

Shire of Exmouth

# ORDINARY COUNCIL MEETING

## AGENDA



24 February 2022

# NOTICE OF MEETING

Notice is hereby given that the

Shire of Exmouth  
Ordinary Council Meeting  
will be held on  
24 February 2022

Commencing at 4.00 pm

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

**Ben Lewis**  
**Chief Executive Officer**

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## **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.

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## Disclosure of Interest Form

(Elected Members/Committee Members/Employees/Contractors)

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

To: Chief Executive Officer

Name [Click here to enter text.](#)

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Elected Member     Committee Member     Employee     Contractor

Ordinary Council Meeting held on [Click here to enter text.](#)

Special Council Meeting held on [Click here to enter text.](#)

Committee Meeting held on [Click here to enter text.](#)

Other [Click here to enter text.](#)

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Report No [Click here to enter text.](#)

Report Title [Click here to enter text.](#)

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Type of Interest (\*see overleaf for further information)

Proximity                       Financial                       Impartiality

Nature of Interest

[Click here to enter text.](#)

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

[Click here to enter text.](#)

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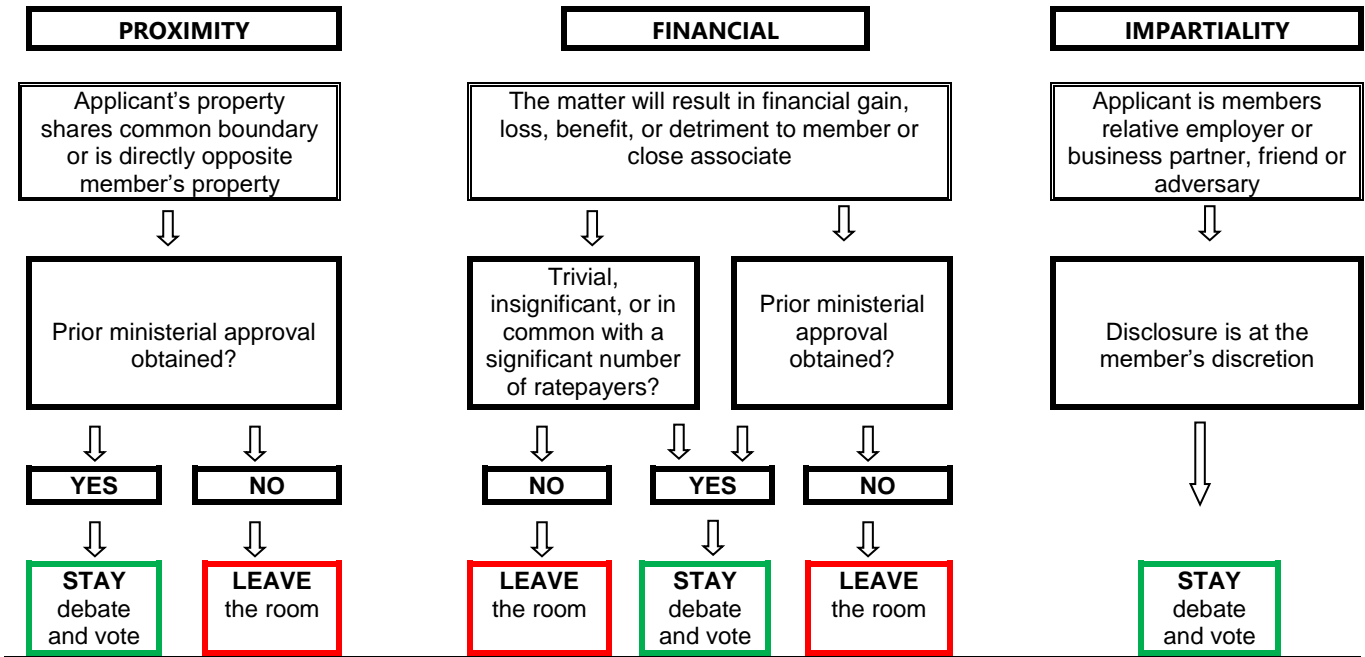
Signed: \_\_\_\_\_ Date: [Click here to enter text.](#)

- **Note 1** - Elected Members/ Committee Members/Employees refer to the Disclosure of Interest Declaration card when disclosure is being read out at Council or Committee Meeting.
- **Note 2**: For Ordinary meetings of the 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 3**: 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.

CEO: \_\_\_\_\_ Signed: \_\_\_\_\_ Date: \_\_\_\_\_

OFFICE USE ONLY	
<input type="checkbox"/> Particulars recorded in Minutes	<input type="checkbox"/> Particulars recorded in Register

**\* Declaring an Interest**



**Local Government Act 1995 – Extract**

**s.5.60A - Financial Interest**

A person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

**s.5.60B – Proximity Interest**

A person has a proximity interest in a matter if the matter concerns —

- (a) a proposed change to a planning scheme affecting land that adjoins the person's land; or
- (b) a proposed change to the zoning or use of land that adjoins the person's land; or
- (c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.

**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)

**5.71A. - CEOs to disclose interests relating to gifts in connection with advice or reports**

(1) A CEO who has an interest relating to a gift in a matter in respect of which the CEO proposes to provide advice or a report, directly or indirectly, to the council or a committee must disclose the nature of the interest in a written notice given to the council.

(2) A CEO who makes a disclosure under subsection (1) must not provide the advice or report unless the CEO is allowed to do so under section 5.71B(2) or (6).

(3) A CEO who has an interest relating to a gift in a matter in respect of which another employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when the advice or report is provided.

**Local Government (Administration) Regulations 1996 – Extract** - In this clause and in accordance with Regulation 19AA "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 association.

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# AGENDA

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 XX

The Shire President acknowledged the Traditional Owners of the land on which we meet, and paid respect to Elders past, present, and emerging.

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.

The Shire President 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 D (Darlene Allston)	Shire President
Councillor J (Jackie) Brooks	Deputy Shire President
Councillor H (Heather) Lake	
Councillor M (Mark) Lucas	
Councillor A (Anne) McCarrol	
Councillor D (David) Gillespie	
Mr B Lewis	Chief Executive Officer
Mr M Bird	Executive Manager Commercial and Community
Mr M Richardson	Executive Manager Development Services
Mr G Coetzee	Executive Manager Corporate Services
Ms M Head	Minute Clerk

### **GALLERY**

## **APOLOGIES**

## **LEAVE OF ABSENCE**

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

Question received from Phillip Short

*What are the vaccine mandate effects on our town?*

Shire response:

The Shire of Exmouth recognises and acknowledges the concerns of the community in relation to the mandated COVID-19 vaccination policy.

However, mandated COVID-19 vaccination in Western Australia is a State Government Policy which the Shire of Exmouth, as with all employers in the State of Western Australia, are obligated to implement as directed.

### **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 16 December 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**

Nil

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

Nil



## **12. REPORTS OF OFFICERS**

### **DEVELOPMENT SERVICES**

#### **12.2.1 AWARD TENDER 11-2021 - SUPPLY OF A NEW MID-SIZE ROAD SWEEPER AND TRADE OF OLD**

File Reference:	PL.TE.0
Reporting Officer:	Executive Manager Development Services
Responsible Officer:	As above
Date of Report:	9 February 2022
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. CONFIDENTIAL RFT 11-2021 Evaluation Report

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#### **PURPOSE**

1. That Council awards tender 11-2021 for the supply of a new mid-size road sweeper and trade in of old as per the recommendation in Confidential Attachment 1.

#### **BACKGROUND**

2. The purchase and trade of plant and equipment is identified through the Shire's 10 Year Plant Replacement Program. This program provides a systematic analysis of plant purchase, identifies recommended changeover dates and provides Council with an overview of lifecycles, benchmark analysis, and financial outlay. Trade cycles are based on the Institute of Public Works Engineering (IPWEA) benchmark utilisation hours where applicable. The program considers the importance of replacing plant before resale values fall dramatically and repairs and maintenance costs increase. Adopting optimum replacement reduces annual plant replacement costs in the long term, reduces maintenance costs and operational downtime.

#### **COMMENT**

3. Tender 11-2021 documents were submitted through the Shire of Exmouth TenderLink portal which provides interested parties the opportunity to clarify any issues. All submissions were required to be submitted on this portal. No other forms of submissions were accepted.
4. The tender request received three responses from interested parties with four options provided.
5. The preferred machine meets all the requirements specified in the tender request as well as having a higher maximum travelling speed of 80km/h giving it the capacity for it to be used at locations outside of the town area. Other additional features include increased hopper volume, low noise levels, and a heavy duty suction system which can be used for drainage sump maintenance.

## CONSULTATION

6. Shire of Exmouth Mechanic and Manager Works

## STATUTORY ENVIRONMENT

7. *Local Government Act 1995* section 3.57

8. *Local Government Regulation 1996 (Function and General)* Part 4, Division 2 section 14.

## POLICY IMPLICATIONS

9. 2.7 – Procurement Policy

2.9 – Disposal of Surplus Council Furniture and Equipment

2.12 – Asset Management Policy

## FINANCIAL IMPLICATIONS

10. The table below shows the Fleet Replacement 2021/22 Budget:

Shire Budget 2021/22	Group/Type	Budget
4120330	Plant Replacement Program	\$650,000

## RISK MANAGEMENT

11. Identified risks implications

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance Current sweeper is at a higher risk of breakdown causing operational delays	Likely	Major	High	New sweeper should have improved reliability and will have warranty period
Financial Current sweeper is at a higher risk of breakdown of expensive major components	Likely	Major	High	New sweeper should have improved reliability, lower operational costs, and will have a warranty period
Reputational Operational delays due to sweeper breakdown may cause community concern	Possible	Minor	Medium	The new sweeper should have improved reliability

## ALTERNATE OPTIONS

12. Council may decide to not accept the officer's recommendation and award the tender to an alternative submission or refuse all presented submissions.

## STRATEGIC ALIGNMENT

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

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

4.1 To provide proactive, collaborative, and transparent leadership

## VOTING REQUIREMENTS

14. Simple Majority

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**OFFICER'S RECOMMENDATION**

**ITEM 12.2.1**

That Council:

1. Award the contract for Tender 11-2021 - Supply of new mid-size road sweeper and trade of old, as per the recommendation in Confidential Attachment 1 and
2. Record the recommendation for Tender RFT 08/2021 Supply of new mid-size road sweeper and trade of old, as provided in the Confidential Attachment 1 onto the meeting minutes.

## **12.2.2 AWARD TENDER 01-2022 - SUPPLY AND APPLICATION OF BITUMEN**

File Reference:	CM.TE.01.2022
Reporting Officer:	Mike Richardson
Responsible Officer:	As above
Date of Report:	15 February 2022
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Confidential - Evaluation Report

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### **PURPOSE**

1. That Council awards Tender 01/2022 for the Supply and Application of Bitumen as per the recommendation in Confidential Attachment 1.

### **BACKGROUND**

2. Resurfacing or resealing roads is part of the Council's asset preservation program. The preservation goal is to improve and restore the road surface and to prevent water ingress into the road foundation.
3. Bitumen seal hardens with age, cracks, loses stone, and under such conditions progressively allows water into the road foundation. Bitumen spray seals provide a cost-effective flexible layer over existing road surfaces or new foundations. This treatment involves spraying hot bitumen over the existing surface, spreading a layer of stone on top, and rolling the stone into the bitumen.
4. Road pavement renewal works for Yardie Creek Road were identified in the 2017 Golder Associates Preliminary Seal Design report and in the Shires 2019 Asset Management Plan inspections. The pavement in various locations along 76 kms of the road was identified as being in poor condition requiring reseal works to replace stone stripping which has occurred to the bitumen surface.
5. The Shire is using a Federal Government Local Roads and Community Infrastructure (LRCI) grant to fund reseal works for Yardie Creek Road with this tender. The length of road to receive reseal works will be approximately 12 kms from the Murat Road intersection to Wobiri Beach access.

### **COMMENT**

6. The Tender was submitted 25 January 2022 through the Shire of Exmouth TenderLink portal and advertised in the West Australian and Pilbara news media. The portal provides interested parties the opportunity to clarify any issues and is the mechanism for which submissions are accepted.
7. Five responses were received from interested contractors.

### **CONSULTATION**

8. Internal consultation with Manager Works and Executive Manager Development Services.

9. References to 2017 Golder Associates Preliminary Seal Design report and Shire of Exmouth 2019 Asset Management Plan inspections.

## STATUTORY ENVIRONMENT

15. *Local Government Act 1995* section 3.57  
 16. *Local Government Regulation 1996 (Function and General)* Part 4, Division 2 section 14

## POLICY IMPLICATIONS

10. 2.7 - Procurement Policy  
 2.12 - Regional Price Preference Policy  
 2.14 - Asset Management Policy

## FINANCIAL IMPLICATIONS

11. Federal LRCI funding of \$608,000 has been granted to the Shire for the specific purpose of reseal works to Yardie Creek Road. This tender for the Supply and Application of Bitumen will deliver the project.
12. Reseal of Yardie Creek Road is a capital works project in the Shires 2021/22 budget.

## RISK MANAGEMENT

13. Identified risks implications

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance Road degradation will continue to worsen increasing operational requirements and safety risk	Almost certain	Major	High	Reseal works will improve road condition and increase asset life
Financial Road degradation will continue to worsen increasing maintenance costs and reducing asset life	Almost certain	Major	High	Reseal works will improve road condition and increase asset life
Reputational Community and visitors will be at greater risk to personal safety and damage to vehicles	Almost certain	Major	High	Reseal works will improve road condition

## ALTERNATE OPTIONS

14. Council may decide to not accept the officer's recommendation and award the tender to an alternative submission or refuse all presented submissions.

## STRATEGIC ALIGNMENT

15. 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**

16. Simple Majority

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### **OFFICER'S RECOMMENDATION**

**ITEM 12.2.2**

That Council:

1. Award the contract for Tender 01/2021 - Supply and Application of Bitumen, as per the recommendation in Confidential Attachment 1; and
2. Record the recommendation for Tender RFT 01/2021 Supply and Application of Bitumen, as provided in the Confidential Attachment 1 onto the meeting minutes.

### 12.2.3 MULTIPLE DOGS APPLICATION – 27 CARPENTER STREET, EXMOUTH

File Reference:	A819
Reporting Officer:	Ranger
Responsible Officer:	Executive Manager Development Services
Date of Report:	11 February 2022
Applicant	Jennifer Raymer
Disclosure of Interest:	Nil
Attachment(s):	Nil

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#### **PURPOSE**

1. That Council approves an application for a Section 26 Exemption to keep more than two dogs on a property at 27 Carpenter Street Exmouth.

#### **BACKGROUND**

2. Section 3.2 of the Shire of Exmouth Dog Local Law prescribes a limitation on the number of dogs that can be kept at a property.
  - a) 2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within the townsite; or
  - b) 4 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside the townsite.
3. Section 26(3) of the *Dog Act 1976* allows for exemptions to be made:

*Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption —*

  - a) *may be made subject to conditions, including a condition that it applies only to the dogs specified in the exemption;*
  - and*
  - b) *cannot authorise the keeping in or at those premises of —*
    - *more than 6 dogs that have reached 3 months of age; or*
    - *a dog under that age unless it is a pup of a dog whose keeping is authorised by the exemption; and*
  - c) *may be revoked or varied at any time.*
4. Council Policy 8.5 - Multiple Dogs has a clearly defined process for considering the approval of a Section 26 Exemption.

#### **COMMENT**

5. An application for a Section 26 Exemption to allow three dogs to be kept at the applicant's property, 27 Carpenter Street, was received on 30 November 2021. The applicant has a history

showing responsible dog ownership.

6. Rangers inspected the property and found suitable fencing and containment was installed. Appropriate health and animal welfare considerations were also being met for the two animals currently in residence.
7. The applicant is also in the process of upgrading and extending fencing at the front of the property to create more space for the dogs (approximately 100sqm), but also limit their view to the front of the property. Additional shelter for the dogs is being provided with modifications to existing veranda areas.
8. In keeping with Council Policy 8.5 adjoining landowners were asked for comment and two submissions were received of which one was opposed to the application.
9. The adjoining owners that opposed the application reside in both Exmouth and Quindalup seasonally. Their main concern was the two existing dogs had been barking at night and they were concerned that with a third dog there was a potential for the barking to increase. On further investigation, it was identified that the applicant had recently moved into the property. The Rangers explained that it is natural for dogs to bark for a period of time until they settle at a new location and that should the barking continue then any of the neighbours could contact Council's Ranger Services who can work with the dog owner to resolve the problem.
10. Key findings from the Rangers investigation were:
  - The property seemed adequate to contain and house three dogs,
  - The applicant's dogs seemed happy and healthy,
  - The applicant appears to be competent in her dog owning responsibilities,
  - A new colourbond fence has been installed at the front of the property to extend useable yard space, and
  - Additional shelter for the dogs has been installed.
11. In the assessment of this application, staff and the applicant have fulfilled all their requirements under Council Policy 8.5.
12. According to Council Policy 8.5 section 9(a) the Chief Executive Officer and sub delegates are authorised to approve a Section 26 Exemption when all requirements of Council Policy 8.5 and the Shire of Exmouth Dog Local law have been met and no written objection has been received.
13. As the delegation parameters set out in 9(a) were not met, section 10 of the council policy must be invoked to have the application referred to Council for determination.

## **CONSULTATION**

14. Shire staff have liaised with the applicant and the residents of both adjoining properties.

## **STATUTORY ENVIRONMENT**

15. *Dog Act 1976 s.26*  
Shire of Exmouth Dog Local Law 2015 s.3.2

## **POLICY IMPLICATIONS**

16. Council Policy 8.5 Multiple Dogs



## FINANCIAL IMPLICATIONS

17. Nil

## RISK MANAGEMENT

18. Identified risks implications

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Environmental Neighbours may complain about increase dog noise	Unlikely	Minor	Very Low	Council has the power to revoke approval at any time
Reputational Either party may complain about an unfair decision	Unlikely	Minor	Low	Risk can be mitigated by issuing approval and having the power to manage through the current Dog Act , Local Law and Policy

## ALTERNATE OPTIONS

19. Council may choose to refuse the application.

## STRATEGIC ALIGNMENT

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

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

21. Simple Majority

## OFFICER'S RECOMMENDATION

## ITEM 12.2.3

That Council APPROVE Application for a Section 26 Exemption to keep three dogs at 27 Carpenter Street, Exmouth.

## 12.2.4 PROPOSED PARTIAL CLOSURE OF DEDICATED ROAD – PORTION OF LOT 350 ON DP64860

File Reference:	RD.RO.0
Reporting Officer:	Senior Planning Officer
Responsible Officer:	Executive Manager Development Services
Date of Report:	10 February 2022
Applicant/Proponent:	Department of Planning, Lands & Heritage
Disclosure of Interest:	Nil
Attachment(s):	1. Map of subject land

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### PURPOSE

1. That Council resolves to support and approve the permanent closure of the dedicated road, a portion of Lot 350 on Deposited Plan 64860 (the subject land).

### BACKGROUND

2. The subject land is approximately 757m<sup>2</sup> and is shown below. The subject land abuts Reid Street and is located between unallocated Crown land (UCL) Lot 918 on Deposited Plan 181878 and Lot 1426 on Deposited Plan 213546, to the south of the Exmouth Escape Resort.



3. Council, at its Ordinary Council Meeting of 28 October 2021, under item 12.2.1, resolved to: **SUPPORT and initiate the proposed permanent closure of a portion of Lot 350 on Deposited Plan 64860 as shown in Attachment 1, and advertise the notice of motion for this resolution in a local newspaper circulating in the district for a period not less than 35 days, pursuant to s.58 of the Land Administration Act 1997.**

## COMMENT

4. The Department of Planning, Lands, and Heritage (DPLH) has requested the closure of the subject land to facilitate the sale of Lots 918 on Deposited Plan 181878 and 1426 on Deposited Plan 21354.
5. The proposal was publicly advertised from 10 November 2021 until 15 December 2021. Council did not receive any objections to the road closure.
6. Shire officers consider the subject land is no longer required for the purposes of a public road and recommend Council proceed with its closure.

## CONSULTATION

7. In accordance with the requirements of the *Land Administration Act 1997*, the proposal was publicly advertised in the Pilbara News on 10 November 2021 for a period of thirty-five (35) days. No responses were received.

## STATUTORY ENVIRONMENT

8. *Planning and Development Act 2005*
9. *Land Administration Act 1997*
10. *Land Administration Regulations 1998*

## POLICY IMPLICATIONS

11. Nil

## FINANCIAL IMPLICATIONS

12. There were minor costs associated with advertising the proposal in the Pilbara News.

## RISK MANAGEMENT

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational – Not supporting the road closure would result in a redundant piece of land, that could hinder the development potential of the adjoining lots.	Almost certain	Moderate	High	Proceed with the officer's recommendation.

## ALTERNATE OPTIONS

14. Council may consider alternative options in relation to this item, such as:
  - To resolve to deny the request to close the portion of Lot 350 on Deposited Plan 64860; or
  - To resolve to support the request to close the portion of Lot 350 on Deposited Plan 64860, with additional modifications, which could involve additional consultation requirements.

## STRATEGIC ALIGNMENT

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

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

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

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

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

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

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### **OFFICER'S RECOMMENDATION**

**ITEM 12.2.4**

That Council:

1. Support and APPROVE the permanent closure of dedicated road, portion of Lot 350 on Deposited Plan 64860 as shown in Attachment 1, pursuant to section 58 of the *Land Administration Act 1997*; and
2. AUTHORISE the Chief Executive Officer to forward the road closure request to the Department of Planning, Lands, and Heritage on behalf of the Minister for Lands.

## 12.2.5 PROPOSED SCHEME AMENDMENT NO.9 TO LOCAL PLANNING SCHEME NO.4 – INITIATION AND ADOPTION FOR ADVERTISING

File Reference:	LP.PL.4.9
Reporting Officer:	Senior Planning Officer
Responsible Officer:	Executive Manager Development Services
Date of Report:	12 February 2022
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Scheme Amendment Report

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### PURPOSE

1. That Council consider adopting Scheme Amendment No. 9 to the Shire of Exmouth Local Planning Scheme No.4 (LPS 4) for public advertising, pursuant to the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.

### BACKGROUND

2. Shire Officers have prepared a scheme amendment request to LPS 4, which seeks to insert a Figure into LPS 4 to define the Skipjack Circle area.
3. Clause 4.17.1 of LPS 4 reads as follows:  
*"Holiday Accommodation and Holiday House shall not be permitted in the Skipjack Circle Subdivision."*
4. Currently the Skipjack Circle Subdivision refers to all coloured lots shown in figure 1 below.



Figure 1 - Skipjack Circle Subdivision Area

5. The boundary is not currently implemented through an appropriate planning document. This area was identified in the Shires previous Local Planning Policy 6.12 – Holiday Accommodation. The LPP 6.12 was rescinded by Council at the Shires 28 February 2019 Ordinary Council Meeting, as the provisions of the existing policy were included in LPS 4, however, the map was not.
6. There are currently 16 lots outside of the current area on the north side of Skipjack Circle. The proposed amendment seeks to amalgamate these lots into and define the Skipjack Circle area (refer Figure 2 Skipjack Circle Area), whereby restricting un-hosted holiday houses and holiday accommodation from being approved.



**Figure 2 - Proposed Skipjack Circle Area**

7. The subject land is almost entirely built out with dwellings.
8. The subject land is currently zoned 'Residential' under LPS 4, with a predominant r-code density of R17.5, with the exception of an R30 pocket to south of the existing park on Snapper Loop.

**COMMENT**

9. 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.

10. The *Planning and Development Act 2005 (Act)* and *Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)* set out the statutory process for adopting and amending a local planning scheme. The Act allows a local government to resolve to amend a local planning scheme.
11. In addition, the resolution must specify whether the amendment is a complex, standard, or basic amendment as defined by the Regulations, including reasons for the specification. The different amendment types incur different statutory timeframes for the following processes to occur. The proposed amendment is considered a 'standard amendment'.
12. Regulation 35(2) and 47(1) of the Regulations allows Council to adopt a standard scheme amendment for advertising and referral to relevant public authorities.
13. Should Council resolve to proceed, the amendment is required to be forwarded to the Western Australian Planning Commission (WAPC) and Minister for Planning for final approval.
14. The permanent residential population within Exmouth is approximately 3,000 people. Anecdotal evidence suggests that during peak times, visitor numbers have swelled to approximately 15,000 in 2020-21, which has also been due to the travel restrictions and increased visitations during the COVID-19 pandemic.
15. Exmouth is currently experiencing a housing crisis that has been exacerbated by visitor numbers. Land sales have significantly increased and property constraints have delayed new land releases.
16. There is high demand for holiday homes within the Shire of Exmouth, from both visitors and landowners alike. This needs to be balanced with the amenity of neighbouring properties. If not properly managed, holiday homes may result in excessive noise late in the evening, excessive vehicles and trailers being parked on the road verge, and excess rubbish in bins from large numbers of guests.
17. The town relies heavily on temporary seasonal workers to support the tourism industry. These seasonal workers require access to housing, but the increasing popularity of the town as a tourist destination has proven problematic for the supply of housing. The high number of dwellings now rented on a short-term basis has contributed towards a shortage for seasonal workers, and for local residents who rely on rental accommodation. This has given rise to large occupant numbers in shared accommodation, people living in cars or camping illegally, which in turn has given rise to environmental and other issues. Some long-time residents have had to relocate.
18. A number of approvals have been granted for Holiday House and/or Holiday Accommodation for lots on the southern portion of Skipjack Circle (outside of the current boundary). There have been a number of complaints relating to the use of these properties as short term accommodation.
19. The Shire's Local Planning Strategy (Strategy) recognises the importance of tourism in Exmouth, however, notes that the type of accommodation, location and impacts need to be considered as conflicts relating to land use inevitably occur.

20. The objectives of the Western Australian Planning Commissions (WAPC) Planning Bulletin 99 – Holiday Homes Guidelines (PD 99) is to establish clear guidelines for residential homes being used for tourism accommodation, to ensure that they occur in appropriate locations and that all new holiday home rental accommodation is in accordance with relevant legislation, local planning schemes, policies, and managements plans.
21. The WAPC has prepared a Draft Position Statement: Planning for Tourism and guidelines, and are currently seeking comments. The draft policy also provides guidance on the location and use of un-hosted (where guests have exclusive use of an entire house or unit) short-term accommodation. These should be in high tourism amenity areas (close to social, cultural and leisure attractions), while minimising impacts and interface issues between residential and short-term accommodation uses.
22. Currently, residents on the southern portion of Snapper Loop are directly impacted to the rear of their properties by the use of dwellings on Skipjack Circle for holiday houses/accommodation.
23. It is considered that in the current climate of the housing crisis, it would be beneficial to reduce the number of dwellings available for short-stays/holiday rentals and to increase opportunities for longer term rentals.
24. Extending the area to include all lots to the north of Skipjack Circle via the proposed amendment will be orderly and proper planning and will alleviate some of the tensions surrounding holiday homes and residents. The area is in the northern most part of town, and there are other areas available closer to the town centre, Town Beach and Marina with access to services that are more suitable for un-hosted short-term accommodation.
25. Under the proposed amendment, the closest possible interaction will be separated by more than 20m, across the Skipjack Circle Road reserve.
26. Holiday home approvals are limited for a period of one year. Landowners must apply to Council each year to renew their approval. Should the proposed amendment ultimately be supported by Council and the Minister for Planning, any current holiday house approvals that expire, would not be renewed.
27. Notwithstanding the proposed amendment, landowners would still be able to provide hosted bed and breakfast accommodation. Accommodation for up to four adults (or one family) in a maximum of two guest bedrooms. This is considered low-scale as the host resides on the property and can manage guests and deal with any issues.
28. Based on the above it is considered that the proposal achieves consistency with the state and local planning framework. It is recommended that Council resolves to proceed to advertise the amendment without modification, as outlined in the Officer's Recommendation.

## **CONSULTATION**

29. 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.
30. If Council resolves under regulation 35 to adopt an amendment to a local planning scheme, the local government must then advertise the amendment in accordance with regulation 47.



31. Section 81 of the Act requires a local government to refer an amendment to the Environmental Protection Authority to determine if it should be assessed.

### STATUTORY ENVIRONMENT

- 32. *Planning and Development Act 2005*
- 33. *Planning and Development (Local Planning Scheme) Regulations 2015*
- 34. *Local Planning Scheme No. 4*
- 35. *Environmental Protection Act 1986*

### POLICY IMPLICATIONS

- 36. State Planning Policy 6.3 - Ningaloo Coast
- 37. Tourism Planning Guidelines
- 38. Planning Bulletin 99: Holiday Homes Guidelines
- 39. Draft Position Statement: Planning for Tourism and guidelines

### FINANCIAL IMPLICATIONS

40. Nil

### RISK MANAGEMENT

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational – The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.	Unlikely	Moderate	Moderate	In the unlikely event, the request is not supported by the DPLH the Shire may be required to make modifications. Alternate options will need to be explored.
Reputational – The proposal may attract objections from members of the public or other public authorities.	Possible	Moderate	Moderate	Widely consulting with all parties in the Skipjack Circle area and other landowners 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. It is considered that this is based on sound planning principles. Landowners would still be able to apply for B&B accommodation.

### ALTERNATE OPTIONS

42. Council may consider alternative options in relation to this item, such as:
- To resolve to adopt the amendment to the local planning scheme with modifications; or
  - To resolve not to adopt the amendment to the local planning scheme.

### STRATEGIC ALIGNMENT

43. This item is relevant to the Council’s approved Strategic Community Plan 2030 and Corporate Business Plan 2018-2022.

- Economic: Diversify and grow our economy in a manner that provides year round employment opportunities
- 1.1 A diverse and environmentally aware local economy that can attract business investment and provide employment opportunities

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

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

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

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

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

4.1 To provide proactive, collaborative and transparent leadership

4.2 A local government that is respected and accountable.

## VOTING REQUIREMENTS

44. Simple Majority

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### OFFICER'S RECOMMENDATION

### ITEM 12.2.5

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

1. PREPARE and adopt Amendment No. 9 to amend Shire of Exmouth *Local Planning Scheme No. 4* by:
  - (i) Modifying clause 4.17.1 for Holiday Accommodation / Holiday House to the following:

*Holiday Accommodation and Holiday House shall not be permitted in the Skipjack Circle area as defined in Figure 11: Skipjack Circle Area.*
  - (ii) Insert a new 'Figure 11: Skipjack Circle Subdivision Area' into the Table of Figures.
  - (iii) Amending the Table of Contents accordingly.

Classify the amendment as a 'Standard amendment' under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

- The amendment is consistent with the relevant objectives of the Scheme and Local addressed by the Shire of Exmouth Local Planning Strategy;
- The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
- The amendment is not a basic or complex amendment.

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

2. ADVERTISE the amendment in accordance with Part 5, r.47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

## **COMMERCIAL AND COMMUNITY**

### **12.3.1 2022-2027 UNIVERSAL ACCESS AND INCLUSION PLAN**

File Reference:	CS.DA.1
Reporting Officer:	Community Development Officer/Manager Community Sport and Recreation
Responsible Officer:	Executive Manager Commercial & Community
Date of Report:	21 December 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Draft 2022-2027 Universal Access & Inclusion Plan

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#### **PURPOSE**

1. That Council supports the Shire of Exmouth Draft 2022-2027 Universal Access and Inclusion Plan to be made available for public comment.

#### **BACKGROUND**

2. Section 5.28 (1) of the Western Australian *Disability Services Act 1993* (amended 2004) requires all local government agencies to develop and implement a Disability Access and Inclusion Plan (DAIP).
3. DAIPs are required by this Act to have actions relating to seven outcome areas.
4. *Disability Services Amendment Regulations 2013* introduced the seventh outcome focusing on employment. The then Shire of Exmouth 2013 DAIP was amended to include actions relating to Outcome 7 (*People with Disability have the same opportunities as other people to obtain and maintain employment with a public authority*) and this document became the adopted 2015-2020 DAIP.
5. Consequently, a full review of the Shire's DAIP has not occurred since 2013.
6. The Shire of Exmouth 2015-2020 DAIP expired in July 2020.

#### **COMMENT**

7. A desktop audit began in August 2021 of the Shire's 2015-2020 DAIP. The annual reports submitted to the Department of Communities by the Shire on DAIP achievements each year were also considered. The audit included an analysis of which tasks in the DAIP were achieved or not achieved. Approximately half (50%) of the tasks in the 2015-2020 DAIP have been deemed achieved.
8. Consultation began on 19 August 2021 involving a broadly promoted community consultation session and targeted invites to key Exmouth community members and stakeholders. 13 people

attended this session. Attendees included stakeholders, people with a physical disability, people with intellectual disability, carers, social workers, and support workers. The consultation session included a survey review of the existing 2015-2020 DAIP, as well as workshopping the challenges that individuals currently find in the community. The workshop themes were based upon the seven legislated outcomes.

9. The same consultation focus points were then made available as a survey to those who couldn't attend the consultation session. An electronic version was available online for six weeks from 7 September to 15 October 2021. 34 complete responses were received. Hard copies of the survey were also made available in the Library and Shire Customer Service area.
10. Promotion of the survey was included in:
  - a. the Shire's Community Services Newsletter (September 2021);
  - b. a Shire President's report to the community;
  - c. the Shire's website and social media;
  - d. a public notice was placed in The Pilbara Times on 21 September 2021 and also Shire noticeboards;
  - e. the Exmouth & District High School newsletter.
11. An internal Shire staff consultation and workshop session was held on 14 October 2021 with 13 staff members in attendance. After a review of the achievements of the 2015-2020 DAIP, Shire staff brainstormed solutions to the challenges that the community had raised through the community consultation and survey. These ideas were incorporated into the strategies and actions of the Shire of Exmouth Draft 2022-2027 Universal Access and Inclusion Plan (UAIP) (Attachment 1).
12. A follow up community session was held on 3 November 2021 with one person in attendance and three providing feedback via email.
13. In consideration of community feedback and the state-wide move towards diversity planning, the name of this access and inclusion plan was changed to Universal Access and Inclusion Plan. This name direction helps to incorporate strategies and actions based on the diverse needs of those with a disability, as well as strategies and actions that will benefit all diverse Exmouth community members. Changing the name also helps to shift the stigma from one of 'disability' to one of 'ability' and consequently assists provision of universal access and inclusion principles.
14. The Draft 2022-2027 UAIP document has been sent to the Department of Communities for review and comments. Positive feedback has been received on this draft document.
15. A Shire of Exmouth Council briefing was held on 18 January 2022.
16. Following Council's support, public comment will be sought on the Shire of Exmouth Draft 2022-2027 UAIP.
17. After a period of public comment, the Shire of Exmouth Draft 2022-2027 UAIP (with any recommendations for amendment) will be presented to Council for formal adoption.

## **CONSULTATION**

18. Shire of Exmouth staff have consulted with the Exmouth disability community, including people with a physical disability, people with an intellectual disability, those with degenerative

conditions, older adults, carers, family members, and service providers (including Centacare, Stephen Michaels Foundation, Exmouth District High School and WA Country Health Services/Exmouth Hospital).

19. The Disability Services Coordinator Coral Coast.

20. Department of Communities.

### STATUTORY ENVIRONMENT

21. *Disability Services Act 1993* (amended 2004) requires that West Australian public authorities develop and implement a disability access and inclusion plan. The Act makes these plans mandatory and prescribes their development, implementation, and reporting.

22. *Disability Services Amendment Regulations 2013*.

### POLICY IMPLICATIONS

23. Nil

### FINANCIAL IMPLICATIONS

24. There are no direct up-front financial implications as the 2022-2027 UAIP will be implemented within existing service area budgets according to responsible officers.

25. If major tasks are identified through any process of this UAIP, they will need to be planned and costed through the long-term financial plan and annual budgeting processes.

### RISK MANAGEMENT

26.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance (operational) Key actions set out in the plan are not achieved	Unlikely	Minor	Low	Ensure UAIP implementation is monitored and reported on internally through the year, and reported to Disability Services Commission each financial year. Introduction of an Access Advisory Network to support the consultation and communication of the plan.
Performance (operational) Outcomes, strategies or actions are not understood by staff, agents or contractors	Possible	Minor	Moderate	Provision of Disability Awareness Training to all Staff. Acceptance of contractors who respond to UAIP responsibilities in tendering process.
Financial There is insufficient resources or budget to meet the actions in the 2022-2027 UAIP.	Unlikely	Minor	Low	Ongoing communication and planning with all areas and officers responsible for implementation under the plan, including planning during budget cycles.
Reputational Level of satisfaction reported by the community in the bi-annual community survey indicates that outcomes have not been met.	Unlikely	Minor	Low	Appropriate implementation of the plan should reduce the likelihood of decreased community satisfaction
Reputational UAIP is not implemented as indicated in the implementation plan (page 9 of the 2022-2027 UAIP)	Unlikely	Minor	Low	Appropriate implementation of the plan should ensure the reputation of the Shire

## **ALTERNATE OPTIONS**

27. Council may decide to alter or not support the Draft 2022-2027 UAIP. (Note: The Shire is required under legislation to implement a Disability Access and Inclusion Plan. If this draft is not supported, the 2015-2020 DAIP remains the active plan.)

## **STRATEGIC ALIGNMENT**

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

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

1.2 Facilitate the strengthening and growth of our visitor experience.

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

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

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

3.3 Champion self-supporting community clubs and associations.

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

4.1 To provide proactive, collaborative and transparent leadership

4.2 A local government that is respected and accountable.

4.3 To be a champion for our community

## **VOTING REQUIREMENTS**

29. Simple Majority

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## **OFFICER'S RECOMMENDATION**

## **ITEM 12.3.1**

That Council AUTHORISE the Shire of Exmouth Draft 2022-2027 Universal Access and Inclusion Plan to be made available for public comment.

## **CORPORATE SERVICES**

### **12.4.1 FINANCIAL STATEMENTS FOR PERIODS ENDING 31 DECEMBER 2021 AND 31 JANUARY 2022**

File Reference:	FM.FI.0
Reporting Officer:	Manager Finance
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	15 February 2022
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Monthly Financial Report as at 31 December 2021 2. Monthly Financial Report as at 31 January 2022

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#### **PURPOSE**

1. That Council accepts the financial reports for the financial periods ending 31 December 2021 and 31 January 2022.

#### **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 January 2022, the operating revenue is above target by \$643,122 (6.38%). Variances are mainly due to aviation revenue and overflow camping revenue being over budget. Ningaloo Visitor Centre merchandise sales, exhibition admissions and sanitation revenue are also over budget.
4. Operating expenditure is under budget by \$377,768 (3.77%). Variances are mainly due to material and contracts being under budget and current vacant positions. Applications for the building stimulus package have been received and some are yet to be claimed.
5. A total of \$2,393,031 has been spent to date for capital projects within the Financial Year 2021/2022. This includes the purchase of executive housing, Murat Road and Yardie Creek road edge repairs, as well as various preparation works for the Town Beach upgrade. Building of staff housing and the plant replacement program are in progress. The Bike Park and Youth Precinct projects have commenced.
6. Rate notices were issued on 30 July 2021. Rates collected as at 31 January 2022 were 88% compared to 83% for the same period last year.

7. General Debtors is \$2,096,203 with \$1,329,743 being for aviation operations and \$649,309 for the Ningaloo Centre solar panel grant funding.

## 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 reports for the financial periods ending 31 December 2021 and 31 January 2022.



## 12.4.2 LIST OF ACCOUNTS FOR PERIODS ENDING 31 DECEMBER 2021 AND 31 JANUARY 2022

File Reference:	FM.FI.0
Reporting Officer:	Manager Finance
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	15 February 2022
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. List of Accounts for period ending 31 December 2021 2. List of Accounts for period ending 31 January 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 (December 2021)

Municipal Fund totalling \$1,214,325.15  
Incorporating cheques, direct debits, electronic payments and credit cards.

Trust Fund totalling \$NIL  
Incorporating electronic payments.

Total Payments: \$1,214,325.15

- January Payments (January 2021)

Municipal Fund totalling \$1,011,864.01  
Incorporating cheques, direct debits, electronic payments and credit cards.

Trust Fund totalling \$NIL  
Incorporating electronic payments.

Total Payments: \$1,011,864.01

**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 months of December 2021 and January 2022 (*totalling \$2,226,189.16*).

### 12.4.3 2021/22 BUDGET REVIEW

File Reference:	FM.BU.21.22
Reporting Officer:	Executive Manager Corporate Services
Responsible Officer:	As Above
Date of Report:	16 February 2022
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. 2021/22 Budget Review

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#### **PURPOSE**

1. That Council approve the proposed budget amendments following the 2021/22 Budget Review as per Attachment 1.

#### **BACKGROUND**

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

#### **COMMENT**

3. The original 2021/22 budget was adopted at the Ordinary Council Meeting held on 24 June 2021 which projected a surplus of \$13,155. The mid-year budget review resulted in a projected closing surplus of \$551.
4. This 2021/22 Budget Review figures include all budget amendments previously authorised by Council since the original budget was adopted.
5. The mid-year budget review has an improved operating deficit of \$391k moving from \$1.66m to \$1.27m deficit.

#### **Budget Commentary on Key Movements**

6. Following a mid-year review by Executive Managers and Managers the following adjustments are being put to Council for consideration and adoption. These recommendations have taken consideration into the timing of movements as identified on 31 January 2021.

**Statement of Financial Activity for the period ended 31 January 2021**

	Adopted Budget	Budget Amendment	Revised Budget	YTD Actual
	\$		\$	\$
Opening Funding Surplus / (Deficit)	2,887,155	(1,498,604)	1,388,551	1,388,551
Revenue from operating activities	15,038,000	1,278,000	16,316,000	10,726,333
Expenditure from operating activities	(16,698,500)	(887,000)	(17,585,500)	(9,639,306)
Amount attributable to operating activities	(1,660,500)	391,000	(1,269,500)	1,087,027
Non-cash amounts excluded from operating activities	3,666,000	36,000	3,702,000	2,084,025
	2,005,500	427,000	2,432,500	3,171,052
<b>Investing activities</b>				
Non-operating grants, subsidies and contributions	2,783,000	160,000	2,943,000	2,036,673
Proceeds from disposal of assets	110,000	36,000	146,000	129,387
Payments for property, plant and equipment	(11,098,000)	3,922,000	(7,176,000)	(2,393,031)
Amount attributable to investing activities	(8,205,000)	4,118,000	(4,087,000)	(226,972)
<b>Financing Activities</b>				
Proceeds from new debentures	4,800,000	(3,140,000)	1,660,000	0
Transfer from reserves	2,793,000	(517,000)	2,276,000	0
Proceeds from community loans	15,000	0	15,000	0
Repayment of debentures	(290,500)	0	(290,500)	(150,190)
Payments for principle portion of lease liabilities	(135,000)	0	(135,000)	0
Transfer to reserves	(3,857,000)	598,000	(3,259,000)	(15,043)
Amount attributable to financing activities	3,325,500	(3,059,000)	266,500	(165,233)
Closing Funding Surplus / (Deficit)	13,155	(12,604)	551	4,167,398

**Operating Revenue Movements**

- The operating revenue has a proposed increase to the original budget of \$1.28m. This is predominantly as a result of the airport operations picking up better than expected since the impact COVID-19 had on tourism activities. There are also increases to the Visitor Centre merchandise sales and the Ningaloo Aquarium Discovery Centre exhibition entry fees as well as an increase to the overflow camping income.

**Operating Expenditure Movements**

- The operating expenditure has a proposed increase to the original budget of \$887k. The majority of these increases are in materials and contracts and relate to Council's COVID-19 response, overflow camping maintenance, utilities and an increase to the construction stimulus package Council provided to support the community. Council is also doing a recreation master plan and will be engaging the community with the strategic community plan.

**Non-Operating Revenue**

- Non-operating grants, subsidies and contributions is expecting an additional \$160k. This relates to a decrease of \$750k for the Pool Renewal Grant, which has been postponed. \$150k increase for the Bike Park which has been carried forward to this financial year. \$100k decrease relating to funding for the Youth Precinct, which was paid last financial year. \$860k increase for the Ningaloo Solar Panel Project.

### **Capital Expenditure**

10. Capital acquisitions have a proposed decrease of \$3.9m. These changes are:
- \$4k increase for the Airport trailer.
  - \$10k decrease to the Aerodrome AVGAS investigation.
  - \$40k increase to the Depot Office expansion.
  - \$30k increase to Ingleton Housing.
  - \$18k increase to Bike Park as per resolution 09-0721.
  - \$80k decrease to Youth precinct and will be completed over two years.
  - \$8k increase for the Ningaloo Centre Solar Panel battery room.
  - \$4.18m decrease for the Swimming Pool renewal.
  - \$90k decrease to the Executive house.
  - \$82k decrease to the Ningaloo Turtle Rehabilitation Centre.
  - \$20k decrease to the Wireless Link replacement.
  - \$45k increase to the Septage Ponds as per resolution 03-0921.
  - \$30k increase to the Electrical work at the horse club.
  - \$37k increase for the pool repainting and new cover.
  - \$250k increase for Illegal camping prevention.
  - \$18k increase for the Federation Park power renewal.
  - \$45k for Chlorine storage.
11. It is also proposed that Council make the following reserve transfers:
- \$4k increase from the Aviation Reserve for the airport trailer.
  - \$18k increase from the Community Development Fund Reserve (res: 09-0721) for the Bike Park.
  - \$110k increase from the Land Acquisition & Disposal Reserve for the construction stimulus packages.
  - \$393k decrease from the Swimming Pool Reserve for the Pool renewal.
  - \$5k increase from the Tourism Development Fund for the NTAG strategy.
  - \$45k increase from the Waste & Recycling reserve for the Septage Ponds (res: 03-0921).
  - \$306k decrease from Unspent Grants & Contribution Reserve relating to funds with restricted purposes.
12. These proposed changes will decrease the budgeted closing position for the 2021/22 financial year from a surplus of \$13,155 to a forecast surplus of \$551 and it is anticipated as future expenditure and revenue expectations are refined and additional information is received this surplus may move.

### **CONSULTATION**

- 13.
- Managers
  - Executive Managers
  - Chief Executive Officer
  - Councillors

### **STATUTORY ENVIRONMENT**

14. *Local Government (Financial Management) Regulation 1996*

### **POLICY IMPLICATIONS**

15. Nil

**FINANCIAL IMPLICATIONS**

16. The proposed adjustments will move the surplus to \$551.

**RISK MANAGEMENT**

17. Identified risks implications

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

**ALTERNATE OPTIONS**

18. Council may determine to alter the proposed budget amendments in the 2021/22 Budget Review.

**STRATEGIC ALIGNMENT**

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

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

4.1 To provide proactive, collaborative and transparent leadership

4.2 A local government that is respected and accountable.

**VOTING REQUIREMENTS**

20. Absolute Majority

**OFFICER’S RECOMMENDATION**

**ITEM 12.4.3**

That Council APPROVE:

1. Proposed budget amendments in the 2021/22 Budget Review as per Attachment 1; and
2. Any end of year surplus be directed into reserves for the preservation of assets.

**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**