

Shire of Exmouth

# ORDINARY COUNCIL MEETING

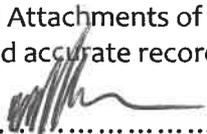
# MINUTES



26 March 2020

### CONFIRMATION OF MINUTES

I hereby certify that the Minutes and Attachments of the Ordinary Council Meeting held on the 26 March 2020 are a true and accurate record of the proceedings contained therein.

  
.....  
**Matthew Niikkula**  
Shire President

**23/4/2020**  
.....  
Dated

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# MINUTES

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

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

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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.

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

The Shire President declared the meeting open at 4.06pm and apologised for delay.

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	Deputy Shire President
Councillor G (Gary) Mounsey	
Councillor H (Heather) Lake	
Councillor M (Mark) Lucas	
Councillor A (Anne) McCarrol	
Mr C Woods	Chief Executive Officer
Mr M Richardson	Executive Manager Development Services
Mr M Bird	Executive Manager Commercial and Community
Mr G Coetzee	Executive Manager Corporate Services
Ms Head	Minute Clerk

<b>GALLERY</b>	1
<b>APOLOGIES</b>	Nil
<b>LEAVE OF ABSENCE</b>	0

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

Nil

**4. PUBLIC QUESTIONS TIME**

The following question was received from Mr Gavin Penfold in relation to Report 12.4.3 - Change in basis of valuation:

*Due to the current economic crisis surrounding COVID -19, may Council please consider deferring the effective date to the following financial year?*

The Chief Executive Officer advised Mr Penfold the question will be taken on notice.

**5. DECLARATIONS OF INTEREST**

Name	Report	Type of Interest	Extent of Interest
Councillor Heather Lake	12.4.3 - Change in basis of valuation:	Proximity and Financial	Lease holder

**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 20 February 2020 be confirmed as a true and correct record of proceedings.

**COUNCIL RESOLUTION**

**ITEM 7**

**Res No: 01-0320**

**MOVED: Cr Mounsey**

**SECONDED: Cr Dixon**

**That the Minutes and associated attachments of the Ordinary Meeting of the Shire of Exmouth held on the 20 February 2020 be confirmed as a true and correct record of proceedings.**

**CARRIED 6/0**

## 8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS

Councillor Lake	<ul style="list-style-type: none"> <li>• 26<sup>th</sup> February: Waste Management Meeting</li> <li>• 5<sup>th</sup> March: Bundegi/Jurabi Coastal Working Group Meeting</li> <li>• 12<sup>th</sup> March: Joint Industry Community Reference Group</li> </ul>
Councillor Dixon	<ul style="list-style-type: none"> <li>• 16<sup>th</sup> March: Resilient Reefs Meeting</li> </ul>
Councillor McCarrol	<ul style="list-style-type: none"> <li>• 16<sup>th</sup> March: Resilient Reefs Meeting</li> </ul>

## 9. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

The Shire President read the following report to the gallery:

*As we sit here this afternoon, complying with the latest restrictions around social distancing, in the midst of what has rapidly developed into the most serious global health pandemic in 100 years, I can't help but reflect on just how quickly the world has changed in just a couple of weeks.*

*Last month, my announcements revolved around the rapidly filling cruise ship calendar, the success of our visitor galleries and the overwhelming excitement that was bubbling away within the tourism sector at the prospect of yet another bumper visitor extravaganza.*

*I acknowledge now, how faulty my crystal ball was.*

*Today, the world, Australia, Western Australia and our own community is facing one of the biggest challenges to not only our health, our economies, our jobs and our futures, but the very social fabric of society in living history.*

*In the space of 2 weeks, we have gone from being a welcoming and excited community, practicing good hygiene and social distancing, shaking our heads at the beginning of "Toilet paper Gate" and trying to understand what impact this pandemic may, if any at all, have on our own community. Then to mass overnight unemployment, closure of businesses and entire industries, hysteria at the supermarkets and a mob mentality against the lifeblood of our region that just 2 weeks ago was advertising "Visit Ningaloo".*

*As a council, we accept that this is our time to step up and lead our community.*

*I want to publicly acknowledge the extreme pressure that has been placed on not only council, but the CEO and Executive team during this last 4 days since Sunday Nights sudden and dramatic Prime Ministerial announcements.*

*It has been Chaotic.*

*But I can promise our community that their safety and wellbeing is our NUMBER 1 priority, the front and centre of every council decision and direction. We are not only listening, but we are hearing and most of all we are trying.*

*Please support us through these crazy times, we are often hamstrung by legalities and technicalities... but our intentions are solid and justified, and this council's strong leadership is what our community needs right now.*

*Stay safe everyone, together we can overcome this.*

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

Nil

**11. MATTERS ARISING FROM COMMITTEES OF COUNCIL**

Nil

## 12. REPORTS OF OFFICERS

### EXECUTIVE SERVICES

#### 12.1.1 AMENDED COUNCIL POLICY: EMERGENCY OVERFLOW CAMPING GROUNDS POLICY 8.4

File Reference:	CM.PO 9
Reporting Officer:	Executive Manager Commercial and Community
Responsible Officer:	Chief Executive Officer
Date of Report:	6 March 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Policy 8.4 Emergency Overflow Camping Grounds

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#### **PURPOSE**

This report recommends Council adopt revised Policy 8.4 Emergency Overflow Camping Grounds (the Policy) as detailed in Attachment 1 to this report.

#### **BACKGROUND**

The objectives of the Shire of Exmouth Council's Policy Manual are:

- To provide Council with a formal written record of all policy decisions;
- To provide the staff with precise guidelines in which to act in accordance with Council's wishes;
- To enable the staff to act promptly in accordance with Council's requirements, but without continual reference to Council;
- To enable Councillors to adequately handle enquiries from electors without undue reference to the staff or the Council;
- To enable Council to maintain a continual review of Council Policy decisions and to ensure they are in keeping with community expectations, current trends and circumstances;
- To enable ratepayers to obtain immediate advice on matters of Council Policy.

Council Policy 8.4 Emergency Overflow Camping Grounds, was originally adopted by Council at the November 2012 Ordinary Council Meeting (OCM) and further reviewed and endorsed at the November 2018 OCM.

The purpose of the Emergency Overflow Camping Grounds policy is to provide overflow facilities within the Shire that will accommodate additional numbers of camping tourists when permanent caravan parks and camping grounds facilities within the Shire are operating at or near capacity.

Since the last review in late 2018 the Exmouth destination has experienced strong growth in visitation. This was evidenced during the peak visitor period of the 2019 season when the four licensed caravan park operators within the Shire were required to activate their respective overflow

sites during April and July school holiday periods. Once full, the Shire managed overflow facilities were also then opened for an unprecedented period between 17 to 29 April and 4 to 25 July 2019.

The increased demand for this type of short term visitor accommodation and the proposed redevelopment plans of current licenced caravan park operators has triggered this review of the current policy.

**COMMENT**

Policy 8.4 Emergency Overflow Camping Grounds has been reviewed and updated to provide greater flexibility and effectiveness for the Shire to respond to potential gaps between supply and demand of caravan and campsites during peak seasonal visitor periods and for major events.

The major changes recommended under the new policy are detailed in the below table:

Issue	Current Policy	Proposed
Trigger for commencement of Shire managed overflow sites	When there a no vacancies available at all existing caravan parks within the Shire of Exmouth	When there are no vacancies available at existing caravan parks within the Exmouth townsite, with the townsite boundaries defined in the policy.
Permitted length of booking at overflow locations	Campers are permitted to book for up to 3 consecutive days only if it is believed that there are no available spaces in caravan parks during the 3-day period.	Campers are permitted to book for up to 7 consecutive days if it is believed that there are no available spaces for the required length of stay in the caravan parks during the 7-day period.
Permitted length of maximum stay at overflow locations	The maximum stay permitted is 3 consecutive days.	The maximum stay permitted is 14 consecutive days.
Locations	Designated locations east of Koobooroo Oval, Exmouth Golf Club, Niblett Park.	Overflow sites are to be identified for use and occupancy levels determined as approved by the Chief Executive Officer.
Management of overflow	Shire rangers and camp host	Shire Ningaloo Visitor Centre team, ranger support, camp hosts

The recommendation to reduce the trigger event to commence Shire managed overflow sites from full occupancy of licensed caravan parks within the Shire boundary (currently number 4) to only those within the Exmouth townsite (currently number 2) is to ensure visitors are allowed greater flexibility if preferring to camp within the Exmouth township. Under the current approach visitors wanting to overnight at overflow sites within the township are not permitted whilst vacancies remain at licensed caravan parks located outside the town site boundary. Under this scenario visitors are required to travel up to 32 kilometres from the Exmouth townsite which may not meet visitor needs or expectations.

The proposed increase to length of booking and maximum stay are also designed to maximise the enjoyment and overall experience of the visitor. Under the current approach visitors using overflow sites are limited to a maximum of 3 consecutive nights and required to continually check the availability of licensed caravan parks with the possibility of having to relocate at short notice if sites become available. The recommended approach is to increase these levels to allow bookings to be

made up to 7 consecutive days and a maximum stay of up to 14 consecutive days. This approach will improve the overall visitor experience and reduce work load to the visitor centre team’s management of these facilities in periods of already high visitation.

Increasing the options for caravan and camping visitors in controlled and well managed locations within the Exmouth townsite will also work to reduce the potential for illegal camping. A consistent and well planned communication plan will inform all visitors that camping outside of licensed campgrounds and designated overflow locations is not permitted and that a sufficient supply of paid options are available.

**CONSULTATION**

The four licensed caravan parks operating within the Shire local government area were invited to provide feedback on the proposed new policy. Copies of the draft policy and letters inviting comment from affected parties were distributed on 25 February 2020. Summary of feedback received as detailed in below table 1.

Table 1 – Feedback from affected parties

Organisation	Feedback received	Shire response
RAC Exmouth Cape Holiday Park	Shire overflow sites should offer price parity within +/- 10% to the rates offered by the 2 commercial caravan park operators located within the townsite.	Shire officers agreed with this feedback. Price parity within +/- 10% of the 2 townsite operators has been included in the draft policy.

No other submissions were received as at the closing date of 13 March 2020.

**STATUTORY ENVIRONMENT**

The legislative base for the overflow facilities will be in accordance with the Caravan Parks and Camping Grounds Act and Regulations.

**POLICY IMPLICATIONS**

If Council approve the officer recommendation then Policy 8.4 of the Shire of Exmouth Council Policy Manual will be amended.

**FINANCIAL IMPLICATIONS**

Nil

**ALTERNATE OPTIONS**

Council may support retaining some or all of the current policy rather than adopting the policy as presented via the officer recommendation.

Some elements of the current policy that may be retained include;

- The trigger event for commencement of Shire managed overflow sites to occur only when there are no vacancies available at all existing caravan parks within the Shire of Exmouth rather than the recommended Exmouth townsite, and/or;

- The maximum length of booking and stay for Shire managed overflow sites remain at 3 consecutive days or at a level determined by Council other than the recommended 7 and 14 days.

## 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  
 1.2 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
- Social: To be a vibrant, passionate and safe community valuing our natural environment and unique heritage  
 3.2 Promote facilities/services that enhance public health and safety.
- Leadership: To provide open transparent, accountable leadership working in collaboration with our community.  
 4.3 To be a champion for our community

## VOTING REQUIREMENTS

Simple Majority

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### OFFICER'S RECOMMENDATION

**ITEM 12.1.1**

That Council ADOPT amended Council policy 8.4 Emergency Overflow Camping Grounds as detailed in Attachment 1 to this report.

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### COUNCIL RESOLUTION

**ITEM 12.1.1**

**Res No: 02-0320**

**Cr Niikkula: MOVED a motion that agenda items 12.1.1, 12.1.2 and 12.1.3 be adjourned to a future meeting.**

**SECONDED: Cr Mounsey**

**CARRIED 6/0**

## **12.1.2 PROPOSED NEW COUNCIL POLICY: ADVERTISING SIGNAGE, TOWN CENTRE PUBLIC SPACE PERMIT, AND OUTDOOR EATING PERMIT POLICY**

File Reference:	CM.PO 9
Reporting Officer:	Executive Manager Commercial and Community
Responsible Officer:	Chief Executive Officer
Date of Report:	6 March 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none"><li>1. Proposed new Advertising Signage, Town Centre Public Space Permit, and Outdoor Eating Permit Policy</li><li>2. Advertising Signage Guidelines</li><li>3. Town Centre Public Space Permit Guidelines</li><li>4. Outdoor Eating Permits Guidelines</li><li>5. Temporary Banner Display Guidelines</li></ol>

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### **PURPOSE**

This report recommends Council APPROVE the advertising for public comment of proposed new Advertising Signage, Town Centre Public Space Permit, and Outdoor Eating Permit Policy (the Policy) and related guidelines as detailed in Attachments to this report.

### **BACKGROUND**

The objectives of the Shire of Exmouth Council's Policy Manual are:

- To provide Council with a formal written record of all policy decisions;
- To provide the staff with precise guidelines in which to act in accordance with Council's wishes;
- To enable the staff to act promptly in accordance with Council's requirements, but without continual reference to Council;
- To enable Councillors to adequately handle enquiries from electors without undue reference to the staff or the Council;
- To enable Council to maintain a continual review of Council Policy decisions and to ensure they are in keeping with community expectations, current trends and circumstances;
- To enable ratepayers to obtain immediate advice on matters of Council Policy.

The Policy is new and if approved will replace existing policy 6.8 Signs.

The purpose of the Advertising Signage, Town Centre Public Space Permit, and Outdoor Eating Permit Policy is to encourage local businesses to partner with the Shire to improve and maintain the presentation of Exmouth as the State's premier tourism town.

In addition to Shire efforts to enhance the visual amenity of the town the proposed policy actively invites local businesses to create improved retail and hospitality vibrancy through this business-friendly advertising signage and trading permits policy.

The policy sets out the matters the local government will consider when assessing applications for advertising signs, town centre public space and outdoor eating space permits. The policy details what is permitted in various locations and approvals required for each application. It has been prepared to support and be read in conjunction with Clause 4.31 of the Shire of Exmouth Local Planning Scheme No.4 (The Scheme). For advertising signage requests the Scheme requires the submission of an application for Development Approval only for non-exempt advertisements. Local businesses are required to submit applications for the Town Centre Public Space and Outdoor Eating permits.

The Policy objectives are:

1. To assist local businesses create vibrancy, enhance amenity and maximize business opportunities whilst reinforce the positioning of Exmouth as a unique visitor destination.
2. To ensure that the display of advertising signs on properties complements the surrounding area without impacting on public safety and access.
3. To encourage local food businesses to create and manage quality outdoor dining areas without impacting on public safety or access.
4. To ensure consistent policy and clearly set out the requirements of the Shire of Exmouth for applicants making an application for advertising signage, use of town centre public space and outdoor eating areas.
5. To guide the design, materials and siting of advertising structures and signs in the local government area.
6. To provide improved opportunities and clear guidelines for local community and sporting groups to advertise events and activities.
7. To decrease bureaucratic procedures, restrictions and constraints, as well as legal and jargonistic guidelines.

## **COMMENT**

The Policy addresses three core areas of advertising signage, use of town centre public space and outdoor eating permits and have been combined to provide local Exmouth businesses with a simpler approach to promoting business opportunities and achieving greater commercial vibrancy.

Each of the three focus areas have more detailed guidelines that clearly outline what is permitted, the procedures and approval processes required. These guidelines are included in report attachments.

This report seeks Council approval to advertise the draft policy and respective guidelines for local business and community members to review and provide comment. Once feedback is received and reviewed, Shire officers will seek Council further review and adoption of the proposed policy.

Other signage such as blue and white stack signs have not been included in this review and will be addressed under a separate Council directional and wayfinding policy.

## **CONSULTATION**

The Shire of Exmouth commenced this review of the current Signage Policy in August 2019 and has included 3 officer briefings to Council (10 August, 7 November 2019, and 13 February 2020) and significant local business consultation. This has included conducting a "Signage Review Community Workshop" on 23 September with 30 local business operators attending, 11 of these then forming a local business reference group and a second more detailed workshop conducted on 10 October.

This local business consultation and feedback has guided the development of this new policy with a strong focus upon reinforcing the positioning of Exmouth as a tourism town and supporting the industry collaboration principles of successful tourism destination development.

As per the officer recommendation the policy will now be advertised for comment for a period of 21 days. Once feedback is received this will then be reviewed and included in a final report to Council seeking adoption of the final policy.

## **STATUTORY ENVIRONMENT**

In the *Planning and Development (Local Planning Schemes) Regulations 2015* and Shire of Exmouth Local Planning Scheme No. 4, both new and amendments to Local Planning Policies require public advertising for a 21day minimum.

Other related legislation and statutes include;

- Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law
- Building Regulations 2012

## **POLICY IMPLICATIONS**

Council will be asked to review and approve the new policy once public advertising period has been undertaken and reviewed.

## **FINANCIAL IMPLICATIONS**

Nil

## **ALTERNATE OPTIONS**

1. Council may support retaining some or all of the current signage policy rather than adopting the new combined policy as presented via the officer recommendation.
2. Council may prefer to separate the three core focus areas into separate policies namely, 1. Advertising Signage, 2. Town Centre Public Space Permits, and 3. Outdoor Eating Permits.

## **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.

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

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### **OFFICER'S RECOMMENDATION**

**ITEM 12.1.2**

That Council APPROVE the public advertising of proposed new "Advertising Signage, Town Centre Public Space Permit, and Outdoor Eating Permit" policy and guidelines as detailed in Attachments 1-4 to this report.

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### **COUNCIL RESOLUTION**

**ITEM 12.1.2**

**Res No: 03-0320**

**Cr Niikkula: MOVED a motion that agenda items 12.1.1, 12.1.2 and 12.1.3 be adjourned to a future meeting.**

**SECONDED: Cr Mounsey**

**CARRIED 6/0**

### 12.1.3 PROPOSED NEW COUNCIL POLICY - ITINERANT TRADING POLICY

File Reference:	CM.PO 9
Reporting Officer:	Executive Manager Commercial and Community
Responsible Officer:	Chief Executive Officer
Date of Report:	9 March 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Proposed New Itinerant Trading Policy

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#### PURPOSE

This report recommends Council APPROVE the advertising for public comment of proposed new Itinerant Trading policy as detailed in Attachment 1 to this report.

#### BACKGROUND

The objectives of the Shire of Exmouth Council's Policy Manual are:

- To provide Council with a formal written record of all policy decisions;
- To provide the staff with precise guidelines in which to act in accordance with Council's wishes;
- To enable the staff to act promptly in accordance with Council's requirements, but without continual reference to Council;
- To enable Councillors to adequately handle enquiries from electors without undue reference to the staff or the Council;
- To enable Council to maintain a continual review of Council Policy decisions and to ensure they are in keeping with community expectations, current trends and circumstances;
- To enable ratepayers to obtain immediate advice on matters of Council Policy.

The Policy is new and will provide guidance in the management of requests to undertake itinerant trading within the Shire of Exmouth.

The Shire of Exmouth encourages improved retail and hospitality vibrancy that reinforces the positioning of Exmouth as the State's premier tourism town.

The Shire values its local business community and recognises that there are business opportunities that can occur on a temporary basis. It is recognised that Itinerant Traders can:

- Contribute to the vitality of the town,
- Provide a safe, efficient and accessible food service at peak times to service increased customer demand beyond the supply capabilities and/or outside operating hours of permanent food outlets,
- Provide products and services on a temporary basis not currently on offer,
- Provide an opportunity for seasonal products to be provided, and
- Activate a particular location or precinct that meets the objectives of the local government.

The objectives of this policy are:

1. To facilitate the opportunities for itinerant traders that adds to the public enjoyment and use of the local government area, while not reducing safety or access to public land;
2. To ensure existing local businesses are not significantly disadvantaged through the approving of itinerant traders;
3. To provide a consistent and coordinated process for the assessment of applications for itinerant traders within the municipality.

## **COMMENT**

The Shire currently receives requests for temporary trading ranging from 1 day up to multiple years. In the absence of a dedicated itinerant trading policy there has been no clear direction on what is supported by the Council, local businesses and local community.

The only current guiding legislation within the Shire of Exmouth is the "Activities on Thoroughfares and Trading on Public Places Local Law" 6.8 (2)(a) "*Conduct of stallholders and traders*" that states;

*"A stallholder or trader shall not;  
Attempt to conduct a business within a distance of 300m of any shop or permanent place of business and has for sale any goods or services of the kind being offered for sale by the stallholder or trader."*

The proposed policy provides greater clarity on the interpretation of this clause. The new policy defines "*of the kind being offered*" to mean selling predominantly similar products. For clarity, types of food e.g. pizza, hamburgers, fish and chips are not considered similar products. An itinerant trader may also sell similar products within the 300m radius of the temporary location if doing so outside the normal operating hours of the permanent competing business and/or it is in association with an approved event.

The policy clearly outlines all other conditions that need to be met prior to the issuing of all required trading permits.

Special consideration is also made for those mobile food van operators residing predominantly within the Shire of Exmouth and seeking more permanent tenure arrangements to trade on Shire managed public spaces. For those itinerant traders seeking approvals greater than 12 months a licence approach is required and subject to *Policy 2.4 Leases and Licences* however will also require review and subject to Council approval.

## **CONSULTATION**

As per the officer recommendation the policy will now be advertised for comment for a period of 21 days. Once feedback is received this will then be reviewed and included in a final report to Council seeking adoption of the final policy.

## **STATUTORY ENVIRONMENT**

In the *Planning and Development (Local Planning Schemes) Regulations 2015* and Shire of Exmouth Local Planning Scheme No.4, both new and amendments to Local Planning Policies require public advertising for a 21 day minimum.

Other related legislation and statutes include Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.

## POLICY IMPLICATIONS

Council will be asked to review and approve the new policy once public advertising period has been undertaken and reviewed.

## FINANCIAL IMPLICATIONS

Nil

## ALTERNATE OPTIONS

Council may reduce or increase “approved locations” as detailed in the draft policy.

## 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.
- 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

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## OFFICER’S RECOMMENDATION

**ITEM 12.1.3**

That Council APPROVE the public advertising of proposed new “Itinerant Trading” policy as detailed in Attachment 1 to this report.

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## COUNCIL RESOLUTION

**ITEM 12.1.3**

**Res No: 04-0320**

**Cr Niikkula: MOVED a motion that agenda items 12.1.1, 12.1.2 and 12.1.3 be adjourned to a future meeting.**

**SECONDED: Cr Mounsey**

**CARRIED 6/0**

**12.1.4 AMENDED COUNCIL POLICY — TEMPORARY ACCOMMODATION (CARAVANS) POLICY 5.5 AND CREATION OF NEW COUNCIL POLICY - TEMPORARY ACCOMMODATION (CONSTRUCTION OF A DWELLING)**

File Reference:	CM.PO.9
Responsible Officer:	Executive Manager Development Services
Responsible Officer:	Chief Executive Officer
Date of Report:	16 March 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none"> <li>1. Council Policy 5.5 Temporary Accommodation (Caravans)</li> <li>2. Council Policy 5.6 Temporary Accommodation (Construction of a Dwelling)</li> </ol>

**PURPOSE**

That Council adopt the reviewed Council policy 5.5 – Temporary Accommodation (Caravans) and new Council policy 5.7 – Temporary Accommodation (Construction of a Dwelling)

**BACKGROUND**

The *Caravan Parks and Camping Grounds Regulations 1997* outline the length and conditions relating to anyone not camping within a caravan park or camping ground. The Shire has been operating under the one policy but the policy is hard to follow and clearly identify the requirements.

**COMMENT**

A review was conducted on Policy 5.5 – Temporary Accommodation (Caravans) with the aim of keeping the policy clear and separating out the requirements of those who are seeking temporary accommodation with family and friends while visiting Exmouth from those seeking approval to reside in a caravan park while constructing a dwelling.

The following table outlines the amendments made to the respective policies:

Policy 5.5 – Temporary Accommodation (Caravans)

N°	Amendment	Justification
1	Removal of definitions, removal of repeated legislation.	Simplifies policy enabling the policy to be read easier.
2	No approval will be granted on vacant land moved to item 1.	Simplifies policy and provides clearer guidance, previously located under item 2.
3	Additional requirement added regarding the location of the camp.	Ensure camps are not located where they may encroach on vehicle access areas or neighbouring properties.
4	Additional requirement tents to be located at rear of dwelling.	Ensure tents are located in an area where there is reduced visual impact.

Policy 5.7 – Temporary Accommodation (Construction of a Dwelling)

N°	Amendment	Justification
1	Minor adjustment to definitions, removal of repeated legislation.	Simplifies policy enabling the policy to be read easier.
2	No approval will be granted on land within the townsite and industrial area.	Prevents conflict with neighbours, reduces visual impact and the risks associated with camping in the industrial area.
3	Additional requirement added regarding the location of the camp.	Ensure camps are not located where they may encroach on vehicle access areas or neighbouring properties.
4	Minor adjustment removing the wording unsewered area from item 7.	Simplifies policy enabling the policy to be read easier.
5	Removal of Executive Manager Health and Building and wording advising extension to 9 to 12 months, removed 9 months.	Position no longer exists, simplifies policy enabling the policy to be read easier.

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

*Caravan Parks and Camping Grounds Regulations 1997, R11:*

- (1) A person may camp –
  - a) For up to 3 nights in any period of 28 consecutive days on land which he or she owns or has legal right to occupy, and may camp for longer than 3 nights on such if he or she has written approval under sub regulation (2) and is complying with that approval;
  - b) For up to 24 consecutive hours in a caravan or other vehicle on a road side rest area;
  - c) For up to 24 consecutive hours in a caravan or other vehicle on a road reserve in an emergency, unless to do so would cause a hazard to other road users or contravene and other written law with respect to the use of road reserve;
  - d) On any other land which is –
    - i.) Held by a State instrumentality in freehold or leasehold; or ii.) dedicated, reserved, or set apart under the *Land Administration Act 1997* or any other written law, and placed under the care, control or management of a State instrumentality, in accordance with the permission of that instrumentality; or
  - (e) on any unallocated Crown land or unmanaged reserve, in accordance with the permission of the Minister within the meaning of the *Land Administration Act 1997*, or a person authorised by the Minister to give permission under this paragraph.
- (2) Written approval may be given for a person to camp on land referred to in sub regulation (1)(a) for a period specified in the approval which is longer than 3 nights –
  - a) by the local government of the district where the land is situated, if such approval will not result in the land being camped on for longer than 3 months in any period of 12 months;
  - b) by the Minister, if such approval will result in the land being camped on for longer than 3 months in any period of 12 months; or
  - c) despite paragraph (b), by the local government of the district where the land is situated—
    - (i) if such approval will not result in the land being camped on for longer than 12 consecutive months; and

(ii) if the person owns or has a legal right to occupy the land and is to camp in a caravan on the land while a building licence issued to that person in respect of the land is in force.'

## **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

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

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### **OFFICER'S RECOMMENDATION**

**ITEM 12.1.4**

That Council ADOPT the reviewed Council Policy 5.5 – Temporary Accommodation (Caravans) and new Council Policy 5.7 – Temporary Accommodation (Construction of a Dwelling).

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### **COUNCIL RESOLUTION**

**ITEM 12.1.4**

**Res No: 05-0320**

**Cr Mounsey: MOVED a motion for these amended council polies to be revisited to a future Council meeting with no set date.**

**SECONDED: Cr McCarrol**

**CARRIED by ABSOLUTE MAJORITY 6/0**

## **12.1.5 VARIATION TO THE TRUST DEED FOR THE LOCAL GOVERNMENT HOUSE TRUST**

File Reference:	FM.AD.1
Reporting Officer:	Executive Officer Corporates Services
Responsible Officer:	Chief Executive Officer
Date of Report:	17 March 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none"><li>1. Correspondence from WALGA</li><li>2. Deed of Variation – Local Government House Trust</li><li>3. Clause 12 of Trust Deed 1994 (Excerpt)</li></ol>

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### **PURPOSE**

That Council APPROVE the changes proposed in the Deed of Variation.

### **BACKGROUND**

The Local Government House Trust (“the Trust”) is a unit trust, created in 1980 for the purpose of providing building accommodation to the various membership based local government representative bodies which existed to represent local government at the time.

The current Trust Deed commenced in 1993 and was amended in 2002 to reflect the merger of the metropolitan and country local government associations into the Western Australian Local Government Association (WALGA).

Under the current Trust Deed, 132 Local Governments contributed to create a Trust comprising of 620 units. Units are of equal value and are revalued annually once the audited financial report is adopted by the Board of Management at its November meeting.

The unit value as at 30 June 2019 is \$17,805. The Shire of Exmouth holds 6 units and is valued at \$106,831.

Commencement date of the current deed is 17 February 1993, with a vesting date 79 years from commencement - which means that the Trust ends in 2072.

### **COMMENT**

On 19 February 2020 the CEO of WALGA corresponded with unit holders and beneficiaries to the Local Government House Trust (Attachment 1). The purpose of the correspondence is to advise that the Trust’s Board of Management is seeking to vary the Trust Deed in order to assist the Trust’s income tax exempt status. The Trust requires consent of at least 75 per cent of all beneficiaries in order to execute this variation.

The Trust Deed amendments set out in the Deed of Variation are based on legal advice and are intended to assist the Trust’s income tax exempt status by strengthening the position that the Trust is a State / Territory Body (STB).

Legal advice identified that the Trustee’s ability to retire and appoint a new Trustee might affect the Trust’s classification as a State or Territory Body (STB). This view, while based upon highly technical grounds, is a risk.

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

Variation to Deed is required to ensure the Trust complies with the requirements of the *Income Tax Assessment Act 1936*.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**RISK MANAGEMENT**

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

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**OFFICER’S RECOMMENDATION**

**ITEM 12.1.5**

That Council APPROVE the changes proposed in the Deed of Variation.

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**COUNCIL RESOLUTION**

**ITEM 12.1.5**

**Res No:** 06-0320  
**MOVED:** Cr McCarrol  
**SECONDED:** Cr Lake

**That Council APPROVE the changes proposed in the Deed of Variation.**

**CARRIED 6/0**

## **DEVELOPMENT SERVICES**

### **12.2.1 AWARD TENDER 01-2020 SUPPLY & LAYING OF BITUMEN**

File Reference:	RD.TE.0
Reporting Officer:	Manager Works
Responsible Officer:	Executive Manager Development Services
Date of Report:	9 March 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. <u>CONFIDENTIAL</u> Evaluation Report RFT 01-2020

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#### **PURPOSE**

This report recommends that Tender 01-2020 for the Supply and Laying of Bitumen be awarded as per the recommendation in the Confidential Evaluation Report – RFT 01-2020 (Attachment 1).

#### **BACKGROUND**

Resurfacing or resealing roads is part of the Council’s asset preservation program which is funded by the Federal Governments Roads to Recovery Program. The preservation goal is to improve and restore the road surface and to prevent water ingress into the road foundation.

Bitumen seal hardens with age, cracks, loses stone and under such conditions progressively allows water into the road foundation. Bitumen spray seals provide a cost-effective flexible layer over existing road surfaces or new foundations. This treatment involves spraying hot bitumen over the existing surface, quickly tipping a layer of stone on top and rolling the stone into the bitumen.

Bitumen based treatments are also known as flexible pavements because they can move and spring back under stress without cracking. This is essential to prevent traffic damage, to stop water undermining the road foundation and to provide a long road life. If the bitumen maintenance practice does not preserve the road foundation, then the road will slowly deteriorate until it has to be completely rehabilitated or reverts back to an unsealed road.

#### **COMMENT**

Local Government can purchase bitumen services through the WALGA Preferred Supply Panel. This acquisition process is permitted in the *Local Government Act 1995* (Functions and General) Regulation (s.3.57) “(b) the supply of the goods or services is to be obtained through the Council Purchasing Service of WALGA”. Under the *Local Government (Functions and General) Regulations*, a tender exemption applies to WALGA’s Preferred Supplier Contracts.

## WALGA Preferred Supplier Program

- The WALGA preferred Supplier Program complies with the *Local Government Regulation 1996 (Function and General)*.
- Purchasing through WALGA means that you do not have to tender. A tender exemption applies to all of our Preferred Supplier Contracts. This saves on time, money and risks associated with tendering.
- All of our Contracts (WALGA) are established by procurement specialists using a rigorous public and compliant market process. WALGA preferred suppliers are pre-qualified to provide Members with the safeguard of a quality-assured process, legal compliance, probity, risk mitigation and security of supply.

## CONSULTATION

Western Australia Local Government Association (WALGA)  
Main Roads WA

## STATUTORY ENVIRONMENT

Section 3.57 of the *Local Government Act 1995 and the Local Government Regulation 1996 (Function and General) Part 4, Division 2 section 11 (2) (b)*.

The tenders were not publicly advertised but managed through the *WALGA Preferred Supply Program* as referenced in the *Local Government Regulation 1996 (Function and General) Part 4, Division 2 section 11 (2) (b)* negating the requirements of *Local Government Regulation 1996 Part 4, Division 2 section 14*.

## POLICY IMPLICATIONS

Procurement Policy 2.7  
Regional Price Preference Policy 2.12  
Risk Management Policy 2.13  
Asset Management Policy 2.14

## FINANCIAL IMPLICATIONS

The Roads to Recovery Federation Funding arrangement has a nil contribution from Local Government and is fully funded. The 2019/20 allocation for Exmouth is \$267,432.00. Projects must be submitted prior to tendering. The pre-planning estimations exceeded the actual tendered price therefore after assessing the submissions further projects were added to ensure full compliance and full expenditure of the total grant \$267,432.00. The tender included a scope of works at the Learmonth Airport which has been budgeted for through Capital Projects.

## 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
- 2.3 Advocate and promote opportunities for the development of environmentally sustainable essential infrastructure and services

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

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### **OFFICER'S RECOMMENDATION**

**ITEM 12.2.1**

That Council:

1. AWARD the contract for Tender RFT 01/2020 – Supply and laying of bitumen as per the recommendation in the Confidential Evaluation Report dated 19<sup>th</sup> February 2020 (Attachment 1) and
2. RECORD the recommendation for Tender RFT 01/2020 – Supply and laying of bitumen as provided in the Confidential Evaluation Report dated 19<sup>th</sup> February 2020, in the meeting minutes.

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### **COUNCIL RESOLUTION**

**ITEM 12.2.1**

**Res No: 07-0320**

**MOVED: Cr Mounsey**

**SECONDED: Cr Dixon**

**That Council:**

1. **AWARD the contract for Tender RFT 01/2020 – Supply and laying of bitumen as per the recommendation in the Confidential Evaluation Report dated 19<sup>th</sup> February 2020 (Attachment 1) and**
2. **Tender RFT 01/2020 – Supply and laying of bitumen as provided in the Confidential Evaluation Report dated 19<sup>th</sup> February 2020, be awarded to Colas Western Australian Pty Ltd.**

**CARRIED 6/0**

## **COMMERCIAL AND COMMUNITY**

### **12.3.1 COMMUNITY SPORT AND RECREATION FACILITIES FUND – SMALL GRANTS 2020**

File Reference:	CM.PO 9
Reporting Officer:	Executive Manager Commercial and Community
Responsible Officer:	As above
Date of Report:	16 March 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. CONFIDENTIAL - CSRFF funding applications: Shire of Exmouth Recreation Centre changerooms and Exmouth Kart Club

#### **PURPOSE**

That Council endorse the priority ranking for the submitted Community Sport and Recreation Facility Fund (CSRFF) Small Grant funding applications.

That Council provides funding assistance in line with the Council Policy for the projects listed once the outcomes of successful CSRFF Small Grant applications are known.

#### **BACKGROUND**

The CSRFF administered by the Department of Sport and Recreation (DSR) has three funding streams including Small Grants, Annual Grants, and Forward Planning Grants.

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

The Annual Grants round targets community sport projects where the financial value of the total project is from \$300,001 up to \$500,000 exclusive of gst 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 exclusive of gst and is delivered within a 2 – 3 year period.

The Small Grants are awarded to projects that require only basic planning with a total project cost of between \$7,500 and \$300,000 exclusive of gst.

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.

Whilst there is no obligation for Local Government to contribute to the community sporting projects, local government is viewed as a key funding partner in supporting improved community sporting amenities.

The Department of Sport and Recreation application form calls for applications to be initially submitted to the Local Government within which the project proposal is located.

An element of the assessment process involves Council consideration and priority ranking of applications received. The applications are then submitted to the Department of Sport and Recreation on behalf of the applicants by 31 March, 2020.

Once the assessment process from Local Government Authorities are complete all applications received from Western Australian organisations are assessed by the relevant State Sporting Association and the Department of Sport and Recreation CSRF Committee against a number of criteria, with the final decision on funding being at the discretion of the Minister for Sport and Recreation.

**COMMENT**

The grant guidelines require Council to provide a ranking for the projects.

The Department of Sport and Recreation provides guidance for Local Government Authorities to assess each submission. This assessment uses the following criteria and a project rating of satisfactory/unsatisfactory or not relevant:

- |                          |   |
|--------------------------|---|
| • Project justification  | • Design                                  |
| • Planned approach       | • Financial viability                     |
| • Community consultation | • Coordination                            |
| • Management planning    | • Potential to increase physical activity |
| • Access and opportunity | • Sustainability                          |

With overall project rating, being:

- Well planned and needed by municipality
- Well planned and needed by applicant
- Needed by municipality, more planning required
- Needed by applicant, more planning required
- Idea has merit, more planning work needed
- Not recommended.

Projects are ranked on the strength of the application, participation numbers, ability to increase physical activity and potential impact as well as consultation with the Department of Sport and Recreation and the applicant.

The Shire of Exmouth is the applicant for the 2 CSRFF small grant applications this round. The following additional information is provided about the projects and funding applications:

1. Change Room facilities at the Recreation Centre to assist female sport participants

To provide a multi-use change room facility at the Recreation Centre, specifically which can be used by females when they are participating in sports at the Shire of Exmouth’s Recreation Precinct. As the Shire of Exmouth is responsible for the Recreation Centre in this recreation precinct, then the Shire will be the organisation seeking CSRFF small grants funding via application.

2. Business Case for Exmouth Kart Club

To undertake a business case feasibility study so as to assist the Shire of Exmouth and the Exmouth Kart Club to understand what is involved in relocating from the present track location in the town of Exmouth for the Kart Club to a green field’s site north of Exmouth. In close consultation with the Kart club management committee the Shire of Exmouth is the project manager and applicant for this project. It is in the Shire’s best interests to fully understand the logistical, site development, operational model, business planning and costs in the Kart Club being able to relocate.

The below ranking recommendation has been provided based on alignment to current Shire priorities:

Rank	Organisation	Project detail	Overall project rating
1.	Shire of Exmouth	New changeroom facilities at recreation centre	Well planned and needed by the municipality
2.	Shire of Exmouth	Business Case for Exmouth Kart Club relocation	Needed by the municipality

Copies of the full applications are attached.

Both CSRFF applications request inclusion of the Development Bonus however even though the Shire may qualify for this benefit the CSRFF program guidelines do not guarantee this aspect. Potential Shire financial contribution to these projects is as follows;

Project name	Total project cost	Shire contribution with Development Bonus	Shire contribution without Development Bonus
New changeroom facilities at Recreation Centre	\$316,800 gst included	\$158,400 gst included (or 50% of total)	\$211,200 gst included (or 66% of total)
Business Case for Exmouth Kart Club relocation	\$35,200 gst included	\$8,800 gst included (or 25% of total)	\$11,733 gst included (or 33% of total)
Total Shire \$ contribution		\$167,200 gst included	\$222,933 gst included

**CONSULTATION**

Department of Local Government, Sport and Cultural Industries  
Exmouth Kart Club

**STATUTORY ENVIRONMENT**

Nil

## POLICY IMPLICATIONS

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

## FINANCIAL IMPLICATIONS

Upon notification of successful grant application by the Department of Local Government, Sport and Cultural Industries the required matching funding amounts will be transferred from the Community Development Fund Reserve.

## 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

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## OFFICER'S RECOMMENDATION

**ITEM 12.3.1**

That Council:

1. RANK the CSRFF Small Grant application in the following order for the March 2020 funding round:

Rank	Organisation	Project Detail
1.	Shire of Exmouth	New Changeroom Facilities at Recreation Centre
2.	Shire of Exmouth	Business Case for Exmouth Kart Club relocation

and,

2. Once the outcomes of successful CSRFF Small Grant applications are known APPROVE matching Shire funds up to a maximum amount of \$222,933 (gst included) from the Community Development Fund Reserve to fund the successful projects.

Cr Niikkula: MOVED to foreshadow an amended motion:

foreshadowed that recommendation part 1 stays the same and part 2 wording in capital letters changes from APPROVE to ASSESS.

Cr Niikkula then went on to RESCIND foreshadowed amended motion.

**MOVED: Cr Lucas**  
**SECONDED: Cr Niikkula**

That Council:

1. RANK the CSRFF Small Grant application in the following order for the March 2020 funding round:

Rank	Organisation	Project Detail
1.	Shire of Exmouth	New Changeroom Facilities at Recreation Centre
2.	Shire of Exmouth	Business Case for Exmouth Kart Club relocation

and,

2. Once the outcomes of successful CSRFF Small Grant applications are known APPROVE matching Shire funds up to a maximum amount of \$222,933 (gst included) from the Community Development Fund Reserve to fund the successful projects.

Cr Dixon: MOVED an amended motion for an additional point 3 to recommendation; Once the outcomes of the successful CSRFF applications are known, Officers to provide a final project plan for Council's review and consideration.

**SECONDED: Cr Mounsey**

**Resolution: 08-0320**

**That Council:**

1. **RANK the CSRFF Small Grant application in the following order for the March 2020 funding round:**

Rank	Organisation	Project Detail
1.	Shire of Exmouth	New Changeroom Facilities at Recreation Centre
2.	Shire of Exmouth	Business Case for Exmouth Kart Club relocation

and,

2. **Once the outcomes of successful CSRFF Small Grant applications are known APPROVE matching Shire funds up to a maximum amount of \$222,933 (gst included) from the Community Development Fund Reserve to fund the successful projects.**

- 3. Once the outcomes of the successful CSRFF applications are known, Officers to provide a final project plan for Council's review and consideration.**

**CARRIED by ABSOLUTE MAJORITY 6/0**

### 12.3.2 EXMOUTH SQUASH CLUB – CSRFF SHIRE FUNDING & APPLICATION FOR INTEREST FREE LOAN

File Reference:	CM.PO 9
Reporting Officer:	Executive Manager Commercial and Community
Responsible Officer:	As above
Date of Report:	16 March 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. CONFIDENTIAL - Application for Shire of Exmouth Interest Free Loan

#### **PURPOSE**

That Council consider increasing the level of Shire matching funding to the Exmouth Squash Club via their successful CSRFF grant application previously endorsed however not approved for the Development Bonus, and to consider the granting of an interest free loan to the club to be drawn from the Community Interest Free Loan Reserve.

#### **BACKGROUND**

This report is in two parts. The first part details the request for Council approval to increase the amount previously approved at 25% of total project cost to meet the one third matching funds requirement. The second part seeks Council approval to grant an interest free loan.

#### Shire matching funds

In August 2019 the Exmouth Squash Club applied to the Department of Local Government, Sport and Cultural Industries (DLGSCI) for financial assistance in the replacement of two of its playing surfaces at a total project cost of \$66,000 (gst included). The CSRFF grant funding request of \$33,000 (gst included) represented 50% of the total project cost and was based on the club receiving the CSRFF program's Development Bonus. Recently the club was informed that it was successful in securing funding but without the Development Bonus meaning only one third of the total project cost (\$22,000 gst included) would be funded by the CSRFF Small Grants program.

At the August 2019 Ordinary Council Meeting, Council endorsed the officer recommendation to support the Club's CSRFF application and allocate a total of \$16,500 (or 25% of the total project cost of \$66,000) from the Shire's Community Development Fund Reserve subject to their application being successful.

As per resolution number 11-0819;

**Res No:** 11-0819

**MOVED:** Cr Niikkula

**SECONDED:** Cr Dixon

**That Council:**

**1. RANK the CSRFF Small Grant application in the following order for the August 2019 funding round:**

<b>RANK</b>	<b>ORGANISATION</b>	<b>PROJECT DETAIL</b>
1.	Exmouth Squash Club	Replacement of two court floors

**2. APPROVE a total of \$16,500 from the Community Development Fund Reserve to Exmouth Squash Club as Council’s commitment upon successful CSRFF small grant application.**

**CARRIED 5/0**

The officer recommendation assumed that, if successful in its CSRFF application, the Exmouth Squash Club would be entitled to claim the “Development Bonus” offered under the small grant program that allows qualifying applicants the ability to seek 50% rather than one third of the total project costs. Although the club met the stated qualifying criteria the DLGSCI did not award the Development Bonus due to the grant program being heavily oversubscribed and highly competitive.

This report seeks Council’s approval for an additional \$5,500 (gst included) to top up the Shire’s previously approved contribution of \$16,500 (gst included) and reflects an increased financial commitment from 25% to one third of the total cost. If approved by Council, the Shire of Exmouth’s contribution to the project will total \$22,000 (gst included) or one third of the total project cost.

Interest free loan

Additionally, the Squash Club is seeking from the Shire a loan of \$22,000 (gst included) so as to assist its financial contribution towards this project.

Policy 2.2 Interest Free Loans to Clubs and Organisations details the guidelines and process for local clubs and organisations to access interest free loans via the Community Development Reserve Fund.

A copy of the Squash Club interest free loan application is attached to this report.

**COMMENT**

Shire matching funds

Although the Exmouth Squash Club were successful in securing funding via its CSRFF Small Grants application the DLGSCI did not approve the Development Bonus and awarded only one third rather than half of the total project amount of \$66,000.

If Council approve the officer recommendation then the funding breakdown of the project will be one third DLGSCI, one third Shire of Exmouth and one third Exmouth Squash Club, or \$22,000 each.

Exmouth Council had previously approved a financial commitment of \$16,500 however it is now requested to increase this support by \$5,500. Although support for additional funds are being requested it is considered a worthwhile project and will take advantage of CSRFF third party grant funding.

### Interest free loan

In order to meet its own third share requirement for the project the Exmouth Squash Club is now seeking Council support for an interest free loan of \$22,000.

As per Policy 2.2 Interest Free Loans to Clubs and Organisations the Exmouth Squash Club meets the eligibility and loan assessment criteria as detailed.

The Exmouth Squash Club is a well establish local sporting group with an energetic and reinvigorated management committee. Representatives of their management committee have conducted frequent meetings with Shire of Exmouth officers to ensure good governance and strategic planning is in place.

As per the policy loan assessment criteria includes ability to repay the loan, no more than one interest free loan at a time unless demonstrated ability to repay both, total loans not to exceed \$100,000, demonstrated wider community benefits, stabilised member base and a long trading history.

The Exmouth Squash Club was established in 1990. Membership numbered 35 in 2019 and a much higher 150 in 2018. The drop in numbers was attributed to the unavailability of the two playing surfaces that are the subject of this project application. The club recently repaid in full an interest free loan of \$25,000 entered into with the Shire in year 2010.

Sufficient funds exist in the Community Interest Free Loan Reserve to permit this request of \$22,000 with a current balance of \$339,892.

As per the policy the Executive Managers of Corporate Services and Commercial and Community Services have reviewed the loan application against the assessment criteria and support the club's request for the interest free loan.

### **CONSULTATION**

Department of Local Government, Sport and Cultural Industries  
Exmouth Squash Club

### **STATUTORY ENVIRONMENT**

Nil

### **POLICY IMPLICATIONS**

Policy 4.2 Community Sports and Recreation Facilities Funding (CSRFF) Small Grant  
Policy 2.2 Interest Free Loans to Clubs and Organisations

### **FINANCIAL IMPLICATIONS**

If approved,

- An amount of \$22,000 will be transferred from the Community Development Fund Reserve to meet the Shire's one third funding commitment to the project, and
- Another \$22,000 will be transferred from the Community Interest Free Loan Reserve via a loan agreement between the Shire and Exmouth Squash Club.

## 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

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### OFFICER'S RECOMMENDATION

**ITEM 12.3.2**

That Council APPROVE:

1. Increasing the amount previously endorsed of \$16,500 via resolution number 11-0819 by an amount of \$5,500 to total \$22,000 to meet its one third funding commitment to the Exmouth Squash Club playing surface replacement project, and
2. The granting of an interest free loan of \$22,000 to the Exmouth Squash Club as per Policy conditions.

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### COUNCIL RESOLUTION

**ITEM 12.3.2**

**Res No: 09-0320**

**MOVED: Cr Lucas**

**SECONDED: Cr Mounsey**

That Council APPROVE:

1. Increasing the amount previously endorsed of \$16,500 via resolution number 11-0819 by an amount of \$5,500 to total \$22,000 to meet its one third funding commitment to the Exmouth Squash Club playing surface replacement project, and
2. The granting of an interest free loan of \$22,000 to the Exmouth Squash Club as per Policy conditions.

Cr Niikkula: MOVED amended motion: The granting of an interest free loan of \$23,100 to the Exmouth Squash Club as per Policy conditions.

SECONDED: Cr Mounsey

**That Council:**

- 1. Increasing the amount previously endorsed of \$16,500 via resolution number 11-0819 by an amount of \$5,500 to total \$22,000 to meet its one third funding commitment to the Exmouth Squash Club playing surface replacement project, and**
- 2. The granting of an interest free loan of \$23,100 to the Exmouth Squash Club as per Policy conditions.**

**CARRIED by ABSOLUTE MAJORITY 6/0**

## **CORPORATE SERVICES**

*The following reports recommended en bloc 12.4.1, 12.4.2, 12.5.1*

### **12.4.1 FINANCIAL STATEMENTS FOR PERIOD ENDING 29 FEBRUARY 2020**

File Reference:	FM.FL.0
Reporting Officer:	Manager Finance
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	17 March 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Monthly Financial Report as at 29 February 2020

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#### **PURPOSE**

That Council accepts the financial report for the financial period ending 29 February 2020.

#### **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 29 February, operating revenue is exceeding target by \$96,354 (1.02%) due to timing of grants and fees and charges.

Operating expenditure is under budget by \$915,491 (8.87%) due to timing of maintenance programmes, mainly related to Employee Costs and Materials and Contracts.

The capital program is currently under budget \$112,745 due to timing of projects. Major road works have commenced, with Yardie Creek Road currently in progress. Upgrades to the shire hall have been completed. Town beach gazebo lighting is complete. The air conditioning at the Lefroy units have been completed. Work has commenced to fix the retaining wall at 12 Fletcher Street. The upgrade at the irrigation sewerage ponds have been completed. 19/20 vehicle replacement is complete with the orders being placed for rubbish truck and 2 canter trucks. Reptile exhibits have been installed in the Ningaloo Centre.

Outstanding Rates is \$846,353 with 344 properties on instalments totalling \$326,424. Rate notices were issued on 30 July 2019, and the final instalment is due on 8 April 2020. The Shire has collected 83.3% of total rates outstanding, which is below the same time last year (84.55%).

General Debtors is \$1,037,005 with \$623,726 being for 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

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**OFFICER’S RECOMMENDATION**

**ITEM 12.4.1**

That Council RECEIVES the Financial Report for the financial period ending 29 February 2020.

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**COUNCIL RESOLUTION**

**ITEM 12.4.1**

**Res No: 10-0320**

**MOVED: Cr Niikkula**

**SECONDED: Cr Dixon**

**That Council RECEIVES the Financial Report for the financial period ending 29 February 2020.**

**CARRIED 6/0**

*The following reports recommended en bloc 12.4.1, 12.4.2, 12.5.1*

## **12.4.2 LIST OF ACCOUNTS FOR PERIOD ENDING 29 FEBRUARY 2020**

File Reference:	FM.FI.0
Responsible Officer:	Manager Finance
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	17 March 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. List of Accounts for period ending 29 February 2020

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### **PURPOSE**

That Council receives 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.

#### February Payments

Municipal Fund	totalling \$667,020.67 Incorporating cheques, direct debits, electronic payments and credit cards.
Trust Fund	totalling \$0 Incorporating electronic payments.
Total Payments:	\$667,020.67

### **CONSULTATION**

Nil

### **STATUTORY ENVIRONMENT**

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

## **POLICY IMPLICATIONS**

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

## **FINANCIAL IMPLICATIONS**

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

## **STRATEGIC IMPLICATIONS**

This item is relevant to the Councils approved Strategic Community Plan 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

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### **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 February 2020 (*totalling \$667,020.67*).

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### **COUNCIL RESOLUTION**

**ITEM 12.4.2**

**Res No: 11-0320**

**MOVED: Cr Niikkula**

**SECONDED: Cr Dixon**

**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 February 2020 (*totalling \$667,020.67*).**

**CARRIED 6/0**

*Councillor Lake declared a financial and proximity interest in the following report and left the chambers at 5.00pm.*

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## **COUNCIL RESOLUTION**

**Res No: 12-0320**

**MOVED motion to deviate from standing orders Cr Niikkula @ 5.02pm.**

**SECONDED: Cr McCarrol**

**CARRIED 5/0**

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## **COUNCIL RESOLUTION**

**Res No: 13-0320**

**MOVED motion to return to standing orders - Cr Niikkula - @ 5.12pm.**

**SECONDED: Cr Dixon**

**CARRIED 5/0**

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### **12.4.3 CHANGE IN BASIS OF VALUATION**

File Reference:	R32867
Responsible Officer:	Manager Finance
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	16 March 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Exmouth Aerodrome Map of Lease Areas

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### **PURPOSE**

That Council approve to request the Minister for Local Government to approve the change to the method of valuation of the land area referred to in this report from unimproved values to gross rental values, effective from 1 July 2019, in accordance with section 6.28 of the *Local Government Act 1995*.

### **BACKGROUND**

Council must seek Ministerial approval to change the basis of rating when moving from unimproved values (UV) to gross rental values (GRV) when Council conducts a review in relation to the predominate use of land.

Under section 6.28 of the *Local Government Act 1995* (the Act) the Minister for Local Government (the Minister) is responsible for determining the method of valuation of land to be used by a local government as the basis for a rate and publish a notice of the determination in the *Government Gazette*.

In determining the method of valuation to be used by a local government, the Minister is to have regard to the general principle that the basis for a rate on any land is to be

- Where the land is used predominantly for rural purposes, the unimproved value of the land; and
- Where the land is used predominantly for non-rural purposes, the gross rental value of the land.

Each local government has a role in ensuring that the rating principles of the Act are correctly applied to rateable land within their districts. It was discovered when the Valuer Generals Office completed a full valuation for 2019/20 rateable properties, that the affected properties were not being used predominantly for rural purposes.

### COMMENT

Officers consider the following properties currently valued on unimproved values should be valued on gross rental values pursuant to section 6.28 of the Act;

Parcel Details	House No.	Street Name	Suburb
Part Reserve Number 32867, Lot 73 on DP 211885	Lease Lot 2	Exmouth Aerodrome	Exmouth
Part Reserve Number 32867, Lot 73 on DP 211885	Lease Lot 12	Exmouth Aerodrome	Exmouth
Part Reserve Number 32867, Lot 73 on DP 211885	Lease Lot 1	Exmouth Aerodrome	Exmouth
Part Reserve Number 32867, Lot 73 on DP 211885	Lease Lot 16A	Exmouth Aerodrome	Exmouth
Part Reserve Number 32867, Lot 73 on DP 211885	Lease Lot 11	Exmouth Aerodrome	Exmouth

The current method of valuation used for the above land areas is based on unimproved value. The predominate use of the properties is 'non-rural'. In order to maintain an equitable rate base, and in accordance with section 6.28 of the Act, it is recommended that the method of valuing these land areas be changed from unimproved value to gross rental value.

The effective date of the new method of valuation for each affected property outlined will be 1 July 2019.

### DEFINITIONS

A 'rural purpose' means a purpose pertaining to agriculture and agriculture is defined to mean the use or cultivation of land for any purpose of husbandry or horticulture, including the raising of livestock and the growing of crops.

### CONSULTATION

Guidelines issued by the department recommend that local governments liaise with Valuer General to obtain indicative valuations. This information was part of the information supplied to affected leaseholders as well as the Land Use Declaration Form for leaseholders to supply feedback of current

use of property. Of the five properties effected two Land Use Declaration forms where returned. Both declared property not used for 'rural purposes.

In the covering letter issued to leaseholders it was advised that if the declaration was not returned with 21 days it is determined that the land is used predominantly for non-rural purposes.

## **STATUTORY ENVIRONMENT**

Section 6.28 of the *Local Government Act 1995*

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Council Revenue under UV was \$51,600 and changing to GRV would potentially be \$9,509, which is a reduction in revenue of \$42,091.

## **RISK MANAGEMENT**

Rates are a principal source of revenue for Council, and needs to optimise this source to generate revenue for operations. This requires Council to ensure that the appropriate method of valuation of land is used as the basis for rates.

## **STRATEGIC IMPLICATIONS**

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

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

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

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

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

## **VOTING REQUIREMENTS**

Simple Majority

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## **OFFICER'S RECOMMENDATION**

## **ITEM 12.4.3**

That Council APPROVE to request the Minister for Local Government to approve the change to the method of valuation of the land area listed below from unimproved values to gross rental values, effective from 1 July 2019, in accordance with section 6.28 of the *Local Government Act 1995*.

<b>Parcel Details</b>	<b>House No.</b>	<b>Street Name</b>	<b>Suburb</b>
Part Reserve Number 32867, Lot 73 on DP 211885	Lease Lot 2	Exmouth Aerodrome	Exmouth
Part Reserve Number 32867, Lot 73 on DP 211885	Lease Lot 12	Exmouth Aerodrome	Exmouth
Part Reserve Number 32867, Lot 73 on DP 211885	Lease Lot 1	Exmouth Aerodrome	Exmouth
Part Reserve Number 32867, Lot 73 on DP 211885	Lease Lot 16A	Exmouth Aerodrome	Exmouth
Part Reserve Number 32867, Lot 73 on DP 211885	Lease Lot 11	Exmouth Aerodrome	Exmouth

**COUNCIL RESOLUTION**

**ITEM 12.4.3**

**Res No: 14-0320**

**MOVED: Cr Lucas**

**SECONDED: Cr McCarrol**

**That Council APPROVE to request the Minister for Local Government to approve the change to the method of valuation of the land area listed below from unimproved values to gross rental values, effective from 1 July 2019, in accordance with section 6.28 of the *Local Government Act 1995*.**

<b>Parcel Details</b>	<b>House No.</b>	<b>Street Name</b>	<b>Suburb</b>
<b>Part Reserve Number 32867, Lot 73 on DP 211885</b>	<b>Lease Lot 2</b>	<b>Exmouth Aerodrome</b>	<b>Exmouth</b>
<b>Part Reserve Number 32867, Lot 73 on DP 211885</b>	<b>Lease Lot 12</b>	<b>Exmouth Aerodrome</b>	<b>Exmouth</b>
<b>Part Reserve Number 32867, Lot 73 on DP 211885</b>	<b>Lease Lot 1</b>	<b>Exmouth Aerodrome</b>	<b>Exmouth</b>
<b>Part Reserve Number 32867, Lot 73 on DP 211885</b>	<b>Lease Lot 16A</b>	<b>Exmouth Aerodrome</b>	<b>Exmouth</b>
<b>Part Reserve Number 32867, Lot 73 on DP 211885</b>	<b>Lease Lot 11</b>	<b>Exmouth Aerodrome</b>	<b>Exmouth</b>

**CARRIED 5/0**

*Councillor Lake returned to the Chambers at 5.29pm*

The following reports recommended en bloc 12.4.1, 12.4.2, 12.5.1

## **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

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#### **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.

<b>DATE</b>	<b>DOCUMENT</b>
Nil	

#### 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 29 February 2020

<b>App #</b>	<b>Date Received</b>	<b>Lot</b>	<b>Property Address</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
19/86	23/08/19	43	11 Searaven Crescent	New dwelling and attached garage	On hold (stopped by applicant)	
20/06	04/02/20	12	11 Tambor Drive	New garden shed	Approved	24/02/20
20/08	12/02/20	373	18 Corella Court	New single storey house. Concrete block construction.	Pending information from applicant	
20/13	13/02/20	327	Minilya-Exmouth Road	New residential dwelling	Approved	06/03/20
20/14	24/02/20	33	Pellew Street	Change of Use from Office to Shop Cafe	Processing	
20/15	28/02/20	789	5 Jones Place	Swimming pool installation and fencing	Processing	

Planning Decisions Issued

A summary of the planning decisions issued under delegation or outstanding up to 29 February 2020.

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	Addition of incidental Nature Based Park (Twenty-seven (27) camping Sites)	Cancelled	06/03/20
PA32/19	13/03/19		Scheme Amendment 1 to LPS4		Deferred	07/06/19
PA48/19	17/04/19	102	441 Murat Road	Shop and Warehouse/Storage	Approved	03/03/20
PA58/19	17/05/19	166	Lyndon location	Nature based park - Bullara station stay	Cancelled	05/03/20
PA87/19	09/08/19	447	41 Madaffari Drive	Swimming Pool	Refused	19/02/20
PA88/19	09/08/19	1340	27 Salmon Loop	Garage	Refused	20/02/20
PA125/19	01/11/19		Reserve 37664	Flight Aviary	Approved	04/03/20
PA135/19	29/11/19	102	16 Tautog Street	Existing holiday house	Approved	17/02/20
PA143/19	19/12/19	412	6 Farley Street	Existing holiday house	Approved	18/02/20
PA144/19	19/12/19	4	36 Pelias Street	New office extension and lean- to	Deferred	24/02/20
DA01/20	06/01/20	9	108 Madaffari Drive	Fencing	Approved	17/02/20
DA03/20	10/01/20	643	19 Stokes-Hughes Street	Existing Holiday House (retrospective)	Approved	06/03/20
DA04/20	09/01/20	157	39 Dugong Close	Single storey dwelling	Processing	
DA05/20	10/01/20	1094	10 Campbell Way	Holiday House	Approved	25/02/20
DA08/20	15/01/20	339	20 Kestrel Place	Single dwelling and attached garage	Processing	
DA09/20	16/01/20	266	23 Christie Street	Holiday House	Processing	
DA10/20	20/01/20	475	7 Osprey Way	Amendment to PA21/18 - alteration to balcony screening	Deferred	20/01/20
DA11/20	11/02/20	197	19 Grenadier Street	WAPC eReferral - Application #158955, Lot 178, 197 Ningaloo Street	Issued	12/02/20
DA12/20	13/02/20		Ningaloo Centre	Alterations and addition of outbuilding to accommodate advance scientific research equipment (Minderoo).	Processing	
DA13/20	17/02/20	427	4 Rule Street	Holiday House	Processing	
DA14/20	18/02/20	330	3 Falls Street	Outbuilding	Deferred	19/02/20
DA15/20	18/02/20	141	49 Snapper Loop	Home occupation - Beauty Therapy	Processing	
DA16/20	24/02/20	2	3 Kennedy Street	Exmouth Dive and Whalesharks Ningaloo – signage on shop B(i) 2/3 at Kennedy Street Mall	Processing	

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

App #	Date Received	Description.	Decision	Permit issued
PE03/20	04/02/20	Wedding on Town Beach - 2 May 2020	Issued	04/03/20
PE04/20	20/01/20	Outdoor eating permit at Kennedy Street Mall	Processing	
PE05/20	30/01/20	Food van at Tantabiddi Boat Ramp, Hunters Access and Lighthouse	Pending	
PE06/20	29/01/20	Exmouth Kite Surf Centre - Kitesurfing and SUP instruction and assisted hire – 2019-2020 season	Issued	21/02/20
DA06/20	15/01/20	GAMEX 2020 banner sign at Cnr Maidstone and Learmonth Street and at Talanjee Oval	Issued	20/02/20

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**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;
- Building Decisions Issued up to 29 February 2020; and
- Planning Decisions Issued up to 29 February 2020.

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**COUNCIL RESOLUTION**

**ITEM 12.5.1**

**Res No: 15-0320**

**MOVED: Cr Niikkula**

**SECONDED: Cr Dixon**

That Council note the following information items:

- **Register of Documents Stamped with the Shire of Exmouth Common Seal;**
- **Building Decisions Issued up to 29 February 2020; and**
- **Planning Decisions Issued up to 29 February 2020.**

**CARRIED 6/0**

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

Nil

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

The Shire President changed the order of the following New Business reports:

### 14.3 CARAVAN PARK AND CAMPING GROUND LICENCE NEW CONDITIONS FOR 2019-2020

File Reference:	LE.RE.5
Reporting Officer:	Environmental Health Officer
Responsible Officer:	Executive Manager Development Services
Date of Report:	26 March 2020
Applicant/Proponent:	RAC Exmouth Cape Holiday Park, Yardie Homestead and Ningaloo Caravan and Holiday Park
Disclosure of Interest:	Nil
Attachment(s):	1. Caravan Park and Camping Ground Licence NEW CONDITIONS for 2019-2020 - CONFIDENTIAL

#### PURPOSE

Council approve the addition of new conditions to the annual Caravan Parks and Camping Grounds Licences for RAC Exmouth Cape Holiday Park, Yardie Homestead and Ningaloo Caravan and Holiday Resort.

#### BACKGROUND

Caravan parks and camping grounds within Western Australia are required to operate within the licence conditions stipulated on their licence. A local government at any time can impose conditions on a licence in accordance to the Caravan Parks and Camping Grounds Act 1995 S7(4):

All licences within the Shire of Exmouth expire on 30 September each year.

#### COMMENT

The Shire like the globe is currently experiencing unprecedented times during the COVID-19 pandemic. In order to assist the management and reduce the risk of mass gatherings and the use of shared facilities the Shire proposes to add the following conditions on the licence:

1. Submit for consideration and approval a cleaning schedule outlining products used, procedures and frequencies by the date determined by the Chief Executive Officer.
2. Comply with cleaning schedule as submitted to Local Government.
3. Submit weekly a cleaning record for each ablution block by the date determined by Chief Executive Officer.
4. Reduce site numbers down to a ratio of 1 site per available ablution block excluding self-contained permanent sites, (male and female ablutions can be considered as separate ablution

ie. Male side can be used by 1 site, female can be used by another site) by the date determined by Chief Executive Officer.

5. In relation to condition 4, the site needs to be located within 10m of the ablution block unless otherwise approved.
6. Submit a site plan indicating the active sites as required in condition 4 by the date determined by the Chief Executive Officer.
7. In accordance to condition 6, the sites will need to be used as per approved plan.
8. Submit weekly a site booking report as evidence of compliance to condition 4 by the date determined by the Chief Executive Officer.
9. Conditions 1-8 will be enacted when determined by Chief Executive Officer. The Shire of Exmouth will inform in writing the Licence holder the timeframe of validity.

The Shire feels it's in the best interest of the community to support our remote hospital system through these conditions. The Shire has sort legal advice in relation to this process and possible lines of enforcement if and when required.

The Lighthouse Holiday Resort will also have the same conditions placed on it, but as it is a temporary licence the Chief Executive Officer has the delegation to adjust this.

## **CONSULTATION**

Mcleods Barristers and Solicitors

## **STATUTORY ENVIRONMENT**

Caravan Parks and Camping Grounds Act 1995

Caravan Parks and Camping Grounds Regulations 1997

## **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

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.

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

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**OFFICER'S RECOMMENDATION****ITEM 14.3**

That Council APPROVE Council approve the addition of new conditions to the annual Caravan Parks and Camping Grounds Licences for RAC Exmouth Cape Holiday Park, Yardie Homestead and Ningaloo Caravan and Holiday Resort as outlined below:

1. Submit for consideration and approval a cleaning schedule outlining products used, procedures and frequencies by the date determined by the Chief Executive Officer.
2. Comply with cleaning schedule as submitted to Local Government.
3. Submit weekly a cleaning record for each ablution block by the date determined by Chief Executive Officer.
4. Reduce site numbers down to a ratio of 1 site per available ablution block excluding self-contained permanent sites, (male and female ablutions can be considered as separate ablution ie. Male side can be used by 1 site, female can be used by another site) by the date determined by Chief Executive Officer.
5. In relation to condition 4, the site needs to be located within 10m of the ablution block unless otherwise approved.
6. Submit a site plan indicating the active sites as required in condition 4 by the date determined by the Chief Executive Officer.
7. In accordance to condition 6, the sites will need to be used as per approved plan.
8. Submit weekly a site booking report as evidence of compliance to condition 4 by the date determined by the Chief Executive Officer.
9. Conditions 1-8 will be enacted when determined by Chief Executive Officer. The Shire of Exmouth will inform in writing the Licence holder the timeframe of validity.

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**COUNCIL RESOLUTION****ITEM 14.3**

**Res No: 16-0303**

**MOVED: Cr Lake**

**SECONDED: Cr McCarrol**

**That Council APPROVE Council approve the addition of new conditions to the annual Caravan Parks and Camping Grounds Licences for RAC Exmouth Cape Holiday Park, Yardie Homestead and Ningaloo Caravan and Holiday Resort as outlined below:**

- 1. Submit for consideration and approval a cleaning schedule outlining products used, procedures and frequencies by the date determined by the Chief Executive Officer.**
- 2. Comply with cleaning schedule as submitted to Local Government.**
- 3. Submit weekly a cleaning record for each ablution block by the date determined by Chief Executive Officer.**
- 4. Reduce site numbers down to a ratio of 1 site per available ablution block excluding self-contained permanent sites, (male and female ablutions can be considered as separate ablution ie. Male side can be used by 1 site, female can be used by another site) by the date determined by Chief Executive Officer.**

- 5. In relation to condition 4, the site needs to be located within 10m of the ablution block unless otherwise approved.**
- 6. Submit a site plan indicating the active sites as required in condition 4 by the date determined by the Chief Executive Officer.**
- 7. In accordance to condition 6, the sites will need to be used as per approved plan.**
- 8. Submit weekly a site booking report as evidence of compliance to condition 4 by the date determined by the Chief Executive Officer.**
- 9. Conditions 1-8 will be enacted in times of a serious health risk and endorsed by the Chief Executive Officer. The Shire of Exmouth will inform in writing the Licence holder the timeframe of validity.**

**CARRIED 6/0**

## 14.2 APPOINTMENT OF NOMINATED SHIRE OFFICERS AS AUTHORISED PERSONS

File Reference:	GV.AU.2
Reporting Officer:	Executive Manager Development Services
Responsible Officer:	Chief Executive Officer
Date of Report:	26 March 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Nil

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### PURPOSE

This report recommends that the Council of the Shire of Exmouth appoints the following positions:

- Colin Walker                      Coordinator Compliance and Emergency Services
- Michael Hall                        Ranger
- Joanne Gordon                      Manager Works
- Tim Sinclair-Smith                Manager Ningaloo Centre
- Phil Osborne                        Co-ordinator Ningaloo Visitor Centre
- David Watson                       Ranger
- Charles Giliam                      Manager Aviation
- Luke Meldrum                       Supervisor Civil and Waste
- Katrina Stephens                  Supervisor Parks and Amenities

as an authorised person pursuant to the *Caravan Parks and Camping Grounds Act 1995 s17* (the Act).

### BACKGROUND

Formal authorisation is required to carry out the functions of the Act and Caravan Park and *Camping Grounds Regulations 1997*.

### COMMENT

In light of the current COVID-19 pandemic and to minimise the risks of people illegal camping the Shire feels it is important to increase the quantity of authorised officers to ensure sufficient coverage to manage the additional works if necessary.

The specific appointment as authorised person sought by this report is as follows:

- *Caravan Parks and Camping Grounds Act 1995 s17*, appointment of authorised person.

### CONSULTATION

Nil

## STATUTORY ENVIRONMENT

Caravan Parks and Camping Grounds Act 1995  
Caravan Parks and Camping Grounds Regulations 1997

## 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

Absolute Majority

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## OFFICER'S RECOMMENDATION

**ITEM 14.2**

That Council APPOINTS the following officers:

- Colin Walker                      Coordinator Compliance and Emergency Services
- Michael Hall                        Ranger
- Joanne Gordon                     Manager Works
- Tim Sinclair-Smith                Manager Ningaloo Centre
- Phil Osborne                        Co-ordinator Ningaloo Visitor Centre
- David Watson                       Ranger
- Charles Giliam                     Manager Aviation
- Luke Meldrum                      Supervisor Civil and Waste
- Katrina Stephens                 Supervisor Parks and Amenities

as an authorised person pursuant to the *Caravan Parks and Camping Grounds Act 1995* s17 (the Act).

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**COUNCIL RESOLUTION**

**ITEM 14.2**

**Res No: 17-0320**

**MOVED: Cr McCarrol**

**SECONDED: Cr Lucas**

**That Council APPOINTS the following officers:**

- **Colin Walker**            **Coordinator Compliance and Emergency Services**
- **Michael Hall**            **Ranger**
- **Joanne Gordon**        **Manager Works**
- **Tim Sinclair-Smith**    **Manager Ningaloo Centre**
- **Phil Osborne**         **Co-ordinator Ningaloo Visitor Centre**
- **David Watson**         **Ranger**
- **Charles Giliam**        **Manager Aviation**
- **Luke Meldrum**        **Supervisor Civil and Waste**
- **Katrina Stephens**    **Supervisor Parks and Amenities**

**as an authorised person pursuant to the *Caravan Parks and Camping Grounds Act 1995* s17 (the Act).**

**CARRIED by ABSOLUTE MAJORITY 6/0**

## 14.1 YEAR TO DATE - PROGRESS REPORT ORGANISATIONAL KEY PERFORMANCE INDICATORS

File Reference:	CM.PL.1
Responsible Officer:	Chief Executive Officer
Reporting Officer:	As above
Date of Report:	25 <sup>th</sup> March 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none"> <li>1. Progress Report Corporate Business Plan 2019/20</li> <li>2. CONFIDENTIAL Progress Report Corporate Plans 2019/20</li> </ol>

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### PURPOSE

That Council receives the year to date progress reports for the:

- 2019/20 Corporate Business Plan;
- 2019/20 CEO Key Performance Indicators; and
- 2019/20 Departmental Business Plans.

### BACKGROUND

The Corporate Business Plan (Attachment 1) has been created as a practical statement of how Council aims to achieve community objectives, as articulated in the Strategic Community Plan. The Corporate Business Plan has a clear assignment of responsibility, timeframe of projects and key measures for activities. Progress against actions is measured and will be reported in our annual report to the Council and the community, providing a clear and transparent understanding of meeting our sustainable challenges.

The Corporate Business Plan is Council's core strategic document for a 4-year period, commencing from 2018 to 2022. This Plan activates the Strategic Community Plan and integrates with other informing strategies including the Long-Term Financial Plan.

The CEO Key Performance Indicators were adopted by Council in July 2019, and a requirement of the CEO Performance Review Committee was to provide a progress report in December; March and June annually.

To facilitate the achievement of organisational objectives each business unit prepares annual business plans as part of the annual budget process. Operational activities whilst a responsibility of the Chief Executive Officer directly affect service levels and operational budgets and they are important tools in delivering on the higher level corporate strategic objectives as outlined in the Corporate Business Plan.

Council has requested the preparation of high-level progress report against the departmental business plans for information only and this requirement forms part of the CEO key performance indicators.

**COMMENT**

The Chief Executive Officer presents to Council an update on the Shire’s Corporate Business Plan to keep them informed of the organisation’s progress.

The purpose of the final report is to:

- Provide a status update on the key actions undertaken by the Shire for 2019/20 financial year of the Corporate Business Plan;
- Demonstrate how the Shire, through the Corporate Business Plan is meeting the Shire’s Strategic Community Plan’s goals and strategies; and
- Meet the reporting guidelines of the Integrated Planning Framework.

The Corporate Business Plan is structured to meet the Community Strategic Plan objectives and as such is broken into four sections addressing Economic, Environmental, Social and Leadership aspiration of the Community.

Table 1 provides a summary progress report of the Corporate Business Plan actions. There has been an increase in the interventions of actions from four at the mid-year review period to seven. The increase of three is directly related to the COVID 19 pandemic and this is explained in the confidential attachment 2.

Table 1 - Corporate Business Plan Progress Report

<b>Objective</b>	<b>Actions</b>	<b>Status - Complete</b>	<b>Status -On track</b>	<b>Status - Monitor</b>	<b>Status - Intervene</b>
<b>Economic</b>	20	2	16	2	0
<b>Environmental</b>	11	1	8	1	1
<b>Social</b>	12	3	3	3	3
<b>Leadership</b>	6	0	3	0	3
<b>Total</b>	49	6	30	6	7

Table 2 - Progress report against the CEO Key Performance Indicators as at the March period

KPI 1 Corporate Business Plan	1.1 Progress the achievement of the 2019-20 Corporate Business Plan targets and provide updates to Council in: <ul style="list-style-type: none"> <li>• December 2019</li> <li>• March 2020</li> <li>• June 2020</li> </ul>	30 June 2020	On Track
KPI 2 Annual Departmental Plans	2.1 Progress the achievement of the 2019-20 Annual Departmental Plan targets and provide updates to Council in December March and June (annually).	30 June 2020	On Track
KPI 3 Local Laws Review	3.1 Convene a Council workshop to develop a program and priorities for the review of the Shire's Local Laws.	March 2020	Complete
KPI 4 Signage Policy	4.1 Engage with the small business community (including the Exmouth Chamber of Commerce) to obtain feedback on Council's review of the Shire's signage policy. 4.2 Report to Council with the revised signage policy.	November 2019  Feb / March 2020	On Track  On track out for public comment
KPI 5 Small Business Charter	5.1 Engage with the small business community (including the Exmouth Chamber of Commerce) to implement the Small Business Charter actions. 5.2 Report to Council with the findings from the consultation with the small business community and endorse the actions.	March 2020  April 2020	Complete  On Hold COVID 19
KPI 6 Planning Services	6.1 Continuous improvement of the Shires Planning processes in relation to: <ul style="list-style-type: none"> <li>• The measurement of customer satisfaction levels.</li> <li>• Reduction in processing times for Planning and Permit applications (post 1 July 2019).</li> </ul>	30 June 2020	On Track now on Hold
KPI 7 Governance Support	7.1 Develop a governance and compliance calendar and provide to elected members. 7.2 Develop an organisational risk and business continuity strategy and report to Council. 7.3 Undertake a review of the Shire's Audit Committee and report to Council.	Sept 2019  Dec 2019  Dec 2019	Completed  Completed  Completed

The table indicates that KPI 6 is now on hold because we have had a resignation from one planner and all non-essential planning matters are on hold due to COVID-19.

Table 3 - A summary of the Departmental Business Plan Progress Report as at the March 2020

Department	Deliverables	Status – Complete	Status – On Track	Status - Monitor	Status – Intervene
Aviation	19	5	10	3	1
Communications	15	6	5	2	2
Community Development	21	5	12	3	1
Corporate Services	13	6	3	2	2
Human Resources	8	1	6	1	0
Law and Order	10	2	8	0	0
Library	10	2	8	0	0
Marine	7	1	3	0	3
Ningaloo Centre	20	3	16	1	0
Planning Building Health	21	2	13	1	5
Public Open Space	8	5	3	0	0
Roads	7	1	6	0	0
Waste	9	5	4	0	0
Pool	7	3	4	0	0
<b>Total</b>	<b>175</b>	<b>47</b>	<b>101</b>	<b>13</b>	<b>14</b>
%		27%	58%	7%	8%

The table indicates that at the March review period 84% of deliverables are completed or on track. There has been an increase from 5 to 14 actions where an intervention has resulted as direct result of COVID 19 and a decision made due to resourcing higher priorities.

## CONSULTATION

Chief Executive Officer  
Executive Managers

## STATUTORY ENVIRONMENT

Local Government Act 1995 Part 5 Division 5, s 5.56  
Local Government (Administration) Regulations 1996 Part 5, Division 3, r19DA

## 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

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**OFFICER'S RECOMMENDATION**

**ITEM 14.1**

That Council RECEIVE the year to date (March 2020) progress reports for the:

- 2019/20 Corporate Business Plan shown in Attachment 1;
- 2019/20 CEO Key Performance Indicators; and
- 2019/20 Departmental Business Plans as shown in Table 3 of the report.

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**COUNCIL RESOLUTION**

**ITEM 14.1**

**Res No: 18-0320**

**Cr Lucas: MOVED motion to defer this report for further consideration.**

**SECONDED: Cr Lake**

**CARRIED 6/0**

**15. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS**

Nil

**16. CLOSURE OF MEETING**

The Shire President declared the meeting closed at 6.20pm.