

Shire of Exmouth

ORDINARY COUNCIL MEETING

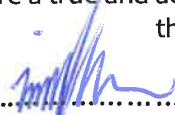
MINUTES



26 September 2019

CONFIRMATION OF MINUTES

I hereby certify that the Minutes and Attachments of the Ordinary Council Meeting of held on the 26 September 2019 are a true and accurate record of the proceedings contained therein.


.....
Matthew Niikkula
Shire President

24/10/2019
.....
Dated

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MINUTES

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

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

Our Strategic Objectives

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

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 4.01pm

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

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

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

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

Councillor M (Matthew) Niikkula	Shire President
Councillor B (Ben) Dixon	
Councillor H (Heather) Lake	
Councillor M (Mark) Lucas	
Councillor G (Gavin) Penfold	
Mr C Woods	Chief Executive Officer
Mr M Bird	Executive Manger Commercial and Community
Mr G Coetzee	Executive Manager Corporate Services
Ms M Head	Minute Clerk

GALLERY 17

APOLOGIES Mr K Woodward, Deputy Chief Executive Officer

LEAVE OF ABSENCE Councillor G (Gary) Mounsey, Deputy Shire President

3. **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

The Shire President advised Councillors and gallery of his intention to move the following motion:

That Council deviate from Standing orders and bring Agenda Item 10 – (Petitions/Deputations/Presentations/Submissions) forward to before Agenda Item 4 – (Public Question Time).

COUNCIL RESOLUTION

ITEM 3

Res No: 01-0919

MOVED: Cr Niikkula

SECONDED: Cr Lucas

That Council deviate from Standing orders and bring Agenda Item 10 – (Petitions/Deputations/Presentations/Submissions) forward to before Agenda Item 4 – (Public Question Time).

CARRIED 5/0

10. **PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

The Chief Executive Officer received the following deputation requests:

- Dr Rory McAuley from The Minderoo Foundation Pty Ltd in relation to report 12.3.2 - Ningaloo Centre Lease – Minderoo Foundation.
- Mr Barry Sullivan from Exmouth Chamber of Commerce and Industry in relation to report 12.3.2 - Ningaloo Centre Lease – Minderoo Foundation.

4. **PUBLIC QUESTIONS TIME**

The following questions were received prior to the Council meeting from Suzanne McHutchison and the Chief Executive Officer provided the following responses:

Question 1

Where will the money be found to pay for the rent of the Research Centre as this rent forms part of the sustainability of the Ningaloo Centre.

The annual budget was developed and adopted without the provision for rental income from this leased area.

Question 2

Wouldn't it be more practical to have a shorter lease and reviews at the end of the terms... for instance, 5 years + 15 + 19 to see if it is working and fitting in with community expectation?

The proponent requested the lease term and the longer term demonstrates their commitment to Exmouth and marine research whilst also allowing for a return on their investment in capital. The officers consider the long lease term a positive contribution to Exmouth.

Question 3

What if this program discontinues for some reason, is there Break Lease Clause with conditions in the contract with the Minderoo Foundation?

Yes.

Question 4

Regarding the Ningaloo Tourism Advisory Group. Not having access to the "Terms of Reference Attachment 1", will there be Exmouth residents with no financial vested interest invited to be part of this advisory group?

Yes. The Committee will be a formal Committee of Council and the provisions of Disclosure of Interest will apply.

The Shire President opened the floor for public question time.

Question received from Louise McLernon

Why are we locking in to \$1 peppercorn lease for 39 years?

- The Shire currently has many ongoing peppercorn leases deemed good for the community.
- The lease area in question was built specifically and funded by state and federal government to produce a marine research facility, which is all it can be used for.
- The lease will activate the centre for the purpose it was built for and provide ongoing opportunities for scientists to be able to use the centre for no charge.
- The lease does not allow Minderoo Foundation to sublease or make a profit out of it; if this was to happen extra clauses within the lease would be activated. The proposed lease has been designed to hold the lessee to what they have committed they will do and bring to the Exmouth town.
- All tenants currently pay outgoings including electricity, water, cleaning, insurance grounds maintenance, air-conditioning maintenance, building maintenance and a Centre Management fee is also factored in.
- The Shire currently covers the cost of the empty research area of the Ningaloo Centre.
- Funding agreements were very clear and agreed back in 2014/15.
- Not a fair comparison to say we are missing out on \$88,000 from UWA as it was never going to be paid. The fact that UWA withdrew from the agreement indicates it was not prepared to commit financial and other resources to the project. Due to the highly specialised nature of the permitted purpose there are limited potential lessees for the facility. The Shire is fortunate to have secured Minderoo Foundation as it will invest significant monies into facility fit out as well as significant ongoing annual operational costs. To reflect this significant commitment the peppercorn lease amount and long lease term are considered in the best interests of the community.

5. DECLARATIONS OF INTEREST

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

That the Minutes and associated attachments of the Ordinary Meeting of the Shire of Exmouth held on the 22 August 2019 be confirmed as a true and correct record of proceedings.

COUNCIL RESOLUTION

ITEM 7

Res No: 02-0919

MOVED: Cr Lake

SECONDED: Cr Penfold

That the Minutes and associated attachments of the Ordinary Meeting of the Shire of Exmouth held on the 22 August 2019 be confirmed as a true and correct record of proceedings.

CARRIED 5/0

8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS

<p>Councillor Penfold</p>	<p><i>"As many of you are aware, this meeting today marks my final OCM for my two-year term serving for Exmouth council.</i></p> <p><i>In 2017, the previous Exmouth council was stood down as a result of serious misconduct, subsequently all six of us were newly elected. I came into this role with an open mind, not really knowing what to expect, but I was driven by the sheer passion that I have for this town and its future.</i></p> <p><i>It didn't take long to realise that me and my fellow councillors all shared a common goal. To be fair and honest with all decision making, and to ensure Exmouth becomes a vibrant and sustainable town, that continues to grow and prosper without jeopardising the natural environment. Everywhere you look in this special place, from the Gulf, to the Canyons, to the Reef, there is so much natural beauty, which I am sure we all agree is the town's greatest asset.</i></p> <p><i>Councillors give up so much of their spare time, studying and attending meetings that help manage the issues of the town and to provide leadership and direction into the future. It is an interesting role but it can also be a little bit daunting sometimes. Everybody has an opinion, right! What's good for one person is not always good for another. This is the most challenging part of the decision making process.</i></p>
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	<p><i>For me, it was a shell shock at times. For example, I'd go from being strapped into a tiny little microlight aircraft at 4,500ft, flying over the Ningaloo Reef and then I'd rush into a meeting that is all about waste management, and what a contrast that can be - Sorry Keith! Nonetheless, the work has to be done no matter what it is! And for this, I truly respect each and every one of you. I seriously believe no one has the right to complain about council until they have served on council. There are so many facts and there is so much to learn on every agenda!</i></p> <p><i>There is no doubt in my mind that I will return to this role in the future, to carry the baton, but for now, my priorities have changed and I have realised that my free-time must be spent on being a good father to my two babies, Milo and Savahna.</i></p> <p><i>I'd like to say a big thank you to everyone in the community that believed in my values and voted me into this role, also Shire President Matt Nikkula and all my fellow councillors, CEO Cameron Woods and Deputy CEO Keith Woodward, Matthew Bird, Michelle Head and heavy Kevvy who just left us recently. Thanks guys, It has been one hell of a ride and a huge learning experience, but as of the end of this month, Councillor Penfold is signing-off.</i></p> <p><i>It has been a great privilege and honour to serve on this council, and I really mean that! I believe Exmouth is one of the greatest places on Earth and it may well be, if managed wisely, the last destination on the planet that isn't ruined by human kind.</i></p> <p><i>Until next time guys, good luck and best wishes for what is to come".</i></p>
<p>Councillor Dixon</p>	<p><i>Took part in the WALGA Zone Meeting which was held via teleconference.</i></p> <p><i>The only ongoing issue is in relation to a submission made to WALGA Zone to undertake an independent economic assessment on what the impacts of Wilderness camping along the Ningaloo Coast could be the future. A response to this submission is anticipated at the November WALGA Zone meeting.</i></p>

<p>Councillor Lake</p>	<p><i>Attended the Freighting Ideas Exhibition - How did I get here? Featuring a mix of photographic and video pieces, some with audio as well of 7 Australian contemporary artists. These travelled from the Art Gallery WA State Art Collection. It was extraordinary depicting some quite thought-provoking photos of various stages of people's lives. It was designed to stimulate the question of how each of us have ended up where we are in life.</i></p> <p><i>The evening was hosted by Fabulous Sharon, a rather exuberant character who added a lighter note to the evening and Tim from the Art Gallery WA State Art Collection. Thanks to those who helped present the collection.</i></p> <p><i>Commendation to Darlene from the Ningaloo Cooking Studio who produced a delightful selection of canapés to accompany some pretty classy wines and champagne.</i></p> <p><i>"Been a joy to work with Gav; you have a perspective on a lot of issues that we don't have, and it is nice to have the variety of a different view point. I hope the future is good for you".</i> (Councillor Lake)</p>
<p>Councillor Lucas</p>	<p><i>Wished all nominees for the upcoming Election good luck.</i></p>

9. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

The Shire President read the following to the gallery:

“With Local Government Elections now in full swing, and 6 Candidates contesting 3 Vacancies on Council, today’s meeting is the last time that this particular group of Community Representatives will sit up here together, making decisions in the best interests of Electors, Ratepayers and Locals. With Cr Penfold choosing not to stand for re-election, the next OCM will definitely see at least 1 new Councillor and possibly up to 3.

2 Years ago, this fresh new Council of 6 was elected from a field of 12 by a community demanding Honesty, Integrity and Strong Leadership. Shortly after, whilst completing our first Strategic Community Plan, we set our Governance Objective “To provide open, transparent, accountable leadership, working in collaboration with our community”.

In an effort to repay the faith, and rebuild the trust, we not only undertook as much training as we could all handle, but with the help of a new passionate Executive team, picked up what we were left with, shook it by the feet and got on with sorting out the problems that fell out.

A great quote I came across during our studies goes:

The role of a Councillor is to represent the interests of electors, ratepayers and residents of the district. They are elected as a group of people that could be expected to have similar values and aspirations of others in the district and in doing so are likely to make the same kinds of decisions that others would make with the same knowledge and information at their disposal.

Our communities are becoming more aware about civic affairs and have a greater capacity to express their opinions and expectations through social media. While Elected Members may have similar views and aspirations of others in the district, there is now an expectation of greater participation in decisions through consultation and engagement with the community.

Communication is always the key to success, and lack of it, as we have seen so often can quickly manifest into mistrust and feelings of deception. Councillors are elected to make decisions on behalf of, and in the best interests of the community they represent. To effectively do this, they are given access to a great deal of information, very often confidential and put themselves in the shoes of the people who entrusted them to this position.

This current council has had to make some pretty tough decisions over the last 2 years, doing the best we could with the cards we were dealt and I truly believe most of these would not have differed with a separate set of 6 representatives given the same information and having the same level of passion for, and commitment to our community as a whole.

So, as the last meeting of this current council, I would like to personally thank Cr Lake, Cr Lucas and Cr Penfold for the massive amount of time and effort they have put in since being elected. The hours and hours of reading agenda attachments, the long arduous briefing sessions, the excellent questions they have asked in the quest of having as much information as possible on particular subjects, but mostly, the personal and professional sacrifices you have made for the good of Exmouth”.

11. MATTERS ARISING FROM COMMITTEES OF COUNCIL

Nil

The Shire President advised Council and the gallery of his intention to exercise his right as Presiding Member and for the good of the gallery present today, to move item 12.3.2 Ningaloo Centre Lease – Minderoo Foundation to the first agenda item that Council will discuss today.

12.3.2 NINGALOO CENTRE LEASE – MINDEROO FOUNDATION

File Reference:	CP.LE.15
Reporting Officer:	Executive Manager Commercial and Community
Responsible Officer:	As Above
Date of Report:	11 September 2019
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none"> 1. CONFIDENTIAL – Copy of proposed Draft Lease Agreement Shire of Exmouth and Minderoo Foundation 2. Public Notice – Intention to Lease Local Government Property

PURPOSE

The purpose of this report is to attain Council approval to enter into a new lease agreement with Minderoo Foundation Pty Ltd (ACN 098 198 684) as trustee for The Minderoo Foundation Trust (ABN 24 819 440 6198) for Lot 300 on Deposited Plan 408720 Murat Road Exmouth for the area commonly known as the Research and Educational area within the Ningaloo Centre.

BACKGROUND

At the 25 July 2018 Special Council Meeting the Exmouth Shire Council rescinded a previous decision to enter into a lease with the University of Western Australia for the Research and Educational area within the Ningaloo Centre. Under the same resolution Council authorised the CEO to prepare a lease with Minderoo Foundation for Council to consider based on terms and conditions included in a confidential attachment.

COUNCIL DECISION 15.1-03-0718

That Council:

- 1. Rescind Council resolution 10 October 2017 resolution number 07-1017 regarding the lease between the Shire and the University of Western Australia.***
- 2. Accept the financial compensation from the University of Western Australia as outlined in the confidential 'release document' and execute the 'release deed'.***
- 3. Authorise the CEO to prepare a new lease for Council consideration based on the general agreed terms with the entity, as outlined in the confidential attachment for the Ningaloo Centres research facilities on Lot 300 Deposited Plan 408720 Murat Road Exmouth. (UWA Lease Footprint).***

CARRIED 6/0

Since this time Shire officers have been working with the Minderoo Foundation to progress the lease agreement and a copy of the final lease agreement is included as Confidential Attachment 1 to this report for Council consideration.

COMMENT

The Ningaloo Centre was a \$32 million project funded by the Commonwealth and State Government; Lottery west and the Shire of Exmouth contributing \$1 million.

The terms and conditions of the Funding Agreements are very clear in that the intended purpose of the facility must be as per the funding agreement agreed to by the Shire and the funding partners. On this basis the marine research facilities vacated by UWA must be occupied for the purpose of marine research. If the Shire fails to honour the funding agreement or to negotiate an agreed alternative to the agreement with the funding bodies, the funding bodies are entitled to recover the capital funding.

The Minderoo Foundation is an Australian based philanthropic organisation with some \$1.5b committed across seven major focus areas one of which is termed "Flourishing Oceans". The stated objective of Minderoo's Flourishing Oceans is;

- *"To return our oceans to a flourishing state by eliminating overfishing and marine pollution and facilitating world class research".*

One of their stated initiatives is:

- *"To make Western Australia a hub for world class marine conservation research, by providing state of the art facilities to Australian and international scientists".*

The Ningaloo Centre research facilities have been identified as a key part of Minderoo's marine research infrastructure and programs operating as a marine research hub for studying tropical coastal marine ecosystems in the heart of the UNESCO listed Ningaloo Coast World Heritage region. Minderoo plan to invest \$2.5m on capital works within the Ningaloo Centre facility plus additional investment in supporting equipment such as research vessels. It is anticipated that at least 4 full time jobs will be created from these Minderoo Foundation operations at the Ningaloo Centre and the first research program commenced March 2020.

In addition to the broader scientific research benefits to be achieved, the officer recommendation is for the Shire of Exmouth to enter into a lease agreement with Minderoo Foundation at negligible rent payable on the basis that the Minderoo operations will generate significant socio-economic benefits to the broader Exmouth community. More specifically entering into the proposed lease agreement will achieve:

- The Ningaloo Centre to become a world class example for marine conservation and research that will help to drive the activation of the Ningaloo Centre as a whole,
- Work in partnership with the Shire to facilitate the activation of the Ningaloo Centre meeting and conference spaces,
- Work in partnership with the Shire to value add to the Aquarium and visitor exhibit experiences,
- Work in partnership with Shire, Exmouth District High School and Durack TAFE to develop educational opportunities for local students,
- Work in partnership with the Shire to leverage improved economic outcomes for the Exmouth.

The proposed long-term commitment of the Minderoo Foundation Flourishing Oceans as part of the Ningaloo Centre is considered a major achievement and will deliver significant value to the Exmouth community and broader Ningaloo visitor destination.

CONSULTATION

Department of Primary Industry and Regional Development.
Council
Minderoo Foundation

STATUTORY ENVIRONMENT

The leasing of Shire property is governed by the *Local Government Act 1995*, Section 3.58.

In accordance with the *Local Government Act 1995* section 3.58 (3) (a) the Shire has provided local public notice inviting submissions related to this lease proposal. The local public notice was advertised from the 11 September 2019 to the 25 September 2019 on the Shire Notice Board, the Mall Notice Board and on the Shire website.

The responsible officer will be reviewing public comments and prepare a summary of submissions for Councilors consideration in this matter. This summary will be available to the public at the Ordinary Council meeting and form part of the minutes.

Although the proposed lease document is marked confidential the key terms and conditions of the lease being terms and rent payable have been disclosed as per section 3.58 of the *Local Government Act 1995*.

Any lease agreement to be subject to Minister for Lands approval in accordance with the Shire's Management Order.

POLICY IMPLICATIONS

The terms and conditions of the new lease agreement comply with Shire of Exmouth Policy Manual, Policy 2.4 Leases. As per the policy all new leases and sub-leases shall require approval of Council.

FINANCIAL IMPLICATIONS

The rent payable as part of the proposed lease is based on a peppercorn rate of \$1. This is considered negligible and reflects Minderoo's long term commitment to the significant socio-economic benefits to be directly generated for the Exmouth community.

Further it activates the centre and meets the Funding Agreement terms without invoking penalties whilst also reducing the shires costs of building renewal and insurance for the next 40 years as a minimum.

Outgoings for the Ningaloo Centre space will be charged at cost and based on the proposed floor area and current variable outgoings payable Minderoo's share of this cost would be around \$88,000 per annum. Minderoo has also committed to contributing financially on an annual basis to the renewal of the Ningaloo Centre which will be held in the Shire's Ningaloo Centre Reserve.

As per Shire Policy 2.4 Leases:

- All costs associated with the development, execution and completion of the lease documentation will be met by the Lessee.

- All costs associated with the refurbishment, fit-out, and ongoing operations of the lease area will be met by the Lessee.

STRATEGIC IMPLICATIONS

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

- Economic: Diversify and grow our economy in a manner that provides year round employment opportunities
1.1 A diverse and environmentally aware local economy that can attract business investment and provide employment opportunities
1.3 Enable the provision of essential infrastructure that will support investment and diversify our economy.
- Environment: To protect and value our unique natural and built environment as we grow our economy.
2.1 A strong focus on environmental conservation and sustainable management of our natural environment
- Social: To be a vibrant, passionate and safe community valuing our natural environment and unique heritage
3.1 Explore opportunities to deliver services and facilities that attract and retain people living in the Shire.
- Leadership: To provide open transparent, accountable leadership working in collaboration with our community.
4.1 To provide proactive, collaborative and transparent leadership

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION

ITEM 12.3.2

That Council APPROVE Minderoo Foundation Pty Ltd (ACN 098 198 684) as trustee for The Minderoo Foundation Trust (ABN 24 819 440 6198) to lease the area commonly known as the Research and Educational area within the Ningaloo Centre, Lot 300 on Deposited Plan 408720 Murat Road as per the terms and conditions of the attached draft lease agreement marked CONFIDENTIAL attachment 1 to this report.

COUNCIL RESOLUTION

ITEM 12.3.2

Res No: 03-0919

MOVED: Cr Lake

SECONDED: Cr Lucas

That Council APPROVE Minderoo Foundation Pty Ltd (ACN 098 198 684) as trustee for The Minderoo Foundation Trust (ABN 24 819 440 6198) to lease the area commonly known as the

Research and Educational area within the Ningaloo Centre, Lot 300 on Deposited Plan 408720 Murat Road as per the terms and conditions of the attached draft lease agreement marked CONFIDENTIAL attachment 1 to this report.

CARRIED 5/0

Below is the complete list of submissions and officer comments received during the public comment period which closed on the 25 September 2019 at 3.00pm.

SCHEDULE OF SUBMISSIONS – INTENTION TO LEASE LOCAL GOVERNMENT PROPERTY NINGALOO CENTRE - MINDEROO FOUNDATION LEASE				
No.	Submission from	Object/ Do not object	Submitters Comment/s	Officer Comments
1.	Grace Keast (ILC119)	Object	<p>Submission regarding Intention to Lease Local Government Property to Minderoo Foundation Pty Ltd</p> <p>I am writing regarding the public notice of 11 September of the Shire’s intention to lease part of the Ningaloo Centre to Minderoo Foundation Pty Ltd for the purposes of Education and Research for \$1 p.a. for 19 + 20 years.</p> <p>I feel there should be transparency from the Shire about</p> <ul style="list-style-type: none"> i) how this has come about; ii) why the term of the lease is so long; iii) why the rent is so low; and iv) Shire of Exmouth projections of benefits to the town, economically and socially. v) Minderoo Foundation Pty Ltd (Minderoo) investment and project outcomes. <p>This notice of intention has come at a time that local ratepayers have just experienced a hike in their rates and local community/volunteer groups are experiencing more bureaucracy and higher costs to their operations.</p> <p>Since the opening of the Ningaloo Centre the original plans to lease the area for research has been pushed back by the University of Western Australia (UWA) at a lease that was going to be subsidised at \$30,000 p.a. as quoted by Ian Fletcher in October 2017. If at that time a subsidised annual lease could be determined market value, how has that become a \$1 valuation now?</p> <p>Minderoo made a big announcement of the \$100m initiative for its “flourishing oceans” which the Ningaloo research facility is one part of. Minderoo will certainly have projections of how those funds are intended to be spent and there would have been an expectation by Minderoo of the need to lease facilities for research. Of course, there is no doubt that in order to have a research facility a massive investment needs to be made in equipment and infrastructure but transparency should be offered to the community about the benefits that will flow to the town, their measurability and accountability.</p>	<p>Items 1 to 5 as listed regarding transparency are addressed in the Sept OCM report which is available for public review.</p> <p>This not correct. The majority (64.7%) of Exmouth home owners actually paid lower rates in 2019/20 than 2018/19. The increased bureaucracy claim is not supported by any evidence and the implementation of the Shire’s Community Grants programs have delivered far greater opportunities for financial support to local groups than ever before.</p> <p>UWA signed an Agreement to Lease in 2015 and continued to negotiate a lease up until December 2017 before formally advising the Department of Primary Industry and Regional Development that they would not take up the lease “as it seeks to consolidate its regional offering”</p> <p>An agreement to lease is not a legally binding lease.</p> <p>Securing the Minderoo Foundation as a long-term tenant to the Ningaloo Centre is considered a major achievement and will deliver significant long-term benefits to the Exmouth community.</p>

			<p>Has the delay of Minderoo committing to leasing the property given them such power that they can determine such terms of their lease? The lease must be calculated at an arm’s length third party basis in order to be fair and just.</p> <p>Minderoo must commit to a market value annual contribution for the term of the lease which should be under review on a regular basis. I don’t believe it is ethical, moral or lawful for the current Shire officers to enter into such a long lease under these terms.</p> <p>In order for Minderoo to be socially responsible it should make its contribution to the Shire’s income to ensure that any budget shortfall is not passed on to the ratepayers of Exmouth. Whilst it is appreciated that there will be economic benefits to some businesses and potential employees, this may directly affect a small number but not necessarily the broader community at large.</p> <p>What would happen if Minderoo after 3/5/10 years decide that they no longer wish to utilise the space, leaving the facility vacant? What are the break clauses going to be and the obligations of the parties in these circumstances?</p> <p>As you can see I have many questions regarding the intention to lease even after reading the press release from the Shire President.</p> <p>In conclusion, I would like it noted that I object to the proposal.</p> <p>Thank you for taking the time to read my submission.</p>	<p>Minderoo Foundation have financially committed to its share of facility outgoings and also contributing to facility renewal via the Ningaloo Centre building reserve.</p> <p>The lease agreement includes suitable default and termination clauses so that the Shire could remedy in these events.</p>
<p>2.</p>	<p>Jacqueline Hine 5 Jones Place Exmouth (ILC121)</p>	<p>Undetermined</p>	<p>Regarding the advertised intention to lease a portion of the Ningaloo Centre to the Minderoo Foundation for St/annum plus outgoings at cost I thank the Shire for enabling the community to make submissions on this matter. There are three points I would like to raise as a community member and rate payer.</p> <ol style="list-style-type: none"> 1. The community benefits detailed in the fact sheet provided by the shire are only possible if the Minderoo Foundation utilise the space and follow through on commitments as described. Given this is 19 + 20 years lease the shire could consider inclusion of clauses in the lease such as: <ul style="list-style-type: none"> • The lease is reviewed periodically so the proposed use described matches the use undertaken and/or continues to be in the best interest of the community • The shire has the ability to cease the lease should the use vary from the described intention and is no longer considered by council in the best interest of the community 	<p>The permitted purpose of ecological research, conservation, rehabilitation and educational activities will ensure the Ningaloo Centre becomes a world class research facility. There are a number of defaults, termination, make good, and sublease approval clauses within the lease to ensure the lessee delivers on the stated objectives.</p>

		<ul style="list-style-type: none"> • The shire may insist the physical properties of the building are returned to original state should the alterations not be appropriate for future tenants • The Minderoo Foundation cannot sub-let the space for profit unless approved by the shire and deemed by council to be in the best interest of the community <p>2. There are public records showing an alternative lease arrangement and community interest is high regarding this matter. For transparency the shire could consider providing an explanation -about the decision -making process resulting in a peppercorn lease such as:</p> <ul style="list-style-type: none"> • Results of released EOI • Comparison of alternatives in relation to community benefits <p>3. To facilitate the consultation process future advertisements of potential controversy could:</p> <ul style="list-style-type: none"> • Be released at the same time as explanatory information • Be released at the beginning of the working week to enable immediate clarification to decrease community speculation • Directly communicated to the community via notification systems in use (e.g. Presidents Newsletter) • Be duplicated on the "public notices" page and the "public consultation" page if it includes an option for public submissions • Include a link to the associated fact sheet on the public notice page/consultation page • Include in the fact sheet includes links to associated websites of relevance (e.g. in this instance the Minderoo Foundation) <p>Thank you in advance for consideration of the above submission</p>	<p>As above, securing the Minderoo Foundation as a long-term tenant to the Ningaloo Centre is considered a major achievement and will deliver significant long term benefits to the Exmouth community. As per the Local government act 1995 disposal of property the lease to Minderoo has adhered to s3.58 (3).</p> <p>As per above, public submission requirements of the local government act have been adhered to however the suggestions for improved public consultation are noted.</p>
<p>3</p>	<p>Louise McLernon (ILC123)</p>	<p>Object I am writing to lodge my objection to the Exmouth Shires proposed intention to enter into a peppercorn lease with Minderoo Foundation for a rental cost of \$1 pa for 19+20 (39) years for the Ningaloo Centre.</p> <p>I do not think this is a fair and equitable agreement and find that there is a significant lack of transparency in the Shires negotiations (or lack of given they are getting it for a dollar and for 39 years) with the Minderoo Foundation. Though the shire is quick to point out that the Minderoo Foundation is a separate entity to the Minderoo Group, who have purchased the Lighthouse Caravan Park, public perception is that they are one of the same and that there will always be an underlining conflict of interest. Whether it be funding of research that supports Andrew Forrest views, the use of Lighthouse accommodation to accommodate all the "researchers and visitors that the Flouring Oceans will bring to the</p>	<p>The terms of the lease agreement have been made public in order to ensure transparency and to adhere to the local government act 1995.</p> <p>No evidence to support these claims.</p>

		<p>community", or the increase of visitors which will increase business to the Minderoo Groups new eco resort at the Lighthouse.</p> <p>In the Pilbara News on the 31 st July 2018 it was announced that "Andrew Forest's Minderoo Foundation has announced plans to set up a research facility at Exmouth Ningaloo Centre as part of a \$100m ocean research initiative"</p> <p>Also, noted in the same article; "UWA pulled out of setting up an Oceans Institute at the Ningaloo Centre in June". I think it is reasonable for the community to assume that part of the stated \$100m would include payment of rent, equal to what is/was expected from other tenants. Especially as it was reported in an earlier article in The West on 20th June 2018 titled "UW A pulls interest in Ningaloo Centre" that;</p> <p>"UW A was originally offered a subsidised lease to move into the centre hut, after being approached by Regional Development Minister Alannah MacTiernan in 2017, agreed to a higher lease fee" and</p> <p>"In October 2017, former Shire commissioner Ian Fletcher said "UWA was originally going to be subsidised \$30,000 a year. When I got independent market value, I met with UWA and, thanks to intervention from Alannah MacTiernan, UWA agreed to pay fair market rental value and pay for outgoings", he said"</p> <p>In the Ordinary Council Meeting, 10th October 2017 a resolution was passed (res No: 07-1017), to enter into the following Ningaloo Centre Leases.</p>	
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FINANCIAL IMPLICATIONS

The Market Rent for the proposed tenancy has been assessed using a Direct Comparison approach which involves applying a Value Rate to the selected unit of comparison which in this case is the 'rent' per square metre of Net Lettable Area exclusive of outgoings and GST. The adopted Rental Rate has been derived from analysis of broadly comparable rental evidence. The analysis of the rental evidence takes into account the various transaction dates and any market movements since the transaction occurred; and weighs it accordingly for comparison to the subject tenancies in the current market

The market evidence confirms that commercial office tenancies are generally leased or available for lease in the range from \$280 to \$450 per square metre depending primarily on location, tenancy area, tenancy use and local population/demographics. Larger retail rental evidence ranges from \$120 to \$280 per square metre.

Proposed Leaseholder	M2	Reason for Lease	Term of Lease (years)	Commencement Date	Annual Rental Rate
The University of Western Australia	511sqm, plus 124sqm courtyard	Education and research	5 years, plus 2 x 5 year options	1 November 2017	\$80,000 p.a. plus GST and outgoings
Central Regional College of TAFE	247sqm, plus 47sqm external store	Education and training	10 years, plus 2 x 5 year options	1 December 2017	\$40,755 p.a. plus GST and outgoings
Community Housing Limited	55sqm	Commercial office	3 years, plus 3 year option	1 November 2017	\$15,125 p.a. plus GST and outgoings
Gascoyne Development Commission	20m2	Commercial office	TBA	TBA	\$5,500 p.a. plus GST and outgoings.

\$275/m
\$275/m

STRATEGIC IMPLICATIONS

(Extract, Page 46, Ordinary Council Meeting – Minutes 10th October 2017)

It is particularly important to note that included in this resolution (number 3) was the delegation of 'authority to the Chief Executive Officer to approve any further terms of the lease'.

So why, approximately 8 months after this reported agreement, shire council approval to enter into the lease, and the delegation of authority to the CEO to further dictate terms, did UW A pull out of lease negotiations? The only conclusion that the community can reasonably assume is that the shire were unreasonable with their terms regarding acceptable outgoings. As no explanation has ever been reported it cannot be clarified, however what is very clear is that UW A were expected to pay the listed Annual Rental Rate amount stated above of '\$80,000 p.a. plus GST' versus the proposed \$1.

		<p>Has any consideration or attempts been made to offer UW A Oceans Institute the same terms and conditions as is currently being offered to Minderoo? Since they would not have to outlay such a big capital investment into the centre but would bring the same opportunities to the community? They were not offered a lease term amounting to 39 years.</p> <p>In the Shire's Media Release on the 17th September 2019 'Minderoo Foundation Research Centre will help Exmouth flourish' some of the justification for the peppercorn lease stated was that:</p> <ul style="list-style-type: none"> • "Minderoo Foundation had committed to spending \$2.5 million on capital works/or the project" o This amounts to only 2.5% of their \$100m reported investment o Any person/entity/organisation would reasonably expect to outlay some capital investment when intending to lease a property. For example, <ul style="list-style-type: none"> • How much did the Shire pay when moving into the space that was originally intended for TAFE? • How much capital investment did TAFE invest refitting their space? • How much capital investment did Muiron Cafe make to refit their space? • 'Minderoo has committed to engaging with local businesses and will invite them to tender on ... o There is no guarantee in that statement that any, or a percentage of work, will be allocated to local business - there is a promise of an "invitation" o How many local businesses have been awarded tenders for the redevelopment of Minderoo Group's Lighthouse Caravan Park? <ul style="list-style-type: none"> • "... the centre will bring/our full-time jobs to town and develop training and volunteer opportunities for our school and TAFE students ... " o TAFE <ul style="list-style-type: none"> • Currently employ four permanent staff (same quoted above) • Provide training opportunities for our schools and people in the community • Receive no reported subsidised rent <ul style="list-style-type: none"> o UWA Oceans Institute <ul style="list-style-type: none"> • would have provided the same educational opportunities • UW A had subsidy revoked and were expected to pay commercial rates • 'The Flourishing Oceans research initiative will also put Exmouth and Ningaloo on the international research map and 	<p>UWA signed an Agreement to Lease in 2015 and continued to negotiate a lease up until December 2017 before formally advising the Department of Primary Industry and Regional Development that they would not take up the lease "as it seeks to consolidate its regional offering"</p> <p>Council and UWA came to a mutual agreement which included a financial contribution to the facility and UWA made it clear that they could no longer support other regional facilities of this nature.</p> <p>The reported investment of \$100m was for Minderoo Foundation's entire Flourishing Oceans initiative not just for the Ningaloo Centre.</p> <p>The planned \$2.5m fit out investment is significant and well above any other tenant commitment. Other tenancies including TAFE provide services on a fee for service basis and therefore have the ability to pay commercial rent. The Minderoo Foundation operational model is to provide the facility to researchers at no rent and appropriate clauses exist within the lease to ensure Minderoo are not permitted to make a profit from these activities.</p>
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		<p>is confident it will be able to attract leading Australian and International researchers to the region"</p> <ul style="list-style-type: none"> o Exmouth is already attracting leading researches and unprecedented amount of visitors to the region. Can we sustain any more pressure of significant increases of visitors to this region? When, <ul style="list-style-type: none"> • Exmouth just won Tourist Town Award • Could not accommodate the all of the unprecedented amount of visitors to the region this year, not only during, but also outside of school holidays. So much so that all caravan parks had to repeatedly turn people away due to being full capacity • Hosting of the International Whaleshark conference in Exmouth this year already highlighted and attracted leading researchers to the region. Full credit going to the work of the Department of Biodiversity and Attractions in hosting. • Credit has to been given to the highlighting of the region by other research organisations such as Eco Ocean, UW A, Murdoch for example • Exmouth just experienced a huge increase in illegal camping due to an unprecedented influx of South America visitors, all working or looking for work in Exmouth in order to meet the requirements for their visa extension. Many lived out of their cars illegal for the entire 4 months of their stay, showered out in public at town beach and it was evident the shire rangers were not adequately equipped or resourced by the shire to deal with this issue. • "Minderoo Foundation will make the facility and ancillary support services to third party researchers through a competitive merit-based application process" <ul style="list-style-type: none"> o Will these researchers be charged a hire fee for the use of the facility, or will it be subsidised by the Foundation? o Is there a term in the lease that prevents the Foundation from charging for the use of the research facility? <p>As you can see the shires media release did nothing to put my concerns at ease or provide adequate explanation or justification for the current lease proposal. In fact it left with me more questions and a feeling that the dealings with all Minderoo entities have been made without adequate consideration for the impact on our community. The fact that it is stated that they are ready to start refit work in a month or two, leads the community to feel that this advertised intention is only a formality.</p>	<p>As above, securing the Minderoo Foundation as a long-term tenant to the Ningaloo Centre is considered a major achievement and will deliver significant long term benefits to the Exmouth community.</p> <p>The strength of the Minderoo model is that it will allow multi users of the facility. It is highly likely UWA will be a user of the Minderoo Foundation facility as well as many other similar organisations.</p> <p>Agreed that this was a very successful visitor year. The challenge for the destination moving forward is to increase visitor yield rather than numbers and the activities of the Ningaloo Centre research facility will support this approach.</p> <p>Not relevant to this matter.</p> <p>Addressed above.</p>
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		<p>The following was also reported in the shires E-newsletter that Munderoo will ... " .. pay all outgoings for the research centre, effectively meaning that this scientific facility will run at no cost to the ratepayer"</p> <p>I found myself wanting more information and that this statement was misleading to the community. There is no specification or quantification of what is actually included in outgoings? If it is just power, water, cleaning then if the space remained empty wouldn't there also be no cost to the ratepayer. Does outgoings include adequate consideration for building depreciation, maintenance, insurance, rates (all things normal rent would cover) to name a few. Is it just outgoings that contribute to the costs of the whole facility or just the research area? You could easily apply the same argument that effectively there is no cost to the rate payer as T AFE and other tenants who also pay outgoings. Why are they then charged rent? Why the double standard when it comes to the annual rental amount and double the term of the lease for space in the same building? It would be logical for rate payers to assume that rent is required to be charged for all spaces in the Ningaloo Centre to the total costs. Costs which the community feel they have been left footing the bill for since the opening of the centre.</p> <p>In the last 2 years, the shire has been increasing fees for the use of shire facilities and removed all fee waivers to sporting and community groups and the local school. The scheduled fees for the use of the Ningaloo Centre facilities are outrageously high. This has placed more pressure on the use of the cheaper facilities, such as the old shire hall, over paying the Ningaloo centre facilities. For example, the school opting to use the shire hall for the school play drama rehearsals over the centre due the high cost. These changes have seriously impacted Exmouth families budgets (not just ratepayers but also residents).</p> <p>To give a simple example, the proposed \$1 rent paid per year would only cover an hour for the increased cost of my child's gymnastics class. The club has had to charge \$1 per hour per child for classes in order for them to recover the additional shire costs for the hire of hall. This annual rent would also not cover the increase in the cost of swimming lessons charged last year (a lifesaving skill), which jumped more than a \$1 per lesson, due to the shires decision to charge the teacher lane pool hire. Plus add the increase in the entry fee into the pool with a family seasonal pool pass last year being increased from \$290 to \$380, which was a \$90 (31 %) increase, made swimming lessons or use of the pool for many unaffordable. This was similarly felt by Swim club families with a significant increase in the membership cost and pool entry. Add this to the shire's introduction in the last 12 months to addition tip fees, and the recent introduction of parking at the airport, the shire cannot afford the loss of rent for this space in the Ningaloo Centre.</p>	<p>Addressed previously however Munderoo will pay its fair share of facility outgoings, for a typical year and based on their floor space this would equate to around \$88,000 pa. The lease also includes an annual financial commitment to the facility renewal reserve by Munderoo Foundation in proportion to its floor space. No other tenancy contributes to this renewal apart from the Shire.</p> <p>The Shire has introduced a fee for service approach to all its services and facilities. The removal of fee waivers equated to some \$16,000 in annual savings however this was replaced through the implementation of the Shire's Community Grants programs which sees some \$65,000 reinvested back into local community and sporting groups, a significant nett gain to local groups. As previously noted, the majority (64.7%) of Exmouth home owners actually paid lower rates in 2019/20 than 2018/19 at the same time Council approving significant increases to community development and sporting and recreation programs.</p>
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Consideration should also be made for the normal higher cost of living experienced by the people who live and make the community, for Exmouth is located above the 26th Parallel. A simple example I can give to highlight this is, since building my house in 2010 my home insurance has increased from \$1,100 pa to my latest renewal received today of \$5,221. This is minor compared to other insurance quotes rate payers have posted they have received on the community Facebook pages, and as published in the ACC Northwest Insurance Inquiry. Plus, if you take into consideration the fact that some of the other tenants are government organisations, that effectively the community members, as tax payers, are indirectly funding the payment of rent in the centre.

So in summary I ask you to look at this comparison of your proposal and the terms and the precedent set in the 07-1017 resolution. If you can compare the Annual Rental Rate and terms of the lease years offered to all other tenants and you tell me that the current proposal appears fair and equitable.

Minderoo	511+124sqm	\$1 per year	19+20 years
UWA	Same Space	\$80,000 pa + GST	5 + 2x 5 years
CR TAFE	247 +47sqm	\$40,755 pa + GST	10 + 2x 5 years
Community House	55 sqm	15,125 pa + GST	3 + 3 years

Visitor to Ningaloo Centre \$19 per entry

I expect serious consideration to be made of this submission and ask the shire council to reject the current proposal.

If the Minderoo Foundation wish to become an invested member of this community, then it should show its support by paying a reasonable fee for the use of Shire facilities. It should not be shown preference over local businesses, not for profit organisations and government funded agencies, who also bring the same opportunities and benefits to the community. The building of this facility was funded by the tax payers through grants and all tenants should benefit equally from this facility. It is important to note if the Minderoo Foundation were to build their own facility here in Exmouth, the capital investment would be significantly different from the current \$2.5 million stated. If they are committed to investing \$100m then the \$39 total rent over 39 years represents only 0.000039% of this investment.

Local residents and rate payers should not be made to foot the bill for the failed negotiations with UW A, or Minderoo on receiving any rent, in the leasing of this space. It is important to note that for the shire to even consider compensating Minderoo

This has been addressed previously.

Note: Residents do not pay to enter the Ningaloo Aquarium and Discovery Centre only visitors.

Agencies such as State Govt agencies, (DBCA, Fisheries Transport, WAPOL) and Commonwealth agencies such as Defence do not contribute to Council rates but contribute to the Exmouth economy in other ways as will the Minderoo Foundation.

			<p>Foundation's capital investment with not only a \$1 p.a. rent, to even contemplating locking this in for a term for 39 years, leads to a significant lack of confidence in the Shire. Compounded by the fact that the media release issued on the 17th September 2019 mislead the public as it incorrectly stated the submission closing date as 25th October instead of 25th September 2019. After it was brought to the shire's attention, it took over 24 hours for the public to be alerted of this error with a posting on the Shire website. Any member of the community who did not revisit the release will not be aware of this mistake and may not be able to make a submission on this proposal.</p> <p>Will the Shire be delaying the submission closing date to the incorrect published date as stated at the time of the media release of closing 25th October 2019? As the proposed lease is being considered by council on September 26th, the very next day after closing, is less than 24 hours enough time to give every submission the careful consideration that they deserve? Another fact that does not leave me with the confidence that proper consideration will be given to all public submissions and this is just a formality of a deal already done.</p> <p>The Shire is supposed to represent the rate payers and the local community interests and I am struggling to see how this proposal does this.</p>	<p>The disposal via lease has adhered to the local government act 1995 s3.58 (3). Local public notice was given for the prescribed period and the correct details were provided by the notice of intention to lease on website and various noticeboards. It is correct that a media release issued by the Shire on 17 September included an incorrect date which was rectified and communicated however the prescribed notices as required by the Act were all correct and provisions have been adhered to.</p> <p>All submissions received have been collated, assessed with officer comment and provided to Council for consideration prior to the OCM.</p>
4	Anne Mccarrol (ILC122)	Object	<p>Exmouth Shire was given an amazing asset in the Ningaloo Centre and the purpose-built marine research centre is a state-of-the-art facility.</p> <p>As a small business owner operator here in Exmouth I'm aware of the high cost of operating in a remote area. My annual rent cost is \$27,000 per annum with other fees and charges to the Shire of Exmouth required to run my small business to service the local community and visitors. To lease a purpose-built area to a foundation with \$100,000,000 for \$1 per annum for 19 years with an option for 20 more years is unfair to local operators and our community members living and working here 12 months a year who don't get their rent discounted. We are continuing to see costs associated with living in Exmouth and a remote area rising, making it even more challenging to work and live here in Exmouth.</p> <p>This is a long-term lease of up to 39 years so a total rent of \$39 for the lease term is well below any rent in the community or any rent at the Ningaloo Centre. This is selling that asset short and the Shire should be receiving more rent from this facility especially when contracting over such a long term. It's also a kick in the teeth for all local businesses who</p>	<p>These concerns of fairness have been addressed in the officer's report.</p>

		<p>work really hard to be available and service the community for 12 months a year who get no discounts from the Shire of Exmouth for their rent and their job creation in the community.</p> <p>Some rates went up hundreds of dollars over the last couple of years to allow for an increase in income for the Shire of Exmouth and a reclassification of some properties. Any of these properties that were commercial would of passed on these increases directly on to their lease holder increasing their operating costs.</p> <p>Why should a large foundation who is setting up here because of our unique assets both in our environment and the marine research facility be given such a minimal rent figure which is not in line with other rental costs in the town or at the Ningaloo Centre. Both the Exmouth TAFE and Cafe Muiron pay much more than this and do they have such a long-term lease. Both of these facilities offer jobs to the community.</p> <p>Many researchers already come here, binging money into the region and will continue to bring money here as the region continues in gaining popularity and more researchers see the unique assets we have here and visit here for their research.</p> <p>We need a return for the community in this growth time we are experiencing now to ensure we have the funds for the infrastructure which will need to be established as the community grows.</p> <p>The businesses currently located in the Ningaloo Centre, Cafe Muiron and Exmouth TAFE both pay rent to service the local community and the Ningaloo Centre visitors.</p> <p>Giving the Mindaroo Foundation the use of this exclusive area at such a minimal cost over such a long term is inconsistent with other lease holders in the Ningaloo Centre and a very long-term commitment for the Shire of Exmouth. With such a long lease term its unfair for the Shire Executives and Shire Councillors to make this commitment which will affect the income of the Shire of Exmouth for many years to come and most definitely well after the current Shire Executives and Shire Councillors have vacated their positions. It's also very unfair this was not communicated to the community earlier to have their say as many people who disagree with this lease will not have the opportunity to make comment. 2 weeks is not very long when the Shire has been negotiating this for many months beforehand with the lease due to take effect in the near future.</p> <p>The 2.5-million-dollar upgrade is a mere portion of rent they will be saving if it was rented out at a more competitive price. Seems the Shire of Exmouth is being held to ransom due</p>	<p>The dedicated research space is required to be used for the permitted purposes as per the State and Federal government funding agreements signed prior to the facility being built. This restricts the renting of the space to general use and its marketability to obtain fair commercial rent.</p>
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			<p>to the need to use the facility for what it was donated for and not have it sit there idle and return investment.</p> <p>Having the Minderoo Foundation take over this facility is most certainly a great opportunity but at what cost to our community over the next 39 years. Although there has been a commitment by Minderoo Foundation to contribute financially on an annual basis to the renewal of the Ningaloo Centre, has this been given as a financial figure annually over the term of the lease and included in the lease.</p> <p>The uniqueness of natural assets in Exmouth and the Ningaloo Region is finally being recognized not just in Australia but all over the world. We are on the cusp of what I believe is a remarkable increase in visitors to the region over the next few years and into the future. It is now in this early planning stage we need to think very carefully not just about today but also our tomorrows. And giving this peppercorn lease to the Minderoo Foundation will minimize the income of the Shire of Exmouth for many years to come. Rent for this facility at a more competitive price will enable the Shire of Exmouth to do much more for the community in those coming years.</p>	
5	<p>Denise Fitch PO Box 327 Exmouth (ILC126)</p>	<p>Object</p>	<p>While I am grateful for the opportunity to comment on the proposed lease for Minderoo, the advertising for public comment was not found. Can you please advise where that occurred?</p> <p>I would like to raise concern about the lack of information for the lease. Until there is information provided about the lease it isn't possible to accept that this is a beneficial decision for Exmouth. I would request provision of details that state the reason for charging \$1/year for this real estate. At a time when the Shire has been tightening its belt this is indeed unusual.</p> <p>As the comment period was not advertised and the information in it is lacking, I would like to request an extension of the comment period and provision of further information so that I can understand the terms of this lease and its value to Exmouth.</p>	<p>The notice of intention to lease was advertised on the Shire website and shire public noticeboards (town centre and shire admin offices (x2))</p> <p>The Notice of Intention to Lease was advertised as per the local government act requirements.</p>
6	<p>Helen Jessop (ILC125)</p>	<p>Object</p>	<p>I am writing as a concerned Exmouth resident regarding the \$1.00 P/A lease proposed for the Minderoo Foundation Pty Ltd to lease part of the Ningaloo Centre, for 20 years.</p> <p>I am concerned about this "peppercorn" lease because of the following:</p> <ul style="list-style-type: none"> • The Ningaloo Centre is a significant community asset which should be generating income for our town. I believe the Minderoo Foundation would easily have access to funds to rent the facility as well as develop it. There are so many areas where these extra funds could be spent. 	<p>Issues of fairness and community benefit have been addressed as per previous submission responses.</p>

			<ul style="list-style-type: none"> • I would like to see detail of the “Capital Works” proposed by the Minderoo Foundation at the Ningaloo Centre, so as to make a better judgement about the proposed lease. • I would also like reassurance as to which research groups will be able to access the research centre at the Ningaloo Centre? Will it be an open facility for different studies conducted by various organisations, or will the research centre be used only by the Minderoo Foundation? <p>Thank you for the opportunity to provide feedback on this issue.</p>	
7	Jade Bowra (ILC124)	Object	<p>I’m writing to object to the proposed intention to lease the Ningaloo Centre’s research facility to the Minderoo Foundation for a “peppercorn amount”.</p> <p>There is no benefit to Exmouth Shire, Rate Payers or Community as a whole to lease the government owned property at the proposed amount of \$1 pa + outgoing at cost for a lease of 19yrs + option to extend 20 yrs. (correct me if I’m wrong there will be no financial benefit to Exmouth for 39 yrs²)</p> <p>Any business and not for profit organisation / research facility that propose to take on a commercial lease do so and take into account the “current rental market pricing” – the costs to establish set up –and cost of outgoings</p> <p>The “Minderoo Foundation” is a multimillion dollar / not for profit - yet highly profitable “Philanthropic organisation” – as per “Media Release” They have budgeted accordingly \$2.5million on capital works (any business incurs set up fees designed to suit their business requirements) – How much has it cost Exmouth Shire to move into Ningaloo Centre and “set up” – Tafe / Ningaloo Cooking Studio / Community Housing have all had to pay capital works and PAY CURRENT RENTAL MARKET PRICE INCLUDING OUT GOINGS – why after 12 months negotiations have you as the shire executives deemed it acceptable to even consider this ludicrous proposal.</p>	<p>Issues of fairness, transparency and community benefit have been addressed as per previous submission responses.</p>

		<p>I seek Minderoo TRANSPARENCY – the Minderoo “Group” is a separate entity to Minderoo “Foundation and Minderoo “Lighthouse” and Minderoo “Organisation” and Minderoo “Forrest Family Investments” - different business but all fall under the 1 Banner “MINDEROO” and “1 FAMILY”.</p> <p>I’m concerned the long-term goals of Minderoo Foundation will benefit “Minderoo Group / Minderoo Lighthouse for example No Fish Zones to the Ningaloo Coast / Exmouth Coast, removing access to and around the lighthouse and coast line.</p> <p>And MINDEROO already have a commercial interest in and around Exmouth / North West Cape / Light House I believe it is a conflict of interest and requires more “Transparency”</p> <p>The Shire’s media release has done nothing to alleviate my concerns with “Minderoo” as quoted Minderoo “invite” local businesses to tender – there’s no guarantee Minderoo will use “Local”</p> <p>4 Full time Jobs – ****insert laughing here **** whooptidoo – doesn’t Tafe have 4 employee’s and don’t they pay the current going commercial rate + outgoings??</p> <p>I suggest if the Shire of Exmouth plan to continue negotiations with Minderoo regarding the proposed lease at the advertised exorbitant discounted rate Advertise or put it out to tender to see if other research / not for profit / world-wide organisations or entities wish to commit to the same proposal – I bet UWA would love to re-negotiate the lease terms considering the Ningaloo Research facility was originally designed for UWA.</p> <p>“Minderoo” will put Exmouth and Ningaloo on the international research Map – Do we have such a short-term memory that we forgot in May 2019 Exmouth hosted the 2019 “International” Whale Shark Conference</p> <p>“This project ticks all the boxes as far as our Strategic Community Plan: Exmouth 2030” Please explain how this benefits Exmouth Financially???</p>	
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		<p>With Exmouth Shire “considering” this proposal is a slap in the face for all rate payers and community members and other not for profit groups – I personally pay \$11 per HOUR to hire a lane at the pool to teach local children how to swim (a lifesaving skill) – it cost me \$1 per child / person per HOUR when we participate in not for profit sporting groups like Gymnastics / Football / Netball / Touch Rugby to cover the extra fees the shire has implemented on not for profit organisations and sporting groups to use shire buildings and land. As a community member I am now being charged to park at Learmonth Airport, I have to pay to use the tip – and I don’t object to paying my way to use shire building and facilities but I do object if Minderoo don’t pay their way!!</p> <p>Cr Niikkula quoted in media release “the project must be viewed in light of the ongoing economic prosperity it will bring to Exmouth” – Just because this commercial space is government owned don’t Shire Employee’s and Representatives have to be accountable for the long term financial interests especially when managing Shire Buildings – So I ask would you personally lease your own property or commercial building at \$1 per annum plus outgoings at cost... FOR 39 YEARS..</p> <p>NO... I don’t think anyone would be that stupid</p>	
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It was recommended that reports 12.1.1, 12.4.1, 12.4.2 and 12.5.1 be recommended en bloc.

12. REPORTS OF OFFICERS

EXECUTIVE SERVICES

12.1.1 SHIRE CHRISTMAS CLOSURE

File Reference:	GV.CM.0
Reporting Officer:	Executive Secretary
Responsible Officer:	Chief Executive Officer
Date of Report:	19 August 2018
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil

PURPOSE

That Council consider closing the various Shire departments during the Christmas period.

BACKGROUND

In previous years Council has resolved to close the Shire Office over the Christmas New Year period. Shire staff will take annual or accumulated leave for the days on which the office is closed.

Generally, the town is very quiet at that time of the year and previously it does not seem to have been inconvenient to the general public to have the office closed. It is proposed that a Senior Officer of the Shire will be in town during this period should an emergency arise.

This year the days in question are Friday 27 December, Monday 30 December, Tuesday 31 December 2019, Thursday January 2 and Friday 3 January 2020.

Hence, the office will be closed from 1pm Tuesday 24 December 2019 and reopen again on Monday, 6 January 2020.

COMMENT

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

Department	Closed	Open
Shire Administration office	1.00pm Tuesday 24/12/19	Monday 06/01/20
Ningaloo Visitors Centre	Wednesday 25/12/19 Wednesday 01/01/20	
Library	1.00pm Tuesday 24/12/19	Monday 06/01/20
Airport	Normal operating hours will apply	
Swimming Pool	Wednesday 25/12/19 Thursday 26/12/19 Sunday 29/12/19 Wednesday 01/01/20	
Tip	Wednesday 25/12/19 Sunday 29/12/19 Wednesday 01/01/20	
Depot	COB Tuesday 24/12/19	Monday 06/01/20
<i>(Minimal staff will continue to operate during this time including Amenities Officer and Rubbish Truck driver who will run as normal on all public holidays)</i>		

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

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

4.1 To provide proactive, collaborative and transparent leadership

4.2 A local government that is respected and accountable.

4.3 To be a champion for our community

VOTING REQUIREMENTS

Simple Majority

OFFICER’S RECOMMENDATION

ITEM 12.1.1

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

Department	Closed	Open
Shire Administration office	1.00pm Tuesday 24/12/19	Monday 06/01/20

Ningaloo Visitors Centre	Wednesday 25/12/19 Wednesday 01/01/20	
Library	1.00pm Tuesday 24/12/19	Monday 06/01/20
Airport	Normal operating hours will apply	
Swimming Pool	Wednesday 25/12/19 Thursday 26/12/19 Sunday 29/12/19 Wednesday 01/01/20	
Tip	Wednesday 25/12/19 Sunday 29/12/19 Wednesday 01/01/20	
Depot	COB Tuesday 24/12/19	Monday 06/01/20
<i>(Minimal staff will continue to operate during this time including Amenities Officer and Rubbish Truck driver who will run as normal on all public holidays)</i>		

COUNCIL RESOLUTION

ITEM 12.1.1

Res No: 04-0919

MOVED: Cr Niikkula

SECONDED: Cr Lucas

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

Department	Closed	Open
Shire Administration office	1.00pm Tuesday 24/12/19	Monday 06/01/20
Ningaloo Visitors Centre	Wednesday 25/12/19 Wednesday 01/01/20	
Library	1.00pm Tuesday 24/12/19	Monday 06/01/20
Airport	Normal operating hours will apply	
Swimming Pool	Wednesday 25/12/19 Thursday 26/12/19 Sunday 29/12/19 Wednesday 01/01/20	
Tip	Wednesday 25/12/19 Sunday 29/12/19 Wednesday 01/01/20	
Depot	COB Tuesday 24/12/19	Monday 06/01/20
<i>(Minimal staff will continue to operate during this time including Amenities Officer and Rubbish Truck driver who will run as normal on all public holidays)</i>		

CARRIED 5/0

CORPRATE SERVICES

12.4.1 FINANCIAL STATEMENTS FOR PERIOD ENDING 31 AUGUST 2019

File Reference:	FM.FL.0
Reporting Officer:	Manager Finance
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	16 September 2019
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Monthly Financial Report as at 31 August 2019

PURPOSE

That Council accepts the financial reports for the financial period ending 31 August 2019.

BACKGROUND

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

COMMENT

As at 31 August, operating revenue is exceeding target by \$350k (6%) movement being increased revenue from airport operations, domestic refuse and timing of roads funding.

Operating expenditure is under budget by \$256k (10%) due to timing of community programs, events and Ningaloo Centre operations.

The capital program is currently under budget \$727k due to projects accrued from 2018/19. Vehicles are currently being advertised and the building maintenance program has commenced.

Rate notices were issued on 30 July 2019, due date for payments (including first instalment) is on 3 September 2019.

General Debtors is \$1,441,551 with the \$1,108,499 of the current debt being for August airport operations.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

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

In accordance with Regulation 34 (5), a report must be compiled on variances greater than the materiality threshold adopted by Council of \$10,000 or 10% whichever is greater. As this report is

composed at a program level, variance commentary considers the most significant items that comprise the variance.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.4.1

That Council RECEIVES the Financial Report for the financial period ending 31 August 2019.

COUNCIL RESOLUTION

ITEM 12.4.1

Res No: 05-0919

MOVED: Cr Niikkula

SECONDED: Cr Lucas

That Council RECEIVES the Financial Report for the financial period ending 31 August 2019.

CARRIED 5/0

12.4.2 LIST OF ACCOUNTS FOR PERIOD ENDING 31 AUGUST 2019

File Reference:	FM.FI.0
Responsible Officer:	Manager Finance
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	16 September 2019
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. List of Accounts for period ending 31 August 2019

PURPOSE

That Council of payments made since the previous Ordinary Council Meeting.

BACKGROUND

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

COMMENT

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

August Payments

Municipal Fund	totalling \$2,083,711.52 Incorporating cheques, direct debits, electronic payments and credit cards.
Trust Fund	totalling \$3,187.98 Incorporating electronic payments.
Total Payments:	\$2,086,899.50

CONSULTATION

Nil

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

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

4.1 To provide proactive, collaborative and transparent leadership

4.2 A local government that is respected and accountable.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.4.2

That Council pursuant to Sections 6.7 and 6.9 of the Local Government Act 1995 RECEIVES the report of payments made from the Municipal and Trust bank accounts during the month of August 2019 (*totalling \$2,086,899.50*).

COUNCIL RESOLUTION

ITEM 12.4.2

Res No: 06-0919

MOVED: Cr Niikkula

SECONDED: Cr Lucas

That Council pursuant to Sections 6.7 and 6.9 of the Local Government Act 1995 RECEIVES the report of payments made from the Municipal and Trust bank accounts during the month of August 2019 (*totalling \$2,086,899.50*).

CARRIED 5/0

ITEMS FOR INFORMATION ONLY

12.5.1 ITEMS FOR INFORMATION ONLY

PURPOSE

To advise Council of the information items listed below.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

ITEM 12.5.1

That Council note the following information items:

Register of Documents Stamped with the Shire of Exmouth Common Seal

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

DATE	DOCUMENT
22/08/19	Sale of Lot 1 Heron Way Exmouth – Moss Conveyancing (Council Decision 15-0216 & 17-05/17)

Building Decisions Issued

A summary of the building licence and building certificate applications and approvals made under Delegation pursuant to the *Building Act 2011* up to 31 August 2019.

App #	Date Received	Lot	Property Address	Description	Decision	Decision Date
18/74	11/12/18		Jurabi Turtle Centre	Jurabi Ocean Monitoring Station - Expansion of existing DBCA shed	Approved	14/09/19
19/53	03/07/19	963	27 Patterson Way	Unauthorised work steel framed boundary fence	Awaiting information	
19/54	08/07/19	1079	12 Stewart Street	New construction dwelling, shed, boundary fence & swimming pool	Approved	15/08/19
19/55	09/07/19	1145	37 Welch Street	Warehouse / Storage	Approved	24/07/19
19/59	25/07/19	647	26 Hall Street	Attach solar array to existing roof	Approved	17/08/19
19/60	25/07/19	313/5	5/1 Murat Road	Attach solar array on existing roof	Approved	22/08/19
19/61	25/07/19	321	Minilya-Exmouth Road	New construction steel framed dwelling	Approved	01/08/19
19/62	26/07/19	355	17 Kestrel Street	Attach solar array to existing roof	Approved	17/08/19
19/63	26/07/19	119	39 Skipjack Circle	Attach solar array to existing roof	Approved	17/08/19
19/64	29/07/19	2	Lot 5B/1267 (5B) Sculpin Court	Attach solar array to existing roof	Approved	27/08/19
19/65	29/07/19	925	9 Ningaloo Street	Attach solar array to existing roof	Approved	17/08/19

19/66	29/07/19	1315	1 Salmon Loop	Installation of solar panels	Approved	17/08/19
19/67	29/07/19	8	Catalina Close	Attach solar array to existing roof	Approved	19/08/19
19/69	31/07/19	102	23 Ingram Street	Attach solar array to existing roof	Approved	23/08/19
19/70	01/08/19	78	45 Nimitz Street	New construction steel framed veranda & carport	Approved	19/08/19
19/71	05/08/19	737	26 Carr Way	Attach solar array to existing roof	Approved	19/08/19
19/72	06/08/19	466	26 Fitzhardinge Street	New construction steel framed carport	Approved	10/08/19
19/73	06/08/19	507	5 Carey Street	Attach solar array to existing roof	Approved	27/08/19
19/74	08/08/19	130	55 Skipjack Circle	New construction steel framed shed	Approved	28/08/19
19/75	08/08/19	46	5 Searaven Crescent	New construction steel framed fence	Approved	10/08/19
19/76	09/08/19	107	15 Page street	Attach solar array to existing roof	Approved	17/08/19
19/77	09/08/19	466	23 Osprey Way	Attach solar array to existing roof	Approved	29/08/19
19/78	09/08/19	462	16 Osprey Way	Attach solar array to existing roof	Approved	29/08/19
19/79	09/08/19	98	2 Bluefin Cove	Attach solar array to existing roof	Approved	02/09/19
19/80	09/08/19	646	28 Hall Street	Attach solar array to existing roof	Approved	29/08/19
19/81	09/08/19	474	9 Osprey Way	Attach solar array to existing roof	Approved	04/09/19
19/82	09/08/19	963	27 Patterson way	Attach solar array to existing roof	Approved	07/09/19
19/83	16/08/19	1026	38 Stokes-Hughes Street	New construction steel framed boundary fence	Approved	23/08/19
19/84	28/08/19	13	116 Madaffari Drive	New building	Processing	
19/85	21/08/19	296	Lyndon Location	New construction steel framed shed (aquaculture)	Approved	26/08/19
19/86	23/08/19	43	11 Searaven Cres	New dwelling and attached garage	Processing	
19/87	26/08/19	501	Lefroy Street	New construction steel framed boundary fence	Approved	07/09/19
19/88	27/08/19	21	5 Kennedy Street	Attach solar array to existing roof	Awaiting information	

19/89	28/08/19	1324	17 Salmon Loop	Attach solar array to existing roof	Approved	14/09/19
19/90	29/08/19	81	35 Kennedy Street	Outdoor laundry and bathroom connected to outbuilding	Awaiting information	
19/91	30/08/19	361	27 Pellew Street	Attach solar array to existing roof	Awaiting information	
19/92	30/08/19	227	46 Kennedy Street	New construction steel framed carport	Approved	07/09/19

Planning Applications

A summary of the planning decisions issued under delegation or outstanding up to 31 August 2019.

App #	Date Received	Lot	Property Address	Description.	Decision	Decision Date
PA112/16	25/08/16	1586 and 1587	164 Lyndon Location Exmouth Gulf Pastoral Station	Nature based camping	Deferred	28/06/19
PA8/19	21/01/19	37	6 Pelias Street/ Murat Road	Construction of fuel station and vehicle wash	Approved	14/08/19
PA12/19	29/01/19	411	36 Madaffari Drive	Single house	Deferred	20/03/19
PA14/19	31/01/19	36	2 Pelias Street	Shop, signage	Deferred	12/06/19
PA32/19	13/03/19		Scheme Amendment 1 to LPS4		Processing	
PA48/19	17/04/19	102	441 Murat Road	Carport	Deferred	17/04/19
PA58/19	17/05/19	166	166 Lyndon location	Nature based park - Bullara station stay	Deferred	17/05/19
PA63/19	23/05/19	343	28 Kestrel Place	Holiday accommodation	Approved	13/09/19
PA78/19	04/07/19	373	18 Corella Court	Single house	Processing	
PA80/19	09/07/19	453	7 Gndaroo Road	Single house, carport, shed & fencing	Approved	28/08/19
PA83/19	16/07/19	366	4 Corella Court	Addition of BBQ shelter to single house	Processing	
PA84/19	05/08/19	901	7 Patterson Way	Change of Use - Motor Vehicle, boat and Caravan Sales	Processing	
PA87/19	09/08/19	447	41 Madaffari Drive	Swimming Pool	Processing	
PA88/19	09/08/19	1340	27 Salmon Loop	Extension/Carport	Processing	
PA89/19	09/08/19	2	Lot 2 Catalina Close	Proposed 'Rural pursuits/Hobby Farm' use (Mango trees) and associated commercial building	Approved	26/08/19
PA92/19	14/08/19	102	23 Ingram Street	Addition of solar panels to a roof of existing commercial building	Approved	20/08/19
PA93/19	15/08/19	50	L50 Murat Road	Use for the stockpiling of limestone	Deferred	15/08/19
PA94/19	20/08/19	5	5/1 Murat Road	Addition of solar panels flush with the roof slope to holiday accommodation	Approved	21/08/19
PA95/19	20/08/19	104	35 Bluefin Cove	Home Occupation - beauty therapy	Processing	

PA97/19	20/08/19	101	15 Ingram Street	Addition of washdown bay and associated canopy	Approved	29/08/19
PA98/19	20/08/19	1146	10 Koolinda Way	Development Advice	Approved	17/09/19
PA99/19	20/08/19	2	L2 Yardie Creek Road	AMENDMENT Proposed Local Development Plan Ningaloo Lighthouse Caravan Park	Approved	12/09/19
PA101/19	20/08/19	162	14 Tuckey Street	Additional predominant use - motor vehicle wash	Processing	
PA102/19	28/08/19	1148	39 Welch Street	Construction of a mechanical workshop attached to existing shed	Processing	
PA103/19	29/08/19	963	27 Patterson Way	Installation of solar panels flush with roof of existing building	Approved	03/09/19
PA96/19	20/08/19	1383	61 Preston Street	Renewal of Bed and Breakfast use	Approved	28/08/19

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

App #	Date Received	Description.	Decision	Permit issued
PA74/19	02/07/19	Cape Hideaway surf shop - Sale at Kennedy Street Mall July 11- 13, 2019	Approved	02/07/2019
PA77/19	04/07/19	Food Van - Short Order Local at Town Beach 1 July 2019- 30 June 2020	Processing	
PA79/19	08/07/19	Elope to Ningaloo - Wedding at Town Beach Grassed Area 16 August 2019	Cancelled	21/08/2019
PA81/19	16/07/19	Cape Board riders - Raffle Tickets Sale - Ross Street Mall - 18 July - 22 September 2019	Approved	16/07/2019
PA85/19	06/08/2019	ECAC - ArtQuest Exhibition vinyl printed sign	Cancelled	21/08/2019
PA86/19	06/08/2019	Ningaloo Massage and Health - Exercise classes at Federation Park	Processing	
PA90/19	14/08/2019	Margaret River Burger Van - Exmouth Cultural Arts Centre Carpark	Issued	22/08/2019
PA91/19	14/08/2019	Exmouth Yacht Club - 31July 2019 - 21 July 2020	Processing	
PA100/19	20/08/2019	Ultimate Watersports Town Beach Activities	Processing	
PA104/19	29/08/2019	Exmouth Swim Club - raffle at the Kennedy Street Mall	Processing	

OFFICER'S RECOMMENDATION

ITEM 12.5.1

That Council note the following information items:

- Register of Documents Stamped with the Shire of Exmouth Common Seal;
- Concessions on Fees for Council Facilities for August 2019;
- Building Decisions Issued up to 31 August 2019; and
- Planning Decisions Issued up to 31 August 2019.

COUNCIL RESOLUTION

ITEM 12.5.1

Res No: 07-0919

MOVED: Cr Niikkula

SECONDED: Cr Lucas

That Council note the following information items:

- **Register of Documents Stamped with the Shire of Exmouth Common Seal;**
- **Concessions on Fees for Council Facilities for August 2019;**
- **Building Decisions Issued up to 31 August 2019; and**
- **Planning Decisions Issued up to 31 August 2019.**

CARRIED 5/0

DEVELOPMENT SERVICES

12.2.1 MULTIPLE DOGS APPLICATION – LOT 100 (43) HERON WAY

File Reference:	LE.RE.1
Reporting Officer:	Compliance and Emergency Services Coordinator
Responsible Officer:	Manager Works
Date of Report:	28 August 2019
Applicant/Proponent:	Myron Borcz
Disclosure of Interest:	Nil
Attachment(s):	1. Submission response from adjoining land owner 2. Location map – Lot 100 (43) Heron Way, Exmouth

PURPOSE

That Council approve an Application to keep more than two dogs – Section 26 Exemption, at Lot 43 Heron Way Exmouth.

BACKGROUND

Council is in receipt of an application to keep Multiple Dogs at Lot 100 (43) Heron Way Exmouth.

Section 3.2 (2) of the Shire of Exmouth Dog Local Law prescribes a limitation on the number of dogs that can be kept at a property.

- (a) *2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within the townsite; or*
- (b) *4 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside the townsite.*

Council Policy 8.5 – Multiple Dogs, clearly defines the stipulations to be considered in approval of a Section 26 exemption:

- 4. *In order to seek Council's approval to keep between three (3) and six (6) dogs on a property, the owner / occupier must provide a written application advising of the following information:*
 - a) *Contact details of the applicant, including their full postal address;*
 - b) *Complete details on the property on which the dogs will be kept;*
 - c) *The reasons for which they require the permit; and*
 - d) *The total number of dogs to be kept on the property.*

- 5. *Prior to determination, all applications to keep between three (3) and six (6) dogs on a property will:*
 - a) *Be referred to adjoining landowners for comment. Adjoining landowners will have 14 days from the date of referral to lodge a written submission on the proposed application. Where no response*

- is received, Council will take the view that the adjoining owners have no objection to the application.*
- b) All dogs must be registered to the address in the application*
 - c) The property will be inspected for (i) suitable containment (ii) ensure that dog faeces are removed regularly and in an appropriate manner (iii) the general health and welfare of the dogs is suitable.*
 - d) In the case where an application is being made for a dog to replace an old dog, the old dog is in all probability likely to die within the next 12 months.*
- 6. Following approval to keep three (3) to six (6) dogs on a property, an authorised officer of Council may inspect the subject property at any time to inspect fencing, dog numbers and registration of dogs.*
 - 7. Any application approved by Council shall be an approval only for (i) the dogs named in the application (ii) the property named in the application.*
 - 8. Council reserves the right to revoke any approval to keep three (3) to six (6) dogs on a property if it is considered that a breach or offence against the Shire of Exmouth Dogs Local Law or the Dog Act 1976 has been committed. In this circumstance, the Council may require that the number of dogs on the property be reduced to a maximum of two (2) within 14 days.*
 - 9. The Chief Executive Officer is delegated authority to perform the functions of Council in respect to the following:*
 - a) The determination of applications to keep between three (3) and six (6) dogs on a property, where the application meets all requirements of this policy, the Shire of Exmouth Dogs Local Law and no written objection has been received from adjoining landowners during the notification period; and*
 - b) To refuse applications to keep more than six (6) dogs on a property that are not in connection with a dog kennel facility approved under Council's relevant Town Planning Schemes.*
 - c) To place any conditions on the approval which the Chief Executive Officer sees fit.*
 - 10. Any application not considered to fall within the delegation parameters defined in Section 9 will be referred to Council for determination.*
 - 11. Any applicant whose application has been refused or is not satisfied with the conditions placed on an approval is to be advised of their right of appeal to the State Administrative Tribunal. Applicants shall be advised they have a maximum of 28 days from the date of notice to lodge their appeal.*

All dogs within the Shire of Exmouth must meet the requirements set out in Section 3.1 of the Shire of Exmouth Dogs Local Law – Dogs to be Confined.

COMMENT

An application for a Section 26 exemption was received on the 7 August 2019 with history showing responsible dog owners on a large 20,000m² (5 Acre) property and only 1 adjoining land owner. An inspection of the property found suitable fencing and containment, appropriate health and animal welfare considerations being met for the two animals currently in residence and all requirements of Council Policy 8.5 – Multiple Dogs being met to approve the Section 26 Exemption.

On 12 August 2019 in response to a submission request sent to adjoining land owners a response opposing the application was received with supporting comments.

The Compliance and Emergency Services Coordinator considers the risk of creating a neighbourhood nuisance is low given the size of the block; separation between dwellings and the owner presents as a responsible dog owner with no historical concerns. It is also noted that there is a separate area for dogs when the owners are absent.

As per Council policy 8.5 Multiple Dogs, section 9(a) the Chief Executive Officer and sub delegates are authorised to approve a Section 26 exemption when all requirements of Council policy 8.5 and the Shire of Exmouth Dog Local law have been met and no written objection has been received.

As the delegation parameters set out in 9(a) were not met section 10 of the council policy must be invoked to have the application referred to council for determination.

CONSULTATION

On Friday 9 August 2019 a submission request form was sent to the identified adjoining land owners providing an opportunity to make comment referring to the application.

STATUTORY ENVIRONMENT

Dog Act 1976 Section 26

Shire of Exmouth Dog Local Law 2015 s.3.2

Council Policy 8.5 – Multiple Dogs

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

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

- 2.1 A strong focus on environmental conservation and sustainable management of our natural environment
- 2.2 Strive to achieve a balance between the preservation of our unique environment and the delivery of sustainable economic growth.

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

- 3.1 Explore opportunities to deliver services and facilities that attract and retain people living in the Shire.
- 3.2 Promote facilities/services that enhance public health and safety.

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.2.1

That Council APPROVE the Application for a Section 26 Exemption to keep 3 dogs at 43 Herron Way Exmouth.

COUNCIL RESOLUTION

ITEM 12.2.1

Res No: 08-0919

MOVED: Cr Lucas

SECONDED: Cr Dixon

That Council APPROVE the Application for a Section 26 Exemption to keep 3 dogs at 43 Herron Way Exmouth.

CARRIED 5/0

12.2.2 TEMPORARY ACCOMMODATION – LOT 131 (42) YOUNG STREET

File Reference:	A1286
Reporting Officer:	Environmental Health Officer
Responsible Officer:	Chief Executive Officer
Date of Report:	17 September 2019
Applicant/Proponent:	Mr Phillip Marshall
Disclosure of Interest:	Nil
Attachment(s):	1. Lot 131 (42) Young Street Temporary Accommodation Site Plan

PURPOSE

That Council approve the use of a temporary building (donga) for temporary accommodation at Lot 131 (42) Young Street during the construction of a dwelling.

BACKGROUND

Under the *Caravan Parks and Camping Grounds Regulations 1997* a person may camp for a period of up to 12 months in conjunction with the construction of a dwelling with approval of the local government. The Shire of Exmouth has adopted Policy 5.5 – Temporary Accommodation – Caravans, under the policy the definition of camp is the temporary accommodation of huts, tents etc for detainees, holiday makers etc or to lodge in temporary quarters or in the open.

The history of building permits issued on the property are as follows:

- 14/100 – 2014 – Construction of Storage Shed
- 15/130 – 2015 – Construction of Veranda and Balcony
- 15/44 – 2015 – Internal fit out – Storage and office
- 19/36 – 2019 – Construction of a dwelling

An approval to construct a septic system was issued in 2015, approval number 20140018, a permit to use hasn't been issued for this system.

Under the above legislation approval can be given but due regard to the health and safety and access to services must be considered.

COMMENT

An application has been received for the use of a donga already existing on the property as temporary accommodation while the construction of a caretakers dwelling is being completed. The applicant is aware and has made a commitment to remove the donger once construction is complete.

The temporary accommodation has access to toilets within which will be plumbed into the existing wastewater system. Kitchen facilities are available within the existing shed and a final inspection

prior to living within the accommodation will need to occur to ensure due regard is given to safety and health.

As per Policy 5.5 – Temporary Dwelling interim approval will be given for 9 months with delegation given to the Chief Executive Officer to extend to 12 months if satisfactory progress in accordance to target dates specified in the approved Programme of Works.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Caravan Parks and Camping Grounds Regulations 1997

POLICY IMPLICATIONS

Shire of Exmouth Policy 5.5 Temporary Dwelling

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

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

4.2 A local government that is respected and accountable.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.2.2

That Council APPROVE the use of a donga for temporary accommodation at Lot 131 (42) Young Street during the construction of a dwelling for 9 consecutive months starting from the completion of the items below, with delegation given to the Chief Executive Officer to extend to 12 months subject to satisfactory progress being maintained on the permanent dwelling.

The following conditions will apply to the approval:

1. Development Application and approval received for the temporary structure.
2. Building permit received for the temporary structure.
3. The temporary structure is removed at the end of the approval period.
4. Connection to the existing wastewater system with an as constructed provided by a licence plumber.
5. A schedule of works submitted outlining key dates to completion.
6. Final inspection completed by the Environmental Health Officer.

COUNCIL RESOLUTION

ITEM 12.2.2

Res No: 09-0919

MOVED: Cr Dixon

SECONDED: Cr Lake

That Council APPROVE the use of a donga for temporary accommodation at Lot 131 (42) Young Street during the construction of a dwelling for 9 consecutive months starting from the completion of the items below, with delegation given to the Chief Executive Officer to extend to 12 months subject to satisfactory progress being maintained on the permanent dwelling.

The following conditions will apply to the approval:

- 1. Development Application and approval received for the temporary structure.**
- 2. Building permit received for the temporary structure.**
- 3. The temporary structure is removed at the end of the approval period.**
- 4. Connection to the existing wastewater system with an as constructed provided by a licence plumber.**
- 5. A schedule of works submitted outlining key dates to completion.**
- 6. Final inspection completed by the Environmental Health Officer.**

CARRIED 5/0

COMMERCIAL AND COMMUNITY

12.3.1 NINGALOO TOURISM ADVISORY GROUP – TERMS OF REFERENCE

File Reference:	ED.PJ.58
Reporting Officer:	Executive Manager Commercial and Community
Responsible Officer:	As above
Date of Report:	6 September 2019
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Ningaloo Tourism Advisory Group Terms of Reference

PURPOSE

That Council approve the establishment of the Ningaloo Tourism Advisory Group as a Committee of Council to operate as per the Terms of Reference in Attachment 1.

BACKGROUND

A detailed background to all previous and relevant planning work relating to this item was included in the report adopted by Council at the March 2019 Ordinary Council meeting relating to Council Resolution 12-0319, however a summary of work performed to date is as follows;

- In 2017 the Shire conducted an independent review of Ningaloo Visitor Centre and the Kirkgate Consulting Report was endorsed by Council in October 2017.
- In December 2017 the Shire contracted Distinctly Travel Management (DTM) to investigate bespoke visitor servicing and destination marketing model.
- The DTM report was presented to Council in May 2018 however Council requested the Ningaloo Visitor Centre Management Committee (NVCMC) undertake greater consultation with membership regarding the potential implications of the report recommendations.
- Between June to October 2018 the NVCMC sought feedback from its membership and in January 2019 the NVCMC confirmed to seek member endorsement for voluntary cancellation.
- At a Special General Meeting of the Ningaloo Visitor Centre held 6 March 2019 the NVC members unanimously endorsed the voluntary cancellation of their association and the transfer of remaining assets to a Shire Committee of Council as per clause 8 below.

"That the NVCMC agrees to:

- 1. The voluntary cancellation of the NVCMC upon completion of motions to 2 to 9 inclusive below and otherwise in accordance with the NVCMC's Rules of Association and the Associations Incorporation Act 2015 (WA);*
- 2. Sell all required stock on hand to the Shire of Exmouth at cost as determined by the Shire, the remainder to be sold/disposed by the NVC;*

3. *Transfer all required plant, equipment and intellectual property rights required to continue to deliver visitor centre operations to the Shire of Exmouth at no cost;*
4. *Refund any pre-paid membership fees to NVCMC members on a pro-rata basis;*
5. *Refund any forward booking commissions held in trust by the NVCMC as at the cancellation date of the NVCMC to the operator less commission on cash held by the NVCMC;*
6. *Fully payout all NVCMC staff entitlements up to and including the cancellation date of the NVCMC;*
7. *Retain sufficient funds to pay out all of NVCMC's current and anticipated expenses and liabilities;*
8. ***Subject to motions 7 and 9, transfer, at no cost to the Shire of Exmouth, all assets (including without limitation all funds held in bank accounts, plant and equipment, intellectual property and domain ownership) to a dedicated destination development reserve fund to be administered and controlled by the Ningaloo Foundation Advisory Group, which is to be established by the Shire in accordance with section 5.8 of the Local Government Act 1995 (WA) and to be governed by the terms of reference (TOR) agreed upon with the Shire of Exmouth; and***
9. *The Shire of Exmouth assuming and taking over all responsibilities for the Ningaloo visitor centre operations in accordance with the TOR."*

At the March 2019 Ordinary Council meeting Council adopted resolution number 12-0319 which approved the Shire of Exmouth to take ownership for the delivery of visitor centre services and to authorise the Chief Executive Officer to prepare and present to Council for consideration a new governance and operational model to lead the development of tourism in the region.

This report now specifically addresses part 3 of resolution number 12-0319 as follows;

3 AUTHORISE the CEO to prepare and present to Council for consideration the proposed governance and operational model to lead destination development for the region by September 2019.

This report recommends the preferred governance and operational terms of reference for this Committee.

As per section 5.8 *Local Government Act 1995 (WA) Establishment of Committees, "a local government may establish committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees."*

A Committee of Council may comprise council members, employees and other persons and a committee of this type may have any of the local government's powers or duties delegated to it that are necessary or convenient for the proper management of the local government's property.

COMMENT

The Shire of Exmouth recognises the significance of the tourism industry as the largest employer to the local Exmouth economy.

The Shire has the ability to directly influence tourism outcomes given its role in the management and responsibility of key assets such as the Learmonth airport; Ningaloo Visitor Centre; Ningaloo Aquarium and Discovery Centre and coastal reserves.

There is now an opportunity to establish a new and more effective approach to market and develop the Exmouth and Ningaloo visitor destination.

It is recommended that the Shire of Exmouth establish the Ningaloo Tourism Advisory Group as a committee of Council with a dedicated destination development Reserve Fund.

The Advisory Groups primary purpose will be to effectively develop the Exmouth and Ningaloo visitor destination so that greater economic and social returns are delivered to the rate payers of the Shire of Exmouth.

The Advisory Group will comprise the technical expertise and required stakeholder representation to ensure effective strategic direction is achieved. The proposed approach boasts a strong governance model delivered under the framework of a committee of local government. As per the attached terms of reference the Advisory Group will comprise strong industry involvement and direction and possess the delegated authority to make decisions.

CONSULTATION

Ningaloo Visitor Centre Management Committee and membership.
Australia's Coral Coast
Council

STATUTORY ENVIRONMENT

The proposed committee of council is to be established as per Part 5 Administration of the *Local Government Act 1995*. The proposed committee of council adheres to the following sections of the Act as per;

- s5.9 (2) types of committees - "a committee is to comprise (c) council members, employees and other persons".
- s5.16 (1) delegation of some powers and duties to certain committees - "a local government may delegate to a committee any of its powers and duties other than this power of delegation", and
- s5.17 (1) limits on delegation of powers and duties to certain committees "a local government can delegate (c) to a committee referred to in section 5.9(2)(c) any of the local government's powers or duties that are necessary or convenient for the proper management of i) the local government's property; or ii) an event in which the local government is involved".

POLICY IMPLICATIONS

There are no policy implications

FINANCIAL IMPLICATIONS

Exmouth Council established a dedicated Reserve labelled "Tourism Development Fund" as part of the adoption of the 2019/20 Budget. The purpose of this Reserve "is to fund the development and implementation of initiatives (including but not limited to infrastructure, marketing, events, and tourism experiences) to achieve the strategic tourism and economic development objectives of the Shire of Exmouth".

As stated in the Reserve description, funds will be sourced from Shire Municipal surplus on an as needs basis and any allocations of this nature will be subject to Council approval.

In addition, the Reserve will hold any third-party partner and grant funds in trust to meet the purpose as listed above. Once finalised any surplus funds following the voluntary cancellation of the Ningaloo Visitor Centre Management Committee Inc will be deposited to this Reserve.

The Ningaloo Tourism Advisory Group Terms of Reference includes the ability for members to claim reimbursements for any travel or out of pocket expenses to attend meetings. Although every effort will be made to reduce these type of member expenses an amount of \$4,500 has been allocated for "Business Meetings & Travel" in the 2019/20 budget for this purpose under Economic Services.

STRATEGIC IMPLICATIONS

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

- Economic: Diversify and grow our economy in a manner that provides year-round employment opportunities
- 1.1 A diverse and environmentally aware local economy that can attract business investment and provide employment opportunities
 - 1.2 Facilitate the strengthening and growth of our visitor experience.
 - 1.3 Enable the provision of essential infrastructure that will support investment and diversify our economy.
- Environment: To protect and value our unique natural and built environment as we grow our economy.
- 2.1 A strong focus on environmental conservation and sustainable management of our natural environment
 - 2.2 Strive to achieve a balance between the preservation of our unique environment and the delivery of sustainable economic growth.
 - 2.3 Advocate and promote opportunities for the development of environmentally sustainable essential infrastructure and services
- Social: To be a vibrant, passionate and safe community valuing our natural environment and unique heritage
- 3.1 Explore opportunities to deliver services and facilities that attract and retain people living in the Shire.
- Leadership: To provide open transparent, accountable leadership working in collaboration with our community.
- 4.1 To provide proactive, collaborative and transparent leadership
 - 4.2 A local government that is respected and accountable.
 - 4.3 To be a champion for our community

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.3.1

That Council APPROVE:

1. The establishment of the Ningaloo Tourism Advisory Group as a committee of council as per Part 5 Administration of the *Local Government Act 1995*;
2. The Terms of Reference for the establishment of the Ningaloo Tourism Advisory Group in Attachment 1 to this report; and
3. The Chief Executive Officer to allocate appropriate staff resources and establish the new group as per the legislative requirements as a priority.

COUNCIL RESOLUTION

ITEM 12.3.1

Res No: 10-0919

MOVED: Cr Lucas

SECONDED: Cr Lake

That Council APPROVE:

- 1. The establishment of the Ningaloo Tourism Advisory Group as a committee of council as per Part 5 Administration of the *Local Government Act 1995*;**
- 2. The Terms of Reference for the establishment of the Ningaloo Tourism Advisory Group in Attachment 1 to this report; and**
- 3. The Chief Executive Officer to allocate appropriate staff resources and establish the new group as per the legislative requirements as a priority.**

CARRIED 5/0

The Shire President noted the efforts of the Executive Manager Commercial and Community, Mr Matthew Bird in relation to this report, noting this is a massive step for the tourism industry.

12.3.3 COMMUNITY SPORT AND RECREATION FACILITIES FUND – PALTRIDGE MEMORIAL SWIMMING POOL UPGRADE

File Reference:	GS.PR.1
Reporting Officer:	Executive Manager Commercial & Community
Responsible Officer:	As above
Date of Report:	16 September 2019
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. CONFIDENTIAL CSRFF Funding Application: Paltridge Memorial Swimming Pool

PURPOSE

That Council endorse the Shire of Exmouth funding application for the proposed upgrade submitted under the Community Sport and Recreation Facility Fund (CSRFF) Forward Planning Grant program.

That Council allocates appropriate funding for the Paltridge Memorial Swimming Pool upgrade project upon receiving notification of outcome of the CSRFF Forward Planning Grant application.

BACKGROUND

The CSRFF administered by the Department of Sport and Recreation (DSR) has three funding streams including:

- Small Grants – maximum grant value of \$60,000
- Annual Grants – maximum grant value of \$166,666
- Forward Planning Grants – maximum value of \$2m

The CSRFF program is an annual \$12 million program. All three streams are often oversubscribed and proponents may need to reapply on a number of occasions to be successful.

The Small Grants are awarded to projects that require only basic planning with a total project cost of between \$7,500 and \$200,000.

The Annual Grants round targets community sport projects where the financial value of the total project is from \$200,001 up to \$500,000 and is delivered within a 12-month period.

The Forward Planning Grants round targets community sport projects where the financial value of the total project is over \$500,000 with a maximum of \$2,000,000 and is delivered within a 2 – 3 year period.

Applicants must be either a local government authority or a not-for-profit sport or community organisation incorporated under the *WA Associations Incorporation Act 1987*.

The land on which the facility is to be developed must be one of the following:

- Crown reserve;
- Land owned by a public authority;
- Municipal property; and
- Land held for public purposes by trustees under a valid lease, title or trust deed that adequately protects the interests of the public.

The local government has an opportunity to assess all relevant applications and to rank applications in priority order for the municipality.

The Forward Planning Grant with a value up to \$2m is the focus of the Shire of Exmouth funding application.

COMMENT

The Paltridge Memorial Swimming Pool is the only public swimming pool within a 370km radius of the town of Exmouth and it plays a vital role in encouraging physical activity and belonging in the local community.

The redevelopment will bring the pool facility up to current Australian Standards by installing a new pump room, wet decks and disability access and improve the amenity of the pool with the development of new toilets, managers offices, storage and a kiosk.

The swimming pool is a focal point for youth, who gather at the facility to participate in organised sporting activities including the local swimming and water polo clubs, social events such as the regular Exmouth PCYC pool parties, and after school and on weekend with their friends during the hot summer months.

The facility is also key to the Exmouth District High School physical education program with students using the facility to participating in a variety of water based activities including water polo, underwater hockey and swimming carnivals. It is also the only location in Exmouth where for Department of Education Vacswim classes are held each year.

Other youth programs including junior lifeguards and swimming lessons are also held at the pool along with community programs such as the local Swim Around the Cape competition for early morning lap swimmers, the Virtual Rottnest Swim and aqua run fun days.

The swimming pool is also used by the Department of Health in Exmouth to run specialised classes for seniors such as water aerobics, which aim to keep seniors active and healthy.

While the current swimming pool is well utilised it is 50 years old and operates under a grandfather clause with aging plant and equipment and pipework presenting a significant risk to ongoing operations. If pipework were to fail, the shire would be faced with a difficult decision to either spend a significant amount of money to complete the refurbishment and bring the pool back to operational standard or close the pool. Given the cost of refurbishment and complying with current Australian Standards, it is likely that the pool would be closed if funding support could not be secured.

In addition to addressing this risk to current levels of physical activity, the proposal to refurbish the existing pools on site will see the kids pools heated, allowing for improved use at the start and finish of the pool season.

The Shire completed a needs assessment in 2016 which identifies key issues with the pool as well as identifying the strategic context for the upgrade and community consultation that occurred as part of the Shire of Exmouth Strategic Community Plan. The community need was again addressed in public consultation on recreation facilities as part of the 2018 Strategic Plan review.

The needs assessment prepared as part of the CSRFF application (attached) looks at a variety of issues facing the pool including compliance with current building codes and the state of existing buildings and risk of infrastructure failure as well as the usage rates and current operating costs. The proposed upgrade will ensure the pool facility complies with current legislation in regard to water turnover and access.

Three options for the ongoing operation of the pool were considered. The first was to continue to operate the pool in its current condition. This option presents a significant operational risk due to the age of the facility, pump room and pipework. Any failure in the pumping system has the potential to impact on the grandfather clause that currently allows the pool to operate outside current facility standards. This would force Council to upgrade the facility at considerable cost or close it permanently. Ultimately, the cost of the upgrade is outside Council's reach and as a result the only real option would be to close the facility. Closing the pool would have significant impacts on recreational opportunities in the community and this is not an option supported by Shire officers.

The second option considered was a full upgrade of the pool as proposed by the Shire in 2012 and 2016 including the construction of a new beach entry children's pool and 25m lap facility with disability access. The total build cost of more than \$6m is substantially outside the Shire's financial capacity and ongoing operational costs would be increased.

The third and ultimately preferred option is to modify the existing pools to meet current standards (including the installation of wet decks and new plant and equipment). This is the minimum required to bring the pool into line with standards and negate the ongoing risk that the current aging plant and pipework will fail. Preliminary plans have been prepared for the pool upgrade and are attached with the full CSRFF funding application.

The proposed upgrade works recommended by Shire officers includes works in two parts:

Works	Description	Estimated cost
1. Facility Building redevelopment	Replacement and expansion of the public amenities, increased external access functionality, new kiosk and kitchen fit out, new admin, lifeguard and first aid offices.	\$1,330,000 plus gst
2. Lap pool, children’s pool, plant room upgrade	Upgrade to 50m pool with steps, ACROD Ramp Entry and Wet Decks, refurbishment to existing kids pool including heating, replacement of plant room and piping.	\$4,195,000 plus gst

More detailed site plans are included in attachments however the Figure 1 below illustrates the proposed approach.

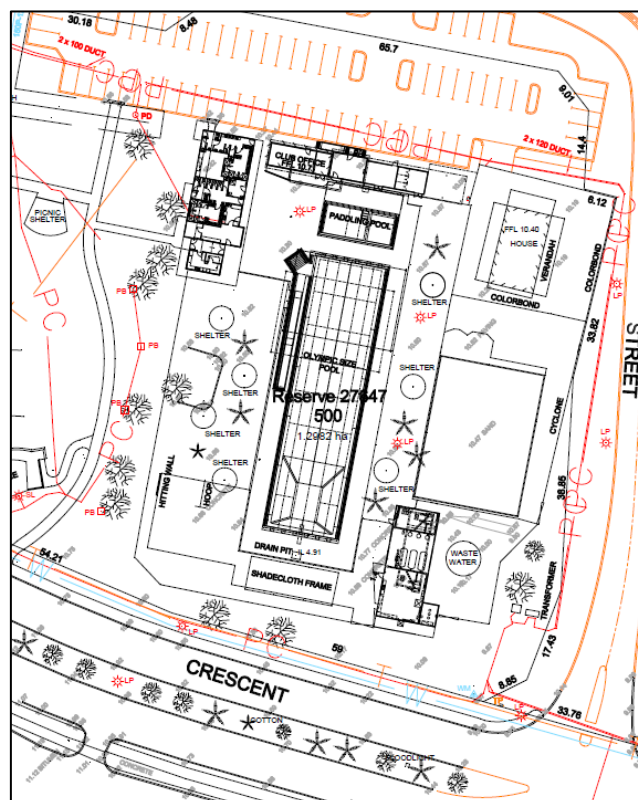


Figure 1 - Proposed Pool Upgrade Plan

The CSRFF Forward Planning Grant program offers a maximum grant amount of \$2m and it is proposed for the Shire to apply for this maximum amount to fund Part 2. “Lap pool, Children’s pool and Plant Room upgrade”.

The Shire will explore other potential funding sources including applying for CSRFF again in the future to fund the Part 1 “Facility Building Redevelopment”.

CONSULTATION

A number of public consultations have been undertaken since this project was first mooted in 2012. As evidenced by Council minutes from June, 2016, in 2015 the design consultant undertook consultation with key stakeholders including the Exmouth Amateur Swimming Club, PCYC and management staff. In addition, the need to improve recreational facilities including the swimming pool was identified during focus groups and community surveys undertaken as part of the Shire of Exmouth Strategic Community Plan: Exmouth 2030. This is reflected in community priority 3.3.2:

Develop, implement and regularly review our recreation and cultural facilities and public open space to ensure they meet the principles of colocation, multi-use and sustainability.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Policy 4.2 Community Sports and Recreation Facilities Funding (CSRFF) Small Grant Policy

FINANCIAL IMPLICATIONS

The Shire of Exmouth funding application to CSRFF Forward Planning to undertake Part 2. "Lap pool, Children's pool and Plant Room upgrade" is for the maximum \$2m plus gst amount leaving a funding deficit of \$2,195,000 plus gst.

The Shire Swimming Pool Reserve currently has a balance of \$542,000 and the Community Development Fund Reserve has a balance of \$1.36m. Any outstanding amounts could be loan funded.

A lifecycle cost analysis of the project was completed. This indicated a continuing trend in line with our current operational spending. The main expected changes are an increase of CPI of 2.5% and an increase in depreciation.

The lifecycle cost work did not assume reduced ongoing operational costs as it was too early to quantify, however there is a risk that the maintenance of ageing infrastructure and key plant and equipment has the potential to have a material financial impact if these upgrades are not undertaken.

Upon notification of grant application outcome by the Department of Local Government, Sport and Cultural Industries, Shire officers will then re-present the proposed project plan for Council consideration and endorsement including more accurate financial budget calculations.

STRATEGIC IMPLICATIONS

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

- Social: To be a vibrant, passionate and safe community valuing our natural environment and unique heritage
- 3.1 Explore opportunities to deliver services and facilities that attract and retain people living in the Shire.
 - 3.2 Promote facilities/services that enhance public health and safety.
 - 3.3 Champion self-supporting community clubs and associations.
- Leadership: To provide open transparent, accountable leadership working in collaboration with our community.
- 4.1 To provide proactive, collaborative and transparent leadership
 - 4.2 A local government that is respected and accountable.
 - 4.3 To be a champion for our community

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.3.3

That Council APPROVE the Shire of Exmouth funding application for the proposed upgrade of the Paltridge Memorial Swimming Pool (Attachment 1) seeking \$2,000,000 plus gst from the Community Sport and Recreation Facility Fund (CSRFF) Forward Planning Grant program, and if successful allocate a total of \$1,902,000 from the Community Development Fund Reserve and Swimming Pool Reserve with the balance from loan funding.

COUNCIL RESOLUTION

ITEM 12.3.3

Res No: 11-0919

MOVED: Cr Niikkula

SECONDED: Cr Lucas

That Council APPROVE the Shire of Exmouth funding application for the proposed upgrade of the Paltridge Memorial Swimming Pool (Attachment 1) seeking \$2,000,000 plus gst from the Community Sport and Recreation Facility Fund (CSRFF) Forward Planning Grant program, and if successful allocate a total of \$1,902,000 from the Community Development Fund Reserve and Swimming Pool Reserve with the balance from loan funding.

CARRIED 5/0

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

Nil

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

Nil

15. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS

Nil

16. CLOSURE OF MEETING

The Shire President declared the meeting closed at 5.37pm, and thanked the gallery for their attendance and interaction. He went on to wish all nominees the best of luck with the upcoming Local Government Election.