempt from the provisions of SPP3.7. Pursuant to deemed provision 67 of the Planning and Development (Local Planning Scheme) Regulations 2015, state planning policies are to be given due regard to the extent that they are considered relevant. This development application is required to operate the site similar to its previous use so that the operation conforms with the Scheme. Therefore, the proposal is not considered to increase any of the matters above as the activities are consistent with what was being conducted previously. As a result SPP3.7 is not considered relevant in this circumstance.

Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)

Deemed provision 67 of the Regulations states the matters to be considered by the local government in considering an application for development approval. The list of matters in deemed provision 67 is as follows:

67. Matters to be considered by local government

In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*
- (c) any approved State planning policy;*
- (d) any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);*
- (e) any policy of the Commission;*
- (f) any policy of the State;*
- (g) any local planning policy for the Scheme area;*
- (h) any structure plan, activity centre plan or local development plan that relates to the development;*
- (i) any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015;*
- (j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;*
- (k) the built heritage conservation of any place that is of cultural significance;*
- (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;*
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) the amenity of the locality including the following —*
 - (i) environmental impacts of the development;*
 - (ii) the character of the locality;*
 - (iii) social impacts of the development;*
- (o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*

- (q) *the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;*
- (r) *the suitability of the land for the development taking into account the possible risk to human health or safety;*
- (s) *the adequacy of —*
 - (i) *the proposed means of access to and egress from the site; and*
 - (ii) *arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *the availability and adequacy for the development of the following —*
 - (i) *public transport services;*
 - (ii) *public utility services;*
 - (iii) *storage, management and collection of waste;*
 - (iv) *access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
 - (v) *access by older people and people with disability;*
- (v) *the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;*
- (w) *the history of the site where the development is to be located;*
- (x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) *any submissions received on the application;*
- (za) *the comments or submissions received from any authority consulted under clause 66;*
- (zb) *any other planning consideration the local government considers appropriate.*

Unless otherwise outlined in this report, the proposal is not considered to pose an issue in regard to any of the matters listed above.

Policy 6.2 Colour Palette for Developments

Policy 6.2 requires all development within the Shire of Exmouth Scheme area, excluding development in the Residential zone, to have external colours in accordance with the adopted colour palette. It is considered appropriate to require external colours of the subject development to be in accordance with the adopted colour palette due to its visual impact at Bundegi Beach.

Policy No. 6.10 – Landscaping

The Policy requires developments to incorporate adequate provision of landscaping for the purpose of screening, shade and improvements to visual amenity. The site is considered to comply with this requirement through garden beds which have been established around the existing structure. A standard condition of approval requiring the maintenance of the landscaping is recommended.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Town Planning Scheme No. 3

POLICY IMPLICATIONS

Draft Local Planning Scheme No. 4

State Planning Policy 3.7: Planning in Bushfire Prone Areas

Policy No. 6.2 - Colour Palette for Developments

Policy No. 6.10 – Landscaping

Policy No. 6.11 – Parking

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

- Economic: 1 To be a diverse and innovative economy with a range of local employment opportunities.
- 1.1 *To increase the number of local businesses, industries and services that will provide a range of employment opportunities for the people of Exmouth.*
- 1.2 *Planned and balanced economic growth.*
- 1.3 *Diverse tourism opportunities.*
- Environment: 2 To have a balanced respect for our environment and heritage, both natural and built.
- 2.1 *To maintain and improve access and connectivity to our natural assets.*
- 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 12.2.1

That Council grants development approval for a for a change of use to a Restaurant/Café, Shop and Fast Food Outlet at Lot 44 on Deposited Plan 209471 subject to the following conditions:

1. The use being carried out in accordance with the stamped approved plans (PA62/18), and the Shire of Exmouth Town Planning Scheme No. 3 including any annotations detailed thereon by the Shire;
2. External colours of the development shall be generally in accordance with Councils Policy No. 6.2 - Colour Palette for Developments;
3. The uses the subject of this approval shall not operate unless the following parking spaces have been provided:
 - a. One (1) space for every four (4) seats or twenty-five (25) spaces for every 100 square metres of eating area, whichever is greater; and
 - b. Six (6) spaces for every 100 square metres of Nett Lettable Areas occupied by the Shop;
4. Parking spaces shall have a minimum dimensions in accordance with Town Planning Scheme No. 3, except a minimum of one (1) parking space shall be 3.2m wide for disabled parking, to the satisfaction of Council Officers;
5. Parking spaces and manoeuvring areas shall be designed to enable all vehicles to enter and exit the lot in forward gear;
6. The existing landscaping areas shall be maintained to the satisfaction of Council Officers; and
7. If the development the subject of this approval is not substantially commenced within a period of 2 years from the date of the determination, the approval will lapse and be of no further effect.

Advice

- i. The approval granted is not to be construed as approval granted under the Building Act 2011, Building Regulations 2012 or any other relevant statutory approval.
- ii. No signage has been approved as part of this application. Signage may require additional development approval from the Shire. Non-exempt signage will require separate development approval.
- iii. Prior to the use commencing, the applicant/owner is required to obtain a section 39 Environmental Health approval from the Shire, and the relevant licence from the Department of Racing, Gaming and Liquor.
- iv. The lot is located within a Bushfire Prone Area as designated by an Order made by the Fire and Emergency Services Commissioner and may be subject to the requirement for a Bushfire Attack Level Assessment and corresponding additional building standards.
- v. Any additional development or substantial variation from the stamped approved plans, will require separate development approval from the Shire.
- vi. This approval is not an authority to ignore any constraint or additional requirement to development on the land, which may exist through contract or on title, such as an easement, encumbrance, restrictive covenant or any other limitation. It is the responsibility of the

applicant and not the Shire to investigate any such constraints before commencing development.

- vii. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.
- viii. It is recommended that prior to commencement of trading the applicant is required to enter into a Memorandum of Understanding with the Shire of Exmouth regarding the use of the public toilets.

12.2.2 NEW COUNCIL POLICY - 5.6 SMOKE FREE OUTDOORS

File Reference:	CM.PO.7
Responsible Officer:	Deputy Chief Executive Officer
Date of Report:	12 June 2018
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Smoke Free Outdoor Policy

PURPOSE

The purpose of this report is to seek Council endorsement for a Smoke Free Outdoor Policy within the Shire of Exmouth.

BACKGROUND

Previous smoking bans were driven primarily by concerns about fire risk. Over the years there has been an increase in the awareness of the dangers of passive smoking, concerns regarding legal liability and a general dislike of cigarette smoke. This has led to a number of Western Australian councils to introduce smoke-free areas within their localities either via policy or local law.

In July 1997 occupational and health regulations restricted smoking in enclosed workplaces in Western Australia, but did not specifically apply to patrons attending hospitality venues.

In 1999 smoking in enclosed public places such as theatres, shopping centres and cinemas was banned under the *Health (Smoking in Enclosed Public Places) Regulations 1999*.

From July 2006 smoking was prohibited in enclosed public places including pubs, clubs and restaurants under the *Tobacco Products Control Act 2006*.

Then in September 2010 further amendments to this Act via the *Tobacco Products Control Amendment Act 2009* further banned smoking between flags at patrolled beaches, at outdoor eating areas and within 10 metres of children's playground equipment and in vehicles when a person under the age of 17 years is present.

The Shire of Exmouth has a Workplace Health and Safety Manual, 2.9 Smoking in the Workplace, preventing smoking in all internal or enclosed work areas, within 5m of entrances or within 10m air intakes and smoke breaks are not in addition to prescribed breaks.

In November 2005 the Shire extended a smoking ban for anywhere within the Learmonth Airport Terminal and within 5 metres of the main entrance. There are no other references or policy outlining the extent of the ban other than in a general report specifying the swimming pool as an example.

COMMENT

With the construction of the Ningaloo Centre it has been highlighted there is an issue associated with a number of people gathering at entrances to the centre and smoking, subjecting passer-by's with exposure to second hand smoke. In addition to this with the recognised health effects of second hand smoke the Shire wants to implement smoke free areas within the boundaries of designated outdoor public congregation areas, active reserves, within 10m of council owned managed public access buildings and at Shire run events.

The proposed areas to be designated outdoor public congregation areas will be:

- Ningaloo Centre
- Paltridge Memorial Swimming Pool
- Federation Park
- Parks and playgrounds
- Recreation grounds (Koobooroo and Talanjee Oval)
- Skate Park
- Town Beach
- Ross Street Mall
- Learmonth Airport and Heliport

Designated Smoking Areas (DSA) will be provided at specified event sites and within areas identified as being necessary to contain cigarette butt litter. DSA will be positioned 10m away from popular congregation and usage areas, be signposted and have bins provided for cigarette butt disposal. At this stage a DSA is proposed for the Ningaloo Centre near the southern car park.

The Shire proposes relying on appropriate signage and ongoing public communication and engagement strategies rather than a compliance and infringement approach.

CONSULTATION

Department of Health - Tobacco Control Branch

STATUTORY ENVIRONMENT

Tobacco Products Control Act 2006

Tobacco Products Regulations 2006

POLICY IMPLICATIONS

Workplace Health and Safety Manual - 2.9 Smoking in the Workplace

FINANCIAL IMPLICATIONS

There will be a cost implication with putting in place signage and designated smoking areas. The designated smoking areas are estimated to cost \$8000 each and an estimated \$1500 for signage of all areas.

STRATEGIC IMPLICATIONS

- 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.*
- 2.3 *To have a town and community that takes pride in its world heritage status.*
- 2.5 *To make Exmouth an attractive town that is a comfortable and welcoming place to live and visit, and reflects the lifestyle values and unique natural environment.*
- Social: 3 To be a dynamic, passionate and safe community valuing natural and cultural heritage.
- 3.1 *Retain a safe community environment.*
- 3.7 *Residents and visitors have access to appropriate services and facilities to enhance their health and wellbeing.*

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.2.2

That Council:

1. Adopt the new Council Policy 5.6– Smoke Free Outdoor as shown in Attachment 1 and
2. Approve the CEO to implement community information and awareness program.

12.2.3 REVIEW OF LICENCE – YARDIE HOMESTEAD CARAVAN PARK

File Reference:	LE.RE.5
Responsible Officer:	Deputy Chief Executive Officer
Date of Report:	18 June 2018
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Amended Yardie Homestead Caravan Park Licence

PURPOSE

This report recommends that Council review the annual Caravan Parks and Camping Grounds Licence for Yardie Homestead Caravan Park (YHCP).

BACKGROUND

Caravan Parks and Camping Grounds within Western Australia are required to apply for a review of their licences prior to making any changes to their licence. All Caravan Parks and Camping Grounds licences within the Shire of Exmouth expire on the 30 September each year and as such are renewed then.

At the September Council meeting, Council resolved the following (02-0917):

That the Commissioner approve the issuing of the Caravan Parks and Camping Grounds licences valid until 30 September 2018 as presented in Attachment 1, for signing by the Chief Executive Officer for the following caravan parks:

- 1. Ningaloo Lighthouse Caravan Park***
- 2. RAC Exmouth Cape Holiday Park; and***
- 3. Yardie Homestead Caravan Park.***

Carried 1/0

YHCP was approved for 103 short stay sites, 57 camp sites and 20 overflow sites for self-contained vehicles.

COMMENT

On the 12 June 2018 a request for review of licence was received and the fee of \$175.75 paid. The proposed changes are an additional 58 short stay sites and 19 camp sites. A new unisex 15 bay ablution block including 1 disabled accessible toilet with baby's bath. Assessment of the application identified the following items to be addressed:

- An as constructed site map to be submitted 30 days from licence approval/issue – licence to be conditioned with this requirement.
 - Sites on boundary – New sites on boundary will need to be delineated 1m from boundary.
 - Facility roads to be 4m one way or 6m two way – Condition of licence to maintain appropriate widths of facility roads.
-

- Ablution block;
 - Hand basins to have access to hot water.
 - Sufficient lighting to be provided in ablution block and access ways adequately lit.
- Laundry facility – additional laundry facility to be provided.
- Fire Safety – 1 fire extinguisher every 6 sites.
- All caravan sites to have access to power.
- Drinking water – 1 drinking water tap within 30m of each site.

A development application has been submitted but yet to be approved, no building application has been submitted to date. An application for pump pits for the disposal of wastewater will need to be submitted, total wastewater load on the existing ponds is within the capacity of the ponds. For this reason the Shire is satisfied to have the changes be addressed by Council but the licence not be issued until all outstanding items are addressed.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Caravan and Camping Grounds Act 1995

Caravan and Camping Grounds Regulations 1997

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	<u>To be a diverse and innovative economy with a range of local employment opportunities.</u>
	1.3	<i>Diverse tourism opportunities.</i>
Environment:	2	<u>To have a balanced respect for our environment and heritage, both natural and built.</u>
	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>

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION**ITEM 12.2.3**

That Council approve the issuing of the Caravan Parks and Camping Grounds licence for Yardie Homestead Caravan Park valid until 30 September 2018 as presented in Attachment 3, for signing and issuing by the Chief Executive Officer once the following items have been completed:

1. Approval of development application PA65/18.
2. Any relevant building approvals.
3. Wastewater application and approval for wastewater disposal systems.
4. 1 additional laundry facility provided.
5. Final satisfactory site inspection and report from Environmental Health Officer.

12.3 COMMERCIAL AND COMMUNITY

12.3.1 EXMOUTH STRATEGIC COMMUNITY PLAN

File Reference:	CM.PL.1
Responsible Officer:	Chief Executive Officer
Date of Report:	14 June 2018
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Strategic Community Plan

PURPOSE

That Council adopt the revised Strategic Community Plan, Exmouth 2030.

BACKGROUND

Section 5.56 (1) of the *Local Government Act 1995* requires all local governments to plan for the future of their region. The Strategic Community Plan is Council's principal long term strategic planning document. It is the guiding document in Council's Integrated Planning and Reporting Framework, setting out the community's vision, outcomes and priorities and articulating Council's strategic priorities within the context of its financial capacity.

Local Government (Administration) Regulations 1996 section 19C sets out the minimum requirements for a Strategic Community Plan. This includes ensuring electors are consulted during the development of the plan and having regard to the current and future resources and capacity of the organisation.

The Shire of Exmouth completed its first Strategic Community Plan in 2011 and in 2017 began the process of conducting a full review of the document. This review has been conducted in accordance with the Department of Local Government and Communities Integrated Planning and Reporting Framework and Guidelines.

COMMENT

In 2017, staff in consultation with the Strategic Community Reference Group put together a comprehensive community engagement strategy which aimed to involve as many members of the community in the review of the strategic community plan as possible.

This engagement plan was rolled out from November 2017 with more than 500 people engaged in:

- Pop-up information booths in the Ross Street Mall
- Public Workshops
- Focus Groups
- Community surveys (both online and hard copy versions were made available)

This level of consultation exceeds the advisory standard guidelines that *“community engagement involves at least 500 or 10%, whichever is fewer, and is conducted by at least 2 documented mechanisms.”*

Information gathered and feedback received from the public was then collated and formed into a draft Strategic Community Plan document. This document was reviewed by Council before being distributed to the community for additional comment. Additional comments have now been considered and the final plan prepared for adoption.

CONSULTATION

Strategic Community Reference Group
Executive Staff
Council
Community
Stakeholder groups

STATUTORY ENVIRONMENT

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

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

Local Government Act 1995 Section 1.3(2) of the states: This Act is intended to result in –

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

POLICY IMPLICATIONS

The Strategic Community Plan will form the basis for a review of Council Policy to align with the objectives, outcomes and community priorities identified within the Plan.

FINANCIAL IMPLICATIONS

The Strategic Community Plan informs the 4 year Corporate Business Plan and aligns the 10 year Long Term Financial Plan to the financial capacity of the organisation.

STRATEGIC IMPLICATIONS

If approved, this item replaces the Council's Strategic Community Plan 2011-2021 and will inform Council's Corporate Business Plan, Long Term Financial Plan and other strategic documents.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.3.1

That Council adopts the 10 year Strategic Community Plan, Exmouth 2030 (Attachment 1) and endorses the strategic direction outlined in the plan.

12.3.2 COUNCIL SUPPORT FOR NINGALENS FESTIVAL 2018

File Reference:

Responsible Officer: Executive Manager Commercial & Community

Date of Report: 18 June 2018

Applicant/Proponent: Ningalens Festival Inc.

Disclosure of Interest: Nil

Attachment(s):

1. Ningalens Festival Prospectus
2. Constitution Ningalens Festival Inc
3. Ningalens Festival Budget 2018
4. Ningalens Film Making Workshop Poster

PURPOSE

This report seeks Council approval for sponsorship of the 2018 Ningalens Festival.

BACKGROUND

The Ningalens Festival promotes itself is *"an annual community celebration of film, music, beergustation, comedy and the Arts on the Ningaloo coast; doubling as a platform for local aspiring artists while showcasing the cream of the outsider crop"*.

Launched in 2015 as the inaugural Ningalens Film Competition, this event is now in its fourth year and has grown into a multi-day festival program held in Exmouth.

In February 2018 Ningalens Festival Inc incorporated as a not for profit association under the *Association Incorporation Act 2015* and as per its constitution pursues the following charitable purpose;

"Organise community events and fund artistic initiatives as part of an annual festival aimed at celebrating the Arts on the Ningaloo coast. A focus of the festival is to raise awareness of mental health issues and promote positive mental health practises in the north-west of Western Australia."

The 2018 proposed event program is Wednesday 15th – Sunday 19th August and will be held at multiple venues in Exmouth over the five day period. The multi-day event encompasses the screening of the finalists' films of the Ningalens Film Competition as well as live music performances from local and outside acts, community markets, rooftop gigs, workshops, rock n' roll burlesque, local craft beer, stand-up comedy, family entertainment, art installations and live art.

A summary of the draft 2018 program as supplied by the Ningalens Festival Inc is as follows;

- 21-22 June
2 days of filmmaking workshops run by Anton Blume from simply design. Workshops will be split between Exmouth District High School students, and others for the general public. The workshops will aim to give the participants the skills to create better films to submit in the Ningalens Film Competition, as well as foster aspiring filmmakers from the region.
- Late July
A silent art auction co-ordinated by local artist Tiff Clitheroe. The art will be displayed for 3 weeks prior to the festival at The Social Society (a health café in Exmouth).
- 15-19 August - Busking August
Family friendly - a mini 'Busking Festival' will take place in Exmouth's town centre daily as buskers perform. An EOI will be issued out all along the WA coast to try and encourage a wide variety of buskers to come up and perform. Next to the busking area will be an informative stand letting passers-by know about the festival's programme. Each busker will be invited to again perform at the entrance to that evening's festival event.
- Wednesday 15 August
Free the Funk gathering - Family friendly – free entry. An informal gathering, inspired by the One Wave movement, to bring people together to reduce the stigma surrounding discussing mental health issues such as anxiety, depression and suicide. Free the Funk Exmouth started in 2017 and has made a positive impact on the community. This gathering will be held at Dunes Beach from 4.30 pm. A giant inflatable cinema will be set up on the beach with a film (TBC) screened from dark. Free entry.
- Thursday 16 August
Family friendly - free event - Expected attendance: 140. 6 course beergustation held at Froth Craft Brewery from 7.30pm. Coinciding with Gascoyne Food Festival a multi-course feast paired with 6 craft beers.
- Friday 17 August
Family friendly - free event - Followed by ticketed 18+ event - The screening of the Ningalens Film Competition films and awarding of prizes in the town centre of Exmouth with special guest judge Tim Winton. The program commences at 4pm with Exmouth Community Markets & Suitcase Sale (i.e. flea market), face painting, beer yoga at Froth, circus workshop, and a rooftop gig on adjacent microbrewery venue Froth Craft Brewery with entertainment from James Abberley and co. The films screen from 6.30pm - 8.30pm. Expected attendance in town square: 700 - 1000. Following the films is a gig inside venue Froth Craft Brewery (this is a ticketed 18+ licensed event) with entertainment from DJ Pickles and Luke Ferwerda on percussion. Expected attendance at Froth Craft Brewery: 130.
- Saturday 18 August
18+ licensed event - music, projection and street art at the Ningaloo Centre from 7pm; a ticketed event with multiple stages, live mural paintings, stencil graffiti art from the local TAFE exhibited, stalls, local craft beer served from a converted horse float and musical acts. As the film competition

(screened and awarded on the Friday night) aims to help aspiring filmmakers from the region, the Saturday aims to promote the depth of local and state-wide talent from a full gamut and variety of artistic pursuits (music, film, dance, photography, painting, structural installations), plus have a class headliner act: Pow Negro! Supports to be Charlie Bucket and Michael Dunstan. Rock n' roll burlesque performance from Kira Clarke. Expected attendance: 350 - 500.

- Sunday 19 August

18+ licensed - ticketed - RAPPERS vs COMEDIANS - stand-up comedy from 7pm at Exmouth Yacht Club. A group of 10 entertainers, consisting of rappers and comedians. Featuring comedy boxing, Rappers vs Comedians, stand-up comedy sets, DJ. Expected attendance: 200.

The Festival organisers have been actively engaging and partnering with other local Exmouth community groups and businesses including the Exmouth Cultural Arts Centre (partnering on the silent art auction, venue for the filmmaking workshop, cross-promotion and continuing a strong working relationship), the Exmouth Yacht Club (venue for Sunday night event), FREE THE FUNK (open to all members of the public with the aim of reducing stigma surrounding mental health issues such as depression, anxiety and suicide), Exmouth District High School (film festival partnership with Exmouth's youth, filmmaking workshop for high school children) plus a number of other initiatives still to be confirmed.

The Ningalens Festival Inc. committee has requested Council support in the form of various support services, fee waivers and a cash sponsorship.

COMMENT

The Shire has supported previous Ningalens Festivals in the form of providing staff assistance, additional programming and activities, materials and waiver of fees and charges.

Council officers believe this is an excellent event, unique to the region, generates a high level of community engagement and will have a positive impact on the local business community by attracting visitors to Exmouth. In addition, the festival literally provides a stage for local film makers both old and young, to showcase their skills.

The Festival organisers are seeking support from the Shire for the various events over the 5 day period totalling \$2,913.35 as detailed in the table below.

Requested Support	Real dollars	Fees	Staff cost	Total
Plan B (as backup) Friday evening screening event full venue 5.5hours		\$464.25		\$464.25
Activity on local government application		Nil		Nil
Buskers permit		Nil		Nil
10 extra bins for festival each night Friday & Saturday		\$67.50		\$67.50
Delivery & pick up of 100 x chair, truck & 2 x staff			\$320.00	\$320.00
Chair hire x 100		\$275.00		\$275.00
Use of Mobile Toilets		\$674.00		\$ 674.00
Advertising on Community notice board \$3.25 x 4 weeks		\$13.00		\$13.00
Advertising on E notice board \$3.25 x 4 weeks		\$13.00		\$13.00
Liquid waste 1 pump outs @1000L Shire fee		\$86.60		\$86.60
Cash donation towards cost of film making workshops	\$1,000.00			\$1,000.00
			Total	\$2,913.35

The Saturday 18 August event is planned to be held at the Shire's Ningaloo Centre main function centre and surrounding grassed areas. As this evening event is a ticketed, 18+ licensed music event it is not considered appropriate for the Shire to waive these hire fees. The hiring of the Ningaloo Centre venues for the Saturday evening event will generate \$1,309 in hire fees to the Shire.

The Ningalens Festival event fits within the eligibility criteria set out in Council Policy 4.1 - Sponsorships, Donations and Waiver of Fees which states that to be eligible for funding the applicant must:

1. Offer a specific activity (project, program or event) within the Shire of Exmouth's local government boundaries;
2. Provide a direct benefit to the wider Exmouth community.

As stated in the policy "event sponsorship aims to promote the Shire of Exmouth's image, increase the general awareness of the region and foster community spirit and pride within the region".

In accordance with policy 4.1, any waiver of Councils adopted Fees & Charges for an event is considered a 'Non-cash Contribution' to that event. The Policy also provides that "An Exmouth Event Sponsorship may be provided in cash, non-cash or a combination of these to the maximum combined value per financial year of \$1,500 per organisation. Any Sponsorship proposals over \$1,500 may be determined by Council. The actual Event Sponsorship contribution will be determined on a case-by-case basis."

The requested fee waiver cash and in kind support amounts to \$2,913.35 and therefore requires approval by Council.

The request for support is in the form of a sponsorship arrangement and if approved the Shire of Exmouth will be recognised as a sponsor of the Ningalens Festival event.

CONSULTATION

Ningalens Festival Inc. Committee

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Council Policy 4.3 - Sponsorships, Donations and Waiver of Fees.

FINANCIAL IMPLICATIONS

If the Council grant approval for the support as recommended up to a total of \$2,913.35, then \$1,913.35 will be recorded as a non-cash and \$1,000 as cash contribution to the 2018 Ningalens Festival.

The Shire will receive an estimated \$1,309 in hire fees (final booking requirements to be confirmed) for supplying the Saturday evening venue at the local community group discounted rate of 50%.

STRATEGIC IMPLICATIONS

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

- Economic:
- 1 To be a diverse and innovative economy with a range of local employment opportunities.
 - 1.3 *Diverse tourism opportunities.*
- Environment:
- 2 To have a balanced respect for our environment and heritage, both natural and built.
 - 2.3 *To have a town and community that takes pride in its world heritage status.*
 - 2.5 *To make Exmouth an attractive town that is a comfortable and welcoming place to live and visit, and reflects the lifestyle values and unique natural environment.*
- Social:
- 3 To be a dynamic, passionate and safe community valuing natural and cultural heritage.
 - 3.2 *Excellent lifestyle, recreational and cultural facilities.*
 - 3.3 *An inclusive, responsible and cohesive community.*
 - 3.4 *A community that is well informed and educated about our natural, cultural and built environment.*
 - 3.5 *Maintain and increase participation levels in local community organisations and clubs.*

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION**ITEM 12.3.2**

That Council approves support to the Ningalens Festival Inc to the value of \$2,913.35 for the 2018 Ningalens Festival subject to:

1. The Shire of Exmouth is acknowledged as a sponsor of the event, and
2. A post event report is prepared and provided to the Shire by the event organisers.

12.4 CORPORATE SERVICES

12.4.1 FINANCIAL STATEMENTS FOR PERIOD ENDING 31 MAY 2018

File Reference:	FM.FL.0
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	13 June 2018
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Monthly Financial Report as at 31 May 2018

PURPOSE

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

BACKGROUND

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

COMMENT

Overall revenue is 4.7% over year to date budget, due largely to increased operations at the Learmonth Airport.

In general, operating expenditure is under year to date budget by 6.2%, mainly due to reduced depreciation and other operational costs.

Overall, after considering reductions in Ningaloo Centre and Roads grants and expenditure to be rolled over to 2018/19, we are still anticipating an end of year surplus which will be transferred to reserves as previously adopted by Council.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

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

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This item is relevant to the Councils approved Strategic Community Plan 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 12.4.1**

That Council receives the Financial Report for the financial period ending 31 May 2018.

12.4.2 LIST OF ACCOUNTS FOR PERIOD ENDING 31 MAY 2018

File Reference:	FM.FI.0
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	13 June 2018
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. List of Accounts for period ending 31 May 2018

PURPOSE

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

BACKGROUND

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

COMMENT

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

May Payments

Municipal Fund totalling \$507,158.94
Incorporating cheques, direct debits, electronic payments and credit cards.

Trust Fund totalling \$2,227.55
Incorporating cheques and electronic payments.

Total April Payments: \$509,386.49

CONSULTATION

Nil

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Staff are required to ensure that they comply under Council Policy 2.7 – Purchasing Policy and 2.12 – Regional Price Preference Policy (where applicable) and that budget provision is available for any expenditure commitments.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

This item is relevant to the Councils approved Strategic Community Plan 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 12.4.2**

That Council pursuant to Sections 6.7 and 6.9 of the *Local Government Act 1995* receives the report of payments made from the Municipal and Trust bank accounts during the month of May 2018 (*totalling \$509,386.49*).

12.4.3 2018/19 RATING

File Reference:	FM.BU.18.19
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	15 June 2018
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachments:	<ol style="list-style-type: none">1. 2018/19 Rates Table2. Statement of rating Objects and Reasons3. Copy of letter sent to affected ratepayers

PURPOSE

This report recommends that Council adopt the 2018/19 Rate Schedule.

BACKGROUND

During the 2016/17 budget process, the differential rating categories, rate in the dollar and minimum payment were simplified, providing fairness and equity by ensuring that all ratepayers make a reasonable contribution to the rate burden.

To achieve this, Council combined 11 differential rate codes that were levied in 2015/16, into 6 rating codes and proposed an average rate increase of 4.8%. To minimise any significant increases to those properties that have been combined, the rate model included providing a concession that would cap the maximum increase for any individual property to 10%.

A Notice of Intention to Levy Differential Rates for 2016/17 was advertised on 6 July 2016 in the Pilbara News and on public notice boards and the Shire's website. Public submissions were invited and closed on 27 July 2016.

Prior to the closing of the submission period, an 'Information Sheet for the Proposed Council Rates for 2016/17' was mailed to all ratepayers, communicating the reasons for the change in the rating categories and the level of concessions that were being proposed.

As a result of Council advertising the Differential Rating, Council received 25 submissions and a form of a statement with a total of 103 signatures on them. At its' Ordinary Council Meeting held 27 July 2016, during public question time, several ratepayers expressed their concerns and asked Council to consider when adopting the 2016/17 Budget, the current economic climate when setting the level of concessions to be applied.

COMMENT

These concessions have been in place for the 2016/17 and 2017/18 financial years, which has incurred a financial impost to the Council of over \$100,000 per annum. It is also noted that rates were maintained at 2016/17 levels for the 2017/18 financial year.

Due to the inequity of these concessions it is recommended that they be removed for the 2018/19 financial year and a minor 1% increase be applied across the board.

By removing the concessions the total number of properties affected by more than a 10% increase across all categories are 116 out of 1840 or 6.3% of rateable properties.

It should be noted that 47.3% of the 1840 rateable properties will receive an increase of less than 2% . 46.4% of the 1840 properties will receive an increase of less than 3.28% and that the concession applied for two years along with no rate increase in 2017/18.

A Notice of Intention to Levy Differential Rates for 2018/19 will be advertised following this meeting and rate payers will have 21 days to make submissions to the Council for consideration

CONSULTATION

Councillors/Executive Management

STATUTORY ENVIRONMENT

Section 6.2 & 6.35 (5) Local Government Act 1995

Local Government Financial Management Regulations

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The overall objective of the rates and charges included in the 2018/19 rates model and onto the budget is to provide for the net funding of Council's operational and capital activities after taking into account all other forms of revenue.

STRATEGIC IMPLICATIONS

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

Absolute Majority

OFFICER'S RECOMMENDATION**ITEM 12.4.3**

That Council approve the advertising of the Notice of Intention to levy Differential General Rates for 2018/19 with a 1% increase and remove the Rating Concessions adopted in 2016/17.

Differential General Rates:

Impose a differential general rate on rateable land within the Municipality of Exmouth in accordance with Section 6.33 of the Local Government Act 1995 and adopt the following schedule of differential rates:

Rate Category	Rate in the Dollar \$	Minimum Payment \$
GRV General	0.0722	910.00
GRV Marina Developed	0.0993	910.00
GRV Holiday Homes	0.1021	910.00
GRV Vacant Land	0.1217	910.00
UV Mining	0.1568	500.00
UV Rural	0.0784	700.00
GRV Specified Area Rate	1.313	134.00

12.5 ITEMS FOR INFORMATION ONLY

12.5.1 ITEMS FOR INFORMATION ONLY

PURPOSE

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

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

ITEM 12.5.1

That Council note the following information items:

Register of Documents Stamped with the Shire of Exmouth Common Seal

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

DATE	DOCUMENT
16/05/18	Lease Agreement between Shire of Exmouth and Exmouth Kart Club.
22/05/18	Deed of extension of lease reserve 48441, Lot 284 Murat Road.

Concessions on Fees for Council Facilities

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

NAME	REASON	AMOUNT (exc GST)
Exmouth PCYC	Junior Sports Football every Friday 4/05/2018-19/06/2018 Talanjee & Koobooroo Oval	\$ 1,165.50
Exmouth Gymnastics	Shire Hall Kitchen hire - cook prawns for stall at Whaleshark Festival 25/05/2018	\$ 170.50
Exmouth Cultural Arts Centre Inc	Permit application & approval fees for "Bach to the Bush" Cello 'pop up' performances at Ningaloo Centre, Town Beach, and Federation Park & Lighthouse.	\$ 83.00
Exmouth PCYC	Protective Behaviours Session 29/05/18 Boardroom meeting used 3 hours.	\$90.00

Building Decisions Issued

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

App #	Date Received	Lot	Property Address	Description	Decision	Decision Date
17/111	28/11/17	47	3 Searaven Crescent	Fence	Pending	
17/113	6/12/17	73	43 Kennedy Street	Steel framed carport	Approved	1/05/18
18/18	12/03/18	437	37 Fitzhardinge Street	Verandah Upgrade	Pending	
18/19	15/03/18	8	106 Madaffari Drive	New Dwelling	Approved	19/03/18
18/26	19/04/18	277	24 Christie Street	Carport	Approved	16/05/18
18/39	14/05/18	500	1 Nimitz Street	New construction steel framed fence	Approved	21/05/18
18/42	23/05/18	416	52 Madaffari Drive	New construction steel framed single dwelling and swimming pool	Approved	1/06/18
18/44	29/05/18	973	18 Schmidt Way	Demolition of Building	Pending	

Planning Decisions Issued

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

App #	Date Received	Lot	Property Address	Description	Decision	Decision Date
PA70/16	13/06/16	2	Yardie Creek Road	Additional Camping Sites	ON HOLD - Pending information from Applicant	
PA112/16	25/08/16	1586 & 1587	164 Lyndon Location	Nature Based Park - Exmouth Gulf Pastoral Station	ON HOLD - Pending information from Applicant	
PA44/17	28/02/17	831	7 Pelias Street	Storage Unit	ON HOLD - Pending information from Applicant	
PA45/17	28/02/17	141	7 Dugong Close	Dwelling	Processing – Pending Information from Applicant	
PA07/18	15/01/18	1359	9 Redfin Court	Change of Use	Approved	22/03/18
PA12/18	30/01/18	43	11 Searaven Crescent	Single Dwelling	Pending	
PA35/18	27/03/18	789	5 Jones Place	Single Dwelling and outbuilding	Pending	
PA49/18	1/05/18	634	1 Stokes-Hughes Street	Industry – Cottage (Art Studio)	Approved	23/05/18
PA54/18	8/05/18	1148	39 Welch Street	Workshop addition - Patio	Processing	
PA55/18	8/05/18	148	57 Snapper Loop	Carport	Processing	
PA62/18	8/05/18		Bills Way Exmouth - Bundegi	Bundegi Beach Shack – Restaurant/Café and Shop	June OCM	

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

App	Date Received	Description	Date Issued
PA53/18	7/05/18	Ultimate Watersports – Town Beach	17/05/18
PA60/18	21/05/18	Camel West Tours – Town Beach	23/05/18
PA61/18	29/05/18	Pop up performance at Vlaming Head Lighthouse	29/05/18

OFFICER'S RECOMMENDATION**ITEM 12.5.1**

That Council note the following information items:

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

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