

Shire of Exmouth

# ORDINARY COUNCIL MEETING

# MINUTES



## 26 November 2020

### CONFIRMATION OF MINUTES

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

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

  
.....  
Dated

# INDEX OF MINUTES

1.	<b>DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS</b> .....	3
2.	<b>RECORD OF ATTENDANCE, APOLOGIES AND APPROVED LEAVE OF ABSENCE</b> .....	3
3.	<b>RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE</b> .....	4
4.	<b>PUBLIC QUESTIONS TIME</b> .....	4
5.	<b>DECLARATIONS OF INTEREST</b> .....	6
6.	<b>APPLICATIONS FOR LEAVE OF ABSENCE</b> .....	6
7.	<b>CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS</b> .....	6
8.	<b>ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS</b> .....	7
9.	<b>ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION</b> .....	8
10.	<b>PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS</b> .....	8
11.	<b>MATTERS ARISING FROM COMMITTEES OF COUNCIL</b> .....	9
12.	<b>REPORTS OF OFFICERS</b> .....	10
12.1.1	<b>ANNUAL REIVEW – COUNCIL POLICY MANUAL</b> .....	10
12.4.1	<b>FINANCIAL STATEMENTS FOR PERIOD ENDING 31 OCTOBER 2020</b> .....	15
12.4.2	<b>LIST OF ACCOUNTS FOR PERIOD ENDING 31 OCTOBER 2020</b> .....	17
12.5.1	<b>ITEMS FOR INFORMATION ONLY</b> .....	19
12.1.2	<b>AMENDED: COUNCIL POLICY 6.9 - ITINERANT TRADING AND FEES AND CHARGES</b> .....	22
12.3.1	<b>CENTACARE FAMILY SERVICES LEASE</b> .....	31
12.3.2	<b>EXMOUTH BUSINESS CENTRE – EXMOUTH CHAMBER OF COMMERCE AND INDUSTRY LEASE &amp; UNBUDGETED EXPENDITURE</b> .....	36
12.3.3	<b>REQUEST FOR ITINERANT TRADING LICENCE - SHORT ORDER</b> .....	43
12.3.4	<b>REQUEST FOR ITINERANT TRADING LICENCE &amp; ADDITIONAL LOCATION</b> -.....	46
13.	<b>ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b> .....	51
14.	<b>NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING</b> .....	51
15.	<b>MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS</b> .....	52
15.1	<b>LEARMONTH AIRPORT RPT SHUTTLE BUS SERVICE</b> .....	52
16.	<b>CLOSURE OF MEETING</b> .....	53

# MINUTES

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

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

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Our Strategic Objectives

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

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## 1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Shire President welcomed the gallery and 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 Richardson	Executive Manager Development Services
Mr M Bird	Executive Manager Commercial and Community
Mr G Coetzee	Executive Manager Corporate Services
Ms Head	Minute Clerk

**GALLERY** 5

**APOLOGIES** 0

**LEAVE OF ABSENCE** 0

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

Nil

### **4. PUBLIC QUESTIONS TIME**

The following questions were received via the Shire website from Rebecca Bateman and answered by the Chief Executive Officer:

*Question 1:*

*Is the Shire working on immediate or short-term solutions to relieve the accommodation shortage we are currently experiencing for residents (because of Covid19)? Are there established accommodations existing that are not in use, and is there any way of using these establishments in a timely manner?*

The Shire has been working with the Department of Defence and the Gascoyne Development Commission with regard the refurbishment and re-use of Defence accommodation assets.

The Shire is waiting on the results of the building inspection reports which will determine if this option is available.

*Question 2:*

*Also, is it possible to further limit the number of holiday rentals in town JUST during these unprecedented times to prevent this situation from deteriorating?*

There are approximately 90 registered holiday homes in Exmouth which is @ 8.5% of the total housing stock and these permits are valid until September 2021. These homes have provided a valuable service to the Exmouth destination for many years and at a time when there have been no large-scale developments providing year-round tourism accommodation.

Council cannot cancel an existing holiday home permit based on the grounds of housing stock shortage.

A review of our statistics indicates that only an additional 5 new holiday home permits have been approved for the 2020 calendar year based on the three-year previous average.

Holiday home permits are not the reason for the current housing shortage. Many rentals that are normally vacated this time of year have not been vacated due to the lack of housing shortages across Australia as a result of increased inward migration, a shortage of housing stock and international travel restrictions.

On this basis Council does not consider penalising investors of new holiday homes is a responsible action and it could in fact be legally challenged.

Question 3:

*What is the Shire doing?*

The Shire developed a \$500,000 building stimulus incentive program which commenced October 1<sup>st</sup>. This was designed to encourage vacant land owners to build accommodation quickly so that more accommodation was available in the community to both cater for the increased demand for housing and for tourism accommodation.

The Shire together with the Exmouth Chamber of Commerce is looking at short- and medium-term options including mobile accommodation units for seasonal and construction workers. This type of accommodation will not suit those requiring permanent accommodation solutions but it will prevent these workers occupying short stay and permanent rental accommodation.

This solution still requires appropriate zoned land with power, water, sewer connections and access roads. These are complex issues and it's not just Exmouth experiencing these problems.

There is now also a shortage of mobile accommodation units because of Australian wide demand for mobile accommodation.

The Shire has met with Development WA and have advocated for the release of more land for accommodation including the sale of Super Lot D at the marina and the release of new housing stock in the Nimitz Street subdivision. This is now in progress but will not solve the immediate solution.

The Shire will continue to work with the Exmouth Chamber of Commerce and to explore options within its control (billeting, relaxation of planning regs etc) to increase the availability of accommodation before next season.

Shire President opened the floor to the gallery.

Jocelyn Lee from IGA Exmouth/Ningaloo IGA made a presentation to Council in relation to the current accommodation shortage and queried if the Shire had plans for the potential increase in demand for accommodation for staff in the next season?

The Shire President responded by advising the Shire is on the same journey in regard to the current accommodation shortage, with the last two council briefings centred around this topic, the Shire has partnered up with Exmouth Chamber of Commerce and Gascoyne Development Commission to find a solution.

The Shire is keen to facilitate ideas to happen, noting all councillors are passionate and vocal about the need to make sure we work together.

The Shire understands there is a problem that requires discussion and ideas to come up with the best options and a solution for the next 5 year ahead.

The Shire President thanked Jocelyn for approaching Council from a local business point of view.

## 5. DECLARATIONS OF INTEREST

Name	Report	Extent of Interest	Type of Interest
Cr McCarrol	12.3.2 - Exmouth Business Centre – Exmouth Chamber of Commerce and Industry Lease & Unbudgeted Expenditure	Member of Exmouth Chamber of Commerce	Impartiality
Cr Lucas	12.3.2 - Exmouth Business Centre – Exmouth Chamber of Commerce and Industry Lease & Unbudgeted Expenditure	Financial Member of Exmouth Chamber of Commerce	Impartiality  Impartiality
Cr Niikkula	12.3.2 - Exmouth Business Centre – Exmouth Chamber of Commerce and Industry Lease & Unbudgeted Expenditure	Financial Member of Exmouth Chamber of Commerce	
Cr Mounsey	12.3.2 - Exmouth Business Centre – Exmouth Chamber of Commerce and Industry Lease & Unbudgeted Expenditure	Committee member of Exmouth Chamber of Commerce	Impartiality
Cr McCarrol	15.1.1 - Learmonth Airport RPT Shuttle Bus Service	Involved in original debate and voted. Only operate exclusive transfers. Did not apply for original tender and no interest in applying if tender readvertised.	Impartiality
Cr Mounsey	15.1.1 - Learmonth Airport RPT Shuttle Bus Service	I am a Director of Exmouth Bus Charter whom is a proponent of this report	Financial

## 6. APPLICATIONS FOR LEAVE OF ABSENCE

Councillor McCarrol advised for information purposes only she will be on leave between 27<sup>th</sup> November 2020 until the 7<sup>th</sup> December 2020 and again between the 18<sup>th</sup> December 2020 and the 31<sup>st</sup> January 2021. It is noted there are no prescribed Council Meetings scheduled during these periods.

## 7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

That the Minutes and associated attachments of the Ordinary Meeting of the Shire of Exmouth held on the 22 October 2020 be confirmed as a true and correct record of proceedings.

**COUNCIL RESOLUTION**

**ITEM 7**

**Res No: 01-1120**

**MOVED: Cr McCarrol**

**SECONDED: Cr Lucas**

**That the Minutes and associated attachments of the Ordinary Meeting of the Shire of Exmouth held on the 22 October 2020 be confirmed as a true and correct record of proceedings.**

**CARRIED 6/0**

**8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS**

<p>Councillor Lake</p>	<p><b>“11th November</b>  <i>Along with many other community members, I attended the Exmouth Remembrance Service. Shire CEO, Cameron Wood assisted with the presentation of the various addresses while many took advantage of the shaded seating provided from the new Shire branded shelters. This is a very special opportunity for some in our community so the preparation and presentation co-ordinated by Shire staff very much appreciated.</i></p> <p><b>12th November</b>  <i>I joined Crs’ Lucas and McCarrol and some of the Shire Executives for a tour over the H.E.H. Base, hosted by Russel Levien and Daryl from Raytheon. It was fascinating to learn more about the strategic role of the Base and the activity within it. Thank you to both Russel and Daryl for their time</i></p> <p><i>Later in the day I attended the Community Waste Working Group where Executive Mike Richardson announced that 74,000 containers had been prevented from landfill in October. The good news continued with the announcement of the acquisition of a new bailer that will be used to compress recyclable cardboard and plastics and that the water dispensers ordered for visitors were now waiting to installed. The meeting also touched on a strategy for Exmouth community to take part in kitchen waste collection. This green waste could then be converted to garden humous. The next meeting will be on the 9th December 2020.</i></p> <p><b>18th November</b>  <i>Together with Cr. Dixon, I attended the next Bundegi/Jurabi Coastal working group meeting. The Agenda covered an extensive range of matters that were discussed with DBCA representatives. Shire Executive Mike Richardson and Andre Bobecjov from DBCA are working on delivering a 5 year management plan for the jointly managed Jurabi/Bundegi Coastal area. This should effectively capture a timeline and budget for both agencies, for any capital works required, maintenance and other management strategies.</i></p>
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	<p><b>20th November</b>  <i>Attended a meeting with DBCA who presented the concept of a blanket approach to protecting all the Pilbara Inshore Islands, including the re-classification of the currently joint managed Muiron Islands by Shire of Exmouth and DBCA to exclusively managed by Department of Biodiversity Conservation and Attractions.</i></p> <p><b>23rd November</b>  <i>The Exmouth Community Reference Group met again for an exchange of information between Santos, BHP and Woodside oil and gas companies. Their support and sponsorship of activities and development in Exmouth is extensive. Any community organisation seeking funding for specific projects has the opportunity to apply for financial support to achieve their objectives just by accessing the individual company websites. Santos have now made a decision to access the services and supplies of approximately 5-6 local businesses for operations on their FPSO off -shore from North West Cape.</i></p> <p><b>24th November</b>  <i>I will be attending the Exmouth Chamber of Commerce Business After Hours function to be addressed on C-Res, a company who assists with the tender and supply process for goods and labour hire for oil and gas companies”.</i></p>
Cr Dixon	<p><b>7<sup>th</sup> November</b>  <i>Attended the opening of the Gascoyne Open 2020 at the Paltridge Memorial Swimming Pool.</i></p> <p><b>20<sup>th</sup> November</b>  <i>Attended the official dedication and launch of the Cape Endeavour and naming of the Marine rescue Exmouth Building.</i></p>
Cr Lucas	<p><b>12<sup>th</sup> November</b>  <i>Attended the tour of HEH Base.</i></p>

**9. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**

Nil

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

Nil



## 11. MATTERS ARISING FROM COMMITTEES OF COUNCIL

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

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### NTAG COMMITTEE RESOLUTION

That the Ningaloo Tourism Advisory Group Committee recommends to Council that it;

1. APPROVES the changes to the NTAG Terms of Reference to include a stakeholder representative for the Department of Transport, and
2. ENDORSES the nominations for Chairperson of Cr Mark Lucas and Deputy Chairperson Jackie Brooks.

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### NTAG COMMITTEE RECOMMENDATION

**ITEM 11.1**

That Council RECEIVE the minutes of the Ningaloo Tourism Advisory Group Committee Meeting held on the 21 October 2020 at 9.00am inclusive of the following decisions:

That the Ningaloo Tourism Advisory Group Committee recommends to Council that it;

1. APPROVES the changes to the NTAG Terms of Reference to include a stakeholder representative for the Department of Transport, and
2. ENDORSES the nominations for Chairperson of Cr Mark Lucas and Deputy Chairperson Jackie Brooks.

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### COUNCIL RESOLUTION

**ITEM 11.1**

**Res No: 02-1120**

**MOVED: Cr Mounsey**

**SECONDED: Cr Lake**

**That Council RECEIVE the minutes of the Ningaloo Tourism Advisory Group Committee Meeting held on the 21 October 2020 at 9.00am inclusive of the following decisions:**

**That the Ningaloo Tourism Advisory Group Committee recommends to Council that it;**

- 1. APPROVES the changes to the NTAG Terms of Reference to include a stakeholder representative for the Department of Transport, and**
- 2. ENDORSES the nominations for Chairperson of Cr Mark Lucas and Deputy Chairperson Jackie Brooks.**

**CARRIED 6/0**

*Cr Lucas acknowledged the work done by Executive Manager Commercial and Community to establish the Committee.*

## 12. REPORTS OF OFFICERS

The following reports were recommended enbloc 12.1.1, 12.4.1, 12.4.2, 12.5.1

### **EXECUTIVE SERVICES**

#### **12.1.1 ANNUAL REIVEW – COUNCIL POLICY MANUAL**

File Reference:	CM.PO.6
Reporting Officer:	Executive Secretary
Responsible Officer:	Chief Executive Officer
Date of Report:	10 November 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none"><li>1. Policy 1.14 – Council Employees Housing</li><li>2. Policy 2.7 – Procurement Policy</li><li>3. Policy 2.10 – Debt Recovery</li><li>4. Policy 2.12 – Regional Price Preference</li><li>5. Policy 4.1 – Sponsorship Policy</li></ol>

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#### **PURPOSE**

1. That Council approve the proposed amendments to the current Council Policy Manual dated 25 June 2020.

#### **BACKGROUND**

2. An annual review (financial year) of all Council policies is undertaken to adhere to the Shire of Exmouth Compliance Calendar, which is the basis of the Compliance Audit Return submitted to the Department of Local Government, Sport and Cultural Industries annually.
3. The objectives of the Council's Policy Manual are:
  - To provide Council with a formal written record of all policy decisions;
  - To provide staff with precise guidelines in which to act in accordance with Council's wishes;
  - To enable staff to act promptly in accordance with Council's requirements, but without continual reference to Council;
  - To enable Councillors to adequately handle enquiries from electors without undue reference to staff or Council;
  - To enable Council to maintain a continual review of Council Policy decisions and to ensure they are in keeping with community expectations, current trends and circumstances;
  - To enable ratepayers to obtain immediate advice on matters of Council Policy.
4. On the 25 June 2020 Council approved by *Absolute Majority* recommendations regarding policy that required rescinding or modifying, creation of a new and noting those without change.

5. Although this review was completed less than six months ago, the Officer recommends that ongoing annual reviews be completed each November rather than June to detract from the usual busy period in at the end of the financial year.
6. Subsequent minor reviews have been approved by Council since the previous annual review. The table below provides a summary of these:

Policy No.	Policy Name	Action	Details (Include OCM date & Council Decision No.)
1.23	Attendance at Events: Elected Members and Chief Executive Officer	New	OCM 22/10/2020
1.24		New	Council Decision 04-1020 Council Decision 05-1020
5.8	Elected Member: Support, Fees/Allowances, Training and Professional Development Events Policy	New	Council Decision 06-1020

## COMMENT

7. The process associated with this Council Policy Manual review has been separated into four sections for Council consideration:
  1. *Rescind* redundant policies;
  2. Adopt *modified* policies; and
  3. *Note* policies reviewed and no changes recommended.

8. In addition to the above, minor updates to position titles, Act and legislation references, grammatical and formatting errors have also been made to ensure the manual remains current.

### 9. Table 1 – Proposed Rescinded Policies

It is recommended that the following redundant policies are rescinded and removed from the Council Policy Manual. The justification is outlined in Table 1 below:

Policy	Title	Justification
5.4	Water Tanks – Building Control	Building Permit requirements for water tanks is covered under Schedule 4 (8) of the <i>Building Regulations 2012</i> stating when a building permit is required or not. The Policy is not consistent with the regulations in regards to the volume of the tank.

### 10. Table 2 – Proposed Modified Policies

It is recommended that the following Policies are modified. The justification is outlined in Table 2 below:

Policy	Title	Justification
1.14	Council Employees Housing	Name change – Council Employees Housing and Housing Allowances. Minor change to reflect CEO discretion in attracting and retaining staff via the adjustment / waiving of rent for Council properties.
2.7	Procurement Policy	Based on WALGA’s latest template to incorporate the changes to the <i>Local Government (Functions and General) Regulation 1996</i> . The regulation increased the tendering

		<p>threshold from \$150,000 to \$250,000 and the policy needs to reflect that. This changed the purchasing threshold for going to RFQ from \$50,000 to \$250,000 and over \$250,000 needs to go to tender, unless it is exempt. There is also a schedule for Supplier Order of Priority, which sets the priority for selecting a supplier. Increased the CEO authority to approve purchases to a value of \$250,000. Added executive staff to authorise non-conforming file notes where the minimum purchasing requirements cannot be met, within their financial delegation.</p>
2.10	Debt Recovery	<p>Rates are due for payment 35 days from date of issue, as per the requirements in the <i>Local Government Act 1995</i>. After the 35 days has passed a reminder notice will be sent, giving them 14 days to pay, after which a final notice will be sent, giving them 14 days to pay. Once the final notice period has passed and payment has not been received, or payment arrangement made, then staff will assess debt and if appropriate legal action will commence.</p> <p>Sundry debtors have 35 days after invoice to pay. Reminder notice will be sent after 35 days, giving them 14 days to make payment. After the reminder period a final notice will be send giving them 14 days to make payment. Once the final notice period has passed and payment has not been received, or payment arrangement made, then staff will assess debt and if appropriate legal action will commence. Added the ability for credit to be suspended or services limited after the final notice period.</p>
2.12	Regional Price Preference	<p>Adjusted the definition of a regional tenderer to align with section 24B of the <i>Local Government (Functions and General) Regulation 1996</i>.</p>
4.1	Sponsorship Policy	<p>For community sponsorship support, besides community events, added programs and projects and noted that this sponsorship program also sought to increase participation.</p> <p>Included reference to "acquittals must be received within six weeks of the event / program / project completion" for both the Major Events Sponsorship Program and also for the Community &amp; Sporting Grants Program. Replaced the wording "sponsorship proposals" with "grant applications". Specific funding allocated from the Major Events Sponsorship Program and also the Community &amp; Sporting Grants Program is ex GST. For funding allocated from the Shire President's Donations Fund, GST is not applicable. For the Community &amp; Sporting Grants Program, changed from "annual" to "offered twice a year in February and August". In the definitions' section of this policy, included definitions for "GST" and "Increase Participation". Placed the five referred definitions in alphabetical order.</p>

**11. Table 3 - Unchanged Policies**

The remaining policies have been reviewed and considered relevant to the working of Council and its staff in their existing format. No amendments have been made.

**CONSULTATION**

- 12. Executive Mangers
- 13. Councillors

**STATUTORY ENVIRONMENT**

14. 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**

15. If Council approve the officer recommendations then the Shire of Exmouth Council Policy Manual will be amended.

**FINANCIAL IMPLICATIONS**

16. Nil

**RISK MANAGEMENT**

17. Identified risks implications

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance/ Reputational (operational) Non-compliance with LGA Act 1995; annual review of policy.	Almost certain	Moderate	High	Undertake annual review of all council policies.

**ALTERNATE OPTIONS**

18. Council may consider to amend, decline, retain or adopt any combination of policies within the report rather than support the recommendations provided by the reporting officer.

**STRATEGIC ALIGNMENT**

19. 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**

20. Absolute Majority

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**OFFICER'S RECOMMENDATION**

**ITEM 12.1.1**

That Council APPROVE to:

1. RESCIND the following policy:
  - 5.4 Water Tanks – Building Control;
2. ADOPT the following modified policies:
  - 1.14 Council Employees Housing
  - 2.7 Procurement Policy
  - 2.10 Debt Recovery
  - 2.12 Regional Price Preference
  - 4.1 Sponsorship Policy; and
3. ACCEPT that the remaining Council policies have been reviewed without amendments made.

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**COUNCIL RESOLUTION**

**ITEM 12.1.1**

**Res No: 03-1120**

**MOVED: Cr Niikkula**

**SECONDED: Cr McCarrol**

That Council APPROVE to:

1. **RESCIND the following policy:**
  - **5.4 Water Tanks – Building Control;**
2. **ADOPT the following modified policies:**
  - **1.14 Council Employees Housing**
  - **2.7 Procurement Policy**
  - **2.10 Debt Recovery**
  - **2.12 Regional Price Preference**
  - **4.1 Sponsorship Policy; and**
3. **ACCEPT that the remaining Council policies have been reviewed without amendments made.**

**CARRIED by ABSOLUTE MAJORITY 6/0**

## **CORPORATE SERVICES**

The following reports were recommended enbloc 12.1.1, 12.4.1, 12.4.2, 12.5.1

### **12.4.1 FINANCIAL STATEMENTS FOR PERIOD ENDING 31 OCTOBER 2020**

File Reference:	FM.FI.0
Reporting Officer:	Manager Finance
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	16 November 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Monthly Financial Report as at 31 October 2020.

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#### **PURPOSE**

1. That Council accepts the financial report for the financial period ending 31 October 2020.

#### **BACKGROUND**

2. 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**

3. As at 31 October, operating revenue is above target by \$594,077 (8.78%) due to an increase of visitors to Exmouth. The Ningaloo Visitor Centre merchandise sales and exhibition admissions were above target and the overflow caravan park revenue increased. Insurance assistance package and surplus distributions were paid by LGIS.
4. Operating expenditure is under budget by \$1,543,773 (27.89%) variances are mainly due to the depreciation that will not be not raised until the 2019/20 Financial Statements are completed. Employee costs are under budget due to employee vacancies, timing of training and relocation costs.
5. Capital projects is under budget by \$45,117, a total of \$1,094,941 has been spent to date. This includes the installation of goal posts at Talanje and Koobooroo ovals and the purchase of staff housing and Lot 146 Learmonth Street.
6. 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 31 October were 67% compared to 65% for the same period last year.
7. General Debtors is \$1,149,062 with \$974,132 being for airport operations.

#### **CONSULTATION**

8. Nil

#### **STATUTORY ENVIRONMENT**

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

10. 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

11. Nil

## FINANCIAL IMPLICATIONS

12. Nil

## RISK MANAGEMENT

13. 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

14. Nil

## STRATEGIC ALIGNMENT

15. 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

16. Simple Majority

## OFFICER'S RECOMMENDATION

**ITEM 12.4.1**

That Council RECEIVES the Financial Report for the financial period ending 31 October 2020.

## COUNCIL RESOLUTION

**ITEM 12.4.1**

**Res No: 04-1120**

**MOVED: Cr Niikkula**

**SECONDED: Cr McCarrol**

**That Council RECEIVES the Financial Report for the financial period ending 31 October 2020.**

**CARRIED 6/0**



The following reports were recommended enbloc 12.1.1, 12.4.1, 12.4.2, 12.5.1

## **12.4.2 LIST OF ACCOUNTS FOR PERIOD ENDING 31 OCTOBER 2020**

File Reference:	FM.FI.0
Reporting Officer:	Manager Finance
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	13 November 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. List of Accounts for period ending 31 October 2020

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### **PURPOSE**

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

### **BACKGROUND**

2. *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.
3. 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**

4. 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 12.4.2).
5. October Payments  
Municipal Fund totalling \$2,272,137.30  
Incorporating cheques, direct debits, electronic payments and credit cards.
6. Trust Fund totalling \$12,700.41  
Incorporating electronic payments
7. Total Payments: \$2,284,837.71

### **CONSULTATION**

8. Nil

### **STATUTORY ENVIRONMENT**

9. 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**

10. 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**

11. 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**

12. 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**

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

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**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 October 2020 *(totalling \$2,284,837.71)*.

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**COUNCIL RESOLUTION** **ITEM 12.4.2**

**Res No:** **05-1120**

**MOVED:** **Cr Niikkula**

**SECONDED:** **Cr McCarrol**

**That Council RECEIVES the report of payments made from the Municipal and Trust bank accounts during the month of October 2020 (totalling \$2,284,837.71).**

**CARRIED 6/0**

The following reports were recommended enbloc 12.1.1, 12.4.1, 12.4.2, 12.5.1

## **ITEMS FOR INFORMATION ONLY**

### **12.5.1 ITEMS FOR INFORMATION ONLY**

#### **PURPOSE**

1. To advise Council of the information items listed below.

#### **VOTING REQUIREMENTS**

2. Simple Majority

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#### **OFFICER'S RECOMMENDATION**

#### **ITEM 12.5.1**

3. That Council note the following information items:

#### Register of Documents Stamped with the Shire of Exmouth Common Seal

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

<b>DATE</b>	<b>DOCUMENT</b>
16/10/2020	Sale of Lot 6 Heron Way (Council Decision 15-0216 & 17-0517)
	Bush Fire Brigade Local Law 2020 (Council Decision 07-0920)
22/10/2020	Short Form Member Contract: Shire of Exmouth and Balance Utility Solutions Pty Ltd (Council Decision 11-0820)
05/11/2020	Landgate Notification Section 70A Upon Lot 1 on DP41331 RAC Tourism Assets Shire of Exmouth (DA24/20 Ref: IPA38367)
12/11/2020	Landgate Notification Section 70A upon Lot 101 on DP48983 Bradley & Helen Spiers and Shire of Exmouth (DA 44/20 & BP 20/91)

#### 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 31 October 2020.

<b>App #</b>	<b>Date Received</b>	<b>Lot</b>	<b>Property Address</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
20/73	07/09/20	211	9 Carpenter Street	Carport	Approved	21/10/20
20/82	07/10/20	904	13 Patterson Way	Relocated caretakers Dwelling	Approved	20/10/20
20/83	13/10/20	55	23 Searaven Crescent	Single dwelling, carport, shed and fencing	Approved	30/10/20
20/84	13/10/20	400	19 Krait Street	New construction ancillary dwelling (shed with games room and office)	Approved	15/10/20
20/85	14/10/20	102	31 Bluefin Cove	2 Storey single dwelling & boundary fencing	Approved	31/10/20
20/87	19/10/20	284	25 Lefroy Street	Outbuilding and boat port	Approved	05/11/20
20/89	20/10/20	340	22 Kestrel Place	Boundary fence	Approved	31/10/20
20/90	23/10/20	260	4 Davidson Street	Fence	Processing	
20/91	27/10/20	101	15 Ingram Street	Incidental lean-to structure for storage	Processing	
20/92	30/10/20	151	11 Griffin Way	Inground swimming pool	Approved	31/10/20

Planning Decisions Issued

A summary of the planning decisions issued under delegation or outstanding up to 31 October 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	OCM	27/10/20
DA66/20	07/09/20	449	37 Madaffari Dr	Single dwelling including carport, retaining walls and landscaping	Approved	16/11/20
DA72/20	18/09/20	667	19 Stewart Street	Carport	Deferred	01/10/20
DA73/20	21/09/20	118	42 Bluefin Cove	Single dwelling	Approved	27/10/20
DA74/20	21/09/20	122	34 Bluefin Cove	Single dwelling	Approved	30/10/20
DA75/20	21/09/20	121	36 Bluefin Cove	Single dwelling	Approved	26/10/20
DA76/20	23/09/20	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	Approved	29/09/20
DA78/20	05/10/20	102	31 Patterson Way	Construction of Storage Units	Processing	16/10/20
DA79/20	08/10/20	395	9 Corella Court	Holiday House	Processing	21/10/20
DA80/20	09/10/20	370	12 Corella Court	Planning Advice	Issued	17/10/20
DA81/20	09/10/20	2	25 Salmon Loop	Removal of old shed & construction of large outbuilding	Deferred	16/11/20
DA82/20	13/10/20	154	33 Dugong Close	Single house and swimming Pool	Deferred	13/10/20
DA83/20	14/10/20	621	1 Reymond Street	Holiday House	Approved	16/11/20
DA84/20	14/10/20	110	Sailfish Link	Single house & lower terrace store	Approved	23/10/20
DA85/20	16/10/20	347	33 Kestrel Place	WAPC Referral - Application #160002 - Amalgamation of Lot 347, 348, 349 Kestrel Place	Approved	10/11/20
DA86/20	19/10/20	181	23 Cobia Close	Single dwelling - addition - lower terrace store	Approved	20/10/20
DA87/20	20/10/20	446	43 Madaffari Drive	Single dwelling and carport	Deferred	21/10/20
DA88/20	22/10/20	417	54 Madaffari Drive	Single dwelling and swimming pool (Amendment to PA74/18)	Approved	30/10/20
DA89/20	23/10/20	198	Yardie Creek Road	16 new eco tent sites within existing Yardie caravan park	Deferred	28/10/20
DA90/20	27/10/20	5	Catalina Close	Single dwelling	Processing	27/10/20
DA91/20	29/10/20	342	26 Kestrel Place	Single dwelling - addition - floating jetty	Approved	06/11/20
DA92/20	29/10/20	445	45 Madaffari Drive	Single dwelling	Processing	29/10/20
DA93/20	30/10/20	346	35 Kestrel Place	Single dwelling	Approved	07/11/20

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

App #	Date Received	Description.	Decision	Permit issued
PE28	12/10/2020	Gecko's Fiesta van from 10 October till 5 December 2020 (8 weeks, extending PE21)	Issued	13/10/2020
PE29	16/10/2020	Political party The Greens stall in the Ross Str Mall 27 October 2020	Issued	27/10/2020
PE30	21/10/2020	Lions Outback ophthalmology van - at ECAC carpark - 25-28/11/2020	Issued	27/10/2020

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**OFFICER'S RECOMMENDATION**

**ITEM 12.5.1**

That Council note the following information items:

- Register of Documents Stamped with the Shire of Exmouth Common Seal;
- Building Decisions Issued up to 31 October 2020; and
- Planning Decisions Issued up to 31 October 2020.

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**COUNCIL RESOLUTION**

**ITEM 12.5.1**

**Res No:                   06-1120**

**MOVED:                 Cr Niikkula**

**SECONDED:           Cr McCarrol**

**That Council note the following information items:**

- **Register of Documents Stamped with the Shire of Exmouth Common Seal;**
- **Building Decisions Issued up to 31 October 2020; and**
- **Planning Decisions Issued up to 31 October 2020.**

**CARRIED 6/0**

## 12.1.2 AMENDED: COUNCIL POLICY 6.9 - ITINERANT TRADING AND FEES AND CHARGES

File Reference:	CM.PO.9
Reporting Officer:	Executive Manager Commercial and Community
Responsible Officer:	Executive Manager Commercial and Community
Date of Report:	12 November 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Proposed New Itinerant Trading Policy

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### PURPOSE

1. This report recommends Council APPROVE the proposed amendments to the policy and new fees and charges associated with the Shire of Exmouth 6.9 Itinerant Trading Policy as detailed in Attachment 1 to this report.

### BACKGROUND

2. At the 28 May 2020 Ordinary Council Meeting, Council approved the new Itinerant Trading policy as per amended resolution detailed below:

**Res No: 08-0520**

***That Council:***

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

***2. AMEND Itinerant Trading policy point 3 under general provisions to increase insurance cover to \$20m as;***

***• "All Itinerant Traders operating within the Shire must hold a public liability policy of insurance in respect of the activities being undertaken, providing cover of at least \$20,000,000".***

**CARRIED 6/0**

3. The Policy was again endorsed as part of the Annual Review of the entire Council Policy Manual at the 25 June 2020 Ordinary Council meeting.
4. Since implementation of the Policy Shire officers have identified a number of potential issues that require greater clarification and these have been addressed in the revised version as Attachment 1 seeking Council endorsement to advertise.
5. Shire officers are also seeking Council review and support for the introduction of a revised fees and charges approach to this service.
6. At the September 2020 OCM Council approved the advertising of the proposed changes to the policy and fees and charges as follows;

**Res No: 03-0920**

**MOVED: Cr Lucas**

**SECONDED: Cr Dixon**

**That Council APPROVE the public advertising of:**

**1. Proposed amendments to 6.9 Itinerant Trading Policy as detailed in Attachment 1 to this report, and**

**2. Proposed new fees and charges relating to Itinerant Trading within the Shire of Exmouth as per Table1 below;**

<b>Table 1 - Itinerant Traders Fees and Charges</b>		
<b>Permit Fee (standard hire space size = 10sqm)</b>	<b>Basis</b>	<b>\$</b>
Town Centre (including Federation Park) incl power, water, bin usage where applicable	per hour per standard hire space	6.25
Town Beach incl power, water, bin usage where applicable	per hour per standard hire space	3.20
Payne Street incl power, water, bin usage where applicable	per hour per standard hire space	3.20
Murat and Yardie Creek Rds turnoff	per hour per standard hire space	1.50
Tantabiddi Boat Ramp precinct	per hour per standard hire space	1.50
Lighthouse precinct	per hour per standard hire space	1.50
Dunes carpark	per hour per standard hire space	1.50
Hunters carpark	per hour per standard hire space	1.50
<b>Licence Fee (applied at 50% discount to above permit fee rates)</b>	per hour per standard hire space	

7. The revised policy and fees and charges were advertised for public comment and a summary of community feedback is included under the Consultation heading of this report.

## **COMMENT**

8. Council Policy 6.9 - Itinerant Trading was a new policy adopted at the May 2020 Ordinary Council meeting to provide guidance in the management of requests to undertake itinerant trading within the Shire of Exmouth.

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

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

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

11. Since the implementation of the policy the Shire has received a number of enquiries from traders and these interactions have enabled Shire officers to continually review and suggest improvements to these current guidelines.

12. Attachment 1 includes the proposed amendments to Council Policy 6.9 Itinerant Trading with all changes clearly highlighted.

13. A summary of the proposed amendments includes:

- A requirement for traders to demonstrate a proven trading history of at least 12 months (or one full tourism season i.e. April – September) within the Shire of Exmouth area prior to qualifying for consideration under a licence agreement,
- Stipulating the maximum number of food vans and/or itinerant traders permitted at each approved location, and
- Greater clarification to Shire Officers on how to process and manage bookings and payments in particular for multiple approved locations, where licence and permit bookings overlap, and where itinerant trading bookings conflict with bookings for one off events (for example markets, special events or festivals).

14. In addition, this report seeks Council consideration for proposed new fees and charges for Itinerant Traders under the “Activities on Local Government Property, Thoroughfares and Public Places” as detailed in table 1 below. Fees are now based on a standard hire space of 10sqm areas and to be charged on a per hour basis for approved locations.

<b>Table 1 - Itinerant Traders Fees and Charges</b>		
<b>Permit Fee (standard hire space size = 10sqm)</b>	<b>Basis</b>	<b>\$</b>
Town Centre (including Federation Park) incl power, water, bin usage where applicable	per hour per standard hire space	6.25
Town Beach incl power, water, bin usage where applicable	per hour per standard hire space	3.20
Payne Street incl power, water, bin usage where applicable	per hour per standard hire space	3.20
Murat and Yardie Creek Rds turnoff	per hour per standard hire space	1.50
Tantabiddi Boat Ramp precinct	per hour per standard hire space	1.50
Lighthouse precinct	per hour per standard hire space	1.50
Dunes carpark	per hour per standard hire space	1.50
Hunters carpark	per hour per standard hire space	1.50
<b>Licence Fee (applied at 50% discount to above permit fee rates)</b>	per hour per standard hire space	

15. The proposed fees and charges associated with Itinerant Trading within the Shire now includes an all inclusive permit fee for approved locations and where available offering power, water and bin services. A 50% discount to the stipulated rates for each approved location is also offered for those qualifying and entering into a licence agreement.

## CONSULTATION

16. As per the September Council resolution 03-0920 the proposed changes to policy and fees was advertised in the Pilbara News, local town noticeboards, Shire website, and forwarded to known itinerant traders seeking public feedback which closed on 5 November 2020. A number of meetings were also held between Shire officers and feedback respondents to clarify response items.



17. A summary of feedback received is included in table below.

Feedback Respondent	Description	Shire Officer response
<p>Planet Burgers owners Andy &amp; Nikki Sutton</p>	<p><i>For those that may be unaware of the history of the Planet Burgers business - It was established in Aug 1993 and has been operating in the same general location for 27 years consistently. As a somewhat of a community icon we would love to see it trade for another 27 and more. During this time it has provided a regular dinner service and also a late night service on a Friday evening.</i></p> <p><i>First and foremost we would like to mention that we are in complete agreement with the licensing arrangement for the local long term traders as in light of the definition of an itinerant trader in the policy as providing goods on a temporary nature, it could possibly be seen that despite being a food van in structure, Planet Burgers is more of a static business in that it only operates in Exmouth in predominantly the one location and length of time it has done so and we feel the licensing arrangement goes a long way to address this.</i></p> <p><i>We have been proud Exmouth locals for 17 years and owners of Planet Burgers since Jan 2019. During the 2019 season we ran the late night service on Fridays and found quite often that it was barely worth it but continued as we felt that it was a regular and important service offered over many years and we wouldn't want to see it discontinued. Obviously with the ups and downs of trading conditions it has been somewhat better in 2020 but strongly feel that there isn't enough trade for more than one business to operate the late Friday evening service. I understand that the shire feels that this is to be sorted among traders and while we are all for this type of co-operation, am concerned that not all future traders may be willing to work together on this. As such we are hopeful that there would be a way that this could be governed and are happy to discuss further ways of managing it fairly.</i></p> <p><i>In regard to the proposal for 3 food trucks to be allowed at the same site we occupy on Payne St we believe that it would be detrimental to Planet Burgers as a permanent option as during non school holiday weeks and out of season it can be extremely quiet. It would possibly be suitable to have one other food truck at that location during April and July school holidays only to offer people an additional choice when wait times are high in all hospitality businesses in Exmouth but I would be concerned that this may set a precedent for other food trucks to get permission down the track outside of these times. Our preference is that Planet Burgers is the sole food operation in Payne street as we wish to protect not only our part in the Planet Burgers legacy but also any future owners</i></p>	<p>Planet Burgers is a long and well established food vendor in Exmouth.</p> <p>Support for the policy qualifying criteria for licence consideration acknowledging local itinerant traders.</p> <p>Assigning maximum numbers of traders for specific locations is considered best approach to managing sustainability however ultimately market forces should dictate individual opening days and times.</p> <p>The policy states a maximum of 3 traders for Payne St however Planet Burgers is requesting this be limited to 1.</p>

	<p><i>We would also like to express that we are not opposed to other food trucks coming to Exmouth to offer variety and to fill a need when required but need to be very cautious setting rules that apply to the unprecedented volume of visitors we have seen this year due to Covid, particularly in July school holidays. I know the large wait times during those holidays were a concern but truly believe it was an anomaly based on the very quick opening of travel restrictions within WA causing many businesses to be somewhat unprepared with staffing levels and training at such short notice combined with the larger than usual volume of visitors which may not be the case in the future. Whilst we had an increase in trade of approx. 20% for July compared with last year, we actually had 25% decrease for August. September was approx. 15% increase and October to date is running comparable to 2019. To us this clearly shows that we need to be very careful not to flood the market with too many vendors as it would be uneconomical for all.</i></p> <p><i>We would like to take the opportunity to thank and commend the shire on its vision to protect existing long term businesses while ensuring our town provides the services needed to cater for the influx of visitors.</i></p>	
<p>Geckos Fiesta owners Jo and Tony Woodford</p>	<p><i>General Provisions, Point 7</i></p> <p><i>When multiple locations are considered in one day will the highest costed location be the payment? This is not clear and it is not feasible to pay for two locations when you cannot be in both places at once. It would be great to gain clarification on this item.</i></p> <p><i>Itinerant Traders at Markets Events and Festivals</i></p> <p><i>This clause is very conflicting when the event market or festival includes the same or similar traders. It severely limits the operating business and will limit earning potential. Should the itinerant trader be licensed with the council in every way required under this policy - this trader should be included in the event festival or market if the event festival or market is at their approved location.</i></p> <p><i>Once you have a business following it is very difficult to move to a new location at the expense of events being conducted - particularly in a location like Federation Park - understanding that we are being asked to abide by the Market, Event or festival holder - we have already applied all council regulations and this should be acceptable for the organiser with a copy of the permits approved by council. no extra fees should be expected and the shire should benefit.</i></p>	<p>The proposed hourly fee structure approach for each location would be applied. The policy is designed to encourage the trader to properly plan ahead which day and times will be used at each nominated location and pay for this use as required.</p> <p>The proposed clause provides more clarity and reduces potential conflict between users. It is important to ensure a potential event organiser is provided the event space unencumbered and not constrained by a pre existing itinerant trader permit. The policy states that when a location is booked for an event then the itinerant trading permit issued by the Shire will be suspended and no fees charged for the duration of the event. In this situation the trader would</p>

	<p><i>In the interest of providing the Exmouth community with different food options there should be inclusiveness in these events for the benefit of all.</i></p> <p><i>The Shire has stringent conditions for itinerant traders and these conditions should be considered to be enough for markets, events and festival organisers.</i></p> <p><i>All Itinerant Traders should co-operate with the organisers if it does fall within their location - but should not be at a deficit because of the event.</i></p> <p><i>Should the location fall within a busy Market Event or festival zone - they will be subject to excessive work stoppages - severely affecting their business and should the market, event or festival organiser not wish for the itinerant trader to trade that day - once again this limits the ability of this trader once again.</i></p> <p><i>Currently with Community Markets on again at Christmas, this clause leaves a very open ended argument about allowing a business to trade freely in the Shire of Exmouth - if they choose the Federation Park location, considering there is no known limit to the extent that festivals, events and markets can or will be held/approved throughout the year - this causes great concern.</i></p> <p><i>In relation to the proposed amended fee schedule - How will hours be policed??</i></p> <p><i>We believe a <b>weekly/day rate</b> would be more manageable, less confusing and more convenient way to handle payment. Allowing flexibility for the trader during periods of unexpected tourism, school holidays or other itinerant trader holiday coverage. This allows the itinerant traders to work together to continue to provide services for the community.</i></p> <p><i>The hourly rate could be an inexact science as a trader may close early or need to trade late to provide the services to the community, it seems the only way to capture this would be on a time sheet basis and that would prove time consuming for all involved.</i></p> <p><i>The inclusion of water, power and bin usage where possible would be welcome support for the traders in the Shire.</i></p>	<p>need to deal direct with the event organiser.</p> <p>It should be noted that the granting of a permit to an itinerant trader does not bestow any ongoing tenure rights to a particular location. The permits are issued on a temporary basis only.</p> <p>There appears a gap in the expectation between what rights are entitled to an itinerant trader and what the Shire is realistically able to provide in a cost effective manner. An itinerant trading permit is very different to the rights a commercial lease enjoyed by permanent traders. The Shire's position is that in the measure of greater community good an event organiser should always have precedence over a temporary Itinerant Trading permit.</p> <p>The proposed shift to an hourly rate for each standard sized space is to encourage traders to better plan their location and opening hours and is the simplest and most equitable user pays approach. Peak tourism and school holiday periods are known in advance and should be easily planned for. Current compliance approach will remain via Rangers enforcement.</p> <p>Agreed, the all-inclusive rate will simplify the approach and ongoing management.</p>
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	<p><i>Having had the experience of Federation park - the hike on the fees for that location seems unrealistic as the position is hidden from the public view by the water tank and playground - you cannot see this position from the road. As much as it may seem like the perfect location it does not really have any extra benefits &amp; if the proposal for the above event markets and festivals clause becomes law - this will make it uneven (sic) less attractive place and not worth the cost being proposed.</i></p>	<p>Federation Park is considered a premium town centre location and should be charged accordingly to reflect the higher lease rates paid by town centre permanent traders.</p>
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**STATUTORY ENVIRONMENT**

- 18. In the *Planning and Development (Local Planning Schemes) Regulations 2015* and Shire of Exmouth Local Planning Scheme No. 4, both new and amendments to Local Planning Policies require public advertising for a 21 day minimum.
- 19. Other related legislation and statutes include Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.
- 20. The adoption of fees and charges outside the annual budget process adheres to the *Local Government Act 1995*, Sections 6.16, 6.17, 6.19 and 1.7.

**POLICY IMPLICATIONS**

- 21. If approved by Council then Policy - 6.9 Itinerant Trading will be amended.

**FINANCIAL IMPLICATIONS**

- 22. If approved by Council the new fees and charges associated with the policy will be applied to all new applications for Itinerant Trading permits and licences.

**RISK MANAGEMENT**

- 23. Risk implications identified;

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance Local community and business operators are not provided opportunity to provide feedback on proposed changes.	Possible	Major	High	Council endorsed the public advertising for a 21 day minimum and public feedback has been included in this report for Council to consider.
Performance Shire officers and potential traders are unclear on how to implement the policy	Possible	Major	High	The revisions recommended in this report work to clarify the objectives and implementation of the policy and to reduce potential conflict between users.
Reputational Itinerant Traders may not be attracted to operate within the Shire	Possible	Minor	Moderate	The policy encourages itinerant traders offering quality services and that can appropriately plan and able to adhere to compliance requirements.

**ALTERNATE OPTIONS**

- 24. Alternate options include but not limited to;

1. Council does not support the proposed amendments to the policy nor fees and charges in its entirety and these remain as is,
2. Council to approve and/or amend one or more clauses within the policy, and
3. Council to approve and/or amend one or more of the fees.

## STRATEGIC IMPLICATIONS

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

- Economic: Diversify and grow our economy in a manner that provides year round employment opportunities
- 1.1 A diverse and environmentally aware local economy that can attract business investment and provide employment opportunities
  - 1.2 Facilitate the strengthening and growth of our visitor experience.
- Social: To be a vibrant, passionate and safe community valuing our natural environment and unique heritage
- 3.1 Explore opportunities to deliver services and facilities that attract and retain people living in the Shire.
  - 3.2 Promote facilities/services that enhance public health and safety.
- Leadership: To provide open transparent, accountable leadership working in collaboration with our community.
- 4.1 To provide proactive, collaborative and transparent leadership
  - 4.2 A local government that is respected and accountable.
  - 4.3 To be a champion for our community

## VOTING REQUIREMENTS

25. Absolute Majority

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## OFFICER'S RECOMMENDATION

**ITEM 12.1.2**

That Council APPROVE:

1. Proposed amendments to 6.9 Itinerant Trading Policy as detailed in Attachment 1 to this report, and
2. Proposed new fees and charges relating to Itinerant Trading within the Shire of Exmouth as per Table1 below;

<b>Table 1 - Itinerant Traders Fees and Charges</b>		
<b>Permit Fee (standard hire space size = 10sqm)</b>	<b>Basis</b>	<b>\$</b>
Town Centre (including Federation Park) incl power, water, bin usage where applicable	per hour per standard hire space	6.25
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Murat and Yardie Creek Rds turnoff	per hour per standard hire space	1.50
Tantabiddi Boat Ramp precinct	per hour per standard hire space	1.50
Lighthouse precinct	per hour per standard hire space	1.50
Dunes carpark	per hour per standard hire space	1.50
Hunters carpark	per hour per standard hire space	1.50
<b>Licence Fee (applied at 50% discount to above permit fee rates)</b>	per hour per standard hire space	

**COUNCIL RESOLUTION****ITEM 12.1.2****Res No: 07-1120****MOVED: Cr Lake****SECONDED: Cr McCarrol****That Council APPROVE:**

- 1. Proposed amendments to 6.9 Itinerant Trading Policy as detailed in Attachment 1 to this report, and**
- 2. Proposed new fees and charges relating to Itinerant Trading within the Shire of Exmouth as per Table1 below;**

<b>Table 1 - Itinerant Traders Fees and Charges</b>		
<b>Permit Fee (standard hire space size = 10sqm)</b>	<b>Basis</b>	<b>\$</b>
Town Centre (including Federation Park) incl power, water, bin usage where applicable	per hour per standard hire space	6.25
Town Beach incl power, water, bin usage where applicable	per hour per standard hire space	3.20
Payne Street incl power, water, bin usage where applicable	per hour per standard hire space	3.20
Murat and Yardie Creek Rds turnoff	per hour per standard hire space	1.50
Tantabiddi Boat Ramp precinct	per hour per standard hire space	1.50
Lighthouse precinct	per hour per standard hire space	1.50
Dunes carpark	per hour per standard hire space	1.50
Hunters carpark	per hour per standard hire space	1.50
<b>Licence Fee (applied at 50% discount to above permit fee rates)</b>	per hour per standard hire space	

**CARRIED by ABSOLUTE MAJORITY 6/0**

*Councillor Lake congratulated Executive Manager Commercial and Community for the work and hours he has put in preparing this policy.*

*Shire President also congratulated the Executive Manager Commercial and Community on this work. The document provides a strategic direction and provides answers for staff to provide advice to the community.*

## **COMMERCIAL AND COMMUNITY**

### **12.3.1 CENTACARE FAMILY SERVICES LEASE**

File Reference:	CP.RE.1
Reporting Officer:	Executive Manager Commercial and Community
Responsible Officer:	As above
Date of Report:	12 November 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. CONFIDENTIAL – Copy of Proposed Lease Schedule 2. Centacare letter requesting lease

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#### **PURPOSE**

1. The Council approve to enter into a new lease agreement with Centacare Family Services (Centacare) for the operation of their Exmouth office to be located at 22 Maidstone Crescent, Lot 863 on Deposited Plan 180745 within the old Council Chambers building.

#### **BACKGROUND**

2. Centacare is a Catholic not-for-profit, community services organisation with over 300 staff delivering more than 70 professional counselling, support, mediation and training services throughout the Perth metropolitan and regional Western Australia.
3. Centacare's organisational vision is *"to strengthen people and communities through the provision of professional social services, inspired by compassion and recognition for human dignity"*. (source Centacare.com.au website).
4. Centacare first established a branch office in Exmouth in 1997 and has been delivering a range of family relationship and community services to individuals, couples and families within the local community. The Exmouth office currently employs a Family Counsellor and a Financial Counsellor and operate 4 days per week Monday to Thursday 9am to 5pm.
5. The Shire of Exmouth has supported Centacare in the past by providing office premises at 1 Learmonth Street (1997 to 2014) and then 12 Learmonth Street (2014 to 2017) under peppercorn rent arrangements. Centcare then relocated to their current premises at 17 Payne Street under a commercial lease arrangement with a third party.
6. Centacare recently wrote to the Shire seeking a lease agreement with the Shire of Exmouth for the office building previously accommodating the Shire of Exmouth Council Chambers at 22 Maidstone Crescent (Attachment 2). This building has been vacant since late 2017.

**COMMENT**

7. Centacare is a well-respected community services provider that has a long history within the Exmouth community.
8. The Shire has been working with Centacare to identify an appropriate office space to deliver an increased level of service including the local agency for the Centrelink services.
9. Subject to Council confirming a nil rent agreement for the proposed Shire building, Centacare has confirmed that it will increase its current opening hours, that it will take on the local Centrelink agency service (subject to Centrelink’s approval of the new space), and will increase staffing hours (either adding to existing staff hours or via employing another local staff member).
10. The proposed old Shire Council Chambers building is considered to be a good fit for the Centacare and Centrelink services as it is a town central location. Another benefit is that it is not a high profile location tucked behind the old library building which is a requirement from Centacare in order to ensure client confidentiality.



Figure 1 proposed Centacare and Centrelink offices (old Council Chambers building)

11. The proposed Centacare lease area is detailed in figure 2 and is approximately 117sqm comprising a reception area, dedicated office, large office space, plus its own kitchen and toilet facilities.

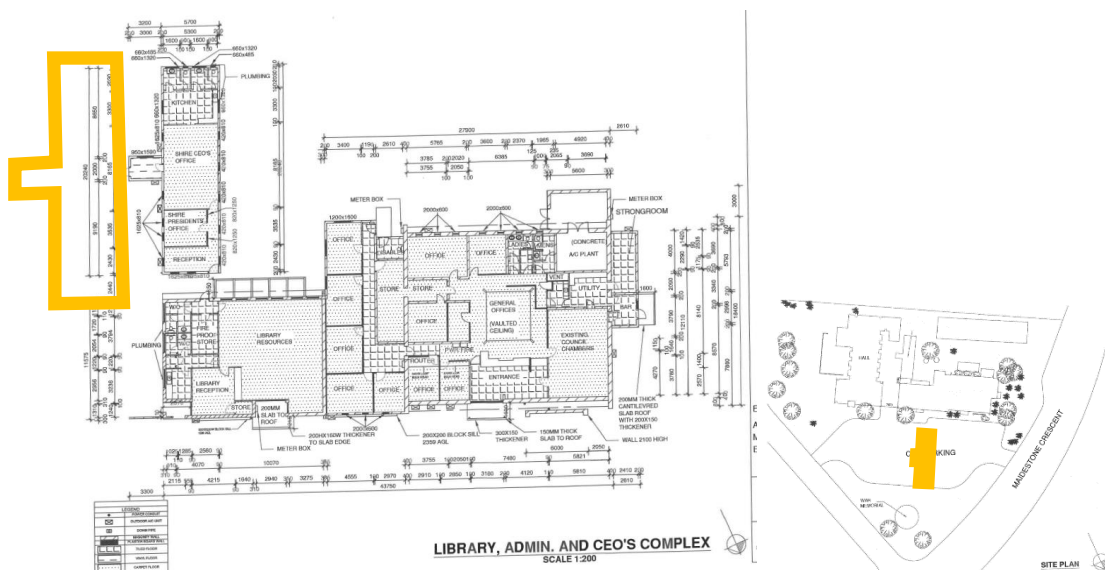


Figure 2 - Proposed Centacare lease area



12. The increased service delivery by Centacare in the Shire proposed building will work to achieve a number of the Shire's key economic objective and outcomes. As stated within the Strategic Community Plan 2030;
- **Social Objective; To be a vibrant, passionate and safe community valuing our natural environment and unique heritage.**
  - **Social Outcome 3.1 – Explore opportunities to deliver services and facilities that attract and retain people living in the Shire.**
  - **Social Outcome 3.2 – Promote facilities/services that enhance public health and safety**
13. There are increased benefits to be directly generated for the Exmouth community via the Shire providing Centacare with a nil rent approach to its buildings.
14. Council approved part funding for the refurbishment of these buildings at the July 2020 budget adoption including the repainting of the proposed Centacare building (internal and external).
15. Centacare is to be responsible for the professional fitout of these offices including any modifications to internal office walls and layout.
16. The Officer recommendation is to seek Council approval to enter into the lease agreement with Centacare.

### **CONSULTATION**

17. The Shire has consulted with the Centacare Family Services Geraldton regional office. In accordance with the *Local Government Act 1995* section 3.58 (3) (a) if approved by Council the Shire will advertise via public notice this lease proposal.

### **STATUTORY ENVIRONMENT**

18. The leasing of Shire property is governed by the *Local Government Act 1995*, Section 3.58.
19. Although the proposed lease schedule document is marked confidential the key terms and conditions of the lease being terms and rent payable have been disclosed as per section 3.58 of the *Local Government Act 1995*.
20. The land and building in question are owned freehold by the Shire and not subject to any Management Order conditions.

### **POLICY IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

23. The proposed Officer recommendation for the Centacare lease includes a term of 3 years with a further 3 year option. Recommended rent is to be nil for period of the agreement in recognition

of the capital outlay by Centacare towards the office fitout and the increased service including the delivery of Centrelink agency, additional opening day and hours of operation.

24. All outgoings for the building and office space, building insurance and renewal of building and fixtures will be the responsibility of Centacare.

25. As per Shire Policy 2.4 Leases all costs associated with the development, execution and completion of the lease documentation will be met by the Lessee.

## RISK MANAGEMENT

26. Risk implications identified for this proposed lease;

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance Ongoing operational and building maintenance costs to the Shire	Unlikely	Minor	Low	All outgoings for the building and office space, building insurance and renewal of building and fixtures will be the responsibility of Centacare.
Performance Centacare are approved the lease but do not increase service delivery as agreed	Possible	Major	High	Lease terms and conditions include requirement to increase service delivery including the Centrelink service
Reputational Reputational risk to Shire if buildings remain unoccupied and unused	Likely	Major	High	The planned repurposing of the precinct buildings will create a vibrant community space.

## ALTERNATE OPTIONS

27. Alternate options include but not limited to:

1. Council not support the granting of a lease agreement to Centacare,
2. Council to change the terms and conditions of the lease agreement including term, rent payable and responsibility for outgoings and building renewal costs.

## STRATEGIC IMPLICATIONS

28. 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.

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

2.2 Strive to achieve a balance between the preservation of our unique environment and the delivery of sustainable economic growth.

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

- 3.1 Explore opportunities to deliver services and facilities that attract and retain people living in the Shire.
- 3.3 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

29. Absolute Majority

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### OFFICER'S RECOMMENDATION

ITEM 12.3.1

That Council APPROVE Centacare Family Services to lease 22 Maidstone Crescent, Lot 863 on Deposited Plan 180745 as per the terms and conditions of the attached draft lease schedule agreement marked CONFIDENTIAL attachment 1 to this report:

1. ENDORSE publicly advertising the above proposed lease to Centacare in accordance with Council Policy, and
2. AUTHORISE the Chief Executive Officer to execute a lease document upon closure of the advertising period subject to no adverse submissions being received and leasing conditions being to the satisfaction of the Chief Executive Officer.

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### COUNCIL RESOLUTION

ITEM 12.3.1

**Res No: 08-1120**

**MOVED: Cr Lake**

**SECONDED: Cr Mounsey**

**That Council APPROVE Centacare Family Services to lease 22 Maidstone Crescent, Lot 863 on Deposited Plan 180745 as per the terms and conditions of the attached draft lease schedule agreement marked CONFIDENTIAL attachment 1 to this report:**

- 1. ENDORSE publicly advertising the above proposed lease to Centacare in accordance with Council Policy, and**
- 2. AUTHORISE the Chief Executive Officer to execute a lease document upon closure of the advertising period subject to no adverse submissions being received and leasing conditions being to the satisfaction of the Chief Executive Officer.**

**CARRIED by ABSOLUTE MAJORITY 6/0**

*Executive Manager Community and Commercial acknowledged the good work by the Manager Community, Sport and Recreation working with community and business groups in regard to finding tenants for the old shire office buildings moving forward.*

### **12.3.2 EXMOUTH BUSINESS CENTRE – EXMOUTH CHAMBER OF COMMERCE AND INDUSTRY LEASE & UNBUDGETED EXPENDITURE**

File Reference:	CP.RE.1
Reporting Officer:	Executive Manager Commercial and Community
Responsible Officer:	As above
Date of Report:	12 November 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. CONFIDENTIAL – Copy of Proposed Lease Schedule

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#### **PURPOSE**

1. That Council approve to enter into a new lease agreement with the Exmouth Chamber of Commerce and Industry Incorporated (ECCI) for the operation of the proposed Exmouth Business Centre (EBC) to be located at 22 Maidstone Crescent, Lot 863 on Deposited Plan 180745 and to seek approval for additional unbudgeted expenditure.

#### **BACKGROUND**

2. The Exmouth Chamber of Commerce & Industry is an incorporated not for profit member driven organisation representing the interests of local Exmouth business and industry. As at June 2020 the ECCI had 62 paid members and is the largest local business representative group within the Shire of Exmouth.
3. The ECCI was established in 1983 by a group of local business people and has been actively representing its members as the "voice of business" in Exmouth and its surrounds since this time. The ECCI is managed by a voluntary committee comprising local business representatives.

4. As stated in its website;

*"The ECCI strive to support members by representing business and economic issues within the community to all levels of government. The ECCI promotes the interests of its members for the development of the region as a whole and prides itself on representing the business community with a strong and well-informed voice.*

*Our service to members and the community is based on the ECCI playing a leading role in the promotion and development of the region and connecting local businesses to engage in mutually beneficial relationships both within the region and throughout the state of Western Australia".*

5. Also stated in their strategic objectives, *"the Exmouth Chamber of Commerce and Industry strives to support and improve economic vitality and the quality of life for businesses through collaborative political advocacy".*

6. More recently the ECCI Management Committee have implemented a new operational model that includes the proposed creation of a local business incubator concept to be named the Exmouth Business Centre.
7. The ECCI have been successful in securing significant third party funding that will assist in underwriting the early start up phase of the EBC and allow the employment of paid staff to administer and drive the organisational key goals and operational plans.
8. The ECCI has entered into agreements with major resource companies to assist in the delivery of the Exmouth Business Accelerator Program. As stated in the ECCI website, the Exmouth Business Accelerator *"will provide opportunities to build capacity, overcome barriers, regularly network and access training and expertise. Each of these measures is designed to support business development, improve the viability and increase employment in Exmouth"*.
9. The ECCI is seeking a lease agreement with the Shire of Exmouth for the office building previously accommodating the Shire of Exmouth administration team at 22 Maidstone Crescent. This building has been vacant since late 2017.

## **COMMENT**

10. The ECCI is the representative body of local business in Exmouth with its 62 members reflecting 46% of the 135 employing businesses registered (ABS data 2018) in the Shire of Exmouth.
11. The ECCI has been active in developing a new business and operational plan including the proposed employment of paid staff. The creation of the Exmouth Business Centre is a key component of this new approach and will provide assistance to local business start-ups as well as deliver improved business support services to existing business and industry.
12. The Shire has been working closely with the ECCI in developing this business support concept and the repurposing of the old Shire administration building (figure 1) for the creation of the Exmouth Business Centre should reinject vibrancy to this important and high profile location.



*Figure 1 proposed Exmouth Business Centre*

13. The proposed ECCI lease area is detailed in figure 2 and is approximately 513sqm comprising up to 10 dedicated office spaces, a central hot desk area, and a large conference/training room. The area includes its own kitchen and toilet facilities.

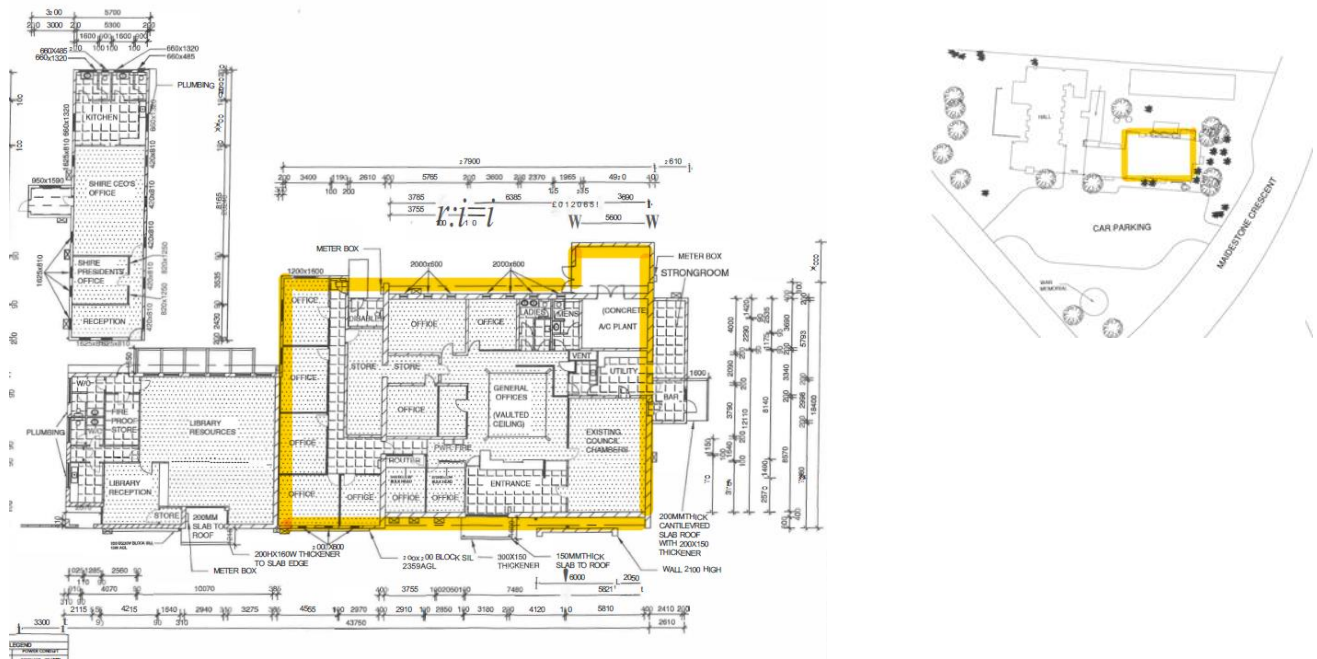


Figure 2 - Proposed ECCI lease area

14. The successful operation of the EBC by the ECCI will also work to achieve a number of the Shire’s key economic objective and outcomes. As stated within the Strategic Community Plan 2030;

- **Economic Objective; Diversify and grow our economy in a manner that provides year-round employment opportunities.**
- **Economic Outcome 1.1 – A diverse and environmentally aware local economy that can attract business investment and provide employment opportunities.**
- **Economic Outcome 1.2 – Facilitate the strengthening and growth of our visitor experience.**

15. There are significant socio-economic benefits to be directly generated for the Exmouth community via the successful operation of the Exmouth Business Centre.

16. The Shire is also seeking Council approval for unbudgeted expenditure to assist with the refurbishment of all buildings located in this precinct including the proposed Exmouth Business Centre.

17. If approved this funding will be used to repaint, replace electrical, air conditioning, ceiling, carpets and fixtures so that the space is fit for office operations. All refurbishment quotes have been sourced from local contractors and if successful the grant dollars will be used to stimulate spend and dollar recirculation within the local economy.

18. The total refurbishment budget is \$141,000 with Council approving an initial \$40,000 at the July 2020 budget adoption. This amount will upgrade ALL three buildings in the precinct (old shire administration, old library, old Council Chambers) with approximately \$116,000 to be spend on the proposed Exmouth Business Centre. Due to an unsuccessful third party grant application Shire officers are now seeking Council approval for the allocation of an additional \$101,000 to complete this project.

19. The ECCI has committed to funding \$100,000 towards the professional fitout of the EBC offices and to enable the effective operation as local business incubator operation. This level of ECCI investment will be included as a condition of the new ECCI lease agreement.
20. The officer recommendation is to seek Council approval to enter into the lease agreement with the ECCI and to approve the additional allocation of \$101,000 towards the upgrade of the entire precinct.

### **CONSULTATION**

21. The Shire has consulted closely with the ECCI Management Committee. The Committee has requested more favourable terms and conditions than what is recommended by Officers. Alternate options for Council to consider are included below.
22. In accordance with the *Local Government Act 1995* section 3.58 (3) (a) if approved by Council the Shire will advertise via public notice this lease proposal.

### **STATUTORY ENVIRONMENT**

23. The leasing of Shire property is governed by the *Local Government Act 1995*, Section 3.58.
24. Although the proposed lease schedule document is marked confidential the key terms and conditions of the lease being terms and rent payable have been disclosed as per section 3.58 of the *Local Government Act 1995*.
25. The land and building in question are owned freehold by the Shire and not subject to any Management Order conditions.

### **POLICY IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

27. The proposed officer recommendation for the ECCI lease includes a term of 3 years with a further 3 year option. Recommended rent is to offer an initial rent free period of 1 year in recognition of the significant capital outlay by the ECCI to fitout the Exmouth Business Centre and then moving to \$25,000pa for years 2 and 3.
28. The rent payable as part of the second term of 3 years will be negotiated between the Shire and ECCI taking into consideration the ability of the ECCI to pay at that time. Consideration will be given to historical financial performance of the ECCI for the first 3 year period and forecast operational business plans for the further term. An independent market valuation will be conducted within 6 months of the end date of the initial term and rent payable will not exceed 50% of market valuation rate.
29. All outgoings for the building and office space, building insurance and renewal of building and fixtures will be the responsibility of the ECCI.
30. As per Shire Policy 2.4 Leases all costs associated with the development, execution and completion of the lease documentation will be met by the Lessee.

31. The Shire was unsuccessful in seeking third party funding of \$101,000 towards the proposed total project cost of \$141,000 to refurbish all buildings within the precinct. This item seeks approval from Council to approve the additional \$101,000 in unbudgeted expenditure. It is recommended to reallocate \$30,000 previously approved for the undertaking of the Booking Platform and to source \$71,000 from general.

## RISK MANAGEMENT

32. Risk implications identified for this proposed lease;

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance Ongoing operational and building maintenance costs to the Shire	Unlikely	Minor	Low	All outgoings for the building and office space, building insurance and renewal of building and fixtures will be the responsibility of ECCI
Performance ECCI do not increase service delivery as agreed	Possible	Major	High	Lease terms and conditions include requirement to operate the Exmouth Business Centre
Reputational Reputational risk to Shire if buildings remain unoccupied and unused	Likely	Major	High	The planned repurposing of the precinct buildings will create a vibrant community space.

## ALTERNATE OPTIONS

33. Alternate options include but not limited to;

1. Council not support the granting of a lease agreement to ECCI,
2. Council to change the terms and conditions of the lease agreement including term, rent payable and responsibility for outgoings and building renewal costs. For example, the ECCI has requested nil rent payable for years 1 to 3 and then market review for the further 3 year option taking into consideration the ECCI's financial capacity to pay.

## STRATEGIC IMPLICATIONS

34. 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.
- Environment: To protect and value our unique natural and built environment as we grow our economy.
- 2.2 Strive to achieve a balance between the preservation of our unique environment and the delivery of sustainable economic growth.
- Social: To be a vibrant, passionate and safe community valuing our natural environment and unique heritage
- 3.1 Explore opportunities to deliver services and facilities that attract and retain people living in the Shire.
  - 3.3 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

35. Absolute Majority

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### OFFICER'S RECOMMENDATION

**ITEM 12.3.2**

That Council:

1. APPROVE the allocation of an additional \$101,000 funding to undertake the proposed refurbishment works to these buildings from the Shire General Operating account,
2. APPROVE the Exmouth Chamber of Commerce and Industry Incorporated to lease 22 Maidstone Crescent, Lot 863 on Deposited Plan 180745 as per the terms and conditions of the attached draft lease schedule agreement marked CONFIDENTIAL Attachment 1 to this report,
3. ENDORSE publicly advertising the above proposed lease to the Exmouth Chamber of Commerce in accordance with Council Policy, and
4. AUTHORISE the Chief Executive Officer to execute a lease document upon closure of the advertising period subject to no adverse submissions being received and leasing conditions being to the satisfaction of the Chief Executive Officer.

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### COUNCIL RESOLUTION

**ITEM 12.3.2**

**Res No: 09-1120**

**MOVED: Cr McCarrol**

**SECONDED: Cr Lake**

#### **ALTERNATE MOTION put forward by: Cr Mounsey**

AMEND the lease terms and conditions for the Shire to provide the ECCI a rent free period of 36 months and should ECCI not enact the further term of the lease, then all plant and equipment housed at the premises purchased with proceeds from the Regional Economic Development Grant revert to the Shire at the Shires absolute discretion.

**SECONDED: Cr Lucas**

**That Council:**

- 1. AMEND the lease terms and conditions for the Shire to provide the ECCI a rent free period of 36 months and should ECCI not enact the further term of the lease, then all plant and equipment housed at the premises purchased with proceeds from the Regional Economic Development Grant revert to the Shire at the Shires absolute discretion;**
- 2. APPROVE the Exmouth Chamber of Commerce and Industry Incorporated to lease 22 Maidstone Crescent, Lot 863 on Deposited Plan 180745 as per the terms and conditions of the attached draft lease schedule agreement marked CONFIDENTIAL Attachment 1 to this report,**
- 3. ENDORSE publicly advertising the above proposed lease to the Exmouth Chamber of Commerce in accordance with Council Policy, and**
- 4. AUTHORISE the Chief Executive Officer to execute a lease document upon closure of the advertising period subject to no adverse submissions being received and leasing conditions being to the satisfaction of the Chief Executive Officer.**

**CARRIED by ABSOLUTE MAJORITY 4/2  
CR MCCARROL and CR LAKE VOTED AGAINST**

*Councillor Lake acknowledged the work by all Exmouth of Chamber of Commerce and Industry Committee members to get to this point and congratulated the Executive Manager Community and Commercial with this report.*

### 12.3.3 REQUEST FOR ITINERANT TRADING LICENCE - SHORT ORDER

File Reference:	LE.PE.0.2020
Reporting Officer:	Executive Manager Commercial and Community
Responsible Officer:	As above
Date of Report:	12 November 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Nil

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#### PURPOSE

1. The purpose of this report is to attain Council approval to enter into a new licence agreement with Short Order food truck operator for use of designated space 1 at the Town Beach precinct.

#### BACKGROUND

2. Short Order is a local food truck operator that has been operating on an intermittent basis under a Shire itinerant trading permit at the Exmouth since 2016.
3. Short Order is owned and operated by the Short family.
4. Short Order have been operating under annual itinerant trading permits and are now seeking approval for a licence approach to operate their food truck at Town Beach.

#### COMMENT

5. At the 28 May 2020 Ordinary Council Meeting, Council approved the new Itinerant Trading policy as per amended resolution detailed below:

**Res No: 08-0520**

***That Council:***

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

***2. AMEND Itinerant Trading policy point 3 under general provisions to increase insurance cover to \$20m as;***

***• "All Itinerant Traders operating within the Shire must hold a public liability policy of insurance in respect of the activities being undertaken, providing cover of at least \$20,000,000".***

**CARRIED 6/0**

6. A key component of the new Policy adopted in May was the inclusion of a licensing arrangement option for those traders seeking terms greater than 12 months. As stated in the Policy adopted in May 2020,

*“Approval to trade can be granted for periods ranging from 1 day to 12 months with terms greater than 12 months to be considered via a licensing arrangement and requiring Council approval on a case by case basis.”* (source General Provisions point 2 – 6.9 Itinerant Trading policy)

7. The intent behind this addition was to acknowledge the difference between local Exmouth residents who wish to operate an itinerant trading type of business within the Shire of Exmouth and those itinerant traders who do not reside in Exmouth and visit and trade on a seasonal and adhoc basis.
8. Also stated in the May 2020 version of the Policy is;  
*“A licence approach is to provide greater tenure with terms and conditions negotiated on a case by case basis. A licence approach will be subject to Policy 2.4 Leases and Licences however any itinerant trader licence will require and be subject to Council review and approval. Traders will still be required to secure all required trading permits.”* (source General Provisions point 7 – 6.9 Itinerant Trading policy)
9. Council have been presented an additional report item to consider further changes that will add greater clarity in the application of these and other clauses however the Short Order licence request is being considered as per the policy version that Council adopted in May 2020.
10. As this request meets the requirements for a licence arrangement approach the officer recommendation is to seek Council approval to enter into a licence agreement with Short Order.

## CONSULTATION

11. The Shire has consulted with Short Order owners in developing this request.
12. A licence arrangement does not require public advertising under the Local Government Act 1995 section 3.58.

## STATUTORY ENVIRONMENT

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

## POLICY IMPLICATIONS

14. The granting of the proposed licence complies with Council Policy Manual, Policy 6.9 Itinerant Trading and Policy 2.4 Leases and Licences. As per policy all new licences granted under Itinerant Trading shall require approval of Council.

## FINANCIAL IMPLICATIONS

15. The approved Itinerant Trading permit fees and charges apply. Licence fees are charged at a 50% discount to approved permit fee rates.

## RISK MANAGEMENT

16. Risk implications identified with this licence proposal:

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance If approved, Short Order does not operate as per the licence agreement conditions	Possible	Minor	Moderate	Council may revoke licence due to non-performance to licence terms and conditions

## ALTERNATE OPTIONS

17. Alternate options include but not limited to;

1. Council not support the granting of a licence agreement to Short Order and they would then need to continue to operate under the annual permit approach,
2. Council to change the terms and conditions of the licence agreement including term and/or fees payable.

## STRATEGIC IMPLICATIONS

18. 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.
- 3.3 Champion self-supporting community clubs and associations.

## VOTING REQUIREMENTS

19. Absolute Majority

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### OFFICER'S RECOMMENDATION

ITEM 12.3.3

That Council:

1. APPROVE Short Order to operate at a designated Town Beach location under an Itinerant Trading licence, and
2. AUTHORISE the Chief Executive Officer to execute a licence agreement for a term of 3 years and to apply appropriate fees and charges each year as adopted by Council in its annual review.

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### COUNCIL RESOLUTION

ITEM 12.3.3

Res No: 10-1120

MOVED: Cr Mounsey

SECONDED: Cr Lucas

That Council:

1. **APPROVE Short Order to operate at a designated Town Beach location under an Itinerant Trading licence, and**
2. **AUTHORISE the Chief Executive Officer to execute a licence agreement for a term of 3 years and to apply appropriate fees and charges each year as adopted by Council in its annual review.**

**CARRIED by ABSOLUTE MAJORITY 6/0**

### 12.3.4 REQUEST FOR ITINERANT TRADING LICENCE & ADDITIONAL LOCATION - GECKOS FIESTA FOOD VAN

File Reference:	LE.PE.0.2020
Reporting Officer:	Executive Manager Commercial and Community
Responsible Officer:	As above
Date of Report:	12 November 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Letter Request Geckos Fiesta Food Van 2. Letters of support

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#### PURPOSE

1. The purpose of this report is for Council to consider the applicant's request to enter into an itinerant trading licence agreement with the Shire and to seek Council approval for the operation of a food van in the carpark area between the Exmouth Cultural Arts Centre (ECAC) and the Big Prawn sculpture.

#### BACKGROUND

2. Geckos Fiesta Food Van (Geckos) is a food truck operator that has been operating at Federation Park under a Shire itinerant trading permit since September 2020.
3. Geckos is owned and operated by Jo and Anthony Woodford who recently moved to Exmouth in August 2020. A summary of their experience and background is included in their request letter (Attachment 1).
4. Geckos has submitted a request in two parts:
  - a) To gain approval to operate as an itinerant food van from the carpark located between the ECAC gallery building and the Big Prawn sculpture.
  - b) To gain approval to enter into an itinerant trading licence agreement with the Shire rather than continue to operate under the current permit approach.

#### COMMENT

5. At the 28 May 2020 Ordinary Council Meeting, Council approved the new Itinerant Trading policy as per amended resolution detailed below:

**Res No: 08-0520**

**That Council:**

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

**2. AMEND Itinerant Trading policy point 3 under general provisions to increase insurance cover to \$20m as;**

**• "All Itinerant Traders operating within the Shire must hold a public liability policy of insurance in respect of the activities being undertaken, providing cover of at least \$20,000,000".**

**CARRIED 6/0**

6. Key components of the new Policy adopted in May were to:
  - Identify approved locations for the operation of itinerant food operators, and
  - Inclusion of a licensing arrangement option for those traders seeking terms greater than 12 months.

7. As stated in the Policy adopted in May 2020:

**Approved Locations**

*"Where a person wishes to operate as an Itinerant Trader in an approved location within a public place as identified in this policy. Locations outside of those described will generally not be permitted however additional locations can be approved by a decision of Council."*

**General Provisions**

*"Approval to trade can be granted for periods ranging from 1 day to 12 months with terms greater than 12 months to be considered via a licensing arrangement and requiring Council approval on a case by case basis."* (source General Provisions point 2 – 6.9 Itinerant Trading policy)

8. Also stated in the May 2020 version of the Policy is:

*"A license approach is to provide greater tenure with terms and conditions negotiated on a case by case basis. A licence approach will be subject to Policy 2.4 Leases and Licences however any itinerant trader licence will require and be subject to Council review and approval. Traders will still be required to secure all required trading permits."* (source General Provisions point 7 – 6.9 Itinerant Trading policy)

9. Council have been presented an additional report item to consider further changes that will add greater clarity in the application of these and other clauses however the Geckos licence request is being considered as per the policy version that Council adopted in May 2020.

**10. Request 1 – to operate as an itinerant food van from the carpark located between the ECAC gallery building and the Prawn sculpture.**

11. As per the current policy this is not an approved location and would require a decision of Council if to be approved.

12. This location was intentionally not included in the original list of approved locations as it failed to meet key Shire objectives included within the policy namely:

*"To Ensure existing local businesses are not significantly disadvantaged through the approving of itinerant traders".* There is strong opposition for the operation of any food van type at this location from the adjacent permanent food business. The permanent trader claims any food vans operating in this location significantly impacts their business viability.

*"Activate a particular location or precinct that meets the objectives of the local government".*

13. The carpark location requested is not a location within the townsite the Shire plans to activate for food services and general public activity. The approved town locations already include sites such as Federation Park and Town Beach which offer greater public amenity and family friendly settings. Additional town sites would work to dilute the effectiveness of those already approved.

14. The approved locations under the itinerant trading policy can be reconsidered as part of Council's annual policy manual review however at this point in time the officer recommendation

is for Council NOT to approve the use of the requested carpark location between ECAC and Prawn sculpture for food van operation.

**15. Request 2 – to gain Council approval to enter into an itinerant trading licence agreement with the Shire**

16. As per the current policy Geckos does not meet the trading history requirement for the licensing agreement option. The intent behind the inclusion of the licence agreement option is to acknowledge the difference between local Exmouth residents who wish to operate an itinerant trading type of business within the Shire of Exmouth and those itinerant traders who do not reside in Exmouth and visit and trade on a seasonal and adhoc basis.
17. As stated in their request letter, the owners of Geckos arrived to Exmouth in August 2020 and commenced trading under an itinerant trading permit since 11 September. A trading period to date of only 10 weeks.
18. This is not considered sufficient history to justify the granting of a long term licence agreement and the officer recommendation is for Council NOT to approve the granting of a licence agreement with Geckos until a longer trading history can be demonstrated. Under this scenario Geckos would need to continue to operate under the annual permit approach and may reapply for a licence agreement no earlier than September 2021.

**CONSULTATION**

19. The Shire has consulted with Geckos owners in developing this request.
20. A licence arrangement does not require public advertising under the *Local Government Act 1995* section 3.58.
21. Two letters of support for Geckos from local community members have been received and are included as Attachment 2.

**STATUTORY ENVIRONMENT**

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

**POLICY IMPLICATIONS**

23. The granting of the proposed licence as requested DOES NOT comply with Shire of Exmouth Policy 6.9 Itinerant Trading. As per policy all new licences granted under Itinerant Trading shall require approval of Council.

**FINANCIAL IMPLICATIONS**

24. If the licence agreement request is approved then the current Itinerant Trading permit fees and charges will apply. Licence fees are charged at a 50% discount to approved permit fee rates.



## RISK MANAGEMENT

25. Risk implications identified with licence proposal:

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Operational Council approves locations not currently listed within the policy	Possible	Major	Moderate	The new IT policy is less than 6months old and requires a suitable length of time for testing of key elements such as approved locations. Council to review policy manual elements every 12 months.
Reputational Disgruntled applicant and reputational risk to the shire for non-approval of licence	Possible	Minor	Moderate	The trader can still operate under a permit approach and will be encouraged to reapply once a trading history within the Shire can be demonstrated.

## ALTERNATE OPTIONS

26. Alternate options include but not limited to:

1. Council does not support the officer recommendations and approves the proposed carpark location for food van operations, and/or approves the granting of an itinerant trading licence agreement.

## STRATEGIC IMPLICATIONS

27. 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.
- 3.3 Champion self-supporting community clubs and associations.

## VOTING REQUIREMENTS

28. Absolute Majority

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### OFFICER'S RECOMMENDATION

**ITEM 12.3.4**

That Council:

1. DOES NOT APPROVE the carpark location between the Exmouth Cultural Arts Centre building and Prawn sculpture as a food van site,
2. DOES NOT APPROVE the granting of an Itinerant Trading licence to Geckos Fiesta Food Van however encourage the applicant to reapply once a 12 month local trading history can be demonstrated, and
3. AUTHORISE the Chief Executive Officer to review the list of approved locations within Policy 6.9 Itinerant Trading as part of the Annual Council Policy Manual review process.

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**COUNCIL RESOLUTION**

**ITEM 12.3.4**

**Res No: 11-1120**

**MOVED: Cr Mounsey**

**SECONDED: Cr McCarrol**

**That Council:**

- 1. DOES NOT APPROVE the carpark location between the Exmouth Cultural Arts Centre building and Prawn sculpture as a food van site,**
- 2. DOES NOT APPROVE the granting of an Itinerant Trading licence to Geckos Fiesta Food Van however encourage the applicant to reapply once a 12 month local trading history can be demonstrated, and**
- 3. AUTHORISE the Chief Executive Officer to review the list of approved locations within Policy 6.9 Itinerant Trading as part of the Annual Council Policy Manual review process.**

**CARRIED by ABSOLUTE MAJORITY 6/0**

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

Nil

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

Nil

## 15. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS

1. 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 Shire President asked that the gallery leave the Chambers.

*As Councillor Mounsey declared a financial interest in this report he left the Chambers at 5.20pm.*

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### COUNCIL RESOLUTION

ITEM 15.1

Res No: 12-1120

MOVED: Cr Niikkula

SECONDED: Cr Lucas

**That Council move Behind Closed Doors at 5.20pm in accordance with the *Local Government Act 1995 section 5.23 (2)*.**

**CARRIED 5/0**

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### 15.1 LEARMONTH AIRPORT RPT SHUTTLE BUS SERVICE

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### COUNCIL RESOLUTION

ITEM 15.1

Res No: 13-1120

MOVED: Cr Niikkula

SECONDED: Cr Lucas

**That Council:**

1. **APPROVE** an additional \$4,362 ex GST to the currently approved amount of \$19,000 ex GST under "Contributions to Bus Service (E126752)" to ensure continuity of service for next 3 months; and
2. **APPROVE** the CEO to undertake a new Request for Tender for the service.

**CARRIED 4/1  
CR MCCARROL VOTED AGAINST**

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### COUNCIL RESOLUTION

ITEM 15.1

Res No: 14-1120

MOVED: Cr Niikkula

SECONDED: Cr Lake

**That Council return from Behind Closed Doors at 5.45 pm.**

**CARRIED 5/0**

*Councillor Mounsey returned to the Chambers at 5.46pm*

## **16. CLOSURE OF MEETING**

The Shire President declared the meeting closed at 5.47pm.