

Shire of Exmouth

# ORDINARY COUNCIL MEETING MINUTES



23 September 2021

## CONFIRMATION OF MINUTES

I hereby certify that the Minutes and Attachments of the Ordinary Council Meeting held on the 23 September 2021 are a true and accurate record of the proceedings contained therein.

*Deakton*

.....  
Shire President

*28/10/21*

.....  
Dated

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# MINUTES

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

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

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Our Strategic Objectives

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

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## 1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 4.02pm.

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

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

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

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

Councillor M (Matthew) Niikkula	Shire President
Councillor B (Ben) Dixon	Deputy Shire President
Councillor H (Heather) Lake	
Councillor M (Mark) Lucas	
Councillor A (Anne) McCarrol	
Mr B Lewis	Chief Executive Officer
Mr M Bird	Executive Manager Commercial and Community
Mr M Richardson	Executive Manager Development Services
Mr R Koelbel	Manager Finance
Ms M Head	Minute Clerk

## GALLERY

## APOLOGIES

### LEAVE OF ABSENCE

Councillor G (Gary) Mounsey

Mr G Coetzee Executive Manager Corporate Services

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

*Question from Daniel Jackson*

***Given participation in this SoE community survey was self-selecting and not randomised, are you confident the 250 locals who participated in the survey are representative of the broader Exmouth community?***

*The latter part of the response to the question was taken on notice.*

*Shire response: For the 2021 Community Survey, Painted Dog Research reported a Margin of Error of +/-3.86% at a 95% confidence interval. This means the results are highly reliable and exceed typical MoE requirements of +/-5%.*

## 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).

Question received from Kim Hansman

*Will the Shire be allocating funding for amendments to Town Planning LIA/Service Commercial / Skipjack Circle?*

The Shire President advised the question will be taken on notice.

Question received from Dave Gillespie

*Can you provide an updated on the status of the Scheme Amendment for the Workers accommodation?*

Shire response: The Scheme Amendment (No. 5 add "Workforce Accommodation "use to the land zoned Tourism) is currently out for advertising, closing on the 28 September 2021.

Ministerial approval has been received for Scheme Amendment No.4 (Service Commercial zone 'Additional Use' 'workforce accommodation' as a discretionary ('A') use)

**5. DECLARATIONS OF INTEREST**

Nil

**6. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

That the Minutes and associated attachments of the Ordinary Meeting of the Shire of Exmouth held on the 26 August 2021 be confirmed as a true and correct record of proceedings.

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**COUNCIL RESOLUTION**

**ITEM 7**

**Res No: 01-0921**

**MOVED: Cr Lucas**

**SECONDED: Cr Lake**

**That the Minutes and associated attachments of the Ordinary Meeting of the Shire of Exmouth held on the 26 August 2021 be confirmed as a true and correct record of proceedings.**

**CARRIED 5/0**

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

Cr Lake	<p>25/08/2021</p> <p>Back in August, our Shire President Matt Niikkula advised Council that he had completed his Diploma in Local Government. The study for this qualification has been on-going throughout his incredibly busy role of President. Council has subsequently taken advantage of his knowledge many times, over the past 4 years when considering matters at hand. Congratulations and thank you Matt for your contribution and commitment to the Shire by striving for this accreditation.</p> <p>15/09/2021</p> <p>The opening of the Minderoo Foundation Exmouth Research Laboratory was held on the 15<sup>th</sup> of this month at the Ningaloo Aquarium and Discovery Centre. The open invitation enabled interested members of the community to take a guided tour throughout the Laboratory and view the latest scientific equipment for marine research.</p> <p>Founders of the Minderoo Foundation’s Flourishing Oceans initiative, Drs Andrew and Nicola Forrest were joined by parliamentarians; local MLA the Hon. Vince Catania, the Hon. Alana MacTiernan MLC and the Hon. Kyle McGinn MLC amongst other dignitaries to open the facility. MERL (Minderoo Exmouth Research Laboratory) will be part of a small network of marine science research stations in Western Australia.</p>
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	<p>The MERL is concurrent with the Shire of Exmouth’s Corporate Business Plan 3.1.2</p> <ul style="list-style-type: none"> <li>- <i>Work co-operatively with Flourishing Oceans to ensure Exmouth realises its potential to be a centre of excellence for marine research and conservation.</i></li> </ul> <p>The Flourishing Oceans project includes a generous contribution to the cost of installing a direct supply of seawater to our Ningaloo Aquarium and over \$500,000 toward the Centre’s renewable solar energy power supply.</p> <p>Since 2017, Council and Executive staff have worked hard to pave the way for this scientific inclusion to our Ningaloo Discovery Centre. It was a pleasure to attend the opening and understand the many benefits to our community and our marine asset in the Shire of Exmouth.</p> <p>23/09/2021</p> <p>Today heralds the last Ordinary Council Meeting for the retiring President Matt Niikkula and Councillors Ben Dixon and Gary Mounsey. Their passion and commitment to our community will be hard to match. We have shared many long meetings after a day’s work, but their bouts of good humour always kept us buoyant for the cause. It’s been great working with you and I wish you and your families more time, and all the best for the future.</p>
<p>Cr Dixon</p>	<p>14/09/2021 Meeting with new CEO Ben Lewis.</p> <p>17/09/2021 Meeting with Hon. Amber-Jade Sanderson, Minister for Environment; Climate Action; Commerce.</p> <p>19/09/2021 – 22/09/21 Attended the Local Government Convention, Perth</p> <p>The following report was read to the gallery by Councillor Dixon:</p> <p><i>“To the Community of Exmouth,</i></p> <p><i>I like to take this opportunity, in this the last OCM that I will be serving as one of your local elected members, to express my thanks to you all for the privilege and honour of allowing me the last 4 years to be one of the 6 councillors who represent the interests of and make decisions on behalf of all those who call Exmouth home.</i></p> <p><i>Serving on council has been a truly humbling and at times an eye-opening experience, with a massive learning curve in the first years as I found my feet, learning to navigate this strange new world of local government and began to peer into the inner workings of this incredibly complex machine they call the Shire of Exmouth. I’m so thankful for the help of training from WALGA, guidance and encouragement from the shire executive team, and of course the solid leadership from our ever-dedicated shire president, Mr Matthew Niikkula.</i></p>

	<p><i>I look back over the last 4 years with an immense sense of gratitude and pride that I was entrusted by the community to be a part of this amazing team, whom I can honestly say, have continually strived to make the best possible decisions to uphold best interests of our whole community. To serve alongside my fellow councillors has been a great privilege, and an invaluable aid, as I've been able to glean from the wisdom and different skill sets that each person possesses and am fortunate that I can now call each of them a good friend.</i></p> <p><i>It would be remiss of me at this point not to turn my attention to our outgoing Shire President, Cr Matt Niikkula. From the first day that council selected Matt to be the president, it was blatantly apparent that he truly was the best man for the job. While it certainly hasn't been an easy road, and at times I'm sure, disheartening, Matt's great love for this town has shone through in his commitment to give the role his all, and in my opinion be the best president Exmouth has had the honour of calling our own.</i></p> <p><i>During our term on council, Matt and our executive team have tirelessly advocated for Exmouth to every stakeholder, DG, Minister, State, and Federal MP that would lend him his ear, continually knocking on the door and banging the drum for Exmouth. Matt's success in this was very apparent during our recent trip to the Local Government Convention in Perth, where time after time we'd be stopped in the hallways by ministers, mayors, presidents and WALGA staff to say how they regret hearing he's stepping away, Exmouth even got a special mention from Minister John Carey during the convention for the remarkable transition from where we were just 4 years ago.</i></p> <p><i>Lastly, like to give a special thanks to all the Staff at the Shire of Exmouth. I really do appreciate all the work that each member of the staff does for our town and I'd especially like to thank the executive team for making my role as councillor so much easier through your continued hard work and always being available to answer any questions and providing such detailed reports and information at our meetings. Without you guys nothing would get done, so thank you".</i></p>
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Councillors Lucas passed on his well wishes to the new candidates in the upcoming election.

Councillor McCarrol thanked the outgoing Councillors for all their work over the past 4 years.

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

The Shire President read the following report to the gallery:

*"Today marks the last official meeting of this current council and myself as Shire President.*

*After the 2017 election, we were sworn in and plunged directly into the deep end of Local Government. A new set of councillors under the intense scrutiny of not only our local community, but the entire Local Government Sector. We were challenged with*

*getting the ship back on course, and restoring the respect, trust and accountability that a Shire needs to operate efficiently and effectively.*

*I remember, in our first few weeks, attending a Mayors and Presidents function in Perth with then Deputy President Mounsey. We were both alarmed when the statement was made by a guest presenter...*

*"Imagine getting a whole new council with no experience, led by a new Mayor or President with no experience and supported by a new CEO with no Experience.... No, you wouldn't do it, It's a recipe for disaster" - Everyone in the room laughed, .... Garry and Myself shrank away to find a rock to climb under.*

*So, the Challenge was set, the gauntlet had been thrown down, and the whole organisation decided to prove them all wrong. We worked exceptionally hard, understood the level of trust our community had placed in us and were determined to repay their faith.*

*It has most certainly been a hard 4 years, but I am absolutely proud of what this council and the Shire Staff have achieved together for Team Exmouth. We have been supported along the way by such an amazing group of dedicated employees who absolutely love the community that they work for.*

*So I want to take this opportunity to give a few public acknowledgements.*

*Firstly, to our ex-CEO Mr Cameron Woods. His strength, passion and ambition inspired me, but his support and mentoring got me through some pretty tough times, especially the early Covid days of tough decisions. He built a great team of Executives around him and I will forever be thankful for the way he helped us set a course and achieve our goals.*

*To Matt Bird, who has been here throughout the entire last 4 years and provided council with not only the tools we needed to succeed, but the patience to clearly articulate the problems and solutions, over and over again, when we just couldn't quite get it.... Matt, you are a star and this council and community love you. The work you did during your role as Acting CEO was truly outstanding and I loved the opportunity to work so closely with you.*

*To our newly appointed CEO, Mr Ben Lewis, welcome. You have inherited a wonderful team full of High Performance Players. Dedicated positive Executives with top quality staff. There are exciting times ahead for Exmouth and I am confident that you will be well supported by excellent staff to achieve the outcomes that our council and community desire.*

*To Michelle Head, who has always had my back, and made this gig so incredibly easy for me, and to Sandra who has given me so much support along the journey, a huge Thank you both, Absolute Legends.*

*And Lastly, to my peers. Deputy President Dixon and this awesome group of dedicated councillors who have supported me as President, 100%, since our very first swearing in. The work you have all done, the long hours, the debates, the many meetings and hard decisions have all led to us steering Exmouth to where it is today. From the*



*Departmental joke 4 years ago, to a local government constantly singled out by Ministers for its leadership, and praised as a Shining light in the Sector. You should all be very proud of what we have done. I know that I certainly am.*

*Next month, at the October OCM, there will be 3 new faces on Council, as well as a new President and Deputy to lead the way forward. There will no doubt be a different way of doing things, different styles and different opinions.... As there should be. I just want to say, in my last official opportunity to all 6 members of the new council, please immerse yourselves in the training that will be provided just after you start in your roles. To each and every one of you, take it seriously and make yourselves available. Your community has put their trust in you, and the training that WALGA provides will go a long way to being better able to make informed decisions. To better understand both the extent and limitations of your roles and responsibilities. Push yourself and strive for a greater understanding of Local Government.*

*To the next President, whichever of the 6 that may be, I take my hat off to you now. Enough said.*

*I have lived in Exmouth my whole life, I love my town and community and feel that the last 4 years have given me an opportunity to give back. I thank everyone for the faith they showed in my leadership and I will happily hand over the reins after the election, proud of what we have achieved together.*

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

The following presented a deputation to Council:

- Ningaloo Caravan Park and Holiday Resort (Phobos Nominees Pty Ltd), presented by Bob Fowler and Richard Burt; and
- Department Jobs, Science, Tourism and Innovation, presented by Kelsie Johnston Project Director and Jim Sharp, Chairperson in relation to the 2023 Hybrid Solar Eclipse.
- MG Kailis Group, presented by George Kailis and Tracy Mills.

The above deputation presentations are included for public reference at the end of these minutes.

## **11. MATTERS ARISING FROM COMMITTEES OF COUNCIL**

Nil

## 12. REPORTS OF OFFICERS

The following reports were recommended enbloc 12.1.1, 12.2.1, 12.2.2, 12.2.4, 12.2.5 12.4.1, 12.4.2. 12.5.1

### **EXECUTIVE SERVICES**

#### **12.1.1 PROGRESS REPORT – ORGANISATIONAL KEY PERFORMANCE INDICATORS 2021/22**

File Reference:	CM.PL.1
Responsible Officer:	Chief Executive Officer
Reporting Officer:	Executive Manager Commercial & Community
Date of Report:	13 September 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Corporate Business Plan 2. CONFIDENTIAL Report Corporate Business Plan and Budgeted Projects

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#### **PURPOSE**

1. That Council receives the year to date Corporate Business Plan 2018-2022 progress report for the period up to 13 September 2021 to reflect the commencement date for the new Shire of Exmouth Chief Executive Officer:
  - Corporate Business Plan; and
  - Budgeted Projects.

#### **BACKGROUND**

2. The Corporate Business Plan (CBP) (Attachment 1) has been created as a practical statement of how Council aims to achieve community objectives, as articulated in the Strategic Community Plan (SCP). The CBP has a clear assignment of responsibility, timeframe of projects and key measures for activities. Progress against actions is measured and will be reported in the annual report to the Council and the community, providing a clear and transparent process for regular reporting.
3. The CBP is Council's core strategic document for the 4 year period 2018 to 2022. This CBP activates the SCP and integrates with other informing strategies including the Long Term Financial Plan and Workforce Plan.
4. The Chief Executive Officer (CEO) Key Performance Indicators (KPIs) for the 2020/21 period were adopted by Council (*Council decision 03-0720*) at the July 2020 Ordinary Council meeting. These were reported to and received by Council at the August 2021 OCM (*Council decision 03-0821*). Council will need to set CEO KPIs for the 2021/22 period with the new CEO.

5. This report also provides the status on the projects as at 13 September 2021 that were endorsed as part of the 2021/22 budget adoption.

## COMMENT

6. The CEO is required to present to Council an update on the Shire’s Corporate Business Plan to keep them informed of the organisation’s progress through the year.
7. This report is provided for the period up to 13 September 2021 to close out reporting for the Acting CEO period and to coincide with the commencement of the new Shire of Exmouth CEO.
8. The purpose of this report is to:
- Provide a status update on the key actions undertaken by the Shire for 2021/22 financial year of the Corporate Business Plan;
  - Demonstrate how the Shire, through the Corporate Business Plan is meeting the Shire’s Strategic Community Plan’s goals and strategies; and
  - Meet the reporting guidelines of the Integrated Planning Framework.
9. The CBP is structured to meet the SCP objectives and as such is broken into four sections addressing Economic, Environmental, Social and Leadership aspiration of the Community.
10. Table 1 provides a final report of the CBP actions as at 13 September 2021.

Table 1 - Corporate Business Plan Final Report

Objective	Actions	Status Complete	Status On track	Status Monitor	Status Intervene
Economic	15	1	13	1	0
Environmental	11	1	10	0	0
Social	11	0	9	2	0
Leadership	5	0	5	0	0
<b>Total</b>	<b>42</b>	<b>2</b>	<b>37</b>	<b>3</b>	<b>0</b>

11. Table 2 provides a report of the 2021/22 Budgeted Projects as at 13 September 2021. A total of 40 budgeted projects have been reported on for the 2021/22 period with 1 project completed, 38 on track and 1 to monitor. The latter is the swimming pool upgrade project and labelled to monitor as funding notification has been delayed under the Building Better Regions Fund.

Table 2 - Budgeted 2021/22 Projects

Projects	Completed	On Track	Monitor	Intervene
40	1	38	1	0

## CONSULTATION

12. Acting Chief Executive Officer  
 13. Executive Managers  
 14. Shire Officers

## STATUTORY ENVIRONMENT

15. *Local Government Act 1995 Part 5 Division 5, s 5.56*  
 16. *Local Government (Administration) Regulations 1996 Part 5, Division 3, r19DA*

## POLICY IMPLICATIONS

17. Nil

## FINANCIAL IMPLICATIONS

18. Nil

## RISK MANAGEMENT

19. Risks identified as part of this regular reporting;

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance (operational); CEO does not provide regular updates to Council on performance of strategic objectives.	Possible	Major	High	A CEO KPI is to report to Council on organisational performance at the December, March and June OCMs each year.
Financial; the failure to regularly report to Council on achievement of strategic objectives and project delivery inhibits Council's ability to make informed budget decisions	Possible	Major	High	A CEO KPI is to report to Council on organisational performance including project status at the December, March and June OCMs each year.
Reputational; the failure to provide accurate and timely reporting to Council may cause reputational damage to both Shire organisation and Council.	Possible	Major	High	Regular reporting will ensure the Executive Management team effectively manages delivery of strategic objectives and projects and that Council is provided strong oversight of overall shire performance.

## ALTERNATE OPTIONS

20. Council may decide not to accept the report as presented and request the CEO to either provide more information and/or represent the report once new information is supplied.

## STRATEGIC ALIGNMENT

21. 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

22. Simple Majority

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### OFFICERS RECOMMENDATION

**ITEM 12.1.1**

That Council RECEIVE the following progress reports for the 2021/22 period as at 13 September 2021:

- Corporate Business Plan; and
- Budgeted Projects.

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### COUNCIL RESOLUTION

**ITEM 12.1.1**

**Res No:** 02-0921

**MOVED:** Cr Niikkula

**SECONDED:** Cr Lake

**That Council RECEIVE the following progress reports for the 2021/22 period as at 13 September 2021:**

- **Corporate Business Plan; and**
- **Budgeted Projects.**

**CARRIED 5/0**

## **DEVELOPMENT SERVICES**

The following reports were recommended enbloc 12.1.1, 12.2.1, 12.2.2, 12.2.4, 12.2.5 12.4.1, 12.4.2, 12.5.1

### **12.2.1 WASTE FACILITY SEPTAGE POND CONSTRUCTION**

File Reference:	WM.SP.2
Reporting Officer:	Executive Manager Development Services
Responsible Officer:	As above
Date of Report:	13 September 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Capital Works Project Sheet 2. CONFIDENTIAL Recommendation Report

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### **PURPOSE**

1. That Council approve the transfer of an additional \$45,000 from the Waste Reserve to cover higher than expected construction costs and engineering inspection fees to build a new septage evaporation pond at Qualing Scarp waste facility.

### **BACKGROUND**

2. Council at its June 2021 Ordinary Council Meeting resolved to adopt its budget for the 2021/22 financial year. Point 3 of Council resolution **11-0621** stated:

*That Council RESOLVES to:*

**3. CAPITAL WORKS & BORROWINGS 2021/22**

***a. ADOPT the Capital Works and Operational Projects Budget for 2021/22 as per attachment 3.***

3. One of the projects (refer Attachment 1) adopted by Council was the construction of a new septage evaporation pond at the Shires waste facility at Qualing Scarp landfill. A budget of \$135,000 was allocated for the works.

### **COMMENT**

4. The Shires existing evaporation pond has insufficient capacity to cope with spikes in liquid waste volumes received during peak holiday periods and this problem is exacerbated when rainfall events occur. Current management practice to reduce the risk of over topping at the existing pond, is for septage to be pumped out and tankered for disposal in Karratha. This practice creates an additional operational cost.
5. The Shire commissioned Talis Consultants to analyse previous years septage intakes, rainfall events, evaporation rates and the towns future growth potential to design a pond suitable for the Shires needs.

6. Staff have submitted the design and request for works to Department of Water, Environment and Regulation (DWER) for a Works Approval which the Shire was successful in attaining.
7. A condition of DWER Works Approval also stipulates the requirement for the project to be have an independent engineer inspection after build completion to confirm the pond has been constructed to the design specification.
8. In July 2021 a Request for Tender was advertised for the construction of the evaporation pond with two submissions received (Confidential Attachment 2). Both submissions exceeded the budgeted project amount.
9. The Bill of Quantities (BOQ) for the lowest priced submission was reviewed to identify potential cost savings but no significant opportunities were found which wouldn't impact on the integrity of the project.
10. To cover the higher than expected construction cost and the estimated engineering inspection fee staff are requesting Council approve a further \$45,000 be transferred from the Waste Reserve to cover the shortfall in funds required to complete the project. This would increase the total project cost to \$180,000.

## **CONSULTATION**

11. Department of Water Environment and Regulation
12. Talis Consultants

## **STATUTORY ENVIRONMENT**

13. Local Government Act 1995, Division 4, Section 6.8

### *6.8 Expenditure from municipal fund not included in annual budget*

*(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure –*

- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or*
- (b) is authorised in advance by resolution\*; or*
- (c) is authorised in advance by the mayor or president in an emergency*

14. DWER Works Approval W6485/2020/1

## **POLICY IMPLICATIONS**

15. Nil

## **FINANCIAL IMPLICATIONS**

16. It is proposed to reallocate \$45,000 from the waste reserve. The budgeted waste reserve at the commencement of 2021/22 financial year is \$1,052,906.

## **RISK MANAGEMENT**

17. Identified risks implications

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance Local Septage contractors impacted by restrictions to disposal capacity.	Almost certain	Major	High	New pond will provide surety to contractors
Financial Continued pumping out of pond is an additional operational expense. Non-compliance may attract fines.	Almost certain	Major	High	New pond will lower recurrent operational costs and provide improved opportunity of compliance
Environmental Uncontrolled septage emission leading to environmental contamination and no compliance to licence.	Almost certain	Major	High	New pond would greatly improve capacity and mitigate emission risk
Reputational Potential overflow emissions and restrictions to business will attract negative community comment	Almost certain	Major	High	New pond would greatly improve capacity and mitigate emission risk

## ALTERNATE OPTIONS

18. Council may decide to not approve the extra funds and continue to manage the septage facility in its current form.

## STRATEGIC ALIGNMENT

19. 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.

## VOTING REQUIREMENTS

20. Absolute Majority



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**OFFICER'S RECOMMENDATION**

**ITEM 12.2.1**

That Council APPROVE the allocation of \$45,000 from Councils Waste Reserve to GL Number 4100180 Sanitation Infrastructure Other (Capital) to increase funding for the Septage Ponds capital project to \$180,000.

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**COUNCIL RESOLUTION**

**ITEM 12.2.1**

**Res No:                   03-0921**

**MOVED:                   Cr Niikkula**

**SECONDED:               Cr Lake**

**That Council APPROVE the allocation of \$45,000 from Councils Waste Reserve to GL Number 4100180 Sanitation Infrastructure Other (Capital) to increase funding for the Septage Ponds capital project to \$180,000.**

**CARRIED by ABSOLUTE MAJORITY 5/0**

The following reports were recommended enbloc 12.1.1, 12.2.1, 12.2.2, 12.2.4, 12.2.5 12.4.1, 12.4.2, 12.5.1

**12.2.2 RECOMMENDATION TO THE MINISTER FOR PLANNING FOR PROPOSED SCHEME AMENDMENT NO.1 TO LOCAL PLANNING SCHEME NO.4 – NOT TO SUPPORT**

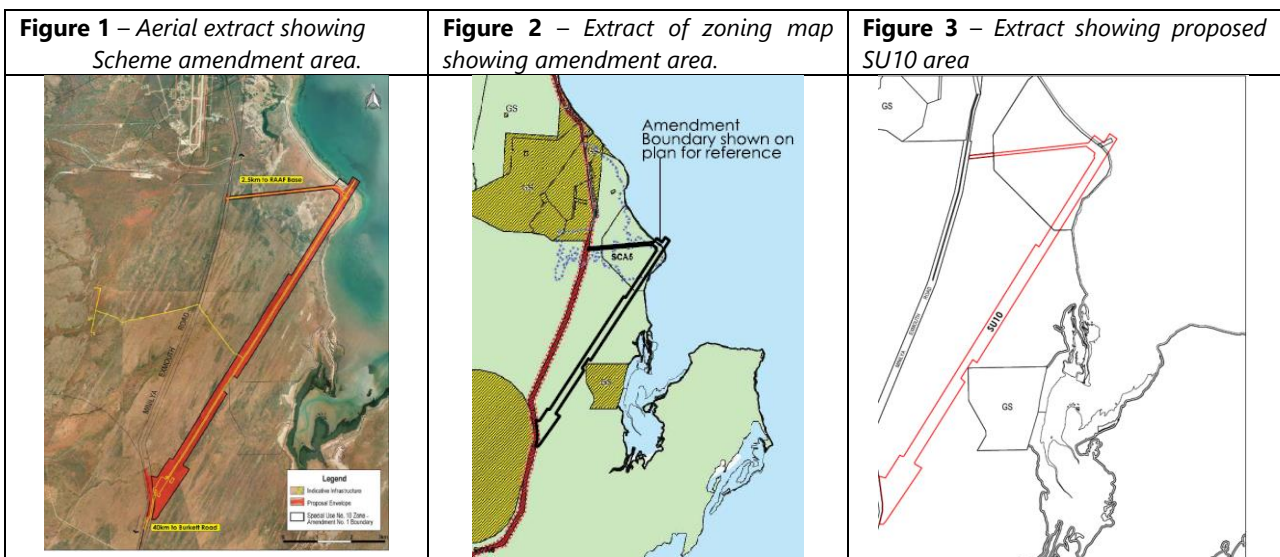
File Reference: LP.PL.4.1 (PA32/19)  
 Responsible Officer: Executive Manager - Development Services  
 Reporting Officer: Senior Planning Officer  
 Date of Report: 14 September 2021  
 Applicant/Proponent: Taylor Burrell Barnett – Consultants / Subsea 7  
 Disclosure of Interest: Nil  
 Attachment(s): 1. Schedule of submissions.

**PURPOSE**

1. That Council resolves NOT to support Scheme Amendment 1 to the Shire of Exmouth Local Planning Scheme No.4 (LPS 4) and forward the amendment to the Western Australian Planning Commission (WAPC) and Minister for Planning.

**BACKGROUND**

2. At its Ordinary Council Meeting of 28 March 2019, Council resolved to initiate and advertise the proposed Scheme Amendment No.1 to LPS 4 (Item 12.2.3, Res No: 10-0319).
3. The proposed scheme amendment No.1 to LPS.4 sought to rezone portions of Lots 233-235 Minilya-Exmouth Road and Lot 1586 Minilya-Exmouth Road, Learmonth from 'Rural' and 'Foreshore Reserve' to 'Special Use Zone No. 10' (Refer to Figures 1-3) The special use was for a 'pipeline fabrication facility' to service the oil and gas industry off the coast of Western Australia. The site area is approximately 440 hectares and orientated in a 10km long linear north east corridor between Heron Point and Minilya-Exmouth Road.



## COMMENT

4. The outcome of this amendment had been pending, awaiting the EPA to finalise its assessment and Environmental Review on the proposal.
5. Prior to the EPA had reaching a final formal determination, in December 2020 Subsea 7 Australia Contracting Pty Ltd advised that they would be no longer pursuing the project and would be withdrawing the referral assessment with the EPA.
6. The EPA has recently advised that the assessment has been formally withdrawn.
7. This report seeks a Council resolution to finally “close off” the scheme amendment process. It is recommended that Council resolve to not support the amendment and forward its recommendation to the WAPC and Minister for Planning.

## CONSULTATION

8. The scheme amendment documentation and Environmental Review Documentation/reports (ERD – as required by s.48 of the *Environmental Protection Act 1986*) were publicly advertised for a period of sixty (60) days commencing 02 October 2019 to 30 November 2019 inclusive, by:
  - Adverts placed in both the West Australian and Pilbara News;
  - Letters mailed out to statutory agencies, stakeholders and community groups; and
  - All documentation was made available on the Local Government website, library and Shire Reception.
9. The EPA concurrently advertised their Public Environmental Review documentation (PER) pursuant to s.38 of the *Environmental Protection Act 1986*. A link was also made available from the Shires website to the EPA website.
10. At the closure of the advertising period a total of fifty-six (56) submissions were received (Refer Attachment 1) comprising 39 objections, 14 concerns/comments, 2 no-objection and 1 support.

## STATUTORY ENVIRONMENT

11. *Planning and Development Act 2005*.
12. *Planning and Development (Local Planning Scheme) Regulations 2015*.
13. *Local Planning Scheme No. 4* (12 March 2019)
14. *Environmental Protection Act 1986*.
15. Exmouth South Structure Plan (Oct 2013)

## POLICY IMPLICATIONS

16. The following policies have been given due consideration in relation to this proposal:
  - *State Planning Policy 2.5 - Rural Planning*
  - *State Planning Policy 2.6 - State Coastal Planning Policy*
  - *State Planning Policy 3.7 - Planning in Bushfire Prone Areas*
  - *State Planning Policy 4.1 - State Industrial Buffer*
  - *State Planning Policy 5.2 - Telecommunications Infrastructure*
  - *State Planning Policy 6.3 - Ningaloo Coast*

## FINANCIAL IMPLICATIONS

17. Nil

## RISK MANAGEMENT

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational – The proposal may be supported the Western Australian Planning Commission or the Minister for Planning.	Unlikely	Moderate	Moderate	The proponents and applicant advised they would no longer be pursuing the project. In the unlikely event that the amendment is supported by the DPLH the Shire may be required to provide additional information/comment.

## ALTERNATE OPTIONS

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

- To resolve to support the scheme amendment; or
- To resolve to support the scheme amendment with modifications.

## STRATEGIC IMPLICATIONS

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

- 1.1 A diverse and environmentally aware local economy that can attract business investment and provide employment opportunities
- 1.2 Facilitate the strengthening and growth of our visitor experience.

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

- 2.1 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.

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

## VOTING REQUIREMENTS

21. Simple Majority

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**OFFICER'S RECOMMENDATION**

**ITEM 12.2.2**

THAT Council, pursuant to section 75 of the *Planning and Development Act 2005* and Part 5, r.41(3)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:

1. NOT SUPPORT, Scheme Amendment No. 1 to amend Shire of Exmouth *Local Planning Scheme No. 4*:
2. Note the submissions received as detailed in the Schedule of Submissions.
3. Forward the amendment documentation to the Western Australian Planning Commission with a request that the Minister for Planning not approve the amendment.

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**COUNCIL RESOLUTION**

**ITEM 12.2.2**

**Res No: 04-0921**

**MOVED: Cr Niikkula**

**SECONDED: Cr Lake**

**THAT Council, pursuant to section 75 of the *Planning and Development Act 2005* and Part 5, r.41(3)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:**

- 1. NOT SUPPORT, Scheme Amendment No. 1 to amend Shire of Exmouth *Local Planning Scheme No. 4*:**
- 2. Note the submissions received as detailed in the Schedule of Submissions.**
- 3. Forward the amendment documentation to the Western Australian Planning Commission with a request that the Minister for Planning not approve the amendment.**

**CARRIED 5/0**

The following reports were recommended enbloc 12.1.1, 12.2.1, 12.2.2, 12.2.4, 12.2.5 12.4.1, 12.4.2. 12.5.1

#### **12.2.4 ANNUAL CARAVAN PARK AND CAMPING GROUND LICENCE RENEWALS**

File Reference:	LE.RE.5
Reporting Officer:	Environmental Health Officer
Responsible Officer:	As above
Date of Report:	13 September 2021
Applicant/Proponent:	Ningaloo Caravan and Holiday Resort – Phobos Nominees Pty Ltd Yardie Homestead Caravan Park – James Roscic Exmouth Cape Holiday Park – RAC Tourism Assets Pty Ltd
Disclosure of Interest:	Nil
Attachment(s):	1. CONFIDENTIAL Caravan Park and Camping Ground Licence Renewal for 2021-22

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#### **PURPOSE**

1. That Council approve the renewal of the annual Caravan Parks and Camping Grounds Licence as per the *Caravan Parks and Camping Grounds Act 1995* and Regulations 1997 for:
  - Ningaloo Caravan and Holiday Resort;
  - Yardie Homestead Caravan Park; and
  - RAC Exmouth Cape Holiday Park.

#### **BACKGROUND**

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

#### **COMMENT**

3. All caravan parks have been inspected for compliance with the *Caravan Parks and Camping Grounds Regulations 1997*, the current licences and approved site plans.
4. Non-compliances identified were advised to the licensee and timeframes were given to comply.
5. Overflow conditions have been recommended on the licence with an overflow period being recommended from the 2 April to 10 October 2022.

#### **CONSULTATION**

6. Nil

#### **STATUTORY ENVIRONMENT**

7. *Caravan Parks and Camping Grounds Act 1995*
8. *Caravan Parks and Camping Grounds Regulations 1997*

## POLICY IMPLICATIONS

9. Nil

## FINANCIAL IMPLICATIONS

10. Nil

## RISK MANAGEMENT

11. Identified risks:

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Financial Failure to pay fees and charges	Unlikely	Minor	Low Acceptable	Standard procedures relating to invoicing and debt recovery

## ALTERNATE OPTIONS

12. Nil

## STRATEGIC ALIGNMENT

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

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

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

1.2 Facilitate the strengthening and growth of our visitor experience.

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

14. Simple Majority

## OFFICER'S RECOMMENDATION

**ITEM 12.2.4**

That Council APPROVE the Chief Executive Officer to sign and issue the Caravan Park and Camping Ground licence valid until 30 September 2022 as presented in Attachment 1, for:

- Ningaloo Caravan and Holiday Resort
- Yardie Homestead Caravan Park; and
- RAC Exmouth Cape Holiday Park.

## COUNCIL RESOLUTION

**ITEM 12.2.4**

**Res No:** 05-0921

**MOVED:** Cr Niikkula

**SECONDED:** Cr Lake

**That Council APPROVE the Chief Executive Officer to sign and issue the Caravan Park and Camping Ground licence valid until 30 September 2022 as presented in Attachment 1, for:**

- **Ningaloo Caravan and Holiday Resort**
- **Yardie Homestead Caravan Park; and**
- **RAC Exmouth Cape Holiday Park.**

**CARRIED 5/0**



*The following reports were recommended enbloc 12.1.1, 12.2.1, 12.2.2, 12.2.4, 12.2.5 12.4.1, 12.4.2. 12.5.1*

### **12.2.5 ANNUAL LODGING HOUSE RENEWALS**

File Reference:	LE.RE.16
Reporting Officer:	Environmental Health Officer
Responsible Officer:	As above
Date of Report:	13 September 2021
Applicant/Proponent:	Potshot Court, Potshot Resort and Escape Backpackers Ningaloo Lodge Bullara Station Shearers Lodge Winston Backpackers Blue Reef Backpackers Giralia Station Mantarays Ningaloo Beach Resort
Disclosure of Interest:	Nil
Attachment(s):	1. CONFIDENTIAL – Confirmation - Certificate of Registration of a Lodging House for Potshot Court, Potshot Resort, Escape Backpackers, Ningaloo Lodge, Bullara Station Shearers Lodge, Winston Backpackers, Blue Reef Backpackers, Giralia Station and Mantarays Ningaloo Beach Resort.

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### **PURPOSE**

1. That Council renew the annual 2021/22 Certificate of Registration as per the Shire of Exmouth, Health Local Laws 1998 for:
  - Potshot Court;
  - Potshot Resort;
  - Potshot Escape Backpackers;
  - Ningaloo Lodge;
  - Bullara Station Stay;
  - Winston Backpackers;
  - Blue Reef Backpackers;
  - Giralia Station; and
  - Mantarays Ningaloo Beach Resort.

### **BACKGROUND**

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

### **COMMENT**

3. All lodging houses are due for an annual inspection which is due to be completed in October.

## CONSULTATION

4. Nil

## STATUTORY ENVIRONMENT

5. *Health (Miscellaneous Provisions) Act 1911*, Division 2 – Lodging-houses
6. Shire of Exmouth, Health Local Laws 1998, s125

## POLICY IMPLICATIONS

7. Nil

## FINANCIAL IMPLICATIONS

8. Nil

## RISK MANAGEMENT

9. Identified risks

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Financial Failure to pay fees and charges	Unlikely	Minor	Low Acceptable	Standard procedures relating to invoicing and debt recovery.

## ALTERNATE OPTIONS

10. Nil

## STRATEGIC ALIGNMENT

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

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

1.2 Facilitate the strengthening and growth of our visitor experience.

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

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

## VOTING REQUIREMENTS

12. Simple Majority

## OFFICER'S RECOMMENDATION

## ITEM 12.2.5

That Council APPROVE the renewal of the annual Certificate of Registration as per the Shire of Exmouth, Health Local Laws 1998 for:

- Potshot Court;
- Potshot Resort;
- Potshot Escape Backpackers;
- Ningaloo Lodge;
- Bullara Station Stay;
- Winston Backpackers;
- Blue Reef Backpackers;
- Giralia Station; and
- Mantarays Ningaloo Beach Resort.

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**COUNCIL RESOLUTION**

**ITEM 12.2.5**

**Res No: 06-0921**

**MOVED: Cr Niikkula**

**SECONDED: Cr Lake**

**That Council APPROVE the renewal of the annual Certificate of Registration as per the Shire of Exmouth, Health Local Laws 1998 for:**

- **Potshot Court;**
- **Potshot Resort;**
- **Potshot Escape Backpackers;**
- **Ningaloo Lodge;**
- **Bullara Station Stay;**
- **Winston Backpackers;**
- **Blue Reef Backpackers;**
- **Giralia Station; and**
- **Mantarays Ningaloo Beach Resort.**

**CARRIED 5/0**

## **CORPORATE SERVICES**

The following reports were recommended enbloc 12.1.1, 12.2.1, 12.2.2, 12.2.4, 12.2.5 12.4.1, 12.4.2, 12.5.1

### **12.4.1 FINANCIAL STATEMENT FOR PERIOD ENDING 31 AUGUST 2021**

File Reference:	FM.FI.0
Reporting Officer:	Manager Finance
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	14 September 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Monthly Financial Report as at 31 August 2021

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#### **PURPOSE**

1. That Council accepts the financial report for the financial period ending 31 August 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 August 2021, the operating revenue is above target by \$294,087 (4.54%). Variances are due to aviation revenue and sanitation revenue being over budget. Ningaloo Visitor Centre merchandise sales, exhibition admissions and overflow camping revenue are also over budget.
4. Operating expenditure is under budget by \$383,707 (13.00%). Variances are mainly due to material and contracts being under budget. Applications for building stimulus package have been received and some are yet to be claimed.
5. A total of \$1,474,589 has been spent to date for capital projects. This includes the purchase of executive housing, the continuance of plant replacement program and the preparation of underground power for the Town Beach upgrade. The Aviation Screening Point Upgrade has started and the Jetties at Lot 72 Marlin Terrace will be installed soon. The Ningaloo Centre solar panel programme is soon to be finalised.
6. Rate notices were issued on 30 July 2021. Rates collected as at 31 August 2021 were 38.5% compared to 31% for the same period last year.
7. General Debtors is \$2,378,593 with \$1,547,507 being for aviation operations.

#### **CONSULTATION**

8. Nil

## STATUTORY ENVIRONMENT

9. Section 6.4 of the *Local Government Act 1995* provides for the preparation of financial reports.  
 10. In accordance with *Local Government (Financial Management) Regulations 1996* Regulation 34 (5), a report must be compiled on variances greater than the materiality threshold adopted by Council of \$25,000 or 10% whichever is greater. As this report is composed at a nature/type level, variance commentary considers the most significant items that comprise the variance.

## POLICY IMPLICATIONS

11. Nil

## FINANCIAL IMPLICATIONS

12. Nil

## RISK MANAGEMENT

13. Risks implications

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

## ALTERNATE OPTIONS

14. Nil

## STRATEGIC ALIGNMENT

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

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

## VOTING REQUIREMENTS

16. Simple Majority

## OFFICER'S RECOMMENDATION

**ITEM 12.4.1**

That Council RECEIVES the Financial Report for the financial period ending 31 August 2021.

## COUNCIL RESOLUTION

**ITEM 12.4.1**

**Res No: 07-0921**

**MOVED: Cr Niikkula**

**SECONDED: Cr Lake**

**That Council RECEIVES the Financial Report for the financial period ending 31 August 2021.  
 CARRIED 5/0**

The following reports were recommended enbloc 12.1.1, 12.2.1, 12.2.2, 12.2.4, 12.2.5 12.4.1, 12.4.2, 12.5.1

#### **12.4.2 LIST OF ACCOUNTS FOR PERIOD ENDING 31 AUGUST 2021**

File Reference:	FM.FI.0
Reporting Officer:	Manager Finance
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	14 September 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. List of Accounts for period ending 31 August 2021

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#### **PURPOSE**

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

#### **BACKGROUND**

2. *Local Government (Financial Management) Regulations 1996*, Regulation 13 (3) requires a list of payments is to be presented at the next ordinary meeting of council.
3. It has been customary practice that whilst being a leader in the community, we meet our terms of credit as established between suppliers and aspire to obtain discounts where practicable. Payments have been approved by authorised officers in accordance with agreed delegations and policy frameworks.

#### **COMMENT**

4. Council has given delegated authority that allows the Chief Executive Officer to approve payments from Council's bank accounts either via cheque or through electronic lodgement. (refer Attachment 12.4.2).
5. Payments

Municipal Fund	totalling \$1,492,139.61
	Incorporating cheques, direct debits, electronic payments and credit cards.
Trust Fund	totalling \$NIL
	Incorporating electronic payments.
Total Payments:	\$1,492,139.61

#### **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 August 2021 (*totalling \$1,492,139.61*).

**COUNCIL RESOLUTION**

**ITEM 12.4.2**

**Res No: 08-0921**

**MOVED: Cr Niikkula**

**SECONDED: Cr Lake**

**That Council RECEIVES the report of payments made from the Municipal and Trust bank accounts during the month of August 2021 (*totalling \$1,492,139.61*).**

**CARRIED 5/0**

## **ITEMS FOR INFORMATION ONLY**

The following reports were recommended enbloc 12.1.1, 12.2.1, 12.2.2, 12.2.4, 12.2.5 12.4.1, 12.4.2. 12.5.1

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

#### **PURPOSE**

To advise Council of the information items listed below.

#### **VOTING REQUIREMENTS**

Simple Majority

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

#### **ITEM 12.5.1**

That Council note the following information items:

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

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

<b>DATE</b>	<b>DOCUMENT</b>
19/08/21	Sub lease – Shire of Exmouth, Exmouth Chamber of Commerce and Community Housing (Council Decision 09-1120)
02/09/21	Sub lease – Shire of Exmouth, Exmouth Chamber of Commerce and Di Candilo Steel City (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 August 2021.

<b>App #</b>	<b>Date Received</b>	<b>Lot</b>	<b>Property Address</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
21/79	09/07/21	72	Marlin Terrace	Floating jetty	Pending	
21/80	09/07/21	73	Marlin Terrace	Floating jetties	Pending	
21/85	04/08/21	410	10 Farley Street	Outbuilding	Approved	06/08/21
21/86	09/08/21	501	30 Ingleton Street	Single house, ancillary dwelling & fencing	Approved	11/08/21
21/87	09/08/21	1023	31 Patterson Way	Storage units	Approved	12/08/21
21/88	10/08/21	198	36 Kennedy Street	Approval for constructed alteration/addition	Approved	07/09/21
21/89	10/08/21	200	54 Cobia Close	Single Dwelling Inclusive of Carport & Alfresco	Approved	13/08/21
21/90	13/08/21	37	6 Pelias Street	Shade Structure for Car Vacuum Bay	Approved	17/08/21
21/91	19/08/21	2	46 Heron Way	Single dwelling	Approved	04/09/21
21/92	30/08/21	1109	23 Hall Street	Verandah	Approved	04/09/21
21/93	30/08/21	417	54 Madaffari Drive	Single dwelling, swimming pool & fence	Approved	10/09/21



Planning Decisions Issued

Summary of the planning decisions issued under delegation or outstanding up to 31 August 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
LP.PL.4.4	18/02/21			Service Commercial Zone	Processing	
DA23/21	18/03/21	52	25 Lockwood Street	Existing Use – B&B (2 Bedrooms)	Approved	18/08/21
DA47/21	19/05/21	1148	39 Welch Street	Addition to existing warehouse - awning for undercover parking	Approved	11/08/21
DA48/21	21/05/21	1412	18 Payne Street	Club Premises- Additions and Approval for Existing Development - Earthworks	Deferred	
DA50/21	24/05/21	411	8 Farley Street	Single Dwelling - Additions	Deferred	
DA51/21	04/06/21	2, 557	Yardie Creek Road	Tourist Development, Caravan Park, Shop, Restaurant/Cafe, Small Bar & Service Station	Deferred DA50/21	13/08/21
DA54/21	21/06/21	1	Unit 1, 1 Coral Way	Home Occupation	Approved	30/08/21
DA59/21	17/06/21	1214	7 Skipjack Circle	Change of use - Holiday Accommodation	Approved	16/08/21
DA60/21	23/06/21	900	2 Welch Street	Holiday Accommodation additions	Processing	
DA61/21	06/07/21	2	46 Heron Way	Single Dwelling	Approved	17/08/21
DA62/21	09/07/21	36	3 Learmonth Street	Change of use (outbuilding to laundry) & Development (internal & earthworks for carparking)	Processing	
DA63/21	19/07/21	2	23 Ningaloo Street	Change of use - Holiday Accommodation	Approved	27/08/21
DA64/21	15/07/21	206	42 Cobia Close	Retrospective approval - Grouped Dwelling x 2 (Single Bedroom Dwellings)	Approved	25/08/21
DA65/21	22/07/21	387	25 Corella Court	Single Dwelling	Deferred	26/08/21
DA66/21	27/07/21	1376	40 Preston Street	Holiday Accommodation (ancillary dwelling)	Processing	
DA67/21	02/08/21	440	18 Osprey Way	Single House - Additions, Swimming Pool and Outbuilding	Deferred	27/08/21
DA68/21	02/08/21	367	6 Corella Court	Single House - additions	Approved	30/08/21
DA69/21	02/08/21	432	27 Fitzhardinge Street	Single House - carport & outbuilding	Processing	
DA70/21	03/08/21	372	16 Corella Court	Single House, swimming pool	Processing	
DA71/21	04/08/21	284	Murat Road	Development 2 x 20ft sea containers	Deferred	
DA72/21	10/08/21	7	Catalina Close	Single House, Ancillary Dwelling and Outbuilding	Approved	26/08/21
DA73/21	06/08/21	260	4 Davidson Street	Single House - additions	Processing	
DA74/21	06/08/21	1106	9 Campbell Way	Development - Garage and carport	Processing	31/08/21
DA75/21	10/08/21	24	46 Mortiss Street	Single Dwelling	Processing	
DA76/21	09/08/21			2 x telecommunication towers	Processing	
DA77/21	12/08/21	166	Lyndon Location	Nature based park	Processing	
LP.PL.4.5	13/08/21	600	Murat Road	Scheme Amendment No.5	Processing	
DA78/21	19/08/21	372	16 Corella Court	Development - Jetty	Approved	27/08/21
DA79/21	19/08/21	411	36 Madaffari Drive	Development - Jetty	Approved	30/08/21
DA80/21	23/08/21	500	1 Nimitz Street	Caravan Park - Additions (Ablutions and Camp kitchen)	Deferred	23/08/21
DA81/21	18/08/21			Written Planning Advice for 5 Eco Dome Tents	Processing	
DA82/21	20/08/21	465	25 Osprey Way	Single House	Processing	
DA84/21	30/08/21	245	7 Davidson Street	Approval of existing use - Holiday House	Processing	

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

App #	Date Received	Description.	Decision	Permit issued
PE28/21	03/08/21	Variety WA – Vlamingh Head Lighthouse – sundowner 21/08/21	Issued	09/08/21
PE29/21	05/08/21	Short Order food van – Town beach temporary permit	Issued	06/08/21
PE30/21	27/08/21	Little Flower coffee van – Hunters or Dunes beach, from 25/09/21	Awaiting information	

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**OFFICER’S RECOMMENDATION**

**ITEM 12.5.1**

That Council note the following information items:

- Register of Documents Stamped with the Shire of Exmouth Common Seal;
- Building Decisions issued for 31 August 2021; and
- Planning Decisions issued for 31 August 2021.

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**COUNCIL RESOLUTION**

**ITEM 12.5.1**

**Res No: 09-0921**

**MOVED: Cr Niikkula**

**SECONDED: Cr Lake**

That Council note the following information items:

- **Register of Documents Stamped with the Shire of Exmouth Common Seal;**
- **Building Decisions issued for 31 August 2021; and**
- **Planning Decisions issued for 31 August 2021.**

**CARRIED 5/0**

### **12.2.3 PROPOSED SCHEME AMENDMENT NO.3 TO LOCAL PLANNING SCHEME NO.4**

File Reference:	LP.PL.4.3
Reporting Officer:	Senior Planning Officer
Responsible Officer:	Executive Manager – Development Services
Date of Report:	14 September 2021
Applicant/Proponent:	P Cunningham – Rowe Group
Disclosure of Interest:	Nil
Attachment(s):	1. Scheme Amendment Report 2. Indicative Concept Plan 3. Land use terms used LPS 4 4. Schedule of Modifications

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#### **PURPOSE**

1. The purpose of this report is:
  - To formally present to Council the draft Scheme Amendment 3 proposal;
  - For Council to determine whether or not it supports certain elements of the proposal in-principle with or without modifications; and
  - To outline key matters to be appropriately addressed prior to Council separately considering whether or not it wishes to adopt a scheme amendment.

#### **BACKGROUND**

2. Council is in receipt of a scheme amendment request (SAR) to Local Planning Scheme No.4 (LPS 4) over the following four (4) land parcels, hereafter referred to as the 'subject site':
  - Lot 1 on Deposited Plan 47770 Kailis Road, Learmonth;
  - Lot 101 on Deposited Plan 180602;
  - Lot 112 on Deposited Plan 182633, Minilya-Exmouth Road, Learmonth; and
  - Lot 220 on Deposited Plan 192031.
3. MG Kailis Group (MGK) are the landowner and leaseholder of the subject site.
4. The SAR seeks to rezone the subject site from 'General Industry' to a 'Special Use' zone (SU10) and assigning a series of permissible land uses and development conditions (in Schedule 4 – Special Use Zones) to the subject site.
5. The subject site has a total area of approximately 27.84 hectares and located approximately 20km south from the Exmouth Town Centre and 13km north of the Learmonth Airport. The subject site is located east of the Minilya-Exmouth Road at the intersection of Charles Knife Road. Exmouth Gulf is located directly east of the subject site.
6. The land directly to the north and on the opposite side of Minilya-Exmouth Road is zoned 'Rural'. Further to the north and directly to the south and east of the subject site is land reserved for 'Foreshore' under LPS 4.

7. The subject land is generally flat and predominantly cleared, and contains a number of buildings and structures associated with the former Kailis Prawn Processing Facility.
8. The figure below shows the zoning of the subject site and location of Special Control Area 6 – Minilya-Exmouth Road (SCA 6).



9. Prior to the gazettal of LPS 4, the Shire of Exmouth previous Town Planning Scheme No.3 (TPS 3) was in operation. Under TPS 3, the subject site was zoned 'Industrial' and identified as a 'Strategic Industrial Area'.
10. It is understood that MGK have been in possession of the subject site since the 1970s (except for leasehold lot 112, which was secured in the early 1980s). The SAR provides a summary of the historical uses and background of each of the lots.
11. MGK's intention for the subject site is to create a unique "fishing village" tourist facility. An indicative Tourism Concept Plan has been provided (Attachment 2).
12. The SAR seeks to apply the below permissible uses to the subject site (refer Attachment 3 for the land use definitions in LPS 4):

**Tourism Uses** – 'Camping Ground', 'Caravan Park', 'Holiday Accommodation', 'Nature Based Park', 'Motel', 'Serviced Apartment', 'Tourist Development', 'Bed and Breakfast' and 'Holiday House'.

**Residential Uses** – 'Caretaker's Dwelling', 'Grouped Dwelling', 'Multiple Dwelling', 'Repurposed Dwelling', 'Residential Building' and 'Second-hand Dwelling'.

**Commercial Uses** – ‘Restaurant/Café’, ‘Tavern’, ‘Small Bar’, ‘Convenience Store’, ‘Fast Food Outlet’, ‘Shop’ and ‘Lunch Bar’.

**Industrial Uses** – ‘Warehouse/Storage’, ‘Marine Filling Station’, ‘Service Station’ and ‘Industry – Primary Production’.

**Other** – ‘Cinema/Theatre’, ‘Club Premises’, ‘Exhibition Centre’, ‘Car Park’, ‘Reception Centre’ and ‘Recreation – Private’.

## COMMENT

13. 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.
14. 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.
15. 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 relevant processes to occur. The proposed amendment is considered a ‘complex amendment’.
16. Overall, tourism (caravan and tent sites, glamping, cabins as indicated on the Indicative Concept Plan) and other incidental uses are considered appropriate on site. There is however, a need to suitably address a number of items and planning considerations prior to formally considering the SAR.
17. The Shire officers recommend ‘in principle’ support of the SAR for the tourism (refer to preceding paragraph) and incidental uses, subject to modifications and the proponent suitably addressing relevant matters outlined in this report and Attachment 4. It is suggested that the following critical matters be addressed by the proponent:
  - Addressing impacts of road traffic noise on the development along with noise impacts generated on site.
  - Land use compatibility and preparation of a structure plan.
  - Scheme provisions.
  - Review and updated scheme amendment report.
  - Site and soil evaluation and water management strategy.
18. The matters raised above and other relevant key considerations are discussed in further detail below.
19. Once the modifications and technical investigations are suitably addressed, the Shire will report back to Council. Council will then determine whether or not it will adopt (initiate) Scheme Amendment 3.
20. It is important to note that other issues or items may be raised by agencies, stakeholders

and the community through the process that need to be suitably addressed by the proponent to the satisfaction of Shire, the EPA, the Western Australian Planning Commission (WAPC), other State Government agencies and ultimately the Minister for Planning.

#### Environmental considerations

21. An Environmental Assessment Report has been submitted with the SAR (refer Attachment 1). The report outlines the environmental features of the subject site, potential environmental impacts considering the design and management actions to address these impacts. The report concludes that, subject to further investigations being undertaken for future planning and development application (DA) stages, development of the site as proposed, would be unlikely to result in any unacceptable environmental outcomes.
22. The Environmental Protection Authority (EPA) has recently completed its cumulative impact study into the current and proposed pressures on the Exmouth Gulf and delivered its advice to the Hon. Minister for Environment. Should the SAR be adopted by Council, the local government must refer the SAR to the EPA to determine if it should be assessed.

#### Coastal considerations

23. A Coastal Hazard Risk Management Adaption Report (CHRMAP) is included with the SAR (refer Attachment 1). The CHRMAP concludes:

*The completion of the coastal hazard risk assessment for this site has shown that there is a risk of coastal hazards adversely impacting the site, however over the 50-year planning horizon to 2071 the risk is deemed to be at a tolerable level. Despite the level of risk being tolerable, the 'as low as reasonably practical' (ALARP) approach has been adopted for the development and additional risk mitigation strategies have been proposed.*

*This includes both a built form response for newly constructed assets as well as an overall management approach. Beyond the initial planning horizons, a risk mitigation strategy of planned or managed retreat informed by coastline monitoring and revised coastal hazard assessments will be implemented. Finally, this plan was developed on the basis that the risk to public safety as a result of cyclone inundation is already managed within the Kailis Properties and by DFES. It is recommended that Kailis review its existing evacuation and cyclone event management plan for appropriateness for the development.*

#### Traffic and transport considerations

24. Vehicular access between the site and Minilya-Exmouth Road will ultimately need to meet the requirements of Main Roads WA.
25. A Transport Impact Statement (TIS) has been prepared (refer Attachment 1) to demonstrate the capability of the site for the development, and its impact on the surrounding road network. Overall, the TIS concludes that no significant adverse impact on the capacity or safety of the surrounding road network is envisaged. However, it suggests an upgrade to the Kailis Road/Minilya-Exmouth Road T-intersection to safely accommodate the increased demand for turning movements and a review of posted speed limit on Minilya-Exmouth Road may be required.

#### Bushfire

24. Most of the subject site has been declared bushfire prone by the Commissioner for Fire and Emergency Services, pursuant to s. 18P of the *Fire and Emergency Services Act 1998*. A Bushfire Hazard Level (BHL) Assessment accompanies the SAR (refer Attachment 1). The BHL concludes:

*The subject site will be exposed to BHLs of moderate and low that can be maintained through the implementation of bushfire management measures documented in bushfire management plans supporting future planning applications.*

#### Local Planning Strategy

25. 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 for land use and development controls.
26. The Strategy reiterates the subject site's existing 'General Industry' zoning and identifies the subject site as Existing Industry Area 5. The Strategy states:

*The land use intent for this area is to provide the opportunity for land based general industrial activity servicing the resource sector as well as to accommodate the relocation of existing industrial activity from the townsite which generate nuisance and/or have a larger land take requirement.*

27. It is noted that the proposed SAR is inconsistent with the Strategy given the current intended industrial use of the property.
28. The Strategy includes a number of objectives and strategies with respect to tourism land uses.
29. Although the site is not identified as 'Tourism Area' in the Strategy, the use of the site for tourism and other incidental related purposes is generally supported. The subject site has a number of positive tourism attributes given the location and landscape. Further, it will provide an economic benefit to other tourist businesses and operators, and opportunities to bring new employment into the area.

#### Local Planning Scheme No.4

30. As mentioned above, the subject site is zoned 'General Industry'. An 'Additional Use' A4 also applies to the subject site. It allows for a 'Caravan Park' as a 'D' (discretionary) use and 'Caretaker's Dwelling' as an 'I' (incidental) use, however a 'Caravan Park' is currently restricted to Lot 112 only.
31. The western portion of the site is included within the Special Control Area 6 – Minilya-Exmouth Road (SCA 6).
32. The intent of SCA 6 Minilya-Exmouth Road is to maintain the view sheds, environmental and landscape qualities of Minilya-Exmouth Road when entering the Exmouth Townsite by ensuring there is no encroachment of inappropriate development within 100 metres on either side of the road. This is consistent with the Ningaloo Coast Regional Strategy Carnarvon to Exmouth and the Exmouth South Structure Plan.
33. The subject site has a mostly open landscape with views to the gulf. Scattered vegetation including moderate to large to large palms are located throughout the site. An existing storage building is within SCA 6, however this was constructed prior to the adoption of LPS 4.
34. The proponents have requested the removal of the subject site from SCA 6 for the following reasons:

- The imposition of a visual amenity plan was intended to be a visual amenity policy (and not a statutory scheme provision); and
- The intent of the visual amenity plan/policy was to guide development and landscaping rather than preclude development.

35. As part of the adoption of LPS 4, a policy was not considered appropriate as local governments are only required to have due regard to local planning policies in the decision-making process. The incorporation of SCA 6 into LPS 4 was to give weight to the provisions and overall implementation.
36. Notwithstanding the above, SCA 6 does not specifically state that development is not permitted within the 100 metre wide visual protection corridor. It does, however, require any development to be supported by a Visual Landscape Assessment in line with the WAPC's Visual Landscape Planning in Western Australia a manual for evaluation, assessment, siting and design.
37. Additionally, *State Planning Policy 5.4 – Road and Rail Noise* applies to the subject site. The impacts of road traffic noise and mitigation measures will need careful consideration and design. A noise management plan has been requested as outlined in Attachment 4.
38. The removal of a such small section of SCA 6 is considered a piecemeal approach and is not supported by Shire officers. It would undermine the intent of SCA 6, prejudice its application, and could set an undesirable precedent for other properties.

#### Land uses

39. Overall, most of the tourism (as outlined in Attachment 4) and other incidental uses are considered appropriate for this site. Refer Attachment 3 for the land use terms defined in LPS 4. Based on the current information Shire officers do not consider the following uses suitable for the site:
- Nature based park
  - Motel
  - Serviced Apartment
  - Bed and Breakfast
  - Cinema/Theatre
  - Club premises
  - Fast Food Outlet
  - Holiday House
  - Lunch Bar
  - Grouped Dwelling
  - Multiple Dwelling
  - Repurposed Dwelling
  - Residential Building
  - Second-hand Dwelling
40. The subject site does not appear to meet the definition of LPS 4 and in *the Caravan Parks and Camping Grounds Regulations 1997*, when considering the existing and likely proposed development and associated impacts of noise and artificial light. A caravan park would (as shown as the predominant use on Attachment 2 – Indicative Concept Plan) more appropriately fall under the uses proposed of 'Camping Ground' and/or 'Caravan Park'. A 'Holiday House' refers to a dwelling on one lot being used for short-term accommodation, which is not the intent behind the SAR.



41. 'Lunch Bar' (which are only permitted within industrial or commercial areas) and 'Fast Food Outlet' are not considered appropriate. The sale of food and beverages would be better aligned with the uses proposed for 'Restaurant/Café', 'Small Bar' and/or 'Tavern'. Subject to this element being incidental, the sale and consumption of take away food could be considered under the above uses.
42. The SAR and Concept Plan includes reference to permanent residential component (park homes). Despite requests to the proponent, little justification has been provided to support these uses. The Strategy does not recommend permanent residential in tourism areas outside of the townsite. Residential development should be generally located closer to the townsite and adequately serviced. The scheme provisions as proposed, could potentially allow for unrestricted permanent residential, including a range of designs and forms of houses, units and apartments.
43. The proponents have proposed 'Industry – Primary Production' as a land use, which they have advised to allow for a small seafood processing use to be reinstated in historical buildings to pay homage to the historical use of the site. To avoid potential land use conflicts, it is recommended that this be an incidental and small operation tied directly to the tourism uses in the SAR and scheme provisions.
44. Given the various and diverse range of land uses proposed, to ensure uses and development are appropriately coordinated and planned, it is recommended that a structure plan, in accordance with the Regulations, be prepared.

#### Scheme provisions

45. There is a need to review and update the proposed scheme amendment provisions, as outlined in Attachment 4.

#### Next steps

46. Should Council support Scheme Amendment 3 in-principle (with or without modifications), the suggested next steps are:
  - The proponent to appropriately address relevant matters outlined in this report and Attachment 4;
  - Following the proponent suitably addressing relevant matters, the Shire officers will report back to Council. Council will likely be in a position to consider adopting (initiating) the scheme amendment;
  - Should Council agree to adopt the scheme amendment, Shire officers will seek environmental clearance from the EPA and consent to advertise from the WAPC;
  - Provided the above occurs, the scheme amendment will be widely publicly advertised, inviting submissions from adjoining/nearby landowners, the local community, relevant government agencies and other stakeholders. The comment period will be a minimum of 60 days;
  - Following the advertising period, the Shire officers will assess and consider all submissions and seek to address relevant issues with the proponent and other stakeholders as appropriate. Then Shire officers will prepare a report on the submissions received and referred to Council to determine whether or not it wishes to request final adoption (approval) to the scheme amendment; and

- The WAPC then makes its assessment on the scheme amendment and provides a recommendation to the Minister for Planning. The Minister makes the final decision on whether or not to grant final approval of the scheme amendment. If the Minister grants final approval, the scheme amendment will, in time, be published in the Government Gazette, at which point it legally comes into effect.

47. In summary, the tourism (caravan and tent sites, glamping and cabins as indicated on the Indicative Concept Plan) and other incidental uses of Amendment 3 is supported, in principle, by the Shire officers, subject to the proponent suitably addressing relevant matters outlined in this report (see Attachment 4). Should these issues be suitably addressed, it is suggested that Council will likely be in a position to consider adopting (initiating) Scheme Amendment 3 over the site.

## **CONSULTATION**

48. The Regulations 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.
49. Section 81 of Act requires a local government to refer an amendment to the EPA to determine if it should be assessed.
50. If Council resolves under regulation 35(1) to adopt an amendment to a local planning scheme, the local government must, after receiving consent from the WAPC, advertise the amendment in accordance with regulation 37(1).
51. Should a SAR be initiated by Council, the full report (including relevant studies) will be referred to a number of governments agencies and utility providers for further comment.

## **STATUTORY ENVIRONMENT**

52. *Planning and Development Act 2005*
53. *Planning and Development (Local Planning Scheme) Regulations 2015*
54. *Local Planning Scheme No. 4*
55. *Environmental Protection Act 1986*
56. *Exmouth South Structure Plan*
57. *Caravan Parks and Camping Grounds Regulations 1997*

## **POLICY IMPLICATIONS**

58. The following policies have been given due consideration in relation to this proposal:
- *State Planning Policy 1 – State Planning Framework*
  - *State Planning Policy 2.6 – Coastal Planning*
  - *State Planning Policy 3.7 - Planning in Bushfire Prone Areas*
  - *State Planning Policy 5.4 – Road and Rail Noise*
  - *State Planning Policy 6.3 - Ningaloo Coast*
  - *Government Sewerage Policy*

## **FINANCIAL IMPLICATIONS**

59. Nil

## RISK MANAGEMENT

60. 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 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	If initiated in the future, 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

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

- To resolve not to provide ‘in-principle’ support;
- To resolve to adopt the amendment to the local planning scheme with or without modifications; or
- To resolve not to adopt the amendment to the local planning scheme.

## STRATEGIC IMPLICATIONS

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

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

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

1.2 Facilitate the strengthening and growth of our visitor experience.

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

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

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

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

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

63. Simple Majority

## OFFICER’S RECOMMENDATION

## ITEM 12.2.3

That Council advise the proponent (Rowe Group) that:

1. It supports 'in principle' the proposal to rezone Lot 1 on Deposited Plan 47770 Kailis Road, Learmonth, Lot 101 on Deposited Plan 180602, Lot 112 on Deposited Plan 182633, Minilya-Exmouth Road, Learmonth; and Lot 220 on Deposited Plan 192031 from 'General Industry' to 'Special Use' to facilitate tourism and related uses as outlined in Attachment 4.
2. Prior to Council considering whether or not it will adopt (initiate) Scheme Amendment No. 3 to the *Shire of Exmouth Local Planning Scheme No. 4* for the subject land, there is a need for the proponent to appropriately address matters outlined in Attachment 4. Following this, the Shire will separately report to Council.
3. Council's 'in principle' support should not be construed as giving any final approvals to the proposal. It is highlighted that other issues are expected to be raised by agencies, stakeholders and the community through the planning process that need to be suitably addressed by the proponent to the satisfaction of the Council, the Environmental Protection Authority, the Western Australian Planning Commission, other relevant State Government agencies and the Minister for Planning.

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**COUNCIL RESOLUTION**

**ITEM 12.2.3**

**Res No: 10-0921**

**MOVED: Cr Niikkula**

**SECONDED: Cr Lucas**

**That Council advise the proponent (Rowe Group) that:**

- 1. It supports 'in principle' the proposal to rezone Lot 1 on Deposited Plan 47770 Kailis Road, Learmonth, Lot 101 on Deposited Plan 180602, Lot 112 on Deposited Plan 182633, Minilya-Exmouth Road, Learmonth; and Lot 220 on Deposited Plan 192031 from 'General Industry' to 'Special Use' to facilitate tourism and related uses as outlined in Attachment 4.**
- 2. Prior to Council considering whether or not it will adopt (initiate) Scheme Amendment No. 3 to the *Shire of Exmouth Local Planning Scheme No. 4* for the subject land, there is a need for the proponent to appropriately address matters outlined in Attachment 4. Following this, the Shire will separately report to Council.**
- 3. Council's 'in principle' support should not be construed as giving any final approvals to the proposal. It is highlighted that other issues are expected to be raised by agencies, stakeholders and the community through the planning process that need to be suitably addressed by the proponent to the satisfaction of the Council, the Environmental Protection Authority, the Western Australian Planning Commission, other relevant State Government agencies and the Minister for Planning.**

**CARRIED 5/0**

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

Nil

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

Nil

**15. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS**

Nil

**16. CLOSURE OF MEETING**

The Shire President declared the meeting closed at 5.35pm, and thanked the gallery and those who presented deputations for attending.