

Shire of Exmouth

ORDINARY COUNCIL MEETING

AGENDA



28 May 2020

NOTICE OF MEETING

Notice is hereby given that the

Shire of Exmouth
Ordinary Council Meeting
will be held on
Thursday 28 May 2020

Commencing at 4.00pm
In the Mandu Mandu Function Room, Ningaloo Centre,
2Truscott Crescent, Exmouth

Cameron Woods
Chief Executive Officer

Disclaimer

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

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

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

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

Shire of Exmouth

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Email: records@exmouth.wa.gov.au | Website: www.exmouth.wa.gov.au

Disclosure of Interest Form

(Elected Members/Committee Members/Employees/Contractors)

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

To: Chief Executive Officer

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

Report No _____

Report Title _____

Name _____

☐ Elected Member ☐ Committee ☐ Employee ☐ Contractor

Type of Interest (*see overleaf for further information)

☐ Proximity ☐ Financial ☐ Impartiality

Nature of Interest

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

Name: _____ Signed: _____ Date: _____

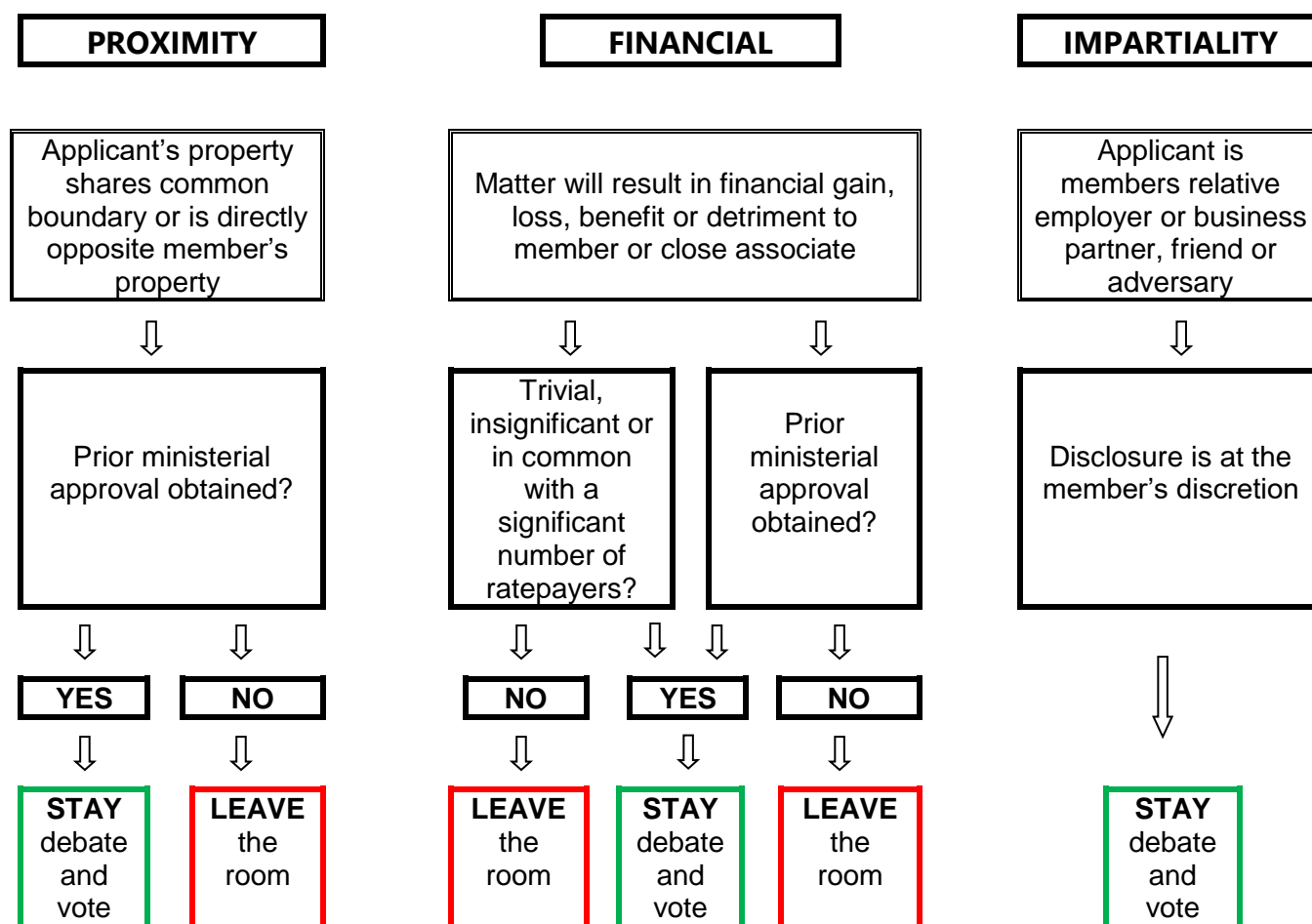
Note 1: For Ordinary meetings of Council, elected members and employees are requested to submit this completed form to the Chief Executive Officer prior to the meeting. Where this is not practicable, disclosure(s) must be given to the Chief Executive Officer prior to the matter being discussed.

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

OFFICE USE ONLY

CEO: _____ Signed: _____ Date: _____

* Declaring an Interest



Local Government Act 1995 - Extract

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

- (1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest:
- (a) in a written notice given to the CEO before the meeting; or (b) at the meeting immediately before the matter is discussed. (Penalties apply).
- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know:
- (a) that he or she had an interest in the matter; or (b) that the matter in which he or she had an interest would be discussed at the meeting.
- (3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

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

- (1) In this section: 'employee' includes a person who, under a contract for services with the local government, provides advice or a report on a matter.
- (2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.
- (3) An employee who discloses an interest under this section must, if required to do so by the council or committee, as the case may be, disclose the extent of the interest. (Penalties apply).

5.71 - Employees to disclose interests relating to delegated functions.

- If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and:
- (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter. (Penalties apply)

'Local Government (Administration) Regulations 1996 – Extract

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

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

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AGENDA

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	<ul style="list-style-type: none"> • 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 XX

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

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

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

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

Councillor M (Matthew) Niikkula	Shire President
Councillor 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
Ms Head

Executive Manager Corporate Services
Minute Clerk

GALLERY

APOLOGIES

LEAVE OF ABSENCE

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTIONS TIME

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

Members of the public are invited to submit questions, where possible ensuring it is received at least 1 hour prior to the commencement of the meeting. Questions can be forwarded via email to info@exmouth.wa.gov.au

5. DECLARATIONS OF INTEREST

6. APPLICATIONS FOR LEAVE OF ABSENCE

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

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

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

That the Minutes and associated attachments of the Special Council Meeting of the Shire of Exmouth held on the 21 October 2019 and 23 April 2020 be confirmed as a true and correct record of proceedings.

8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS

9. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

11. MATTERS ARISING FROM COMMITTEES OF COUNCIL

The Minutes of this Committee meeting are available on the Shires website.

11.1.1 APPLICATION PROCESS SHIRE PRESIDENT COVID-19 RELIEF FUND

COMMITTEE RESOLUTION

ITEM 11.1.1

That Council RECEIVE the minutes of the Shire President COVID-19 Relief Fund Committee held on the 12 May 2020 at 3.30pm inclusive of the following decisions:

That the Committee APPROVE the application and approval process for the disbursement of Shire President COVID-19 Relief Funds as per Attachments 1 and 2 of this report and specifically endorse:

1. Eligibility Requirements

- *Funding is available only to not-for-profit groups based in the Shire of Exmouth. Ideally all applications should be submitted from groups participating via the Exmouth Local Recovery Coordinating Group framework.*
- *Individuals seeking assistance should be directed to appropriate agencies and support groups in first instance.*
- *Applications must demonstrate that funding will meet an identifiable need from the Exmouth community relating to the impacts of the COVID-19 pandemic and that is not currently addressed by other State and Federal government support and relief agencies and programs.*
- *Applicants must consult with nominated Shire of Exmouth officers prior to submitting funding requests. This can be done via attending any of the Local Recovery working groups or approaching Shire officers direct.*
- *All applications must be submitted using the nominated Shire of Exmouth form.*
- *Applicant groups do not need to be incorporated.*
- *Applicants are required to complete a brief acquittal form.*
- *Funds from SPRF be acquitted within 90 days and a report of a general nature be submitted each 30 days.*
- *SPRF funds to be expended locally where possible.*

2. Application and Approval Process

- *Funding applications can be made up to a maximum of \$4,000 per application however larger amounts may be considered at the discretion of the SPRF Committee.*
- *Additional applications from the same group are permitted following successful acquittal of a previous submission.*
- *Shire officer to assess request including identify existing agency responsibilities and funding sources. As a first priority, existing funding and resources to be used wherever possible.*

- *If a gap is identified between community need and existing agency service/funding then Shire officers make recommendations on funding support.*

12. REPORTS OF OFFICERS

EXECUTIVE SERVICES

12.1.1 COVID 19 RENT RELIEF

File Reference:	PH.NO.3.1
Reporting Officer:	Executive Manager Corporate Services
Responsible Officer:	Chief Executive Officer
Date of Report:	15 April 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1 CONFIDENTIAL – Hardship Application and Assessment

PURPOSE

That Council approve a further \$1,190 commercial lease relief to the nominated lease holder in the Confidential attachment and extend their lease by 6 months on condition that they enter into a payment arrangement to pay outstanding lease fees which are not COVID-19 related.

BACKGROUND

On 15 March 2020, the Minister for Emergency Services and the State Government declared a State of Emergency under the Emergency Management Act and a Public Health Emergency under the *Public Health Act 2016* in response to COVID-19.

At the Special Council meeting held on 23 April 2020 Council approved the following:

COUNCIL RESOLUTION

ITEM 12.1.1

MOVED: Cr Dixon
SECONDED: Cr McCarrol

The Shire President reiterated to Councillors the Officers recommendation includes all points 1 through to 10.

OFFICER'S RECOMMENDATION 7

That Council APPROVE:

- 1. The 2019/20 Revised Budget Review (Attachment 4) that encompasses the effect that COVID-19 had on Council's financial position.**
- 2. The \$72,541 commercial lease relief to the nominated lease holders in the CONFIDENTIAL Attachment 5.**

The rental relief for one of the lease holders from resolution 02-0420 needed to include an increase to their lease from April 2020 which was not accounted for in the relief provided and requires an additional \$1,190 to account for the increase over this period.

COMMENT

Their rental relief application also included a request to extend their lease by 6 months to provide them the opportunity to rebook events that they missed out on as a result of the restrictions from the COVID-19 pandemic. This was not addressed at the April Special Council meeting.

Their account is currently in arrears, which relates to rent not impacted by COVID-19 excluding the rent relief provided in Council resolution 02-0420 and the additional \$1,190 requested in this item. It is recommended that this 6-month extension be approved on the condition that they enter into a payment arrangement plan to recover the amount currently outstanding.

The Shire of Exmouth has a responsibility to provide services to the community; to be financially responsible and to provide leadership during the COVID 19 crisis. Leadership will be measured by the Shires response to the crisis and its response during the recovery phase.

Reducing the financial impact on its rate payers and community during the crisis and stimulating the local economy during the recovery phase post COVID 19 is a responsibility of the Shire. This report details the impacts of COVID 19 on the Shires financials up to June 30th 2020 and makes recommendations to address these impacts both in this financial year and through the setting of fees and charges and rates for the 2020/21 financial year.

Rent Relief

There have been hardship applications received from commercial operators that have leases with Council. Please refer to the confidential attachment for details.

ECONOMIC IMPLICATIONS

Nil

CONSULTATION

Nil

STATUTORY ENVIRONMENT

The Act defines what the local government is permitted to do in an emergency with respect to entering land, or exercising the power of entry, or giving notice of certain rates.

Section 6.12(1)(c) of the Local Government Act 1995 allows a local government to write off any amount of money which is owed to the local government.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

As discussed in the body of the report.

RISK MANAGEMENT

There are no adverse risk implications envisaged from this report.

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

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATIONS

ITEM 12.1.1

That Council APPROVE a further \$1,190 commercial lease relief to the nominated lease holder in the Confidential attachment and extend their lease by 6 months on condition that they enter into a payment arrangement to pay outstanding lease fees which are not COVID-19 related.

12.1.2 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:	20 May 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none">1. Proposed new Advertising Signage, Town Centre Public Space Permit, and Outdoor Eating Permit Policy2. Advertising Signage Guidelines3. Town Centre Public Space Permit Guidelines4. Outdoor Eating Permits Guidelines5. Temporary Banner Display Guidelines

PURPOSE

That Council adopt the 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

At the 23 April 2020 Special Council Meeting, Council approved the advertising for public comment of the proposed new "Advertising Signage, Town Centre Public Space Permit, and Outdoor Eating Permit".

Res No: 04-0420

MOVED: Cr Niikkula

SECONDED: Cr Mounsey

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.

CARRIED 6/0

As stated in the report item presented to Council at the 23 April Special Council Meeting.

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.

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 Council resolution 04-0420 the draft policy was advertised for public comment for a period of 21 days. Copies of the draft policy were available for review by the public via the Shire of Exmouth website and advertised via the public notices of the Pilbara News (copy of advertisement 29 April 2020 in attachment 2).

The following table summarises the feedback received during the advertising period.

Response #	Public response	Shire response
Mr Keith Stark	Please ensure that any leniency or deviation in policy works on behalf of the small vendors. There was talk in the public meeting about restricting advertising in the Town Centre to only businesses that were actually located there. This kind of policy strongly favors (sic) the businesses in the Town Centre, as most tourists will seldom venture anywhere else. Cutting off advertising potential for alternate purchasing options is highly biased. If this is married to strict sign restrictions that make it difficult (or prohibitively expensive) for the small business owner to attract attention from the road, then the shire has essentially ended competition for anyone who can't afford a shop in the Town Centre. I'm not accusing the shire of doing this, I simply can't read between the lines of this policy enough to determine what the outcome will be, so I am bringing these concerns to light. Additionally, signage will not be the only policy that impacts the ability of our smaller business owners to compete. I, for one, would like to urge the shire to make it a general policy to foster our weakest business owners, and when in doubt, allow for more latitude rather than less when it comes to regulating their development.	The issues raised by Mr Stark were discussed at an initial public meeting in late 2019. The development of the new policy has considered these concerns in particular reflecting the industry collaboration principles of cross promotion. Third party advertising is permitted in the new policy and is available to all local businesses.
Exmouth Boat Hire	The new draft is far more easier to understand than the original. I am guessing all these will still be subject to shire approval process.	Noted.

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

If Council approve the new policy this will replace existing policy 6.8 Signs.

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

OFFICER'S RECOMMENDATION

ITEM 12.1.2

That Council ADOPT the new "Advertising Signage, Town Centre Public Space Permit, and Outdoor Eating Permit" policy and guidelines as detailed in Attachments 1 -5 to this report.

12.1.3 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:	20 May 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Proposed New Itinerant Trading Policy 2. Pilbara News Draft Town Planning Policies advertisement

PURPOSE

That Council adopt the proposed new Itinerant Trading policy as detailed in Attachment 1 to this report.

BACKGROUND

At the 23 April 2020 Special Council Meeting, Council approved the advertising for public comment of the proposed new "Itinerant Trading Policy".

Res No: 05-0420

MOVED: Cr Niikkula

SECONDED: Cr Mounsey

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

CARRIED 6/0

As stated in the report item presented to Council at the 23 April Special Council Meeting.

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; and
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 Council resolution 05-0420 the draft policy was advertised for public comment for a period of 21 days. Copies of the draft policy were available for review by the public via the Shire of Exmouth website and advertised via the public notices of the Pilbara News (copy of advertisement 29 April 2020 in attachment 2).

No submissions were received during the advertising period.

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

If Council approve the policy this will be a new policy.

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:	<u>Diversify and grow our economy in a manner that provides year round employment opportunities</u> 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:	<u>To be a vibrant, passionate and safe community valuing our natural environment and unique heritage</u> 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:	<u>To provide open transparent, accountable leadership working in collaboration with our community.</u> 4.1 To provide proactive, collaborative and transparent leadership 4.2 A local government that is respected and accountable. 4.3 To be a champion for our community

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.1.3

That Council ADOPT the new "Itinerant Trading" policy and guidelines as detailed in Attachment 1 to this report.

DEVELOPMENT SERVICES

12.2.1 PROPOSED AMENDMENT BUSH FIRE BRIGADES LOCAL LAW 2020

File Reference:	LE.LO.10
Reporting Officer:	Compliance and Emergency Services Coordinator
Responsible Officer:	Executive Manager Development Services
Date of Report:	7 May 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Proposed Amendment Bush Fire Brigade Local Law 2020 2. Bush Fire Brigades Local Law 2020 Gazette

PURPOSE

That Council adopt the proposed Amendment Bush Fire Brigade Local Law 2020 for public notice and advertising.

BACKGROUND

During 2017 the Shire of Exmouth and the Department of Fire and Emergency Services engaged in a Memorandum of Understanding to give operational control of any Bush fire Brigade established within the Shire of Exmouth to the Department of Fire and Emergency Services.

As a result of this Memorandum of Understanding a new Local Law relating to Bush Fire Brigades needed to be adopted to accurately reflect this relationship.

In 2018 the Department of Fire and Emergency Services supplied a Local Law to fulfil this role that was adopted 22 November 2018 **Res No: 07-1118** and gazetted 14 January 2019.

In March 2019 the Shire President received notification from the Parliament of Western Australia Joint Standing Committee on Delegated Legislation requesting confidential amendments to the Local Law 2018 be undertaken that would cause the local law to be repealed.

Once these undertakings were complete the Local Law was again progressed and adopted by council at the Ordinary Council Meeting 19 December 2019 **Res No: 10-1219** and gazetted 5 February 2020.

In March 2020 the Shire President again received notification from the Parliament of Western Australia Joint Standing Committee on Delegated Legislation requesting confidential amendments to the Local Law 2020 be undertaken that would cause the local law to be amended. As a result, the proposed amendment Bush Fire Brigades Local Law 2020 was created.

COMMENT

Local Governments are responsible for Bush Fire Brigades and have adopted Local Laws to manage them through the *Bush Fires Act 1954*. As part of the Memorandum of Understanding with the Department of Fire and Emergency Services, the Department has supplied the Shire of Exmouth with the proposed Bush Fire Brigades Local Law to assist in the adoption of Local Laws supplementary to the *Bush Fires Act 1954* and accurately capturing the Departments greater responsibility to the operation of Bush Fire Brigades within the district.

CONSULTATION

The proposed Amendment Local Law 2020 was created from a template supplied by WALGA from the City of South Perth Public Places and Local Government Property Amendment Local Law 2019. The amendments themselves are requested undertaking from the Western Australian Parliament Joint Standing Committee on Delegated Legislation.

STATUTORY ENVIRONMENT

The *Local Government Act 1995* requires the person presiding at a Council meeting to give notice of the purpose and effect of the proposed local law by ensuring that the purpose and effect are included in the agenda for the meeting and that the minutes of the meeting include the purpose and effect of the proposed Local Law. Subsequently, the purpose and effect of the proposed Local Law are as follows:

- Purpose
The purpose of the Shire of Exmouth Bush Fire Brigades Local Law 2020 is to provide for the regulation, control and management of bush fire brigades with the district.
- Effect
The effect of the Shire of Exmouth Bush Fire Brigades Local Law is to ensure safe, fair and equitable control of bushfire brigades jointly managed by the Department of Fire and Emergency.

Section 3.12 of the *Local Government Act 1995* sets out the Statutory Procedures to make a Local Law as below:

3.12. Procedure for making local laws

(1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.

(2A) Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.

(2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.

(3) The local government is to —

- (a) give local public notice stating that —*
 - (i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and*
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*

- (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and*
- (b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
- (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- [(3a) deleted]*
- (4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*
 - * Absolute majority required.*
- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) *After the local law has been published in the Gazette the local government is to give local public notice —*
 - (a) *stating the title of the local law; and*
 - (b) *summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - (c) *advising that the local law is published on the local government's official website and that copies of the local law may be inspected at or obtained from the local government's office.*
- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT

Nil

ALTERNATE OPTIONS

Council may authorise a repeal local Law be created to repeal the Bush Fire Brigades Local Law 2020 with the Undertakings requested by the Parliament of Western Australia Joint Standing Committee on Delegated Legislation.

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
1.3 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
- 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.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.2.1

That Council:

1. Authorise the ADOPTION of the proposed Shire of Exmouth Bush Fire Brigade Amendment Local Law 2020 for advertising.
2. APPROVE state-wide public notice stating that:
 - i. the local government proposes to make an amendment local law the purpose and effect of which is summarized in the notice;
 - ii. a copy of the proposed amendment local law may be inspected or obtained at any place specified in the notice; and
 - iii. submissions about the proposed amendment local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.

CORPORATE SERVICES

12.4.1 FINANCIAL STATEMENTS FOR PERIOD ENDING 30 APRIL 2020

File Reference:	FM.FI.0
Reporting Officer:	Manager Finance
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	19 May 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Monthly Financial Report as at 30 April 2020.

PURPOSE

That Council receives the financial report for the financial period ending 30 April 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 30 April, operating revenue is below target by \$109,553 (1.10%) due to fees and charges revenue due to reduced flights at Learmonth Airport and closure of the Ningaloo Centre.

Operating expenditure is under budget by \$1,358,180 (10.34%) due to timing of maintenance programmes, mainly related to sanitation, urban stormwater, marine infrastructure, Ningaloo Centre, aviation, roads and footpaths. Community programmes and events are under budget.

The capital program is currently under budget \$628,167 due to timing of projects. Major road works have commenced on Murat Road. Yardie Creek Road works were completed in March. New reptile exhibits and disabled ramp have been installed in the Ningaloo Centre. Other projects that have been completed include upgrades to shire hall, irrigation sewerage ponds, vehicle replacement, staff housing, Bundegi toilets, maintenance of Old Administration Building and installation of lighting at Town beach. Orders have been placed for rubbish truck and 2 canter trucks which are expected to arrive near the end of May.

Outstanding rates are \$595,288. Rate notices were issued on 30 July 2019, with the final instalment being due on 8 April 2020. The Shire has collected 87.6% of total rates outstanding, which is below the same time last year (90.42%). As at 30 April 2020, Council had received Hardship Applications for 30 properties totalling for \$73,246. Final Notices were issued on 30 April 2020 with correspondence enclosed notifying ratepayers of the Financial Hardship Policy that was adopted by Council on 23 April 2020.

General Debtors is \$982,076 with \$715,495 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

OFFICER'S RECOMMENDATION

ITEM 12.4.1

That Council RECEIVES the Financial Report for the financial period ending 30 April 2020.

12.4.2 LIST OF ACCOUNTS FOR PERIOD ENDING 30 APRIL 2020

File Reference:	FM.FI.0
Responsible Officer:	Manager Finance
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	19 May 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. List of Accounts for period ending 30 April 2020

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.

April Payments

Municipal Fund	totalling \$1,465,619.71 Incorporating cheques, direct debits, electronic payments and credit cards.
Trust Fund	totalling \$9,764.29 Incorporating electronic payments.
Total Payments:	\$1,475,384.00

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

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 April 2020 (totalling \$1,475,384.00).

ITEMS FOR INFORMATION ONLY

12.5.1 ITEMS FOR INFORMATION ONLY

PURPOSE

To advise Council of the information items listed below.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

ITEM 12.5.1

That Council note the following information items:

Register of Documents Stamped with the Shire of Exmouth Common Seal

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

DATE	DOCUMENT
23/04/2020	Sale of land – Lot 10 Heron Way Exmouth (Council Decision 15-02/16 & 17-05/17)

Building Decisions Issued

A summary of the building permits and building certificate applications and approvals made under Delegation pursuant to the *Building Act 2011* up to 30 April 2020.

App #	Date Received	Lot	Property Address	Description	Decision	Decision Date
20/19	01/04/20	330	3 Falls Street	New construction steel framed shed	Approved	01/04/20
20/20	06/04/20	4	36 Pelias Street	New construction office and lean-to additions to existing building	Approved	09/04/20
20/21	16/04/20	189	10 Snapper Loop	Carport	Approved	07/05/20
20/22	17/04/20	500	62 Maidstone Crescent	Changing rooms/toilets modifications (Paltridge Memorial Swimming Pool)	Approved	05/05/20
20/23	20/04/20	149	20 Nimitz Street	New construction free standing carport	Approved	11/05/20
20/24	21/04/20	128	10 Seawolf Place	BAL contouring map	Issued	30/04/20
20/25	23/04/20	1	1 Truscott Crescent	RAC Caravan Park - Retaining walls and pool umbrellas	Approved	01/05/20
20/26	23/04/20	1	1 Truscott Crescent	RAC Caravan Park - 2 x below ground swimming pools and safety barriers	Approved	01/05/20
20/27	24/04/20	1	1 Truscott Crescent	Commercial ablution block	Approved	05/05/20

Planning Decisions Issued

A summary of the planning decisions issued under delegation or outstanding up to 30 April 2020.

App #	Date Received	Lot	Property Address	Description.	Decision	Decision Date
PA32/19	13/03/19		Scheme Amendment 1 to LPS4		Deferred	07/06/19
DA18/20	16/03/20	400	19 Krait Street	Existing Holiday House	Approved	29/04/20
DA23/20	08/04/20		2 Truscott Crescent	Ningaloo Centre – Amendment to DA12/20	Approved	09/04/20
DA24/20	08/04/20	1	1 Truscott Crescent	RAC caravan park – Amendment to PA142/19	Approved	09/04/20
DA25/20	09/04/20	139	21 Tuckey Street	Construction of industrial building for Warehouse/storage use	Approved	04/05/20

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 30 April 2020; and
- Planning Decisions Issued up to 30 April 2020.

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

Nil

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

Nil

15. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS

Nil

16. CLOSURE OF MEETING

The Shire President declared the meeting closed at