

Shire of Exmouth

ORDINARY COUNCIL MEETING

AGENDA



22 April 2021

NOTICE OF MEETING

Notice is hereby given that the

Shire of Exmouth
Ordinary Council Meeting
will be held on
22 April 2021

Commencing at 4.00pm

In the Mandu Mandu Function Room, Ningaloo Centre,
2Truscott Crescent, Exmouth

Matthew Bird
Acting Chief Executive Officer

Disclaimer

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

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

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

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

Shire of Exmouth

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

Disclosure of Interest Form

(Elected Members/Committee Members/Employees/Contractors)

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

To: Chief Executive Officer

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

Report No _____

Report Title _____

Name _____

- Elected Member
- Committee
- Employee
- Contractor

Type of Interest (*see overleaf for further information)

- Proximity
- Financial
- Impartiality

Nature of Interest

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

Name: _____ Signed: _____ Date: _____

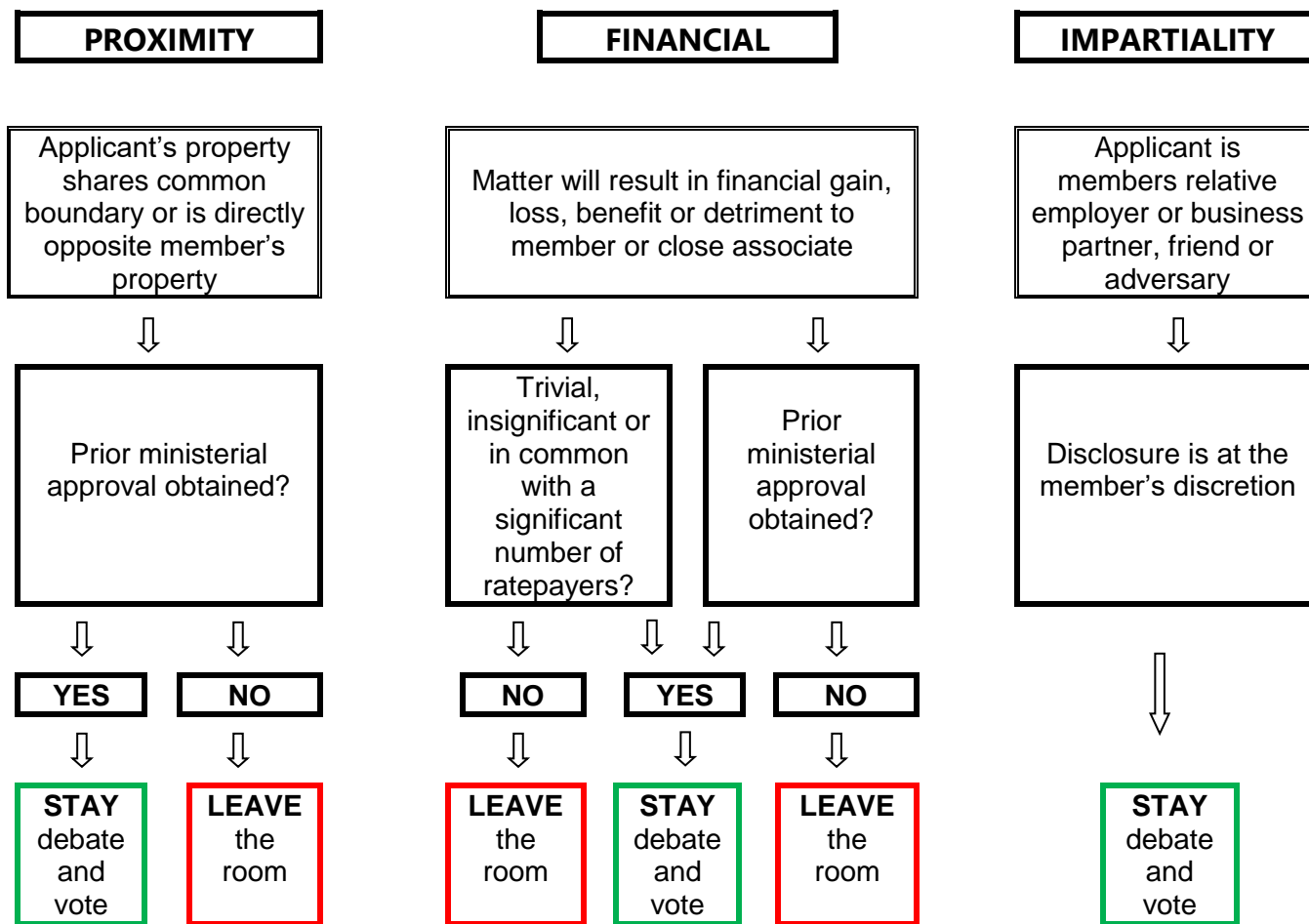
Note 1: For Ordinary meetings of Council, elected members and employees are requested to submit this completed form to the Chief Executive Officer prior to the meeting. Where this is not practicable, disclosure(s) must be given to the Chief Executive Officer prior to the matter being discussed.

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

OFFICE USE ONLY

CEO: _____ Signed: _____ Date: _____

*** Declaring an Interest**



Local Government Act 1995 - Extract

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

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

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

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

5.71 - Employees to disclose interests relating to delegated functions.

If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and:

- (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter. (Penalties apply)

'Local Government (Administration) Regulations 1996 – Extract

In this clause and in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996:
"Interest" means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

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AGENDA

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

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 XX

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

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

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

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

Councillor M (Matthew) Niikkula	Shire President
Councillor B (Ben) Dixon	Deputy Shire President
Councillor G (Gary) Mounsey	
Councillor H (Heather) Lake	
Councillor M (Mark) Lucas	
Councillor A (Anne) McCarrol	
Mr M Bird	Acting Chief Executive Officer
Mr M Richardson	Executive Manager Development Services

Mr R McGrath

Acting Executive Manager Commercial and
Community

Mr G Coetzee

Executive Manager Corporate Services

Ms Head

Minute Clerk

GALLERY

APOLOGIES

LEAVE OF ABSENCE

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTIONS TIME

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

Council Consideration Towards Public

When public questions necessitate resolutions of Council, out of courtesy and at the President discretion the matter is to be dealt with immediately to allow the public to observe the determination of the matter (obviates the need for the public to wait an undetermined period of time).

When a matter is listed on the Agenda and member/s of the public are in attendance to observe the determination of the matter, out of courtesy and at the discretion of the President the matter is to be brought forward on the agenda and dealt with immediately to allow the public to observe the determination of the matter (again this obviates the need for the public to wait an indeterminate period of time).

5. DECLARATIONS OF INTEREST

6. APPLICATIONS FOR LEAVE OF ABSENCE

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

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

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

That the Minutes and associated attachments of the Ordinary Meeting of the Shire of Exmouth held on the 25 March 2021 be confirmed as a true and correct record of proceedings.

8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS

9. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

A deputation request has been received and approved by:

- Gascoyne Gateway Limited, Mr Michael Edwards and Daniel Jackson
- Minderoo Foundation, Mr Tony Worby

11. MATTERS ARISING FROM COMMITTEES OF COUNCIL

Nil

12. REPORTS OF OFFICERS

EXECUTIVE SERVICES

12.1.1 NEW COUNCIL POLICY - SHIRE OF EXMOUTH STANDARDS FOR CEO - RECRUITMENT, PERFORMANCE AND TERMINATION

File Reference:	CM.PO.11
Reporting Officer:	Manager Human Resources and Governance
Responsible Officer:	Acting Chief Executive Officer
Date of Report:	12 April 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none">1. New Council Policy 1.25 - Shire of Exmouth Standards for CEO Recruitment, Performance and Termination2. Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination

PURPOSE

1. That Council adopt new Council Policy 1.25 Shire of Exmouth Standards for Chief Executive Officer (CEO) Recruitment, Performance and Termination in accordance with Section 5.39B of the *Local Government Act 1995* and outlined in the *Local Government (Administration) Amendment Regulations 2021 (Schedule 2)*.

BACKGROUND

2. Key reforms under the *Local Government (Administration) Amendment Regulations 2021 (Amendment Act)* included the introduction of model standards for the recruitment and selection, performance review and termination of Local Government CEOs (Model Standards).
3. In accordance with Section 5.39B of the *Local Government Act 1995*, within 3 months after the day (by 3 May 2021) the Model Standards come into operation local governments must prepare and adopt the model standards to be observed by the local government.

COMMENT

4. The *Local Government (Administration) Amendment Regulations 2021* are intended to ensure best practice and greater consistency in the recruitment and selection, performance review and termination of Local Government CEO's between local governments.
5. The Department of Local Government, Sport and Cultural Industries (DLGSC) has published a document titled "Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination" (February 2021).

CONSULTATION

- Western Australia Local Government Association (WALGA)

STATUTORY ENVIRONMENT

- Local Government Act 1995*
- Local Government (Administration) Amendment Regulations 2021*

POLICY IMPLICATIONS

- New Council Policy

FINANCIAL IMPLICATIONS

- Nil

RISK MANAGEMENT

- Identified risk:

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance (operational)/Reputational Council does not adopt the new model standards	Unlikely	Moderate	Medium	Adopt and publish the Model Standards

ALTERNATE OPTIONS

- Vary the proposed Shire of Exmouth Standards for CEO Recruitment, Performance and Termination as outlined in the *Local Government (Administration) Amendment Regulations 2021 (Schedule 2)* by adding additional requirements.

STRATEGIC ALIGNMENT

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

VOTING REQUIREMENTS

- Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.1.1

That Council:

- ADOPT new Council Policy 1.25 - Shire of Exmouth Standards for CEO Recruitment, Performance and Termination as provided at Attachment 1; and
- PUBLISH new Council Policy 1.25 - Shire of Exmouth Standards for CEO Recruitment, Performance and Termination on the Shire of Exmouth website.

12.1.2 NEW COUNCIL POLICY - SHIRE OF EXMOUTH CODE OF CONDUCT FOR COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES

File Reference:	CM.PO.11
Reporting Officer:	Manager Human Resources and Governance
Responsible Officer:	Acting Chief Executive Officer
Date of Report:	12 April 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none">1. New Council Policy 1.26 - Shire of Exmouth Code of Conduct for Council Members, Committee Members and Candidates.2. Guidelines on the Model Code of Conduct for Council Members, Committee Members and Candidates (DLGSC) March 2021

PURPOSE

1. That Council adopt new Council Policy 1.26 - Shire of Exmouth Code of Conduct for Council Members, Committee Members and Candidates in accordance with Section 5.104 of the *Local Government Act 1995* and outlined in the *Local Government (Model Code of Conduct) Regulations 2021 (Schedule 1)*.

BACKGROUND

2. Key reforms under the *Local Government (Administration) Amendment Regulations 2021* (Amendment Act) include the introduction of a Model Code of Conduct that must be adopted by local governments and applied to council members, committee members and candidates.
3. On 3 February 2021 the *Local Government (Model Code of Conduct) Regulations 2021* (Model Code of Conduct Regulations) came into effect which makes provisions for council members, committee members and candidates.
4. In accordance with Section 5.104 of the *Local Government Act 1995*, within 3 months after the day (by 3 May 2021) on which the Model Code of Conduct Regulations prescribing the model code, local governments must prepare and adopt a code of conduct to be observed by council members, committee members and candidates.
5. Other key reforms under the Amendment Act include the requirement to have a separate Code of Conduct for employees, however this does not require Council endorsement.
6. The previous Shire of Exmouth Code of Conduct (Council Policy 1.18) was rescinded on 25 February 2021 by **Res No 22-0221** covered Employees, Elected Members and Committee Members.

COMMENT

7. The *Local Government (Model Code of Conduct) Regulations 2021* have been developed to give effect to the Amendment Act, and provide for:
 - overarching principles to guide behaviour;
 - behaviours which are managed by local governments; and
 - rules of conduct, contraventions of which are considered by the independent Local Government Standards Panel where appropriate.

8. The Department of Local Government, Sport and Cultural Industries (DLGSC) has published a document called “Guidelines on the Model Code of Conduct for Council Members, Committee Members and Candidates” (March 2021) which provides further information and is attached for Councillor information.

CONSULTATION

9. Western Australia Local Government Association (WALGA)

STATUTORY ENVIRONMENT

10. *Local Government Act 1995*
11. *Local Government (Administration) Amendment Regulations 2021*
12. *Local Government (Model Code of Conduct) Regulations 2021*
13. *Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021.*

POLICY IMPLICATIONS

14. New Council Policy

FINANCIAL IMPLICATIONS

15. Nil

RISK MANAGEMENT

16. Identified risk:

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance (operational)/Reputational Council does not adopt the new model code of conduct	Unlikely	Moderate	Medium	Adopt and publish the Model Code

ALTERNATE OPTIONS

17. Vary the proposed Shire of Exmouth Code of Conduct for Council Members, Committee Members and Candidates as outlined in the *Local Government (Model Code of Conduct) Regulations 2021 (Schedule 1)* by adding additional behavioural requirements.

STRATEGIC ALIGNMENT

18. 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

19. Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.1.2

That Council:

1. ADOPT new Council Policy 1.26 - Shire of Exmouth Code of Conduct for Councillors, Committee Members and Candidates as provided at Attachment 1; and
2. PUBLISH new Council Policy 1.26 Shire of Exmouth Code of Conduct adopted on the Shire of Exmouth website in accordance with section 5.104(7) of the *Local Government Act 1995*.

DEVELOPMENT SERVICES

12.2.1 ULTIMATE WATER SPORTS – REQUEST FOR ITINERANT TRADING LICENCE

File Reference:	LP.PE.0.2021
Reporting Officer:	Acting Chief Executive Officer
Responsible Officer:	As above
Date of Report:	13 April 2021
Applicant/Proponent:	Ultimate Water Sports
Disclosure of Interest:	Nil
Attachment(s):	Nil

PURPOSE

1. That Council APPROVE;
 - a) A new licence agreement with Ultimate Water Sports for use of designated space at the Town Beach precinct for the purpose of water sport equipment hire, and
 - b) The addition of the approved designated area at Town Beach for the above use.
- And;
2. AMEND
Local Planning Policy 6.9 – Itinerant Trading by adding location Town Beach Area 2 as shown in figure 1 in the Approved Locations.

BACKGROUND

3. Ultimate Water Sports is a water sport equipment hire business that has been operating at Exmouth Town Beach on a seasonal basis since the start of the 2018 visitor season.
4. Their range of hire equipment includes; jet skis, wakeboarding, stand up paddleboards (SUPs), kayaks, and electric surfboards.
5. Ultimate Water Sports are a well established business operating in South Perth, Geraldton, and Broome. They operate in Exmouth between May and October each year.
6. Ultimate Water Sports have been operating under a Trading in Public Places permit, and are now seeking approval for a licence approach to operate their equipment hire business at a location on Town Beach which is currently not approved under the Itinerant Trading Policy.
7. This report also seeks Council approval for adding the requested location (figure 1) to the Local Planning Policy - 6.9 *Itinerant Trading* y (the Policy). The Approved locations are described within the Policy and potential traders are to consider these locations in the first instance. Under this Policy additional locations can be approved by a decision of Council.



Figure 1 Town Beach Area 2

COMMENT

8. At the 22 November 2020 Ordinary Council Meeting, Council approved the revisions to the Itinerant Trading policy as per resolution 07-1120:

Res No: 07-1120

That Council APPROVE:

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

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

CARRIED by ABSOLUTE MAJORITY 6/0

9. A key component of the Policy is the ability of Council to approve a licensing arrangement option for those traders seeking terms greater than 12 months. As stated in the Policy adopted in May 2020;
10. "Approval to trade can be granted for periods ranging from 1 day to 12 months with terms greater than 12 months to be considered via a licensing arrangement and requiring Council approval on a case by case basis." (source General Provisions point 2 – 6.9 Itinerant Trading policy)
11. Also stated in the May 2020 version of the Policy is;
"A licence approach is to provide greater tenure with terms and conditions negotiated on a case by case basis. A licence approach will be subject to Policy 2.4 Leases and Licences however any itinerant trader licence will require and be subject to Council review and approval. Traders will still be required to secure all required trading permits." (source General Provisions point 7 – 6.9 Itinerant Trading policy)
12. An additional clause to the Policy was recently adopted by Council in November that included a requirement for traders to demonstrate a proven trading history of at least 12 months (or one full tourism season i.e. April to September) within the Shire of Exmouth area prior to qualifying for consideration under a licence agreement.
13. Ultimate Water Sports has been operating within Exmouth on a seasonal basis since 2018. As this request meets the requirements for a licence arrangement approach, the officer recommendation is to seek Council approval to enter into a licence agreement with Ultimate Water Sports.
14. Under the Policy, the Approved location for Town Beach is located between the two grassed park areas and largely designed to cater for food vendors. The officer recommendation is to add an additional location (figure 1) immediately to the south of the grassed areas to permit one or more hire equipment traders to operate with easier access to the beach and water.
15. Should Council support the officer recommendation and location, it is also recommended that the Policy be amended, and this be added as Town Beach Area 2 in the Approved Locations. As the area has been used for trading for a number of years by the proponent, this modification is considered a minor amendment to the Policy.

CONSULTATION

16. The Shire has consulted with Ultimate Water Sports owners in developing this request.
17. A licence arrangement does not require public advertising under the *Local Government Act 1995* section 3.58
18. This will involve a minor amendment to Local Planning Policy - 6.9 Itinerant Trading, accordingly no public consultation was undertaken or considered necessary.

STATUTORY ENVIRONMENT

19. Land Administration Act 1997
20. Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.
21. The leasing and licensing of Shire property is governed by the *Local Government Act 1995*, section 3.58.

22. Division 2 – Local planning policies of the *Planning and Development (Local Planning Scheme) Regulations 2015* set out the requirements for local planning policies (LPP), including procedures amending a LPP.

POLICY IMPLICATIONS

23. The granting of the proposed licence generally complies with Shire of Exmouth Policy Manual, Local Planning Policy - 6.9 Itinerant Trading and Policy 2.4 Leases and Licences. As per policy all new licences granted and any new locations approved under Itinerant Trading shall require approval of Council.

FINANCIAL IMPLICATIONS

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

RISK MANAGEMENT

25. Identified risks

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

ALTERNATE OPTIONS

Alternate options include but not limited to:

- 26. Council not support the granting of a licence agreement to Ultimate Water Sports, they would then need to continue to operate under the annual permit approach
- 27. Council to change the terms and conditions of the licence agreement including term and/or fees payable,
- 28. Council not approve the requested location and Ultimate Water Sports to operate in already approved areas and choose not to amend Local Planning Policy - 6.9 Itinerant Trading.

STRATEGIC ALIGNMENT

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

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

Social: To be a vibrant, passionate and safe community valuing our natural environment and unique heritage
 3.1 Explore opportunities to deliver services and facilities that attract and retain people living in the Shire.
 3.3 Champion self-supporting community clubs and associations.

VOTING REQUIREMENTS

30. Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.2.1

That Council:

1. APPROVE the area as identified in Figure 1 of this report and subsequently AMEND Local Planning Policy 6.9 – Itinerant Trading by adding the location in the Approved Locations;
2. APPROVE Ultimate Water Sports to operate at the Town Beach under an Itinerant Trading licence; and
3. AUTHORISE the Chief Executive Officer to execute a licence agreement for a term of 3 years and to apply appropriate fees and charges each year as adopted by Council in its annual review.

12.2.2 AWARD OF TENDER - RFT 07/2021 NINGALOO ROAD MAINTENANCE AND REFORMATION

File Reference:	CM.TE.07.2021
Reporting Officer:	Executive Manager Development Services
Responsible Officer:	As Above
Date of Report:	9 April 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. CONFIDENTIAL Interagency Agreement 2. CONFIDENTIAL Tender Evaluation Report

PURPOSE

1. That Council award Tender RFT 07/2021 Ningaloo Road Maintenance and Reformation as per the recommendation of the confidential tender evaluation report.

BACKGROUND

2. At its meeting 18 November 2019 Council approved the following resolution:

Res No: 08-1119

That Council resolves to APPROVE the progression of the permanent closure of Ningaloo Road, Exmouth and for the purposes of preparing and delivering a request under section 58(2) of the Land Administration Act 1997 and forward a request to the Minister by:

- a) Formally request that Ningaloo Road, be registered by Deed Poll, be closed as a public road and an 'Access' easement be created over the land parcel and that it reverts to Unallocated Crown Land;***
- b) Provide written confirmation that the local government has resolved to make the request, details of the date when the relevant resolution was passed and any other information relating to that resolution that the Minister may require;***
- c) Provide sketch plans showing the location of the road and the proposed future disposition of the land comprising the road after it has been closed;***
- d) Provide copies of any submissions relating to the request that, after complying with the requirement to publish the relevant notice of motion under section 58(3) of the Act, the local government has received, and the local government's comments on those submissions;***
- e) Provide a copy of the relevant notice of motion referred to in paragraph (c); and***
- f) Provide written confirmation that the local government has complied with section 58(2) and (3) of the Act.***

3. Shire staff have progressed the road closure, but the matter remains unresolved with Department Planning Lands and Heritage (DPLH) and during this time the Shire still retains the management responsibilities for the road.
4. Ningaloo Road also services the Department of Biodiversity, Conservation and Attractions (DBCA) campsites on its Ningaloo Coastal Reserve and DBCA is keen to improve the trafficability to its reserve.
5. Whilst the future management of the thoroughfare is determined, DBCA have been successful in attracting \$350,000 (excluding gst) funding through the State Recovery Plan as a one-off payment to carryout repairs and upgrades to the road.
6. DBCA have since approached the Shire to undertake the works on their behalf and an Interagency Agreement has been entered by both parties (Confidential Attachment 1).
7. In March 2021 the Shire advertised a Request for Tender for the works to be undertaken.

COMMENT

8. The Request for Tender was advertised 15 March 2021 through the WALGA Preferred Supplier Panel, West Australia Newspaper, Pilbara News, Shire public notice boards, Shire website and social media platforms with a closing date of Monday 6 April 2021.
9. At the close of tender 3 submissions were received and then evaluated by the Executive Manager Development Services and the Manager Works.

CONSULTATION

10. Department of Biodiversity, Conservation and Attractions
Department of Planning, Lands and Heritage

STATUTORY ENVIRONMENT

11. Section 3.57 of the *Local Government Act 1995* and the *Local Government (Function and General) Regulation 1996* Part 4, Division 2 Section 11 – 24.

POLICY IMPLICATIONS

12.
 - Council Policy 2.7 - Procurement Policy
 - Council Policy 2.12 - Regional Price Preference Policy
 - Council Policy 2.13 - Risk Management Policy
 - Council Policy 2.14 - Asset Management Policy

FINANCIAL IMPLICATIONS

13. Works to the value of \$350,000 will be funded as per the terms of the interagency agreement with DBCA at the following milestones:
 - 80% upon execution of the agreement
 - 20% upon awarding of RFT

RISK MANAGEMENT

14. Identified risks

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance (operational) Unsafe road	Almost certain	Major	High	Proposed works will improve the safety of the road
Financial Shire could be required to pay for road improvements	Likely	Major	High	DBCA have provided funds to undertake the road works
Reputational Poor road conditions will generate community and visitor complaints	Almost certain	Major	High	Road works will improve road conditions and reduce complaints

ALTERNATE OPTIONS

15. Council may refuse to award the tender.

STRATEGIC ALIGNMENT

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

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

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

1.2 Facilitate the strengthening and growth of our visitor experience.

1.3 Enable the provision of essential infrastructure that will support investment and diversify our economy.

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

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

2.2 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.

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

3.3 Champion self-supporting community clubs and associations.

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

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

VOTING REQUIREMENTS

17. Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.2.2

That Council:

1. RECEIVES funding for the contract of \$350,000 (excluding gst) as per the Interagency Agreement with Department of Biodiversity, Conservation and Attractions; and
2. AWARD the contract for Tender RFT 07/2021 Ningaloo Road Maintenance and Reformation as per the Confidential Evaluation Report; and
3. RECORD the recommendation for Tender RFT 07/2021 Ningaloo Road Maintenance and Reformation as provided in the Confidential Evaluation Report in the meeting minutes.

12.2.3 PROPOSED FINANCIAL CONTRIBUTION TO PACE RETREAT ROADWORKS

File Reference:	RD.LI.1
Reporting Officer:	Executive Manager Development Services
Responsible Officer:	As Above
Date of Report:	9 April 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. CONFIDENTIAL Attachment - Correspondence

PURPOSE

1. That Council approve unallocated budget for bitumen repairs to Pace Retreat and receive funds from Yardie Homestead Caravan Park for the work to be undertaken.

BACKGROUND

2. At its meeting 18 November 2019 Council approved the following resolution:

Res No: 09-1119

That Council resolves to APPROVE the progression of the permanent closure of Pace Retreat, Exmouth and for the purposes of preparing and delivering a request under section 58(2) of the Land Administration Act 1997 and forward a request to the Minister:

- a) Formally request that Pace Retreat, be registered by Deed Poll, be closed as a public road, an 'Access' easement be created over the land parcel and that it reverts to Unallocated Crown Land;***
- b) Provide written confirmation that the local government has resolved to make the request, details of the date when the relevant resolution was passed and any other information relating to that resolution that the Minister may require;***
- c) Provide sketch plans showing the location of the road and the proposed future disposition of the land comprising the road after it has been closed;***
- d) Provide copies of any submissions relating to the request that, after complying with the requirement to publish the relevant notice of motion under section 58(3) of the Act, the local government has received, and the local government's comments on those submissions;***
- e) Provide a copy of the relevant notice of motion referred to in paragraph (c); and***
- f) Provide written confirmation that the local government has complied with section 58(2) and (3) of the Act.***

CARRIED 6/0

3. Shire staff commenced the proposed road closure and Department of Planning Lands and Heritage (DPLH) have since provided advice they will not support the closure unless the affected landholder Yardie Homestead Caravan Park agrees to the proposal.
4. Yardie Homestead Caravan Park have previously lodged submissions opposing the closure of Pace Retreat.

COMMENT

5. As matters stand, Pace Retreat remains a local road under the management of the Shire of Exmouth. The Shire continues to have a duty of care over the road to ensure it is maintained in a safe and useable condition for public use.
6. The road is currently in poor condition with the bitumen seal badly degraded.
7. In November 2020 Shire staff planned to remove the remaining seal and revert the road back to a reformed gravel surface as a viable option to improve its trafficability and safety but these works have been delayed due to opposition from Yardie Homestead Caravan Park.
8. Recent discussions have been held with the owner of the caravan park regarding alternative road works and they have agreed to pay for repairs to the bitumen seal using the contractor the Shire has engaged for its Yardie Creek Rd works. (refer Attachment 1)
9. If Council were to endorse the proposal the Shire would fund the works and on charge the cost to Yardie Homestead who, as a condition of agreement, would need to make full payment prior to the works commencing.
10. The quotation forwarded to Yardie Homestead is \$47,500 (excluding gst).
11. Repairs to the bitumen seal would consist of reinstatement of the edges to return the road to its original one carriageway width.

CONSULTATION

12. Discussion and correspondence with DPLH regarding the proposed closure of Pace Retreat.
13. Discussion and correspondence with the Director/Manager of Ningaloo Escape Pty Ltd T/A Yardie Homestead Caravan Park regarding the proposed works.

STATUTORY ENVIRONMENT

14. Nil

POLICY IMPLICATIONS

15. Council Policy 7.8 – Alterations or Damage to Council Street Infrastructure
16. Council Policy 7.10 – Private works

FINANCIAL IMPLICATIONS

17. Yardie Homestead Caravan Park will be invoiced the sum of \$47,500 (excluding gst) and payment is to be received by the Shire prior to works commencing and no later than 2 May 2021. Works will not be undertaken if payment is not received prior to this deadline.

RISK MANAGEMENT

18. Identified risks:

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance (operational) Unsafe road	Almost certain	Major	High	Proposed works will repair unsafe road condition
Financial Shire will be required to pay for repairs to the road	Almost certain	Major	High	Major cost of repairs will be borne by Yardie Homestead
Reputational Poor road conditions will generate community complaints	Almost certain	Major	High	Proposed works will improve road conditions

ALTERNATE OPTIONS

19. Council may choose not to accept Yardie Creek Homestead Caravan Parks offer to pay for bitumen repairs to Pace Retreat.

STRATEGIC ALIGNMENT

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

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

1.3 Enable the provision of essential infrastructure that will support investment and diversify our economy.

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

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

2.2 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.

4.3 To be a champion for our community

VOTING REQUIREMENTS

21. Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 11.1.1

That Council APPROVE undertaking bitumen edge repairs to Pace Retreat on behalf of Yardie Homestead Caravan Park on the condition that full payment of \$47,500 (excluding gst) is received no later than 2 May 2021 from Yardie Homestead Caravan Park prior to the commencement of works.

COMMERCIAL AND COMMUNITY

12.3.1 2021 GASCOYNE GAMES

File Reference:	RC.LI. 0
Reporting Officer:	Acting Executive Manager Commercial and Community
Responsible Officer:	As above
Date of Report:	13 April 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. CONFIDENTIAL Attachment – Event Proposal

PURPOSE

1. That Council supports the Shire of Exmouth hosting and organising the multi-sport Gascoyne Games in the Exmouth township from 22 to 24 October 2021.

BACKGROUND

2. At the Ordinary Council Meeting of 25 February 2021, 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

COMMENT

3. 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.
 4. The last Gascoyne Games that was hosted by the Shire of Exmouth was in 2009 with Shire staff coordinating the organisation of the Games with assistance from community volunteers. The most recent Gascoyne Games held in 2015 was organised by the Shire of Carnarvon.
 5. Shire of Exmouth's Community Services Team has sought to reinvigorate these Games and has recommended for the Shire of Exmouth to host the Gascoyne Games from 22 to 24 October 2021.
-

6. This event proposal provides details about the Gascoyne Games and its scope and organisation, the timing of the Games in 2021, and required resourcing. (Confidential Attachment)

CONSULTATION

7. Shires in the Gascoyne Region
8. Exmouth Sporting Associations/Clubs
9. State Sporting Associations
10. Department of Local Government Sport and Cultural Industries
11. Stephen Michael Foundation

STATUTORY ENVIRONMENT

12. Nil

POLICY IMPLICATIONS

13. Nil

FINANCIAL IMPLICATIONS

14. The budget recommended for a Gascoyne Games to be held in Exmouth in 2021 is \$45,000 (excluding gst). \$35,000 (excluding gst) of this budget is to be sought from external sources, i.e. sponsorship and grant funding, with the Shire of Exmouth contributing \$10,000 (excluding gst).

RISK MANAGEMENT

- 15.

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 procedures for this event project, including risk management procedures and producing a Games organising procedures manual.

ALTERNATE OPTIONS

16. Alternate options include but are not limited to:
 - a) Council not supporting the hosting of a Gascoyne Games;
 - b) Council supporting the hosting of a Gascoyne Games in another year;
 - c) Council supporting the hosting of a Gascoyne Games in 2021 with an increased scope of activities and an increased budget;
 - d) Council supporting the hosting of a Gascoyne Games in 2021 with a reduced scope of activities;

- e) Council supporting the hosting of a Gascoyne Games in 2021 with a reduced scope of activities and a reduced budget.

STRATEGIC ALIGNMENT

17. 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

18. Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.3.1

That Council:

1. APPROVES the Shire of Exmouth hosting and organising the Gascoyne Games from 22 to 24 October 2021 for an event budget of \$45,000 (excluding gst); and
2. SUPPORTS the sourcing of sponsorship and grant funding for \$35,000 (excluding gst) to organise these Games.

CORPORATE SERVICES

12.4.1 FINANCIAL STATEMENTS FOR PERIODS ENDING 28 FEBRUARY 2021 AND 31 MARCH 2021

File Reference:	FM.FI.0
Reporting Officer:	Manager Finance
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	13 April 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Monthly Financial Report as at 28 February 2021 2. Monthly Financial Reports as at 31 March 2021

PURPOSE

1. That Council accepts the financial reports for the financial periods ending 28 February 2021 and 31 March 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 (Attachment 1 & 2).

COMMENT

3. As at 31 March, operating revenue is above target by \$60,119 (0.57%) 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. Decreased aviation revenue due to tourist season and is expected to increase over the next 3 months.
4. Operating expenditure is under budget by \$723,857 (6.09%) 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. 13 Applications for the building stimulus package have been received and are yet to be claimed.

5. Capital projects is over budget by \$23,451 with a total of \$2,695,436 spent to date.
6. Capital projects includes the installation of goal posts at Talanjee and Koobooroo ovals and the purchase of staff housing and Lot 1416 Learmonth Street. The Ningaloo Centre solar panels, Recreation Centre new change room, plant replacement programmes and Aquarium protein skimmers have commenced. Airport vending machines, Water dispensers have been installed and are operational. Roadworks programme has commenced and new footpaths on Murat Road and Payne Street have been completed.
7. Rate notices were issued on 30 July 2020. 200 properties remain on instalments, the next instalment is due 12 April 2021. Rates collected as at 31 March 2021 were 88% compared to 86% for the same period last year.
8. General Debtors is \$1,347,534 with \$888,264 being for airport operations.

CONSULTATION

9. Nil

STATUTORY ENVIRONMENT

10. Section 6.4 of the *Local Government Act 1995* provides for the preparation of financial reports.
11. 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

12. Nil

FINANCIAL IMPLICATIONS

13. Nil

RISK MANAGEMENT

14. 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

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. Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.4.1

That Council RECEIVES the Financial Reports for the financial periods ending 28 February 2021 and 31 March 2021.

12.4.2 LIST OF ACCOUNTS FOR PERIOD ENDING 31 MARCH 2021

File Reference:	FM.FI.0
Reporting Officer:	Manager Finance
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	13 April 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. List of Accounts for period ending 31 March 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. (Attachment 1).
5. March Payments

Municipal Fund	totalling \$1,586,112.66
	Incorporating cheques, direct debits, electronic payments and credit cards.
Trust Fund	totalling \$11,088.96
	Incorporating electronic payments
Total Payments:	\$1,597,201.62

CONSULTATION

6. Nil

STATUTORY ENVIRONMENT

7. 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

8. 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

9. 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

10. 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

11. Nil

STRATEGIC ALIGNMENT

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

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

VOTING REQUIREMENTS

13. Simple Majority

OFFICER’S RECOMMENDATION

ITEM 12.4.2

That Council RECEIVES the report of payments made from the Municipal and Trust bank accounts during the month of March 2021 (*totalling \$1,586,112.66*).

12.4.3 SALE OF LOT 72 (1) MARLIN TERRACE, LOT 38 (1) BENNETT STREET AND LOT 1416 (1) LEARMONTH STREET

File Reference:	FM.FI.0
Reporting Officer:	Executive Manager Corporate Services
Responsible Officer:	As above
Date of Report:	14 April 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none">1. CONFIDENTIAL - Valuation Report Lot 72, (1) Marlin Terrace2. CONFIDENTIAL - Valuation Report Lot 38, (1) Bennett Street3. CONFIDENTIAL - Valuation Report Lot 1416, (1) Learmonth Street4. CONFIDENTIAL - Legal advice

PURPOSE

1. That Council acknowledges that Lot 72 (1) Marlin Terrace, Lot 38 (1) Bennett Street and Lot 1416 (1) Learmonth Street are not required to be retained for strategic purposes and approves going to an expression of interest for the sale of:
 - a. Lot 72 (1) Marlin Terrace and
 - b. Lot 38 (1) Bennett Street and Lot 1416 (1) Learmonth Street, with the condition that a development agreement will be secured with a caveat lodged on the certificate of title with the stated conditions.

BACKGROUND

2. In February 2019 Council were provided with a strategic briefing titled: "Land and Building Acquisition and Rationalisation Strategy". This document provided Council with options to rationalise shire building and land assets and to identify strategic land holding which could advance the achievement of the Exmouth Town Centre and Foreshore Revitalisation Plan and to improve financial sustainability of the Shire. This strategy was adopted at the October 2019 Ordinary Council Meeting (Council Resolution 14-1019).
3. It has now been identified that it is a good time for Council to put both Lot 38 (1) Bennett Street and Lot 1416 (1) Learmonth Street on the market. Both these properties are zoned Commercial – Mixed Use C2. The two properties are also adjacent to each other providing the opportunity for a larger development to occur, potentially creating a more vibrant CBD.
4. Lot 72 (1) Marlin Terrace is an unimproved site in the Exmouth Marina with a potential of 8 jetties, not yet constructed but a tender has been awarded by Council at the Special Council Meeting held in March 2021. This property is zoned Special Use 6 (SU6).

5. Under S3.58 of *Local Government Act 1995*, Council is required to dispose of a property either by public auction, or by public tender. Local Government can also dispose of property by giving public notice before agreeing to dispose of the property and consider any submissions made to it.
6. The Shire of Exmouth has gone out with RFQ 33-2020 Sale of Commercial Land, with Ray White Exmouth coming in as the preferred supplier to advise on the process to get Council the best return for these properties.

Property Details

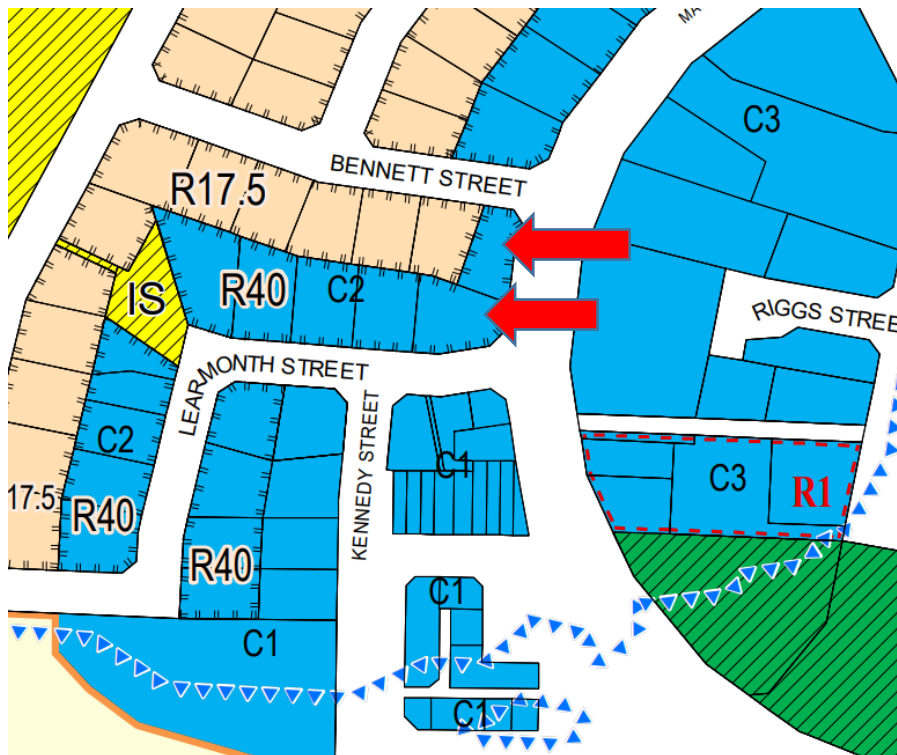
7. Lot 72 (1) Marlin Terrace on Deposited Plan 56044 as contained within Certificate of Title Volume 2725 Folio 812. This property is located in the Marina and is 4,621m².



8. Lot 38 on Deposited Plan 209501 as contained within Certificate of Title Volume 1319 Folio 575. This property is located on the corner of Maidstone Crescent and Bennett Street and is 823m².



9. Lot 1416 on Deposited Plan 209501 as contained within Certificate of Title Volume 2990 Folio 539. This property is located on the corner of Maidstone Crescent and Learmonth Street and is 1,174m².



COMMENT

Lot 72 (1) Marlin Terrace

10. At the March 2021 Special Council Meeting council resolved the following in relation to building jetties on Lot 72 (1) Marlin Terrace:

COUNCIL RESOLUTION ITEM 12.3.2

Res No: 02-0321

That Council:

- 1. Award the contract for Tender 05 -2020 as per the recommendation in the Confidential Evaluation Report – RFT 05-2020;***
- 2. Approve the allocation of additional funds to cover the shortfall of revised RFT cost including recommended widening of gangways to 1000mm;***
- 3. Authorise the Chief Executive Officer to approve variations not exceeding 10% of the project budget; and***
- 4. Tender RFT 05-2020 – Public Jetties and Gangways Exmouth Marina Village as per the recommendation in the Confidential Evaluation Report be awarded to Walcon Marine.***

CARRIED by ABSOLUTE MAJORITY 4/0

11. This effectively added 9 Jetties to Council properties and 8 of them being on Lot 72 (1) Marlin Terrace. Council has the option to sell the property with the jetties, or council could keep the jetties to get a commercial return on, or have a combination of both approaches.

12. This property is identified in the Land and Building Acquisition and Rationalisation Strategy, which was adopted by Council at the October Ordinary Council Meeting. A future decision on the use of this property, whether to retain or dispose the property to stimulate development and activation of the Marina and decide whether or not Council is to build marine infrastructure on the property.

Lot 38 (1) Bennett Street and Lot 1416 (1) Learmonth Street

13. Lot 38 (1) Bennett Street and Lot 1416 (1) Learmonth Street are identified in Land and Building Acquisition and Rationalisation Strategy to be used for future CBD development.

14. These properties are adjacent to each other and is zoned Commercial Mixed Use and has the potential to be effectively used to activate and develop the CBD further. It also has the potential to have residential accommodation build on the second level.

15. The disposal of these two properties is recommended with the following conditions set on the sale based on legal advice (Confidential Attachment 4) received.

- a. Lot 38 (1) Bennett Street and Lot 1416 (1) Learmonth Street are to be amalgamated into one commercial property.
- b. Developer is required to finish construction of the whole development(s) within two and a half years after sale is finalised.
- c. Buildings are required to be at least two storeys, with a component of residential accommodation on the upper level. Also needs to include car parking for residential users on site.

d. For Lot 38 (1) Bennett Street and Lot 1416 (1) Learmonth Street, the power along Maidstone Crescent is to be rerouted underground.

16. The recommendation is for the real estate agent to do a marketing campaign and an expression of interest process be run. This will potentially provide Council with a range of options on the disposal of the properties.

17. On conclusion of the expression of interest process, a further report will be presented to Council to dispose the property as per the requirements set under s3.58 of the *Local Government Act 1995*.

CONSULTATION

18. Ray White Exmouth

STATUTORY ENVIRONMENT

19. Local Government (Functions and General) Regulations 1996 s30.

20. *Disposing of property s3.58*

(2) *Except as stated in this section, a local government can only dispose of property to —*

(a) *the highest bidder at public auction; or*

(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

(3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*

(a) *it gives local public notice of the proposed disposition —*

(i) *describing the property concerned; and*

(ii) *giving details of the proposed disposition; and*

(iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*

and

(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

(4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*

(a) *the names of all other parties concerned; and*

(b) *the consideration to be received by the local government for the disposition; and*

(c) *the market value of the disposition —*

(i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*

(ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition*

that the local government believes to be a true indication of the value at the time of the proposed disposition.

POLICY IMPLICATIONS

21. Property use needs to comply with the Local Planning Scheme No.4.

FINANCIAL IMPLICATIONS

22. \$3,600 will be required for marketing for the disposal of Lot 72 (1) Marlin Terrace, Lot 38 (1) Bennett Street and Lot 1416 (1) Learmonth Street commission on the sale.

RISK MANAGEMENT

23. Nil

ALTERNATE OPTIONS

24. Council may resolve to retain the property.

25. Council may resolve to dispose of the property in accordance with section 3.58 of the *Local Government Act 1995* by way of public auction or public tender.

STRATEGIC ALIGNMENT

26. 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

1.3 Enable the provision of essential infrastructure that will support investment and diversify our economy.

VOTING REQUIREMENTS

27. Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.4.3

That Council:

1. ACKNOWLEDGES that Lot 72 (1) Marlin Terrace, Lot 38 (1) Bennett Street and Lot 1416 (1) Learmonth Street are not required to be retained for strategic purposes;
2. APPROVES going to an expression of interest for the sale Lot 72 (1) Marlin Terrace; and
3. APPROVES going to an expression of interest for the sale of Lot 38 (1) Bennett Street and Lot 1416 (1) Learmonth Street with the condition that a development agreement will be secured with a caveat lodged on the certificate of title with the following conditions:
 - a. Lot 38 (1) Bennett Street and Lot 1416 (1) Learmonth Street are to be amalgamated into one commercial property.

- b. Developer is required to finish construction of the whole development(s) within two and a half years after sale is finalised.
- c. Buildings are required to be at least two storeys, with a component of residential accommodation on the upper level. Also needs to include car parking for residential users on site.
- d. For Lot 38 (1) Bennett Street and Lot 1416 (1) Learmonth Street, the power along Maidstone Crescent is to be rerouted underground.

12.4.4 2021/22 NOTICE OF INTENTION TO IMPOSE DIFFERENTIAL RATES

File Reference:	FM.FI.0
Reporting Officer:	Executive Manager Corporate Services
Responsible Officer:	As above
Date of Report:	14 April 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Statement of objects and reasons for proposed rates 2.. Public Notice – Intention to Levy Differential Rates 2021/22

PURPOSE

1. That Council endorse to give public notice of its intention to impose the proposed differential rates and minimum payments for the 2021/22 financial year.

BACKGROUND

2. The purpose of this report is to seek Council's endorsement to give public notice of its intention to impose the proposed differential rates and minimum payments for the 2021/22 financial year.
3. The public notice is mandatory under section 6.36 of the *Local Government Act 1995*, before imposing any differential rates or minimum payments.
4. Such notice is to be published within a period of two (2) months preceding the commencement of the new financial year, inviting public submissions on the proposed rates or minimum payments.
5. An elector or ratepayer has 21 days from date of public notice to make submissions in respect of the proposed rates and minimum payments and any related matters. Council is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.
6. Council may resolve to impose rates or minimum payments different from those published in the local public notices, and if it does so, is obliged to publish the reasons for doing so, as part of its formally adopted budget.
7. Table 1 and Table 2 below details the current 2020/21 differential rates and minimum payments. The 2020/21 budget was prepared on the basis of zero rates in the dollar increase for all rating categories.

8. Table 1: Schedule of 2020/21 Differential Rates:

Rate Category	Rate in the Dollar \$	Minimum payment \$
GRV General	0.0751	930
GRV Marina Developed	0.1013	930
GRV Holiday Homes	0.1041	930
GRV Vacant Land	0.1501	735
UV Mining	0.1599	230
UV Rural	0.0800	735

9. Table 2: Schedule of 2020/21 Specified Area Rates:

Rate Category	Rate in the Dollar \$	Minimum payment \$
GRV Specified Area Rate	0.01339	Nil

COMMENT

10. Analysis of rating increases over the last 5 years have indicated that rates have not been increasing in line with the financial requirements as set out in the Long Term Financial Plan (LTFP).

YEAR	2016/17	2017/18	2018/19	2019/20	2020/21
% Rates increase	0.33%	0.66%	4.84%	0.73%	0.46%

11. This shows that over the last 5 years rates has only had 1 increase, and as rates is a cumulative revenue it does require an increase to catch up.

12. The LTFP is a useful tool for Council to keep track of its long term financial responsibilities and requirements and should be utilised by Councillors for decision making. The LTFP includes the effect of COVID-19 and Council’s response in assisting the community has had on Council’s finances.

13. The LTFP proposes a 4.8% rates increase in 2021/22 before reverting back to the 2.5% p.a. as per the original LTFP requirements. This will be reviewed each financial year as Council experiences changes in economic conditions and services it provides. As Council only derives 26% of its revenue from rates, this will not be able to close the gap on the deficiency and will require other options to be reviewed as well. These include finding new revenue sources, reducing services currently being provided or reviewing its capital spending and focussing on renewing its current asset base.

14. The Office of the Auditor General audits the Shire’s financial statements annually and has had an adverse finding on the operating surplus ratio for a number of years. This ratio measures Council’s ability to contain operating expenditure within operational revenue. For Council to address this ratio, it needs to effectively manage its finances on a net operating result of 0 or better.

15. As per the 2019/20 audited financial statements it was -0.24 and the 2020/21 budget is indicating -0.29. The suggested threshold for financial sustainability for this ratio is 0 to 15.
16. As the LTFP indicates this ratio is trending towards 0, however on the current trend will not reach the 0 minimum in the next 10 years.
17. To get this down to acceptable levels in the next 10 years council would need to look at multiple options to get the ratio down. These include increasing rates to catch up where there haven't been any increases, reducing services currently being provided and seeking additional revenue sources to close the current gap.
18. Table 3 and 4 below details the proposed 2021/22 differential rates and minimum rates. This is an increase of 4.8% across all ratings, including the specified area rating. There has not been a GRV valuation completed this year, so the only change to property values would be if there has been a change to the property.

19. Table 3: Schedule of Proposed 2021/22 Differential Rates:

Rate Category	Rate in the Dollar \$	Minimum payment \$
GRV General	0.0787	950
GRV Marina Developed	0.1062	950
GRV Holiday Homes	0.1091	950
GRV Vacant Land	0.1573	750
UV Mining	0.1676	250
UV Rural	0.0838	750

20. Table 4: Schedule of Proposed 2021/22 Specified Area Rates:

Rate Category	Rate in the Dollar \$	Minimum payment \$
GRV Specified Area Rate	0.0140	Nil

21. This would result in rates being raised of \$3.6m, which accounts for 26% of the operational revenue.

CONSULTATION

22. Nil

STATUTORY ENVIRONMENT

23. *Local Government Act 1995* section 6.36

POLICY IMPLICATIONS

24. Nil

FINANCIAL IMPLICATIONS

25. The requirement set out in s6.36 of the *Local Government Act 1995* requires Council to give local public notice. This notice may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply and needs to provide electors and ratepayers a minimum of 21 days to make submission.
26. The local government is then required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.

RISK MANAGEMENT

27. Identified risks implications

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance (operational) Failure to comply with S6.36 of the <i>Local Government Act 1995</i>	Unlikely	Major	Medium	This report mitigates this risk

ALTERNATE OPTIONS

28. Alternative rate increases may be developed and reviewed as part of Council’s final budget adoption process.

STRATEGIC ALIGNMENT

29. 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

30. Simple Majority

OFFICER’S RECOMMENDATION

ITEM 12.4.4

That Council:

1. ENDORSE the following proposed differential rates and minimum payments for the 2021/22 financial year for the purpose of giving local public notice of its intention to impose differential general rates and minimum payments for the 2021/22 financial year; and

Rate Category	Rate in the Dollar \$	Minimum payment \$
GRV General	0.0787	950
GRV Marina Developed	0.1062	950
GRV Holiday Homes	0.1091	950
GRV Vacant Land	0.1573	750
UV Mining	0.1676	250
UV Rural	0.0838	750

Rate Category	Rate in the Dollar \$	Minimum payment \$
GRV Specified Area Rate	0.0140	Nil

2. INVITE submissions from electors and ratepayers on the proposed rates and minimum payments and any related matters, as required under section 6.36 of the *Local Government Act 1995*.

ITEMS FOR INFORMATION ONLY

12.5.1 ITEMS FOR INFORMATION ONLY

PURPOSE

To advise Council of the information items listed below.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.5.1

That Council note the following information items:

Register of Documents Stamped with the Shire of Exmouth Common Seal

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

DATE	DOCUMENT
19/03/2021	Minor Works Contract – Shire of Exmouth and Walcon Marine (Council Decision 02-0321)
23/03/2021	Lease Portion of Lot 22 Maidstone Crescent to Exmouth Chamber of Commerce and Industry (Council Decision 09/1120)

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 March 2021.

App #	Date Received	Lot	Property Address	Description	Decision	Decision Date
21/30	25/02/21	431	82 Madaffari Drive	Single dwelling	Approved	20/03/21
21/31	02/03/21	307	22 Gnulli Court	Floating jetty, gangway & piles	Approved	06/03/21
21/33	02/03/21	500	1 Nimitz Street	Enclosed camp kitchen & patio BBQ area	Approved	08/03/21
21/34	09/03/21	394	11 Corella Court	Floating jetty & gangway	Approved	20/03/21
21/35	11/03/21	10	110 Madaffari Drive	Single house and swimming pool	Approved	16/03/21
21/36	17/03/21	963	27 Patterson Way	Ablution block	Approved	14/04/21
21/37	17/03/21	139	21 Tuckey Street	Commercial warehouse	Approved	20/03/21
21/38	17/03/21	27	52 Mortiss Street	Retaining wall & swimming pool	Approved	20/03/21
21/39	22/03/21	1	1 Truscott Crescent	Illuminated sign	Approved	30/03/21
21/40	25/03/21	234	28 Carpenter Street	Ancillary dwelling and garage	Processing	
21/41	26/03/21	97	21 Bluefin Cove	Single dwelling	Processing	
21/42	29/03/21		Overflow camp ground	2 x temporary ablution buildings & screening fencing	Approved	07/04/21
21/43	30/03/21	212	6 Dugong Close	Single dwelling	Processing	
21/44	30/03/21	102	3 Snapper Loop	Outbuilding	Processing	
21/45	31/03/21	649	22 Hall Street	Ancillary dwelling	Processing	

Planning Decisions Issued

Summary of the planning decisions issued under delegation or outstanding up to 31 March 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
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
DA89/20	23/10/20	198	Yardie Creek Road	16 new eco tent sites within existing Yardie caravan park	Withdrawn	23/03/21
DA101/20	17/11/20	1	Heron Way	Single, ancillary dwelling, outbuilding	Deferred	17/11/20
DA113/20	08/12/20	460	12 Osprey Way	Single dwelling, Ancillary Dwelling and Outbuilding	Deferred	06/01/21
DA122/20	24/12/20	417	54 Madaffari Drive	Floating jetty	Deferred	20/01/21
DA124/20	24/12/20	410	34 Madaffari Drive	Single House - Addition - Floating Jetty	Deferred	24/12/20
DA8/21	29/01/21	103	5 Snapper Loop	Carport	Approved	12/03/21
DA9/21	02/02/21	33	9 Learmonth Street	Patio extension and carport	Processing	
DA10/21	04/02/21	318	Minilya-Exmouth Road	Ancillary dwelling	Deferred	
DA11/21	05/02/21	1	1 Truscott Crescent	Signage on Murat Road	Approved	16/03/21
DA14/21	08/02/21	458	8 Osprey Way	Single dwelling	Approved	24/03/21
DA15/21	16/02/21	136	5 Redfin Court	Existing Use – B&B (1 room)	Approved	19/03/21
LP.PL.4.4	18/02/21			Service Commercial Zone Scheme Amendment No.4	Processing	
DA19/21	24/02/21	187	35 Cobia Close	Single dwelling	Deferred	
DA17/21	03/03/21	963	27 Patterson Way	Brewery additions and alterations	Approved	19/03/21
DA18/21	02/03/21	162	7 Maidstone Crescent	Playground Equipment	Approved	25/03/21
DA20/21	26/03/21	207	40 Cobia Close	WAPC Survey Strata Subdivision Application – 233-21	Approval Recommended	30/03/21
DA21/21	11/03/21	24	10 Learmonth Street	Carport Addition	Processing	
DA22/21	16/03/21	922	15 Ningaloo Street	Bed & Breakfast - 1 bedroom	Processing	
DA23/21	18/03/21	52	25 Lockwood Street	Existing Use – B&B (2 Bedrooms)	Processing	
DA24/21	18/03/21	319	19 Gnulli Court	Single dwelling and pool	Processing	
DA25/21	26/03/21	501	30 Ingleton Street	Single dwelling and ancillary dwelling	Processing	
DA26/21	31/03/21	151	27 Dugong Close	retaining & fencing	Deferred	

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

App #	Date Received	Description.	Decision	Permit issued
PE8/21	03/03/21	Exmouth Anglican Community Church - Easter dawn service at the Lighthouse - 04/04/2021	Issued	15/03/21
PE9/21	15/03/21	Exmouth Yacht Club - 23 March 2021 - Wake Service	Issued	15/03/21
PE10/21	15/03/21	Telstra Corporation -Telstra van - 20-24 April	Issued	29/03/21
PE11/21	24/03/21	Kool Budz Mobile Ice cream Van April 2-May 9, 2021	Issued	01/04/21

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

- 13. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**
- 15. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS**
- 16. CLOSURE OF MEETING**