

Shire of Exmouth

ORDINARY COUNCIL MEETING

MINUTES

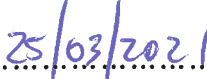


25 February 2021

CONFIRMATION OF MINUTES

I hereby certify that the Minutes and Attachments of the Ordinary Council Meeting held on the 25 February 2021 are a true and accurate record of the proceedings contained therein.


.....
Matthew Niikkula
Shire President


.....
Dated

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MINUTES

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

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

Our Strategic Objectives

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

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 4.01pm.

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

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

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

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

Councillor M (Matthew) Niikkula	Shire President
Councillor B (Ben) Dixon	Deputy Shire President
Councillor G (Gary) Mounsey	
Councillor H (Heather) Lake	
Councillor M (Mark) Lucas	
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 8

APOLOGIES Councillor A (Anne) McCarrol

LEAVE OF ABSENCE Nil

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTIONS TIME

Nil

5. DECLARATIONS OF INTEREST

Name	Report	Extent of Interest	Type of Interest
Cr Mounsey	12.3.1 – Request for Tender – RFT10-2020 Learmonth Airport RPT Shuttle Bus Service	Owner of the existing bus charter service	Financial
Cr Lucas	12.3.4 - Request for Tender – RFT05-2020 Public Jetties and Gangways Exmouth Marina Village	Appointed through an independent to be the selling agent for this land.	Financial

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

That the Minutes and associated attachments of the Ordinary Meeting of the Shire of Exmouth held on the 17 December 2020 be confirmed as a true and correct record of proceedings.

COUNCIL RESOLUTION

ITEM 7

Res No: 03-0221

That the Minutes and associated attachments of the Ordinary Meeting of the Shire of Exmouth held on the 17 December 2020 be confirmed as a true and correct record of proceedings.

MOVED: Cr Lucas
SECONDED: Cr Mounsey

CARRIED 5/0

8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS

<p>Councillor Lake</p>	<p><u>16th February</u> DBCA held an information forum that I attended on the in-shore Pilbara Islands hosted by Jessica Strickland.</p> <p>The meeting focussed on the 114 Pilbara Inshore islands from Cape Preston to Exmouth. DBCA is considering a blanket determination that all the islands be classified as A Class Reserves through the Land Administration Act usually applied for uncrown land that has exceptional conservation value. In addition to this DBCA would then manage these islands as Nature Conservation Reserves under the Conservation and Land Management Act 1984. In doing so, DBCA would exercise the management role of assessing what the natural values on each island are and how to control visitation and recreation use accordingly, in order to protect wildlife and other values.</p> <p>About 60 people attended to express their type of interest in the islands eg camping, fishing etc and to learn what any management restrictions might mean to them. The exchange of information between members of our community and DBCA is being considered.</p> <p><u>18th February</u> The Waste Working Group met once again and welcomed Murry Swarbrick, who has joined our waste management team the Shire. Most of the meeting was spent workshopping the aspects of reducing and preventing the use of problematic single use plastic materials. The group discussed the use of alternatives, the prevention of use, and the implementation of user friendly waste management practices.</p>
<p>Councillor Dixon</p>	<p><u>16th February</u> Attended the In-shore Pilbara Islands information forum held by DBCA at the Exmouth Yacht Club.</p> <p><u>19th February</u> Attended the Regional Road Group Meeting via Zoom.</p>
<p>Councillor Lucas</p>	<p><u>22 & 23 February</u> Ningaloo Tourism Advisory Group Meeting/ Workshop</p> <p><u>23rd February</u> Audit Committee Meeting</p>

9. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

The Shire President read the following to the gallery:

"Today marks the last Ordinary Council Meeting for the Shire of Exmouth that I will be seated next to our current CEO Mr Cameron Woods, so I would like to take this opportunity to highlight some of the achievements that this organisation has made during his period of leadership.

Having been handed the reigns of a totally dysfunctional establishment, given minimal tools and a pretty narrow corridor with which to operate, he was set the task of not only re-building the organisation, but also the shires faith within the community. He was plunged straight into overseeing the practical completion of the Ningaloo Centre, delivering a successful 50th Anniversary town celebration and re-setting the organisational structure and direction of many departments. What's more, as a further sign of faith to a community that was now scrutinising every action of the Shire like never before, he had to achieve all this while delivering a budget with a 0% Rate increase.

The external pressures of mischievous and delusional parts of our community certainly added extra challenges to every task and constantly distracted a team on a mission from concentrating on core business. Cameron's welcome to both the town and the job were not done in the usual open armed way that I personally believe represents this community, and I am still very embarrassed at the carryings on and character assassinations that continued to circulate long after many amazing achievements were made. I remember thinking how we were ever going to move forward as a town, get past the dark times of CCC investigations and commissioner rule, and keep hold of the right person with all of this online slander, defamation and hysteria? Surely nobody in their right mind would want to stay in the job.

With Local Elections coming up, and the requirement for Exmouth to have a brand new council to right the ship and re-set the course, I, like many others went to an information session conducted by Cameron to gain an insight into what was required and the issues we faced. I walked out of that meeting with faith in the new management and a desire to be part of a team that takes Exmouth forward. This new Council was elected, trained and given a warts and all insight into where the Shire was at, and the challenges we faced in both the short and long term.

During our first year on Council, Cameron was responsible for rebuilding the corporate services department in order for us to produce our first budget, (Remembering so much information had just somehow vanished), Delivering the Shires first Local Planning Strategy and successfully re-locating the Shire offices and the Visitor Centre into the now completed Ningaloo Centre that boasted a fully operational Aquarium.

During this whole journey, I have been constantly impressed at how every left field issue that seemed to arise, (Almost Weekly) was rationalised, thought about and then presented to Council with options of how to tackle them. The shock of the UWA announcement was one that clearly sticks in my mind.

I am particularly thankful to Cameron for bringing council "Along for the ride", and being patient with the many times our enthusiasm and desire to be good community representatives caused us to heavily stray across that defined line into operations. I know how frustrating that was.

During your time at the helm of Exmouth, you have not only successfully built a wonderfully capable team around you, but you have established and strengthened close relationships with vital stakeholders like the Chamber of Commerce, Defence, DBCA, Resource Companies and many State Government Departments. Your ability to nurture and understand Private Enterprise has led to great investment in our town and I believe this hard work has set the town and community up well for future growth and prosperity.

There are so many more community successes that I personally attribute to your endeavours, like the Minderoo Research Facility and The Tantabiddi Task Force formation just to name a couple, but it has been your leadership that has always been the standout. Your Strength throughout the Covid-19 Pandemic was a guiding light for myself.

I sometimes wish that the community and other councillors got to see, discuss and understand all it is you were doing for them, many times with unwarranted criticism and negativity. But hey, that is the Job of a CEO, and one that you performed exceptionally in my book.

So, on behalf of the community and this Council, THANKYOU. For taking this town from where it was in early 2017 when you were handed the poison chalice and took up the challenge, to where you now leave it, poised to launch from the foundations you have laid.

Good luck and all the best in your next role Cameron".

10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

The Secretary of the Exmouth Yacht Club, Cathy Giliam presented a deputation to Council.

11. MATTERS ARISING FROM COMMITTEES OF COUNCIL

11.1.1 AUDIT COMMITTEE MEETING – 23 FEBRUARY 2021

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

OFFICERS RECOMMENDATION

That the Audit Committee recommend that Council resolve to:

1. Adopt the statutory Compliance Audit Return for the Shire of Exmouth for the period 1 January 2020 to 31 December 2020.
2. Authorise the Chief Executive Officer to submit the return to the Department of Local Government, Sport and Cultural Industries by 31 March 2021.

AUDIT COMMITTEE RECOMMENDATION

That the Audit Committee recommend that Council resolve to:

1. Adopt the statutory Compliance Audit Return for the Shire of Exmouth for the period 1 January 2020 to 31 December 2020.
2. Authorise the Chief Executive Officer to submit the return to the Department of Local Government, Sport and Cultural Industries by 31 March 2021.
3. Engage an external consultant to review the Compliance Audit Return at least every three years.

COUNCIL RESOLUTION

ITEM 11.1.1

Res No: 04-0221

MOVED: Cr Mounsey

SECONDED: Cr Lake

That Council RECEIVE the minutes of the Audit Committee Meeting held on the 23 February at 3.15pm inclusive of the following decisions:

- 1. Adopt the statutory Compliance Audit Return for the Shire of Exmouth for the period 1 January 2020 to 31 December 2020.**
- 2. Authorise the Chief Executive Officer to submit the return to the Department of Local Government, Sport and Cultural Industries by 31 March 2021.**
- 3. Engage an external consultant to review the Compliance Audit Return at least every three years.**

CARRIED 5/0

12. REPORTS OF OFFICERS

The following reports were recommended to be moved en bloc – [12.1.1](#), [12.2.1](#), [12.2.2](#), [12.2.3](#), [12.2.4](#), [12.2.5](#), [12.3.2](#), [12.3.5](#), [12.4.1](#), [12.4.2](#), [12.5.1](#)

EXECUTIVE SERVICES

12.1.1 LOCAL GOVERNMENT ORDINARY ELECTION: 2021

File Reference:	GV.EL.7
Reporting Officer:	Executive Secretary
Responsible Officer:	Chief Executive Officer
Date of Report:	6 January 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. WAEC Letter (16 December 2020)

PURPOSE

1. That Council authorise the Western Australian Electoral Commission (WAEC) to conduct the 2021 Ordinary Local Government Elections.

BACKGROUND

2. 2021 is the year for biennial elections for all local governments throughout the State, with the election date being 16 October 2021. For the Shire of Exmouth, three (3) Councillor positions will become vacant.
3. Those Councillors are:
 - a. Councillor Ben Dixon
 - b. Councillor Gary Mounsey
 - c. Councillor Matthew Niikkula
4. The option exists for a postal election through the WAEC to be conducted for this 2021 Election. This has been the basis for elections for some years in Exmouth, instead of conducting the election as an in-person election.

COMMENT

5. The total voter response for postal elections is approximately 50% in comparison to the average response rate of between 10-40% for an in-person election.

CONSULTATION

6. Western Australian Electoral Commission (WAEC)

STATUTORY ENVIRONMENT

7. The *Local Government Act 1995* provides for Council to resolve to conduct elections by postal voting and if so, for the WAEC to undertake that task on Council's behalf. The WAEC therefore has to appoint a Returning Officer to conduct the election.
8. Before the Council can appoint the Electoral Commissioner (EC) as being responsible for the conduct of the election, the Council must first obtain the written agreement of the EC; this has been pre-empted by the Chief Executive Officer and has been received in a letter dated 16 December 2020 (Attachment 1).
9. The process for Council to follow in terms of appointing the EC to be responsible for the conduct of elections and for the elections to be postal elections is as follows:
 - Declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2021 ordinary elections together with any other elections or polls which may be required.
 - Decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a postal election.

POLICY IMPLICATIONS

10. Nil

FINANCIAL IMPLICATIONS

11. The cost estimate provided by the WA Electoral Commission to conduct the 2021 election is \$22,000.00 including GST. This is based on 1,750 electors, a voter response rate of approximately 60%, three (3) vacancies with counting to be conducted in Exmouth. The cost estimate does not include non-statutory advertising, one local government staff member involved in polling on Election Day or any legal expenses other than those that are determined to be borne by the WAEC in a Court of Disputed Returns.
12. The cost per elector equates to approximately \$12.60.
13. A provision will be made in the 2021/2022 budget for this expenditure.

RISK MANAGEMENT

14. Nil

ALTERNATE OPTIONS

15. Nil

STRATEGIC ALIGNMENT

16. 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

17. Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.1.1

That Council:

1. Declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2021 Ordinary Elections together with any other elections or polls which may be required; and
2. Decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a postal election.

COUNCIL RESOLUTION

ITEM 12.1.1

Res No: 05-0221

MOVED: Cr Niikkula

SECONDED: Cr Lucas

That Council:

1. **Declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2021 Ordinary Elections together with any other elections or polls which may be required; and**
2. **Decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a postal election.**

CARRIED by ABSOLUTE MAJORITY 5/0

12.1.1 05-2021

The following reports were recommended to be moved en bloc – 12.1.1, 12.2.1, 12.2.2, 12.2.3, 12.2.4, 12.2.5, 12.3.2, 12.3.5, 12.4.1, 12.4.2, 12.5.1

DEVELOPMENT SERVICES

12.2.1 PROPOSED SCHEME AMENDMENT NO.2 TO LOCAL PLANNING SCHEME NO.4 – ADOPTION FOR ADVERTISING

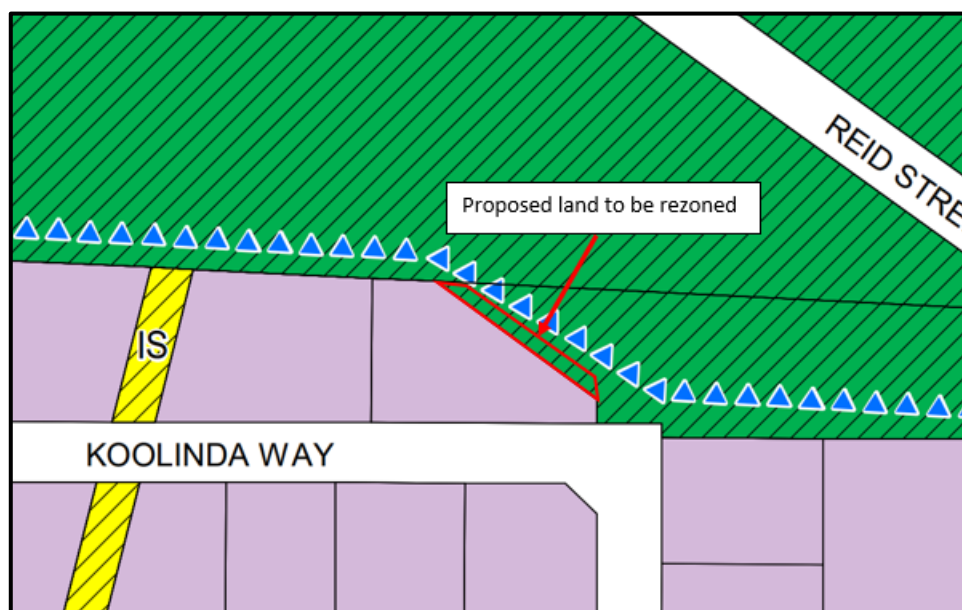
File Reference:	LP.PL.4.2 (DA54/20)
Reporting Officer:	Senior Planning Officer
Responsible Officer:	Executive Manager Development Services
Date of Report:	14 February 2021
Applicant/Proponent:	B Collard, Hille, Thompson & Delfos Surveyors & Planners
Disclosure of Interest:	Nil
Attachment(s):	1. Scheme Amendment Report

PURPOSE

1. That Council consider a request to adopt Scheme Amendment No. 2 to the Shire of Exmouth Local Planning Scheme No.4 (LPS 4) for public advertising, pursuant to the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.

BACKGROUND

2. Council is in receipt of a scheme amendment request to LPS 4 which seeks to rezone a portion of now Lot 100 Reid Street (the subject land), from a 'Public Open Space' Reserve to 'Light Industry'.



3. The figure above is an extract from the current Scheme maps showing the zoning, including location of the special control areas.
4. The subject land is located approximately 2.5km south from the Exmouth Town Centre. The surrounding land is predominantly zoned 'Light Industry'. To the north and east is reserved 'Public Open Space' land.
5. The subject land is generally flat and predominantly cleared, and consists of an existing industrial workshop and caretaker's dwelling.
6. The amendment seeks to rectify the structural encroachment of garden beds, hardstand areas, landscaping and fencing into previous Lot 600 (Crown Reserve). The proposed rezoning will allow for the encroaching structures and development to be wholly accommodated within the 'Light Industry' zone.
7. The portion of land proposed to be rezoned from 'Public Open Space' to 'Light Industry' has been the subject of a recent amalgamation application with the Department of Planning, Lands and Heritage. The land has been purchased from the Crown.

COMMENT

8. LPS 4 was gazetted on 12 March 2019 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones.
9. The *Planning and Development Act 2005* (Act) and *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) set out the statutory process for adopting and amending a local planning scheme. The Act allows a local government to resolve to amend a local planning scheme upon request.
10. In addition, the resolution must specify whether the amendment is a complex, standard or basic amendment as defined by the Regulations, including reasons for the specification. The different amendment types incur different statutory timeframes for the following processes to occur. The proposed amendment is considered a 'standard amendment'.
11. Regulation 50(3) of the Regulations allows Council to adopt a standard scheme amendment for advertising and referral to relevant public authorities.
12. Should Council resolve to proceed the amendment is required to be forward to the Western Australian Planning Commission (WAPC) and Minister for Planning for final approval.

Local Planning Strategy

13. The purpose of the Local Planning Strategy (the Strategy) is to provide strategic planning direction over a 10-year period within the municipality. Further, it provides the rationale for the zoning and reservation of land and the rationale for land use and development controls.
14. The Strategy outlines the key objective for industrial land:
“Provide an adequate supply of appropriately located service, light, general and marine based industrial land to encourage diversification of industrial activity to strengthen employment opportunities and broaden the economic base of the Shire.”
15. The subject industrial area is also subject to the following (relevant) strategic objective:
“Consolidate the location of service and light industrial land uses to existing industrial areas located within the Townsite (Mixed Use and the Welch Street Industrial areas respectively).”
16. The subject land is included in the “Existing Industry Area 2” identified in the Strategy. The following (relevant) planning considerations are noted for the area:
- 1) *“This LPS identifies the area as being suitable for light industrial development with associated caretaker’s dwellings (west of Reid Street) to reflect the existing zoning and land use of the locality.*
 - 2) The existing ‘Public Open Space’ reserves within Area 2 to be retained.
 - 3) The development of heavy, general or noxious industry land uses within Area 2 is not support due to the potential for caretaker’s dwellings to be approved in the locality.”
17. It is considered the Scheme Amendment supports and satisfies the relevant objectives for “Existing Industry Area 2”. The existing caretaker’s dwelling and fabrication workshop is appropriate for the ‘Light Industry’ zone. It is noted that that the proposed Scheme Amendment seeks to marginally reduce the ‘Public Open Space’ (POS) within the area by 357m². Substantial and adequate POS reserved land will still remain. It is pertinent to note that the land to the north is included within the flood plain, this will be discussed later in this report.

Exmouth Townsite Structure Plan

18. Many of the considerations in the Exmouth Townsite Structure Plan have been reviewed and included in the Strategy.

Local Planning Scheme No.4

19. With the recent amalgamation, the newly created lot currently has a split reserve and zoning under the LPS 4. The amendment seeks to rectify the anomaly.
20. The Floodplain Special Control Area 5 (SCA 5) of LPS 4 abuts the subject land. Upgrades including bunding to the light industrial area creek have improved drainage within the locality. Significant stormwater events will typically flow east through the low points in the area, to north of the subject land. Nonetheless drainage would be considered as part of any future development on the site.

21. The land is located within the Exmouth Power Station Special Control Area (SCA 3). Any future development would need to address the relevant scheme requirements, with consultation to occur with Horizon Power.

Bushfire

22. The land is located within a designated bushfire prone area. Consequently, a Bushfire Management Plan has been prepared in accordance with State Planning Policy No. 3.7: Planning in Bushfire Prone Areas and the associated Guidelines for Planning in Bushfire Prone Areas.
23. The Bushfire Management Plan states:
- a) By implementing the recommendations of this BMP, it is considered that the bushfire risk can be adequately managed.
24. Should Council adopt Amendment No.2 for advertising, the Bushfire Management Plan will be referred to the Department of Fire and Emergency Services, for review and comment.

State Planning Policy Framework

25. Pursuant to the Act, in adopting a scheme amendment local government is required to have due regard to any State Planning Policy which affects its district. It is considered that the Scheme Amendment adequately addresses and satisfies the following State planning policies:
- State Planning Policy 4.1 State Industrial Buffer Policy.
 - State Planning Policy 3.7 Planning in Bushfire Prone Areas - refer to preceding sections of this report).
 - State Planning Policy 6.3 Ningaloo Coast – The proposed Scheme Amendment is consistent with the intent, in that it will consolidate industrial development in Exmouth.
 - Government Sewerage Policy – The subject land is currently serviced by on-site sewage disposal. Any further development would need to address the Policy requirements. It is pertinent to note that further subdivision of the land is currently not permitted, due to the minimum lot size requirements of 1,500m² listed under LPS 4.
26. Based on the above it is considered that the proposal achieves consistency with the state and local planning framework. No modifications are considered necessary. Therefore, it is recommended that Council resolves to proceed to advertise the amendment without modification as outlined in the Officers Recommendation.

CONSULTATION

27. The Planning and Development (Local Planning Schemes) Regulations 2015 require that a local planning scheme amendment be adopted by a resolution of Council prior to the proposal being advertised for public comment. Consequently, no consultation has been undertaken at this stage.
28. If Council resolves under regulation 35(1) to adopt an amendment to a local planning scheme, the local government must advertise the amendment in accordance with regulation 47.
29. Section 81 of the Planning and Development Act 2005 requires a local government to refer an amendment to the Environmental Protection Authority to determine if it should be assessed.

STATUTORY ENVIRONMENT

- 30.
- Planning and Development Act 2005

- Planning and Development (Local Planning Scheme) Regulations 2015
- Local Planning Scheme No. 4
- Environmental Protection Act 1986
- Exmouth Townsite Structure Plan

POLICY IMPLICATIONS

31.

- State Planning Policy 3.7 - Planning in Bushfire Prone Areas
- State Planning Policy 4.1 - State Industrial Buffer Policy
- State Planning Policy 6.3 - Ningaloo Coast
- Government Sewerage Policy

FINANCIAL IMPLICATIONS

32. Nil

RISK MANAGEMENT

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational – The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.	Unlikely	Minor	Low	In the unlikely event the request is not supported by the DPLH the Shire may be required to make modifications.

ALTERNATE OPTIONS

34. Council may consider alternate options in relation to this item, such as:

- To resolve to adopt the amendment to the local planning scheme with modifications; or
- To resolve not to adopt the amendment to the local planning scheme.

STRATEGIC IMPLICATIONS

35. 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.
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.
Leadership:	To provide open transparent, accountable leadership working in collaboration with our community. 4.2 A local government that is respected and accountable.

VOTING REQUIREMENTS

36. Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.2.1

That Council, pursuant to section 75 of the *Planning and Development Act 2005* and Part 5, r.35 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:

- 1) ADOPT Amendment No. 2 to amend Shire of Exmouth *Local Planning Scheme No. 4* by:
 - i. Rezoning a portion of Lot 100 on Deposited Plan 418712, 13 Koolinda Way, Exmouth from 'Public Open Space' to 'Light Industry'.
 - ii. Modify the Scheme map accordingly.
- 2) The amendment is a 'Standard' amendment under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason:
 - i. The amendment is consistent with a local planning strategy for the scheme that has been endorsed by the Commission.
- 3) Refer the amendment to the Environmental Protection Authority to determine if formal environmental assessment is required.
- 4) ADVERTISE the amendment in accordance with Part 5, r.47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

COUNCIL RESOLUTION

ITEM 12.2.1

Res No: 06-0221

MOVED: Cr Niikkula

SECONDED: Cr Lucas

That Council, pursuant to section 75 of the *Planning and Development Act 2005* and Part 5, r.35 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:

- 1) **ADOPT Amendment No. 2 to amend Shire of Exmouth *Local Planning Scheme No. 4* by:**
 - iii. **Rezoning a portion of Lot 100 on Deposited Plan 418712, 13 Koolinda Way, Exmouth from 'Public Open Space' to 'Light Industry'.**
 - iv. **Modify the Scheme map accordingly.**
- 2) **The amendment is a 'Standard' amendment under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason:**
 - ii. **The amendment is consistent with a local planning strategy for the scheme that has been endorsed by the Commission.**

- 3) **Refer the amendment to the Environmental Protection Authority to determine if formal environmental assessment is required.**
- 4) **ADVERTISE the amendment in accordance with Part 5, r.47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

CARRIED 5/0

The following reports were recommended to be moved en bloc – 12.1.1, 12.2.1, 12.2.2, 12.2.3, 12.2.4, 12.2.5, 12.3.2, 12.3.5, 12.4.1, 12.4.2, 12.5.1

12.2.2 PROPOSED SCHEME AMENDMENT NO.4 TO LOCAL PLANNING SCHEME NO.4 – ADOPTION FOR ADVERTISING

File Reference:	LP.PL.4.4
Reporting Officer:	Senior Planning Officer
Responsible Officer:	Executive Manager – Development Services
Date of Report:	14 February 2021
Applicant/Proponent:	Nil.
Disclosure of Interest:	Nil
Attachment(s):	1. Scheme Amendment Report

PURPOSE

1. That Council consider adopting Scheme Amendment No. 4 to the Shire of Exmouth Local Planning Scheme No.4 (LPS 4) for public advertising, pursuant to the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.

BACKGROUND

2. Council has prepared a scheme amendment request to LPS 4 which seeks to apply an 'Additional Use' in Schedule 2 of LPS 4 for the Service Commercial zoned land generally bounded by Murat Road, Nimitz Street, Reid Street and Welch Street, Exmouth as shown below (the subject land).



3. The subject land is approximately 22.2ha comprising of 134 lots and located over 700m to the south-east of the Exmouth Town Centre.
4. To the west of the site is public open space and further west, land is vacant for future urban development. South, there is the Exmouth Escape Resort and to the south west, light industrial land. The land to the east is bordered by Murat Road and further by public open space and the RAC Exmouth Cape Holiday Park and the Ningaloo Centre.
5. The subject land is generally flat and predominantly cleared, and consists of a range of uses including, industrial workshops, bulky goods showrooms and dwellings.
6. The amendment seeks to apply an 'Additional Use' (Additional Use (A7)) in Schedule 2 of LPS 4 to include 'workforce accommodation' as a discretionary ('A') use (rather than an 'X' use) and conditions to guide assessment of proposals for workforce accommodation on the subject land.
7. There is a well-recognised need to provide workforce accommodation in the short term in Exmouth. Other matters are being concurrently progressed including promoting and advocating ancillary accommodation and seeking to address land tenure and Native Title considerations for relevant parcels of Unallocated Crown Land.

COMMENT

8. LPS 4 was gazetted on 12 March 2019 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones.
9. The *Planning and Development Act 2005* (Act) and *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) set out the statutory process for adopting and amending a local planning scheme. The Act allows a local government to resolve to amend a local planning scheme.
10. In addition, the resolution must specify whether the amendment is a complex, standard or basic amendment as defined by the Regulations, including reasons for the specification. The different amendment types incur different statutory timeframes for the following processes to occur. The proposed amendment is considered a 'complex amendment'.
11. Regulations 37 the Regulations allows Council to adopt a complex scheme amendment for advertising and referral to relevant public authorities. The local government is required to submit 2 copies of the proposed amendment to the Western Australian Planning Commission (WAPC).
12. Should Council resolve to proceed, the amendment is required to be forward to the WAPC and Minister for Planning for final approval.

Workforce Accommodation – Position Statement

13. The Western Australian Planning Commission (WAPC) has prepared a Position Statement on workforce accommodation to assist users of the planning system in understanding the land use planning considerations for workforce accommodation. The purpose of the Position Statement is to:

- Outline the development requirements for workforce accommodation under the Planning and Development Act 2005 and associated regulation.
 - Provide guidance to local governments on the role of the local planning framework in the planning and development of workforce accommodation.
14. The WAPC's position in that where practicable, workforce accommodation should be provided in established towns, in locations suitable to its context, to facilitate their ongoing sustainability. Planning and development of workforce accommodation should be consistent with local planning strategies and schemes, except where the Mining Act 1978 and State Agreement Acts prevail.

Local Planning Strategy

15. The purpose of the Local Planning Strategy (the Strategy) is to provide strategic planning direction over a 10-year period within the municipality. Further, it provides the rationale for the zoning and reservation of land and the rationale for land use and development controls.
16. The Strategy outlines the key objective for industrial land:
"Provide an adequate supply of appropriately located service, light, general and marine based industrial land to encourage diversification of industrial activity to strengthen employment opportunities and broaden the economic base of the Shire."
17. The subject land is also subject to the following (relevant) strategic objective:

3) Promote the continuation of composite residential/industrial development on land identified as existing and future service industry to enable business ventures to more easily establish within an affordable live-work environment.
18. The Strategy identifies the subject land as 'Mixed Use' within Existing Industry Area 1. The area has evolved predominantly as a composite service industrial area with 50% of the lots also supporting residential/caretaker uses.
19. The Strategy refers to The Murat Road Guidelines which require high-quality built form fronting Murat Road. Temporary workforce accommodation is not considered high-quality built form; accordingly, it is proposed to exclude the lots fronting Murat Road from this amendment.

Exmouth Townsite Structure Plan

20. Many of the considerations in the Exmouth Townsite Structure Plan have been included and reviewed in the Strategy.

Local Planning Scheme No.4

21. The following aims of LPS 4 are relevant to the proposal:
- To provide for housing choice and variety in neighbourhoods with a community identity and high levels of safety, accessibility and visual amenity;
 - To ensure there is a sufficient supply of suitable serviced land for housing, employment, commercial activities, community facilities, recreation and open space;
22. The proposal expands on the objectives of the Service Commercial zone to provide for residential living to enable business owners to live and work on the same premises.

23. This amendment and the provision of a defined area suitable for providing workforce accommodation, ultimately assists the Shire in promoting the regional development of the area and supports diversification of land uses.
24. Parts of the site have buffers for the power station and the wastewater treatment plant. Any future development would need to address the relevant scheme requirements with consultation to occur with the relevant agencies e.g. Water Corporation and Horizon Power.

Service & Infrastructure

25. The subject land has access to reticulated scheme water. Horizon Power over head distribution lines are located within the subject land holdings.
26. Reticulated sewerage is available to parts of the subject land, including some land parcels between the south of Nimitz Street and north of Pelias Street, and south of Pellew Street and north of Maley Street and Murat Road.
27. The majority of the subject land has no reticulated sewerage service available. The subject land is located in a sewerage sensitive area. Providing onsite effluent disposal will need to be investigated on a site by site basis and soil evaluation prepared to ensure the physical characteristics of the site, such as soil type and depth to groundwater, are suitable.

Bushfire

28. Part of the subject land falls within an area declared bushfire prone by the Commissioner for Fire and Emergency Services, pursuant to s. 18P of the Fire and Emergency Services Act 1998. Accordingly, State Planning Policy 3.7: Planning in Bushfire Prone Areas will apply to developments on land declared bushfire prone.

Proposal and Justification

29. Inserting an additional use based specifically on the subject land is considered appropriate given the historic development in the area rather than altering the permissibility of the 'workforce accommodation' land use across the Service Commercial zone.
30. An additional use also makes provision for inclusion of specific conditions that need to be considered when assessing development proposals on the specific site. In this instance, the conditions relating to the following matters that are over and above the standard provisions of the Scheme:
 - The need, considering the capacity in local housing and supply markets.
 - Numbers of units.
 - Occupancy limitations – number of persons occupying the site and employer.
 - Provision of suitable setbacks and siting of development in a manner that considers surrounding land uses.
 - Measures to manage visual amenity impacts (screening, fencing and landscaping etc).
 - Decommissioning/transitioning plans.
 - Time limited approvals.
 - Rubbish disposal.
 - Servicing including wastewater disposal.
 - Carparking.
 - Compatibility with the wastewater treatment plant buffer or power station noise buffer.

31. Given the need for workforce accommodation is expected to be primarily a shorter-term matter, before alternative housing is provided locally, the amendment proposes to limit approvals until 30 June 2026. There will still be the ongoing opportunity for a caretaker's dwelling on Service Commercial zoned land where it is incidental to commercial, industrial or other approved uses.
32. Based on the above it is considered that the proposal achieves consistency with the state and local planning framework. Therefore, it is recommended that Council resolves to proceed to advertise the amendment without modification as outlined in the Officers Recommendation.

CONSULTATION

33. The Planning and Development (Local Planning Schemes) Regulations 2015 require that a local planning scheme amendment be adopted by a resolution of Council prior to the proposal being advertised for public comment. Consequently, no consultation has been undertaken at this stage.
34. Section 81 of the Planning and Development Act 2005 requires a local government to refer an amendment to the Environmental Protection Authority to determine if it should be assessed.
35. If Council resolves under regulation 35(1) to adopt an amendment to a local planning scheme, the local government must advertise the amendment in accordance with regulation 37(1).

STATUTORY ENVIRONMENT

36.
 - Planning and Development Act 2005
 - Planning and Development (Local Planning Scheme) Regulations 2015
 - Local Planning Scheme No. 4
 - Environmental Protection Act 1986
 - Exmouth Townsite Structure Plan

POLICY IMPLICATIONS

37.
 - State Planning Policy 3.7 - Planning in Bushfire Prone Areas State
 - Planning Policy 4.1 - State Industrial Buffer Policy
 - State Planning Policy 6.3 - Ningaloo Coast
 - Government Sewerage Policy

FINANCIAL IMPLICATIONS

38. Nil

RISK MANAGEMENT

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational – The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.	Possible	Moderate	Moderate	If the request is not supported by the DPLH the matter will not be progressed and the Shire may be required to make modifications.
Reputational – The proposal may attract objections from members of the public or other public authorities.	Possible	Moderate	Moderate	Widely consulting with all parties who may be affected and all relevant public authorities should mitigate any risk in this regard. If necessary, further information can be provided as part of the amendment process.

ALTERNATE OPTIONS

40. Council may consider alternate options in relation to this item, such as:

- To resolve to adopt the amendment to the local planning scheme with modifications; or
- To resolve not to adopt the amendment to the local planning scheme.

STRATEGIC IMPLICATIONS

41. 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

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.

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

42. Simple Majority

OFFICER’S RECOMMENDATION

ITEM 12.2.2

That Council, pursuant to section 75 of the *Planning and Development Act 2005* and Part 5, r.35(2) and 37(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES to:

1. PREPARE and adopt Amendment No. 4 to amend Shire of Exmouth *Local Planning Scheme No. 4* by:
 - (i) Inserting ‘Additional Use (A7)’ into Schedule 2 – Additional Uses.
 - (ii) Amending the Scheme Map accordingly by applying ‘Additional Use (A7)’ to the Service Commercial zoned land generally bounded by Murat Road, Nimitz Street, Reid Street, and Welch Street, Exmouth.
 - (iii) Adding conditions relating to development within Additional Use A7.

Number	Address	Additional Use	Conditions
A7	The Service Commercial zoned land generally bounded by Murat Road, Nimitz Street, Reid Street, Welch Street, Exmouth.	As an ‘A’ use <ul style="list-style-type: none"> • Workforce Accommodation 	<ol style="list-style-type: none"> 1. The purpose of this additional use is to provide temporary workforce accommodation directly related to business activities in Exmouth. 2. In considering an application for development approval, the local government may, consider the following matters in addition to those which it may have regard to under the Scheme: <ul style="list-style-type: none"> • The need, considering the capacity in local housing and supply markets; • Numbers of units; • Occupancy limitations – number of persons occupying the site and employer; • Provision of suitable setbacks and siting of development in a manner that considers surrounding land uses; • Measures to manage visual amenity impacts (screening, fencing and landscaping etc.); • Decommissioning/transitioning plans; • Time limited approvals; • Rubbish disposal; • Servicing including wastewater disposal; • On-site carparking; • Compatibility with the wastewater treatment plant

			<p>buffer or power station noise buffer;</p> <p>3. The local government is to be satisfied that the proponent has identified appropriate strategies to manage issues by siting of land use in the context of surrounding existing and proposed land uses; and providing adequate screening measures such as fencing and landscaping.</p> <p>4. The additional use shall cease to have effect after 30 June 2026.</p> <p>5. Any development approval issued by the local government for the additional use shall be no later than 30 June 2026.</p> <p>6. Non-conforming use rights do not apply to the additional use.</p> <p>7. After 30 June 2026, any buildings that had been used for the additional use shall be removed unless development approval is granted for uses consistent with the zone.</p>
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2. The amendment is a 'Complex' amendment under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:
 - The amendment is not addressed by the Shire of Exmouth Local Planning Strategy; and
 - The amendment is not a basic or standard amendment.
3. Refer the amendment to the Environmental Protection Authority to determine if formal environmental assessment is required.
4. Refer the amendment to the Commission in accordance with Part 5, r. 37 (2) & (3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to determine if any modifications to the amendment is required prior to advertising.
5. In accordance with Part 5, r.38 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, if the Commission advise that it is satisfied that the Complex amendment is suitable to be advertised, the Shire is to advertise the amendment.

6. ADVERTISE the amendment in accordance with Part 5, r.38 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

COUNCIL RESOLUTION

ITEM 12.2.2

Res No: 07-0221

MOVED: Cr Niikkula

SECONDED: Cr Lucas

That Council, pursuant to section 75 of the *Planning and Development Act 2005* and Part 5, r.35(2) and 37(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES to:

1. PREPARE and adopt Amendment No. 4 to amend Shire of Exmouth *Local Planning Scheme No. 4* by:

- (i) Inserting 'Additional Use (A7)' into Schedule 2 – Additional Uses.
- (ii) Amending the Scheme Map accordingly by applying 'Additional Use (A7)' to the Service Commercial zoned land generally bounded by Murat Road, Nimitz Street, Reid Street, and Welch Street, Exmouth.
- (iii) Adding conditions relating to development within Additional Use A7.

Number	Address	Additional Use	Conditions
A7	The Service Commercial zoned land generally bounded by Murat Road, Nimitz Street, Reid Street, Welch Street, Exmouth.	As an 'A' use <ul style="list-style-type: none"> • Workforce Accommodation 	<ol style="list-style-type: none"> 1. The purpose of this additional use is to provide temporary workforce accommodation directly related to business activities in Exmouth. 2. In considering an application for development approval, the local government may, consider the following matters in addition to those which it may have regard to under the Scheme: <ul style="list-style-type: none"> • The need, considering the capacity in local housing and supply markets; • Numbers of units; • Occupancy limitations – number of persons occupying the site and employer; • Provision of suitable setbacks and siting of development in a manner that considers surrounding land uses; • Measures to manage visual amenity impacts (screening, fencing and landscaping etc.);

			<ul style="list-style-type: none"> • Decommissioning/transitioning plans; • Time limited approvals; • Rubbish disposal; • Servicing including wastewater disposal; • On-site carparking; • Compatibility with the wastewater treatment plant buffer or power station noise buffer; <p>3. The local government is to be satisfied that the proponent has identified appropriate strategies to manage issues by siting of land use in the context of surrounding existing and proposed land uses; and providing adequate screening measures such as fencing and landscaping.</p> <p>4. The additional use shall cease to have effect after 30 June 2026.</p> <p>5. Any development approval issued by the local government for the additional use shall be no later than 30 June 2026.</p> <p>6. Non-conforming use rights do not apply to the additional use.</p> <p>7. After 30 June 2026, any buildings that had been used for the additional use shall be removed unless development approval is granted for uses consistent with the zone.</p>
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2. The amendment is a ‘Complex’ amendment under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

- The amendment is not addressed by the Shire of Exmouth Local Planning Strategy; and
- The amendment is not a basic or standard amendment.

3. Refer the amendment to the Environmental Protection Authority to determine if formal environmental assessment is required.

4. Refer the amendment to the Commission in accordance with Part 5, r. 37 (2) & (3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to determine if any modifications to the amendment is required prior to advertising.
5. In accordance with Part 5, r.38 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, if the Commission advise that it is satisfied that the Complex amendment is suitable to be advertised, the Shire is to advertise the amendment.
6. **ADVERTISE** the amendment in accordance with Part 5, r.38 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

CARRIED 5/0

The following reports were recommended to be moved en bloc – 12.1.1, 12.2.1, 12.2.2, 12.2.3, 12.2.4, 12.2.5, 12.3.2, 12.3.5, 12.4.1, 12.4.2, 12.5.1

12.2.3 FINAL DECISION WHETHER TO REQUEST THE DEPARTMENT OF PLANNING, LANDS AND HERITAGE TO EXCISE PORTION OF RESERVE 47803 (LOT 1477), EXMOUTH

File Reference: R47803
Reporting Officer: Senior Planning Officer
Responsible Officer: Chief Executive Officer
Date of Report: 14 February 2021
Applicant/Proponent: Nil
Disclosure of Interest: Nil
Attachment(s): 1. Public Submission

PURPOSE

1. For a final Council resolution following the advertising period whether to proceed with a request for excising the portion of Reserve 47803 as identified below.

BACKGROUND

2. The subject land parcel (the subject land) is shown below and forms part of Reserve 47803, which is a public open space (POS) reserve for the purposes of *Recreation and Drainage*, under the care control and management of the Shire of Exmouth.



3. Council at its Ordinary Council Meeting 17 December 2020 under item 12.2.4, resolved to:

- 1. Approve to lodge a request with the Department of Planning, Lands and Heritage for excising the portion of Reserve 47803 as identified above, for the purposes of creating a residential lot.**
- 2. Pursuant to s.52 of the Land Administration Act 1997, advertise the notice of motion for this resolution to nearby landowners and in a local newspaper circulating in the district for a period of not less than 30 days.**
- 3. The local government considers any objections and submissions received within that period concerning the proposal, and the matter being subsequently brought before Council for a final resolution recommendation.**

COMMENT

4. The subject land is Reserved for the purposes of Public Open Space (POS) under the Shires Local Planning Scheme No.4 (LPS 4). The zoning to the north and south of the site is 'Special Use Area 6' – Exmouth Marina. Tourism land (Mantarays Ningaloo Beach Resort) is located to the east on the opposite side of Madaffari Drive.
5. The intent was publicly advertised from 22 December 2020 to 27 January 2021. Letters were sent to utility stakeholders and to nearby affecting landowners. An advertisement was also placed in the Pilbara News.
6. One submission was received from an adjoining landowner (refer to attachment 1), objecting to the proposal, which is summarised below:
 - We object to the planned re zoning of Reserve 47803 on Madaffari Drive.
 - Our properties have been architecturally designed and built to utilise the unobstructed views of both side of the gulf, views of the pedestrian bridge and views of the ranges.
 - The properties would be de valued by having Reserve 47803 either wholly or partially re zoned into residential.
 - All outside living areas have been built to the west side of the houses facing the reserve. A residence to this reserve would totally block all views, remove sunlight and ventilation into the properties.
 - We understand that the land is not being used as designed, however from conception the reserve was never maintained by the Shire.
 - We feel if the Shire had maintained the area and equipment it would have been heavily utilised by visitors and residents.
7. The concerns received are noted. The adjoining land has been developed on the presumption that the subject land would not have significant built form.
8. It is recommended that the current request not be further progressed. Council should continue to improve POS areas.

CONSULTATION

9. In accordance with s.52 of the *Land Administration Act 1997* the intent was publicly advertised from 22 December 2020 to 27 January 2021. Letters were sent to utility stakeholders and to nearby affecting landowners. An advertisement was also placed in the Pilbara News on 23 December 2020.

10. One submission was received from an adjoining landowner, which is discussed in further detail in the preceding section of this report.

STATUTORY ENVIRONMENT

11. A number of legislative and statutory documents are applicable to this item, this includes;
- *Shire of Exmouth Local Planning Scheme No.4*
 - *Shire of Exmouth Local Planning Strategy*
 - *Local Government Act 1995*
 - *Land Administration Act 1997*
 - *Lands Administration Regulations 1998*

POLICY IMPLICATIONS

12. *Council Policy 1.14 – Council Employees Housing and Housing Allowances:*

“The purpose of this policy is to establish guidelines for the provision of Council housing to attract and retain employees who hold key roles in the organisation based on operational requirements.”

13. The general component of *Development Control Policy 2.3 – Public Open Space in Residential Areas* is the requirement that 10 per cent of the gross subdivisible be given up as public open space to the Crown free of cost.

FINANCIAL IMPLICATIONS

14. Should Council however choose to pursue this request and it be subsequently supported by the Department of Planning Lands and Heritage, the land would need to be purchased in freehold. The Shire would also responsible for upfront costs of all associated costs (survey, preparation of documentation, registration of fees etc.).
15. Any future Contract of Sale would be referred to Council for a determination.

RISK MANAGEMENT

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational and Service Interruption - Lack of housing may impact on the ability of Council to employ and retain appropriately levelled staff.	Possible	Moderate	Moderate	Continue to explore alternate options.
Reputational and Service Interruption – Reduction in public open space and community expectations.	Possible	Moderate	Moderate	As per the officer’s recommendation it is recommended that this matter not be further progressed.

ALTERNATE OPTIONS

17. Council has the alternate option of choosing to proceed with the request with the DPLH for excision of the subject land.

STRATEGIC ALIGNMENT

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

VOTING REQUIREMENTS

19. Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.2.3

That Council not proceed with the request with the Department of Planning, Lands and Heritage for excising the portion of Reserve 47803 as identified above, for the purposes of creating a residential lot.

COUNCIL RESOLUTION

ITEM 12.2.3

Res No: 08-0221

MOVED: Cr Niikkula

SECONDED: Cr Lucas

That Council not proceed with the request with the Department of Planning, Lands and Heritage for excising the portion of Reserve 47803 as identified above, for the purposes of creating a residential lot.

CARRIED 5/0

The following reports were recommended to be moved en bloc – 12.1.1, 12.2.1, 12.2.2, 12.2.3, 12.2.4, 12.2.5, 12.3.2, 12.3.5, 12.4.1, 12.4.2, 12.5.1

12.2.4 LODGING HOUSE – GIRALIA STATION STAY

File Reference:	LE.RE.16
Reporting Officer:	Executive Manager Development Services
Responsible Officer:	Environmental Health Officer
Date of Report:	27 January 2021
Applicant/Proponent:	Denver Blake, Giralia Station
Disclosure of Interest:	Nil
Attachment(s):	1. CONFIDENTIAL Lodging House Renewal

PURPOSE

1. That Council approve the annual lodging house registration for Giralia Station for the 2020/21 financial year.

BACKGROUND

2. On the 22 July 2002 Department of Conservation and Land Management purchased Giralia Pastoral Lease 3114/605 (the Land) from the then owners known as Giralia Pastoral Company Pty Ltd.
3. The Land through the settlement and purchase process was made non-rateable.
4. The Land falls under the auspices of the Department of Biodiversity, Conservation and Attractions, Plan for Our Parks initiative.
5. During the purchase process the following item was taken to Council in February 2003:
Council Decision Item 10.1.3
Moved Councillor Corish, Seconded Councillor Motzel
 1. ***That Council supports the reservation of Giralia Station with a management order issued to the Conservation Commission of Western Australia and management by the Department of Conservation and Land Management.***
 2. ***That the Department of Conservation and Land Management be advised that as Giralia Station is now non-rateable that the Shire is investigating who is responsible to carry out Environmental Health Services required under the Health Act in respect to the "Station Stays" being undertaken by the former lessees at Giralia Station. Such Environmental Health Services include the monitoring of drinking water supplies, commercial food premises and tourist accommodation facilities that were previously undertaken by the Shire.***
6. The pastoral activities were allowed to continue for another 2 years after 2002 and the commercial tourist accommodation business was to be formalised.

7. Correspondence dated the 11 February 2003 from the Department of Conservation and Land Management indicates:
'As with the majority of pastoral leases purchased for conservation under the Gascoyne-Murchison Strategy the Department has agreed to the former lessees and their immediate family occupying the homestead complex and immediate surrounds. It is the intent of the agreement that this will also include the continuation of the tourism activities currently undertaken by the former lessees. This will be the subject of a separate formal agreement.'
8. To date no formal agreement between the former lessees and the now known Department Biodiversity, Conservation and Attractions (DBCA) has been entered into.
9. To date no evidence or records indicate item 2 of Council Decision Item 10.1.3 was completed.
10. To date the Shire has issued annual lodging house licence for 22 rooms and 8 recreational campsites, conducted water sampling, lodging house and food premise inspections.
11. There are currently approximately 30 nature-based camp sites along the Exmouth Gulf on Giralia Station, with no formal arrangements or approvals from the Shire of Exmouth or DBCA.

COMMENT

12. DBCA have started Native Title negotiations to reserve ex-Giralia and some surrounding UCL as National Park as per the intentions in 2002. The negotiations are being conducted under the auspices of the State Government's Plan for Our Parks initiative and are confidential.
13. If the current operations were to be regularised by DBCA it will need to be via a CALM Act lease once the National Park is created or an interim S91 LAA licence. Both processes need Native Title approval although the S91 is a less formal process (letter of consent).
14. While these negotiations are being conducted, both DBCA, the Blakes and the Shire are left in limbo.
15. To assist in identifying the Shire's role within the current operations and as per Decision Item 10.1.3.2 the Shire sort legal counsel regarding jurisdictions associated with Giralia Station.
16. McLeod's Barristers and Solicitors advised, that although not explicitly specified, as *the Health (Miscellaneous Provisions) Act 1911* applies to land there is no reasonable reason as to why the Shire should not apply the lodging-house provisions.
17. The provisions relate to the keepers of the lodging-house rather than the owners or lawful occupiers of the land.
18. They do however recommend the Shire formally raise concerns with the relevant State Government bodies the operations are occurring on land without there being any formal permission or agreement given by the State for those operations.
19. Due to prior approvals been issued the Shire must continue to register the lodging house inclusive of the 8 recreational campsites and as recommended formally raise concerns to DBCA.

CONSULTATION

20.

- McLeod’s Barristers and Solicitors
- Department Biodiversity Conservation and Attractions

STATUTORY ENVIRONMENT

21.

- Health (Miscellaneous Provisions) Act 1911
- Shire of Exmouth Health Local Laws

POLICY IMPLICATIONS

22. Nil

FINANCIAL IMPLICATIONS

23. Nil

RISK MANAGEMENT

24. Identified risks implications

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Environmental	Possible	Moderate	Medium	<ul style="list-style-type: none"> • Insert condition into lodging house registration all wastes to be disposed of via an approved facility. • Insert condition into lodging house registration all chemical toilet cassette waste is to be disposed of in an DOH approved receptacle.

ALTERNATE OPTIONS

25. Nil

STRATEGIC ALIGNMENT

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

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

- 2.1 A strong focus on environmental conservation and sustainable management of our natural environment
- 2.2 Strive to achieve a balance between the preservation of our unique environment and the delivery of sustainable economic growth.
- 2.3 Advocate and promote opportunities for the development of environmentally sustainable essential infrastructure and services

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

- 4.1 To provide proactive, collaborative and transparent leadership
- 4.2 A local government that is respected and accountable.

VOTING REQUIREMENTS

27. Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.2.4

That Council APPROVE the annual lodging house licence for Giralia Station for the 2020/2021 financial year.

COUNCIL RESOLUTION

ITEM 12.2.4

Res No: 09-0221

MOVED: Cr Niikkula

SECONDED: Cr Lucas

That Council APPROVE the annual lodging house licence for Giralia Station for the 2020/2021 financial year.

CARRIED by ABSOLUTE MAJORITY 5/0

The following reports were recommended to be moved en bloc – 12.1.1, 12.2.1, 12.2.2, 12.2.3, 12.2.4, 12.2.5, 12.3.2, 12.3.5, 12.4.1, 12.4.2, 12.5.1

12.2.5 CARAVAN PARK AND CAMPING GROUND LICENCE – YARDIE HOMESTEAD CARAVAN PARK

File Reference:	LE.RE.5
Reporting Officer:	Environmental Health Officer
Responsible Officer:	Chief Executive Officer
Date of Report:	9 February 2021
Applicant/Proponent:	James Roscic – Yardie Homestead Caravan Park
Disclosure of Interest:	Nil
Attachment(s):	1. CONFIDENTIAL – Licence for Yardie Homestead Caravan Park – Option 1 – Renew to 30 September 2021 2. CONFIDENTIAL – Approved Site Map

PURPOSE

1. That Council approve the issuing of the Temporary Caravan parks and Camping Grounds Licence and Site Map as annotated for Yardie Homestead Caravan Park, expiry 30 September 2021 for signing by the Chief Executive Officer.

BACKGROUND

2. On the 22 October 2020 Council resolved to:

Council Resolution Item 15.1

Res No: 18-1020

MOVED: Cr Mounsey

SECONDED: Cr Dixon

That Council APPROVE:

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

CARRIED by ABSOLUTE MAJORITY 6/0

3. In regards to item 2, issuing of a building order, as the applicant committed and hired the relevant professional body to complete the works, there was no need for an order to be issued.
4. The applicant has submitted a BA13 Building Approval Certificate with a BA11 Certificate of Building Compliance required for granting a Certificate of Compliance for Unauthorised Works.
5. On 15 February 2021 the Certificate of Compliance for Unauthorised Works was issued.

COMMENT

6. The applicant submitted a request for renew of *Caravan Parks and Camping Grounds Act 1995* licence on the 9 February 2021, for the following:

- 152 Short Stay Sites
- 66 Camping Sites
- 20 Overflow Sites

7. The increase in sites does account for the expanded area originally applied for and approved by council on 28 June 2018.

Res No: 03-06-18

MOVED: Cr Dixon

SECONDED: Cr Penfold

That Council APPROVE the issuing of the Caravan Parks and Camping Grounds Licence for Yardie Homestead Caravan Park valid until 30 September 2018 as presented in Attachment 3, for signing and issuing by the Chief Executive Officer once the following items have been completed:

1. Approval of development application PA65/18

2. Any relevant building approvals.

3. Wastewater application and approval for wastewater disposal systems.

4. 1 additional laundry facility provided.

5. Final satisfactory site inspection and report from Environmental Health Officer.

CARRIED by ABSOLUTE MAJORITY 5/0

8. The application has been assessed based on the information provided and a final inspection has been completed.

9. The following items do need to be actioned but won't be conditioned to the licence:

- Updated surveyed plan to be submitted either with the next available Development Application or by the 16 August 2021.
- Laundry facility – there are adequate washing machines, bench space and clothesline, the facilities are lacking in 2 water troughs.
- 1 additional camp washing facility (trough with drying bench) to be placed at the main ablution block.
- Non-drinking water signs to be placed on all non-potable water access points.
- Make safe pump pit area, block off and remove trip hazards.
- Provide sullage point for sites 148 and 173, greater than 10m to nearest sullage point.
- Provision of electrical certificate for expanded powered sites.
- Application for wastewater pump pits that had replaced existing broken ones.

10. In order to align this licence with the issuing of all caravan and camping licence another temporary licence will be issued to expire on the 30 September 2021, the same time all other caravan park licences expire within the Shire.

CONSULTATION

11. Nil

STATUTORY ENVIRONMENT

12.

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

POLICY IMPLICATIONS

13. Nil

FINANCIAL IMPLICATIONS

14. Nil

RISK MANAGEMENT

15. Identified risks implications

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Financial	Unlikely	Minor	Low	Standard procedures relating to invoicing and debt recovery.

ALTERNATE OPTIONS

16. Nil

STRATEGIC ALIGNMENT

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

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

- 2.1 A strong focus on environmental conservation and sustainable management of our natural environment
- 2.2 Strive to achieve a balance between the preservation of our unique environment and the delivery of sustainable economic growth.
- 2.3 Advocate and promote opportunities for the development of environmentally sustainable essential infrastructure and services

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

- 3.2 Promote facilities/services that enhance public health and safety.

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

- 4.2 A local government that is respected and accountable.

VOTING REQUIREMENTS

18. Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.2.5

That Council APPROVE the issuing of the Temporary Caravan parks and Camping Grounds Licence and Site Map as annotated for Yardie Homestead Caravan Park, expiry 30 September 2021 for signing by the Chief Executive Officer.

COUNCIL RESOLUTION

ITEM 12.2.5

Res No: 10-0221

MOVED: Cr Niikkula

SECONDED: Cr Lucas

That Council APPROVE the issuing of the Temporary Caravan parks and Camping Grounds Licence and Site Map as annotated for Yardie Homestead Caravan Park, expiry 30 September 2021 for signing by the Chief Executive Officer.

CARRIED by ABSOLUTE MAJORITY 5/0

The following reports were recommended to be moved en bloc – 12.1.1, 12.2.1, 12.2.2, 12.2.3, 12.2.4, 12.2.5, 12.3.2, 12.3.5, 12.4.1, 12.4.2, 12.5.1

12.3.2 QANTAS AIRWAYS LTD SUBLEASE WITHIN LEARMONTH TERMINAL

File Reference:	CP.LE.15
Reporting Officer:	Executive Manager Commercial and Community
Responsible Officer:	As above
Date of Report:	12 February 2021
Applicant/Proponent:	Qantas Airways Ltd
Disclosure of Interest:	Nil
Attachment(s):	1. CONFIDENTIAL – Draft Lease Agreement Shire of Exmouth and Qantas Airways Ltd

PURPOSE

1. That Council approve to sublease office spaces, check-in counters, crew rest lounge and freight office to Qantas Airways Ltd located at Learmonth Airport at Lot 102 on Plan 180508 and being the whole of the land comprised within Certificate of Title Volume 1392 Folio 461.

BACKGROUND

2. Qantas Airways Ltd (Qantas) are an international aircraft operation currently providing eight regular passenger transport (RPT) return air services per week between Perth and Exmouth.
3. Qantas have been providing these RPT services to Exmouth since 2011 and are currently the sole provider of RPT air services on this route.
4. Qantas have previously had separate sub leases with the Shire for office spaces, check in counters, freight office and crew rest lounge. This new lease seeks Council approval to grant one sublease that combines all these separate spaces.
5. Qantas contract Exmouth Air Services (EAS) to provide the local ground handling services for their aircraft and EAS utilise the leased offices and check in counters to deliver required services on behalf of Qantas. Qantas also contract Colta Pty Ltd (Colta) to handle the local ground handling for air freight services however Colta recently notified its intention to exit this agreement and Qantas has indicated it will maintain this role. This is considered an ideal opportunity to consolidate these separate lease spaces under one agreement.
6. Exmouth Council previously approved the granting of sub leases for these proposed spaces as per the following Council resolutions;
 - Council Decision 10-0315 (office & check in counters)
 - Council Decision 10-0314 (Crew rest area)
 - Council Decision 24-0911 (Freight Office)

COMMENT

7. The proposed new lease area combines the same separate areas currently being used by Qantas and its local ground handling agents. These lease areas were previously approved under Council resolutions and includes the check in counter, office space, crew rest lounge and freight office.
8. The proposed areas are required for the normal operating functions of the RPT air service and freight functions.
9. Qantas and its local ground handler staff possess all required air side access accreditations.
10. There is no existing sub meter to determine power usage for these leased areas, however calculations have been determined based on previous data for leaseholders' usage for basic power and lighting.

CONSULTATION

11.
 - Qantas Airways Ltd
 - Department of Defence

STATUTORY ENVIRONMENT

12. Local Government Act 1995, Part 3 Division 3 s. 3.58

POLICY IMPLICATIONS

13. The terms and conditions of the new lease agreement comply with Shire of Exmouth Policy Manual, Policy 2.4 Leases.
14. As per the policy all new leases require Council approval. The current leases have expired with no option for renewal. As this is a new lease for the same space Council approval is still required.
15. Shire officers have included a further option as part of the new lease. As per clause 19.1c of the proposed new lease the Shire may, in its sole discretion, grant to Qantas a Sublease for the Further Term on same terms and conditions.

FINANCIAL IMPLICATIONS

16. As per Shire Policy 2.4 Leases;
 - All costs associated with the development, execution and completion of the lease documentation will be met by the Lessee.
 - All costs associated with the development and ongoing operations of the lease area will be met by the Lessee.
 - Annual Lease & Utilities Fee are in accordance with market commercial rate.

RISK MANAGEMENT

17. Risk implications identified for this proposed lease;

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Operational - Ongoing operational and building maintenance costs for the office space to the Shire.	Unlikely	Minor	Low	The rent and outgoings have been calculated to include ongoing operational and building maintenance costs.

Operational - Qantas are not provided the lease spaces to accommodate their required personnel.	Possible	Major	Moderate	Approval of lease for use of dedicated office space provides greater tenure to Qantas to continue to deliver operations via Learmonth.
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ALTERNATE OPTIONS

18. Alternate options include but not limited to:

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

STRATEGIC IMPLICATIONS

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

Economic	<u>Diversify and grow our economy in a manner that provides year round employment opportunities</u> 1.1 A diverse and environmentally aware local economy that can attract business investment and provide employment opportunities 1.3 Enable the provision of essential infrastructure that will support investment and diversify our economy.
Environment	<u>To protect and value our unique natural and built environment as we grow our economy.</u> 2.3 Advocate and promote opportunities for the development of environmentally sustainable essential infrastructure and services
Social	<u>To be a vibrant, passionate and safe community valuing our natural environment and unique heritage</u> 3.1 Explore opportunities to deliver services and facilities that attract and retain people living in the Shire.

VOTING REQUIREMENTS

20. Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.3.2

That Council APPROVE:

- 1 Qantas Airways Ltd to sublease approximately 75m² of offices, check-in counters, crew rest lounge, and freight handling office within the terminals at Learmonth Airport as per the terms and conditions listed in Draft lease marked CONFIDENTIAL Attachment 1 to this report, and
- 2 Any sublease agreement to be subject to Department of Defence approval in accordance with the Shire's Head Lease.

COUNCIL RESOLUTION

ITEM 12.3.2

Res No: 11-0221

MOVED: Cr Niikkula

SECONDED: Cr Lucas

That Council APPROVE:

- 1 Qantas Airways Ltd to sublease approximately 75m² of offices, check-in counters, crew rest lounge, and freight handling office within the terminals at Learmonth Airport as per the terms and conditions listed in Draft lease marked CONFIDENTIAL Attachment 1 to this report, and**
- 2 Any sublease agreement to be subject to Department of Defence approval in accordance with the Shire's Head Lease.**

CARRIED by ABSOLUTE MAJORITY 5/0

The following reports were recommended to be moved en bloc – 12.1.1, 12.2.1, 12.2.2, 12.2.3, 12.2.4, 12.2.5, 12.3.2, 12.3.5, 12.4.1, 12.4.2, 12.5.1

12.3.5 GASCOYNE GAMES

File Reference:	RC.LI.0
Reporting Officer:	Manager Community, Sport and Recreation
Responsible Officer:	Executive Manager Commercial and Community
Date of Report:	16 February 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Nil

PURPOSE

1. That Council provide preliminary endorsement for the hosting and organising of the Gascoyne Games in Exmouth during 2021.

BACKGROUND

2. The Gascoyne Games is a multi-sport games event that has occurred in the Western Australian administrative region of Gascoyne since the inaugural event was held in 1994 in the Exmouth township.
3. The organisers of the Gascoyne Games since that first event have been one of the four local governments located in this region: Carnarvon, Exmouth, Shark Bay, and Upper Gascoyne.
4. The intention of timing for the hosting of the Games was for it to be held every second year and coordinated and organised by a different local government through a rotation process.
5. The Games have generally been held as a two-day to two-and-a-half-day event on a weekend with the preferred timing of the event being either March (over the long weekend) or October (long weekend).
6. Exmouth previously hosted the Gascoyne Games in 2009 with Shire staff coordinating the organisation of the Games with assistance from community volunteers on the organising committee.
7. Sports competitors within the Games for the different sports participating would depend on the competitions being organised: for instance, junior aged participant competitions (generally 10 to 15 years) and senior aged participant competitions (generally 16 years and over).
8. Participating sports in a specific Games depends on the availability and capacity of the different sporting groups in the local government area that is organising a Games for their township.

9. Besides sports participants in a Games being from the Gascoyne Region, a Games can also attract participants from the Pilbara, Midwest and potentially from some other administrative regions of Western Australia.
10. Objectives of the Gascoyne Games include:
 - Building intra-regional spirit by uniting the Gascoyne Community through a weekend participation in various sporting and recreation activities;
 - Providing opportunities for each town in the Gascoyne Region to position and market themselves in staging the games;
 - Allowing for the introduction of new sports and provide opportunities for various sports to develop across the region;
 - Providing coaching, player, officials and administrative development opportunities for talented players, coaches, officials and administrators to progress further in their chosen sport;
 - Increasing the participation of people in sport and recreation living in the Gascoyne Region;
 - Increasing awareness of health issues and healthy life styles.

COMMENT

11. Shire staff members have undertaken preliminary consultation with other local governments in the Gascoyne region as well as with sporting groups within the Shire for the potential holding of a multi-sport Gascoyne Games in Exmouth with the possible date for the hosting a 2021 Games being later this year over a two- or three-day period.
12. The other three local governments in the Gascoyne region plus the Gascoyne Regional Office of DLGSCI are all in agreement with the possibility of the Shire of Exmouth hosting the multisport Gascoyne Games in 2021.
13. In addition to a Gascoyne Games in Exmouth seeking to attract competitors and supporters from the Gascoyne region, an Exmouth-organised Games would also be promoted to the Pilbara and Mid-West regions.
14. With 2021 being the year that the Olympics are expected to be held in Tokyo, Japan, a Gascoyne Games held in Exmouth could have an Olympic feel.
15. Possible sports of an Olympic Games connection that could be held include: athletics, basketball (principally the 3-on-3 game), golf, gymnastics, shooting, skateboarding, swimming, tennis and yachting.
16. Possible sports of a Commonwealth Games connection that could be held include: cricket, lawn bowls, squash. Non-Olympic or Commonwealth Games sports that could be held include Australian Football or maybe a modified game of that sport, darts and mountain bike riding.
17. Potential support from the Shire of Exmouth hosting and organising a Gascoyne Games
 - Event management and administration support leading up to the event, including promoting, marketing, registrations, risk management, and insurances
 - Co-ordinating and chairing the Games Organising Committee
 - Liaison with local governments, sporting associations/clubs (at local and state level), DLGSCI

- Development and printing of Gascoyne Games 2021 Information booklet.
- Venue Hire and all other shire costs for the event (e.g. permits etc.)
- Medal and trophies.
- Gascoyne Games Function event Saturday 16 October (to be determined before promoting the Games as this would be dependent on the timing of all the sports competitions held).

18. Requirements of Exmouth sports organisations

- A representative to sit on the Games Organising Committee
- Local sports organisations to establish a competition organising committee for their sport
- Sports organisations will be required to provide public liability insurance to cover their respective sporting event
- Sports specific competition team/individual fees and registration of competitors and officials
- Sports organisations will be required to host their sport competition over the weekend, including organising the sports competition, ground/court markings, providing umpires/referees, scoring, and collating of competition results
- Equipment required for each sport's competition

19. Role of Department of Local Government, Sport & Cultural Industries (DLGSCI)

DLGSCI may have a variety of roles including: some funding support, utilising coaching, umpiring, and club development opportunities up to and including during the Games, promotion of the event, and assisting with coordination and logistics.

20. Funding Partners

To be able to host and organise a successful Gascoyne Games in Exmouth in 2021, the Shire of Exmouth would be seeking potential funding partners including: Major Sponsor, Gold Sponsors, Silver Sponsors, and Bronze Sponsors.

21. In addition to the possibility of hosting a Gascoyne Games here in Exmouth later in 2021, Shire staff have also been discussing the holding of an Exmouth Mini-Olympics Games in June aimed at only Exmouth participants as a practice run for the organisation of a much larger Gascoyne Games.

22. The annual Olympics Day is 23 June and in an Olympic year the values of sport and the Olympics will be promoted leading up to the Exmouth Mini-Olympics Games and Gascoyne Games events.

23. The specific dates for the holding of a Gascoyne Games in Exmouth in 2021 is being considered for a weekend later this year in the September, October or November months with a decision being based on the availability and costs of accommodation for potential participants from outside of Exmouth. The holding of a Gascoyne Games in Exmouth will have an economic benefit for the Exmouth township.

CONSULTATION

24. Shire staff have consulted with the Department of Local Government, Sport and Cultural Industries, other local governments within the Gascoyne region, and local sporting groups within the Shire of Exmouth for the hosting of a Gascoyne Games here in Exmouth in 2021.

25. The following Exmouth sporting groups have already indicated an interest in participating in both an Exmouth Mini-Olympic Games and a Gascoyne Games.

- Exmouth Basketball Association

- Exmouth Bowling Club
- Exmouth Squash Club
- Exmouth Ladies Darts
- Exmouth Men’s Darts
- Exmouth Yacht Club
- Exmouth Motocross Club
- Exmouth Gymnastics Club
- Exmouth Touch Association

STATUTORY ENVIRONMENT

26. Local Government Act 1995

POLICY IMPLICATIONS

27. Nil

FINANCIAL IMPLICATIONS

28. When the Gascoyne Games was last held in Exmouth in 2009, the event cost approx. \$16,000 incl GST (not including staff time contributed) but nearly half of the costs were spent on two music bands for a social function. Sponsorship received for the 2009 event included contributions from three resources companies operating in this region. For potentially a Gascoyne Games to be held in Exmouth in 2021, one resource company has already committed to providing \$10,000 ex GST in sponsorship.

RISK MANAGEMENT

29.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance (operational)	Possible	Minor	Low	Performance control will be put in place through regular meetings of the Games Organising Committee.
Financial	Unlikely	Minor	Low	Financial control will be put in place by both the Shire of Exmouth and through regular meetings of the Games Organising Committee.
Reputational	Unlikely	Minor	Low	Potential reputational harm will be minimised through the development of project and risk management procedures and a Games organising procedures manual.

ALTERNATE OPTIONS

30. Alternate options include but not limited to:

- (a) Council not supporting the hosting of a Gascoyne Games
- (b) Council supporting the hosting of multi-sport Games in Exmouth but with another name
- (c) Sporting groups in Exmouth organising their own separate competitions to attract competitors from outside of Exmouth.

STRATEGIC ALIGNMENT

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

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

1.2 Facilitate the strengthening and growth of our visitor experience.

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

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

3.2 Promote facilities/services that enhance public health and safety.

3.3 Champion self-supporting community clubs and associations.

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

4.3 To be a champion for our community

VOTING REQUIREMENTS

32. Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.3.5

That Council provide preliminary endorsement for the hosting and organising of the Gascoyne Games in Exmouth during 2021 and request the Shire CEO to prepare and present a detailed event proposal including timing and required resourcing.

COUNCIL RESOLUTION

ITEM 12.3.5

Res No: 12-0221

MOVED: Cr Niikkula

SECONDED: Cr Lucas

That Council provide preliminary endorsement for the hosting and organising of the Gascoyne Games in Exmouth during 2021 and request the Shire CEO to prepare and present a detailed event proposal including timing and required resourcing.

CARRIED 5/0

CORPORATE SERVICES

The following reports were recommended to be moved en bloc – 12.1.1, 12.2.1, 12.2.2, 12.2.3, 12.2.4, 12.2.5, 12.3.2, 12.3.5, 12.4.1, 12.4.2, 12.5.1

12.4.1 FINANCIAL STATEMENTS FOR PERIODS ENDING 31 DECEMBER 2020 AND 31 JANUARY 2021

File Reference:	FM.FL.0
Reporting Officer:	Manager Finance
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	16 February 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Monthly Financial Report as at 31 December 2020 2. Monthly Financial Reports as at 31 January 2021

PURPOSE

1. That Council accepts the financial reports for the financial periods ending 31 December 2020 and 31 January 2021.

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 January, operating revenue is above target by \$1,058,110 (12.33%) due to an increase of visitors to Exmouth. The Ningaloo Visitor Centre merchandise sales, exhibition admissions were above target and the waste site and overflow caravan park revenue increased. Received additional funding for the aquarium and transitional funds for Ningaloo Visitor Centre. Increased town planning and building applications.
4. Operating expenditure is under budget by \$598,205 (6.40%) variances are mainly due to employee costs being under budget due to employee vacancies, timing of training and relocation costs. Materials and contracts and other expenditure are also under budget due to the timing of maintenance programmes and IT projects.
5. Capital projects is under budget by \$40,249, a total of \$1,605,651 has been spent to date. This includes the installation of goal posts at Talanjee and Koobooroo ovals and the purchase of staff housing and Lot 146 Learmonth Street. The Ningaloo Centre solar panels and plant replacement programmes have commenced and the Aquarium protein skimmers, Airport vending machines have been purchased.

6. Rate notices were issued on 30 July 2020. First instalments were due 3 September 2020. 368 properties remain on instalments, the next instalment is due 1 April 2021. Rates collected as at 31 January were 85% compared to 86% for the same period last year.

7. General Debtors is \$1,028,466 with \$833,299 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.
- In accordance with *Local Government (Financial Management) Regulations 1996* Regulation 34 (5), a report must be compiled on variances greater than the materiality threshold adopted by Council of \$25,000 or 10% whichever is greater. As this report is composed at a program level, variance commentary considers the most significant items that comprise the variance.

POLICY IMPLICATIONS

10. Nil

FINANCIAL IMPLICATIONS

11. Nil

RISK MANAGEMENT

12. Risks implications

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

ALTERNATE OPTIONS

13. Nil

STRATEGIC ALIGNMENT

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

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

4.1 To provide proactive, collaborative and transparent leadership

4.2 A local government that is respected and accountable.

VOTING REQUIREMENTS

15. Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.4.1

That Council RECEIVES the Financial Reports for the financial periods ending 31 December 2020 and 31 January 2021.

COUNCIL RESOLUTION

ITEM 12.4.1

Res No: 13-0221

MOVED: Cr Niikkula

SECONDED: Cr Lucas

That Council RECEIVES the Financial Reports for the financial periods ending 31 December 2020 and 31 January 2021.

CARRIED 5/0

The following reports were recommended to be moved en bloc – 12.1.1, 12.2.1, 12.2.2, 12.2.3, 12.2.4, 12.2.5, 12.3.2, 12.3.5, 12.4.1, 12.4.2, 12.5.1

12.4.2 LIST OF ACCOUNTS FOR PERIODS ENDING 31 DECEMBER 2020 AND 31 JANUARY 2021

File Reference:	FM.FL.0
Reporting Officer:	Manager Finance
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	12 February 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. List of Accounts for period ending 31 December 2020 2. List of Accounts for period ending 31 January 2021

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. December Payments

Municipal Fund	totalling \$4,835,833.62
	Incorporating cheques, direct debits, electronic payments and credit cards.
Trust Fund	totalling \$2,329.40
	Incorporating electronic payments
Total Payments:	\$4,838,163.02

6. January Payments

Municipal Fund totalling \$626,447.41
Incorporating cheques, direct debits, electronic payments and credit cards.

Trust Fund totalling \$177,525.08
Incorporating electronic payments

Total Payments: \$803,972.49

CONSULTATION

7. Nil

STATUTORY ENVIRONMENT

8. 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

9. 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

10. 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

11. 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

12. Nil

STRATEGIC ALIGNMENT

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

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

VOTING REQUIREMENTS

14. Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.4.2

That Council RECEIVES the report of payments made from the Municipal and Trust bank accounts during the months of December 2020 and January 2021 (*totalling \$5,642,135.51*).

COUNCIL RESOLUTION

ITEM 12.4.2

Res No: 14-0221

MOVED: Cr Niikkula

SECONDED: Cr Lucas

That Council RECEIVES the report of payments made from the Municipal and Trust bank accounts during the months of December 2020 and January 2021 (*totalling \$5,642,135.51*).

CARRIED 5/0

The following reports were recommended to be moved en bloc – 12.1.1, 12.2.1, 12.2.2, 12.2.3, 12.2.4, 12.2.5, 12.3.2, 12.3.5, 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

OFFICER'S RECOMMENDATION

ITEM 12.5.1

That Council note the following information items:

Register of Documents Stamped with the Shire of Exmouth Common Seal

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

DATE	DOCUMENT
18/12/2020	Short Form Member Contract – Shire of Exmouth and CJ Lord Building Renovations Pty Ltd (Council Decision 19/1220).
27/01/2021	Sublease Agreement – Shire of Exmouth and CHC Helicopters (Council Decision 07/1220).
04/02/2021	Transfer of Mortgage Charge or Freehold Lease – Shire of Exmouth and Ningaloo Caravan and Holiday Resort.

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 January 2021.

App #	Date Received	Lot	Property Address	Description	Decision	Decision Date
20/100	17/11/20	100	43 Heron Way	Certificate of Building Compliance for outbuildings	Approved	10/12/20
20/101	23/11/20	1106	9 Campbell Way	Alfresco and carport	Approved	10/12/20
20/102	27/11/20	4	21A Ningaloo Street	Swimming pool	Approved	10/12/20
20/103	01/12/20	137	8 Young Street	Dwelling	Approved	17/12/20
20/104	04/12/20	449	37 Madaffari Drive	Internal fitout of dwelling	Approved	14/12/20
20/105	07/12/20	181	23 Cobia Close	Single dwelling, fencing, retaining	Approved	14/12/20
20/106	07/12/20	901	7 Patterson Way	Store room	Approved	12/12/20
20/107	10/12/20	121	36 Bluefin Cove	Ablution block	Approved	14/12/20
20/109	11/12/20	122	34 Bluefin Cove	Two-storey dwelling	Approved	04/02/21
20/110	11/12/20	118	42 Bluefin Cove	Concrete Steel Framed Construction	Approved	04/02/21
20/108	12/12/20	723	30 Payne Street	Two storey dwelling	Approved	04/02/21
20/111	23/12/20	446	43 Madaffari Drive	Free standing shade structure, and relocation of shed	Approved	24/12/20

21/01	04/01/21	277	24 Christie Street	Single dwelling	Approved	11/01/21
21/02	05/01/21	301	R52433 - 29 Pelias Street	Addition bedroom extension	Approved	14/01/21
21/03	05/01/21	477	3 Osprey Way	Recycling shed	Approved	07/01/21
21/04	05/01/21	1302	6 Tambor Drive	Storage shed	Approved	13/01/21
21/05	06/01/21	387	25 Corella Court	Single dwelling	Pending	
21/06	12/01/21	484	13 Eurayle Street	Floating Jetty & Gangway	Approved	08/02/21
21/07	20/01/21	383	33 Corella Court	Ablution block addition to an existing shed	Approved	15/02/21
21/08	22/01/21	110	2 Sailfish Link	Floating Jetty & Gangway	Approved	08/02/21
21/12	22/01/21	346	35 Kestrel Place	Floating Jetty & Gangway	Approved	09/02/21
21/13	22/01/21	454	5 Gndaroo Road	Single storey steel framed dwelling	Approved	05/02/21
21/14	27/01/21	2	25 Salmon Loop	Outdoor patio	Approved	15/02/21
21/15	27/01/21	39	14 Searaven Crescent	New shed to replace the existing	Processing	
21/17	28/01/21	2	12A King Place	Single storey dwelling	Processing	
21/16	29/01/21	137	8 Young Street	Single dwelling	Approved	05/02/21

Planning Decisions Issued

Summary of the planning decisions issued under delegation or outstanding up to 31 January 2021.

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	Cancelled	18/12/20
DA54/20	12/08/20		Scheme Amendment No.2 to LPS4 - re-zoning of part Crown Reserve R50806 into 13 Koolinda Way		Processing	21/12/20
DA78/20	05/10/20	102	31 Patterson Way	Construction of Storage Units	Approved	23/12/20
DA81/20	09/10/20	2	25 Salmon Loop	Single House - Outbuilding	Approved	22/12/20
DA82/20	13/10/20	154	33 Dugong Close	Single house and swimming Pool	Approved	17/12/20
DA87/20	20/10/20	446	43 Madaffari Drive	Single dwelling and carport	Approved	24/12/20
DA89/20	23/10/20	198	Yardie Creek Road	16 new eco tent sites within existing Yardie caravan park	Deferred	05/11/20
DA90/20	27/10/20	5	Catalina Close	Single dwelling	Approved	09/12/20
DA92/20	29/10/20	445	45 Madaffari Drive	Single dwelling	Approved	06/02/21
DA94/20	05/11/20		Multiple Lots/ Reserves along Truscott Cres	Development of seawater pipeline & Incidental Infrastructure	Approved	19/01/21
DA95/20	06/11/20	963	27 Patterson Way	Brewery Additions	Approved	15/12/20
DA96/20	06/11/20	454	5 Gndaroo Road	Holiday House & patio addition	Approved	12/01/21
DA97/20	09/11/20	468	19 Osprey Way	Single House & swimming Pool	Approved	01/12/20
DA98/20	10/11/20	101	32 Pelias Street	Industry – Light – Additions	Approved	18/12/20
DA99/20	12/11/20	2	Truscott Cres	Amendment to DA12/20 - Additions and Alterations to Ningaloo Centre (Minderoo Research Lease)	Approved	25/01/21
DA101/20	17/11/20	1	Heron Way	Single, ancillary dwelling, outbuilding	Deferred	17/11/20
DA102/20	19/11/20	346	35 Kestrel Place	Amendment to DA93/20 - Single House & Swimming Pool	Approved	09/12/20
DA103/20	24/11/20	97	21 Bluefin Cove	Single House	Approved	04/12/20
DA104/20	27/11/20		30 Payne Street	Place of Worship – Additions and Alterations	Approved	22/12/20
DA105/20	27/11/20	212	6 Dugong Close	Single House	Approved	15/12/20
DA106/20	01/12/20	10	110 Madaffari Dr	Single House & Swimming Pool	Approved	29/01/21
DA107/20	01/12/20	348	31 Kestrel Place	Development - Floating Jetty	Approved	06/01/21
DA108/20	01/12/20	346	35 Kestrel Place	Single House - Addition - Floating Jetty	Deferred	01/12/20

DA110/20	02/12/20	456	4 Osprey Way	Single House - Addition - Swimming Pool	Approved	07/12/20
DA109/20	04/12/20	393	13 Corella Court	Single House Addition - Floating Jetty	Approved	04/12/20
DA111/20	04/12/20	120	9 Tuckey Street	Single House & Industry - Light - Workshop	Approved	13/01/21
DA112/20	08/12/20	499	7 Sargent Street	Holiday House	Approved	15/01/21
DA113/20	08/12/20	460	12 Osprey Way	Single House, Ancillary Dwelling and Outbuilding	Deferred	06/01/21
DA114/20	14/12/20	394	11 Corella Court	Development - Floating Jetty	Approved	17/12/20
DA115/20	14/12/20	42	18 Cooyou Close	Single House	Approved	06/01/21
DA118/20	15/12/20	14	14/30 Dugong Close	Holiday house	Processing	11/01/21
DA119/20	16/12/20	477	3 Osprey Way	Single House - Garage Addition	Approved	23/12/20
DA126/20	23/12/20	301	29 Pelias Street	Industry - Light - Workshop	Approved	07/01/21
DA122/20	24/12/20	417	54 Madaffari Drive	Floating jetty	Deferred	20/01/21
DA123/20	24/12/20	383	33 Corella Court	Development - Addition - Floating Jetty	Approved	20/01/21
DA124/20	24/12/20	410	34 Madaffari Drive	Single House - Addition - Floating Jetty	Processing	24/12/20
DA125/20	24/12/20	387	25 Corella Court	Development - Addition - Floating Jetty	Approved	11/01/21
DA2/21	06/01/21	110	2 Sailfish Link	Single House - Addition - Floating Jetty	Approved	15/01/21
DA4/21	06/01/21	4	6 Pellew Street	Warehouse/Storage	Approved	29/01/21
DA6/21	14/01/21	139	21 Tuckey Street	Amendment to DA25/20	Approved	22/01/21
DA8/21	29/01/21	103	5 Snapper Loop	Carport	Processing	29/01/21

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

App #	Date Received	Description.	Decision	Permit issued
PE34/20	03/12/2020	Mobile Ophthalmology Van at Old Visitor Centre 6-7 May 2021	Issued	21/12/2020
PE35/20	11/12/2020	Cafe Bueno van at the Lighthouse - 03/06- 07/10/2021 from 7am until 1pm daily/per trade schedule	Issued	05/01/2021
PE36/20	11/12/2020	Exmouth Yacht Club sailing activities on Town beach in front of club 1 January - 31 December 2021	Issued	21/12/2020
PE37/20	21/12/2020	Wedding on Town Beach 25/01/2021	Issued	05/01/2021
PE1/21	04/01/2021	AMBA FALAFEL van - Town Beach, 3 March - 3 June 2021, Tue-Sunday, 4pm-8pm daily	Issued	07/01/2020
PE2/21	29/01/2021	Wedding 12 March 2021 at Hunters beach	Issued	10/02/2021

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 January 2021; and
- Planning Decisions Issued up to 31 January 2021.

COUNCIL RESOLUTION

ITEM 12.5.1

Res No: 15-0221

MOVED: Cr Niikkula

SECONDED: Cr Lucas

That Council note the following information items:

- **Register of Documents Stamped with the Shire of Exmouth Common Seal;**
- **Building Decisions Issued up to 31 January 2021; and**
- **Planning Decisions Issued up to 31 January 2021.**

CARRIED 5/0

12.1.2 RECREATIONAL FISHING POSSESSION LIMITS

File Reference:	GR.SL.10
Reporting Officer:	Chief Executive Officer
Responsible Officer:	As above
Date of Report:	12 February 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Nil

PURPOSE

1. That Council request that the Minister for Fisheries consider an immediate reduction in the possession limit from 20 kilograms of fish fillet to 10 kilograms of fish fillet per person for recreational fishing in waters off the coast of Exmouth and consider an increase in fisheries officers to undertake compliance activities from April to September this year.

BACKGROUND

2. The Shire has experienced a greater than normal increase in recreational fishing activity since the border restrictions were relaxed in June of 2020.
3. Last year's tourism numbers for Exmouth and the Ningaloo region were the largest on record and given the current restrictions in place for international travel and the uncertainty with regard interstate travel because of the Covid pandemic, intrastate visitor numbers are expected to be high and sustained for at least another two years.
4. Intrastate visitors unlike the international and interstate visitors tend to be more extractive in nature because they can readily tow boats to Exmouth and undertake daily fishing expeditions. This was evident last year by the increase in number and the size of fishing vessels using the boat ramps and from the increased fish carcasses and offal collected from the fish cleaning stations.
5. Exmouth is a premium destination and the tourism economy is reliant on a sustainable environment to keep attracting visitors. Any decrease in fish stocks which makes the destination less desirable to recreational fishing in the future will have a direct negative impact on the Exmouth economy.

COMMENT

6. Shark Bay Council on the 29 July 2020 passed a similar resolution requesting the current 20kg fish fillet limit be reduced to 10kg. If communities to the south of Exmouth have more restrictive bag limits it is very likely that destinations further north like Exmouth will become even more desirable for recreational fishing due to the larger bag limits being in place.

CONSULTATION

7. At a recent presentation to the Ningaloo Coast World Heritage Committee the impacts of a more extractive intrastate visitor presence and the need to restrict visitor numbers to match the natural and built environments was discussed. Both the NCWHC and the Department of Biodiversity Conservation and Attractions (DBCAs) were supportive of any restrictions which capped visitor numbers and reduced the extractive nature of tourism activity.

STATUTORY ENVIRONMENT

8. The Department of Fisheries is the responsible agency for monitoring and management of fish stocks.

POLICY IMPLICATIONS

9. Nil

FINANCIAL IMPLICATIONS

10. Nil

RISK MANAGEMENT

11. Identified risks implications

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Environmental unsustainable fish stocks.	Likely	Moderate	High	Reduce possession limits and greater education of recreational fishing
Reputational Lack of leadership in environmental management.	Almost certain	Major	Extreme	Request Fisheries Minister to reduce possession limits.

ALTERNATE OPTIONS

12. Nil

STRATEGIC ALIGNMENT

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

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

1.1 A diverse and environmentally aware local economy that can attract business investment and provide employment opportunities

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

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

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

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

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

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

4.2 A local government that is respected and accountable.

4.3 To be a champion for our community

VOTING REQUIREMENTS

14. Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.1.2

That Council REQUEST:

1. The Minister for Fisheries consider an immediate reduction in the possession limit from 20 kilograms of fish fillet to 10 kilograms of fish fillet per person for recreational fishing in waters off the coast of Exmouth; and
2. The Minister for Fisheries appropriately resource the compliance of possession limits during peak visitor periods in the Ningaloo region.

COUNCIL RESOLUTION

ITEM 12.1.2

Res No: 16-0221

MOVED: Cr Niikkula

SECONDED: Cr Lake

ALTERNATE MOTION: Cr Lucas

The Minister for Fisheries conduct an urgent review of current recreational fishing limits and consider temporary amendments to the current regulations in order to protect the long term sustainability of recreational fishing in waters off the coast of Exmouth.

SECONDED: Cr Mounsey

That Council REQUEST:

1. **The Minister for Fisheries conduct an urgent review of current recreational fishing limits and consider temporary amendments to the current regulations in order to protect the long term sustainability of recreational fishing in waters off the coast of Exmouth; and**
2. **The Minister for Fisheries appropriately resource the compliance of possession limits during peak visitor periods in the Ningaloo region.**

CARRIED 5/0

COMMERCIAL AND COMMUNITY

Cr Mounsey declared a financial interest in the following report and left the Chambers at 4.44pm.

12.3.1 REQUEST FOR TENDER – RFT 10-2020 LEARMONTH AIRPORT RPT SHUTTLE BUS SERVICE

File Reference:	CM.TE.10.2020
Reporting Officer:	Executive Manager Commercial and Community
Responsible Officer:	As above
Date of Report:	12 February 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. CONFIDENTIAL Evaluation Report – RFT 10/2020 2. CONFIDENTIAL Contract Termination Notification

PURPOSE

1. That Council consider the outcome of the Airport Shuttle Bus Service Tender (RFT 10/2020).

BACKGROUND

2. The Shire of Exmouth operates the civil airport located within the RAAF Learmonth base. The Learmonth Airport is situated on Commonwealth land and owned by the RAAF under the Department of Defence. The Shire leases the Learmonth Airport from the Department of Defence under a Deed of Operation.
3. Learmonth Airport is situated approximately 36km south of Exmouth and 120km north of Coral Bay and services Qantas passenger aircraft as well as helicopter operators supporting off-shore oil and gas operations.
4. In December 2019 Exmouth Council approved the awarding of the contract to Exmouth Bus Charter for the provision of an Airport Shuttle Bus Service as per Res No: 14-1219.

Res No: 14-1219

MOVED: Cr Lake

SECONDED: Cr Lucas

That Council APPROVE the award of contract for Tender 08/2019 – Airport Shuttle Bus Service as per the recommendation in the Confidential Evaluation Report – RFT 08/2019 (refer Attachment 1) to Exmouth Bus Charters.

CARRIED 5/0

5. The agreement was to provide a shuttle bus service for regular public transport (RPT) passengers using the Learmonth Airport to and from Shire of Exmouth locations for a period of 5 years with

an additional 5 years option. A fixed monthly subsidy was agreed to be paid by the Shire for the term of the agreement.

6. Exmouth Bus Charters formally notified the Shire of Exmouth of its intention to exit the agreement in a letter dated 1 September 2020. The reasons for ceasing the contract are clearly outlined in the letter marked Confidential Attachment 2.
7. At the November 2020 Ordinary Council Meeting Council approved the CEO to undertake a new Request for Tender process for this service and allocation of additional funds to ensure the service continued whilst this new RFT process was undertaken.

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

8. On 2 December 2020 the Shire of Exmouth advertised via a Request for Tender (RFT) process inviting ground transport operators to provide a shuttle bus service for regular public transport (RPT) passengers using the Learmonth Airport to and from Shire of Exmouth locations for a period of 3 years with a 3 year extension.
9. The RFT invitation was advertised in the Pilbara News and The West Australian newspapers, local noticeboards and via the Shire website with a closing date 5 January 2021.
10. The RFT selection criteria included a compliance criteria and a qualitative criteria. The compliance criteria were assessed on a Yes/No basis as to whether the criterion was satisfactorily met. The qualitative criteria were used by the evaluation panel to score each tender and determine the most advantageous submission.
11. The RFT qualitative criteria weightings were as follows;

Criteria	Weighting
Shuttle Bus Service; including number and type of vehicle(s) to be used; age and carrying capacity of fleet; skills and experience of operator.	40%
Viability of Service; including prediction of passenger utilisation and how will be increased; service viability; contribution to community; any additional benefits.	25%
Demonstrated commitment to Exmouth; including historical, current and future sponsorship of local activities, participation in local community and business groups; how the business will add value to the destination and community.	25%
Customer Service; including tools to measure customer satisfaction, improvements, and ongoing surveys.	10%

12. Tenderers were also asked to provide a schedule of passenger fare rates for proposed routes and for various fare classes. This schedule of proposed fares will be incorporated into any contractual agreement in order to monitor the level of fares being charged.

COMMENT

13. A key required outcome of the RFT process is that an Airport Bus Shuttle service meets every scheduled RPT flight to Learmonth Airport and that services locations within the Shire of Exmouth. This is currently not guaranteed by any of the ground based operators.
14. The most recent RPT air schedule includes 8 return flights per week (2 flights per day each Wednesday). The early morning Wednesday flight arrives to Learmonth Airport at 0710am and turnaround of 4½ hours with a departure time of 1150am. Likewise the second flight on Wednesday arrives 1205pm and departs just over 3 hours later at 1515pm. On Fridays the RPT flight arrives 1045am and departs 5 hours later at 1515pm. These extended times on the apron between the aircraft arriving and departing is not typical for regional airports and is a result of the required passenger transfers via the heliport service for resource company clients.
15. An unintended consequence of these extended layovers by the aircraft has increased operational costs to local airport service providers (bus shuttle and hire car operators) requiring multiple trips between town and the airport and increased staffing hours. These increased costs combined with the 36km one-way travel distance has resulted in an unsustainable ground shuttle service.
16. As per the RFT the minimum requirement is that the successful operator must provide an Airport Bus Shuttle Service to meet every scheduled arriving Regular Public Transport (RPT) flight to Learmonth Airport and that services locations within the Shire of Exmouth.
17. In recognition of meeting the minimum required level of service the Shire may award an exclusive right to the successful Tenderer for all walk up and non-pre-booked shuttle service demand by RPT scheduled flight passenger arrivals for transport to locations within the Shire of Exmouth for the period of the agreement.
18. Three separate enquiries were registered as part of the RFT process and one compliant submission and one alternate tender were received by the closing date 5 January 2021. The RFT also made provision for the tenderer to detail a monthly fee to be paid by the Shire if required by the tenderer.
19. The tenders were assessed by a Shire of Exmouth evaluation panel comprising the Executive Manager Commercial and Community and the Aviation Manager.
20. The Regional Price Preference Policy was included as part of this tender. One tender and the alternate tender were eligible for the application of the Policy and this was considered in the evaluation.

CONSULTATION

21. The RFT was publicly advertised via Pilbara News and the West Australian newspapers as per local government regulations.

STATUTORY ENVIRONMENT

22.

- Local Government Act 1995 s3.57
- Local Government (Functions & General) Regulations 1996 Part 4 Division 2
- Local Government Act 1995 s5.23 subsection 2

POLICY IMPLICATIONS

23.

- Policy 2.7 – Purchasing Policy
- Policy 2.12 – Regional Price Preference Policy

FINANCIAL IMPLICATIONS

24. The preferred tenderer will require an annual operational subsidy paid by the Shire. This will require budgeting for on an annual basis.

RISK MANAGEMENT

25. The following risks and mitigation have been identified.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance & Reputational; the ground shuttle service is unviable based on current aircraft frequency and schedules and there is significant operational and reputation risk to the Shire if a guaranteed service is not provided.	Almost certain	Moderate	High	The Shire awards the contract that may require a financial subsidy to ensure service delivery.
Performance & Reputational; Council may decide not to award a service agreement with a provider and a regular service would not be guaranteed.	Possible	Moderate	Medium	Undertake extensive and ongoing communication with community and travelling public that a shuttle service is not guaranteed.

ALTERNATE OPTIONS

26. Council may decide not to award a contract to ensure guaranteed ground shuttle service delivery. An extensive and ongoing communication plan would need to be implemented as well as a management process for Shire airport staff to handle stranded arriving passengers.

STRATEGIC ALIGNMENT

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
- 1.2 Facilitate the strengthening and growth of our visitor experience.
 - 1.3 Enable the provision of essential infrastructure that will support investment and diversify our economy.

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

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

VOTING REQUIREMENTS

28. Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.3.1

That Council:

1. AWARD the contract for Tender 10/2020 – Airport Shuttle Bus Service as per the recommendation in the Confidential Evaluation Report – RFT 10/2020 (refer Confidential Attachment 1); and
2. Record the recommendation for Tender 10/2020 as provided in the Confidential Evaluation Report in the meeting minutes.

COUNCIL RESOLUTION

ITEM 12.3.1

Res No: 17-0221

MOVED: Cr Lucas

SECONDED: Cr Lake

That Council:

1. **AWARD the contract for Tender 10/2020 – Airport Shuttle Bus Service as per the recommendation in the Confidential Evaluation Report – RFT 10/2020 (refer Confidential Attachment 1); and**
2. **Tender 10/2020 - Airport Shuttle Bus Service as per the recommendation in the Confidential Evaluation Report be awarded to Exmouth Bus Charters.**

CARRIED by ABSOLUTE MAJORITY 4/0

Cr Mounsey returned to the Chambers at 4.49pm.

12.3.3 NINGALOO AQUARIUM AND TURTLE REHABILITATION CENTRE PROPOSAL

File Reference:	CP.US.3
Reporting Officer:	Executive Manager Commercial & Community
Responsible Officer:	as above
Date of Report:	15 February 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Officer NATRC Proposal Report 2. Conceptual Plans

PURPOSE

1. That Council consider the Ningaloo Aquarium and Turtle Rehabilitation Centre (NATRC) proposal plans for location at the Ningaloo Centre.
2. The proposal is only at conceptual phase and Shire officers are seeking Council direction to progress to business and operational model investigation based on agreed conditions.

BACKGROUND

3. Turtles are prevalent in high numbers within the marine environment surrounding Exmouth.
4. The beaches of the Ningaloo Coast are important nesting grounds for green, loggerhead and hawksbill turtles and considered some of the largest and healthiest in Australia.
5. All turtle species within Western Australia are classified either threatened or endangered and there currently are no purpose-built turtle rehabilitation/hospital facilities operating in Western Australia.
6. Currently injured turtles are taken to temporary facilities located in Broome, Perth or Bunbury or if cannot be appropriately housed then left in their natural environment.
7. Exmouth is home to an energetic local group called the Ningaloo Sea Turtle Rehabilitation Centre Inc. (NSTRC). Although the group's name suggest a facility already exists the housing of injured animals has been undertaken only at private residences in temporary facilities.
8. Since 2019 the NSTRC group has successfully rehabilitated and released 17 turtles. The group is entirely voluntary and attract significant community and public support and interest in particular around successful animal release events.
9. The NSTRC have established working relationships with the local DBCA office and the Minderoo Foundation and all stakeholders are keen to investigate permanent turtle rehabilitation facilities within the region.

10. The Department Biodiversity Conservation & Attractions (DBCA) are the authorised management body once an injured turtle is reported and will attempt to treat and house where available.
11. Local DBCA officers have expressed a need for a permanent rehabilitation facility in Western Australia and believe the Ningaloo region is an ideal location being central to the remainder of the state and also boasting key turtle populations within its area.
12. The Ningaloo Sea Turtle Rehabilitation Centre have requested the Shire assist in providing a permanent facility to rehabilitate sick and injured turtles.

COMMENT

13. As per the attached officer report there is strong rationale for the integration of a Sea Turtle rehabilitation facility as part of the current Ningaloo Aquarium visitor facility.
14. A key benefit of this approach to the Ningaloo Aquarium and Discovery Centre would add a strong conservation perception and education component to the current visitor experience.
15. The integration of a turtle rehabilitation facility would also increase the level of current local community engagement for the Ningaloo Centre.
16. From roughly November to February each year mature female turtles lay eggs along the Ningaloo coastline and six weeks later (January through to March) turtle hatchlings emerge to begin life in the ocean. There is tremendous opportunity to develop a unique visitor experience around this activity in a typically quiet shoulder and low tourism period. The proposed integration of the turtle rehabilitation facility would complement the development of this sub-industry tourism sector.
17. Shire officers have developed the attached concept proposal for Council consideration in response to requests from the local NSTRC group. Members of the NSTRC are aware that this proposal is being presented to Council however have not been part of the conceptual design process nor reviewed the attached plans
18. The proposal is at preliminary stage only and is recommended for further investigation based on the following conditions;
 - a. All required project capital funding to be sourced from third party sources. That is, no Shire funds will be requested for capital costs, and
 - b. A detailed business case and operational model to be presented for Council to further consider including financial forecasts for ongoing operations, staffing and maintenance.

CONSULTATION

19.
 - The Ningaloo Sea Turtle Rehabilitation Centre group
 - Department Biodiversity Conservation and Attractions – Exmouth office.

STATUTORY ENVIRONMENT

20. Nil

POLICY IMPLICATIONS

21. Nil

FINANCIAL IMPLICATIONS

22.

- The Shire has expended a total of \$828 to date on the development of the conceptual plans.
- Funding for further business case and operational feasibility will be sourced from third party sources.
- As per the officer recommendation a key condition for project progression will be all capital funding sourced from third party sources.

RISK MANAGEMENT

23. The following risks have been identified and assessed.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance; a general zoos and aquarium trend is for facilities such as the Ningaloo Aquarium and Discovery Centre to demonstrate strong conservation value moving into the future	Likely	Moderate	Medium	The NADC to investigate and plan to add facilities and programs that boast strong conservation credentials.
Financial; there may be ratepayer opposition to committing Shire funds to capital and increased ongoing operational costs in rehabilitation facility is included as part of the NADC.	Almost certain	Moderate	High	Council approve the further investigation based on stated conditions of no shire funds to capital and strong business case demonstrating a nett positive cashflow position
Reputational; risk attached to Council not supporting the further investigation	Possible	Moderate	Medium	Council approve officer recommendation with stated conditions to progress further investigation.

ALTERNATE OPTIONS

24. Council may elect to not support the progression of the project investigation and/or alter the approval conditions.

STRATEGIC ALIGNMENT

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

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

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

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

- 2.2 Strive to achieve a balance between the preservation of our unique environment and the delivery of sustainable economic growth.
- 2.3 Advocate and promote opportunities for the development of environmentally sustainable essential infrastructure and services

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

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

26. Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.3.3

That Council AUTHORISE the Shire of Exmouth CEO to continue to investigate the business case for the Ningaloo Aquarium and Turtle Rehabilitation Centre subject to the following conditions;

1. All required project capital funding to be sourced from third party sources, and
2. A detailed business case and operational model to be presented for Council to consider including financial forecasts for ongoing operations, staffing and maintenance.

COUNCIL RESOLUTION

ITEM 12.3.3

Res No: 18-0221

MOVED: Cr Niikkula

SECONDED: Cr Dixon

AMENDED MOTION – Cr Lucas

Remove item 1 from the recommendation.

SECONDED – Cr Mounsey

That Council AUTHORISE the Shire of Exmouth CEO to continue to investigate the business case for the Ningaloo Aquarium and Turtle Rehabilitation Centre and seek third party funding for a detailed business case and operational model to be presented for Council to consider including financial forecasts for ongoing operations, staffing and maintenance.

**CARRIED by ABSOLUTE MAJORITY 4/1
Cr Lake VOTED AGAINST**

Executive Manager Community and Commercial thanked Ningaloo Centre Curator for his work in this space to date. He also acknowledged the work by the Aviation Manager with Report 12.3.2 – Qantas Airways Ltd Sublease within Learmonth Terminal and the Manager Community, Sport and Recreation for the work he has done in relation to Report 12.3.5 – Gascoyne Games.

Councillor Lucas acknowledged the work by the Ningaloo Sea Turtle Rehabilitation Centre group.

12.3.4 REQUEST FOR TENDER – RFT 05-2020 PUBLIC JETTIES AND GANGWAYS EXMOUTH MARINA VILLAGE

Cr Lucas declared a financial interest in this report and left the Chambers at 5.15pm.

File Reference:	CM.TE.05.2020
Reporting Officer:	Building Surveyor
Responsible Officer:	Executive Manager Commercial and Community
Date of Report:	15 February 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Confidential Evaluation Report – RFT05-2020

PURPOSE

1. To consider the outcome of the Public Jetties and Gangways Exmouth Marina Village Request for Tender 05-2020.

BACKGROUND

2. Council owns Lot 72 (1) Marlin Terrace in freehold which has installed Piles to suit eight (8) Jetties and Gangways.
3. Council also has a Management Order on Lot 73 Marlin Terrace for the purpose of marine management with installed Piles to suit one (1) additional Jetty and Gangway.
4. At the Ordinary Council Meeting (OCM) held on the 23 July 2020, Council adopted its annual 2020/21 budget which included an allocation of \$350,000 for the installation of eight (8) Jetties on waterfront property Lot 72 (1) Marlin Terrace. At that time the Shire was not aware of the additional jetty opportunity held under a separate management order. This additional jetty was included in the Request for Tender process to provide Council with the opportunity to include jetty installations for all nine (9) locations if supported.
5. The Request for Tender assumed contractors would utilise the existing piles and walkway footings to Lots 72 & Lot 73 Marlin Terrace Marina Village Exmouth.
6. The Shire of Exmouth advertised in the West Australian newspaper 21/10/2020 seeking Tenders from suitably experienced and qualified contractors for the design, construct and installation of nine floating pontoons, gangways, security gates and lifting poles and associated mooring collars.

COMMENT

7. A Request for Tender process was undertaken seeking suitably experienced and qualified contractors for the design, construct and installation of nine (9) floating pontoons, gangways, security gates, lifting poles and associated mooring collars.

8. The RFT assumed contractors would utilise the existing piles and walkway footings to Lots 72 and Lot 73 Marlin Terrace Marina Village Exmouth.
9. Tender RFT 05/2020 was advertised in The West Australian on 21 October 2020, the Pilbara News on 21 October 2020, the Shire’s website, and on the Shire’s & Library’s noticeboards from 21 October 2020.
10. Six companies, including one from Exmouth, were forwarded tender documents on request when the tender became available.
11. Six tenders were received by the tender deadline of 2.00pm on 18 November 2020.
12. The tenders were evaluated by a three-person panel of Shire officers comprising:
 - Executive Manager Commercial and Community
 - Building Surveyor
13. The tender documents were assessed for compliance against the tender’s requirements and against the qualitative criteria that were weighted as follows:

Criteria	Weighting
Relevant Experience	15%
Key Personnel Skills and Experience	5%
Tenderer’s Resources	10%
Demonstrated Understanding	10%
Price	60%

14. The confidential tender evaluation report is included as Attachment 1.

CONSULTATION

15. The RFT was publicly advertised via Pilbara News and the West Australian newspapers as per local government regulations.

STATUTORY ENVIRONMENT

16.
 - Local Government Act 1995 s3.57
 - Local Government (Functions & General) Regulations 1996 Part 4 Division 2
 - Local Government Act 1995 s5.23 subsection 2

POLICY IMPLICATIONS

17.
 - Policy 2.7 – Purchasing Policy
 - Policy 2.12 – Regional Price Preference Policy

FINANCIAL IMPLICATIONS

18. Within the Shire’s list of projects for the financial year 2020/2021, Council had approved an amount of \$350,000 at the OCM of 23 July 2020 to be provided from the Shire’s Reserves.
19. The preferred tenderer has supplied an installation cost within the budgeted amount that Council allocated for this project therefore Council does not need to approve any unallocated expenditure for this project.

RISK MANAGEMENT

20.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance (operational)	Unlikely	Minor	Low	If Council appoints a contractor company with the expertise & experience to undertake this project, then performance issues should be minimised.
Financial	Unlikely	Minor	Low	This project is based on a tender price being financially accepted and known

ALTERNATE OPTIONS

21. Council may decide not to award a contract for all or part of the nine jetty installations.

STRATEGIC IMPLICATIONS

22. This item is relevant to Council's approved Strategic Community Plan 2030 and Corporate Business Plan 2018-2022

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

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

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

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

VOTING REQUIREMENTS

23. Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.3.4

That Council:

1. Award the contract for Tender 05-2020 Public Jetties and Gangways Exmouth Marina Village as per the recommendation in the Confidential Evaluation Report – RFT 05-2020; and
2. Record the recommendation for Tender RFT 05-2020 as provided in the Confidential Evaluation Report in the OCM's minutes for the meeting.

The report was laid on the table for further investigation and will be brought back to Council for consideration.

Councillor Lucas returned to the Chambers at 5.24pm.

12.4.3 2020/21 BUDGET REVIEW

File Reference:	FM.FL.0
Reporting Officer:	Executive Manager Corporate Services
Responsible Officer:	As Above
Date of Report:	18 February 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. 2020/21 Budget Review

PURPOSE

1. That Council adopt the proposed budget amendments in the 2020/21 Budget Review as per Attachment 1.

BACKGROUND

2. Council is required to carry out a review of its annual budget between 1 January and 31 March in each financial year for that year in accordance to Section 33A of the *Local Government (Financial Management) Regulation 1996*. The review of an annual budget for a financial year must:
 - a. Consider the local government's financial performance in the period beginning 1 July and ending no earlier than 31 December in that financial year; and
 - b. Consider the local government's financial position as at the date of the review; and
 - c. Review the outcomes for the end of that financial year that are forecast in the budget.

COMMENT

3. The original 2020/21 budget was adopted at the Ordinary Council Meeting held on 23 July 2020 which projected a surplus of \$47,432. The budget also included amounts of \$5.9m in capital acquisitions.
4. Council also resolved that rates would remain unchanged from the 2019/20 financial year.
5. At the time of adopting the 2020/21 budget the carried forward surplus from 2019/20 was \$2,642,432 however, the audited financial statements recognised the total surplus of \$2,691,280.
6. The budgeted closing position for the 2020/21 will increase from a surplus of \$47,432 to a forecast surplus of \$64,280.

BUDGET COMMENTARY ON KEY MOVEMENTS

7. Following a mid-year review by Executive Managers and Managers the following adjustments are being put to Council for consideration and adoption. These recommendations have taken consideration into the timing of movements as identified at 31 December 2020.

Statement of Financial Activity for the period ended 31 December 2020

	Adopted Budget	Budget Amendment	Revised Budget	YTD Actual
	\$		\$	\$
Opening Funding Surplus / (Deficit)	2,642,432	48,848	2,691,280	2,691,280
Revenue from operating activities	11,449,000	1,189,500	12,638,500	9,033,570
Expenditure from operating activities	(15,759,000)	(147,000)	(15,906,000)	(7,629,978)
Non-cash amounts excluded from operating activities	3,607,000	1,079,000	4,686,000	2,770,126
Amount attributable to operating activities	(703,000)	2,121,500	1,418,500	4,173,718
Investing activities				
Non-operating grants, subsidies and contributions	2,659,000	672,500	3,331,500	495,327
Proceeds from disposal of assets	200,000	0	200,000	0
Payments for property, plant and equipment	(5,900,000)	(1,250,000)	(7,150,000)	(1,562,447)
Amount attributable to investing activities	(3,041,000)	(577,500)	(3,618,500)	(1,067,120)
Financing Activities				
Proceeds from new debentures	0	540,000	540,000	0
Transfer from reserves	2,385,000	34,000	2,419,000	0
Proceeds from community loans	23,000	0	23,000	17,450
Repayment of debentures	(232,000)	0	(232,000)	(114,823)
Transfer to reserves	(1,027,000)	(2,150,000)	(3,177,000)	(20,568)
Amount attributable to financing activities	1,149,000	(1,576,000)	(427,000)	(117,941)
Closing Funding Surplus / (Deficit)	47,432	(16,848)	64,280	5,679,937

8. Council's operational revenue is currently \$9m which is \$950k over the projected YTD forecast. An increase to the budget of \$1.2m is proposed. This is predominantly as a result of additional grant funding, an increase to exhibition revenue, airport operations, visitor centre and overflow income and the sale of Council's Heron Way properties.
9. Operational expenditure is currently \$7.6m which is \$345k under the projected YTD forecast. This variance is expected to be timing related between peak and off-peak work being performed. There is an increase of \$147k proposed. There is a slight increase to materials and contracts, but the majority of the increase is related to utility costs. There was an expected saving for 6 months expected from the solar project, however this project has been delayed. This adjustment brings utilities back into line with previous year's expenditure.
10. Non-operating grants, subsidies and contributions is expecting an additional \$672k. This type of funding is usually dependant on council achieving milestones, which affects the timing of payments being received by Council.
11. Capital acquisitions is currently \$1.5m and there is a proposed increase of \$1.25m. These changes are:
 - \$540k for staff housing as per resolution 04-0820.
 - \$31k decrease to the recycling solution for baler and shed.
 - \$75k increase to recycling infrastructure as per resolution 16-1220.

- \$20k increase for Fairy Queen project.
- \$350k decrease to bike facility, which is moved to next year's budget.
- \$46k increase to recreation centre upgrade due to additional funding being secured.
- \$728k increase to Town Beach upgrade.
- \$6k increase for goal posts as per resolution 10-0820.
- \$100k decrease for art festival
- \$150k decrease to skate park upgrade. Moved to next year's budget.
- \$40k increase to plant replacement for additional vehicle.
- \$25k increase for airport vending machine as per resolution 14-0820.
- \$10k decrease to airport compressed air fire system.
- \$245k increase for screening point upgrade.
- \$50k increase to aerodrome taxi way upgrade.
- \$38k increase for VMS trailer as per resolution 13-0820.
- \$77k increase for overflow transportable as per resolution 13-0820.

12. It is also proposed that Council make the following reserve transfers:

- \$350k to unspent grants for the bike facility and skate park funding not being spend this financial year.
- \$500k to the Roads Reserve.
- \$50k to the Plant Reserve.
- \$50k to the Tourism Reserve. (Shire's contribution to NTAG)
- \$1.3m to Land Acquisition and Disposal Reserve for the Heron Way Properties.

13. These proposed changes will increase the budgeted closing position for the 2020/21 financial year from a surplus of \$47,432 to a forecast surplus of \$64,280 and it is anticipated as future expenditure and revenue expectations are refined and additional information is received this surplus may move.

CONSULTATION

14.

- Managers
- Executive Managers
- CEO
- Councillors

STATUTORY ENVIRONMENT

15. Local Government (Financial Management) Regulation 1996.

POLICY IMPLICATIONS

16. Nil

FINANCIAL IMPLICATIONS

17. The proposed adjustments will move the surplus to \$64,280.

RISK MANAGEMENT

18. Insert identified risks implications

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational/Performance That Council does not adopt the reviewed budget as set out in section 33A LG (Financial Management) Regulation 1996	Possible	Moderate	Medium	That Council adopts/amends the proposed budget review.

ALTERNATE OPTIONS

19. Council may determine to alter the proposed budget amendments in the 2020/21 Budget Review.

STRATEGIC ALIGNMENT

20. 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

21. Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.4.3

That Council ADOPT the proposed budget amendments in the 2020/21 Budget Review as per Attachment 1.

COUNCIL RESOLUTION

ITEM 12.4.3

Res No: 19-0221

MOVED: Cr Lake

SECONDED: Cr Dixon

That Council ADOPT the proposed budget amendments in the 2020/21 Budget Review as per Attachment 1.

CARRIED by ABSOLUTE MAJOITY 5/0

The Shire President and Councillor Lake thanked the Executive Manger Corporate Services for all his work preparing this review and acknowledged the high level of information provided to Councillors.

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

13.1 COUNCILLOR LAKE: TO DETERMINE THE NEED FOR A HIGH LEVEL HEALTH CARE HOME FOR THE AGED IN EXMOUTH

Motion

To determine the need for high level care-accommodation for the aged in Exmouth, so these members of our community can remain nearby to their associated families and support groups.

That Council request the Chief Executive officer to:

1. Assign funding for an appropriate consultancy to assess the need for high level care - accommodation for the aged in Exmouth including a capacity for respite.
2. Commence the appointment process of a suitable consultancy within the next 6 months, to conduct that assessment.

COUNCIL RESOLUTION

ITEM 13.1

Res No: 20-0221

MOVED: Cr Lake

SECONDED: Cr Mounsey

That Council request the Chief Executive officer to:

- 1. Assign funding for an appropriate consultancy to assess the need for high level care - accommodation for the aged in Exmouth including a capacity for respite.**
- 2. Commence the appointment process of a suitable consultancy within the next 6 months, to conduct that assessment.**

CARRIED by ABSOLUTE MAJORITY 5/0

The Shire President, Councillor Mounsey and Councillor Lucas congratulated Councillor Lake on such a great initiative and for bringing it to the attention of Council.

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

14.1.1 CHIEF EXECUTIVE OFFICER RECRUITMENT

File Reference:	PE.RE.14
Reporting Officer:	Executive Officer Corporate Services
Responsible Officer:	As above
Date of Report:	24 February 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Chief Executive Officer Position Description

PURPOSE

1. That Council approves the Chief Executive Officer (CEO) position description attached, which outline the qualifications, selection criteria and responsibilities of the position.

BACKGROUND

2. On Friday 11th December 2020, the CEO provided to the Shire President, an official letter of resignation due to accepting a role with another Local Government. As per the CEO's contract of employment he is to give 3 months' notice, therefor making his last day of employment March 5th 2020.
3. At the Council meeting held on 17 December council moved the following resolution:

COUNCIL RESOLUTION

ITEM 14.1.1

Res No: 21-1220

MOVED: Cr Mounsey

SECONDED: Cr Lucas

That Council:

1. **Endorse the attached Request for Quotation and its immediate release to market to assist with the recruitment of a CEO.**
2. **Authorise the expenditure of up to \$45,000 for the CEO recruitment process for a Chief Executive Officer.**
3. **Delegate Executive Manager Commercial and Community as Acting CEO for the period between the Existing CEO finishing and the new CEO starting.**

CARRIED by ABSOLUTE MAJOIRTY 6/0

4. The Request for Quotation has been completed and Mills Recruiting was appointed to assist with the recruitment of the CEO.

COMMENT

5. Mills Recruiting has been appointed to assist Council with the CEO recruitment process, as it was deemed to be a suitably qualified recruiting specialist with the required expertise to assist council with the recruitment of a CEO.
6. Councillors with the assistance of Mills Recruitment have considered the CEO's legislated powers and functions and their role as the head of the administrative arm. They also considered the needs of the community, by utilising the strategic community plan to identify key areas. It also looked at the specific skills and experiences that will be required of the CEO to be successful in this role and meet community and councils' expectations.
7. It is Council's view that these requirements are reflected in the attached position description and sets out the essential skills, qualifications, selection criteria and responsibilities to be able to recruit the CEO that would best suit the Shire of Exmouth's needs.
8. Once the position description is adopted, it would allow Council to progress to advertising and interviewing for the CEO position and clearly outlining the skills needed by potential applicants.

CONSULTATION

9. Mills Recruiting
10. Councillors

STATUTORY ENVIRONMENT

- Local Government Act 1995 5.36(2)(a) and(b),
- Sections 5.37, 5.39 & 5.40
- Local Government (Administration) Regulations 1996 Part 4 section 18A-18G and 19A
- Local Government Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination
- Salaries and Allowances Tribunal Determination 8 April 2020. (Note: the 2021 Determination is expected later this year)

POLICY IMPLICATIONS

11. Nil

FINANCIAL IMPLICATIONS

12. Nil

RISK MANAGEMENT

13. Insert identified risks implications

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance / Finance The risk of delaying the recruitment is in the non-achievement of corporate and strategic objectives in the times prescribed.	Likely	Moderate	Medium	Immediate release of RQF for Executive Recruitment Services. Appoint Acting CEO to ensure continuation of business during recruiting.
Reputational If a suitably qualified recruitment specialist is not contracted a suitable candidate may not be appointed.	Likely	Moderate	High	Engage suitably qualified recruitment specialist to ensure the best possible applicant is selected.

ALTERNATE OPTIONS

14. Council may elect not to adopt the attached position description.

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.

4.3 To be a champion for our community

VOTING REQUIREMENTS

16. Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 14.1.1

That Council APPROVES the Chief Executive Officer position description attached, which outline the qualifications, selection criteria and responsibilities of the position.

COUNCIL RESOLUTION

ITEM 14.1.1

Res No: 21-0221

MOVED: Cr Dixon

SECONDED: Cr Lucas

That Council APPROVES the Chief Executive Officer position description attached, which outline the qualifications, selection criteria and responsibilities of the position.

CARRIED by ABSOLUTE MAJORITY 5/0

14.1.2 NEW MODEL CODE OF CONDUCT – APPOINTMENT OF COMPLAINTS OFFICER AND ADOPTION OF COMPLAINTS FORM

File Reference:	CM.PO.11
Reporting Officer:	Executive Secretary
Responsible Officer:	Chief Executive Officer
Date of Report:	24 February 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Complaint Form 2. Guidelines on the Model Code of Conduct for Members Committee Members and Candidates

PURPOSE

1. That Council approve the appointment of the Chief Executive Officer as the Complaints Officer and adopt the complaint form (Attachment 1) in accordance with the *Local Government (Model Code of Conduct) Regulations 2021*.

BACKGROUND

2. On 3 February 2021 the *Local Government (Model Code of Conduct) Regulations 2021* (Model Code Regulations) came into effect.
3. Local Governments are now required to adopt a Code of Conduct for Council Members, Committee Members and Candidates that incorporates the Model Code of Conduct within three months of the Regulations coming into operation (by 3 May 2021).
4. To account for any breaches occurring on and from the first day that the Regulations take effect, local governments must authorise as soon as practical (by 24 February 2021), at least one person to receive complaints.

COMMENT

5. Until such time as a local government adopts the Code, the Model Code applies. To begin implementation of the Model Code, local governments must:
 - appoint a person to receive complaints by either affirming the current complaint officers or appoint a new or additional officer(s), and
 - approve a form for complaints to be lodged.
6. In accordance with section 5.104(5), the Model Code applies until the local government adopts it as their Code. This means that the principles, behaviour requirements and rules of conduct of the Regulations apply to council members, committee members and candidates even though the local government has not yet adopted the Model Code.

CONSULTATION

7. Nil

STATUTORY ENVIRONMENT

8. Local Government Act 1995

5.104 -Adoption of model code of conduct

5) *The model code is taken to be a local government's adopted code of conduct until the local government adopts a code of conduct.*

9. Local Government (Model Code of Conduct) Regulations 2021, Clause 11 (2)(a)(3)

11. Compliant about alleged breach

2) *A complaint must be made –*

a. in writing in the form approved by the local government.

3) *The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.*

POLICY IMPLICATIONS

10. Council Policy 1.18 Code of Conduct for Employee, Elected Members and Committee Members must be repealed, as the Act and Regulations now stipulates there are to be at least two separate Codes, one for Council Members, Committee Members and Candidate and another for local government employees.

FINANCIAL IMPLICATIONS

11. Nil

RISK MANAGEMENT

12. Nil

ALTERNATE OPTIONS

13. As the requirement to appoint a Complaints Officer and approve a complaints form are mandatory there are no alternate options that could be considered.

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.

4.3 To be a champion for our community

VOTING REQUIREMENTS

15. Simple Majority

OFFICER'S RECOMMENDATION

ITEM 14.1.2

That Council:

1. AFFIRM the Chief Executive Officer as the person to receive complaints and withdrawal of complaints, as required under clause 11 (3) of the *Local Government (Model Code of Conduct Regulations 2021)*;
2. ENDORSE the Shire of Exmouth Complaint About Alleged Breach Form - Code of Conduct for Council Member, Committee members and Candidates, as per Attachment 1; and
3. RESCIND Council Policy 1.18 Code of Conduct for Employee, Elected Members and Committee Member.

COUNCIL RESOLUTION

ITEM 14.1.2

Res No: 22-0221

MOVED: Cr Niikkula

SECONDED: Cr Lucas

That Council:

1. **AFFIRM the Chief Executive Officer as the person to receive complaints and withdrawal of complaints, as required under clause 11 (3) of the *Local Government (Model Code of Conduct Regulations 2021)*;**
2. **ENDORSE the Shire of Exmouth Complaint About Alleged Breach Form - Code of Conduct for Council Member, Committee members and Candidates, as per Attachment 1; and**
3. **RESCIND Council Policy 1.18 Code of Conduct for Employee, Elected Members and Committee Member.**

CARRIED 4/1

CARRIED by ABSOLUTE MAJORITY

Cr Mounsey VOTED AGAINST

15. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS

Nil

16. CLOSURE OF MEETING

The Shire President closed the meeting at 5.45pm, and thanked the members of the gallery for their attendance.