



Agenda

Ordinary Council Meeting

18 April 2024

Notice of Meeting

Notice is hereby given that the next Ordinary Council Meeting of the Shire of Exmouth will be held on 18 April 2024, in the Mandu Function Room, Ningaloo Centre, 2 Truscott Crescent, Exmouth commencing at 4.00 pm.

A handwritten signature in black ink, appearing to be 'Ben Lewis', with a long horizontal stroke extending to the right.

Ben Lewis
CHIEF EXECUTIVE OFFICER

Disclaimer

The advice and information contained herein are 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 that 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.

SNAPSHOT

Strategic Community Plan 2023-2033



Your Choice. Our Future.

VISION

A globally recognised community of guardians for our unique environment and culture as we pursue innovations for sustainable growth.

GOALS

The goals are organised in five strategic pillars: Social, Natural Environment, Built Environment, Economy, and Governance and Leadership.

SOCIAL

Nurture a friendly, safe and inclusive community spirit.

- Improve local community and visitor experiences.
- Ensure a full suite of services to meet the needs of families and individuals at all ages and stages of life.
- Build community cohesion and connectedness.



GOVERNANCE & LEADERSHIP

Foster open, transparent & accountable leadership, working collaboratively & in partnership with our community & stakeholders.

- Forward-thinking leadership for efficient & sustainable operations.
- Continued focus on transparent, accountable leadership & community & stakeholder engagement.
- Council & administration plan & lead with good governance.



ECONOMY

Enhance a robust, resilient & diversified economy that champions innovation.

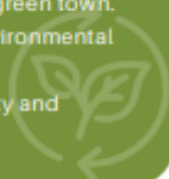
- Increase opportunities for smart and sustainable business ideas.
- Establish Exmouth as a vibrant, welcoming and environmentally aware destination.
- Promote Exmouth as a thriving economy based on its regional strength as a global environmental hotspot.



NATURAL ENVIRONMENT

Embrace natural sensitivities and promote positive change.

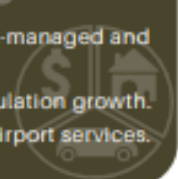
- Establish Exmouth as a clean and green town.
- Prepare Exmouth for changing environmental conditions.
- Increase awareness of sustainability and environmental issues.



BUILT ENVIRONMENT

Enable sustainable development and infrastructure that meets the needs of the community, visitors and industry.

- Infrastructure and assets are well-managed and maintained.
- Plan and cater for increased population growth.
- Revitalisation and expansion of airport services.



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.](#)

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.](#)

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

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

Type of Interest (*see overleaf for further information)

Proximity Financial Impartiality

Nature of Interest

[Click here to enter text.](#)

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

[Click here to enter text.](#)

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

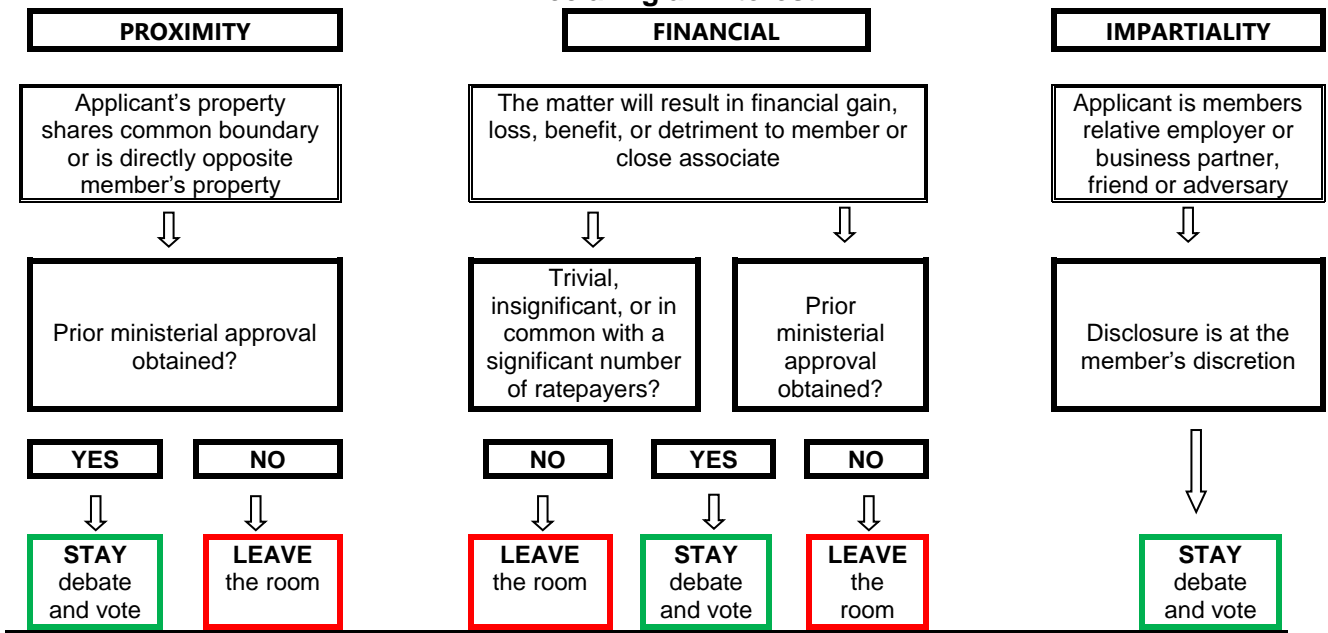
- **Note 1** - Elected Members/ Committee Members/Employees refer to the Disclosure of Interest Declaration card when disclosure is being read out at Council or Committee Meeting.
- **Note 2**: For Ordinary meetings of the Council, elected members and employees are requested to submit this completed 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

Particulars recorded in Minutes 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 interest arising from kinship, friendship or membership of an association.

AGENDA INDEX

1.	DECLARATION OF OPENING AND ANNOUNCEMENTS.....	7
2.	ATTENDANCE, APOLOGIES AND APPROVED LEAVE OF ABSENCE	7
3.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	7
4.	PUBLIC QUESTION TIME	7
5.	DECLARATIONS OF INTEREST.....	7
6.	APPLICATIONS FOR LEAVE OF ABSENCE	7
7.	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS.....	7
8.	ANNOUNCEMENTS/ REPORTS OF ELECTED MEMBERS.....	8
9.	ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION	8
10.	PETITIONS/ DEPUTATION/PRESENTATIONS/ SUBMISSIONS	8
11.	MATTERS ARISING FROM COMMITTEES OF COUNCIL.....	8
12.	REPORTS OF OFFICERS.....	9
12.1.1	PROPOSED SCHEME AMENDMENT NO.12 TO LOCAL PLANNING SCHEME NO.4 – INITIATION AND ADOPTION FOR ADVERTISING.....	9
12.1.2	CLOSURE OF UNCONSTRUCTED ROAD RESERVES – LOTS 1804, 1806 -1818 ON DEPOSITED PLAN 426187	14
12.1.3	DRAFT SHIRE OF EXMOUTH LOCAL PLANNING POLICY NO. 6 - EXMOUTH AREA DEFENCE SITES PROTECTION.....	17
12.3.1	FINANCIAL STATEMENT FOR PERIOD ENDING 31 MARCH 2024	20
12.3.2	LIST OF ACCOUNTS FOR PERIOD ENDING 31 MARCH 2024	22
12.3.3	EXMOUTH HORSEMANS CLUB INC LEASE.....	24
13.	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	26
14.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING ...	26
15.	MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS.....	26
16.	CLOSURE OF MEETING	26

1. Declaration of Opening and Announcements

2. Attendance, Apologies and Approved Leave of Absence

Shire President M (Matthew) Niikkula	
Councillor J (Jackie) Brooks	Deputy Shire President
Councillor D (Darlene) Allston	
Councillor D (David) Gillespie	
Councillor T (Todd) Bennett	
Councillor K (Kristy) Devereux	
Mr Ben Lewis	Chief Executive Officer
Mr Ziggy Wilk	Chief Operations Officer
Ms Michelle Head	Minute Taker

3. Response to Previous Public Questions Taken on Notice

Nil

4. Public Question 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 Shire President's 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 Shire 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 a leave of absence.

7. Confirmation of Minutes of Previous Meetings

That the Minutes and associated attachments of the Ordinary Council Meeting of the Shire of Exmouth held on 21 March 2024 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/ Deputation/Presentations/ Submissions

Nil

11. Matters Arising from Committees of Council

Nil

12. Reports of Officers

EXECUTIVE SERVICES

12.1.1 PROPOSED SCHEME AMENDMENT NO.12 TO LOCAL PLANNING SCHEME NO.4 – INITIATION AND ADOPTION FOR ADVERTISING

File Reference	LP.PL.4.10
Reporting Officer	Strategic Planning Officer
Responsible Officer	Chief Executive Officer
Date of Report	9 April 2024
Applicant/Proponent	Nil
Disclosure of Interest	Nil
Attachment(s)	1. Scheme Amendment Report

Purpose

1. That Council resolves to initiate Amendment 12 to Local Planning Scheme No.4 as shown in Attachment 1.

Background

2. On 12 March 2019, the Shire of Exmouth Local Planning Scheme No.4 (LPS4) was published in the Government Gazette. LPS4, which includes the scheme text and scheme maps, provides the overarching planning framework for development within Exmouth; controlling and guiding development, growth and land use within the Shire of Exmouth.
3. The Zoning Table lists the Commercial Zone as having three sub-zones referenced as;
 - Retail Core (C1)
 - Mixed Use (C2)
 - Mixed Business (C3)
4. All sub zones list various land uses in the zoning table and in some cases restrict land uses that would in fact enhance a commercial zone.
5. The subject land (see Figure 1) is identified in the Exmouth Town Centre Structure Plan and the Hassell Report as being suitable for commercial land uses and residential uses noting that the current scheme does not permit such.



Figure 1. Site Plan area subject of proposed Scheme Amendment No.12.

6. The subject land is identified as a C3 commercial zone which permits short stay accommodation but limits supermarket land use and residential use.
7. The subject land is also identified as a restricted use for supermarket in Schedule 3 for which is proposed to be deleted. Presently the restricted use is considered as limiting development opportunities for the land. The discretionary land uses also include convenience store, fast food outlet, liquor store, restaurant/café, shop, small bar, tavern and car park.
8. This proposal would result in the land being identified as retail core area thus permitting primary commercial land use (including supermarket). The inclusion of additional use schedule would guide a development for other land uses residential building, workforce accommodation, grouped dwelling, multiple dwelling, holiday accommodation, hotel/motel & serviced apartment.
9. Shire staff has been liaising with the Department Planning Lands and Heritage Divestment Team for consideration of the land to be put to market by state government so that development in the Exmouth town centre can be prioritised and effected.
10. The Divestment Team has indicated that it is interested in the site and that the land is considered suitable for divestment.

Comment

11. Given the current restrictions to the site, administration is of the view that it may be more preferable and desirable as a development option if the land was deconstrained so that the market can more freely determine the appropriate commercial/mixed land use.
12. Additionally, it is considered appropriate to enable short stay or residential land uses as the mixed use commercial zone currently permits.
13. There is a shortage of all accommodation types in Exmouth and limited commercial sites also.
14. Integrating mixed use at this site will enable the market to have greater flexibility to develop the site by permitting more land uses.
15. 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.
16. 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'.
17. Regulation 35(2) and 47(1) of the Regulations allows Council to adopt a standard scheme amendment and following such is to be referred to the Department Planning Lands and Heritage for approval to advertise.
18. Should Council resolve to proceed, the amendment is required to be forwarded to the Western Australian Planning Commission and Minister for Planning for final approval.
19. It is recommended that Council resolves to initiate the amendment without modification, as outlined in the officer's recommendation.

20. This proposal also identifies additional areas of land from Lot 1027 (Reserve 33569) and Lot 913 (Reserve 33568) to be added to the local road reserve which will result in a road of 12m in width to enable access from Maidstone to Payne Street in the future.

Consultation

21. If Amendment No.12 is initiated, consultation will be required in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015* for a minimum period of 42 days.
22. Section 81 of the *Planning and Development Act 2005* requires a local government to refer an amendment to the Environmental Protection Authority to determine if it should be assessed.
23. If Council resolves under regulation 35(1) to adopt an amendment to a local planning scheme, the local government must advertise the amendment in accordance with regulation 47(1).

Statutory Environment

24. *Planning and Development Act 2005*
25. *Planning and Development (Local Planning Schemes) Regulations 2015*
26. Shire of Exmouth Local Planning Scheme No.4
27. *Environmental Protection Act 1986*

Policy Implications

28. Nil

Financial Implications

29. Nil

Risk Management

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational – the proposal may attract objections from members of the public or other public authorities.	Possible	Moderate	Moderate	Widely consulting with all parties who may be affected, and all relevant public authorities should mitigate any risk in this regard. If necessary, further information can be provided as part of the amendment process.

Risk Matrix

Consequence \ Likelihood	Insignificant (1)	Minor (2)	Moderate (3)	Major (4)	Catastrophic (5)
Almost Certain (5)	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely (4)	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible (3)	Low (3)	Moderate (5)	Moderate (9)	High (12)	High (15)
Unlikely (2)	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare (1)	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Alternate Options

30. Council may consider alternate options in relation to this item, such as:
- Resolve to initiate the amendment to the local planning scheme with modifications; or
 - To resolve not to initiate the amendment to the local planning scheme.

Strategic Alignment

31. This item is relevant to the Council's approved Strategic Community Plan and Corporate Business Plan 2023 – 2033.

Social	<p>Nurture a friendly, safe and inclusive community spirit</p> <p>1.1 Improve local community and visitor experiences.</p> <p>1.2 Ensure a full suite of services to meet the needs of families and individuals at all ages and stages of life</p>
Natural Environment	<p>Embrace natural sensitivities and promote positive change</p> <p>2.1 Establish Exmouth as a clean and green town</p> <p>2.3 Increase awareness of sustainability and environmental issues</p>
Built Environment	<p>Enable sustainable development and infrastructure that meets the needs of the community, visitors and industry</p> <p>3.1 Infrastructure and assets are well-managed and maintained</p> <p>3.2 Plan and cater for increased population growth</p>
Economy	<p>Enhance a robust, resilient and diversified economy that champions innovation</p> <p>4.2 Establish Exmouth as a vibrant, welcoming and environmentally aware destination</p>
Governance & Leadership	<p>Foster open, transparent & accountable leadership, working collaboratively and in partnership with our community and stakeholders</p> <p>5.2 Continued focus on transparent, accountable leadership and community stakeholder engagement</p> <p>5.3 Council and administration plan and lead with good governance</p>

Voting Requirements

32. Simple Majority

Officers Recommendation	Item 12.1.1
<p>That Council pursuant to section 75 of the <i>Planning and Development Act 2005</i> and Part 5, r.35(1 and 2) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, resolves:</p>	
<ol style="list-style-type: none"> 1. To prepare and initiate Amendment No. 12 to amend the Shire of Exmouth <i>Local Planning Scheme No. 4</i> as outlined in Attachment 1 by; <ol style="list-style-type: none"> i. Deleting Restricted Use R1 from scheme text and re-numbering other Restricted Uses accordingly. ii. Rezoning portion of Lot 1030 (Reserve 28817), Lot 913 (Reserve 33568), Lot 1027 (Reserve 33569), and Lot 1364 (Reserve 41455) from 'Commercial Mixed Business – C3' to 'Commercial Retail Core – C1'. iii. Adding Additional Use A13 to portion of Lot 1030 (Reserve 28817), Lot 913 (Reserve 33568), Lot 1027 (Reserve 33569), and Lot 1364 (Reserve 41455) for Residential Building, Workforce Accommodation, Grouped Dwelling, Multiple Dwelling, Holiday Accommodation, Hotel, Motel and Serviced Apartment at Schedule 2 – Additional Uses. iv. Rezoning portion of Lot 1027 (Reserve 33569) and Lot 913 (Reserve 33568) to Reserve local road. v. Amending scheme maps accordingly. 2. To classify the amendment as a 'Standard amendment' under the provisions of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> for the following reasons: <ul style="list-style-type: none"> • The amendment is consistent with the objectives identified in the scheme for the relevant zones and reserves (The site is presently Commercial zone); 	

- The amendment is consistent with the Shire of Exmouth Local Planning Strategy;
 - The amendment will have minimal impact on land in the scheme area;
 - The amendment does not result in any significant environmental, social, economic or governance impacts on land in scheme area; and
 - The amendment is not a basic or complex amendment.
3. To refer the amendment to the Western Australian Planning Commission for review and permission to give public notice, authorising the Chief Executive Officer to make any amendments that may be required to his satisfaction.
 4. To then refer the amendment to the Environmental Protection Authority to determine if formal environmental assessment is required.
 5. To advertise the amendment in accordance with Part 5, r.47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and,
 6. Upon the cessation of public notice, return the amendment to Council for consideration of submissions received and final endorsement, with or without modification or otherwise.

12.1.2 CLOSURE OF UNCONSTRUCTED ROAD RESERVES – LOTS 1804, 1806 -1818 ON DEPOSITED PLAN 426187

File Reference	RD.RO.0
Reporting Officer	Strategic Planning Officer
Responsible Officer	Chief Executive Officer
Date of Report	13 March 2024
Applicant/Proponent	Department of Biodiversity, Conservation and Attractions
Disclosure of Interest	Nil
Attachment(s)	1. Letter of Request 2. Proposed Deposited Plan

Purpose

1. That Council consider giving public notice to close portions of unconstructed road reserves in the Shire of Exmouth.

Background

2. The Department Biodiversity Conservation and Attractions (DBCA) is working towards creating a new conservation estate (Class A reserve) in the Exmouth Region, which necessitates the closure of the unconstructed sections of identified road reserve.
3. The new conservation estate will be jointly managed, by Nganhurra Thanardi Garrbu Aboriginal Corporation (NTGAC) and DBCA.
4. The NTGAC authorised an Indigenous Land Use Agreement with DBCA on 14 February 2024.
5. On the 6 March 2024, the Shire received a request from to close certain portions of unmade road reserves that are contained within the proposed National Park area.
6. On 14 March 2024 DBCA Officer advised the Shire that Lot 1813 is to be included in the road closure proposal as it had been omitted from letter of request.
7. Lots identified on the Plan, as Lot 1811 and 1815 will not become part of the Giralia National Park but will be included as unmanaged reserve 16454 for "Protection of Vermin Proof Fence".
8. The proposal has received WA State Government Cabinet support.

Comment

9. The proposed closures appear to be appropriate given the future use of the land.

Consultation

10. The proposed road closures are to be advertised in a local newspaper for a period of at least 35 days prior to any resolution to be made with respect to a road closure.
11. Ordinarily such road closure proposals are referred to servicing authorities however, in this case the DBCA affirms that they do not require the Shire to undertake referral as the land is relatively isolated and will be contained with a DBCA Park area.

Statutory Environment

12. Section 58 of the *Land Administration Act 1997* contains the legislative requirements for road closure proposals and states the following:

Land Administration Act 1997 - Section 58

58. Closing roads

- (1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.
- (2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.
- (3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.
- (4) On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) —
 - (a) by order grant the request; or
 - (b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction;
 - (c) refuse the request.
- (5) If the Minister grants a request under subsection (4) —
 - (a) the road concerned is closed on and from the day on which the relevant order is registered; and
 - (b) any rights suspended under [section 55\(3\)\(a\)](#) cease to be so suspended.
- (6) When a road is closed under this section, the land comprising the former road —
 - (a) becomes unallocated Crown land; or
 - (b) if a lease continues to subsist in that land by virtue of [section 57\(2\)](#), remains Crown land.

[Section 58 amended: No. 59 of 2000 [s. 18\(1\) 6.](#)]

Policy Implications

13. Nil

Financial Implications

14. All associated costs including surveying and advertising are to be borne by the DBCA, as advised.

Risk Management

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
There would be minimal risk to the environment should Council close a road reserve	Rare	Insignificant	Low	DBCA will have management of the land which would be controlled under the Class A reserve
Reputational – There could be a risk of public backlash from the closure of the road reserve	Unlikely	Insignificant	Low	The formalised road has never been constructed so there would be minimal number of the community who would be aware the reserve existed

Risk Matrix

Consequence \ Likelihood	Insignificant (1)	Minor (2)	Moderate (3)	Major (4)	Catastrophic (5)
Almost Certain (5)	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely (4)	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible (3)	Low (3)	Moderate (5)	Moderate (9)	High (12)	High (15)
Unlikely (2)	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare (1)	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Strategic Alignment

15. This item is relevant to the Council’s approved Strategic Community Plan and Corporate Business Plan 2023 – 2033.

Natural Environment	Embrace natural sensitivities and promote positive change 2.1 Establish Exmouth as a clean and green town 2.2 Prepare Exmouth for changing environmental conditions 2.3 Increase awareness of sustainability and environmental issues
Economy	Enhance a robust, resilient and diversified economy that champions innovation 4.1 Increase opportunities for smart and sustainable business ideas 4.2 Establish Exmouth as a vibrant, welcoming and environmentally aware destination 4.3 Promote Exmouth as a thriving economy based on its regional strength as a global environmental hotspot
Governance & Leadership	Foster open, transparent & accountable leadership, working collaboratively and in partnership with our community and stakeholders 5.3 Council and administration plan and lead with good governance

Voting Requirements

16. Simple Majority

Officers Recommendation	Item 12.1.2
That Council:	
<ol style="list-style-type: none">Under the provision of s58 of the <i>Land Administration Act 1997</i> and following a request from the Department of Biodiversity, Conservation and Attractions give public notice to close portions of road reserves in the Shire of Exmouth as identified on the attach plans.In reference to Point 1, above, identify those road portions as Lots 1804, 1806-1813, and 1814-1818 on Deposited Plan 426187.Give Public in a newspaper, which circulates in the district for a period of not less than 35 days.In the event that no objections are received delegate authority to the Chief Executive Officer to advise the Minister for Lands that it has resolved to close the road/s and provides the date of delegated authority, copy of the advertisement and copies of the Deposited Plan/s.In the event objections are received, because of public notice, the matter will be presented to Council for further consideration.Acknowledge that Lots 1811 and 1815 will be included into Reserve 16545 for purpose of "Protection of Vermin Proof Fence".	

12.1.3 DRAFT SHIRE OF EXMOUTH LOCAL PLANNING POLICY NO. 6 - EXMOUTH AREA DEFENCE SITES PROTECTION

File Reference	CM.PO.14
Reporting Officer	Strategic Planning Officer
Responsible Officer	Chief Executive Officer
Date of Report	2 April 2024
Applicant/Proponent	Shire of Exmouth and Department of Defence
Disclosure of Interest	Nil
Attachment(s)	1. Draft Shire of Exmouth Local Planning Policy No. 6 - Exmouth Area Defence Sites Protection

Purpose

1. That Council considers Shire of Exmouth Local Planning Policy No. 6 Exmouth Area Defence Sites Protection (LPPEADS).

Background

2. The Department of Defence has been liaising with the Shire of Exmouth for some time to seek support to improve the level of planning protection given to their defence sites in Exmouth.
3. Those sites require a high level of protection from land use and development that may cause a land use conflict with the defence sites.
4. Ideally, the introduction of a Local Planning Policy (LPP) would invoke a referral process to the Department of Defence for land use and development applications received by the Shire in the future.

Comment

5. Staff, in consultation with Defence planning staff, has considered the matter and is of the view that the most efficient route to implementing protection is to introduce an LPP. The LPP, whilst not legislated, will provide a guidance statement, be defensible in the State Administrative Tribunal as a planning guidance tool and inform all stakeholders of the expectations of the Department of Defence.
6. Future planning will most likely result in the areas classified as restricted use sites in a scheme review process.
7. Shire and Defence staff has agreed to include land uses as being permitted for itinerant day trading in the area.
8. The intent is to further consolidate such restrictions in the Shire's Local Planning Scheme upon review in the future.
9. The LPPEADS primary purpose is to prevent any land use and development in the vicinity of sites to ensure they are not compromised.

Consultation

10. The draft LPPEADS is required to be referred to the Department Planning Lands and Heritage prior to public notice being given under the below statutory provisions.

Statutory Environment

11. The Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2 Part 2, provide the statutory framework for the preparation of Local Planning Policies where:

Clause 3 (2) A local planning policy —

- (a) may apply generally or in respect of a particular class or classes of matters specified in the policy; and*
- (b) may apply to the whole of the Scheme area or to part or parts of the Scheme area specified in the policy.*
- (3) A local planning policy must be based on sound town planning principles and may address either strategic or operational considerations in relation to the matters to which the policy applies.*
- (4) The local government may amend or repeal a local planning policy.*
- (5) In making a determination under this Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with this Scheme.*

4. Procedure for making local planning policy

(1) If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows —

- (a) publish in accordance with clause 87 the proposed policy and a notice giving details of —*
 - (i) the subject and nature of the proposed policy; and*
 - (ii) the objectives of the proposed policy; and*
 - (iii) how the proposed policy is made available to the public in accordance with clause 87; and*
 - (iv) the manner and form in which submissions may be made; and*
 - (v) the period for making submissions and the last day of that period;*
- (b) if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the Commission;*
- (c) give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.*

(2) The period for making submissions specified in a notice under subclause (1)(a)(v) must not be less than the period of 21 days after the day on which the notice is first published under subclause (1)(a).

(3) After the expiry of the period within which submissions may be made, the local government must —

- (a) review the proposed policy in the light of any submissions made; and*
- (b) resolve to —*
 - (i) proceed with the policy without modification; or*
 - (ii) proceed with the policy with modification; or*
 - (iii) not to proceed with the policy.*

(3A) The local government must not resolve under subclause (3) to proceed with the policy if —

- (a) the proposed policy amends or replaces a deemed-to-comply provision of the R-Codes; and*
- (b) under the R-Codes, the Commission's approval is required for the policy; and*
- (c) the Commission has not approved the policy.*

(4) If the local government resolves to proceed with the policy, the local government must publish notice of the policy in accordance with clause 87.

Policy Implications

11. Nil

Financial Implications

12. Nil

Risk Management

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance – Applications are not assessed against the policy	Almost Certain	Major	Extreme	Implementation of LPP and followed up by SCA areas in scheme review process.
Reputational risk to council would be the consequences of not having a referral process are significant hence implementation of process.	Possible	Major	High	Ensure the implementation of a referral process.

Risk Matrix

Consequence \ Likelihood	Insignificant (1)	Minor (2)	Moderate (3)	Major (4)	Catastrophic (5)
Almost Certain (5)	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely (4)	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible (3)	Low (3)	Moderate (5)	Moderate (9)	High (12)	High (15)
Unlikely (2)	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare (1)	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Alternate Options

13. Council may consider that the LPPEADS is not necessary or may consider an amendment to the document in its consideration.

Strategic Alignment

14. This item is relevant to the Council’s approved Strategic Community Plan and Corporate Business Plan 2023 – 2033.

Governance & Leadership	<p>Foster open, transparent & accountable leadership, working collaboratively and in partnership with our community and stakeholders</p> <p>5.1 Forward-thinking leadership for efficient and sustainable operations</p> <p>5.2 Continued focus on transparent, accountable leadership and community stakeholder engagement</p> <p>5.3 Council and administration plan and lead with good governance</p>
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Voting Requirements

15. Simple Majority

Officers Recommendation	Item 12.3.1
<p>That Council authorise the draft Shire of Exmouth Local Planning Policy No. 6 Exmouth Area Defence Sites Protection be:</p> <ol style="list-style-type: none"> 1. Referred to the Department Planning Lands and Heritage prior to public notice, 2. Amended if required by Shire Administration if required by the Department Planning Lands and Heritage, 3. Placed on public notice for a period of 21 days, 4. If no objections are received, the Shires Chief Executive Officer be delegated to approve the Shire of Exmouth Local Planning Policy 6 Exmouth Area Defence Sites Protection and give public notice of its approval. 	

CORPORATE AND COMMERCIAL SERVICES

12.3.1 FINANCIAL STATEMENT FOR PERIOD ENDING 31 MARCH 2024

File Reference	FM.FI.0
Reporting Officer	Manager Finance
Responsible Officer	As above
Date of Report	8 April 2024
Applicant/Proponent	Nil
Disclosure of Interest	Nil
Attachment(s)	1. Monthly Financial Report as of 31 March 2024

Purpose

1. That Council accepts the financial report for the financial period ending 31 March 2024 and amends the current budget accordingly.

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.

Comment

3. As of 31 March 2024, the operating revenue is below budget by \$792,213 (5.36%). The variances mainly relate to the timing of aviation revenue, higher than anticipated term deposit interest rates and the timing of reimbursements.
4. Operating expenditure is below budget by \$1,704,412 (10.48%). Variances are mainly due to the timing of maintenance and operational projects.
5. Due to asset revaluations effective 30 June 2023, the depreciation expenditure increases by \$1.3m until the end of the financial year 2023/2024.
6. The capital expenditure program is under way and is tracking under budget. Council has expended \$1,854,525 of the proposed amended capital budget of \$6.1m. The timing and milestone requirements also impact the proceeds from capital grants, subsidies and contributions, which are tracking below budget.
7. Rates were levied on 31 July 2023. Rates collected as of 31 March 2024 were 91.9%, compared to 89.20% for the same period last year.

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

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	Low	That Council receives the financial activity statements as required by legislation.

Risk Matrix

Consequence \ Likelihood	Insignificant (1)	Minor (2)	Moderate (3)	Major (4)	Catastrophic (5)
Almost Certain (5)	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely (4)	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible (3)	Low (3)	Moderate (5)	Moderate (9)	High (12)	High (15)
Unlikely (2)	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare (1)	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Alternate Options

13. Nil

Strategic Alignment

14. This item is relevant to the Council’s approved Strategic Community Plan and Corporate Business Plan 2023 – 2033.

Governance & Leadership	<p>Foster open, transparent & accountable leadership, working collaboratively and in partnership with our community and stakeholders</p> <p>5.1 Forward-thinking leadership for efficient and sustainable operations</p> <p>5.2 Continued focus on transparent, accountable leadership and community stakeholder engagement</p> <p>5.3 Council and administration plan and lead with good governance</p>
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Voting Requirements

15. Absolute Majority

Officers Recommendation	Item 12.3.1
That Council:	
1. Receives the financial report for the financial period ending 31 March 2024; and	
2. Approves the budget amendment for depreciation expenditure as per Attachment 1.	

12.3.2 LIST OF ACCOUNTS FOR PERIOD ENDING 31 MARCH 2024

File Reference	FM.FI.0
Reporting Officer	Manager Finance
Responsible Officer	As above
Date of Report	8 April 2024
Applicant/Proponent	Nil
Disclosure of Interest	Nil
Attachment(s)	1. List of Accounts for period ending 31 March 2024

Purpose

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

Background

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

Comment

4. Council has given delegated authority that allows the Chief Executive Officer to approve payments from Council's bank accounts either via cheque or through electronic lodgement. (Attachment 1).
5. Payments

Municipal Fund	totalling \$869,145.93
	Incorporating cheques, direct debits, electronic payments and credit cards.
Trust Fund	totalling \$NIL
	Incorporating electronic payments.
Total Payments:	\$869,145.93

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. CS001 (Procurement)
9. CS002 (Regional Price Preference Policy)
10. CS004 (Corporate Transaction Cards)
11. CS008 (Investments)
12. CS012 (Reserve Funds)

Financial Implications

13. 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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational – That Council does not receive the list of payments.	Rare	Insignificant	Low	That Council receives the list of payments as required by legislation.

Risk Matrix

Consequence \ Likelihood	Insignificant (1)	Minor (2)	Moderate (3)	Major (4)	Catastrophic (5)
Almost Certain (5)	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely (4)	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible (3)	Low (3)	Moderate (5)	Moderate (9)	High (12)	High (15)
Unlikely (2)	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare (1)	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Alternate Options

14. Nil

Strategic Alignment

15. This item is relevant to the Council’s approved Strategic Community Plan and Corporate Business Plan 2023 – 2033.

Governance & Leadership	<p>Foster open, transparent & accountable leadership, working collaboratively and in partnership with our community and stakeholders</p> <p>5.1 Forward-thinking leadership for efficient and sustainable operations</p> <p>5.2 Continued focus on transparent, accountable leadership and community stakeholder engagement</p> <p>5.3 Council and administration plan and lead with good governance</p>
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Voting Requirements

16. Simple Majority

Officers Recommendation	Item 12.3.2
That Council receives the report of payments made from the Municipal and Trust bank accounts during the month of March 2024 (totalling \$869,145.93).	

12.3.3 EXMOUTH HORSEMANS CLUB INC LEASE

File Reference	CP.RE.1/R29066
Reporting Officer	Manager Community and Emergency Services
Responsible Officer	As above
Date of Report	9 April 2024
Applicant/Proponent	Exmouth Horseman's Club Inc
Disclosure of Interest	Nil
Attachment(s)	1. CONFIDENTIAL Exmouth Horsemans Club Lease

Purpose

1. That Council authorise the Chief Executive Officer to enter into a lease agreement with the Exmouth Horseman's Club Inc over Part of Reserve 29066 being Lot 148 Warne Street, Exmouth.

Background

2. The Shire of Exmouth has a Management Order over the whole of Reserve 29066 for the purpose of Recreation and Drainage.
3. Exmouth Horseman's Club Inc have been on a periodical lease since their 21-year lease expired on 3 March 1993.

Comment

4. Exmouth Horseman's Club Inc are a long-standing Exmouth club with consistent membership numbers and good governance.

Consultation

5. Exmouth Horseman's Club

Statutory Environment

6. *Land Administration Act 1997* -Section 18 – Crown Land transactions that need Minister's approval.
7. *Local Government Act 1995* – Section 3.58 – Disposing of Property

Policy Implications

8. Nil

Financial Implications

9. Nil

Risk Management

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational If the lease is not supported, the Shire could be seen as not supporting clubs in Exmouth.	Rare	Insignificant	Low	Support the lease to be executed

Risk Matrix

Consequence \ Likelihood	Insignificant (1)	Minor (2)	Moderate (3)	Major (4)	Catastrophic (5)
Almost Certain (5)	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely (4)	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible (3)	Low (3)	Moderate (5)	Moderate (9)	High (12)	High (15)
Unlikely (2)	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare (1)	Low (1)	Low (2)	Low (3)	Low an (4)	Moderate (5)

Alternate Options

10. Nil

Strategic Alignment

11. This item is relevant to the Council's approved Strategic Community Plan and Corporate Business Plan 2023 – 2033.

Social	Nurture a friendly, safe and inclusive community spirit 1.1 Improve local community and visitor experiences. 1.2 Ensure a full suite of services to meet the needs of families and individuals at all ages and stages of life 1.3 Building Community cohesion and connectedness
Built Environment	Enable sustainable development and infrastructure that meets the needs of the community, visitors and industry 3.1 Infrastructure and assets are well-managed and maintained 3.2 Plan and cater for increased population growth
Governance & Leadership	Foster open, transparent & accountable leadership, working collaboratively and in partnership with our community and stakeholders 5.1 Forward-thinking leadership for efficient and sustainable operations 5.2 Continued focus on transparent, accountable leadership and community stakeholder engagement

Voting Requirements

12. Simple Majority

Officers Recommendation	Item 12.3.3
That Council:	
1. Authorise the Chief Executive Officer to enter into a lease agreement with the Exmouth Horseman's Club Inc over Part of Reserve 29066 being Lot 148 Warne Street, Exmouth; and	
2. Formally request approval from Department of Planning Lands and Heritage of lease terms of 10 years plus a 1 x 10 year option.	

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