



Ordinary Council Meeting
Agenda
29 June 2016

NOTICE OF MEETING

Notice is hereby given that the

Shire of Exmouth
Ordinary Council Meeting

will be held on
29 June 2016
Commencing at 5.00pm
In the Council Chambers, Administration Centre,
22 Maidstone Crescent, Exmouth



Bill Price
Chief Executive Officer

29 June 2016

Disclaimer

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

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

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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.

DECLARATION OF INTERESTS (NOTES FOR YOUR GUIDANCE) (updated 13 March 2000)

A member who has a **Financial Interest** in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest:

- (a) In a written notice given to the Chief Executive Officer before the Meeting or;
- (b) At the Meeting, immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- (c) Preside at the part of the Meeting, relating to the matter or;
- (d) Participate in, or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under Section 5.68 or Section 5.69 of the *Local Government Act 1995*.

NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)

The following notes are a basic guide for Councillors when they are considering whether they have a **Financial Interest** in a matter. I intend to include these notes in each agenda for the time being so that Councillors may refresh their memory.

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measure in money terms. There are exceptions in the *Local Government Act 1995* but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
 - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the *Local Government Act*; or
 - 6.2 Where the Minister allows the Councillor to participate under s5.69 (3) of the *Local Government Act*, with or without conditions.

INTERESTS AFFECTING IMPARTIALITY

DEFINITION: *An interest that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected, but does not include an interest as referred to in Section 5.60 of the 'Act'.*

A member who has an **Interest Affecting Impartiality** in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest;

- (a) in a written notice given to the Chief Executive Officer before the Meeting; or
- (b) at the Meeting, immediately before the matter is discussed.

IMPACT OF AN IMPARTIALITY CLOSURE

There are very different outcomes resulting from disclosing an interest affecting impartiality compared to that of a financial interest. With the declaration of a financial interest, an elected member leaves the room and does not vote.

With the declaration of this new type of interest, the elected member stays in the room, participates in the debate and votes. In effect then, following disclosure of an interest affecting impartiality, the member's involvement in the Meeting continues as if no interest existed.

SHIRE OF EXMOUTH DISCLOSURE OF INTEREST

To: Chief Executive Officer

As required by Section 5.65(1)(a) of the Local Government Act 1995, I _____ hereby declare my interest in the following matters included on the Agenda paper for the Council/Committee meeting to be held on _____ (Date).

Item No.	Subject	Details of Interest	*Extent of Interest (see below)

*Extent of Interest only has to be declared if the Councillor also requests to remain present at a meeting, preside, or participate in discussions or the decision making process (see item 6 below)

Councillor / Employee Signature _____ Date _____

NB:

1. This notice must be given to the Chief Executive Officer prior to the meeting or at the meeting immediately before the matter in which you have an interest is discussed, Section 5.65(2)(a) & (b).
2. It remains Councillor's responsibility to make further declarations to the Council if a matter arises during the course of a meeting and no previous declarations have been made.
3. It is a Councillor's responsibility to ensure that the interest is brought to the attention of the Council/Committee when the Agenda item arises and to ensure that it is recorded in the minutes.
4. It remains the Councillor's responsibility to ensure that he/she does not vote on a matter in which a declaration has been made, unless specifically entitled under the Local Government Act 1995. This responsibility also includes the recording of particulars in minutes to ensure they are correct when such minutes are being confirmed.
5. It is recommended that when previewing Agendas, Councillors mark Agendas with items on which an interest is to be declared and complete the declaration form at the same time.
6. Councillors may be allowed to remain at meetings at which they have declared an interest and may also be allowed to preside (if applicable) and participate in discussions and the decision making process upon the declared matter subject to strict compliance with the enabling provisions of the Local Government Act 1995 and appropriately recorded resolutions of the Council. Where Councillor's request consideration of such Council approval the affected Councillor must vacate the Council Chambers in the first instance whilst the Council discusses and decides upon the Councillor's application.
7. Local Governments are required to include in their codes of conduct certain provisions in relation to the disclosure of interests that are perceived to affect the impartiality of elected members or employees. It is the Councillor's responsibility to declare those matters where they perceive they may have an Impartiality Interest – however Councillor's are entitled to stay in the room, participate in the debate and vote on matters where they have declared an Impartiality Interest.

Remember: The responsibility to declare an interest rests with individual Councillors. If Councillor's are in any doubt seek legal opinion or, to be absolutely sure, simply declare in any case.

Office Use Only:

Date/Initial

1. Particulars of declaration given to the meeting _____

2. Particulars recorded in the minutes _____

Signed by the Chief Executive Officer _____

INDEX OF AGENDA

1.	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	7
2.	RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE	7
3.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	7
4.	PUBLIC QUESTIONS TIME	7
5.	DECLARATIONS OF INTEREST	8
6.	APPLICATIONS FOR LEAVE OF ABSENCE	8
7.	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS	8
8.	ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION	8
9.	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS	8
10.	REPORT OF COUNCILLORS	8
11.	EXECUTIVE SERVICES	11
11.1	ANNUAL REVIEW OF THE DELEGATION REGISTER.....	11
11.2	RESIGNATION AS ELECTED MEMBER – SHANE COOTE.....	14
11.3	WORLD HERITAGE ADVISORY COMMITTEE - NOMINATION	17
11.4	PROPOSED COMMUNITY GROUP LEASE – EXMOUTH COMMUNITY GARDEN (INC).....	20
11.5	PROPOSED COMMUNITY GROUP LEASE – EXMOUTH MEN’S SHED (INC).....	23
12	CORPORATE SERVICES	26
12.1	FINANCIAL STATEMENT FOR PERIOD ENDING 31 MAY 2016.....	26
12.2	LIST OF ACCOUNTS FOR PERIOD ENDING 31 MAY 2016.....	29
13	AVIATION SERVICES	31
13.1	REQUEST FOR TENDER – RFT 02/2016 EXMOUTH AERODROME PERIMETER FENCE	31
14	COMMUNITY ENGAGEMENT	33
15	HEALTH & BUILDING SERVICES	34
15.1	PALTRIDGE MEMORIAL SWIMMING POOL UPGRADE PLAN – REVISED.....	34
16	TOWN PLANNING SERVICES	37
16.1	PROPOSED COVENANT - PORTIONS OF RESERVE 47803 TO BE AMALGAMATED INTO ADJOINING FREEHOLD LOTS	37
16.2	PROPOSED TRANSPORTABLE BUILDING AND SEA CONTAINERS - LOT 296 MINILYA-EXMOUTH ROAD, EXMOUTH.....	41
17	ENGINEERING SERVICES	47
17.1	RECREATIONAL BOATING FACILITY SCHEME ROUND 21 FUNDING AGREEMENT	47
17.2	DEPARTMENT OF FIRE & EMERGENCY SERVICES (DFES) PILBARA REGION - TRANSFER OF BUSHFIRE RESPONSE TRIAL	50
17.3	REQUEST FOR FEE WAIVER.....	54

18. ITEMS FOR INFORMATION ONLY 57

19. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN 62

19.1 FISH SPECIES PROTECTION– NORTH WEST CAPE..... 62

20. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING..... 65

21. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS..... 65

22. CLOSURE OF MEETING..... 65

ORDINARY COUNCIL MEETING AGENDA

Our Vision

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

Our Purpose

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

Our Strategic Objectives

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

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4. PUBLIC QUESTIONS TIME

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

Council Consideration Towards Public

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

When a matter is listed on the Agenda and member/s of the public are in attendance to observe the determination of the matter, out of courtesy and at the discretion of the President the matter is to be brought forward on the agenda and dealt with immediately

to allow the public to observe the determination of the matter (again this obviates the need for the public to wait an indeterminate period of time).

5. DECLARATIONS OF INTEREST

Item/Description	Name	Detail of Interest	Extent of Interest

6. APPLICATIONS FOR LEAVE OF ABSENCE

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

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

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

That the Minutes of the Ordinary Meeting of the Shire of Exmouth held on the 26 May 2016 be confirmed as a true and correct record of proceedings.

8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

10. REPORT OF COUNCILLORS

Date	Activity	Councillor				
		Cr Shales	Cr Hood	Cr Todd	Cr McHutchison	Cr Roscic
23/05/16	Meet and greet with Lieutenant Colonel Purves Commanding Officer of Pilbara Regiment.	✓				
26/05/16	Meeting with Melissa Price, Federal Member for Durack: Future of Exmouth.	✓				
	Ningaloo Centre Project Management Committee Meeting	✓		✓	✓	
27/05/16	Meeting with Vince Catania MLA Member for the North West.	✓				

	Meeting with Honourable Tony Simpson, Minister for Local Government.	✓				
	Meeting with Jane Bevan, Chief Policy Officer to Honourable Terry Redman, Minister for Regional Development.	✓				
28/05/16	Assisted in operating the Ningaloo Centre marquee at the Whaleshark Festival.			✓		
	Attended the Whaleshark Festival – Talanjee Oval.				✓	
29/05/16	Attended the Whaleshark Festival – Exmouth Yacht Club.				✓	
30/05/16	USA Memorial Day: Flame of Remembrance Kings Park. The Memorial Day honours those who paid the ultimate sacrifice in the service of the United States. Because of Exmouth's relationship with the US Defence Forces, I was very privileged to attend on behalf of the people of Exmouth.	✓				
	World Heritage Committee meeting.		✓			
	Meeting with Ken Baston MLC.		✓	✓		
	Visitor Centre volunteer to meet and greet Pacific Eden Cruise Ship passengers.				✓	
01/06/16	Meeting with K & S Group: A German company (largest salt producers in the world) talking about Ashburton Salt.	✓				
	Citizenship Ceremony.	✓				
02/06/16	Meet and greet with the new Department of Transport Regional Facilities Manager, Mr Tony McCann.	✓				
	Received, unfortunately, the resignation of Councillor Shane Coote.	✓				
	Exmouth Community Support Group meet and greet new residents to town at Exmouth Yacht Club.				✓	
03/06/16	Discussions with Carl Brandeburg, Shire President, Carnarvon Shire: Carnarvon issues.	✓				
04/06/16	ABC Interview: US Memorial Day.	✓				
08/06/16	Letter of support sent to Exmouth Yacht Club: Application for Funding.	✓				
13/06/16	Meet and greet with the new Gascoyne Tourism Development Officer, Julianne Bush.	✓				
14/06/16	Meeting with David Bradley, Managing Director Exmouth Energy and Warren McClintock, Regional Manager. This was followed by a tour of Exmouth highlighting our achievements and vision into the future.	✓				
15/06/16	Received an encouraging letter from the Honourable Colin Barnett, Premier of WA: Exmouth Deep Water Wharf Prospectus.	✓				

	Town Planning Community Consultation Session 1 (Residential, Marina Residential and Rural Residential) at the Shire Hall attended by Cr Todd, introductions by Cr McHutchison.			✓	✓	
	Visitor Centre Committee meeting.		✓			
	Attended a Tourism WA workshop for welcoming cruise ships.				✓	
22/06/16	Town Planning Community Consultation Session 2 (Industry) at the Shire Hall attended by Cr McHutchison, introductions by Cr Todd.			✓	✓	
23/06/16	Attended the Gascoyne Workforce Development Alliance Meeting in Exmouth.	✓		✓		
24/06/16	Attended the Tourism Industry Cocktail function at the Novotel Ningaloo Resort.	✓	✓	✓	✓	
	Attended the Gascoyne Development Commission Board Meeting in Exmouth.	✓		✓		
	Visitor Centre volunteer to meet and greet Pacific Eden Cruise Ship passengers.				✓	
	Attended the Opening Night of TAFE Art students work based on Dorathea McKellar's poem "My Country".				✓	
25/06/16	Attended the 5 th Anniversary of Exmouth World Heritage Listing and assisted with the Community Gardens stall at the event.				✓	
26/06/16	Attended the Memorial Service for Julie-Ann Riggs.				✓	

11. EXECUTIVE SERVICES

11.1 ANNUAL REIEW OF THE DELEGATION REGISTER

File Reference:	PE.AU.1
Responsible Officer:	Chief Executive Officer
Date of Report:	7 June 2016
Applicant/Proponent:	Chief Executive Officer
Disclosure of Interest:	Nil
Attachment(s):	1. Delegations Register June 2016

PURPOSE

This item serves as an annual review of Council's delegations of authority (refer Attachment 1).

BACKGROUND

Local Governments are empowered under a number of sections of State Government legislation (Acts and Regulations) to perform certain duties and exercise certain powers.

In many instances a piece of legislation empowers the Chief Executive Officer (CEO) or another officer of the Local Governments to perform duties, but often the Act or Regulations (particularly the *Local Government Act 1995*) defaults to the Local Government Council with the ability to delegate some of its powers and duties to the CEO or to Committees in order to expedite the effective operations and implementation of the Shire's functions.

A requirement of Council delegating its authority is that a 'Register of Delegations' needs to be maintained and reviewed annually. Therefore, the purpose of this report is to review the list of delegations to the CEO and sub-delegation of duties to other nominated officers within the organisation.

In this regard an extensive analysis of all standing delegations has been undertaken by the Executive to assess the legitimacy of each delegation against relevant legislation. It should be noted that most of the delegations have been amended in some form for clarity and understanding.

As there has been significant changes to the content of the original document and that the format of the Delegation Register has also been modified for ease of reference and convenience it is recommended that Council revoke the original register in its entirety and adopt the new version.

A further 'Schedule of Authorisations' has been prepared by the CEO that empowers various staff to perform specific/designated roles and duties under sub-delegation. These Schedules do not require Council endorsement (refer to Statutory Environment below), but will be tabled for Council to note.

COMMENT

The Delegation Register is to formalise the Council's "day to day" functions/operations through empowerment of staff to operate efficiently, effectively and productively in the interest of good governance.

However, the level of delegation should not extend beyond the Council losing (or perceived to be losing) control of its responsibilities under applied legislation.

It is also pertinent that such delegations to staff on "day to day" matters are reported back to Council to ensure the grant of delegated authority, in the Council's opinion, is not misused and abused in any way. Should Council not be satisfied it may at any time amend or remove the delegation to the CEO or another officer.

Importantly, there is also a 'Schedule of Authorisations' for many of the delegations to be actioned under sub-delegation.

CONSULTATION

Council Executive undertook an extensive review of the document in consideration of the latest compliancy trends available to the industry.

STATUTORY ENVIRONMENT

The Council is empowered pursuant to Sections 5.16 and 5.42 of the *Local Government Act 1995* to delegate roles and responsibilities, while Section 5.46 (2) requires an annual review of delegations by Council.

The Act also allows the Chief Executive Officer to sub-delegate any of his/her powers to another employee with the sub-delegations to be in writing.

The Chief Executive Officer is also permitted under the Act to place conditions on any sub-delegation passed onto another Shire employee.

POLICY IMPLICATIONS

There are no evident policy implications in relation to this review.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

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

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION**ITEM 11.1**

That Council:

1. Revoke the existing Delegation Register - June 2015 in its entirety; and
2. Adopt the revised Delegation Register - June 2016 as presented to this report.

11.2 RESIGNATION AS ELECTED MEMBER – SHANE COOTE

File Reference:	GV.CO.2.12
Responsible Officer:	Chief Executive Officer
Date of Report:	9 June 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Extraordinary Election – Election Timetable

PURPOSE

This report recommends that Council formally accept the resignation of Shane Coote as Councillor effective from 2 June 2016. Council is also required to resolve whether to defer filling the vacancy or conduct an extraordinary election.

BACKGROUND

Cr Coote was elected to Council in 2015 and his term would have ordinarily expired in 2019. He formally tendered his resignation stating personal reasons, effective immediately (2 June 2016).

At a Special Council meeting held on 21 October 2015, Cr Coote was appointed the following portfolio allocations:

- Recreation & Culture
- Oil & Gas/Resource Sector Reference Group
- Commerce/Industry

Council has two (2) options regarding the vacancy as provided by the Western Australian Electoral Commission.

Option 1: Defer Filling the Vacancy

The *Local Government Act 1995* allows Council the option to defer filling the vacancy. If Council wishes to have the vacancy remain unfilled, separate application to the Electoral Commissioner would need be made under *section 4.17(3) of the Local Government Act 1995* to defer filling this vacancy until the next ordinary local government elections.

Option 2: Extraordinary Election

Proceed with the process of an extraordinary election.

In accordance with section 4.20(4) of the *Local Government Act 1995*, the Commission agrees to be responsible for the conduct of the extraordinary election on the proviso that the election is conducted as a postal election on a day to be determined by Council.

Council Policy 1.12 states that postal elections be the preferred method for the Local Government election process. This is in keeping with the desire to encourage a high percentage voter

participation rate and to promote a neutral and reliable service. If Council wishes to proceed with the election conducted as a postal election, Council will need to pass the following two motions by absolute majority:

1. declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the extraordinary election; and
2. decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the extraordinary election will be as a postal election.

The Western Australian Electoral Commission is required by the *Local Government Act 1995* to conduct local government elections on a full cost recovery basis. The estimated cost to conduct an extraordinary election would be \$15,000 including GST which has been based on the following assumptions:

- 1,650 electors;
- response rate of approximately 45%;
- appointment of a preferred Returning Officer; and
- count to be conducted in Exmouth.

COMMENT

It is my recommendation that as Cr Coote's vacancy was to originally expire in 2019 and that experience has found the restrictive nature of only having limited sitting members, that the Council proceed with Option 2 and conduct an extraordinary election.

If Council resolve this option then the election timetable will be as per Attachment 1, with the election being held on Friday 23 September 2016.

CONSULTATION

Western Australian Electoral Commission

STATUTORY ENVIRONMENT

4.17(3), 4.20(4) and 4.61(2) of the *Local Government Act 1995*

POLICY IMPLICATIONS

Council Policy 1.12 – Local Government Elections

FINANCIAL IMPLICATIONS

The proposed 2016/17 Budget has included a budgetary allocation for this process.

STRATEGIC IMPLICATIONS

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

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

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION**ITEM 11.2**

That Council:

1. accepts the resignation of Shane Coote as Councillor effective from 2 June 2016 and thank Shane for his contribution to the development of the Shire during his term in office;
2. declare, in accordance with *section 4.20(4) of the Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the extraordinary election; and
3. decide, in accordance with *section 4.61(2) of the Local Government Act 1995* that the method of conducting the extraordinary election will be as a postal election.

11.3 WORLD HERITAGE ADVISORY COMMITTEE - NOMINATION

File Reference:	GR.SL.49
Responsible Officer:	Chief Executive Officer
Date of Report:	9 June 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Nil

PURPOSE

That Council nominate Councillor representation on the Ningaloo World Heritage Advisory Committee.

BACKGROUND

In October 2013 Cr Shales was selected as the Council appointed Committee member for the Ningaloo Coast World Heritage Advisory Committee and has served on the Committee since this time. Due to numerous other commitments Cr Shales has resigned from his position as Committee member.

The Ningaloo Coast World Heritage Advisory Committee (NCWHAC) has been established by agreement between the Western Australian Minister for Environment; Heritage and the Commonwealth Minister for the Environment, in accordance with recommendation of the international World Heritage Committee in the World Heritage listing decision of the Ningaloo Coast World Heritage area, and as outlined in the Ningaloo Coast Strategic Management Framework.

The role of the NCWHAC is to:

- provide advice to the Commonwealth and State Environment Ministers on the protection, conservation, presentation and management of the values of the World Heritage area;
- develop and provide input into initiatives and opportunities for the promotion and presentation of the World Heritage area values to the local, national and international communities;
- contribute to enhancing the stewardship and connection of the community to the World Heritage area; and
- nominate members from the NCWHAC to represent the Committee on the Australian World Heritage Advisory Committee and the Australian World Heritage Indigenous Network.

The Committee has been established as a Public Service Sector Committee and members are required to follow relevant State Government policies and codes of conduct that apply to such committees.

The Ningaloo Coast World Heritage Advisory Committee members were approved by the State Minister in October 2013 to represent a broad range of stakeholder groups and interests.

Committee observers are not members of the committee and therefore do not vote but they play a key role in providing information to members. Observers may be representatives of government agencies, non-government bodies or other guests invited to contribute information to the Committee.

The NCWHAC was officially formed in February 2014. It is proposed that two Committee meetings are to be held per year budget permitting. Field trips are optional. Meeting dates for the next meeting are to be decided at the end of each meeting; the next meeting scheduled for September 2016.

The location of these meetings should vary from Exmouth, Coral Bay and Carnarvon/Southern section of the World Heritage area – budget permitting. Currently meetings are in person but there are also teleconferences in between meetings on particular issues.

COMMENT

Nil

CONSULTATION

Ningaloo Coast World Heritage Advisory Committee (NCWHAC)

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 2012-2016.

- Environment: 2 To have a balanced respect for our environment and heritage, both natural and built.
- 2.1 *To maintain and improve access and connectivity to our natural assets.*
 - 2.2 *Our pristine natural environment and biodiversity will be understood, maintained and protected.*
 - 2.3 *To have a town and community that takes pride in its world heritage status.*
- Civic Leadership: 4 To work together as custodians of now and the future.
- 4.3 *To be strong advocates representing the region's interests.*

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION**ITEM 11.3**

That Council nominate Councillor XX for Ministerial consideration and appointment as the Council representative on the Ningaloo World Heritage Advisory Committee.

11.4 PROPOSED COMMUNITY GROUP LEASE – EXMOUTH COMMUNITY GARDEN (INC)

File Reference:	CP.RE.1 & SC.SP.9
Responsible Officer:	Chief Executive Officer
Date of Report:	21 June 2016
Applicant/Proponent:	Exmouth Community Garden (Inc)
Disclosure of Interest:	Nil
Attachment(s):	1. Proposed Lease Agreement: Shire of Exmouth & Exmouth Community Garden (Inc)

PURPOSE

To seek Council approval to enter into a lease with the Exmouth Community Garden (Inc) for the purposes of establishing a community garden upon land within Reserve 50807 being a portion of Lot 1419 on Deposited Plan 219750, Willersdorf Road Exmouth.

BACKGROUND

This matter was first formally raised with Council at the 27 January 2016 Ordinary Council Meeting by the Executive Manager Town Planning whereby Council made the following decision (18-0116-11.6.5):

That Council:

- 1. Support the allocation of a portion of Crown Reserve 50807 being Lot 1419 on Deposited Plan 219750 to the Exmouth Community Gardens and the Exmouth Men's Shed generally in accordance with Attachment 7;***
- 2. Require that the land identified in resolution 1 above is surveyed to identify the allocated areas with authority delegated to the Chief Executive Officer to finalise the location of the area boundaries; and***
- 3. Seek consent from the Minister for Lands to confer Council the power to carry out the lease of the allocated portions of Crown Reserve 50807 in accordance with the survey plan identified in resolution 2 above.***

CARRIED 6/0

The Officer's Report supporting the above Council Decision included the following description of the land subject of the proposed leases:-

Reserve 50807 is a Crown Reserve owned by the State Government of Western Australia andhas been vested in the Shire of Exmouth through a Management Order. Pursuant to the Land Administration Act 1997, Reserve 50807 has been reserved for the public interest of 'Recreation and Research Centre'. The proposed use of the land by the two community groups is considered consistent with the 'Recreation' purpose. Currently it is unused, therefore, the proposal is a suitable use of the land.

COMMENT

Council Officers have actioned items 2 and 3 above. The plan to clearly identify the areas of land proposed to be subject of the respective leases has been finalised and is included in the proposed lease at Annexure 1. This plan now replaces the sketch that was referenced as 'Attachment 7' in the abovementioned Council Decision.

A copy of the proposed lease is provided at Attachment 1. The Lease Area Plan included at Annexure 1 of the lease defines Lease Area 1 – Exmouth Men's Shed; Area 2 – Common Area; and Area 3 – Exmouth Community Garden. The Common Area (Area 2) consists of a 6m x 6m hard roofed verandah to the main Men's Shed building and includes a 3m x 3m toilet facility suitable for final fitout to meet disabled access requirements. The toilet enclosure is also suitably sized for some low key secure storage without interfering with disabled access requirements.

Area 2 is to be shared by the members of Exmouth Men's Shed and the Exmouth Community Garden (Inc). A Memorandum of Understanding between the two parties is included at Annexure 2 of the respective Lease Agreements to ensure shared responsibilities and arrangements for the common use of this area are agreed, acknowledged and understood by both parties.

The Exmouth Community Garden Group have also provided a commitment that in addition to their own primary objectives for the use of the land, they will endeavour to establish a nursery of native plants endemic to the North West Cape, where possible grown from seed stock collected within the locality.

CONSULTATION

Exmouth Men's Shed and Exmouth Community Garden (Inc)

STATUTORY ENVIRONMENT

The leasing of property is provided within the *Local Government Act 1995*, Section 3.58 Disposal of Property. This section permits the disposal or lease of property to third parties for appropriate consideration as deemed by Council and requires public advertising of the intent to dispose of property.

POLICY IMPLICATIONS

Council Policy 2.4 – Leases

Council Policy 2.3 – Common Seal

FINANCIAL IMPLICATIONS

With respect to the 'appropriate consideration' referred to under 'Statutory Environment' (above), as the Exmouth Community Garden group is a not for profit community group, the rent proposed under Item 9 of the Schedule to the proposed lease is 'peppercorn lease with no monetary contribution.'

The proposed lease requires all outgoings to be paid by the lessee.

STRATEGIC IMPLICATIONS

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

- Economic: 1 To be a diverse and innovative economy with a range of local employment opportunities.
2.1.5 *Maintain and improve Shire infrastructure.*
- Environment: 2 To have a balanced respect for our environment and heritage, both natural and built.
2.1 *To maintain and improve access and connectivity to our natural assets.*
2.2 *Our pristine natural environment and biodiversity will be understood, maintained and protected.*
2.3 *To have a town and community that takes pride in its world heritage status.*
2.4 *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 11.4

That Council:

1. Agree to enter into a lease with Exmouth Community Garden (Inc) (ABN 50 133 180 055) for Lease Areas 3 and 2 of Reserve 50807 being a portion of Lot 1419 on Deposited Plan 219750, Exmouth being 1,263 m² for a term of 5 years + 5 years for a peppercorn lease with no monetary consideration;
2. Endorse publicly advertising the above proposed lease to Exmouth Community Garden (Inc) in accordance with Council policies;
3. Delegate Authority to the Chief Executive Officer to execute the lease document upon closure of the advertising period subject to no adverse submissions being received and leasing
4. Delegate Authority to the Chief Executive Officer to approve any further terms of the lease.

11.5 PROPOSED COMMUNITY GROUP LEASE – EXMOUTH MEN’S SHED (INC)

File Reference:	CP.RE.1 & CS.SP.6
Responsible Officer:	Chief Executive Officer
Date of Report:	21 June 2016
Applicant/Proponent:	Exmouth Men’s Shed (Inc)
Disclosure of Interest:	Nil
Attachment(s):	1. Proposed Lease Agreement: Shire of Exmouth & Exmouth Men’s Shed (Inc)

PURPOSE

To seek Council approval to enter into a lease with the Exmouth Men’s Shed (Inc) for the purposes of the purpose of Men’s Shed community group activities upon land within Reserve 50807 being a portion of Lot 1419 on Deposited Plan 219750, Willersdorf Road Exmouth.

BACKGROUND

The Exmouth Men’s Shed was recently established and has since been seeking a location from which to conduct their activities from. The Shire has assisted the community group with temporary facilities at the Recreation Centre and a storage unit, and initially pursued more permanent accommodation in the old Power Station at Murat Road. None of these options deliver a sustainable outcome.

A more suitable opportunity is now available in the previous ‘Whaleshark Festival shed’, a small shed located behind the Shire’s dog pound.

This matter was first formally raised with Council at the 27 January 2016 Ordinary Council Meeting by the Executive Manager Town Planning whereby Council made the following decision (18-0116-11.6.5):

That Council:

- 1. Support the allocation of a portion of Crown Reserve 50807 being Lot 1419 on Deposited Plan 219750 to the Exmouth Community Gardens and the Exmouth Men’s Shed generally in accordance with Attachment 7;***
- 2. Require that the land identified in resolution 1 above is surveyed to identify the allocated areas with authority delegated to the Chief Executive Officer to finalise the location of the area boundaries; and***
- 3. Seek consent from the Minister for Lands to confer Council the power to carry out the lease of the allocated portions of Crown Reserve 50807 in accordance with the survey plan identified in resolution 2 above.***

CARRIED 6/0

The Officer’s Report supporting the above Council Decision included the following description of the land subject of the proposed leases:-

Reserve 50807 is a Crown Reserve owned by the State Government of Western Australia andhas been vested in the Shire of Exmouth through a Management Order. Pursuant to the Land Administration Act 1997, Reserve 50807 has been reserved for the public interest of 'Recreation and Research Centre'. The proposed use of the land by the two community groups is considered consistent with the 'Recreation' purpose. Currently it is unused, therefore, the proposal is a suitable use of the land.

COMMENT

Council Officers have actioned items 2 and 3 above. The plan to clearly identify the areas of land proposed to be subject of the respective leases has been finalised and is included in the proposed lease at Annexure 1. This plan now replaces the sketch that was referenced as 'Attachment 7' in the abovementioned Council Decision.

A copy of the proposed lease is provided at Attachment 1. The Lease Area Plan included at Annexure 1 of the lease defines Lease Area 1 – Exmouth Men's Shed; Area 2 – Common Area; and Area 3 – Exmouth Community Garden. The Common Area (Area 2) consists of a 6m x 6m hard roofed verandah to the main Men's Shed building and includes a 3m x 3m toilet facility suitable for final fitout to meet disabled access requirements. The toilet enclosure is also suitably sized for some low key secure storage without interfering with disabled access requirements.

Area 2 is to be shared by the members of Exmouth Men's Shed and the Exmouth Community Garden (Inc). A Memorandum of Understanding between the two parties is included at Annexure 2 of the respective Lease Agreements to ensure shared responsibilities and arrangements for the common use of this area are agreed, acknowledged and understood by both parties.

CONSULTATION

Exmouth Men's Shed and Exmouth Community Garden (Inc)

STATUTORY ENVIRONMENT

The leasing of property is provided within the *Local Government Act 1995*, Section 3.58 Disposal of Property. This section permits the disposal or lease of property to third parties for appropriate consideration as deemed by Council and requires public advertising of the intent to dispose of property.

POLICY IMPLICATIONS

Council Policy 2.4 – Leases

Council Policy 2.3 – Common Seal

FINANCIAL IMPLICATIONS

With respect to the 'appropriate consideration' referred to under 'Statutory Environment' (above), as the Exmouth Men's Shed is a not for profit community group, the rent proposed under Item 9 of the Schedule to the proposed lease is 'peppercorn lease with no monetary contribution.'

The proposed lease requires all outgoings to be paid by the lessee.

STRATEGIC IMPLICATIONS

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

- Economic: 1 To be a diverse and innovative economy with a range of local employment opportunities.
1.5 Maintain and improve Shire infrastructure.
- Environment: 2 To have a balanced respect for our environment and heritage, both natural and built.
2.5 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.
3.5 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.
4.2 A local government that is respected, professional, trustworthy and accountable.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 11.5

That Council:

1. Agree to enter into a lease with Exmouth Men's Shed (ABN 22 348 268 776) for Lease Areas 3 and 2 of Reserve 50807 being a portion of Lot 1419 on Deposited Plan 219750, Exmouth being 985m² for a term of 5 years + 5 years for a peppercorn lease with no monetary consideration;
2. Endorse publicly advertising the above proposed lease to Exmouth Men's Shed (Inc) in accordance with Council policies;
3. Delegate Authority to the Chief Executive Officer to execute the lease document upon closure of the advertising period subject to no adverse submissions being received and leasing conditions being to the satisfaction of the Chief Executive Officer; and
4. Delegate Authority to the Chief Executive Officer to approve any further terms of the lease.

12 CORPORATE SERVICES

12.1 FINANCIAL STATEMENT FOR PERIOD ENDING 31 MAY 2016

File Reference:	FM.FI.0
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	22 June 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Financial Report as at 31 May 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 31 May 2016 has been prepared and a copy of the Report is attached.

The following table displays the Council's year to date position to 31 May 2016 including the projected 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 projected forecast closing position to 30 June 2016 is estimated a surplus of \$530,661. A reasonable attempt has been made to calculate the forecast result, however final journals transferring unspent grant funds and purchase orders raised in June will reduce this amount.

2015/16	Year to Date Actual	Year to Date Budget	Amended Budget	On Target with YTD Budget	Forecast to 30/6/16	Forecast Impact on Surplus
	\$	\$	\$	%		
Operating Revenue	34,487,644	29,962,545	33,132,978	116.8%	34,872,645	▲
Operating Expenditure	(14,492,096)	(15,934,270)	(17,555,344)	90.9%	(16,190,528)	▲
Non Operating Revenue	1,120,088	1,317,894	3,773,922	85.0%	1,315,381	▼
Non Operating Expenditure	(11,007,579)	(19,258,326)	(24,655,384)	57.2%	(25,010,749)	▼
Non cash Items Included	4,031,899	3,521,008	3,873,829	114.5%	4,140,418	
Surplus C/Fwd June 2015	1,403,494	1,432,879	1,432,879	97.9%	1,403,494	▼
Surplus/(Deficit)	15,543,450	1,041,730	2,880	1492.1%	530,661	▲

COMMENT

Statement of Financial Position

The construction of the Ningaloo Centre is influencing the Sundry Debtors and Creditor Control Accounts rise in percentage. During the month, a debtors invoice for a grant of \$1,050,000 was raised, along with recording \$1,182,510 in expenditure to the Creditors Control account. Non-Current Assets have increased slightly by 1.28% to recognise capital acquisitions purchased to date. Non-Current Liabilities remain unchanged from April 2016.

	31/5/16	30/4/16	% Change
Current			
Assets	21,531,030	14,875,829	44.74%
Liabilities	(2,087,524)	(1,286,128)	62.31%
Non Current			
Assets	87,361,543	86,258,839	1.28%
Liabilities	(1,437,766)	(1,437,766)	0.00%
NET ASSETS	105,367,284	98,410,774	

Capital Expenditure

The 2015/16 budget included \$23,328,051 for capital expenditure, with the majority of expenditure associated with major projects including Ningaloo Centre and infrastructure improvements. The timing of projects influences the variance with the year to date budget, which currently shows Council is 53% on target.

Asset Class	Year to Date Actual	Year to Date Budget	YTD Variance	Annual Budget
	\$	\$	%	\$
Land & Buildings	6,255,342	15,346,076	41%	19,046,000
Furniture & Equipment	86,956	24,000	362%	24,000
Land Held for Resale	158,875	109,386	145%	109,386
Plant & Equipment	602,451	809,412	74%	809,412
Infrastructure Roads	2,444,349	2,288,030	107%	2,763,458
Infrastructure Other	572,654	575,371	100%	575,795
TOTAL	10,120,627	19,152,275	53%	23,328,051

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 2012-2016.

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 31 May 2016.

12.2 LIST OF ACCOUNTS FOR PERIOD ENDING 31 MAY 2016

File Reference:	FM.FI.0
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	22 June 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. List of Accounts for period ending 31 May 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

Council Policy 2.10 – Purchasing Policy

Council 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 2012-2016.

- 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 resolves to accept payments being made up of:

1. Municipal Fund – \$1,741,172.42 incorporating of cheques 13289 - 13297 and direct debits;
and
2. Trust Fund – \$4,592.80 incorporating of cheque 400842 and direct debits.

Outstanding Creditors as at 31 May 2016 being \$441,497.48

13 AVIATION SERVICES

13.1 REQUEST FOR TENDER – RFT 02/2016 EXMOUTH AERODROME PERIMETER FENCE

File Reference:	CM.TE.022016
Responsible Officer:	Executive Manager Aviation Services
Date of Report:	2 June 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Confidential – RFT 02/2016 Exmouth Aerodrome Perimeter Fence

PURPOSE

That Council call for submissions for Request for Tender 02/2016 – Exmouth Aerodrome Perimeter Fence, noting that a further report will be presented to Council to consider the evaluation of the submissions received after the request for tender closing period.

BACKGROUND

The lack of animal exclusion fencing has been identified as a high risk to operations at Exmouth Aerodrome and is a limiting factor in the Royal Flying Doctor's Service operating out of Exmouth Aerodrome rather than Learmonth Airport.

During 2012-13, there was an increased incidence of animals, in particular sheep, being on the runway affecting aircraft operations. Leaseholders concurred with the Officers view that the risk of an animal strike was increasing and supported Council in preparing a submission for funding under the 2013-15 Regional Airport's Development Scheme (RADS) program for animal exclusion fencing. Unfortunately that application was unsuccessful.

Department of Transport (DoT) recommended that Council reapply for funding of this project under the 2015-17 RADS program with a revised specification of works for which Council were successful in achieving a grant for \$94,000 to contribute to project costs. Council endorsed signing of the funding agreement with the Department at the 25 June 2015 Ordinary Council Meeting (Decision 11-0615).

COMMENT

This project comprises of the construction of an animal exclusion fence around the whole of runway and lease areas at Exmouth Aerodrome and includes a solar auto-entry gate and four crash gates for emergency purposes. Ground preparation is also required with the cleared area either side of the fence ultimately forming a firebreak for the aerodrome.

Under the conditions of the funding agreement, the project must commence prior to 30 September 2016 and be completed no later than 15 May 2017. Payment of the RADS grant will be made by DoT in the 2016-17 financial year. To meet these timeframes, tenders need to be called at this time.

The proposed RFT, if endorsed, will be advertised state-wide and will close at 2pm on Thursday 4 August 2016 with a view to bring a report on the evaluation of the proposals received to the August 2016 Ordinary Council Meeting.

CONSULTATION

Norwest Airworks
Bristow Helicopters Australia
Royal Flying Doctors Service
Department of Transport

STATUTORY ENVIRONMENT

Requests for Tender are to be called in accordance with Section 3.57 of the *Local Government Act 1995*.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Council has entered into a funding agreement with the Western Australia Government's Department of Transport under the Regional Airports Development Scheme (RADS) 2015-17 grant program.

Council's contribution to this project will be budgeted for in the 2016-17 financial year from the Aviation Reserve.

STRATEGIC IMPLICATIONS

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

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

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 13.1

That Council, pursuant to Section 3.57 of the *Local Government Act 1995* endorses to call Requests for Tender 02/2016 – Exmouth Aerodrome Perimeter Fence, noting that a further report will be presented to Council to consider the evaluation of the submissions received after the request for tender closing period.

14 COMMUNITY ENGAGEMENT

Nil

15 HEALTH & BUILDING SERVICES

15.1 PALTRIDGE MEMORIAL SWIMMING POOL UPGRADE PLAN – REVISED

File Reference:	CP.AD.1
Responsible Officer:	Executive Manager Health & Building Services
Date of Report:	14 June 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none">1. Previous Pool Upgrade – Option C 14 Aug 2012 - Plans2. Previous Pool Upgrade – Option C - Cost Estimate3. Proposed Pool Upgrade Plans – 31 May 20164. Proposed Pool Upgrade Cost Estimate – 31 May 2016

PURPOSE

For Council to adopt the revised Paltridge Memorial Swimming Pool Upgrade Plan (31 May 2016) as the preferred plans for the re-development of the facility. The plans will supersede the previous plan adopted by Council at the Ordinary Council Meeting of 20 September 2012 (Council Decision – 16-0912 – 10.5.3) and will be used as the basis for applications to secure grant funding.

BACKGROUND

At the Ordinary Council Meeting of 20 September 2012, Council considered four options (A to D) for the redevelopment of the Paltridge Memorial Swimming Pool (the Pool) with the preferred and adopted plan being Option C. The plans and cost estimate for the Option C redevelopment are provided as Attachments 1 & 2 respectively.

Option C included the following:

- New entry/office at the north-western corner facing towards Federation Park;
- New 25m x 4 lane disabled ramp entry pool located on the eastern side of the main pool;
- Existing children's playground to remain; and
- New toddler's pool located to the north of the existing playground.

The Pool redevelopment has been pushed back a couple of years due to other larger, higher priority projects and financial constraints of Council. The redevelopment of the Pool is currently proposed for 2019/20.

In consideration of Council's limited cash reserved for this project, the limited borrowing capacity and a need to plan for reductions in operation expenditure, the previous consultant, Mr Francis Robinson of North Coast Design was re-engaged to conduct a review of the previously adopted design. The brief being to reduce the water bodies from 3 to 2, achieve the primary objectives/functionality of the previously adopted plan and where possible achieve capital expenditure savings.

COMMENT

The design consultant visited Exmouth in October 2015 for meetings with the Executive Manager Health & Building (EMHB), the Swimming Pool Manager and stakeholders/user groups interested in the re-development of the Pool. The President of the Exmouth Amateur Swimming Club (EASC) arranged a meeting with Mr Robinson and Mrs Rampling from PCYC; consulted with Mr Robinson over the phone.

The EMHB has had a lot of input from the Swimming Pool Manager and also kept the President of EASC up to date with the review process. The revised design has the previous stand-alone 4 lane 25m pool reduced by one lane and joined with the 'kids' pool. The location of the plant room and storage area has also been refined. A copy of the latest pool upgrade plans and cost estimate are attached (refer Attachments 3 & 4 respectively).

The revised design may not achieve any significant capital expenditure savings but it will significantly reduce operation costs in comparison to the previous upgrade plans. Combining the 'Kid's Pool' and the 'Learn to Swim Pool' to one water body will significantly reduce operational plant costs as well as time taken to maintain water quality. Reducing the number of water bodies and locating the Kid's/Learn to Swim pool closer to the Pool Manager's Office will also enable safer operations as far as patron supervision goes.

CONSULTATION

On 2 and 5 October 2015 invitations were extended to local dive companies, Exmouth District High School, local swim instructors/learn to swim providers, EASC and other stakeholders/user groups to meet with Mr Robinson on 6 October 2015 so as they could have some input into the design considerations. A contact phone number was also provided for anyone that was unable to meet in person on the day.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The capital funds needed for the Pool upgrade far exceed anything that the Council has currently in reserve or planned to be in reserve by 2019. For the Pool upgrade to proceed significant State government financial assistance will be required.

The short term financial planning (next 3 years) is for the Council to contribute a total of \$1.5m to the project, consisting of \$500,000 from the Pool Redevelopment Reserve and \$1m from loan funds. A further \$4.5m of external funds is required.

There are some elements of the facility buildings that are of a 'shared use' nature. These elements may be looked upon favourably by Lotteries West. With other 'resource sector' funding avenues drying up in recent times, the bulk of the funds may need to be secured from the State.

Should the Council be in favour of the revised Pool upgrade plans the EMHB intends to lobby members of State parliament for funding assistance for the works.

STRATEGIC IMPLICATIONS

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

- Economic: 1 To be a diverse and innovative economy with a range of local employment opportunities.
 1.3 Diverse tourism opportunities.
 1.5 Maintain and improve Shire infrastructure.
- Environment: 2 To have a balanced respect for our environment and heritage, both natural and built.
 2.5 To make Exmouth an attractive town that is a comfortable and welcoming place to live and visit, and reflects the lifestyle values and unique natural environment.
 2.6 Incorporate Climate Change impacts onto current and future planning and policy of Land Developments.
- Social: 3 To be a dynamic, passionate and safe community valuing natural and cultural heritage.
 3.1 Retain a safe community environment.
 3.2 Excellent lifestyle, recreational and cultural facilities.
 3.3 An inclusive, responsible and cohesive community.
 3.5 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.
 4.2 A local government that is respected, professional, trustworthy and accountable.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 15.1

That Council revoke the previous Council Decision (16-0912 – 10.5.3) to adopt Option C of the concept plans for the redevelopment of the Paltridge Memorial Swimming Pool.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 15.1

That Council adopt the plans for the proposed Upgrade to the Paltridge memorial Swimming Pool – 31 May 2016 as the concept plans for the future redevelopment of the facility (refer Attachment 3).

16 TOWN PLANNING SERVICES

16.1 PROPOSED COVENANT - PORTIONS OF RESERVE 47803 TO BE AMALGAMATED INTO ADJOINING FREEHOLD LOTS

File Reference:	R47803
Responsible Officer:	Executive Manager Town Planning Services
Date of Report:	21 June 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none">1. Letters Received from the Department of Lands2. Proposed Local Planning Scheme No. 4 Provisions

PURPOSE

That Council advertises the proposed Local Planning Scheme No. 4 provisions to be applied to development on portions of reserve 47803 to be amalgamated to adjacent lots, for a period of not less than 21 days to all those affected adjoining landowners.

BACKGROUND

At the 19 February 2015 Ordinary Council Meeting, Council resolved (Decision 23-0215): to request the Department of Lands (DoL) to proceed with the proposed disposal and amalgamation of portions of Reserve 47803 with adjoining lots following formal advertising; that any land not accepted by adjoining owners will remain as part of Reserve 47803; and that the land being offered does not include any mooring envelope or jetty envelope area.

DoL have since advised that a covenant is proposed to be placed on the portions of Reserve 47803 to be amalgamated into adjoining freehold lots (refer Attachment 1).

In July 2015 development (planning) approval was granted under delegation for stairs adjoining Lot 12 (No.114) Madaffari Drive to be developed within a portion Reserve 47803 to be amalgamated. DoL approved the stairs and the Shire to authorise relevant approvals.



Location Plan – Portions of Reserve 47803 to be amalgamated

COMMENT

The covenant proposed by DoL has the following issues:

Covenant

A covenant is a legal document registered with Landgate and forms a notification upon title. The covenant proposed by DoL is considered by Officers to be unsuitable as it does not include any setback provisions, restricts development of the area to a swimming pool and other garden features, does not define a level to measure the 2 metre building height from, does not allow for the development of stairways, and does not include fencing or retaining wall provisions. The aforementioned matters can be best dealt with through incorporating provisions within Local Planning Scheme No. 4 which is currently being advertised. It is therefore recommended that the covenant have the following wording "Development shall be in accordance with the relevant Local Planning Scheme".

Proposed Local Planning Scheme No. 4 Provisions

The provisions (refer Attachment 2) proposed to be included in Local Planning Scheme No. 4 have been prepared based on:

- i. the assumption that the portions of Reserve 47803 to be amalgamated will be to existing lots;
- ii. provisions of Draft Local Planning Scheme No. 4 - Special Use Zone 6 – Area A – Canal Lots relating to development within the Conditional Development Area; and
- iii. an existing development (planning) approval for a stairway in Reserve 47803.

The portions of Reserve 47803 to be amalgamated slopes down from an approximate finished floor level of 5.25m AHD to an upper rock wall of a similar level to the upper retaining wall in Draft Local Planning Scheme No. 4 - Special Use Zone 6 - Area A Canal Lots. Therefore setbacks from the canal side are recommended to be taken from the top of the upper rock wall. The setbacks proposed are consistent to the provisions of the Special Use Zone 6 - Area A Canal Lots - Conditional Development Area. Due to existing dwellings being developed in accordance with the current Detailed Area Plan only open sided structures should be supported in the portions of Reserve 47803 to be amalgamated, otherwise existing views of the canal will be significantly compromised and existing dwellings will be 'boxed in'.

The Shire has approved a stairway in a portion of Reserve 47803 proposed to be amalgamated. Additional provisions have been included relating to this type of development to ensure a consistent built form and for existing view corridors to be maintained. Provisions for fencing on the side boundary have been created based on the provisions of the existing Detailed Area Plan. Provisions for all other fencing and retaining walls have been created based on provisions relating to development in Special Use Zone 6 - Area A - Canal Lots - Conditional Development Area. Figure C1 - Area C is required to be amended to indicate Residential Addition of Canal Side Land, and amending scheme map 5 is required to include the land within Special Use Zone 6. The provisions (refer Attachment 2) are proposed to be included in Local Planning Scheme No. 4 under Special Use Zone 6 - Area C, as a modification required to the scheme following advertising.

CONSULTATION

Department of Lands
Department of Planning

STATUTORY ENVIRONMENT

Planning and Development Act 2005
Land Administration Act 1997
Land Administration Regulations 1998
(Draft) Local Planning Scheme No. 4

POLICY IMPLICATIONS

Council Policy 6.16 - Design Guidelines for Exmouth Marina Village Precinct A

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

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>
	2.5	<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>

- 3.2 *Excellent lifestyle, recreational and cultural facilities.*
- 3.8 *There is a diverse range of residential land options available.*

- 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 16.1

That Council advertises the proposed Local Planning Scheme No. 4 provisions to be applied to development on portions of Reserve 47803 to be amalgamated to adjacent lots (refer Attachment 1) for a period of not less than 21 days to all those affected adjoining landowners.

16.2 PROPOSED TRANSPORTABLE BUILDING AND SEA CONTAINERS - LOT 296 MINILYA-EXMOUTH ROAD, EXMOUTH

File Reference:	PA74/16; A1332
Responsible Officer:	Executive Manager Town Planning Services
Date of Report:	15 June 2016
Applicant/Proponent:	Seafarms Group Ltd
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none">1. Existing Development Site Plan2. Proposed Development Site Plan3. Building Setout Plan4. Fire Management Plan

PURPOSE

That Council resolve to grant development approval for a proposed works being four (4) sea containers and an addition to the condition room at Lot 296 Minilya-Exmouth Road, Exmouth subject to conditions.

BACKGROUND

Currently an Aquaculture development has been undertaken at the site (previously known as Lyndon Locations 55 and 142 Exmouth) in accordance with an Outline Development Plan adopted by Council during 2003 (refer Attachment 1). The Applicant is seeking to expand and refurbish some of the existing development. Development approval is not required for the refurbishment works. Therefore the expansion works (refer Attachments 2 & 3) are the subject of this application and are proposed as follows:

Sea Container (Lunchroom)

- A 6m long by 3m wide sea container being 18m² in area.
- The proposed building is located 3m to the west of the existing 'algae' room.
- The building is described as a 'crib room' as it is a second hand sea container to be fitted out with amenities suitable for being used as a lunchroom.

Sea Container (Amenities)

- A 6m long by 3m wide sea container being 18m² in area.
- The proposed building is located 3m to the west of the existing 'office' and 2m south of the proposed lunchroom.
- The structure is a second hand sea container which is labelled as an 'amenities' building which will contain ablutions such as showers and changing and locker rooms.

Sea Container (Quarantine tanks)

- A 12m long by 3m wide sea container being 36m².
- The proposed location is approximately 14m to the west of the existing 'quarantine' room.
- The proposed use of the sea container is to house quarantine tanks and segregation. It is labelled as option 1 location for quarantine sea container.

Development Plan. The ODP does not provide guidance on the subject development, such as siting and development requirements.

Based on the merits of the proposal it is considered to be consistent with Special Use Zone 4 as the purpose of the proposed structures are for the operation of the Aquaculture land use. Deemed Provision 67 of the *Planning and Development (Local Planning Scheme) Regulations 2015* (Regulations) provides a list of matters that Council is to have due regard towards to the extent that they are considered relevant. Based on its merits the proposal is not considered to cause any issue from these considerations except for the consideration of bushfire and *State Planning Policy No. 3.7 Planning in Bushfire Prone Areas* which is discussed below.

Therefore, it is considered appropriate for Council to support the proposal subject to standard conditions which have been provided in the Officers Recommendation. A number of standard conditions have already been applied to the site through previous development approvals, such as car parking.

State Planning Policy No. 3.7 Planning in Bushfire Prone Areas

Deemed Provision 67 of the Regulations outline that Council is required to have due regard to State Planning Policies if they are considered to be relevant. The property is designated as being located within a Bushfire Prone Area under the *Fire and Emergency Services Act 1998*. *State Planning Policy No. 3.7 Planning in Bushfire Prone Areas* applies to development within Bushfire Prone Area and requires the lodgement of a Bushfire Attack Level (BAL) Assessment and a report addressing bushfire protection criteria to achieve mitigation outcomes against any fire hazard. In addition, the Policy requires proposed development to meet a maximum BAL Level of 29 which is a measure of the radiant heat on the face of the development depending on the separation distance from bushfire prone vegetation. The objectives of the State Planning Policy are as follows:

- 5.1 Avoid any increase in the threat of bushfire to people, property and infrastructure. The preservation of life and the management of bushfire impact are paramount.
- 5.2 Reduce vulnerability to bushfire through the identification and consideration of bushfire risks in decision-making at all stages of the planning and development process.
- 5.3 Ensure that higher order strategic planning documents, strategic planning proposals, subdivision and development applications take into account bushfire protection requirements and include specified bushfire protection measures.
- 5.4 Achieve an appropriate balance between bushfire risk management measures and, biodiversity conservation values, environmental protection and biodiversity management and landscape amenity, with consideration of the potential impacts of climate change.

In this circumstance the Policy and requirement of information is not considered relevant to the proposal and unreasonable. The existing development is not subject to meeting the bushfire requirements. Therefore, in the extreme circumstance of a bushfire the existing buildings would not be mitigated against bushfire risk. The proximity of the proposed buildings to the existing buildings would remove any mitigation provided by the required bushfire information as the existing buildings would cause the proposed buildings to catch fire. In addition, the buildings are non-habitable and sea containers which are made of non-combustible materials. Therefore, enforcing the Policy is not considered to meet its objectives and therefore unreasonable.

The Applicant has provided a Bushfire Management Plan (refer Attachment 4). It does not address the matters set out in the Policy however, it does provide management processes for the site in the event of a bushfire. Compliance with the Bushfire Management Plan is recommended as a condition of approval.

It should be noted that determining the application without enforcing the requirements of State Planning Policy 3.7 may result in some liability for Council in the extreme circumstance of a bushfire event. Therefore, it is incumbent on Council to determine if it is appropriate to make such a determination.

Policy No. 6.9 – Use of Sea Containers

Town Planning Scheme No. 3 does not provide guidance on where sea containers are developed within the Shire of Exmouth. Therefore, Council has adopted *Policy No. 6.9 – Use of Sea Containers* to provide guidance. The proposal complies with the Policy. Standards conditions have been included in the officer's recommendation to ensure compliance with the Policy.

Policy No. 6.23 - Secondhand Buildings & Secondhand Building Materials

Given that the proposal is for the use of secondhand buildings Council's *Policy No. 6.23 - Secondhand Buildings & Secondhand Building Materials* applies. The Policy outlines requirements for works to be undertaken to the building regarding the appearance and finishing off the building for amenity purposes and to ensure the building is redeveloped to appropriate standards. Standard conditions have been included in the officer's recommendation to ensure compliance with the Policy.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Planning and Development (Local Planning Scheme) Regulations 2015

Town Planning Scheme No. 3

Mahi-Mahi Aquaculture Project Outline Development Plan: Lyndon Locations 55 and 142 Exmouth

POLICY IMPLICATIONS

State Planning Policy No. 3.7 Planning in Bushfire Prone Areas

Council Policy No. 6.2 – Colour Palette for Developments

Council Policy No. 6.9 – Use of Sea Containers

Council Policy No. 6.23 – Secondhand Buildings & Secondhand Building Materials

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

- Economic:
- 1 To be a diverse and innovative economy with a range of local employment opportunities.
 - 1.1 *To increase the number of local businesses, industries and services that will provide a range of employment opportunities for the people of Exmouth.*

1.2 *Planned and balanced economic growth.*

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

2.2 *Our pristine natural environment and biodiversity will be understood, maintained and protected.*

2.4 *To be a leader in eco-friendly initiatives and innovations.*

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

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 16.2

That Council grants development approval for proposed works being four (4) sea containers and an addition to the condition room at Lot 296 Minilya-Exmouth Road, Exmouth subject to the following conditions:

1. The development being carried out in accordance with the stamped approved plans (PA74/16), and the Shire of Exmouth Town Planning Scheme No. 3 together with any annotations detailed thereon by the Shire;
2. All water draining from roofs, driveways, communal streets and other impermeable surfaces of the proposed development shall be managed on site and/or discharged into the Shire's road drainage system;
3. The proposed development shall not be used for habitable purposes or accommodation;
4. The exterior cladding, walls and roof of the proposed Addition shall be of an as new standard to the satisfaction of the Shire's Executive Manager Town Planning. Zincalume is not a permitted building material;
5. External colours shall be generally in accordance with Council's Policy No. 6.2 – Colour Palette for Developments;
6. A notification, pursuant to section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate of title of the site to notify owners and prospective purchasers of the existence of a hazard or other factor. The notification is to state as follows:

'This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and maybe subject to a Bushfire Management Plan'.

7. The proposed Sea Containers shall be completely restumped, the underside of the building fully enclosed and the exterior claddings, walls and roof are to be brought up to as new standard to the satisfaction of the Executive Manager Town Planning within 12 weeks of the buildings being relocated to the property;
8. Any asbestos shall be removed prior to transporting the buildings to the Shire;
9. The operation of the site shall comply with the Fire Management Plan (as amended) outlined in Attachment 4; and
10. If the development, the subject of this approval is not substantially commenced within a period of two (2) years after the date of the determination, the approval will lapse and be of no further effect.

Advice

- i. This approval is not an authorisation to commence construction. Prior to any construction, a Building Permit approval from the Shire must be obtained. For further information please contact the Shire's Building Surveyor by telephone on 9949 3000.
- ii. The approval granted is not to be construed as approval granted under the *Building Act 2011*, *Building Regulations 2012* or any other relevant statutory approval.
- iii. The noise generated by any activities on-site is required to comply with the *Environmental Protection (Noise) Regulations 1997*;
- iv. 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.
- v. The lot is located within a Bushfire Prone Area as designated by an Order made by the Fire and Emergency Services Commissioner. It should be noted that the requirement for a Bushfire Attack Level Assessment and a report addressing the Bushfire Protection Criteria of *State Planning Policy No. 3.7 Planning in Bushfire Prone Areas* was not considered through the determination of this application. Therefore, the site may be at risk from bushfire events in the future.
- vi. Any additional development or substantial variation from the stamped approved plans, will require separate development approval from the Shire.
- vii. This approval is not an authority to ignore any constraint or additional requirement to development on the land, which may exist through contract or on title, such as an easement, encumbrance, restrictive covenant or any other limitation. It is the responsibility of the applicant and not the Shire to investigate any such constraints before commencing development.
- viii. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within twenty eight (28) days of the determination.

17 ENGINEERING SERVICES

17.1 RECREATIONAL BOATING FACILITY SCHEME ROUND 21 FUNDING AGREEMENT

File Reference:	GS.PR.8
Responsible Officer:	Executive Manager Engineering Services
Date of Report:	20 June 2016
Applicant/Proponent:	Department of Transport
Disclosure of Interest:	Nil
Attachment(s):	Nil

PURPOSE

The Department of Transport Recreational Boating Facility Scheme Round 21 (RBFS) Shire grant submissions has been successful. The officer is requesting that Council approve the signing of the associated Funding Agreement Contracts.

BACKGROUND

In December 2015 and January 2016 Council was advised that two RBFS Round 21 grant applications would be submitted to the Department of Transport RBFS. The grants submissions were for the Tantabiddi and Bundegi Boat ramps.

COMMENT

Bundegi Boat Ramp

The Bundegi boat ramp walkway fenders are hard plastic chafers supported by steel U Channels fastened to the boat ramp walkway stringers via a bolted connection. The hard plastic rubbing strips have no capacity to absorb energy from boats approaching the ramp. The boat ramp has vertical fenders only.

Bundegi is subject to strong prevailing south easterly winds and often rough seas. As a consequence users find it difficult and sometimes impossible to approach the ramp at low speed resulting in heavy impact loading on the fender system. The fender spacing also means that vessels can impact upon the unprotected walkway stringers.

The project includes upgrading the fender system by:

- Increasing the number of vertical fenders (effectively halving the spacing from the existing 2.5 m to 1.5m). The new fender channel supports will be welded to the stringers rather than bolted.
- Replacing the plastic rubbing strips with energy absorbing 150 mm D Rubber.
- Incorporating 150 mm D rubber fender to the walkway stringers either side of the walkway.

Expected project costs are:

RBFS	\$116,985
<u>Shire</u>	<u>\$38,995</u>
Total	\$155,980

Tantabiddi Boat Ramp

The purpose of the planning project is to:

1. Investigate and report on recreational and commercial activity and numbers.
2. Recommendations on the expansion of the facility to meet future demand separating recreational and commercial use.
3. The implementation of a user pays arrangements including recreational and commercial fees and charges.

This report will be used for setting the future direction for Tantabiddi and Bundegi boat ramps, State Government interagency planning and supporting grants submissions.

A generalisation of the challenges at Tantabiddi are:

1. The Tantabiddi Boat Ramp was designed as a recreational facility.
2. The recreational and commercial use of the boat ramp during school holidays which represent the core tourism period is onerous. The number of people, vehicles, and vessels overwhelms the boat ramps, carpark and facilities.
3. The cost of maintaining and further developing Tantabiddi and Bundegi Boat Ramps is creating a negative impact on Council finances.

Expected project costs are:

RBFS	\$52,500
<u>Shire</u>	<u>\$17,500</u>
Total	\$70,000

CONSULTATION

Department of Transport
Department of Parks and Wildlife
Department of Fisheries

STATUTORY ENVIRONMENT

Local Government Act 1995
Environmental Protection Act 1986
Environment Protection and Biodiversity Conservation Act 1999

POLICY IMPLICATIONS

Council Policy 2.10 - Purchasing Policy

FINANCIAL IMPLICATIONS

The Shire's financial contribution has been included in the 2016/2017 draft Budget.

STRATEGIC IMPLICATIONS

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

- 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

Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 17.1

That Council authorises the signing of the Funding Agreements between the Shire of Exmouth and the Minister for Transport for the '*Bundegi Boat Ramp Upgrade*' and the '*Tantabiddi Boat Ramp Usage Study*'.

17.2 DEPARTMENT OF FIRE & EMERGENCY SERVICES (DFES) PILBARA REGION - TRANSFER OF BUSHFIRE RESPONSE TRIAL

File Reference:	ES.SP.2
Responsible Officer:	Executive Manager Engineering Services
Date of Report:	18 June 2016
Applicant/Proponent:	Department Fire and Emergency Services (DFES)
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none">1. MOU DFES Pilbara Region 29 February 20162. Pilbara Region Transfer of Bushfire Response Trial - Concept of Operations 20 April 2016

PURPOSE

For Council to consider entering into a Memorandum of Understanding (MOU) with the Department of Fire and Emergency Services (DFES) for the Management and Control of the Bush Fire Brigades and Bush Fire and Emergency Services in the Pilbara Region of Western Australia for a three year trial period.

BACKGROUND

A Memorandum of Understanding (MOU), outlining acknowledgements and undertakings by DFES and the five Local Governments (LG) requesting participation in the trial was subsequently developed, approved by the DFES Commissioner and forwarded to LG for review and endorsement in late February 2016 (refer Attachment 1).

Officers have discussed the MOU with the DFES Regional Superintendent Pilbara regarding operational matters and the impacts on both the Shire's Fire Control Officers and the Exmouth Bushfire Brigade (BFB). From these discussions, and discussions that the Regional Superintendent has had with other Local Government Authorities, a 'Concept of Operations' has been drafted which confirms the co-operative approach to fire management and delineates roles and responsibilities of each party to the agreement, assistance being provided and escalation of response and resourcing (refer Attachment 2).

The Shire of Exmouth established and registered the Exmouth Bush Fire Brigade in 2011 and prior to this, bush fire response was undertaken by the Engineering Department. The Shire's of Ashburton, East Pilbara and City of Karratha also have dedicated Bushfire Brigades (BFB). The Town of Port Hedland does not have a BFB.

COMMENT

The purpose of the MOU is to document an agreement between Town of Port Hedland, Shires of Ashburton, East Pilbara, Exmouth, City of Karratha and DFES. Under the MOU, DFES will assist local governments to carry out their responsibilities for the management and control of bush fire brigades and bush fire response within the Pilbara region under the *Bush Fires Act 1954*.

Under the revised arrangements, DFES are proposing that the Shire's Chief Bushfire Control Officer (CBFCO) role, including fire ground and BFB unit control, be transferred to DFES. Traditionally, the position of CBFCO is a local government position and is currently assigned to the Compliance and Emergency Services Coordinator. Two additional officers will be stationed in the Pilbara, one in Port Hedland and one at Karratha of which one of these Officers will be assigned the role of the CBFCO for the Shire.

The hand over and position of CBFCO is already possible under the current legislation due to recent changes to the *Bush Fires Act 1954*, as is the option to hand over fires to DFES (Section 13 BF Act) and their ability to assume control of any fire.

In line with these new arrangements a DFES officer will take all triple zero fire calls and undertake the initial assessment of a fire and consider the allocation of resources based on that assessment. Local government will still be relied upon to be a combat agency for bush fire in line with our current role and responsibilities.

The Shire would retain all planning, preparation, prevention and recovery roles in relation to bushfires which will include maintenance and updating of all fire management plans, bushfire break/property inspections, firebreak installation and maintenance, responding to fire complaints (infringements for burning rubbish), maintenance of policies and local laws relating to bushfires, and permits to burn. If the Shire agrees to the MOU, this primary response role would transfer to DFES, with the Shire likely to be providing a supporting role if called upon.

All new arrangements will require a settling in period; however, the new agreement will assist with administration, management, training and incident response activities. It will see a transfer of some risk from the Shire to DFES and the additional officers will provide a greater strategic ability. It is recommended that the Shire support the trial for a three year term.

If Council becomes a signatory to the MOU, the Shire will undertake the following:

- Retain the Fire Control Officers (FCO) to undertake mitigation and recovery roles, and when requested by DFES assist in the management of bushfires as part of the collaborative approach detailed in the MOU. FCOs will not respond to manage a fire unless requested by DFES (i.e. if all DFES personnel are managing other fires within the Pilbara region);
- All appliances and equipment of bush fires brigades will remain the property of the Shire; and
- Retain all insurance cover for all BFB volunteers and all plant and equipment, however the cost will be reimbursed by DFES.

Some of the advantages:

- The Shire will transfer some risk for bush fires as the CBFCO will be a DFES Officer;
- One agency initial response for fire;
- During the trial the Compliance and Emergency Services Coordinator will no longer take the triple zero calls after hours for bush fire related emergencies;
- Preparation and acquittal of the grant will be managed by DFES;
- There will two designated DFES officers based in Karratha and Port Hedland offering a greater focus and strategic ability for fires in the district;
- It is a trial and both parties can withdraw from the MOU upon written notice;

- A similar trial has been underway in the Kimberly for a few years now and it has been reported that the new arrangements with Shire of Broome are working well in their area;
- Greater training options for the BFB as DFES will visit at least 3 times per year to undertake drills with the brigade; and
- The Shire will not need to manage the Bush Fire Brigade Local Government Grant Scheme (formerly Emergency Services Levy).

Some of the disadvantages:

- The nominated CBFCO will be a DFES officer and will be based in Karratha so there will not be a local officer to manage any bush fire related emergencies; and
- The Shire will still need to maintain insurances for the BFB but this will be reimbursed by DFES as per the attachment Concept of Operations.

CONSULTATION

The Exmouth Bush Fire Brigade had been consulted on a number of occasions since the trial period was first raised as an idea and the brigade have agreed that entering into a MOU with DFES will be beneficial.

As part of the process to transfer the responsibility for bush fires, DFES have prepared a "Concept of Operations" paper for all the current CBFCO's to comment on and reach a workable agreement on responses. The purpose of the document is to detail how the MOU will be applied during the day to day bush fire management activities.

STATUTORY ENVIRONMENT

Emergency Management Act 2005

Bush Fire Act 1954

Emergency Services Levy Act 2001

Fire and Emergency Services Authority of WA Act 1998

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There are no financial implications. The BFB is funded via the Emergency Services Levy. DFES has advised that there will be no additional cost to the ESL based on them assuming management of fires as per the MOU.

STRATEGIC IMPLICATIONS

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

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

- 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 17.2

That Council:

1. Authorise the Chief Executive Officer to enter into a Memorandum of Understanding with the Department of Fire and Emergency Services under the *Bush Fires Act 1954* for management and control of bush fires and Emergency Services in the Pilbara on a three year trial basis; and
2. Request the Fire and Emergency Services Commissioner to designate a person employed in the Department of Fire and Emergency Services to act as the Chief Bush Fire Control Officer in accordance with section 38A of the *Bush Fires Act 1954* during the trial period.

17.3 REQUEST FOR FEE WAIVER

File Reference:	FM.DB.1
Responsible Officer:	Executive Manager Engineering Services
Date of Report:	18 June 2016
Applicant/Proponent:	Rodney Witham
Disclosure of Interest:	Nil
Attachment(s):	Nil

PURPOSE

This report recommends that the Council consider waiving fees charged to the applicant following the impounding of his vehicle in 9 March 2015.

BACKGROUND

In January 2015, Ranger Services were advised of a blue Nissan Navara utility type vehicle bearing registration AS8157 (WA) which had been parked at Learmonth Airport for an extended period of time and appeared to be abandoned.

Following enquiries by Council's Rangers, the owner was located and a Notice of Intention to Impound was issued to the last known address of the owner as per the vehicle's registration.

In February 2015, a Final Notice of Intention to Impound was issued to the last known address of the owner as per the vehicle's registration.

On 9 March 2015, the above vehicle was impounded and delivered to the Shire's Works Depot on Welch Street, where it has remained since. The cost of impounding this vehicle was \$90.91 as a result of vehicle towing fees.

After failing to locate the owner, Officers conducted further inquiries into the owner of the vehicle and located business and email address details. Officers successfully made contact with the owner through these details and advised the applicant that the vehicle was impounded and they would need to pay fees to reclaim his vehicle. The applicant advised at the time that they were in Queensland and would return as soon as possible to collect their vehicle.

On 19 May 2016, a Notice of Disposal was issued to the applicant via email noting that the vehicle would be disposed of in accordance with the *Local Government Act 1995* by Saturday 18 June 2016 if the vehicle was not claimed and all outstanding fees paid. On the same day the email was sent, the applicant made contact via the phone with the Shire to advise he would return to Exmouth to claim his vehicle on 27 May 2016.

On 31 May 2016, the applicant advised via email that due to his health, he was unable to obtain clearance to fly and had to wait until he was able to obtain a medical clearance to fly.

Throughout the last 12 months, Officers have been attempting to remove the above vehicle from the Shire's care but on each occasion the applicant has been unable to return to Exmouth for a number of reasons as outlined in an email received on 13 June 2016. As part of this email, the applicant has advised that they would like fees waived as they have been facing a number of personal problems over the last 12 months, including illness, which has resulted in them being unable to return.

From the date of impounding, the applicant has occurred daily impounding fees at \$13.95 per day (113 days) for period of time it was impounded during the financial year of 2014/15 and \$14.50 per day (353 days) for period of time it was impounded during the financial year of 2015/16. The total fees associated with the daily impounding from 9 March until the date of this report totals \$6,694.85.

The applicant has advised that they would be able to afford impounding fees totalling \$625.00 as payment to collect their impounded vehicle.

COMMENT

In order to resolve the matter, it is recommended that Council remove the vehicle from the Shire's Works Depot, recoup costs incurred by Council and agree to waive all fees except \$625.00 as offered by the applicant. These fees cover more than Council's physical costs including vehicle towing fees.

CONSULTATION

N/A

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Financial Management) Regulations 1996)

POLICY IMPLICATIONS

Council Policy 3.33 – Debt Recovery

FINANCIAL IMPLICATIONS

Recognition of the daily impounding fee has not been recognised in Councils financial accounts, therefore should Council agree to waive this fee there will be no financial implications.

STRATEGIC IMPLICATIONS

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

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

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION**ITEM 17.3**

That Council:

1. Accept the settlement of \$625.00 from the applicant in good faith and waive additional fees totalling \$6,160.76 subject to his vehicle, a blue Nissan Navara, bearing registration plate AS8157 (WA) being removed by 29 July 2016; and
2. Advise the applicant that if his vehicle, being a blue Nissan Navara, bearing registration AS8157 (WA), is not removed from the Shire of Exmouth Works Depot on Welch Street by 29 July 2016, the vehicle and contents will be disposed of in accordance with *Section 3.47 of the Local Government Act 1995*.

18. ITEMS FOR INFORMATION ONLY

Responsible Officer: Chief Executive Officer

Disclosure of Interest: Nil

PURPOSE

To advise Council of the information items for May 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 May 2016
- 18.3 Building Decisions Issued up to 31 May 2016
- 18.4 Planning Decisions Issued up to 31 May 2016

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
01/06/2016	Appointment of Settlement Agent – Lot 8 Catalina Close
01/06/2016	Transfer of Land - Lot 8 Catalina Close

18.2 CONCESSIONS ON FEES FOR COUNCIL FACILITIES FOR MAY 2016

File Reference: CP.US.0

Responsible Officer: Executive Manager Community Engagement

Date of Report: 21 June 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)
Nil		

18.3 BUILDING DECISIONS ISSUED UP TO 31 MAY 2016

File Reference: GV.CM.0

Responsible Officer: Executive Manager Health & Building Services

Date of Report: 12 December 2015

Disclosure of Interest: Nil

Attachment(s): 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 31 May 2016.

App #	Date Received	Lot	Property Address	Description	Decision	Decision Date
16/21	22/02/16	146	10 Hunt Street	Outbuilding Extension	Awaiting information from applicant	
16/30	10/03/16	190	5 Grenadier Street	Storage Shed	Awaiting information from applicant	
16/41	04/04/16	1277	2 Seawolf Place	Dwelling	Awaiting information from applicant	
16/49	05/05/16	2	Yardie Creek Road	Undercover BBQ Facility/Gazebo	Awaiting information from applicant	
16/51	13/05/16	348	17 Ningaloo Street	Roof Extension	Approved	26/05/16
16/52	20/05/16	3	5 Ningaloo Street	Steel Framed Swimming Pool Shelter	Approved	08/06/16
16/53	23/05/16	210	7 Carpenter Street	Bathroom/Bar	Approved	01/06/16
16/54	25/05/16	899	3 Patterson Way	Transportable Office	Awaiting information from applicant	
16/55	25/05/16	162	7 Maidstone Crescent	Shade Structure	Approved	30/05/16
16/56	25/05/16	925	9 Ningaloo Street	Patio	Awaiting Planning Approval	
16/57	18/05/16	360	Reserve 49037 - Madaffari Drive	Demolition Permit	Approved	16/06/16
16/58	27/05/16	326	Minilya-Exmouth Road	Retaining Wall and Swimming Pool	Approved	09/06/16
16/59	27/05/16	327	9 Falls St	Steel Framed Verandah	Approved	08/06/16
16/60	30/05/16	324	Minilya-Exmouth Road	New Dwelling, Parents Retreat and 2 x Garages	Approved	16/06/16
16/62	30/05/16		Minilya-Exmouth Road	Receiver Antenna	Approved	31/05/16
16/63	31/05/16	183	27 Cobia Close	Steel Framed Storeroom & Patio	Approved	14/06/16

18.4 PLANNING DECISIONS ISSUED UP TO 31 MAY 2016

File Reference: LP.PL.0

Responsible Officer: Executive Manager Town Planning

Date of Report: 21 June 2016

Disclosure of Interest: Nil

PURPOSE

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

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	
PA33/16	18/03/2016	192	6 Euryale Street	Home Occupation – Ningaloo Cakes	Approved	02/06/2016
PA38/16	23/03/2016	334	19 Ningaloo Street	Dwelling Additions & Ancillary Dwelling	Approved	26/05/2016 at May OCM
PA44/16	07/04/2016	17	1 Maley Street	Tethered Sign	Approved	24/05/2016
PA45/16	08/04/2016	319	11 Pellew Street	Change of Use	Awaiting information from applicant	
PA47/16	14/04/2016	17	1 Maley Street	Business Sign on Property	Approved	26/05/2016 at May OCM
PA54/16	06/05/2016	100	34 Pelias Street	Change of Use - Showroom & Party Hire Business	Approved	26/05/2016 at May OCM

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 – 21 August 2016	13/06/2016
PA55/16	09/05/2016	Wedding at Town Beach – 21 May 2016	18/05/2016
PA56/16	10/05/2016	Installation and Construction of Pontoons / Jetties – Reserve 47804 (Waterway)	20/05/2016
PA61/16	19/05/2016	Triathlon / Adventure Race – 14 August 2016	PENDING
PA62/16	24/05/2016	Ballet Concert at Federation Park – 14 August 2016	25/05/2016
PA64/16	31/05/2016	Filming at Tantabiddi Boat Ramp – 23 July 2016	13/06/2016
PA65/16	31/05/2016	Australian Red Cross Fundraising at Ross Street Mall – 13/06/2016 to 18/06/2016	13/06/2016

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

19.1 FISH SPECIES PROTECTION– NORTH WEST CAPE

File Reference:	ED.IN.3
Responsible Officer:	Cr M Hood
Date of Report:	22 June 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none">1. Tourism Australia Amplifies Embrace Fishing2. Coastal fact sheet Destination Australia

PURPOSE

That Council initiate a community dialogue to consider options available to protect fish species on the North West Cape and the recreational fishing tourism industry for Exmouth.

BACKGROUND

Council would be aware of the growing number of reports by recreational fishermen of the significant increase in fish losses caused by shark bite-offs.

Recreational fishing is arguably Exmouth's major tourism industry with a significant number of tourists coming to the region each year to fish in local waters. However there is concern in the recreational fishing community that Exmouth's reputation as an ultimate recreational fishing destination is being damaged as anglers are continually frustrated by fish losses.

Anecdotal evidence is that recreational fisherman are losing about 50% of their hook ups to sharks. There is concern about the impact this is having on fish stocks as the majority of fishermen are attempting to achieve their legal bag limits.

COMMENT

Council has in the past raised a number of possible solutions to the issue of shark bite-offs and preserving the recreational fishing experience in Exmouth. Measures ranging from the reintroduction of commercial shark fishing to the establishment of an artificial reef system in the Exmouth Gulf have been canvassed within the community.

Council has the opportunity to initiate further discussion on the seriousness of this matter and discuss possible solutions that will enhance Exmouth's recreational fishing reputation through the following avenues:

- Tourism WA Board meeting being held in Exmouth on 22 June 2016;
- Representations to the Ministers of Fisheries and Environment;
- Discussions with members of RECFISH West;

- Engaging Ningaloo Alliance researchers; and
- Working with the EGFC and local fishing charter industry.

CONSULTATION

Recreational fishermen

STATUTORY ENVIRONMENT

Fish Resources Management Act 1994

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There is no direct financial impact for the Council but there is a risk of negative economic impact for the Exmouth tourism industry should this matter not be addressed.

STRATEGIC IMPLICATIONS

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

- | | |
|-------------------|--|
| Economic: | <p>1 <u>To have a diverse and innovative economy with a range of local employment opportunities.</u></p> <p>1.2 <i>Planned and balanced economic growth.</i></p> <p>1.3 <i>Diverse tourism opportunities.</i></p> |
| Environment: | <p>2 <u>To have a balanced respect for our environment and heritage, both natural and built.</u></p> <p>2.1 <i>To maintain and improve access and connectivity to our natural assets.</i></p> <p>2.2 <i>Distinctive natural environment and biodiversity will be understood, maintained and protected.</i></p> <p>2.3 <i>To have a town and community that takes pride in its world heritage status.</i></p> <p>2.4 <i>To be a leader in eco-friendly initiatives and innovations.</i></p> <p>2.5 <i>To make Exmouth an attractive town that is a comfortable and welcoming place to live and visit, and reflects the lifestyle values and unique natural environment.</i></p> |
| Social: | <p>3 <u>To have a dynamic, passionate and safe community valuing natural and cultural heritage.</u></p> <p>3.2 <i>Excellent lifestyle, recreational and cultural facilities.</i></p> |
| Civic Leadership: | <p>4 <u>To work together as custodians of now and the future.</u></p> <p>4.1 <i>a collaborative community with the capacity to manage the current and future direction of Exmouth.</i></p> <p>4.2 <i>Local government that is respected, professional, trustworthy and accountable.</i></p> <p>4.3 <i>To be strong advocates representing the region's interests.</i></p> |

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION**ITEM 19.1**

That Council engage in wide discussions with stakeholders in the recreational fishing industry that canvasses all avenues available to protect fish species on the North West Cape and enhance the recreational fishing tourism industry in Exmouth.

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

21. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS

22. CLOSURE OF MEETING