

Shire of Exmouth

ORDINARY COUNCIL MEETING

MINUTES



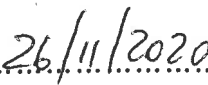
22 October 2020

CONFIRMATION OF MINUTES

I hereby certify that the Minutes and Attachments of the Ordinary Council Meeting held on the 22 October 2020 are a true and accurate record of the proceedings contained therein.

.....

Matthew Niikkula
Shire President

..........
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	<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 4.02pm.

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 Bird	Executive Manager Commercial and Community
Mr G Coetzee	Executive Manager Corporate Services
Ms Head	Minute Clerk
Joanne Gordon	Manager Works

GALLERY 19

APOLOGIES Mike Richardson, Executive Manager Development Services

LEAVE OF ABSENCE 0

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE
Nil

4. PUBLIC QUESTIONS TIME

The following public questions were received prior to the meeting:

Received from Kristy Devereux

"Firstly – I note that at the last Council meeting, Council endorsed the wording of the amended action for outcome 1.3.2 of the current Business Plan to read "To lobby state government to fast track a cruise solution at the existing marina". I also note that the Gascoyne Development Commission published the Final Report of the Economic Benefits Assessment of Exmouth Marine Infrastructure Project, just 12 months ago, in November 2019 where, after thorough analysis, it identified two preferred options for further assessment that would allow cruise ship and super yacht berthing at the northern side of the existing Exmouth marina.

Despite these less imposing options Council seems very determined to develop an industrial deep water port an idea that was first suggested nearly 20 years ago and now seems to be incredibly outdated. It seems to be an absolute contradiction to how the Exmouth community values have evolved over recent years as highlighted by the Strategic Community Plan Exmouth 2030.

On ABC radio this week the Shire President made a statement that the Shire has no current position on the Gascoyne Gateway development this was after the CEO of the Gascoyne Gateway development declared he had been discussing the port with the Shire for 2 years.

I have 2 questions. The first relates to a question I raised at the last council meeting which has not been answered to date, my question was:

Have other options, for multi-use infrastructure and facilities that encourage and diversify the local economy, been seriously investigated and if so, why have these other options been rejected?

The Shire President acknowledged that at the previous Council meeting council approved to amend the Corporate Business Plan action to read to *Lobby State Government to fast track a cruise solution at the existing marina*, AND it was added for Council to initiate its own community consultation to determine if a mutli use deep water port would be supported by current community members within the shire of Exmouth, post the Gascoyne gateway community engagement program for a deep water port.

The rational of going out to the community to find out if it is something that the community still want as a whole now: is there still the need for it to be pursued?

The Shire community consultation will follow after the Gascoyne Gateway community consultation to give the community an opportunity to see what is be proposed in that particular project.

This is one project that one proponent has provided.

Council has no intention to build a Cruise ship solution at the Marina; Council is lobbying State Government to fastrack a cruise solution which as been on the cards for some time.

The Shire President noted he did not speak to ABC during the week, as mentioned.

Cruise WA, Tourism WA and the Gascoyne Development Commission have been advocating for this infrastructure for many years.

The Deep Water Port concept which has been around for some time is to have a mutli use facility for cruise ships and possibly be used by Defence.

Also, was funding for such a marina-based development discussed with the Minister for Tourism during their recent visit to Exmouth?

The Shire President provided the following response: It is discussed with every Minister who visits Exmouth. It is one of the priority infrastructure projects we need for our community to diversify our economy. Councils preference is for the government to fund the cruise solution at the existing Marina site.

Secondly – In addition to the cruise solution, Council seems very determined to develop a deep-water port which was first suggested nearly 20 years ago and now seems to be an incredibly out-dated idea, especially if a cruise solution at the existing marina is developed, it also seems to be in absolute contradiction to how the Exmouth community values have evolved over more recent years, which is evident in the Strategic Community Plan Exmouth 2030.

My question is actually one of the questions I raised at last month's Council meeting, however as I have not received a response from Council I will repeat it today.

My question was, and is today:

Have other options, other than a deep-water port, been seriously investigated to meet the community priority of outcome 1.3 that is 'to create multiuse infrastructure and facilities that encourage and diversify the local economy', & if so, why have they been rejected?

The Chief Executive Officer provided the following response:

The Shire considers options as and when they are presented to them.

Current projects the Shire is supportive of:

- Subsea 7 – waiting on Environmental approval from the Minister
- The Tantabiddi Boat ramp redevelopment which is a Shire initiated project and is the number one priority going into the state election.
- Space Fence – a joint project with the Australian and American defence Forces.
- Tatterang Resort – which has the potential to be a transformational project for Exmouth just as Cable Beach club was for Broome.
- Flourishing Oceans Research facility which the Shire facilitated after UWA walked away from their lease obligations at the Ningaloo centre.
- Continuing to Lobby government for a greater defence presence in Exmouth.

We are trying to diversify the economy so we are not so reliant on tourism. Our reliance on tourism was highlighted when COVID 19 hit at the start of our tourism season. If Exmouth had other industries we could of reduced the impact of Covid on our local economy. This is what the community told us they wanted as outlined in the Community Strategic Plan.

If the Shire has indeed been dealing with the GGL over the past 2 years already and we now know that GGL want to build a deep water port at the northern end of Pebble Beach that would encompass Qualing pool and encompass 600 hectares of land on both sides of Minilya Exmouth Road, why has there not been community public consultation with the nature of the infrastructure for that particular site until now and why is it that Exmouth residents and ratepayers find out 2 years after by accident?

Gascoyne Gateway provided an update to the Council a week prior to it being provided to the Community. The Shire has not received a development application or any formal application that would require a decision of Council.

Lot 50 Mowbowra Creek, is the site which 20 years ago was identified to be a barge load out facility, for limestone for Cockburn Cement (CC). Council at the time assisted with developing Mowbowra Creek Estate so that industry could support the barge load out facility. The water depth required then was six metres for a barge load out facility.

Since then CC have not progressed or developed the site. Despite commissioning a feasibility study to determine if they would progress some form of port facility at the site. The report identified various options and opportunities and the company which conducted the feasibility study purchased the intellectual rights to the report and attempted to purchase the site to develop a deep water multi use facility as Gascoyne Gateway Limited. CC did not agree to sell the Lot 50 Mowbowra site and approached the shire administration to identify other parcels of land that may be suitable. The administration identified a foot print to the south of the existing site and suggested they contact professional planners and review our key planning documents.

At no time has Gascoyne Gateway presented anything to Council that would require a decision of Council.

The Shire President indicated that Council do want a cruise solution and that the state government would prefer private enterprise to provide such infrastructure rather than build a single use government funded cruise solution.

There is currently no land tenure, environmental or native title approvals provided to Gascoyne Gateway.

The role of Council is to facilitate environmentally sound developments in line with community expectations. It is for this reason that the Council has requested GGL conduct extensive community consultation before Council conducts its own community survey re the GGL project.

Received from Ty Mytek

With the new financial year has there been any further consideration for a footpath along Warne street past the horse club and cemetery?

The Manager Works provided the following response:

No consideration for a footpath at this location, as it is not a priority area. We are linking up the domestic and residential properties up to places where children tend to use such as Lockwood street and Bennett street footpath.

However, the corner of Madaffari and Warne is quite damaged and bitumen has been compromised, so work will be required there it is possible that a walk or bike track may be put in whilst these works are being completed in the future (not this financial year)

What developments have occurred with the mentioned improvements to the towns water quality, the cost to residents to having to purchase and maintain water softeners and filter systems are costly.

Water Corporation see their role as providing water within public health standards and Exmouth's are within it. They are under no obligation to fix it, as much as the Shire has tried.

New technologies were trialled and did not go as well as thought and because it is an untested new product Water Corporation won't take the risk with public health on a product that they will be liable for. Therefore, the water we have currently meets public health guidelines and the status quo will remain

5. DECLARATIONS OF INTEREST

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

That the Minutes and associated attachments of the Ordinary Meeting of the Shire of Exmouth held on the 24 September 2020 be confirmed as a true and correct record of proceedings.

COUNCIL RESOLUTION

ITEM 7

Res No: 01-1020

MOVED: Cr Lucas

SECONDED: Cr McCarrol

That the Minutes and associated attachments of the Ordinary Meeting of the Shire of Exmouth held on the 24 September 2020 be confirmed as a true and correct record of proceedings.

CARRIED 6/0

8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS

Councillor Lake	<p>1 October - Met with the WA Minister for Tourism - Honourable Paul PAPALIA</p> <p>6 October - Attended the Exmouth Bike Park Meeting for a zoom meeting with the designers of the Park.</p> <p>9 October - Assessed the Community and Sporting Grants</p> <p>21 October - Attended the first Ningaloo Tourism Advisory Group meeting.</p> <p>Attended Freight Ideas - There were Moments of Transformation in the Tantabiddi Travelling Gallery. Was particularly impressed with Renoir's sculpture of Venus.</p>
Councillor Lucas	<p>Attended NTAG Committee Meeting - Elected chairperson. Jacqui Brookes voted Deputy Chairperson.</p>
Councillor McCarrol	<p>1 October - Visit Minister Papalia - Round Table with operators</p> <p>6 October - Bike Track workshop - Good turnout from community and lots of positive feedback, few concerns around drainage and maintenance which should be detailed in the final design</p> <p>13 October - 2023 Hybrid Solar Eclipse - Well supported by the community again with many concerns with not knowing how many people will visit for this event and having the infrastructure to support the expected increase of visitors at a time when we already have good visitation. Rod Quartermaine, conducting preliminary report for risk and opportunities of the eclipse event</p> <p>14 October - Tourism WA Industry Update - I attended online by webinar with meeting held in Perth attended by Minister Papalia sharing similar information he had discussed at our visit with operators. Other speakers attended but I was unable to view all the webinar</p> <p>15 October - Community & Sports Grants - Cr Lake with myself and Tracy reviewed the 8 applications for Round 1 of the Community and Sporting Grants of up to \$1500 funding. All had a good mix of purpose. There is an application form that is very straight forward which I would encourage all suitable groups to apply for. Advice is readily available from the SOE so please get in contact and be ready to apply for the next round</p>

	<p>16 October - Jules Bush Lighthouse Development - Met with Jules for further clarification on the resort development in particular the location of the road realignment, parking areas at the resort for public use when using the beaches in front of the resort.</p> <p>19 October - Resilient Reefs Community Workshop review - Review of RR Community Engagement Snapshot. Next 2 months RRWG will be working on action development with management agencies & stakeholders. Very interested in partnering and collaborating with either individuals or organisations/community groups. Keep up to date by signing up for the newsletter on the RR website @ www.resilientreefsningaloo.com</p> <p>20 October - Tourism Industry Round Table - Unfortunately, I had overlapping meetings on this day and was only able to attend the latter half of the meeting with good discussions on managing and expanding visitor experiences</p> <p>MERL - Minderoo Exmouth Research Lab - It's been a busy month so this again overlapped another meeting and arrived in time to hear the discussion of reef regeneration and data collected historically on weather temp and events. This proposed research will go hand in hand with the data required for possible action planning with the Resilient Reefs workshop outcomes. Also, the unveiling of the new very technical weather buoys to be permanently located at Bundegi, Tantabiddi and one around Observation Island. Used for long term data set. This data will be available to the public in real time. Who wouldn't want more accurate weather readings?</p> <p>21 October - NTAG - Ningaloo Tourism Advisory Group Excited to be able to sit in on these meetings as a councillor who had been involved in tourism since arriving into Exmouth almost 10 years ago. Having seen a lack of collaboration and a need to Market the Ningaloo Region as a destination I'm excited after our first meeting. I believe this group will lead in changing that which was lacking in Destination Marketing</p> <p>In so many recent meetings and many of the ones attended this month it's a breath of fresh air to see so much collaboration between agencies and the growing community attendance at workshops and information sessions. I'm looking forward to seeing the outcomes over these very important next couple of years.</p>
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9. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

The Shire President read the following:

"Last month I spoke about the importance of having guiding documents, based on community wants, needs and expectations in order to direct council in our governance duties. I spoke about the high level of public consultation that went into creating our Strategic Community Plan – Exmouth 2030, as well as the importance of maintaining an accurate and up to date Corporate Business Plan, setting out the milestones and timeframes to achieve our objectives.

One very strong subject that resonated within both of these documents was the desire to implement a recycling program within our township. This has certainly been a long-time dream of what is a very environmentally and sustainability focussed community we have in Exmouth.

It was adopted by Council as outcome 2.3.2 "Investigate sustainable waste management and recycling options"

This sounded like an easy win, and something that the Shire immediately started on, trying to achieve outcomes and kick goals. Wow, the roadblocks we came up against, the timing issues, the sheer tyranny of distance, freight and isolation, not to mention the outrageous costs involved, made this dream almost unattainable for quite some time. Council had a desire to implement a kerbside recycling program at the same time the overseas recyclables market collapsed, and councils across the country were desperately trying to get away from offering the service.

In our first Community Perception Survey, conducted in 2018, it was once again highlighted that Recycling was not only ranked as one of the most important community Priorities, but the one that Council ranked the poorest in delivering. Our hands were tied, we had no funds to finance a recycling program, no ability to conduct our own and no market to sell it to. But, we pushed on with our enquiries, looking at options in an effort to deliver at least something in this space.

Under the guidance of a new Executive Officer who Specialised in Waste solutions, a special "Waste Working Group" was formed in an attempt to bring the community along on this mission and investigate any options that were available. This too got stalled when the State Government announced a new "Containers for Change" Recycling Program and advised all councils to sit tight, don't go it alone and wait for further details. Another year passed, Covid-19 delayed the Launch, but finally, on the 1st of this month, the State-wide container deposit scheme was finally launched.

The lead up to launch day involved months of planning, using little to no information about details, (these didn't seem important) and needing to find infrastructure, dump points and Human Resources to actually make this program a reality in Exmouth.

A partnership was formed between the Aboriginal Biodiversity and Conservation Foundation, The Shire of Exmouth and the Exmouth Freemasons Community Group to get the program going and commit to the ongoing growth and success of the initiative.

Now, Finally and too long overdue, Exmouth has taken its first step into the world of recycling, and the community feedback that I have received is positively overwhelming. The Deposit point at the Freemasons Lodge on Huston St is a hive of activity and goodwill on a Saturday Morning and so far, the community is wholeheartedly embracing this positive environmental step forward for our town.

More important than the \$4598.60 that has been paid out to individuals, businesses and community groups so far, Exmouth, as a team has redirected nearly 4600 Glass, Aluminium and Plastic drink containers away from our landfill and into recycling centres in just the first 3 weekends.

The numbers of containers grow each week and I believe this really is just the first step in finally making some headway into achieving such an important community desire.

I would like to thank Executive Manager Mike Richardson, the Councillors and the Community Members who formed the "Waste Working Group" and I hope that these small first programs give them the momentum and support to investigate and implement even more recycling options to aid Exmouth in one day becoming the green, environmentally aware Community that we all aspire to be.

10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

The Chief Executive Officer received the following deputation requests:

- Naomi Mallin, Chairperson and Becky Tuesley, Vice Chairperson: Exmouth Dog Agility;
and
- Michael Dolton, Horizon Power

11. MATTERS ARISING FROM COMMITTEES OF COUNCIL

Nil

12. REPORTS OF OFFICERS

The following reports were recommended to be moved en bloc – 12.1.1, 12.1.2, 12.1.3, 12.1.4, 12.1.5, 12.2.5, 12.4.1, 12.4.2, 12.5.1

EXECUTIVE SERVICES

12.1.1 SHIRE CHRISTMAS CLOSURE

File Reference:	GV.CM.0
Reporting Officer:	Executive Secretary
Responsible Officer:	Chief Executive Officer
Date of Report:	6 October 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Nil

PURPOSE

That Council consider the closing period for Shire departments during the annual Christmas period.

BACKGROUND

1. In previous years Council has resolved to close the Shire Office over the Christmas New Year period. Shire staff will take annual or accumulated leave for the days on which the office is closed.
2. Generally, the town is very quiet at this time of the year and previous closure periods of this nature have not been an inconvenience to the community. A Senior Officer of the Shire will be in town during this period, should an emergency arise.
3. This year the days in question are Tuesday 29 December, Wednesday 30 December and Thursday 31 December 2020.
4. Hence, the office will be closed from 2pm Thursday 24 December 2020 and reopen again on Monday, 4 January 2021.

COMMENT

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

Department	Closed	Open
Shire Administration Office	2.00pm Thursday 24/12/20	Monday 04/01/21
Ningaloo Visitors Centre	Friday 25/12/20	
Library	2.00pm Thursday 24/12/20	Monday 04/01/21
Swimming Pool	Friday 25/12/20, Monday 28/12/20 & Friday 01/01/21	

Tip	Friday 25/12/20, Saturday 26/12/20, Monday 28/12/20 & Friday 01/01/21	
Airport	Normal operating hours will apply	
Depot	COB Thursday 24/12/20	Monday 04/01/21
<i>(Minimal staff will continue to operate during this time including Amenities Officer and Rubbish Truck driver who will run as normal)</i>		

CONSULTATION

6. Executive Managers

STATUTORY ENVIRONMENT

7. Nil

POLICY IMPLICATIONS

8. Nil

FINANCIAL IMPLICATIONS

9. Nil

RISK MANAGEMENT

10. Nil

ALTERNATE OPTIONS

11. The Shire Offices only close for the public holidays being Friday 25 December 2020, Monday 28 December 2020 and Friday 1 January 2021.

STRATEGIC ALIGNMENT

12. 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

13. Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.1.1

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

Department	Closed	Open
Shire Administration Office	2.00pm Thursday 24/12/20	Monday 04/01/21
Ningaloo Visitors Centre	Friday 25/12/20	
Library	2.00pm Thursday 24/12/20	Monday 04/01/21
Swimming Pool	Friday 25/12/20, Monday 28/12/20 & Friday 01/01/21	

Tip	Friday 25/12/20, Saturday 26/12/20, Monday 28/12/20 & Friday 01/01/21	
Airport	Normal operating hours will apply	
Depot	COB Thursday 24/12/20	Monday 04/01/21
<i>(Minimal staff will continue to operate during this time including Amenities Officer and Rubbish Truck driver who will run as normal)</i>		

COUNCIL RESOLUTION

ITEM 12.1.1

Res No: 02-1020

MOVED: Cr Niikkula

SECONDED: Cr Lucas

That Council **APPROVES** to close the various Shire departments during the Christmas period as shown in the table below:

Department	Closed	Open
Shire Administration Office	2.00pm Thursday 24/12/20	Monday 04/01/21
Ningaloo Visitors Centre	Friday 25/12/20	
Library	2.00pm Thursday 24/12/20	Monday 04/01/21
Swimming Pool	Friday 25/12/20, Monday 28/12/20 & Friday 01/01/21	
Tip	Friday 25/12/20, Saturday 26/12/20, Monday 28/12/20 & Friday 01/01/21	
Airport	Normal operating hours will apply	
Depot	COB Thursday 24/12/20	Monday 04/01/21
<i>(Minimal staff will continue to operate during this time including Amenities Officer and Rubbish Truck driver who will run as normal)</i>		

CARRIED 6/0

12.1.2 ORDINARY COUNCIL MEETING DATES 2021

File Reference:	GV.CM.0
Reporting Officer:	Executive Secretary
Responsible Officer:	Chief Executive Officer
Date of Report:	6 October 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Nil

PURPOSE

That Council That Council consider the proposed Ordinary Council meeting dates and starting times for 2021.

BACKGROUND

1. The proposed meeting dates for 2021, being the fourth Thursday of the month (except February and December when it will be held on the third Thursday) commencing at 4.00pm are as follows:
 - 25 February
 - 25 March
 - 22 April
 - 27 May
 - 24 June
 - 22 July
 - 26 August
 - 23 September
 - 28 October
 - 25 November
 - 16 December
2. Council are required to give local public notice of the proposed dates as per Regulation 12(1) of the *Local Government (Administration) Regulations 1996*.
3. There will be no Ordinary Council meeting in January 2021.

COMMENT

4. Nil

CONSULTATION

5. Nil

STATUTORY ENVIRONMENT

6. *Local Government (Administration) Regulations 1996*
12. Meetings, public notice of (Act s. 5.25(1)(g))

- (1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which —*
(a) the ordinary council meetings; and
(b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.

POLICY IMPLICATIONS

7. Nil

FINANCIAL IMPLICATIONS

8. Nil

RISK MANAGEMENT

9. Insert identified risks implications

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance/Reputational Not meeting legislative requirements	Almost certain	Minor	Low	Adopt the annual ordinary Council meeting calendar and advertise.

ALTERNATE OPTIONS

10. Dates may be altered by Council.

STRATEGIC ALIGNMENT

11. 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

12. Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.1.2

That Council ENDORSE the following dates for Ordinary Council meetings for 2021 commencing at 4.00pm:

- 25 February
- 25 March
- 22 April
- 27 May
- 24 June
- 22 July
- 26 August
- 23 September

- 28 October
- 25 November
- 16 December

COUNCIL RESOLUTION

ITEM 12.1.2

Res No: 03-1020

MOVED: Cr Niikkula

SECONDED: Cr Lucas

That Council ENDORSE the following dates for Ordinary Council meetings for 2021 commencing at 4.00pm:

- 25 February
- 25 March
- 22 April
- 27 May
- 24 June
- 22 July
- 26 August
- 23 September
- 28 October
- 25 November
- 16 December

CARRIED 6/0

12.1.3 NEW POLICY – 1.23 ATTENDANCE AT EVENTS: ELECTED MEMBERS AND CHIEF EXECUTIVE OFFICER

File Reference:	CM.PO.9
Reporting Officer:	Executive Secretary
Responsible Officer:	Chief Executive Officer
Date of Report:	14 September 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. New Council Policy – 1.23 Attendance at Events: Elected Members and Chief Executive Officer

PURPOSE

That Council approve to adopt new Council Policy 1.23 – Attendance at Events: Elected Members and Chief Executive Officer.

BACKGROUND

1. Amendments to the provisions of the Act proclaimed on the 18 October 2019, introduced a requirement for local governments to prepare and adopt a policy for attendance at events (section 5.90A) to deal with matters relating to the attendance of council members and the Chief Executive Officer (CEO) at events.
2. The purpose of the policy is for the Council to actively consider the purpose of, and benefits to the community from elected members and CEO's attending events. It provides transparency about the attendance at events of elected members and the CEO.

Section 5.90A. - Policy for attendance at events states:

(1) In this section — event includes the following — (a) a concert; (b) a conference; (c) a function; (d) a sporting event; (e) an occasion of a kind prescribed for the purposes of this definition.

(2) A local government must prepare and adopt* a policy that deals with matters relating to the attendance of council members and the CEO at events, including —

- (a) the provision of tickets to events; and***
(b) payments in respect of attendance; and
(c) approval of attendance by the local government and criteria for approval; and (d) any prescribed matter.

**** Absolute majority required.***

(3) A local government may amend* the policy.

**** Absolute majority required.***

(4) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.

(5) The CEO must publish an up-to-date version of the policy on the local government's official website

3. The policy addresses attendance whether free of charge, part of a sponsorship agreement or paid by the local government.
4. The Department of Local Government, Sport and Cultural Industries issued a guideline and policy template to assist local governments in the preparation of the council policy, and this information was considered when drafting this policy.

COMMENT

5. The policy provides a framework for the acceptance of invitation to various events, clarifies who will pay for tickets or the equivalent value of the invitation.
6. A ticket or invitation provided by a donor to an individual in their capacity as an elected member or CEO is to be treated as a gift to that person, unless the tickets or invitation is referred to the local government to be considered in accordance with this policy.

CONSULTATION

7. Department of Local Government
8. Executive Management Team

STATUTORY ENVIRONMENT

9. The policy ensures compliance with the provisions of the *Local Government Act 1995* section 5.90A and provides transparency about the attendance at events by elected members and the CEO.

POLICY IMPLICATIONS

10. New Policy

FINANCIAL IMPLICATIONS

11. Nil

ALTERNATE OPTIONS

12. This policy is mandatory as per the Section 5.90A (2). - Policy for attendance at events, of the Act.

RISK MANAGEMENT

13. 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

14. Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.1.3

That Council ADOPT new Council Policy 1.23– Attendance at Events: Elected Members and Chief Executive Officer.

COUNCIL RESOLUTION

ITEM 12.1.3

Res No: 04-1020

MOVED: Cr Niikkula

SECONDED: Cr Lucas

That Council ADOPT new Council Policy 1.23– Attendance at Events: Elected Members and Chief Executive Officer.

CARRIED by ABSOLUTE MAJORITY 6/0

12.1.4 NEW POLICY – 1.24 ELECTED MEMBERS: SUPPORT, FEES/ALLOWANCES TRAINING AND PROFESSIONAL DEVELOPMENT

File Reference:	CM.PO.9
Reporting Officer:	Executive Secretary
Responsible Officer:	Chief Executive Officer
Date of Report:	14 September 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. New Council Policy – 1.24 Elected Member: Support Fees/ Allowances, Training and Professional Development

PURPOSE

That Council approve to adopt new Council Policy 1.24 – Elected Members: Support, Fees/Allowances, Training and Professional Development.

This Policy is in accordance with the relevant legislation and determinations, being the *Local Government Act 1995*, the *Local Government (Administration) Regulations 1996* and determination of the Salaries and Allowances Tribunal (SAT) for Local Government Chief Executive Officers and Elected Members in accordance with the *Salaries and Allowances Act 1975*.

BACKGROUND

Support and Fees/Allowances

1. The *Local Government Act 1995* provides for sitting fees, allowances and entitlements of specific expenses related to or incurred in performing the role of a council member for the Shire of Exmouth. These are automatically generated each financial year following the adoption of the budget.

Training and Professional Development

2. As at the 6 July 2019, it is a legislative requirement under the *Local Government Act 1995* for council members to conduct training and professional development. A local government must prepare and adopt a policy in relation to the continuing professional development of council members.
3. The *Local Government Act 1995*, states in part that a local government must prepare and adopt a policy in relation to the continuing professional development of council members.
4. To ensure equity and accessibility to individual training and professional development opportunities, in addition to group training sessions offered by the Shire of Exmouth to enable council members to fulfil their functions in local government.

CONSULTATION

5. Executive Managers and Councillors

STATUTORY ENVIRONMENT

6. Section 5.26, 5.127, 5.128A of the *Local Government Act 1995*
7. Section 5.98(1) and (2A) of the *Local Government Act*
8. Regulation 30(3A) of the *Local Government (Administration) Regulations 1996*

POLICY IMPLICATIONS

9. Section 2.7(2)(b) of the *Local Government Act 1995* provides Council with the power to determine policies.
10. Council is required to adopt an 'Council Member Training Policy', as determined by the Section 5.128A of the *Local Government Act 1995*.

FINANCIAL IMPLICATIONS

11. Financial impact of these fees and allowances will be included each financial year with the adoption of the budget.

RISK MANAGEMENT

12. Nil

ALTERNATE OPTIONS

13. Nil

STRATEGIC IMPLICATIONS

14. 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

15. Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.1.4

That Council ADOPT new Council Policy 1.24 – Elected Members: Support, Fees/Allowances, Training and Professional Development.

COUNCIL RESOLUTION

ITEM 12.1.4

Res No: 05-1020

MOVED: Cr Niikkula

SECONDED: Cr Lucas

That Council ADOPT new Council Policy 1.24 – Elected Members: Support, Fees/Allowances, Training and Professional Development.

CARRIED by ABSOLUTE MAJORITY 6/0

12.1.5 NEW COUNCIL POLICY – 5.8 EVENTS

File Reference:	CM.PO.9
Reporting Officer:	Environmental Health Officer
Responsible Officer:	Chief Executive Officer
Date of Report:	13 October 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. DRAFT – New Council Policy 5.8 – Events Policy

PURPOSE

That Council endorse new Council Policy 5.8 for Events.

BACKGROUND

- Events are classified as Public Buildings under the *Health (Public Building) Regulations 1992*. The definition of a “public building” as set out in Part VI section 173 of the *Health Act 1911* is:
 - A building or place or part of a building or place where persons may assemble for –*
 - Civic, theatrical, social, political or religious purposes;*
 - Educational purposes*
 - Entertainment, recreational or sporting purposes; and*
 - Business purposes; and*
 - Any building, structure, tent, gallery, enclosure, platform or other place or any part of a building, structure, tent, gallery, enclosure, platform or other place in or on which numbers of persons are usually or occasionally assembled, but does not include a hospital.*
- The event approval process involves an event organiser submitting an application to the Shire to hold an event. This application is then assessed, the event is risk assessed and a Certificate of Approval is issued to the applicant subject to conditions. The event organiser may need to seek permission from land owners and other authority bodies to conduct their event. If the event is held on local government land permission needs to be given by the Shire.
- Previously the process for seeking permission from the local government was completed via a separate process. In 2019 this process was combined with the event approval process to reduce the administrative burden placed on the event applicant.

COMMENT

- The Event Policy aims to support the approval process and provide the community and Council staff with an understanding of the Shire’s objectives in regards to the delivery and support of events.
- The policy sets out an event classification process to assist in the risk assessment needs of the event and define what would be considered a Category 1 event (exempted event). The aim of

having an exempted event category is to reduce the administrative burden on the Shire, recognising these events pose no risk to attendees or the Shire. Also, small event organisers have typically been for example dance recitals for parents of students or community run events that are very low risk, it is hoped with this exemption our public open spaces will be utilised more and therefore create vibrancy.

CONSULTATION

6. The policy has been considered by Shire staff relevant to administering the policy and relevant Emergency Services departments.

STATUTORY ENVIRONMENT

7. Health (Miscellaneous Provisions) Act 1911
8. Health (Public Building) Regulations 1992

POLICY IMPLICATIONS

9. New Council Policy

FINANCIAL IMPLICATIONS

10. Nil

RISK MANAGEMENT

11. Risk implications identified in accordance with Policy 2.13 Risk Management

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Compliance				
Failure to approve events in accordance with the Health (Public Building) Regulations 1992	Rare	Insignificant	Low Acceptable	Utilise Development Control Unit to assess events and identify any concerns. Ensure procedures and systems are in place for event approval process.
Reputational				
Poorly managed events, reputation within event industry as unprofessional	Rare	Moderate	Low Acceptable	Policy and updated event pack will ensure events are managed in a professional manner.

ALTERNATE OPTIONS

12. Nil

STRATEGIC ALIGNMENT

13. 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.
- 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

14. Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.1.5

That Council APPROVE new Council Policy 5.8 – Events.

COUNCIL RESOLUTION

ITEM 12.1.5

Res No: 06-1020

MOVED: Cr Niikkula

SECONDED: Cr Lucas

That Council APPROVE new Council Policy 5.8 – Events.

CARRIED by ABSOLUTE MAJORITY 6/0

12.2.5 AMNESTY FOR RESIDENTIAL PROPERTIES – QUALING SCARP WASTE SITE

File Reference:	WM.SP.0
Responsible Officer:	Joanne Gordon – Manager Works
Date of Report:	12 th October 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Nil

PURPOSE

Council approve an amnesty on fees and charges for the waste categories “residential general waste” and “scrap metal” for two (2) consecutive Saturdays being 7th and 14th November 2020 to assist residents to prepare for the oncoming cyclone season.

BACKGROUND

1. The Shire of Exmouth are currently only conducting kerb side green waste removal for residential properties. This practice allows Council to meet its capital works projects without reallocating labour and plant from core Council business.
2. Previously the Chief Executive Officer has authorised the waiving and granting of concessions and write-offs of debts other than rates to individual not-for-profit organisations and groups such as the elderly to a maximum of \$1000.00.

COMMENT

3. With an amnesty on fees and charges for residential properties this will provide a greater compliance with Cyclone preparedness across the town therefore potentially reducing the impact in the event of a cyclone.
4. The fees and charges for all non-rateable properties, non-domestic, contractors and commercial operators are to remain in accordance with the 2020/21 Schedule of Fees and Charges.
5. All waste oil, steel drums not cleaned and/or lids not removed, tyres, special burials such as asbestos, batteries, refrigerators, freezers and air conditioners where gas has not been reclaimed for domestic properties will remain in accordance with the 2020/21 Schedule of Fees and Charges. These waste items have heavy environmental impacts and are not cost neutral for Council.

CONSULTATION

6. Nil

STATUTORY ENVIRONMENT

7. Nil

POLICY IMPLICATIONS

8. 2.13 – Risk Management Policy

9. 8.2 – Cyclone Clean-up

FINANCIAL IMPLICATIONS

10. Reduction of revenue by waiving of fees and charges for domestic and non-commercial general waste and scrap metal. General waste fees for domestic and non-commercial is applied when greater than 1m3 below this is normally free. Council will recycle scrap metal and on-sell to a commercial operator.

RISK MANAGEMENT

11. Risk implications

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Financial - <\$1000 revenue	Almost certain	Insignificant	Very Low	Accept very low financial risk. Reputational and environmental impacts greater beneficial outcome to mitigate risk.

STRATEGIC ALIGNMENT

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

Environment:	<p><u>To protect and value our unique natural and built environment as we grow our economy.</u></p> <p>2.1 A strong focus on environmental conservation and sustainable management of our natural environment</p> <p>2.2 Strive to achieve a balance between the preservation of our unique environment and the delivery of sustainable economic growth.</p> <p>2.3 Advocate and promote opportunities for the development of environmentally sustainable essential infrastructure and services</p>
Social:	<p><u>To be a vibrant, passionate and safe community valuing our natural environment and unique heritage</u></p> <p>3.1 Explore opportunities to deliver services and facilities that attract and retain people living in the Shire.</p> <p>3.2 Promote facilities/services that enhance public health and safety.</p> <p>3.3 Champion self-supporting community clubs and associations.</p>
Leadership:	<p><u>To provide open transparent, accountable leadership working in collaboration with our community.</u></p> <p>4.1 To provide proactive, collaborative and transparent leadership</p> <p>4.2 A local government that is respected and accountable.</p> <p>4.3 To be a champion for our community</p>

VOTING REQUIREMENTS

13. Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.2.5

That Council approve an amnesty on fees and charges for the waste categories "residential general waste" and "scrap metal" for two (2) consecutive Saturdays being 7th and 14th November 2020 to assist residents to prepare for the oncoming cyclone season.

COUNCIL RESOLUTION

ITEM 12.2.5

Res No: **07-1020**

MOVED: **Cr Niikkula**

SECONDED: **Cr Lucas**

That Council approve an amnesty on fees and charges for the waste categories "residential general waste" and "scrap metal" for two (2) consecutive Saturdays being 7th and 14th November 2020 to assist residents to prepare for the oncoming cyclone season.

CARRIED 6/0

CORPORATE SERVICES

12.4.1 FINANCIAL STATEMENTS FOR PERIOD ENDING 30 SEPTEMBER 2020

File Reference:	FM.FI.0
Reporting Officer:	Manager Finance
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	13 October 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Monthly Financial Report as at 30 September 2020.

PURPOSE

That Council accepts the financial report for the financial period ending 30 September 2020.

BACKGROUND

1. The provisions of the Local Government Act 1995 and *Local Government (Financial Management) Regulations 1996* Regulation 34 requires a statement of financial activity be presented at ordinary meeting of council within 2 months of the period end date (refer Attachment 12.4.1).

COMMENT

2. As at 30 September, operating revenue is above target by \$397,997 (6.42%) due to an increase of visitors to Exmouth. The Ningaloo Visitor Centre merchandise sales and exhibition admissions were above target and an there was a significant increase of commercial rubbish collections.
3. Operating expenditure is under budget by \$1,110,391 (27.83%) variances are mainly due to the depreciation that will not be not raised until the 2019/20 Financial Statements are completed.
4. Capital projects is under budget by \$242,478, a total of \$303,514 has been spent to date. This includes the installation of goal posts at Talanjee and Kooboaroo ovals and the purchase of Lot 146.
5. Rate notices were issued on 30 July 2020. First instalments were due 3 September 2020. 484 properties are currently on instalments, the next instalment is due 15 November 2020. Rates collected as at 30 September were 58.7% compared to 61.2% for the same period last year. The 2.5% reduction compared to last year is due to an additional 37 properties electing to pay by instalments this year.
6. General Debtors is \$1,152,818 with \$980,462 being for airport operations.

CONSULTATION

7. Nil

STATUTORY ENVIRONMENT

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

9. In accordance with *Local Government (Financial Management) Regulations 1996* Regulation 34 (5), a report must be compiled on variances greater than the materiality threshold adopted by Council of \$25,000 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

10. Nil

FINANCIAL IMPLICATIONS

11. Nil

RISK MANAGEMENT

12. Risks implications

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational – That Council does not receive the financial activity statements as required by S6.4 of the LG Act 1995.	Rare	Insignificant	Very Low	That Council receives the financial activity statements as required by legislation.

ALTERNATE OPTIONS

13. Nil

STRATEGIC ALIGNMENT

14. 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

15. Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.4.1

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

COUNCIL RESOLUTION

ITEM 12.4.1

Res No: 08-1020

MOVED: Cr Niikkula

SECONDED: Cr Lucas

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

CARRIED 6/0

12.4.2 LIST OF ACCOUNTS FOR PERIOD ENDING 30 SEPTEMBER 2020

File Reference:	FM.FI.0
Reporting Officer:	Manager Finance
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	13 October 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. List of Accounts for period ending 30 Spetember2020

PURPOSE

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

BACKGROUND

1. *Local Government (Financial Management) Regulations 1996*, Regulation 13 (3) requires a list of payments is to be presented at the next ordinary meeting of council.
2. 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

3. 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. (refer Attachment 1).

4. September Payments

Municipal Fund totalling \$5,514,382.41

Incorporating cheques, direct debits, electronic payments and credit cards.

Trust Fund totalling \$3,459.17

Incorporating electronic payments

Total Payments: \$5,517,841.58

CONSULTATION

5. Nil

STATUTORY ENVIRONMENT

6. 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

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

FINANCIAL IMPLICATIONS

8. 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.

RISK MANAGEMENT

9. Risk implications

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational – That Council does not receive the list of payments.	Rare	Insignificant	Very Low	That Council receives the list of payments as required by legislation.

ALTERNATE OPTIONS

10. Nil

STRATEGIC ALIGNMENT

11. 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

12. Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.4.2

That Council RECEIVES the report of payments made from the Municipal and Trust bank accounts during the month of September 2020 (*totalling \$5,517,841.58*).

COUNCIL RESOLUTION

ITEM 12.4.2

Res No: 09-1020

MOVED: Cr Niikkula

SECONDED: Cr Lucas

That Council RECEIVES the report of payments made from the Municipal and Trust bank accounts during the month of September 2020 (*totalling \$5,517,841.58*).

CARRIED 6/0

ITEMS FOR INFORMATION ONLY

12.5.1 ITEMS FOR INFORMATION ONLY

PURPOSE

To advise Council of the information items listed below.

VOTING REQUIREMENTS

1. 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
17/09/20	Purchase of 5A Tonge Place Exmouth (Council Decision 04-0820)
	Sale of Lot 5 Heron Way Exmouth (Council Decision 15-02/16 & 17-05/17)
1/10/20	Sale of Lot 5 Heron Way Exmouth. (<i>Extra documents missed from documents sealed on the 17/09/20</i>) (Council Decision 15-02/16 & 17-05/17)
02/10/20	Deed of extension to licence – R41975. Access to Pindan Pit Road. Transport of Commercial Produce from Mining M08/470 (Council Decision 21-0314)

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 September 2020.

App #	Date Received	Lot	Property Address	Description	Decision	Decision Date
20/68	31/08/20	400	19 Krait Street	storage shed - stage 1	Cancelled	13/10/20
20/69	31/08/20	400	19 Krait Street	office space/ games room	Cancelled	13/10/20
20/70	02/09/20	662	9 Steward Street	Garage conversion into Residential Dwelling	Approved	10/10/20
20/71	02/09/20	419	58 Madaffari Drive	Single Storey House, Swimming Pool &, Boundary Fence	Approved	17/09/20
20/72	04/09/20	416	52 Madaffari Drive	Floating jetty & gangway	Approved	10/09/20
20/73	07/09/20	211	9 Carpenter Street	Carport	Pending	
20/74	07/09/20	9	108 Madaffari Drive	Fencing/gates to enclose portable spa	Approved	21/09/20
20/76	14/09/20	211	9 Carpenter Street	Replace existing rear boundary fence with neetlock fence	Approved	01/09/20
20/77	15/09/20	749	3 Turnor Place	Ablution block attached to existing outbuilding	Approved	25/09/20
20/78	16/09/20	157	39 Dugong Close	Alfresco and decking extension	Approved	18/09/20
20/79	23/09/20	35	17 Cooyou Close	Dwelling	Approved	
20/80	23/09/20	1	1 Truscott Crescent	Pylon sign	Approved	29/09/20
20/81	24/09/20	1148	39 Welch Street	Addition open ended gable roof extension covered loading dock	Approved	30/09/20

Planning Decisions Issued

A summary of the planning decisions issued under delegation or outstanding up to 30 September 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
DA49/20	30/07/20	393	1 Thew Street	Liquor Licence Section 40 certificate	Deferred	30/07/20
DA54/20	12/08/20		Scheme Amendment No.2 to LPS4 - re-zoning of part Crown Reserve R50806 into 13 Koolinda Way		Deferred	12/08/20
DA55/20	11/08/20	951	1 Welch Street	Retaining & boundary fencing	Deferred	11/08/20
DA59/20	21/08/20	134	29 Salmon Loop	Holiday house	Approved	22/09/20
DA61/20	24/08/20	904	13 Patterson Way	Caretakers dwelling	Approved	18/09/20
DA62/20	27/08/20	55	23 Searaven Crescent	Single house and outbuilding	Approved	01/10/20
DA63/20	01/09/20	652	16 Hall Street	Holiday House use	Approved	15/09/20
DA64/20	03/09/20	157	39 Dugong Close	Amendment to DA04/20 - balcony alteration	Approved	04/09/20
DA65/20	04/09/20	35	17 Cooyou Close	Single dwelling	Approved	16/09/20
DA66/20	07/09/20	449	37 Madaffari Dr	Single dwelling including carport, retaining walls and landscaping	Processing	08/10/20
DA67/20	08/09/20	122	34 Bluefin Cove	Planning advice : preliminary assessment of residential development	Issued	10/09/20
DA68/20	11/09/20	477	3 Osprey Way	Holiday House	Approved	06/10/20
DA69/20	14/09/20	311	Minilya-Exmouth Rd	Carport to an outbuilding	Withdrawn	21/09/20
DA70/20	15/09/20	29	4 Crevalle Way	Holiday House use	Approved	06/10/20
DA71/20	17/09/20	102	31 Bluefin Cove	Single dwelling	Approved	12/10/20
DA72/20	18/09/20	667	19 Stewart Street	Carport	Processing	18/09/20
DA73/20	21/09/20	118	42 Bluefin Cove	Single dwelling	Processing	21/09/20
DA74/20	21/09/20	122	34 Bluefin Cove	Single dwelling	Processing	21/09/20
DA75/20	21/09/20	121	36 Bluefin Cove	Single dwelling	Processing	21/09/20
DA76/20	22/09/20	96	4 Tautog Street	Holiday House use	Processing	23/09/20
DA77/20	29/09/20	211	9 Carpenter Street	Carport addition to an existing shed	Processing	29/09/20
DA63/20	01/09/20	652	16 Hall Street	Holiday House use	Approved	15/09/20

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

App #	Date Received	Description.	Decision	Permit issued
PE26	10/09/2020	Exmouth Eagles Football Club – GRAND FINAL game 19 September 2020. Food vans: Gecko's Fiesta, Cafe Bueno, Planet Burgers, Tropicalia Juice	Issued	16/09/2020
PE27	17/09/2020	AMBA FALAFEL food van - Town Beach - 13/10/20-13/01/21 (Tue-Sun), 14 sqm	Issued	22/09/2020

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

COUNCIL RESOLUTION**ITEM 12.5.1**

Res No: 10-1020

MOVED: Cr Niikkula

SECONDED: Cr Lucas

That Council note the following information items:

- **Register of Documents Stamped with the Shire of Exmouth Common Seal;**
- **Building Decisions Issued up to 30 September 2020; and**
- **Planning Decisions Issued up to 30 September 2020.**

12.1.6 NEW COUNCIL POLICY - 7.12 POS ENHANCEMENT AND ASSISTANCE SCHEME MADAFFARI DRIVE

File Reference:	CM.PO 9
Reporting Officer:	Senior Planning Officer
Responsible Officer:	Chief Executive Officer
Date of Report:	12 October 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Proposed POS Enhancement and Assistance Scheme – Madaffari Drive

PURPOSE

That Council adopt the proposed New Council Policy *POS Enhancement and Assistance Scheme – Madaffari Drive*. (Attachment 1).

BACKGROUND

1. The location and extent of Reserve 47803 is shown highlighted below.



2. Reserve 47803 is a public open space (POS) reserve (for the purpose of recreation and drainage) under the care, control and management of the Shire of Exmouth. The land consists of a constructed footpath adjacent to the canal wall and sparse scattered landscaping.

3. The Policy is only proposed to apply to the areas (subject land) shown below, which is behind Lots 6 - 24 Madaffari Drive.



4. The subject land includes a significant fall from the rear of the residential lots, down to the footpath and canal wall. Due to this, and its location, shape and size, it is difficult for the public at large to recreate and reasonably use this land. Some landowners have installed landscaping; however, this land is mostly vacant.
5. A number of potential options and use of this land and space has previously been investigated. This included excising and amalgamating the portion of land between the rear of the lot and canal with individual landowners. Due to financial implications and lack of landowner support this was not pursued. However, should private landowners wish to pursue this matter in the future at their cost, the Shire would be amenable to consider a proposal. In the interim, staff consider the most practical option is to allow landowners to landscape the subject land. The Policy has been created to guide development of this area. This is similar to the Shires existing Policy - 7.5 Verge Enhancement.

COMMENT

6. The purpose of the Policy is to allow landowners to landscape and enhance the appearance of the public open space (POS), and to provide financial assistance to property owners/occupiers that carry out approved landscaping works.

7. The Policy outlines what landscaping works are permitted, the procedures and process to gain approval, eligibility for the rebate, maintenance requirements and conditions to undertake the works.
8. Property owners of approved landscaping proposals would be eligible to receive a reimbursement of up to \$500.00 once per property, upon presentation of copies of receipts of good and/or services purchased and an inspection by Shire officers.
9. It should be noted that the public at large are entitled to access and use this area. However, due to the topography and gradient, it is anticipated that pedestrians will continue to use the existing footpath adjacent to the canal and are unlikely to use and recreate within the subject land.
10. The property owners will be responsible for the identification and protection of any underground services and will be required to refer to the *Utility Providers Code of Practice* and *Dial Before You Dig*.
11. The Shire of Exmouth and/or other utility services providers will continue to be able to undertake installation and necessary maintenance of services or projects or remove any landscaping if required.

CONSULTATION

12. No formal external consultation was required or undertaken. The Policy has been considered by Shire staff relevant to administering the Policy.

STATUTORY ENVIRONMENT

13. Section 2.7 (2) (b) of the *Local Government Act 1995* states that one of the roles of a Council is to determine the Local Government's policies.

POLICY IMPLICATIONS

14. Should Council support the officer's recommendation and adopt the Policy, then this will be included in the Shire of Exmouth Council Policy Manual, as Policy 7.12.

FINANCIAL IMPLICATIONS

15. Landowners with approved landscaping proposals can apply to the Shire for a reimbursement up to a total cost of \$500.00 per property. There are 19 lots within the Policy area, which equates to a total possible cost of \$9,500.

RISK MANAGEMENT

16. The risk identification and categorisation rely on the Shires Policy 2.13 – *Risk Management Policy*.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Health – public at large to use the land and potential injuries.	Rare	Insignificant	Low	It is unlikely that the public at large will use the land, and will continue to use the existing footpath and recreate within the larger POS area located between lots 15 and 16. Landscaping proposals are required to be assessed and approved by the

Shire, who will carefully consider each design and potential impacts.

ALTERNATE OPTIONS

17. Council has the following alternate options in relation to this item, which are;

- To resolve that the draft policy is unacceptable and refuse adoption.
- To resolve to amend the proposed policy prior to adoption.

STRATEGIC ALIGNMENT

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

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

2.1 A strong focus on environmental conservation and sustainable management of our natural environment.

2.3 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

3.2 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.

VOTING REQUIREMENTS

19. Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.1.6

That Council ADOPT the proposed attached new Council Policy *POS Enhancement and Assistance Scheme – Madaffari Drive*.

COUNCIL RESOLUTION

ITEM 12.1.6

Res No: 11-1020

MOVED: Cr Mounsey

SECONDED: Cr Lake

That Council ADOPT the proposed attached new Council Policy *POS Enhancement and Assistance Scheme – Madaffari Drive*.

Cr Lucas MOVED an AMENDED MOTION:

Increase the reimbursement from \$500 to \$1000.

SECONDED: **Cr Niikkula**

Vote: 3 for, 3 against the officer's recommendation

Shire President used his casting vote and voted against the amended motion, reverting back to the substantive motion:

That Council ADOPT the proposed attached new Council Policy *POS Enhancement and Assistance Scheme – Madaffari Drive*.

Cr Dixon MOVED an ALTERNATE MOTION:

Defer the policy to be workshopped by Council and return to a future Council Meeting.

SECONDED: **Cr McCarrol**

CARRIED by ABSOLUTE MAJORITY 5/1
Cr Mounsey VOTED AGAINST

DEVELOPMENT SERVICES

12.2.1 LODGE A REQUEST WITH THE DEPARTMENT OF PLANNING, LANDS AND HERITAGE TO EXCISE PORTION OF RESERVE 51970 (LOT 1391) MURAT ROAD, EXMOUTH

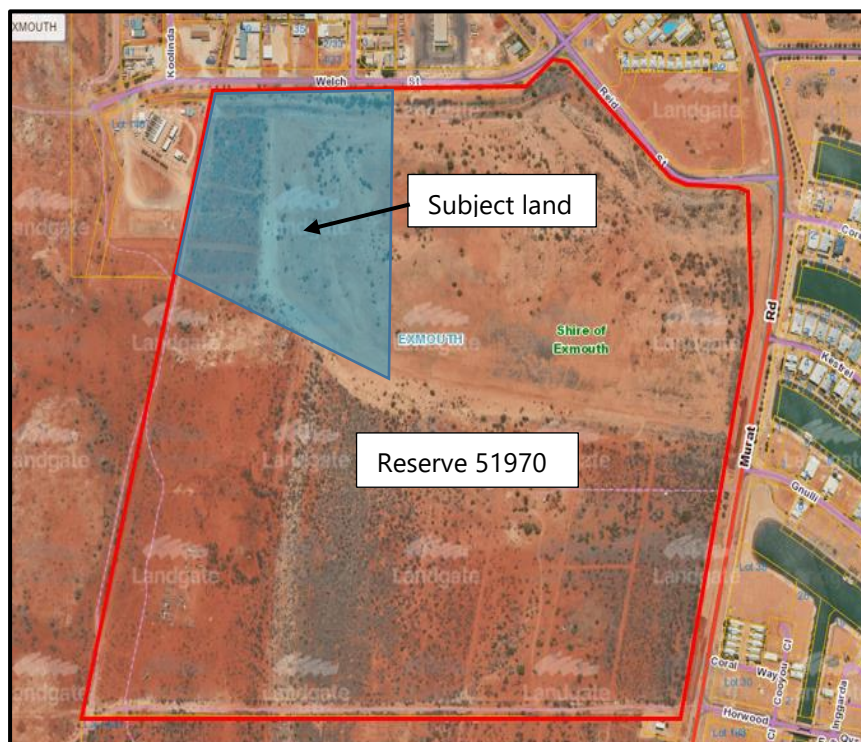
File Reference:	R51970
Reporting Officer:	Senior Planning Officer
Responsible Officer:	Chief Executive Officer
Date of Report:	12 October 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. LPS4 – Zoning Map

PURPOSE

That Council request the Department of Planning, Plans and Heritage initiate the process for excising the portion of Reserve (lot 1391) Murat Road, Exmouth zoned 'Service Commercial' under the Shires Local Planning Scheme No.4.

BACKGROUND

1. The subject land is shown below and forms part of Reserve 51970, which is set aside for the purposes of *Buffer Zone* and *Paddocking of Horses*, with a management order to the Shire of Exmouth.



2. Historically, the Shire has granted horse leases over the southern half of the Reserve. The management order expired on 31 December 2019. There are currently no formal leases over this land.
3. The subject land is approximately 9.45 hectares in area and located south of the existing Welch Street Light Industrial area and east of the existing Power Station.
4. There has been a significant increase in the number of visitors to Exmouth, this has been exacerbated due to the restrictions to overseas and interstate travel during the current Coronavirus (COVID-19) pandemic. This has led to an increase in land sales, and it is anticipated that the population will grow at a rate exceeding current predictions.
5. Staff have identified a current shortfall of vacant commercial land throughout the municipality. The future development of this land would address this deficit, and allow for a range of commercial and light industrial uses (bulky retail businesses, storage units, vehicle repairs/wash).
6. A Council resolution is required to lodge a request with the Department of Planning Lands and Heritage (DPLH), to excise the subject land from the reserve. This item only seeks Councils views on lodging the initial enquiry.

COMMENT

7. The subject land is zoned 'Service Commercial' under the Shires Local Planning Scheme No.4 (LPS 4). The zoning to the west and north of the site, is currently 'Light Industry'. The remainder of the site and reserve is zoned 'Urban Development', earmarked for future residential living.
8. The land is located within the Exmouth Power Station Special Control Area 3, and the southern portion of the land is located within the Floodplain Special Control Area 5 of LPS 4.
9. Attachment 1 shows the local planning scheme zoning and the extent and location of the special control areas.
10. The subject land has further been identified as a future industrial area under the Shires Local Planning Strategy and has been cleared of Native Title. The land has a potential lot yield of approximately 35 service commercial lots.
11. Future hydraulic modelling associated with the floodplain of Marina Creek will be required to ensure that future development has adequate protection from a 100-year ARI flood, and the development does not adversely impact on the flood regime of the area.
12. Due to the potential for future residential dwellings within the area, separation distances and land uses within and adjacent to this land would require careful consideration. Heavy, general or noxious land uses within this area are unlikely to be supported.

13. Should DPLH support this request and the land be excised, prior to subdivision and development a prerequisite will be the requirement for a structure plan to be prepared and approved. This planning process will consider and address a range of matters, including;

- General lot configuration and road layout.
- Required planning and environmental reports.
- The proximity of the land to the existing Exmouth Power Station and buffers.
- Bushfire risk assessment and mitigation under *State Planning Policy 3.7 – Planning in Bushfire Prone Areas* and associated guidelines.
- Different precincts and the interface between the future residential uses of the site to the east and south, and the existing industrial uses to the north and west.
- Hydraulic modelling and impacts on the adjacent Marina Creek floodplain.
- Servicing of the land (water, power, effluent disposal etc.)

CONSULTATION

14. Nil.

STATUTORY ENVIRONMENT

15. A number of legislative and statutory documents are applicable to this item, this includes;

- *Shire of Exmouth Local Planning Scheme No.4*
- *Shire of Exmouth Local Planning Strategy*
- *Local Government Act 1995*
- *Land Administration Act 1997*

POLICY IMPLICATIONS

16. Nil.

FINANCIAL IMPLICATIONS

17. While there are no costs involved to lodge the request, should this be pursued and subsequently supported by the Department of Planning Lands and Heritage, the land would need to be purchased in freehold. The Shire would also responsible for upfront costs of all associated costs (survey, preparation of documentation, registration of fees etc.).

RISK MANAGEMENT

18. The risk identification and categorisation rely on the Shires Policy 2.13 – *Risk Management Policy*.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational – The proposal may not be accepted by the DPLH.	Possible	Minor	Low	If the request is not supported by the DPLH the matter will not be progressed, and alternate options explored.

ALTERNATE OPTIONS

19. Council has the alternate option of choosing to not lodge a request with the DPLH for excision of the subject land.

STRATEGIC ALIGNMENT

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

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

VOTING REQUIREMENTS

21. Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.2.1

That Council request the Department of Planning, Plans and Heritage initiate the process for excising the portion of Reserve (Lot 1391) Murat Road, Exmouth zoned 'Service Commercial' under the Shires Local Planning Scheme No.4.

COUNCIL RESOLUTION

ITEM 12.2.1

Res No: 12-1020

MOVED: Cr Lucas

SECONDED: Cr Dixon

That Council request the Department of Planning, Plans and Heritage initiate the process for excising the portion of Reserve (Lot 1391) Murat Road, Exmouth zoned 'Service Commercial' under the Shires Local Planning Scheme No.4.

CARRIED 4/2

Cr McCarrol and Cr Mounsey VOTED AGAINST

The following reports were recommended enbloc – 12.2.2 and 12.2.3

12.2.2 ANNUAL CARAVAN PARK AND CAMPING GROUND LICENCE RENEWAL FOR NINGALOO CARAVAN PARK AND HOLIDAY RESORT AND RAC EXMOUTH CAPE HOLIDAY PARK

File Reference:	LE.RE.5
Reporting Officer:	Environmental Health Officer
Responsible Officer:	as above
Date of Report:	13 October 2020
Applicant/Proponent:	Ningaloo Caravan and Holiday Resort RAC Exmouth Cape Caravan Park
Disclosure of Interest:	Nil
Attachment(s):	1. CONFIDENTIAL Licences for Ningaloo Caravan and Holiday Resort, and RAC Exmouth Cape Caravan Park

PURPOSE

That Council approve the renewal of the annual Caravan Parks and Camping Grounds Licence for Ningaloo Caravan and Holiday Resort and RAC Exmouth Cape Caravan Park.

BACKGROUND

1. Caravan parks and camping grounds within Western Australia are required to be licenced with the relevant local government authority. All licences within the Shire of Exmouth expire on 30 September each year.

COMMENT

2. In the last 12 months all the caravan parks and their respective overflow wares were inspected for compliance with the *Caravan Parks and Camping Grounds Regulations 1997*, the current licences and approved site plans.
3. Overflow conditions have been recommended on all of the licences with an overflow period being recommended from 2 April 2021 to 10 October 2021.
4. Although the licences have expired on the 30 September, the renewal period can occur 28 days after the expiry. The new expiry date for the licences is taken from the existing expired licence, therefore all licences will expire on 30 September 2021.

CONSULTATION

5. Nil

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

7. 2.13 – Risk Management Policy

FINANCIAL IMPLICATIONS

8. Nil

RISK MANAGEMENT

9. Risk implications identified in accordance with Policy 2.13 Risk Management

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Financial Impact Failure to pay fees and charges	Unlikely	Minor	Low Risk Acceptable	Standard procedures relating to invoicing and debt recovery
Service Interruption No risks identified to the Shire				
Compliance Failure to meet statutory obligations – minimum 1 annual inspection per year	Unlikely	Moderate	Moderate Monitor	Ensure inspections are scheduled in and completed annually in June Ensure relief staff are organised if operational staff are absent during this time.
Failure to see and/or address item requiring compliance	Unlikely	Moderate	Moderate Monitor	Ensure annual inspections are completed utilising 2 staff members Ensure compliance concerns are given timeframes and are followed up.
Reputational Caravan Park accommodation poorly managed and monitored	Rare	Minor	Low Acceptable	Ensure annual inspections are conducted and annual licence assessments and renewals are completed.

ALTERNATE OPTIONS

10. Statutory process in accordance with the *Caravan Parks and Camping Grounds Act 1995*, no alternate options.

STRATEGIC ALIGNMENT

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

Economic:	<p><u>Diversify and grow our economy in a manner that provides year round employment opportunities</u></p> <p>1.1 A diverse and environmentally aware local economy that can attract business investment and provide employment opportunities</p> <p>1.2 Facilitate the strengthening and growth of our visitor experience.</p>
Environment:	<p><u>To protect and value our unique natural and built environment as we grow our economy.</u></p> <p>2.1 A strong focus on environmental conservation and sustainable management of our natural environment</p> <p>2.2 Strive to achieve a balance between the preservation of our unique environment and the delivery of sustainable economic growth.</p>

- Leadership:
- 2.3 Advocate and promote opportunities for the development of environmentally sustainable essential infrastructure and services
 - To provide open transparent, accountable leadership working in collaboration with our community.
 - 4.2 A local government that is respected and accountable.
 - 4.3 To be a champion for our community

VOTING REQUIREMENTS

12. Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.2.2

That Council APPROVE the issuing of the Caravan Parks and Camping Grounds Licences valid until 30 September 2021 as presented in Attachment 1, for signing by the Chief Executive Officer.

COUNCIL RESOLUTION

ITEM 12.2.2

Res No: 13-1020

MOVED: Cr Niikkula

SECONDED: Cr McCarrol

That Council APPROVE the issuing of the Caravan Parks and Camping Grounds Licences valid until 30 September 2021 as presented in Attachment 1, for signing by the Chief Executive Officer.

CARRIED by ABSOLUTE MAJORITY 6/0

12.2.3 ANNUAL LODGING HOUSE RENEWAL POTSHOT COURT, EXCAPE BACKPACKERS, POTSHOT RESORT AND NINGALOO LODGE

File Reference:	LE.RE.16
Reporting Officer:	Environmental Health Officer
Responsible Officer:	As above
Date of Report:	13 October 2020
Applicant/Proponent:	Potshot Court, Potshot Resort and Excape Backpackers Ningaloo Lodge
Disclosure of Interest:	Nil
Attachment(s):	1. CONFIDENTIAL – Certificate of Registration of Lodging House for Potshot Court, Potshot Resort, Potshot Excape Backpackers and Ningaloo Lodge

PURPOSE

That Council renew the annual Certificate of Registration as per the Shire of Exmouth, Health Local Laws 1998 for Potshot Court, Potshot Resort, Potshot Excape Backpackers and Ningaloo Lodge.

BACKGROUND

1. Lodging houses are required to be registered with the local government they are located within, with renewals occurring annually.

COMMENT

2. In the last 12 months all lodging houses have been inspected for compliance with the Health Local Laws, there are no outstanding major non-compliances to date. Only adjustment noted is the keeper for Ningaloo Lodge is identified as Jackie Brooks.

CONSULTATION

3. Nil

STATUTORY ENVIRONMENT

4. Shire of Exmouth, Health Local Laws 1998, s125

POLICY IMPLICATIONS

5. Nil

FINANCIAL IMPLICATIONS

6. Nil

RISK MANAGEMENT

7. Risk implications identified in accordance with Policy 2.13 Risk Management

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Financial Impact Failure to pay fees and charges	Unlikely	Minor	Low Acceptable	Standard procedures relating to invoicing and debt recovery
Service Interruption No risks identified to the Shire				
Compliance Failure to conduct a minimum 1 annual inspection per year	Unlikely	Insignificant	Low Acceptable	Ensure inspections are scheduled in and completed annually in May Ensure relief staff are organised if operational staff are absent during this time.
Failure to see and/or address item requiring compliance	Rare	Moderate	Low Acceptable	Ensure compliance concerns are given timeframes and are followed up.
Reputational Lodging House accommodation poorly managed and monitored	Unlikely	Minor	Low Monitor	Ensure annual inspections are conducted and annual licence assessments and renewals are completed.

ALTERNATE OPTIONS

8. Nil

STRATEGIC ALIGNMENT

9. 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.

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.

VOTING REQUIREMENTS

10. Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.2.3

That Council APPROVE the renewal of the annual Certificate of Registration as per the Shire of Exmouth, Health Local Laws 1998 for Potshot Court, Potshot Resort, Potshot Escape Backpackers and Ningaloo Lodge.

COUNCIL RESOLUTION

ITEM 12.2.3

Res No: 14-1020

MOVED: Cr Niikkula

SECONDED: Cr McCarrol

That Council APPROVE the renewal of the annual Certificate of Registration as per the Shire of Exmouth, Health Local Laws 1998 for Potshot Court, Potshot Resort, Potshot Escape Backpackers and Ningaloo Lodge.

CARRIED by ABSOLUTE MAJORITY 6/0

12.2.4 DEVELOPMENT APPLICATION – RETAINING & BOUNDARY FENCING AT LOT 951 (1) WELCH STREET, EXMOUTH

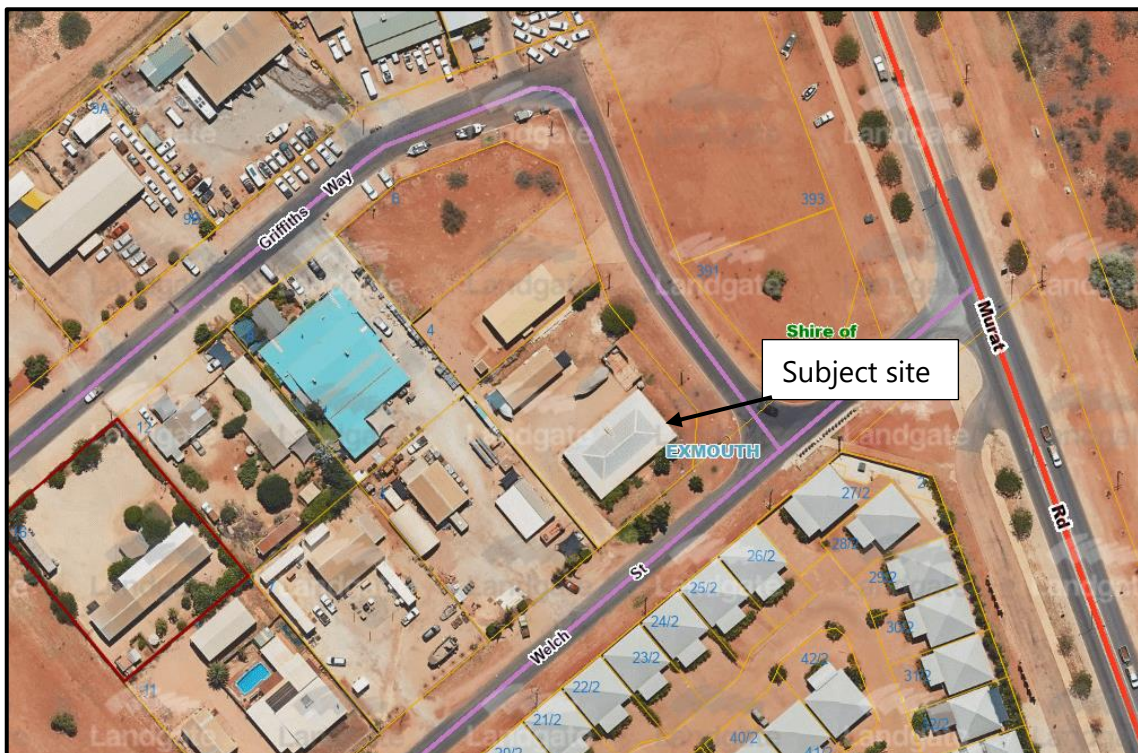
File Reference:	A218
Reporting Officer:	Senior Planning Officer
Responsible Officer:	Chief Executive Officer
Date of Report:	14 October 2020
Applicant/Proponent:	R Smeschkal
Disclosure of Interest:	Nil
Attachment(s):	1. Copy of application detail 2. Site photographs

PURPOSE

That Council consider to refuse granting development approval for the proposed retaining and boundary fencing at Lot 951 (1) Welch Street, Exmouth.

BACKGROUND

1. The Shire of Exmouth has received a development application for retaining and boundary fencing at Lot 951 (1) Welch Street, Exmouth (refer Attachment 1).



Map: Lot 951 (1) Welch Street, Exmouth

2. The subject site is 1958m² in area and zoned Service Commercial under Local Planning Scheme No.4 (LPS 4).

3. The subject site is located on the corner of Griffiths Way and Welch Street. The property currently includes a caretaker's dwelling, green house and light industrial workshop.
4. The subject site is surrounded by Tourism land (short stay units) on the south side of Welch Street and Service Commercial lots on the northern side. The land to the north-east of the site is zoned Service Commercial, and abuts Murat Road, it is currently unallocated Crown land, and unlikely to be developed in the immediate future. As such, the subject site is visible from Murat Road.
5. The application proposes to install a concrete retaining wall, which is proposed to start adjacent near the existing driveway along Welch Street, extending along the boundary and towards the truncation, and along the Griffiths Way boundary, ending approximately 6.7m from the northern corner boundary. The retaining wall has a maximum height of 950mm from natural ground level, at the truncation. The height is reduced down to 800mm in the southern corner and 400mm in the northern corner, following natural ground level. A 1.5m high 'Surfmist' trimdek fence is proposed on top of the retaining wall.
6. A 1.8m high 'Surfmist' trimdek fence is proposed along the north western boundary, shared with Lot 12 (4) Griffiths Way, Exmouth. The application was advertised to the adjoining landowner of Lot 12 (4) Griffiths Way for comment, however no response has been received.
7. Following the advertising period, the application has been pending waiting for the applicant to install a string line and temporary visual representations of the proposed retaining and boundary fencing along the street boundaries. This has recently been completed and photographs taken (refer Attachment 2).
8. The responsible officer has met with the applicant and expressed concerns with the height and appearance of the retaining and fencing facing the streets. Several amendments to the design were proposed by staff in an attempt to mitigate concerns. The applicant however has advised they want the application to be determined based on the information and details as submitted.
9. Council is now requested to consider the merits of the application and determine whether to refuse the development application.

COMMENT

10. The proposed 1.8m high 'Surfmist' trimdek dividing fence along the north western boundary is consistent with many other sites within the area, and is generally supported by staff.
11. Fencing of Service Commercial zoned land on nearby lots throughout the Shire is predominantly open link and chain mesh.
12. As mentioned above, the short stay units located on the opposite side of Welch Street are zoned Tourism under LPS 4. Retaining and fencing has been installed along the street boundary, however this is predominantly limited to 1.5m high fencing on a 350mm high (one block) retaining wall (refer to photographs under Attachment 2).
13. The applicant has provided the following justification for the development:
 - *Planned retaining wall required due to deep drainage ditch on council verge on the corner of Welch and Griffiths street.*

- *To help prevent flooding, soil erosion and it will allow for levelling up land to the boundary for better usage.*
- *The fence will give better security, storage privacy and help with noise reduction from the resort as there are many rubbish bins which are collected every day and are an eye sore, photograph has been provided (refer Attachment 2).*
- *Also, will help with reducing dust blowing across from the 'seller's block'.*

14. The concerns with respect to privacy and dust are noted. It is pertinent to note, the zoning of the site and surrounding land is Service Commercial, not residential. Caretaker's dwellings are permitted on the understanding that the zoning of the site and adjoining land allows for general industrial and commercial activities to take place. As a result, the land and the dwelling are unlikely to enjoy a standard residential amenity, and can suffer impacts from light, noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, grit, oil, waste, water or waste products and 24-hour business operations.
15. With respect to noise attenuation, it is necessary to note the proposed fencing will give little to no protection from noise.
16. While not a valid planning consideration, the applicant has advised that they have already purchased the fence sheeting.
17. The Shire of Exmouth *Fencing Local Law* details the specifications for sufficient fences. A sufficient fence for a commercial or industry lot, is one which compromises rail-less link or chain mesh with a minimum height of 1800mm. The intent of the Local Law is to retain open streetscapes and avoid visually impermeable fencing facing streets.
18. The existing caretakers dwelling is located in the southern portion of the lot. Although the caretaker's dwelling addresses both streets, Welch Street is considered the primary street.
19. The existing caretaker's dwelling has been constructed on a sand pad, higher than both road levels. There is a slope from the periphery of the dwelling down towards the streets, which forms a gully. This is deepest adjacent at the site's truncation, approximately 600mm below road level. A culvert is located underneath Griffiths Way near the intersection of Welch Street. Flood mitigation measures and improvements to the light industrial area creek drainage system have sought to minimise flood impacts on the surrounding area. The retaining wall would require engineering certification as part of any future building permit application. It is expected that the proposed development will not adversely impact on existing water flows along the street and gully.
20. The applicant seeks to back fill behind the retaining wall (up to 950mm in height) to the same heights and floor level of the existing verandah. The combined height of the retaining and fencing creates a solid structure of up to 2.45m in height from natural ground level, or approximately 1.85m from road level. The structure would then taper down to a total height of 2.3m and 1.9m on Welch Street on Griffiths Way respectively.
21. The applicant has advised they would be willing to place fill in the truncation of the road reserve, adjacent to the wall in an attempt screen the lower portion of the wall. Staff consider this will not adequately address the visual impact of the development and could impact runoff and water flows.

22. LPS 4 includes a number of provisions applicable to caretakers' dwellings in the Service Commercial zone. This includes the requirement for caretakers' dwellings to be located behind non-residential uses, maintaining a minimum a separation distance of 5m, such that the non-residential use has direct interface with the street. Caretakers dwelling should also only be occupied in association with an approved industrial/commercial land use. Should this cease, caretakers' dwellings are required to be vacated.
23. LPS 4 further requires caretaker's dwellings to be screened and/or fenced from the street to the satisfaction of the local government, however the provision then further reiterates that these should be located at the rear of the lot behind the predominant industrial/commercial. It is intended screening/fencing is provided within the site in front of the dwelling, between the industrial/commercial use. Staff believe this requirement can be achieved through the implementation of suitable trees and shrubs for screen planting within the site.
24. The proposed solid design further raises concerns with vehicle sight lines for vehicles exiting Griffiths Way onto Welch Street. The Shire currently trims the existing trees in front of the site along Welch Street to improve sight lines.
25. Supporting this application could encourage solid fencing and retaining on similar properties throughout the municipality and could be used to set an undesirable precedent for future applications.
26. Staff consider the development is incompatible with the existing and desired streetscape, and the character of the locality. Staff consider there is no cogent reason why a visually impermeable structure of this height and scale should be allowed or approved.
27. It is noted that this an unusual circumstance given past approvals, the corner frontage and the topography of the site and floor levels. Staff appreciate the applicant is trying to retain some level of privacy, however this can be achieved with a mixture of vegetation and other screening measures (privacy screens/blinds), notwithstanding the fact that the zoning of the land is Service Commercial. Council must consider whether visually impermeable fencing and the height, scale and appearance of the development is appropriate for the site (which is visible from Murat Road) and area.

CONSULTATION

28. The application was advertised directly by letter to Lot 12 (4) Griffiths Way, Exmouth, however no response was received.

STATUTORY ENVIRONMENT

29. The following legislative and statutory documents are applicable to this item;
 - Shire of Exmouth *Local Planning Scheme No.4*
 - *Planning and Development (Local Planning Schemes) Regulations 2015*
 - State Planning Policy - 3.7 – *Planning in Bushfire Prone Areas*

POLICY IMPLICATIONS

30. The subject site is designated as bushfire prone, as per the Western Australia State Map of Bush Fire Prone Areas. However, minor additions which includes fencing and retaining do not require any further assessment against the requirements of State Planning Policy 3.7 – *Planning in Bushfire Prone Areas* and associated guidelines.

FINANCIAL IMPLICATIONS

31. There are no financial implications directly relating to this item.

RISK MANAGEMENT

32. The risk identification and categorisation rely on the Shires Policy 2.13 – *Risk Management Policy*.

Reputational – If the application were to be approved, it could create an undesirable precedent for future applications, and would generate unacceptable impacts on the amenity of the area.	Possible	Minor	Moderate	The application has been assessed against the relevant statutory framework. The reasons provided do not adequately justify approval of the development.
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ALTERNATE OPTIONS

33. Council has the following alternate options in relation to this item, which are:

- To resolve to approve the proposal subject to conditions; and
- To resolve to refuse the proposal subject to additional or modified reasons;

STRATEGIC ALIGNMENT

34. 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

35. Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.2.4

That Council resolves to ISSUE a notice of determination refusing development approval, for the retaining and boundary fencing at Lot 951 (1) Welch Street, Exmouth for the following reasons:

1. The proposal does not satisfy the following matters to be considered as identified in Schedule 2, Part 9, Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, namely;
 - (b) the requirements of orderly and proper planning;
 - (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
 - (n) the amenity of the locality including the following –
 - (ii) the character of the locality;

COUNCIL RESOLUTION

ITEM 12.2.4

Res No: 15-1020

MOVED: Cr Mounsey

SECONDED: Cr Lucas

That Council resolves to ISSUE a notice of determination refusing development approval, for the retaining and boundary fencing at Lot 951 (1) Welch Street, Exmouth for the following reasons:

1. The proposal does not satisfy the following matters to be considered as identified in Schedule 2, Part 9, Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, namely;
 - the requirements of orderly and proper planning;
 - (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
 - (n) the amenity of the locality including the following –
 - (ii) the character of the locality.

Cr Lake MOVED an ALTERNATE MOTION:

That Council resolves to ISSUE a notice of determination granting development, subject to the following conditions, for retaining and boundary fencing at Lot 951 (1) Welch Street, Exmouth:

Conditions:

1. **The development being carried out in accordance with the stamped approved plans (DA55/20), and the Shire of Exmouth Local Planning Scheme Number 4, including any annotations detailed thereon by the Shire.**

SECONDED: Cr Dixon

Vote: 3 for, 3 against the alternate motion.

Shire President exercised his casting vote to carry the alternate motion.

CARRIED 4/3

Cr Mounsey, Cr McCarrol and Cr Lucas VOTED AGAINST

Commentary

The Officers comments are noted, however the existing development and location on site demonstrate unusual circumstances. This is further exacerbated by the difference in levels from the road to the sites boundaries. The proposed retaining and fencing is similar to some development within the locality, including the neighbouring site on the opposite side of Welch Street. Supporting the development would give the landowner a useable level area around the dwelling, and would serve to screen vehicles, goods, equipment and materials inside the property lines from Griffiths Street and Welch Street.

COMMERCIAL AND COMMUNITY

12.3.1 EXMOUTH BIKE PARK

File Reference:	RC.DE.1
Reporting Officer:	Manager Community, Sport and Recreation
Responsible Officer:	Executive Manager Commercial and Community
Date of Report:	13 October 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Exmouth Bike Park Concept Proposal

PURPOSE

That Council endorse the design and progress Requests for Tender of a multi-use bike facility presently titled "Exmouth Bike Park" that is to be located at the Exmouth Recreation Precinct.

BACKGROUND

1. At the Ordinary Council Meeting held on 24 May 2018 the following decision was approved.

COUNCIL RESOLUTION ITEM 14.1 **Res No: 02-0518**

That Council:

- 1. Adopt the Ningaloo Trails Masterplan and endorse the strategy outlined for strategic development of trails within the Shire of Exmouth.***
- 2. Allocates \$30,000 in the 2018/19 budget for the planning of the priority multipurpose bike facility.***
- 3. Include an allocation of \$30,000 in the long term financial plan (2019/20) for the construction of the multipurpose bike facility as outlined in the Ningaloo Trails Masterplan.***
- 4. Authorises the CEO to resolve the land tenure matters and enter into discussions with the Cape Range Riders to determine the preferred management model for the multipurpose bike facility and develop and implement the necessary agreements to formalise this model.***
- 5. Authorises the CEO to investigate alternative funding opportunities and seek support from external agencies for the development of trails identified in the Ningaloo Trails Masterplan.***
- 6. Work with the Department of Biodiversity, Conservation and Attraction, Department of Defence and Department of Water and Environment to resolve land access and use issues which support the development of trails as outlined in the Ningaloo Trails Masterplan.***

CARRIED 6/0

2. Following a series of community consultations and the involvement of a variety of stakeholders, the Ningaloo Trails Masterplan (2018) document identified a total of 14 trail development opportunities for Exmouth that could be classified into five broad categories:
 - Unique trails showcasing world heritage values;
 - Ningaloo coast trails;
 - Bike trails;
 - Town trails;
 - Four wheel drive trails.
3. Guidance on timeframes for development of the trails was considered within the Ningaloo Trails Masterplan. Trails were prioritised as being short term (1-3 years), medium term (3-5 years) or long term (5-10 years). Five trails were identified in the short-term with three of these trails being within the Cape Range National Park and the responsibility of Department of Biodiversity Conservation and Attractions (DBCA) as the land manager.
4. Two of the prioritised short term trails were the responsibility of the Shire of Exmouth as they were within the Shire's boundaries as per table below.

Trail Name within the boundaries of the Shire of Exmouth	Priority term	Development term	Estimated cost
Develop a Mountain Bike Skills Park and cycling activity area including Pump, Jump and BMX tracks	High	1-3 years	\$362,500
Exmouth town loops and connections	High	1-3 years	\$686,000

5. Of these two short terms high priority identified trail projects, the design and development of a *"Mountain Bike Skills Park and cycling activity area including Pump, Jump and BMX tracks"* was identified as financially achievable providing there was sufficient funding able to be externally sourced. A meeting was held on 18 June 2018 with a Councillor, Shire staff, and members of the Cape Range Riders club to discuss a range of matters to commence the Mountain Bike Skills Park project (presently named Exmouth Bike Park). One of the matters discussed was the scope of works for a Consultancy Request for Quote (RFQ) for the planning and design of the facility. At this meeting it was decided that for this project the scope of works would be confined to pump track design and development with consideration for a BMX track in the future once a BMX club develops.
6. The Ningaloo Trails Masterplan referred to why it is important to have a mountain bike hub.
7. *"There is great community benefit in the establishment of mountain bike trails that have an emphasis on skill development and introduction to the new riders particularly children to the sport. Promotion of outdoor activity is an essential component of healthy communities. Community pride is also a benefit from the development of mountain biking experiences in and around the town".*

Source: Ningaloo Trails Masterplan

8. In February 2019, following an RFQ process, the Shire of Exmouth appointed Common Grounds Pty Ltd to design a pump track, jump line and skills loop to be located at the Exmouth Recreation Precinct.
9. The Bike Park consists of a three-part design:
 1. Pump Track: asphalt surface and designed so that riders can “pump” around the track as opposed to pedalling.
 2. Jump Line: gravel, compacted surface for the more adventurous bike riders and has BMX-style jumps and berms.
 3. Skills Loop: gravel, compacted surface designed to introduce riders to similar terrain they may find on longer bike rides in rural settings
10. The technical components stated to be included in the design were:
 - Site infrastructure including but not limited to shelters and car and bike parking;
 - Landscaping, drainage and restoration;
 - Design of trail head including signage, any structural elements etc;
 - Design of skills track within the allocated area;
 - Design of pump track within the allocated area;
 - Design of jump lines within the allocated area;
 - Design and location of each element including safety and recommended use;
 - The skills, pump and jump lines to be designed to divert and allow filtration of stormwater runoff through the area;
 - Full landscaping designs to support the integrity of the trail and structural elements;
 - Signage. Design of an overall precinct map showing use direction, safety, emergency contacts and sponsorship/funding partners, respect for the environment, user etiquette and Code of Conduct for the three components of the facility;
 - Identification of appropriate companies to tender for construction; and
 - Development of tender documents in consultation with the Shire.
11. For budgetary considerations and within the RFQ, the Shire sought final engineered design drawings to allow for a staged development of the project to be phased, possibly, over a number of construction periods, so as to be able to ensure each stage was fully funded.
12. As per the RFQ, the required outcomes sought by the Shire to be delivered by Common Ground Pty Ltd from this project include;
 - *“The skills park being recognised as an exceptional signature experience for a wide range of users, including children and youth, with users being able to expand their skills through cycling by utilising a new recreational activity placed in the Exmouth Recreation Precinct that assists those users with their riding skills later in the greater Exmouth Cape area,*
 - *Visitors to Exmouth enjoying challenging cycling experiences whilst recognising a practical approach to their safety,*
 - *Local skills development integrated through the construction process (e.g. trail building, trail management),*

- *Minimise maintenance and maximise trail and facility sustainability through best practice trail construction and modelling; and*
- *Capacity for future growth in the multi-use mountain bike skills park and event participation.”*

Source: RFQ Exmouth Multipurpose Bike Facility

COMMENT

13. Originally the location of the Exmouth Bike Park was to be just north of Koobooroo Oval in an area of land within the Exmouth Recreation Precinct. Design work commenced for the project involving that location. Following a review of the Exmouth Floodplain Management Study (2007) it was decided to seek a new location less vulnerable to possible fast moving flood water.
14. The location within the Exmouth Recreation Precinct that was thought to best support a public recreational facility such as a bike park was the area of land between the Exmouth Tennis Club and the Exmouth Community Garden.
15. Besides this new location not being as affected by the possibility of rushing flood waters, users of this facility would be closer to the Exmouth Recreational Centre and able to use that Centre's facilities when required plus there would be ample room for the parking of vehicles that bring bicycles to this bike park.
16. The main issue involving this location is that the Exmouth Dog Agility Group Inc (DAG) is presently located in the middle of the site determined for the Exmouth Bike Park. DAG is using the former outdoor netball site which is in the middle of the preferred Bike Park location. DAG does not have a lease or licence for this site. An alternate location will need to be determined for DAG prior to commencement of any construction works at the Bike Park.
17. During the Exmouth Bike Park design process, feedback has been sourced at different stages from the Cape Range Riders Inc Club. Recognition of the invaluable role and support of the members of the Cape Range Riders Club as stakeholders in firstly the development of a Ningaloo Trails Masterplan and then with their involvement and input into the design of the Exmouth Bike Park needs to be highlighted and noted.
18. Feedback was also sourced from a community consultation workshop session held recently in Exmouth.
19. With regard to the preferred management model for this multi-use bike facility, the Cape Range Riders Club at a meeting held on 18 June 2018 with a Councillor and Shire staff, decided it did not want to have a lease over this bike park which would be a public recreational facility. The club did consider that it would be willing to enter into a MOU regarding ongoing maintenance of the facility. The club members at this meeting preferred for the facility to be Shire owned with the ability for the club to host events. The club was interested to assist with ongoing maintenance but understood that the Shire would need to approve any repairs, additions, or remodelling of the track. Issues concerning how this arrangement would work and also access during maintenance still need to be addressed.

20. Common Ground Pty Ltd has produced a design for the Exmouth Bike Park (Attachment 1). This design includes three activity areas: Pump Track, Jump Park/Line, and a Skills Loop. Included within the design is an area for car parking and a shed. An extensive consultation and feedback process has been undertaken between the Shire, Cape Range Riders and Common Ground to finalise the design. Additional matters raised at the recent community consultation workshop session have been noted for inclusion in the RFT documentation.
21. Shire officers are now seeking Council consideration for approval of the final design and endorsement to undertake the RFT procurement process.

CONSULTATION

- 22.
- Ningaloo Trails Master Plan document – TRC Tourism Pty Ltd
 - Exmouth Floodplain Management Study (2007) document – Sinclair Knight Merz
 - Common Ground Pty Ltd
 - Cape Range Riders Club Inc
 - Exmouth Dog Agility Group Inc
 - Exmouth Community Consultation Workshop Session – 6 October 2020

STATUTORY ENVIRONMENT

23. Nil

POLICY IMPLICATIONS

24. Nil

FINANCIAL IMPLICATIONS

25. The Ningaloo Trails Masterplan (2018) document referred to the expected costs for the design and construction of a Mountain Bike Skills Park and Pump and Jump Tracks. The design and construction of pump tracks was estimated by the consulting company for the Ningaloo Trails Masterplan, TRC Tourism Pty Ltd, as \$250 per sqm for quarry rubble capped with bitumen.

Costs in the design and construction of Mountain Bike Skills Park and Pump and Jump Tracks	\$
An average size pump track will cost approximately	100,000
Linking skills and jump tracks estimated 500m @\$40 per linear metre	20,000
Landscape design and engineering	40,000
Site infrastructure, shelters, car parks and facilities	100,000
Landscaping, drainage and restoration	30,000
Total Skills Park Pump and Jump Track (cost estimates based on Perth construction rates)	\$290,000
Total including 25% for remote mobilisation and contingency (additional costs for remote Exmouth site)	\$362,500

Source: Ningaloo Trails Masterplan, TRC Tourism Pty Ltd

26. Recommendations from the Ningaloo Trails Masterplan with regards to managing and/or reducing costs for the design, construction and maintenance of the Bike Park:
- *Engage a skilled trail construction company to design and construct the Mountain Bike Skills Park and Pump Track*

- *Investigate opportunities for local companies and employment providers to be involved*
- *Consider opportunities to employ and train local workers and community groups in the development of all aspects of the trails program.*
- *Consider engaging a skilled and qualified trail builder to induct and train local workers in the construction and maintenance of the cross the range and mountain bike trails.*

27. TRC Tourism Pty Ltd noted that future maintenance demands will be reduced through careful planning and good construction.
28. For the 2020/2021 financial year, Council approved a capital budget of \$350,000 ex GST (A112001) for the design and construction of the Bike Park (\$300,000 from grants and \$50,000 from Shire general revenue).
29. Council also approved \$27,000 ex GST (A125158) for the relocation of the Dog Agility Group (\$12,000 from grants to be sourced by DAG, and \$15,000 from Shire general revenue).
30. The cost for the Common Ground consultancy design and provision of tender documents for the Bike Park is a total of \$43,640 ex GST which included an approved variation of \$8,640 ex GST to cater for the Shire's requirement for the design to incorporate a new location for the bike park.

RISK MANAGEMENT

31. Risk implications identified for this project to design and construct a Bike Park at the Exmouth Recreation Precinct;

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Technical nature of project requires specialist knowledge and review.	Likely	Major	High	Shire contracted specialist consultancy Common Ground to research, prepare design and tender documentation.
Financial risk if project costs are greater than stated in RFT process.	Possible	Major	Moderate	Shire is using a fixed price basis for the RFT approach. RFT will be awarded by Council with known budgets.
Not securing required grant income to undertake capital works	Unlikely	Major	Moderate	Discussions with a potential sponsor for the construction of the bike park has been ongoing, favourable and expected to be realised.
Risk of flood and other severe weather damage	Unlikely	Major	Moderate	New location was selected to reduce vulnerability to flood risk. The development of the park will consider drainage issues. As the land is cleared already, not expected to be any substantial environmental impacts.
Reputational damage from not implementing the Ningaloo Trails Masterplan recommendations involving the Shire	Unlikely	Major	Moderate	The Bike Park is a high priority, short term project. The Shire of Exmouth has been involved with trails planning during the past decade. Finalising a short term identified priority project will assist providing a variety of recreational opportunities within the Shire.
Ongoing operational maintenance costs not considered in planning	Unlikely	Minor	Low	A maintenance program is to be put in place for the whole of the bike park and included in annual budgeting. The Cape Range Riders club members may assist with some ongoing maintenance aspects.

ALTERNATE OPTIONS

32. If Council was to not approve the design of the Exmouth Bike Park as detailed in Attachment 1 then the options would be:
- To make changes to the design of the Exmouth Bike Park as requested by Council, which may involve a financial variation depending on the amount of design work needing to be made; or
 - Do not proceed with the project as presented. Shire would still be liable for remaining balance of \$10,000 ex GST payable to Common Ground Pty Ltd.

STRATEGIC ALIGNMENT

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

Economic:	<p><u>Diversify and grow our economy in a manner that provides year round employment opportunities</u></p> <p>1.2 Facilitate the strengthening and growth of our visitor experience.</p> <p>1.3 Enable the provision of essential infrastructure that will support investment and diversify our economy.</p>
Environment:	<p><u>To protect and value our unique natural and built environment as we grow our economy.</u></p> <p>2.3 Advocate and promote opportunities for the development of environmentally sustainable essential infrastructure and services</p>
Social:	<p><u>To be a vibrant, passionate and safe community valuing our natural environment and unique heritage</u></p> <p>3.1 Explore opportunities to deliver services and facilities that attract and retain people living in the Shire.</p> <p>3.2 Promote facilities/services that enhance public health and safety.</p> <p>3.3 Champion self-supporting community clubs and associations.</p>
Leadership:	<p><u>To provide open transparent, accountable leadership working in collaboration with our community.</u></p> <p>4.1 To provide proactive, collaborative and transparent leadership</p> <p>4.2 A local government that is respected and accountable.</p> <p>4.3 To be a champion for our community</p>

VOTING REQUIREMENTS

34. Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.3.1

That Council;

1. APPROVE the design presented as per Attachment 1 of a multi-use bike facility presently titled "Exmouth Bike Park" that is to be located at the Exmouth Recreation Precinct, and
2. AUTHORISE the Chief Executive Officer to undertake Request for Tender documentation and procurement within Council's approved budget of \$350,000 ex GST.

COUNCIL RESOLUTION

ITEM 12.3.1

Res No: 16-1020

MOVED: Cr Dixon

SECONDED: Cr Lake

That Council;

- 1. APPROVE the design presented as per Attachment 1 of a multi-use bike facility presently titled “Exmouth Bike Park” that is to be located at the Exmouth Recreation Precinct, and**
- 2. AUTHORISE the Chief Executive Officer to undertake Request for Tender documentation and procurement within Council’s approved budget of \$350,000 ex GST.**

CARRIED 6/0

Executive Manager Commercial and Community acknowledged the great work by Manager Community, Sport and Recreation.

Acknowledged Cape Range Riders Club and Cr Lucas who have both been very invested in this project over its journey.

Thanked Cr Lake and McCarrol for attended the community workshop and the interest shown in this project.

Cr Lucas, on behalf of Cape Range Riders, acknowledged the work by the Shire to get this project together.

Cr Mounsey also acknowledged the good work by Manager Community, Sport and Recreation.

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 advised council report 14.1.1 below will be moved behind closed doors

14.1.1 ANNUAL CARAVAN PARK AND CAMPING GROUND LICENCE RENEWAL – YARDIE HOMESTEAD CARAVAN PARK – CONFIDENTIAL

15. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS

The following agenda item is to be considered under 15. Matters to be Considered Behind Closed Doors, in accordance with section 5.23(2) of the *Local Government Act 1995*. The Deputy Shire President asked that the gallery leave the Chambers.

COUNCIL RESOLUTION

ITEM 15.1

Res No: 17-1020

MOVED: Cr Niikkula

SECONDED: Cr McCarrol

That Council move Behind Closed Doors at 6.30pm in accordance with the Local Government Act 1995 section 5.23 (2).

CARRIED 6/0

14.1.1 ANNUAL CARAVAN PARK AND CAMPING GROUND LICENCE RENEWAL – YARDIE HOMESTEAD CARAVAN PARK – CONFIDENTIAL

COUNCIL RESOLUTION

ITEM 15.1

Res No: 18-1020

MOVED: Cr Mounsey

SECONDED: Cr Dixon

That Council APPROVE:

1. The issuing of the Caravan Parks and Camping Grounds Licence valid until 30 January 2021 with the approved plan as marked and annotated by the Shire, as presented in Attachment 1, for signing by the Chief Executive Officer.
2. Approve the issue of a Building Order to remove the unapproved ablution block located on Yardie Homestead Caravan Park as identified in Attachment 3.

CARRIED by ABSOLUTE MAJORITY 6/0

COUNCIL RESOLUTION

ITEM 15.1

Res No: 19-1020

MOVED: Cr Niikkula

SECONDED: Cr McCarrol

That Council return from Behind Closed Doors at 6.45 pm.

CARRIED 6/0

16. CLOSURE OF MEETING

The Shire president declared the meeting closed at 6.46pm.