



Ordinary Council Meeting  
Agenda  
27 September 2018

# NOTICE OF MEETING

Notice is hereby given that the

Shire of Exmouth  
Ordinary Council Meeting

will be held on  
27 September 2018  
Commencing at 4.00 pm  
In the Mandu Mandu Function Room, Ningaloo Centre,  
2Truscott Crescent, Exmouth

**Cameron Woods**  
**Chief Executive Officer**

**27 September 2018**

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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.

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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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**Shire of Exmouth**

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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)*

To: Chief Executive Officer

- Ordinary Council Meeting held on \_\_\_\_\_
- Special Council Meeting held on \_\_\_\_\_
- Committee Meeting held on \_\_\_\_\_
- Other \_\_\_\_\_

Report No \_\_\_\_\_

Report Title \_\_\_\_\_

Name \_\_\_\_\_

- Elected Member
- Committee
- Employee
- Contractor

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

- Proximity
- Financial
- Impartiality

Nature of Interest

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

Name: \_\_\_\_\_ Signed: \_\_\_\_\_ Date: \_\_\_\_\_

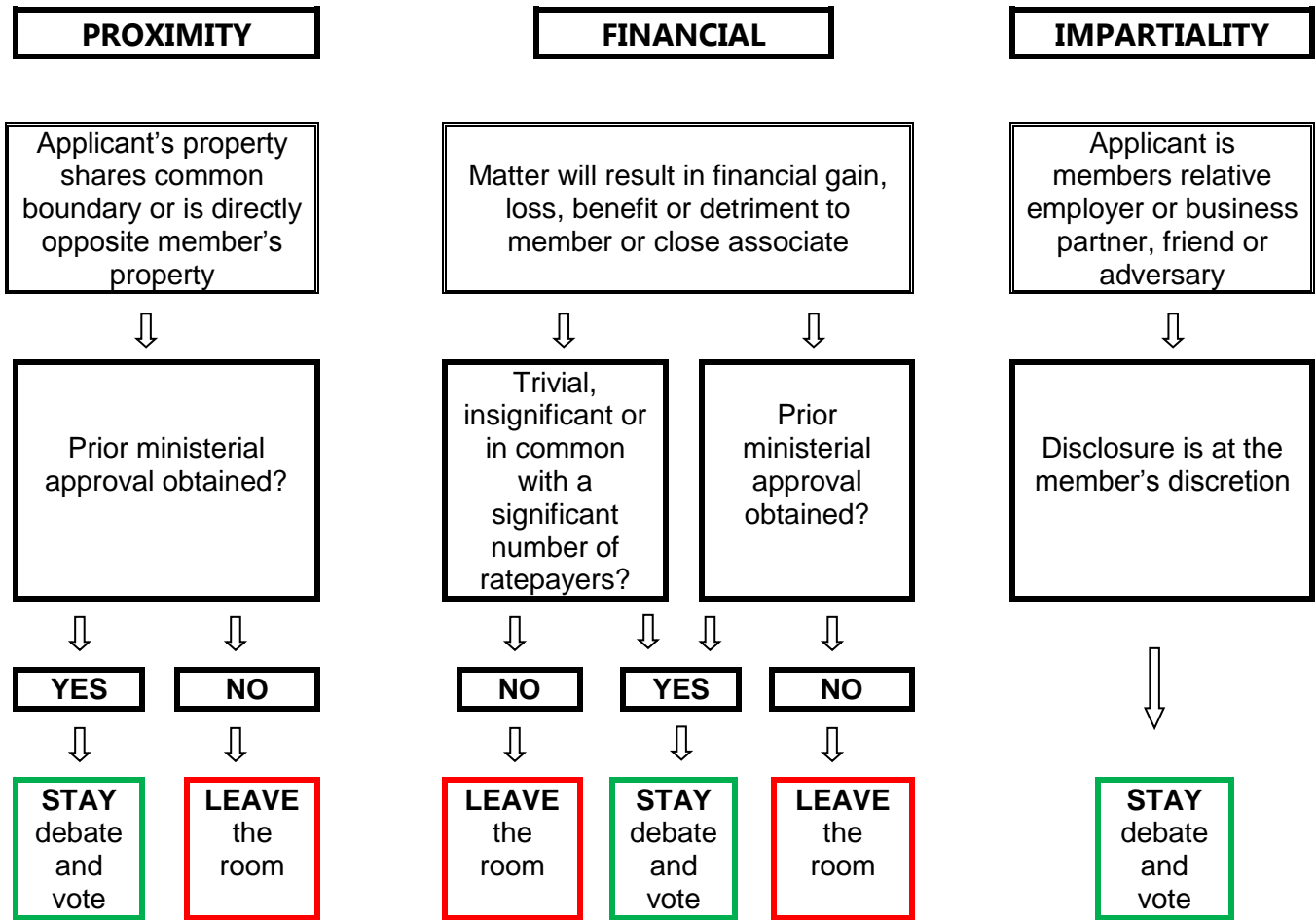
**Note 1:** For Ordinary meetings of Council, elected members and employees are requested to submit this completed form to the Chief Executive Officer prior to the meeting. Where this is not practicable, disclosure(s) must be given to the Chief Executive Officer prior to the matter being discussed.

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

**OFFICE USE ONLY**

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

**\* Declaring an Interest**



**Local Government Act 1995 - Extract**

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

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

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

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

**5.71 - Employees to disclose interests relating to delegated functions.**

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

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

**'Local Government (Administration) Regulations 1996 – Extract**

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

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# ORDINARY COUNCIL MEETING AGENDA

## Our Vision

To support and develop a vibrant, welcoming community that embraces its past, values its present and plans for a sustainable future

## Our Purpose

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

## Our Strategic Objectives

- To provide sustainable management of the organisation
- To consistently apply the principles of Good Governance
  - To communicate effectively
  - To promote socioeconomic development
  - To value our environment and heritage

### 1. **DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS**

The Shire President declared the meeting open at XX

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

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

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

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

Councillor M (Matthew) Niikkula	Shire President
Councillor G (Gary) Mounsey	Deputy Shire President
Councillor B (Ben) Dixon	
Councillor H (Heather) Lake	
Councillor G (Gavin) Penfold	
Mr K Woodward	Deputy Chief Executive Officer
Mr M Bird	Executive Manager Commercial and Community
Mr K Wilson	Executive Manager Corporate Services
Mrs M Head	Minute Clerk

### GALLERY

**APOLOGIES** Mr C Woods Chief Executive Officer

**LEAVE OF ABSENCE** Councillor M (Mark) Lucas

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

Nil

## 4. PUBLIC QUESTIONS TIME

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

Council Consideration Towards Public

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

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

## 5. DECLARATIONS OF INTEREST

## 6. APPLICATIONS FOR LEAVE OF ABSENCE

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

meetings of the Council is disqualified from continuing his or her membership of the Council.

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

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

That the Minutes of the Ordinary Council Meeting of the Shire of Exmouth held on the 23 August 2018 be confirmed as a true and correct record of proceedings.

That the Minutes of the Special Council Meeting of the Shire of Exmouth held on the 30 August 2018 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**

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



## 12. REPORTS OF OFFICERS

### DEVELOPMENT SERVICES

#### 12.2.1 ANNUAL CARAVAN PARK AND CAMPING GROUND LICENCE RENEWALS

File Reference:	LE.RE.5
Responsible Officer:	Environmental Health Officer
Date of Report:	11 September 2018
Applicant/Proponent:	Ningaloo Lighthouse Holiday Park, Yardie Homestead Caravan Park, RAC Exmouth Cape Holiday Park and Ningaloo Caravan and Holiday Resort
Disclosure of Interest:	Nil
Attachment(s):	1. Caravan Park and Camping Ground Licence Renewals for 2018-2019

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#### **PURPOSE**

Council approve the renewal of the annual Caravan Parks and Camping Grounds Licences for Ningaloo Lighthouse Holiday Park, Yardie Homestead Caravan Park, RAC Exmouth Cape Holiday Park and Ningaloo Caravan and Holiday Resort.

#### **BACKGROUND**

Caravan parks and camping grounds within Western Australia are required to renew their annual licences with the relevant local government authority. All licences within the Shire of Exmouth expire on 30 September each year and as such, renewal notices were recently issued to the four caravan parks in the Shire.

Ningaloo Lighthouse Caravan Park, Yardie Homestead Caravan Park, RAC Exmouth Cape Holiday Park and Ningaloo Caravan and Holiday Resort have returned their renewal forms. No licences are issued until payments have been received.

#### **COMMENT**

In the last 12 months all the caravan parks and their respective overflow area were inspected for compliance with the Caravan Parks and Camping Grounds Regulations 1997, the current licences and approved site plans. There were some non-compliances identified which are being addressed.

Overflow conditions have been recommended on all of the licences of the commercially operating caravan parks. The overflow period has been recommended for 5 July 2019 – 26 August 2019.

The Ningaloo Lighthouse Holiday Park has made a slight adjustment to the sites with an increase of 7 short stay sites, 5 camp sites and a reduction of 6 overflow sites. The changes have been assessed and there are no outstanding items.

On the 28 June 2018, Council approved the issuing of the caravan and camping licence for Yardie Homestead Caravan Park.

**Res No: 03-0618**

**MOVED:** Cr Dixon  
**SECONDED:** Cr Penfold

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

- 1. Approval of development application PA65/18***
- 2. Any relevant building approvals.***
- 3. Wastewater application and approval for wastewater disposal systems***
- 4. 1 additional laundry facility provided.***
- 5. Final satisfactory site inspection and report from Environmental Health Officer.***

**CARRIED 5/0**

To date the above outstanding items are yet to be finalised. As such the existing licence is still active and will remain until the above items are addressed. Once addressed the reviewed licence will be presented again to Council with an updated expiry date.

## **CONSULTATION**

Nil

## **STATUTORY ENVIRONMENT**

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

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Statutory fees apply to the licencing of caravan parks and camping grounds.

## **STRATEGIC IMPLICATIONS**

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

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

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

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

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

## **VOTING REQUIREMENTS**

Simple Majority

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### **OFFICER'S RECOMMENDATION**

### **ITEM 12.2.1**

That Council APPROVE the issuing of the Caravan Parks and Camping Grounds Licences valid until 30 September 2019 as presented in Attachment 1, for signing by the Chief Executive Officer for the following caravan parks:

- a) Ningaloo Lighthouse Holiday Park
- b) RAC Exmouth Cape Holiday Park
- c) Yardie Homestead Caravan Park; and
- d) Ningaloo Caravan and Holiday Resort.

## **COMMERCIAL AND COMMUNITY**

### **12.3.1 COUNCIL POLICY 4.1 SPONSORSHIP POLICY & GUIDELINE**

File Reference:	CM.PO.7
Responsible Officer:	Executive Manager Commercial & Community
Date of Report:	11 September 2018
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Council Policy 4.1 Sponsorship Policy & Guideline 2. 2018/19 Sponsorship Funding Program Guidelines

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#### **PURPOSE**

This report recommends the adoption of Council Policy 4.1 "Sponsorship Policy and Guideline" as Attachment 1 to this report, and the approval for waiver of venue hire fee up to \$1,500 to the Exmouth District High School for the 2018 school play.

#### **BACKGROUND**

Council Policy 4.1 "Sponsorships, donations and waiver of fees" was originally adopted at Council meeting 20 September 2012. This policy was recently rescinded at Council meeting 23 August 2018 as a result of the detailed review of current Shire service delivery and preparation of the 2018/19 Annual Budget.

#### ***Resolution 07-0818***

##### ***That Council:***

- 1. Rescind the current Policy 4.1 "Sponsorships, donations and fee waivers" to be replaced by a new policy to be presented for Council consideration at the September Ordinary Council Meeting.***
- 2. Rescind the following items of Council decision 14-0715- 11.4.3 adopted in July 2015 relating to fees and charges for sporting club use of Shire facilities to allow the application of the 2018/19 fees and charges adopted at the July 2018 Council Meeting;***
- 2. Not charge junior sports for any hire or utility fee associated with the ovals, recreation centre, hard courts and shire hall; and***
- 4. Charge senior sports for utility costs only (nil facility hire) of Shire facilities as per the fees and charges for training purposes.***

***CARRIED 6/0***

This report recommends the adoption of a new Sponsorship Policy and Guideline as Attachment 1 to this item. This report addresses the requirement within Council resolution point 1 above to present a new policy to replace the recently rescinded.

The purpose of the new Sponsorship Policy is to establish principles for sponsorship agreements entered into between the Shire of Exmouth and other parties. The policy also provides guidelines for how the Shire will seek sponsorship and the handling of requests for donations and waiver of Shire fees and charges.

The policy acknowledges that sponsorship can provide significant benefits to the Shire of Exmouth and the community, and will consider sponsorship opportunities under three streams depending on the nature of the request and where the greatest benefits are to be achieved; economic, community or donations.

1. Economic; events that attract majority participation and visitation from outside of the region, that reinforce the Exmouth and Ningaloo brands, and generate economic benefits by injecting new money into the local economy. Events must be held in low and shoulder visitor periods to encourage new visitation.
2. Community; community events that are organised by local community groups and are designed to attract a local audience, create local vibrancy, and in many cases raise funds or awareness for local organisations ongoing sustainability.
3. Donations; in some instances the Shire will receive requests from community groups for a donation of money, gifts or other forms of contribution.

The new policy is supported by clear funding program guidelines also included in this report as Attachment 2.

## **COMMENT**

As a result of detailed business planning undertaken across a range of the Shire of Exmouth business unit and service delivery programs it became evident that the current approach to managing requests for sponsorships, donations and waiver of fees was confusing, highly inefficient in terms of application of Shire resources, and unsustainable.

The recent commencement of operations of the Ningaloo Centre also identified the need to update and clearly outline Council's approach to managing requests seeking use of Shire venues at no cost or heavily discounted.

It was also identified that the Shire's current approach to accepting, processing, recording and notifying of fee waiver requests was both cumbersome and incurred a high wage cost in relation to the scale of fee waiver being typically requested. The previous policy relating to these items was rescinded by council at the 23 August 2018 Council meeting and is to be replaced by this policy if approved.

Under the new Sponsorship policy all fee waiver provisions have been removed and if adopted then event holders, local community and sporting groups will be encouraged to apply for financial support from other sources and under new Shire of Exmouth funding programs outlined in this policy.

The new policy recommends the following key elements:

- The creation of a "Major Events Sponsorship Program" (MESP) offering Shire support for significant events held within the Shire of Exmouth boundary up to the value of \$5,000 per event each year.
- The creation of a "Community & Sporting Grants Program" (CSGP) where eligible applicants can apply for grants up to the value of \$1,500 per activity to deliver non-core events and programs that achieve community and sporting outcomes.
- Where requests for support do not meet MESP or CSGP qualifying criteria these may be treated as donations with support of up to \$200 per request considered by the Shire President or CEO under delegated authority.

The new Policy clearly details the principles to be applied when considering requests for sponsorship and other forms of funding support.

Guidelines for the implementation of the MESP, CSGP and Donations in the 2018/19 periods have also been developed and clearly outline program funding priorities, total funding pools allocated, what activities will be supported, who can apply, how applications will be assessed, and any conditions attached to relevant funding. Copy of guidelines attached to this item.

The report also recommends Council consider the approval of a one-off fee waiver of up to \$1,500 to the Exmouth District High School (EDHS) for the hire of the Ningaloo Centre venue for the delivery of the 2018 school play. This booking was made earlier in the year prior to Council adopting the 2018/19 fees and charges. The EDHS have been advised that the new fees and charges will apply for all future bookings of Shire facilities. The EDHS is eligible to apply for support under the three funding streams for future events and programs as per the new policy and funding program guidelines.

## **CONSULTATION**

The review of current policies was undertaken by Shire of Exmouth officers and included Council review as part of the business planning and budget adoption process.

The Shire held a number of information workshops with local community and sporting groups in June 2018 to inform local stakeholders of proposed changes to fee waivers and the changes to the current policy.

## **STATUTORY ENVIRONMENT**

Section 2.7 of the *Local Government Act 1995* states that one of the roles of a Council is to determine the Local Government's policies.

## **POLICY IMPLICATIONS**

If approved by Council the new Policy 4.1 "Sponsorship Policy and guidelines" will be in effect.

## FINANCIAL IMPLICATIONS

The following amounts for the MESP (\$20,000), CSGP (\$23,000) and Donations (\$2,000) programs were approved by Council as part of the 2018/19 Budget adoption and are included under expense code E170749 Community Events.

The approval of fee waivers in 2017/18 totalled some \$16,000 in lost revenue to the Shire and a similar amount is expected to be received in 2018/19 now that fee waivers have been removed. Groups are now able to apply for funding under the new programs detailed in this policy and some of these funds will likely return to the Shire when used to pay for venue hire and other charges.

## STRATEGIC IMPLICATIONS

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

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

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

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

Simple Majority

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## OFFICER'S RECOMMENDATION

**ITEM 12.3.1**

That Council:

1. APPROVE new Policy 4.1 "Sponsorship Policy and Guidelines" as per Attachment 1.
2. APPROVE the waiver of up to \$1,500 to the Exmouth District High School for the hire of the Ningaloo Centre venue for the 2018 school play.

### 12.3.2 COUNCIL POLICY 2.4 LEASES AND LICENSING

File Reference:	CM.PO.7
Responsible Officer:	Executive Manager Commercial & Community
Date of Report:	11 September 2018
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Council Policy 2.4 Leases and Licensing

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#### **PURPOSE**

This report recommends the adoption of revised Council Policy 2.4 "Leases and Licensing" as attached to this report.

#### **BACKGROUND**

Council Policy 2.4 "Leases" was originally adopted at Council meeting 20 September 2012. Its purpose was to provide consistency in leasing documentation and equity in terms and conditions and to provide a rationale for fee calculations. A complex discount fee table was developed and included in the policy that categorised and applied fee discounts according to tenure of built infrastructure and type of organisation or business seeking to enter into the agreement with the Shire.

This policy was recently reviewed and the need for a simpler more effective approach to distinguishing between local community and sporting groups and commercial businesses was identified.

Rather than apply a complicated lease fee discount table approach the new policy details clear guidelines for the application of either a lease or licence arrangement between the Shire and interested parties depending on specific needs.

The purpose of the new lease and licence policy is to ensure transparent and accountable process for the disposal of land and building assets by way of lease or licence held by the Shire of Exmouth.

The new policy acknowledges the various ways the Shire has tenure over land and buildings including either owned in fee simple, under a management order, or via a sub-lease arrangement and that not all community and sporting groups require a lease agreement approach. In some instances a licence arrangement is the most appropriate and cost effective agreement format.

The new policy outlines the following guiding principles when entering into lease and licensing arrangements;

1. *Compliance with the provisions of section 3.58 of the Local Government Act 1995.*



2. *Where land and building assets are either owned in fee simple by the Shire, or sub leased to the Shire under commercial terms, every effort should be undertaken to ensure a full commercial return is achieved based on market valuations. On this basis not for profit and community groups will be accommodated on property that is not owned in fee simple.*
3. *Where land and building assets are managed by the Shire under a management order for civic or community purposes, every effort should be undertaken to co-locate appropriate community groups and not for profit entities under a licence or lease agreement.*
4. *For commercial leases, lessees will be offered a sufficient tenure period to allow a commercial entity reasonable opportunity to establish the business. Length of tenure should also be commensurate with level of investment committed/planned by the lessee. The maximum lease term will be 10 years with a further option of 10 years.*
5. *Triennium lease reviews involving an independent valuation, and annual Consumer Price Index adjustments will be applied to all commercial leases. Lease values post the independent valuation will not be reduced unless negotiated by the Chief Executive Officer up to delegated limits.*
6. *The Chief Executive Officer has delegated authority to;*
  - i. *Grant further lease and sub-lease term extensions that were previously approved by council when awarded a new lease or sub-lease,*
  - ii. *Approve any new or extension to licensing agreements,*
  - iii. *Negotiate lease terms within +10% or -10% of the independent valuations. Any variations greater will require Council approval.*
7. *A lease will only be provided to a not for profit incorporated organisation whom requires a lease to attract funding, or to invest funds for capital improvements. The maximum lease term will be 10 years with a further option of 10 years. These community leases can be established as a peppercorn rental but lessees will be responsible as a minimum for the following costs:*
  - i. *Lease preparation and administration*
  - ii. *Building insurance, contents insurance, public liability insurance, utilities, minor maintenance and waste service charges.*

*Note: Major maintenance and asset renewal costs may also apply and will be determined as part of the lease negotiations.*
8. *A licence is the preferred approach for accommodating community groups and not for profit organisations. Shared use principles will apply and the term of tenure will be for a period not less than 1 year or more than 5 years and may include annual reviews at the Shires discretion. A licence can be issued for no annual fee. As a minimum community groups will be required to reimburse the Shire for their share of utilities, consumables and building insurance costs. The licensee will also be responsible for cleaning and maintaining the facility in a well presented state.*
9. *All new leases and sub-leases shall require approval of Council. The granting of a lessees and sub-lessees further terms can be done under delegation by the CEO.*
10. *The Lessee may remove any assets that have been constructed or installed by them during the term of the lease or licences (unless otherwise part of the agreement), subject to the premises*

*being returned to the Shire in its original condition. Any improvement not removed at the end of the lease or licence shall remain in the Shires ownership.*

## **COMMENT**

The Shire of Exmouth owns, manages under order, and sub leases certain land and buildings throughout the district and may from time to time choose to enter into leasing and licensing arrangements with individuals, not for profit organisations and businesses.

A review of the current Shire lease contract register reveals there are some 41 leases in place between the Shire and a broad range of lessees including businesses, community, sporting groups and individuals.

The adoption of the new policy is considered timely as a number of these lease agreements require immediate review and actioning due to expiry of the current term.

The previous lease policy attempted to apply a lease fee discount table however this was unnecessarily complicated, resulted in additional costs to community and sporting groups that could have been avoided, and assumed all agreements should be handled under a lease arrangement approach.

The benefits of the new policy include:

- Reduces the cost burden on rate payers by ensuring commercial leases deliver an appropriate return on investment and all community leases and licences contribute to operating costs.
- Clearly details the differences between lease and licences and when each approach should be applied.
- Recognises the variety and diversity of leases and licences as well as recognises that no one particular style of lease or licence is appropriate for all purposes.
- Ensures that all requests for lease or licence for whatever purpose will be treated in a fair and equitable manner using open and accountable methodology and in line with statutory procedures.
- Addresses when to apply short and long term leasing or licensing approach to property owned, managed or sub leased by the Shire of Exmouth.
- Frees up freehold land for strategic Shire purposes.

All new leases and sub leases will require the approval of Council however any granting of extensions via further terms included in the original lease can be done under delegated authority to the Chief Executive Officer.

The granting and extensions of term under a licence agreement will not require Council approval and can be done under delegated authority to the Chief Executive Officer applying the new policy guidelines.

A licence approach will be the preferred agreement format between the Shire and those community and not for profit organisations that do not require tenure over land or buildings to attract third party funding, or to invest funds for capital improvements. Licence agreements should be a more effective approach, provide greater flexibility and ultimately less costly to both parties.

This report recommends the adoption of the revised Leases and Licensing Policy as attached to this item.

## CONSULTATION

The review of current policies was undertaken by Shire of Exmouth officers and included Council review as part of the business planning and budget adoption process.

The Shire held a number of information workshops with local community and sporting groups in June 2018 to inform local stakeholders of proposed changes to leases and licences and that the policy was to be reviewed.

## STATUTORY ENVIRONMENT

Section 2.7 of the *Local Government Act 1995* states that one of the roles of a Council is to determine the Local Government's policies.

## POLICY IMPLICATIONS

If approved by Council the new Policy 2.4 "Leases and Licenses" will replace Council Policy 2.4 "Leases" that was previously adopted at Council meeting 20 September 2012.

## FINANCIAL IMPLICATIONS

Nil

## STRATEGIC IMPLICATIONS

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

- Economic:            Diversify and grow our economy in a manner that provides year round employment opportunities
- 1.1    A diverse and environmentally aware local economy that can attract business investment and provide employment opportunities
  - 1.2    Facilitate the strengthening and growth of our visitor experience.
  - 1.3    Enable the provision of essential infrastructure that will support investment and diversify our economy.
- Social:                To be a vibrant, passionate and safe community valuing our natural environment and unique heritage
- 3.1    Explore opportunities to deliver services and facilities that attract and retain people living in the Shire.
  - 3.2    Promote facilities/services that enhance public health and safety.
  - 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**

Simple Majority

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**OFFICER'S RECOMMENDATION**

**ITEM 12.3.2**

That Council APPROVE new Policy 2.4 "Leases and Licensing" as per Attachment 1.

## **CORPORATE SERVICES**

### **12.4.1 FINANCIAL STATEMENTS FOR PERIOD ENDING 31 AUGUST 2018**

File Reference:	FM.FI.0
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	12 September 2018
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Monthly Financial Report as at 31 August 2018

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#### **PURPOSE**

This report recommends Council accepts the financial reports for the financial periods ending 31 August 2018.

#### **BACKGROUND**

The provisions of the *Local Government Act 1995* and associated Regulations require a monthly financial report is presented at an ordinary meeting within 2 months of the period end date.

#### **COMMENT**

The unaudited opening surplus of \$2,893,348 is more than the budgeted opening surplus of \$982,735 which was the advance payment of the Financial Assistance Grant.

The balance of \$1,910,613 was set aside for liabilities such as, employee provisions, long term borrowings and the advanced payment Department of Transport roads grant. The reason why this is separated from the budgeted surplus is to ensure that these funds are not over committed.

2017/18 Annual Financial Audit has not been finalised, on completion the depreciation allocations will be processed.

#### **CONSULTATION**

Nil

#### **STATUTORY ENVIRONMENT**

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

In accordance with Regulation 34 (5), a report must be compiled on variances greater than the materiality threshold adopted by Council of \$10,000 or 10% whichever is greater. As this report is composed at a program level, variance commentary considers the most significant items that comprise the variance.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

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.

4.2 A local government that is respected and accountable.

**VOTING REQUIREMENTS**

Simple Majority

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**OFFICER'S RECOMMENDATION****ITEM 12.4.1**

That Council receives the Financial Report for the financial period ending 31 August 2018.

## 12.4.2 LIST OF ACCOUNTS FOR PERIOD ENDING 31 AUGUST 2018

File Reference:	FM.FI.0
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	12 September 2018
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. List of Accounts for period ending 31 August 2018

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### PURPOSE

To advise Council of payments made since the previous Ordinary Council Meeting.

### BACKGROUND

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

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.

#### August Payments

Municipal Fund	totalling \$823,031.98 Incorporating cheques, direct debits, electronic payments and credit cards.
Trust Fund	totalling \$1,523.14 Incorporating electronic payments.
Total August Payments:	\$824,555.12

### CONSULTATION

Nil

### STATUTORY ENVIRONMENT

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**

Staff are required to ensure that they comply under Council Policy 2.7 – Purchasing Policy and 2.12 – Regional Price Preference Policy (where applicable) and that budget provision is available for any expenditure commitments.

**FINANCIAL IMPLICATIONS**

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.

**STRATEGIC IMPLICATIONS**

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.

4.2 A local government that is respected and accountable.

**VOTING REQUIREMENTS**

Simple Majority

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**OFFICER'S RECOMMENDATION****ITEM 12.4.2**

That Council pursuant to Sections 6.7 and 6.9 of the *Local Government Act 1995* receives the report of payments made from the Municipal and Trust bank accounts during the month of August 2018 (totalling \$824,555.12).



### 12.4.3 UNBUDGETED CAPITAL EXPENDITURE & FEE ADJUSTMENT

File Reference:	RD MA.O
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	30 August 2018
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none"><li>1. Letter &amp; Emails from Department of Transport</li><li>2. Fees Advertisement</li></ol>

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#### **PURPOSE**

That Council approve to expend funds of meeting the capital cost of additional road upgrade works for Mortiss Street & Neale Cove funded by Department of Transport. Also to adjust a fee that was incorrectly set during 2018/19 budget approval.

#### **BACKGROUND**

The Department of Transport has provided an additional \$551,295 (excluding GST) to undertake an upgrade to Mortiss Street & Neale Cove with a slip road and exit to improve safety and interface between residential and heavy vehicles and \$53,995 (excluding GST) for the road, design and survey for the project. These funds have been invoiced and have been received by the Shire and works will be commencing as soon as tenders can be signed off.

The second item is to amend a fee for the acceptance of haul pak and or similar tyres at the refuse site to \$1,125 (including GST) from \$120 as approved in the adoption of the 2018/19 budget. The amount of \$120 including GST was an error in the fees schedule.

#### **COMMENT**

The capital works funding is in addition to the \$1,750,000 approved in the 2018/19 budget for Murat Road upgrade, this will bring the total Murat Road, Mortiss Street & Neale Road project to a total of \$2,355,290 (excluding GST) for 2018/19.

The price for the haul Pak is set to prevent it being advantageous for external parties outside the Shire to dispose of large quantities of haul pak or similar tyres. There is also a significant cost and difficulty in disposing of tyres of this nature, the fee helps to offset this.

#### **CONSULTATION**

Department of Transport

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995 Section 6.8 (1) (b)

Local Government (Financial Management) Regulations 1996

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

The costs associated with the capital works project for Mortiss Road & Neale Cove is offset by revenue and is in addition to Murat Road upgrade and adjustment to 2018/19 Fees schedule for sanitation

**STRATEGIC IMPLICATIONS**

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**

Absolute Majority

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**OFFICER'S RECOMMENDATION****ITEM 12.4.3**

That Council:

1. APPROVE to increase the Capital works revenue & expenditure budget for 2018/19 by \$605,290 for the Mortiss Street & Neale Cove road upgrade; and
2. APPROVE the adjustment to the sanitation fee for acceptance of haul pak tyres or similar to \$1,125 from \$120 and the advertising of this fee adjustment.

## **ITEMS FOR INFORMATION ONLY**

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

#### **PURPOSE**

To advise Council of the information items for August 2018 as listed below.

#### **VOTING REQUIREMENTS**

Simple Majority.

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

#### **ITEM 12.5.1**

That Council note the following information items:

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

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

<b>DATE</b>	<b>DOCUMENT</b>
23/08/18	Lease Agreement – Shire of Exmouth and Megan Peterson (Council Decision 35-11.6.16)

#### Concessions on Fees for Council Facilities

A summary of all concessions on fees for Council's facilities and services under Section 4.1 of the *Register of Delegations of Authority from Council to the CEO and Other Officers* since the last Ordinary Council Meeting.

<b>NAME</b>	<b>REASON</b>	<b>AMOUNT (exc GST)</b>
Nil		

#### Building Decisions Issued

A summary of the building licence and building certificate applications and approvals made under Delegation pursuant to the *Building Act 2011* up to 31 August 2018.

<b>App #</b>	<b>Date Received</b>	<b>Lot</b>	<b>Property Address</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
18/51	06/08/18	141	30 Hunt Street	New Construction Steel Framed Workshop	Approved	13/08/18
18/52	14/08/18	862	15 McLeod Street	3 x Sea Containers	Approved	20/08/18
18/55	20/08/18	1093	17 Hall Street	New Construction Steel Framed Shed	Approved	31/08/18
18/56	22/08/18	84	Lyndon Location	Demolition of Existing BOM Office Building and Construction of New Satellite Antenna Tower, Radome and Store	Approved	31/08/18

### Planning Decisions Issued

A summary of the planning decisions issued under delegation up to 31 August 2018.

Applic No	Date Received	Lot	Property Address	Description.	Decision Date	Decision
PA112/16	25/08/2016	1586 and 1587	164 Lyndon Location Exmouth Gulf Pastoral Station	Use Not Listed (Nature Based Park)	Deferred	27/07/18
PA65/18	8/06/2018	198	Yardie Creek Rd	Caravan Park Additions	Deferred	14/06/18
PA67/18	19/06/2018	1481	Neale Cove	Shed	Withdrawn	27/08/18
PA70/18	25/06/2018	13	116 Madaffari Drive	Dwelling	Processing	
PA72/18	3/07/2018	321	Minilya-Exmouth Rd	Outbuilding	Deferred	04/09/18
PA73/18	5/07/2018	735	30 Carr Way	Home Occupation	Approved	20/08/18
PA74/18	9/07/2018	417	54 Madaffari Drive	Dwelling	Deferred	07/09/18
PA76/18	12/07/2018	2	Yardie Creek Road	Change of Use	Processing	
PA77/18	17/07/2018	437	37 Fitzhardinge Street	Outbuilding	Approved	17/08/18
PA82/18	30/07/2018	311	561 Maidstone Crescent	Signage	Processing	
PA84/18	3/08/18	462	16 Osprey Way	Garage	Deferred 04/09/18	
PA86/18	7/08/18	311	Minilya Road Exmouth	Carport	Approved	13/08/18
PA91/18	13/08/18	382	36 Corella Court	Dwelling	Processing	
PA92/18	15/08/18	101	15 Ingram Street	Concrete Batching Plant	Processing	
PA94/18	16/08/18	134	63 Skipjack Circle	Shed and Carport	Processing	
PA96/18	17/08/18	963	27 Patterson Way	Change of Use	Deferred	07/09/18
PA97/18	20/08/18	98	23 Bluefin Cove	Swimming Pool and Fence	Deferred	05/09/18
PA98/18	22/08/18	416	52 Madaffari Drive	Swimming Pool and Fence	Deferred	07/09/18
PA99/18	27/08/18	112	19 Tautog Street	Patio	Withdrawn	28/08/18
PA100/18	24/08/18	1412	18 Payne Street	Building Extension	Processing	
PA101/18	29/08/18	1134	13 Koolinda Way	Swimming Pool and Safety Barrier	Processing	

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

App	Date Received	Description	Date Issued
PA85/18	03/08/18	Aerial Trapeze Classes	09/08/18
PA87/18	08/08/18	Fun Fair at Koobooroo Oval	10/08/18
PA88/18	09/08/18	Ningalens Festival – Busking	09/08/18
PA89/18	09/08/18	Ningalens Festival Banner Signs	09/08/18
PA90/18	10/08/18	Wedding at Wobiri Beach	29/09/18
PA93/18	16/08/18	Filming at Vlamingh Head Lighthouse	27/08/18

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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;
- Concessions on Fees for Council Facilities for August 2018;
- Building Decisions Issued up to August 2018; and
- Planning Decisions Issued up to August 2018.

- 13. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**
- 15. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS**
- 15.1 CHIEF EXECUTIVE OFFICER 2018/19 KEY PERFORMANCE INDICATORS**
- 16. CLOSURE OF MEETING**