SHIRE OF EXMOUTH

ORDINARY COUNCIL MEETING

MINUTES

16th February 2012

CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on 15 March 2012 as a true and accurate record of the Ordinary Council Meeting held on 16 February, 2012.

……..……

C (Turk) Shales
Shire President

All attachment items referred to in these minutes are available for public perusal at the Shire office

DISCLAIMER

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

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

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

Signed at Exmouth (B Price), Chief Executive Officer Shire of Exmouth

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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/ANNOUNCEMENT OF VISITORS

The President declared the meeting open at 3.04pm and welcomed Mr Andrew Borrett from the Department of Local Government to the meeting.

2. RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

Councillor T Shales	Shire President
Councillor S Fitzgerald	Deputy Shire President
Councillor R Winzer	
Councillor J Warren	
Councillor M Hood	
Councillor G Thompson	
Mr B Price	Chief Executive Officer
Mrs Sue O'Toole	Executive Manager Corporate Services
Mr R Kempe	Executive Manager Community Engagement
Mr R Manning	Executive Manager Health & Building
Mr R Mhasho	Executive Manager Town Planning
Mr K Woodward	Executive Manager Engineering Services
Mr A Forte	Executive Manager Aviation Services

GALLERY

Visitors 11

APOLOGIES

Nil

LEAVE

Nil

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).

4.1 Questions Submitted:
A statement was submitted by Lachlan Edwards.

On behalf of Exmouth Youth Care Council I wish to express our thanks to Shire of Exmouth for their support of the Chaplaincy Program.

Three questions submitted by Ann Preest NWCEAC

Q1. Did the Shire of Exmouth receive our submissions regarding the Kailis proposal sent on our behalf by Andre Wheeler?

CEO Response: The Council did receive the submission from the NWCEAC which has been separately emailed to individual councillors prior to the meeting.

Q2. At the last Council meeting that this issue was discussed, the Council voted and agreed that there would be a full review with community consultation process regarding the Marine Supply Base. As far as is known, this has not occurred as there has been no community consultation or full review of the development to date. If this is merely an update, then fine, but the Council, by its own Corporate Governance Standards, cannot make a decision prior to the process agreed to at the last meeting.

CEO Response: That Council in making their December decision has been in consultation with representatives of the Department of Planning to formulate a framework for the comprehensive study to be undertaken by an external consultant. Due to the Christmas/New Year break and with January being a traditional leave period Council have recommended that the community consultation be conducted in the month of March of this year.

Q3. Was the Shire aware that Exmouth Limestone are going ahead with their development, and having already agreed that the Shire would take over the $4m guarantee, is the potential decision by the Shire with regards paying for the EPA, placing an undue public risk on the public purse by supporting two facilities?

CEO Response: Council have been advised to the contrary in relation to the Exmouth Limestone project and that there are no agreements between the proponent and the Council in relation to the facility.

5 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.

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

That the Minutes of the Ordinary Meeting of the Shire of Exmouth held on the 15 December 2011 be confirmed as a true and correct record of proceedings.

COUNCIL DECISION – 01-0212 - ITEM 6

Moved Councillor Hood, Seconded Councillor Fitzgerald.
That the Minutes of the Ordinary Council Meeting held on the 15 December, 2011 be confirmed as a true and correct record of proceedings.

CARRIED 6/0

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

The Shire President advised having taken the opportunity to extend Council's appreciation to Sue and Mal McCague for their support to the Council and contribution to the Exmouth community, wishing them all the very best for their move to Mandurah.

The President advised having made several appearances in the media regarding Cyclone Iggy and the issue of road closures because of Bush Fires and flooding in the North West area.

Meetings attended during the month included the Gascoyne Revitalisation Steering Committee Meeting and the GDC Board meetings held in Shark Bay on Tuesday 7 & Wednesday 8 February and an onsite meeting with Professor Carlos Duarte from the Indian Oceans Institute held in late December.

The Shire President also took the opportunity to acknowledge the efforts of the staff involved in the Heliport Operations since the Council accepted responsibility for the operations on the 1st January 2012.

8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

9. REPORT OF COUNCILLORS

Councillor Winzer advised the Council of his recent election and attendance to the State Council Meeting of WALGA held in Perth in early February.

Councillor Warren advised Council of the investigations being carried out by the Exmouth & Karratha Chamber of Commerce to establish an airline route between the two towns.

Councillor Fitzgerald advised Council that a Cruise Ship is scheduled to visit Exmouth on 26 February 2012.

Councillor Hood advised Council and the gallery that he had recently received legal advice in relation to the official complaint regarding a perceived Conflict of Interest in regards to the Kailis Supply Base issue and that he will not be involved in any future decision making on this matter. He went further to say that he personally disagreed with the ruling and that his sole intention was to represent the community on this matter.

10. REPORTS OF OFFICER

10.1 Chief Executive Officer

10.1.1 Chief Executive Officers Report

Location:	Exmouth
Applicant:	Chief Executive Officer
File Reference:	
Disclosure of Interest:	Nil
Date:	5 February 2012
Author:	Chief Executive Officer, Mr B Price
Signature of Author:	

SUMMARY

The following report contains a brief summary of significant activities, events or issues that were raised since the last meeting.

BACKGROUND

Official Complaints

The month under review has been largely counterproductive for the Council and Executive Staff as the majority of time has been taken up responding to the numerous complaints made at various departmental levels, by individuals affected by recent Council decisions.

Official complaints made and responded to include

1. Response to a Competitive Neutrality Complaint made with the Department of Local Government by Bennett & Co., Lawyers representing Exmouth Aviation Services in relation to the Heliport Operations. (Additional information of the Review currently being undertaken by Bird Cameron will be presented to the next meeting for endorsement).
2. Response to a Complaint made with the Minister for Local Government in relation to Council's decision to accept responsibility of the Heliport. (Complainant identity withheld by Department).
3. Response to *Section 76 Application under the Planning & Development Act*, lodged by MG Kailis, requesting that the Minister for Planning intervene in the proposed Scheme Amendment on Lots 1, 101, 112 and 220 Minilya-Exmouth Road.
4. Response to Complaint of a Minor Breach as per section 5.107 (1)(2) of the *Local Government Act*, submitted by MG Kailis legal representatives, against an elected member in relation to a perceived non-disclosure of interest.
5. Response to a complaint made with the Minister for Local Government in relation to Council's recent decision to the MG Kailis proposal. (Complainant identity withheld by Department).
6. Response to false accusations made to Local Parliamentary members regarding Council's role in the management/failure of lighting at the Learmonth Airport.

It seems that the disgruntled parties concerned are exhausting all measures available to them to receive a favourable decision. The shame for the Council & the Exmouth community is the bad publicity these complaints are likely generating at Ministerial and Departmental level, even though these recent decisions have been made in the best interests of the Exmouth community.

Councillor Training

Councillor training, which will include the Roles & Responsibilities of a Councillor, Ethics and Pecuniary Interest matters has been organised for Thursday 16th February (10am – 2pm).

Mr Andrew Borrett from the Department of Local Government will be providing the training. Can all Councillors please make themselves available for the invaluable training.

Business Case CBD/Foreshore Revitalisation Project

Councils Strategic Project Officer, Melinda Lymon and myself have been drafting the Business Case to the Department of Regional Development & Lands, Gascoyne Revitalisation Fund to secure the $6m funding so that Council can implement the CBD/Foreshore Revitalisation Project during the 2012/13 and 2013/14 financial years. This business case needs to be endorsed by the Gascoyne Steering Committee prior to being lodged with Cabinet for approval. It is anticipated that funds will be available in July 2012.

Visitation by Vince Catania, Member for the North West

Cr Shales and myself met with Vince Catania on Friday 19 January. A tour of all of the existing Royalties for Regions Projects was undertaken which included

1. Tantabiddi Boat Ramp
2. Vlamingh Head Interpretation Project
3. CBD/Foreshore Revitalisation Project
4. Under Cover Courts School Project
5. Ningaloo Centre Project

Defence Force Posture Review

Council are aware of their submission to the recent Defence Force Posture Review with the assistance of Professor Ross Babbage. The Minister for Defence, Hon. Stephen Smith, has recently announced that a progress report from the expert panel was released on 30 January for public review.

The progress report is available at: http://www.defence.gov.au/oscdf/adf-posture-review/.

The progress report is a snapshot of the Expert Panel's current thinking midway through their Review. No decisions on its preliminary conclusions have been made.

The Review's final report will be submitted to the Government at the end of March 2012, after the Expert Panel have finalised their analysis and recommendations. The results of the Review and the views of the Expert Panel will feed into the next scheduled Defence White Paper in the first quarter of 2014.

The Review will help provide a strategic context for the next Defence White Paper scheduled for the first quarter of 2014, and will address the range of present and emerging global, regional and national strategic and security factors which require careful consideration for the future, including:

- the rise of the Asia-Pacific as a region of global strategic significance;
- the rise of the Indian Ocean rim as a region of global strategic significance;
- the growth of military power projection capabilities of countries in the Asia Pacific;
- the growing need for the provision of humanitarian assistance and disaster relief following extreme events in the Asia Pacific region; and
- energy security and security issues associated with expanding offshore resource exploitation in our North West and Northern approaches.

The Review builds on the strategic and capability judgements contained in the Defence White Paper 2009 Defending Australia in the Asia Pacific Century: Force 2030 and consider the implications for Force Posture from the array of emerging strategic and security influences.

Council will note that Learmonth and Exmouth feature prominently in the attachment C of the document.

Staff

I will be on leave from Tuesday 27th February to Wednesday 8th March.

Other Meetings & Functions attended by the CEO

The CEO advised having attended the following meetings and functions during the month:

1. Cr Shales and myself along with GDC representatives met with Professor Carlos Duarte, Director of the UWA Oceans Institute, on Friday 16th December to discuss formalising partnerships

2. EMTP and myself met with the consultants Hassell in Perth on 20 & 21 December to finalise the CBD/Foreshore Plans for presentation to the Council.
3. Cr Shales, EMTP and myself met with representatives of the Department of Planning on Tuesday 10 January to discuss the study risk analysis process for supply bases in Exmouth.
4. Cr Shales and myself met with Jim Williams, new Manager of the Gascoyne Small Business Centre on Tuesday 24 January.
5. Several Councillors, staff and myself were involved in the Australia Day celebrations conducted at the Paltridge Memorial Swimming Pool on Thursday 26 January.
6. Cr Shales, EMTP and myself attended the inaugural Exmouth Land Council meeting held on Tuesday 31 January.
7. Cr Shales, EMTP and myself met with Alex Kailis & Anthony Ellis, MG Kailis Group, on Wednesday 1 February to discuss the Learmonth Logistics Hub proposal.
8. Meeting with Actual to Ideal, Consultants undertaking the Exmouth Visitor Centre Review on Thursday 9 February.
9. Meeting with Jo Bruyn, Department of Transport on Thursday 9 February in relation to the Exmouth Harbour Project.

Scheduled meetings for the next month include:

1 I will be meeting the consultants involved in the Exmouth Visitor Centre Review on Thursday 9 February.
2 EMAS and myself will be meeting Capt. Mark Kelton, OIC of Learmonth Operations on Monday 20 February to discuss operational matters in relation to the base.
3 Cr Shales & myself are meeting with the General Manager of Rio Tinto Paraburdoo Operations on Monday 20 February to discuss opportunities for Exmouth.
4 EMHB, EMES and myself will be attending the Regional CLGF meeting to be held in Carnarvon on Wednesday 22 February to discuss the 2011/12 funding round.
5 EMAS, Airport Manager & myself will be attending the Exmouth Aviation Community Group meeting being held on Friday 24 February.
6 Cr Shales, Thompson, executive staff and myself will be attending the Annual Clubs Conference being held in Exmouth on Saturday 25 & Sunday 26 February.
7 Cr Shales & myself will be meeting representatives of the Indian Ocean Institute in Perth on Thursday 8 March.

COMMENT
Nil

CONSULTATION
Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT
Nil

POLICY IMPLICATIONS
Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS
Nil

STRATEGIC IMPLICATIONS
To consistently apply the Principles of Good Governance.
To Communicate Effectively
To promote Socioeconomic Development
To value our Environment and Heritage

VOTING REQUIREMENTS
Simple Majority

OFFICER'S RECOMMENDATION – 10.1.1

That the Shire of Exmouth receive the Chief Executive Officers Report for the month of February 2012.

COUNCIL DECISION – 02-0212 - 10.1.1

Moved Councillor Fitzgerald, Seconded Councillor Winzer.
That the Shire of Exmouth receive the Chief Executive Officers Report for the month of February 2012.

CARRIED 6/0

10. REPORTS OF OFFICER

10.1 Chief Executive Officer

10.1.2 Minutes of the 2010/11 Annual Electors Meeting

Location:	Exmouth
Applicant:	Electors Meeting
File Reference:	GV.EL.01
Disclosure of Interest:	Nil
Date:	31 January 2012
Author:	Chief Executive Officer, Mr B Price
Signature of Author:	

SUMMARY
Council consideration of the minutes of the Annual Electors Meeting held on Monday 30th January, 2012 is required.

BACKGROUND
Attached are the minutes of the Annual Electors Meeting held in the Council Chambers on Monday 30th January, 2012 for Councillor information. (Refer ***Attachment 1***).

The purpose of the meeting was to discuss the Annual Report for the 2010/11 financial year.

COMMENT
There were no matters raised by the public that requires consideration by the Council.

CONSULTATION
Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT
Local Government Act 1995 – section 5.27, 5.32 & 5.33 – Electors Meetings.

POLICY IMPLICATIONS
Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS
Nil

STRATEGIC IMPLICATIONS
Nil

VOTING REQUIREMENTS
Simple Majority

OFFICER'S RECOMMENDATION – 10.1.2

That the Shire of Exmouth receives the minutes of the Annual Electors Meeting held on Monday 30th January, 2012.

COUNCIL DECISION - 03-0212 – 10.1.2

Moved Councillor Hood, Seconded Councillor Fitzgerald
That the Shire of Exmouth receives the minutes of the Annual Electors Meeting held on Monday 30th January, 2012.

CARRIED 6/0

10. REPORTS OF OFFICER

10.1 Chief Executive Officer

10.1.3 School Chaplaincy Service

Location:	Exmouth
Applicant:	Exmouth Youth Care Council
File Reference:	CS.SP.8
Disclosure of Interest:	Nil
Date:	1 February 2012
Author:	Chief Executive Officer, Bill Price
Signature of Author:	

SUMMARY

Council consideration in increasing their annual contribution to the Exmouth District High School Chaplaincy program is requested.

BACKGROUND

The Exmouth Youth Care Council wrote to thank the Council for their contribution to the School Chaplaincy service which was introduced to the school last year. The Council, through generous donations were able to employ the services of Shaun Tunstall, a ten year veteran in Chaplaincy services, for two days per week.

For the forthcoming year the Chaplain will provide a service of 4 afternoons per week. His role will be as an adult friend to help students navigate through childhood years and develop good character and habits that last a lifetime. He has spent his initial months building relationships with students, parents and staff and has been actively involved in student activities such as sporting days, camps, lunch time programs and classes. He is working constructively with other student services including the school Counsellor, Psychologist and Youth pathways services for disengaged students. Attached is a copy of the Chaplaincy newsletter for further information. (Refer ***Attachment 2***).

Shaun has indicated that he is eager to be more available for school camps and whole day activities to increase the opportunities to engage with students. The EYCC are keen to make this possible and are seeking support from the Council to further consider increasing their annual contribution by a further 25 – 50% for 2012 if possible.

COMMENT

Council have an existing 5 year commitment ending 2014/15 financial year for an annual contribution of $2000 towards the program. A 50% increase in the annual contribution would equate to an extra $1000/annum.

CONSULTATION

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Contribution to the Chaplaincy service available to all students attending the Exmouth District High School.

VOTING REQUIREMENTS
Simple Majority

OFFICER'S RECOMMENDATION – 10.1.3

That the Shire of Exmouth agree to amend their annual contribution to the Exmouth District High School Chaplaincy Service to $ 3,000 effective from the 2012/13 financial year.

COUNCIL DECISION –04-0212- 10.1.3

Moved Councillor Fitzgerald, Seconded Councillor Warren
That the Shire of Exmouth agree to amend their annual contribution to the Exmouth District High School Chaplaincy Service to $ 3,000 effective from the 2012/13 financial year.

CARRIED 6/0

10. REPORTS OF OFFICER

10.1 Chief Executive Officer

10.1.4 2011 Compliance Audit Return

Location:	Exmouth
Applicant:	Department of Local Government
File Reference:	FM.AD.1
Disclosure of Interest:	Nil
Date:	8th February 2012
Author:	Chief Executive Officer, Bill Price
Signature of Author:	

SUMMARY

The Annual Compliance Return for the Shire of Exmouth requires Council consideration and endorsement before being submitted to the Department of Local Government. The Officer's recommendation is to endorse the report and forward it to the Department.

BACKGROUND

Each year Local Governments are required to complete the Compliance Audit Return for Local Government. Part of this process requires the presentation of the Audit return to a Council meeting where it is formally adopted by Council and returned to the Department of Local Government.

The Compliance Audit Return is one of the tools that allows Council to monitor how the organisation is functioning. The Return places emphasis on highlighting many areas where there may be non-compliance and where appropriate, the required remedial action.

There are no matters of non-compliance contained within the report.

COMMENT

A copy of the completed 2011 Compliance Audit Return is provided to Councillor's for consideration (Refer ***Attachment 3***). Please contact the CEO if you have any questions regarding any matters.

CONSULTATION

Senior Managers delegated responsibility for certain functions have completed relevant sections of the Return.
Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

The Department of Local Government & Regional Development requires the 2011 Compliance Audit Return to be completed and returned by the 31st March 2012.

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Objective 2 – To consistently apply the Principles of Good Governance.
Key Action 1 – To continue ethical and responsible decision making – Compliance with Statutory Processes.
Key Action 2 – To safeguard integrity and reporting – Rigorous Officers Reports

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.1. 4

That the Council of the Shire of Exmouth endorse the completed 2011 Compliance Audit Return.

COUNCIL DECISION- 05-0212 – 10.1.4

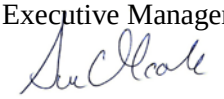
Moved Councillor Winzer, Seconded Councillor Hood.
That the Council of the Shire of Exmouth endorse the completed 2011 Compliance Audit Return.

CARRIED 6/0

10. REPORTS OF OFFICERS

10.2 Executive Manager Corporate Services

10.2.1 General Report

Location:	Exmouth
Applicant:	S O'Toole
File Reference:	CM.RE.0
Disclosure of Interest:	Nil
Date:	7 February 2012
Author:	Executive Manager Corporate Services, Sue O'Toole
Signature of Author:	
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY

The following report contains a brief summary of activities and issues that were raised during the last month.

BACKGROUND

Nil

COMMENT

Integrated Planning Process

Copies of the Shire of Exmouth 10+ Yr Strategic Community Plan 2011 have been printed by Scott Printing in Perth, and are available for circulation. Organisations who have been identified as Key Partners and those who participated in the workshops have been sent a printed copy of the plan.

A draft Regional Business Plan has been provided by UHY Haines Norton for review by the Councils in the Gascoyne Regional Collaborative Group. UHY will be visiting Shark Bay, Carnarvon and Exmouth to provide additional training and gather comment on the draft Regional Business Plan. This is expected in the coming months.

The Asset Management Plans and Workforce Plan are progressing well, and along with the Strategic Community Plan and other details will inform the Long Term Financial Plan, and ultimately the Shire of Exmouth Corporate Business Plan.

Under the requirements of the *Local Government Act 1995*, all Local Governments in Western Australia are required to have developed and adopted a Strategic Community Plan and a Corporate Business Plan by 30 June 2013. These plans will then drive the development of the 2013/2014 Annual Budget and will assist to plan for the future of the community.

Synergy Software

Synergy software has now been implemented and changes to the format of reporting will gradually be introduced. The overall benefit of using this software has seen officers' becoming more efficient in finding information as it captures this data in one area via an automated process rather than in stand-alone software applications.

Property Sales

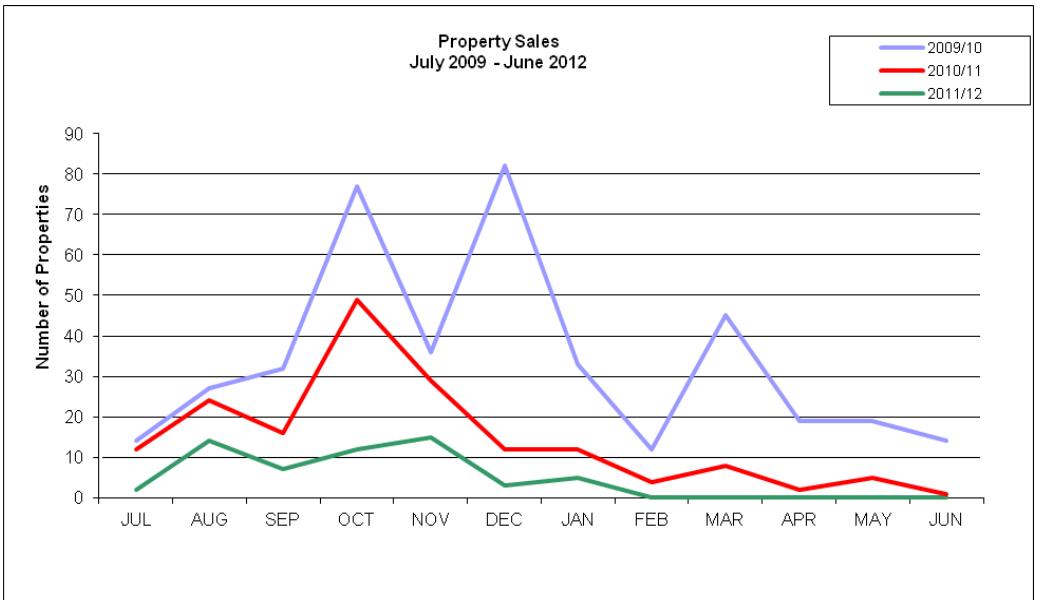
Below is a summary of properties sold during 2011/12:

2011/12 Summary of Property Sales

Number Sold	Land Usage	Total Sales	Average Sale
11	Vacant Land	$4,100,000	$372,727
44	Residential	$22,525,000	$511,932
3	Industrial	$2,665,000	$888,333
0	Composite Devel	$0	$0
0	Mixed Use	$0	$0
0	Special Use	$0	$0
0	Tourism	$0	$0
58		$29,290,000	

Property Sales	2011/12	2010/11	2009/10
JUL	2	10	2
AUG	14	10	3
SEP	7	9	16
OCT	12	37	28
NOV	15	14	7
DEC	3	9	70
JAN	5	7	21
FEB		4	8
MAR		8	37
APR		2	17
MAY		5	14
JUN		1	13
	58	116	236

Graphical overview of Property Sales for 2011/12:



Summary of Rates and Charges Collection

A summary of rates collected to date is below:

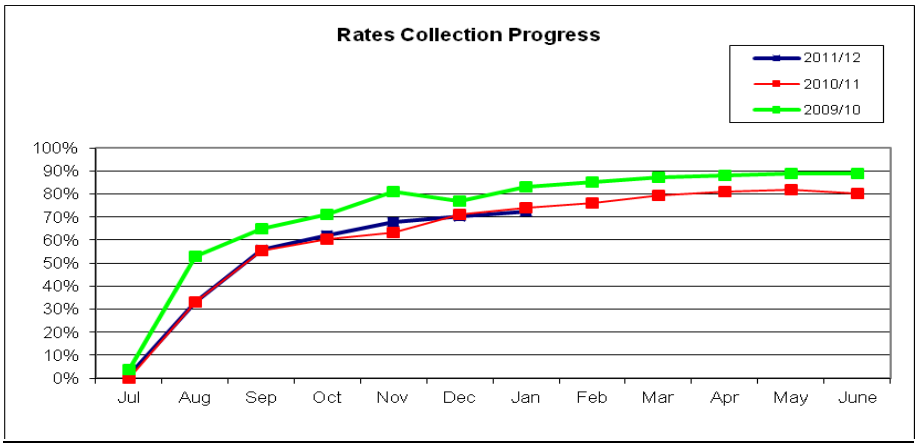
2011/12 Rates Collection Analysis

	$
Rates & Charges Levied 2011/12	3,520,266
Arrears 1 July 2011	768,603
Less Collections	(3,103,539)
Total Rates & Charges Outstanding	1,185,330
Less Pensioner Deferred Rates	(10,502)
Total Rates Collectable	**1,174,828**
% Collected to Date	**72.6%**
Notices Sent	28/07/2011
Due Date	2/09/2011
Reminder Notice Sent	5/09/2011
Final Notice Sent	28/09/2011
Notice of Intention to Summons Sent	8/11/2011

Comparative percentage of rates collected Monthly

	2011/12	2010/11	2009/10
Rates Due Date	2/09/2011	2/09/2010	28/08/2009
Jul	1%	0%	4%
Aug	33%	33%	53%
Sep	56%	55%	65%
Oct	62%	60%	71%
Nov	68%	63%	81%
Dec	70%	71%	77%
Jan	72%	74%	83%
Feb		76%	85%
Mar		80%	87%
Apr		81%	88%
May		82%	89%
June		80%	89%

Graphical Overview of Rates and Charges Collection

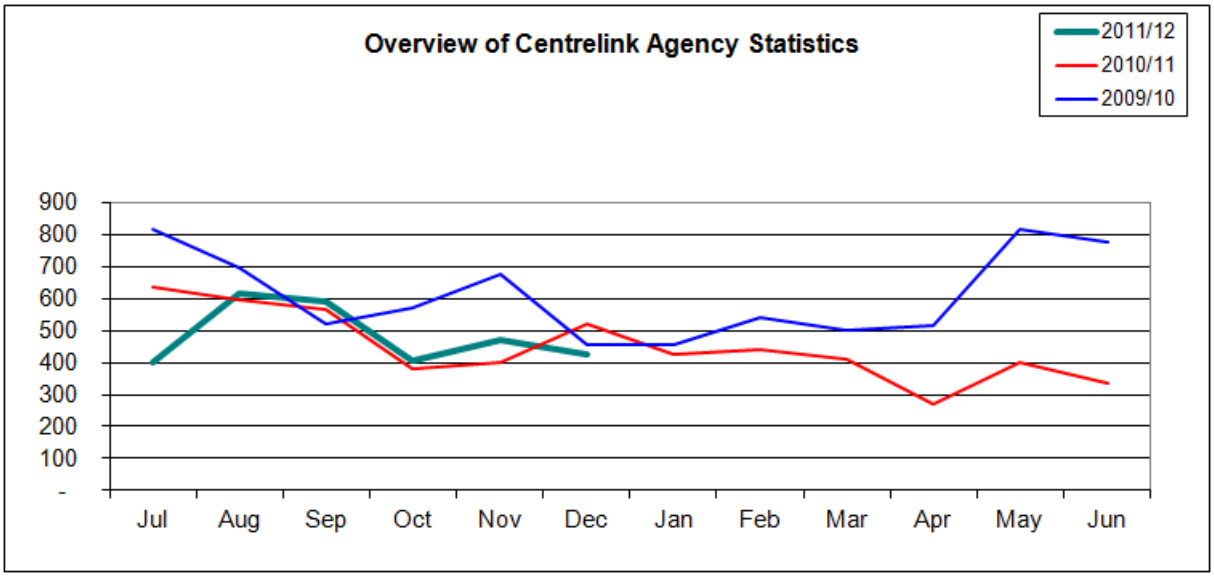


Centrelink Agency

Below is a summary of activities performed by Centrelink Agency during this financial year:

	Lodgement of Forms/Assist with Completion	Referrals to Call Centre & CSC	Assist with use of Equipment & Computer	Respond to General Enquiries	TOTAL
Jul	119	85	35	164	403
Aug	202	125	18	270	615
Sep	183	113	37	257	590
Oct	133	84	22	167	406
Nov	170	97	14	188	469
Dec	139	99	23	166	427
Jan					-
Feb					
Mar					
Apr					
May					
Jun					
TOTAL	**946**	**603**	**149**	**1,212**	**2,910**

	2011/12	2010/11	2009/10
Jul	403	637	819
Aug	615	595	695
Sep	590	567	522
Oct	406	383	570
Nov	469	402	677
Dec	427	521	454
Jan	-	424	454
Feb		441	543
Mar		409	501
Apr		271	517
May		400	820
Jun		334	779
	2,910	5,384	7351



CONSULTATION
Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT
Nil

POLICY IMPLICATIONS
Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS
Nil

STRATEGIC IMPLICATIONS
Strategic Objective 1: To provide sustainable management of the organisation.

VOTING REQUIREMENTS
Simple Majority

OFFICER'S RECOMMENDATION – 10.2.1

That the Council of the Shire of Exmouth receive the Executive Manager Corporate Services Report for the month of February 2012.

COUNCIL DECISION- 06-0212 – 10.2.1

Moved Councillor Fitzgerald, Seconded Councillor Warren.
That the Council of the Shire of Exmouth receive the Executive Manager Corporate Services Report for the month of February 2012.

CARRIED 6/0

10. REPORTS OF OFFICERS

10.2 Executive Manager Corporate Services

10.2.2 Monthly Financial Statements and Report

Location:	Exmouth
Applicant:	S O'Toole
File Reference:	FM.FI.0
Disclosure of Interest:	Nil
Date:	6 February 2012
Author:	Executive Manager Corporate Services, Sue O'Toole
Signature of Author:	
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY
The provisions of the Local Government Act 1995 and associated Regulations require the Shire of Exmouth to produce a monthly financial management report for presentation to the Council. This report recommends Council accept the financial report and pass the accounts for payment.

BACKGROUND
Financial reports for the period ended 31 December 2011 and 31 January 2012 has been prepared and a copy of the Reports are attached as ***Attachment Item 1 & 2*** and a complete list of accounts for payment is attached as ***Attachment Item 3.***

COMMENT
Nil

CONSULTATION
Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT
Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.

POLICY IMPLICATIONS
Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS
Nil

STRATEGIC IMPLICATIONS
Strategic Objective 1: To provide sustainable management of the organisation.

VOTING REQUIREMENTS
Simple Majority

OFFICER'S RECOMMENDATION – 10.2.2

1. *The monthly financial reports for period ended 31 December 2011 and 31 January 2012 be accepted; and*

2. *The accounts as listed in the monthly financial reports be received:*
   a. *Municipal Fund ~ December 2011 & January 2012 $2,185,575.12 incorporating cheque numbers 11555 to 11618 inclusive and direct debits*
   b. *Trust Fund ~ $41.50 incorporating cheque number 400731 and direct debits.*

   Outstanding Creditors totalling ~ $96,545.73

COUNCIL DECISION – 07-0212 – 10.2.2

Moved Councillor Fitzgerald, Seconded Councillor Thompson.

1. ***The monthly financial reports for period ended 31 December 2011 and 31 January 2012 be accepted; and***

2. ***The accounts as listed in the monthly financial reports be received:***
   a. ***Municipal Fund ~ December 2011 & January 2012 $2,185,575.12 incorporating cheque numbers 11555 to 11618 inclusive and direct debits***
   b. ***Trust Fund ~ $41.50 incorporating cheque number 400731 and direct debits.***

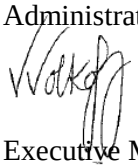
   Outstanding Creditors totalling ~ $96,545.73

CARRIED 6/0

10. REPORTS OF OFFICERS

10.2 Executive Manager Corporate Services

10.2.3 Sublease Office Space Learmonth Airport to Exmouth Aviation Services

Location:	Lyndon Location 32 & 84, Learmonth Airport
Applicant:	Exmouth Aviation Services
File Reference:	TT.LR.0 Learmonth Airport Subleases
Disclosure of Interest:	Nil
Date:	16 February 2012
Author:	Administration Manager, Vanessa Volkoff
Signature of Author:	
Senior Officer:	Executive Manager Corporate Services, Ms S O'Toole

SUMMARY
This report recommends that the Council of the Shire of Exmouth authorise Steve Boyd trading as Exmouth Aviation Services Pty Ltd to sublease an office located inside the Learmonth Airport terminal at Lyndon Location 32 & 84.

BACKGROUND
Steve Boyd operates Exmouth Aviation Services Pty Ltd (ABN 92 062 764 265) which is an Australian private company that tender operations for airline services to commercial carriers into Learmonth Airport. They currently have contracts to provide ground services for Regular Passenger Transfer (RPT) flights to Learmonth for Airlink (Qantas) and Skywest.

COMMENT
The Shire has a 9m2 office space vacant at the Airport within the Learmonth Check-In Terminal that is available to sublet. Steve Boyd began using the office space at the beginning of this year in conjunction with his use of two other offices subleased by Airlink & Skywest within this section of offices at Learmonth Airport. He requires the office space for business use and storage.

All hours full access will be allowed to the leased area with use of the coding system on the side gate to gain after hours entry to the airport terminal if required. Airside access will be subject to ASIC holders only and under the conditions of the Operating Deed recently entered into with Defence.

Lease fees will be determined using the current commercial market value for the Learmonth Airport and based on independent valuer report obtained in 2010. This is currently $400 per square metre.

There is no existing sub meter to determine power usage for this subleased area, however calculations have been determined based on the leaseholders usage for 7 day week operations using basic lighting and ducted air conditioning on the DoD charge rate that is currently 41c per unit. Seasonal influences have been factored into the usage estimation from $8 – $12.50 a day, with the total charge equating to $3,865 for the year. This charge may be adjusted during the term should the rate at which the Shire is charged be increased.

With all the current leaseholders at the Learmonth Airport and their staff, management will be required to allocate an area of the car park that does not utilise the prime parking for Learmonth Airport customers.

The leaseholder will be required to cover the cost for removal of rubbish with fees to be charged in accordance with the Shires fees & charges. It is also resolved that the cleaning of the office space will be the responsibility of the leaseholder therefore no fees will be allocated for reimbursement in relation to this arrangement.

Through the Shire of Exmouth's lease with the Commonwealth of Australia for Learmonth Airport, subleases are subject to Department of Defence approval. A sublease document will be prepared and negotiated within the terms of Council immediately. Parking will be determined by the Airport management.

Council resolved to lease this area to Exmouth Freight Services at the Ordinary Council Meeting held 20 October 2011:

> ***That the Council of the Shire of Exmouth receive the report from the Executive Manager Corporate Services and approve the terms and conditions of the lease between Council and Exmouth Freight Services Pty Ltd.***

Exmouth Freight Services have revised their needs for leasing and have now advised this area is not suitable for their purposes. Therefore Council will need to revoke the decision to lease this area to Exmouth Freight Services prior to authorising a lease for Steve Boyd.

CONSULTATION
Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT
Local Government Act 1995 and Local Government (Functions & General) Regulations 1996

POLICY IMPLICATIONS
Policy 1.25 – Communication and Consultation.
Policy 3.7 –Leasing

FINANCIAL IMPLICATIONS
Annual sublease fee for office space $3,600 & Utilities Charge of $3,865 ($7,465 total) + GST

STRATEGIC IMPLICATIONS
Strategic Objective 1: To provide sustainable management of the organisation
Strategic Objective 2: To consistently apply the principles of good governance

VOTING REQUIREMENTS
Absolute Majority

OFFICER'S RECOMMENDATION – 10.2.3

That the Council of the Shire of Exmouth revoke Council Decision of 20 October 2011, 25-0911-13.2

That the Council of the Shire of Exmouth:

- *Approve Steve Boyd trading as Exmouth Aviation Services Pty Ltd to sublease approximately 9m2 office space at Learmonth Airport Check-In terminal.*
- *rental fee of $3,600 and $3,865 power (total $7,465) plus GST, retrospectively effective 1 January 2012 and expiring 31 March 2013.*
- *A review to be taken on the expiry and until such time that a Review is completed the sublease will continue on a monthly basis.*
- *Commercial rubbish fee to be applied in accordance with Shires fees and charges.*
- *a sublease be prepared, subject to Department of Defence approval in accordance with the Shire's Head Lease.*

COUNCIL MOTION– 08-0212 – 10.2.3

Moved Councillor Winzer, Seconded Councillor Fitzgerald
That the Council of the Shire of Exmouth revoke Council Decision of 20 October 2011, 25-0911-13.2.

CARRIED BY ABSOLUTE MAJORITY 6/0

COUNCIL MOTION – 09-0212 – 10.2.3

Moved Councillor Hood, Seconded Councillor Warren.
That the Council of the Shire of Exmouth:

- ***Approve Steve Boyd trading as Exmouth Aviation Services Pty Ltd to sublease approximately 9m2 office space at Learmonth Airport Check-In terminal.***
- ***Rental fee of $3,600 and $3,865 power (total $7,465) plus GST, retrospectively effective 1 January 2012 and expiring 31 March 2013.***
- ***A review to be taken on the expiry and until such time that a Review is completed the sublease will continue on a monthly basis.***
- ***Commercial rubbish fee to be applied in accordance with Shires fees and charges.***
- ***A sublease be prepared, subject to Department of Defence approval in accordance with the Shire's Head Lease.***

CARRIED 6/0

10. REPORTS OF OFFICERS

10.3 Executive Manager Aviation Services

10.3.1 General Report

Location:	Exmouth
Applicant:	Andrew Forte
File Reference:	
Disclosure of Interest:	Nil
Date:	8 February 2012
Author:	Executive Manager Aviation Services, Andrew Forte
Signature of Author:	
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY

The following report contains a brief summary of significant activities and issues that were addressed/raised during the period December 2011 through to end of January 2012.

BACKGROUND

Defence

Consultation (various) with Gp Capt Mark Kelton, Director Strategic Infrastructure Planning – Air Force regarding restrictive operational elements of the Deed of Operation.

A meeting now scheduled 20 February 2012 together with Defence Support Group, Leeuwin Barracks Perth to resolve the higher technical issues. Looking for greater flexibility in Deed.

Defence have approved CHC's continuation of regular flight operations through to end of March 2012 following receipt of CHC letter of acceptance of operating obligations.

An access licence, as it has been so termed by Defence, is now required for term operators to inextricably link the Deed of Operations. PN, as per Deed of Operations, is being strictly adhered to for one off and term operators.

Development applications (various) to Defence for their approval to undertake the construction works comprising apron expansion and drainage and lighting has been ongoing but nearing finality.

An obligation of the Lease and Deed of Operations.

Contingency plan was put in place with Defence to supply Jet A1 to civil operators when fuel supplies neared exhaustion on 13 January 2012 due road closures fires and floods.

Defence agreed to Shire request, however not implemented due supply lines reopening in time. Penalty was on Oil and Gas companies with helicopter flights grounded over the weekend.

Learmonth Environmental Working Group meeting convened by Defence 31 January 2012

Controls on Hazardous Liquid waste disposal has been identified by Defence's EMP to eliminate the high risk to water quality, soil and human health. The airport will need to introduce its own environmental risk management plan and capture its tenants to a reportable status, as per the Deed of Operations.

Regulatory

Aerodrome Manual updated, together with Aerodrome Emergency Plan (AEP).

Learmonth Airport Safety Management System has been reviewed and reissued under document control. SMS committee is scheduled to meet quarterly and first up 9 March 2012.

Office of Transport Security conducted random audit of METS on the passenger and CBS procedures with excellent clandestine effect. Corrective action on certain procedures deemed necessary.

Security licenses (WA State) issued to all new employees who have undertaken Cert2 Security Officer training enabling services to be provided at the screening point.

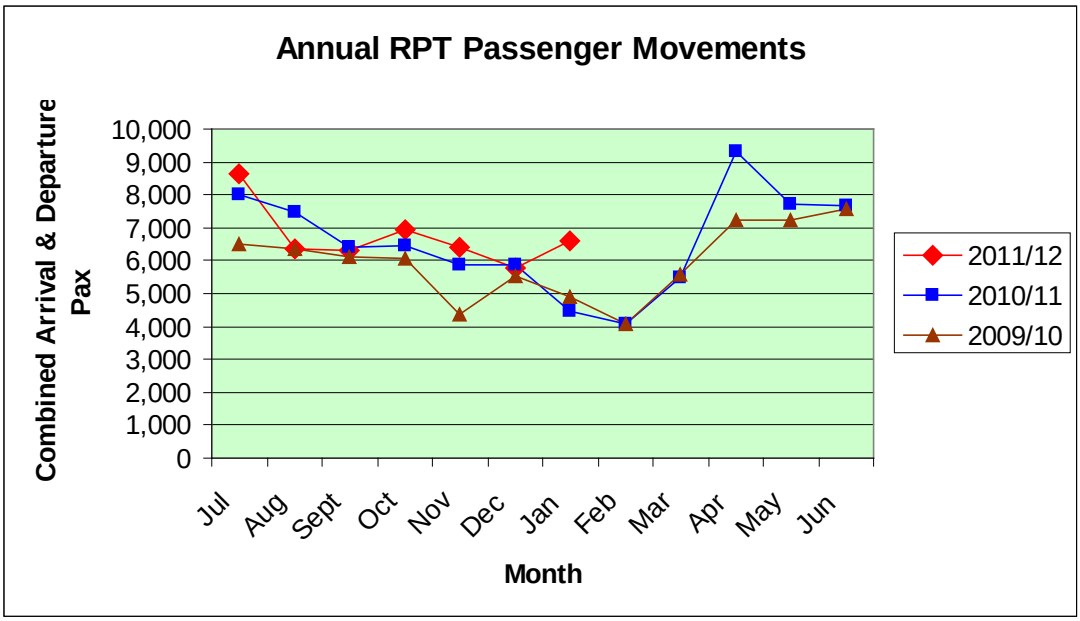
The Learmonth Airport Drug and Alcohol (DAMP) has been amended and reissued under document control to CASA capturing new points of reporting and the testing practitioners.

An independent audit of the Transport Security Plan (TSP) has been commissioned to identify weakness and to effect change as change may be required. Under regulation this must be conducted every two years.

Airlines/Air Operators/Industry

Graphical and tabulated format of the Learmonth RPT passenger movements are presented below.

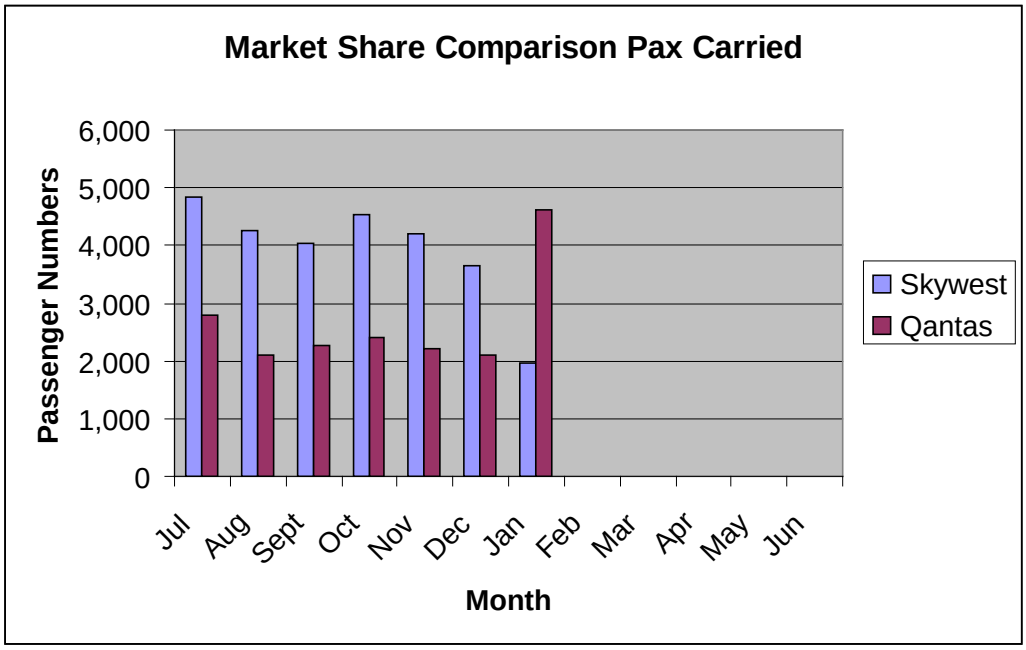
Overall for the 7/12 of the financial year the passenger numbers are 5.5% higher. The January period alone has delivered a spike of 47% due largely to the cyclone down and up manning and the fact that four drill rigs are presently active offshore.



Annual Passenger Movements (RPT)

	2011/12	2010/11	2009/10
Jul	8,632	7,991	6,484
Aug	6,358	7,494	6,370
Sept	6,308	6,388	6,119
Oct	6,940	6,437	6,092
Nov	6,400	5,875	4,387
Dec	5,763	5,896	5,533
Jan	6,589	4,488	4,920
Feb		4,085	4,093
Mar		5,472	5,598
Apr		9,340	7,235
May		7,707	7,215
Jun		7,648	7,576
	46,990	78,821	71,622

The two airlines have exhibited a major reversal of fortunes over the month of January as depicted by the below graph. Qantas is now the preferred carrier of Woodside and BHPB for their offshore passengers. Qantas is operating twice daily schedule versus once daily by Skywest Airlines.



Skywest's service Learmonth - Paraburdoo – Learmonth on Monday's is very poorly patronised. For the seven services flown over January a total of 19 departed and 12 returned for an average of 2.2 pax on each sector on a 100 seater aircraft. The whole of aircraft service is being underwritten by Rio Tinto but clearly this is not a sustainable route for this aircraft type.

Helicopter movements over the January period comprised 185 arrivals by BHA, 43 arrivals by CHC and PME 10 for a total of 238 landings.

By comparison the RPT airlines collectively undertook 94 landings. Taking into account other charter operations the landings at Learmonth are approximately 50:50 fixed wing and rotary wing type.

Airport

Runway and RAAF Base Learmonth taxiways were all surface enriched with PMB and new line work painted. The runway closure caused one ATSB incident report.

Defence approvals of all aircraft operations has necessitated systems be created to formally capture movement requests. The system has been overwhelmingly endorsed by Defence and prompt responses to the requests are being obtained.

Defence have informally acknowledged that cyclone down manning can be given environmental emergency status and less than the mandatory 24HR PN accepted. This will be a matter for formal consideration in upcoming discussion with RAAF.

Training matrix for all staff (includes heliport) has been developed to capture in summary form all individual's certificates held and their renewal times.

An airside driver and vehicle register has been implemented.

Airport closure preparations for pending cyclone Iggy were well prepared with advice to all stakeholders on procedures (both close and re-open of runway) circulated. Additional anchor points were established in concrete paved areas for cable tie-down of ground handling equipment not able to be stored.

Heliport
Lead-up to the operational start of the Heliport was frenetic. Procurement of equipment and PPE suitable to the task, completion of training and preparation of SOP's, conduct of an operational risk assessment, preparation of audit responses and arranging industry facilitated hands on training plus industry consultation.

The condition of many of the items on the EAC asset list were in a less than desirable condition, necessitating urgent remedial action, heavy cleaning and in some cases alternatives sourced. All airport and heliport staff chipped in on New Years day and it was a day of much effort that was rewarding to the team whom had for the first time opportunity to access the building. Others who afforded their time included the CEO, Shire President, Cr Hood and the IT technician.

Operationally the heliport has been a huge success. There was fantastic support provided by air logistic specialists from WEL and BHPB. Both air operators CHC and BHA provided on the ground training including RR refuelling. It is an absolute credit to all staff that have taken on this challenge to have committed their complete focus and energy to its success.

Two audits have been conducted in January. One by Bristow's internal auditor and the other by the collective of Apache/BHPB/WEL to the extent that both their findings present no high risks, rather the desire to see greater efficiencies created through the supply chain with the heliport effecting control over its available operating hours.

Heliport Occurrence Reporting (HOR) has been implemented as a function of the Heliport operating risk management. This enables any incident or issue arising to be documented and presented to air operators or clients. It has been well received by the industry.

Staffing
N. James resigned 31 December and has commenced work as ground handler with EAS.

New staff include M. Smidt, W. Smidt, A. Burbury, S. Stevens and D. Lawler. All have completed the assigned training provided and have teamed particularly well.

Existing staff C. O'Toole, S. Price, J. Kernahan and A. Ladhams have all undertaken further skill development as a function of the heliport operations.

Recruitment is currently progressing for additional security and ground handling positions.

Leasing
Lease discussions have commenced with Mobil Aviation and Air BP as the current operator's site lease is at an end from August 2012. Both parties have expressed their interest in operating, which is timely as the site requires upgrade for fuel holding capacity and compliance environmentally and also a new lease is required to reflect the intent of the Deed of Operations.

Projects
Apron extension is a project being managed by EMES with scheduled start up on receipt of Defence environmental approval.

Other Items
Nil

Exmouth Airstrip
An airfield lighting electrical report commissioned on the status of the runway lights has concluded the system is in an irrepairable state. Insulation resistance of transformers is to ground, circuit cable used is TPS (household) and is perished with the outer sheath cracked, cables direct buried shallower than recommended minimum depths, many light fitting are missing and poorly mounted and the overall condition is poor. In essence it is not to CASA standards and instruction to cease its use has been issued to Norwest Airwork, who has been the effective manual controller.

An estimate of $160,000 has been provided to install a new lighting system that includes IWI, taxiway and holding point lights. Survey, design and project management would add to this cost another $40,000. The

future of the Exmouth airstrip is robust and the lighting upgrade would benefit the industry. However, these works need to be put into context of an overall program of upgrade works, which will be addressed over coming months, and grant funds sought to supplement approved priorities.

COMMENT
Nil

CONSULTATION
Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT
Nil

POLICY IMPLICATIONS
Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS
Nil

STRATEGIC IMPLICATIONS

Strategic Objective 1:	Maintain and Improve Shire Infrastructure.
Key Airport Actions	Lobby to become the hub for regional air services.
	Adopt and implement a plan for expansion of the airports and their operations.
	Comply with Commonwealth regulatory and Defence operating requirements.

VOTING REQUIREMENTS
Simple Majority

OFFICER'S RECOMMENDATION – 10.3.1

That the Council of the Shire of Exmouth receive the Executive Manager Aviation Services Report for the month of February, 2012.

COUNCIL DECISION – 10-0212 – 10.3.1

Moved Councillor Thompson, Seconded Councillor Hood
That the Council of the Shire of Exmouth receive the Executive Manager Aviation Services Report for the month of February, 2012.

CARRIED 6/0

10. REPORTS OF OFFICERS

10.4 Executive Manager Community Engagement

10.4.1 General Report

Location: Exmouth
Applicant: R. Kempe
File Reference: CR.CO.1
Disclosure of Interest: Nil
Date: 7 February 2012
Author: Executive Manager Community Engagement, Rogé Kempe

Signature of Author:

Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

The following report contains a brief summary of significant activities, events and issues that were raised during the last month.

BACKGROUND

Visitor Centre

Door Count

	2004/5	2005/6	2006/7	2007/8	2008/9	2009/10	2010/11	2011/12	Compared to last year
JUL	17987	18746	18901	21887	19568	20608	19833	16175	-3658
AUG	14087	16046	15782	17932	16818	16858	15165	15147	-18
SEP	10750	15486	12324	13281	14999	14212	12309	10901	-1408
OCT	10282	10307	11307	12139	12167	11652	10890	9474	-1416
NOV	5774	6037	5436	6846	7873	6967	6255	6119	-136
DEC	4806	5169	5228	2749	7623	5469	5272	5029	-243
JAN	4183	4118	5758	5382	5596	4525	5355	4874	-481
FEB	2466	3205	3724	3243	3915	3200	3200		
MAR	5006	4781	4619	4889	6883	5481	6740		
APR	8821	11111	11205	11924	15196	11422	13062		
MAY	9667	10240	11376	12643	14495	12286	13243		
JUN	10293	11326	13006	14095	16054	14058	13956		
TOTAL	**104122**	**116572**	**118666**	**127010**	**141187**	**126738**	**125280**	**62845**	
Average	285	319	325	348	387	347	343	172	

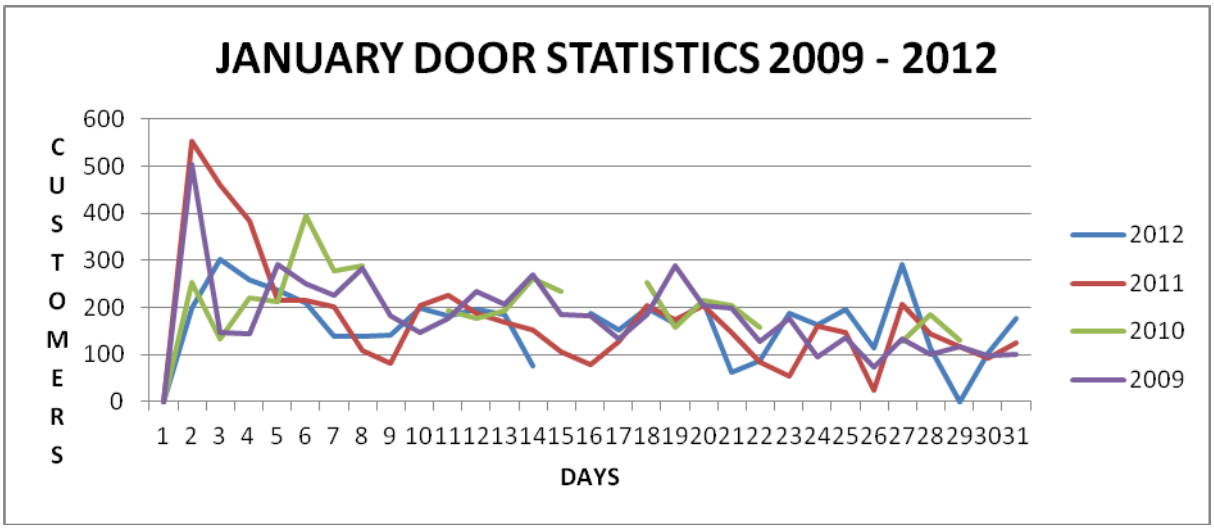
Door count December 2011

- Total visitor numbers 5029

- The average visitor number per day in December was 173.
- The EVC was closed on December 25rd & 26th

Door count January 2012

- Total visitor numbers 4874
- The average visitor number per day in January was 174.
- The EVC was closed on January 1st.



Door statistics from 2008 to 2011 show a significant decline in visitation particularly in the months of July, September and October.

Monthly Sales Summary

- Accommodation bookings continue to fall; both in average spend and numbers of bookings.
- Total Accommodation bookings for January 2011 are $42,386 compared to January 2012 with $17,712; down by 60%.
- Tour booking numbers have increased with average spend decreasing slightly.
- Total Tour bookings for January 2011 are $23,578 compared to January 2012 $34,313 up 40%.

Financials

The marketing committee is currently reviewing the 2011 Audited financial report before adoption.

EVC Business Review

The EVC business review and strategic plan commenced 6th February. Consultants from *Actual to Ideal* from Bunbury are commissioned to conduct the review. They will be meeting with members, stakeholders and shire staff to determine where development opportunities lay and suggest a plan for the EVC's future.

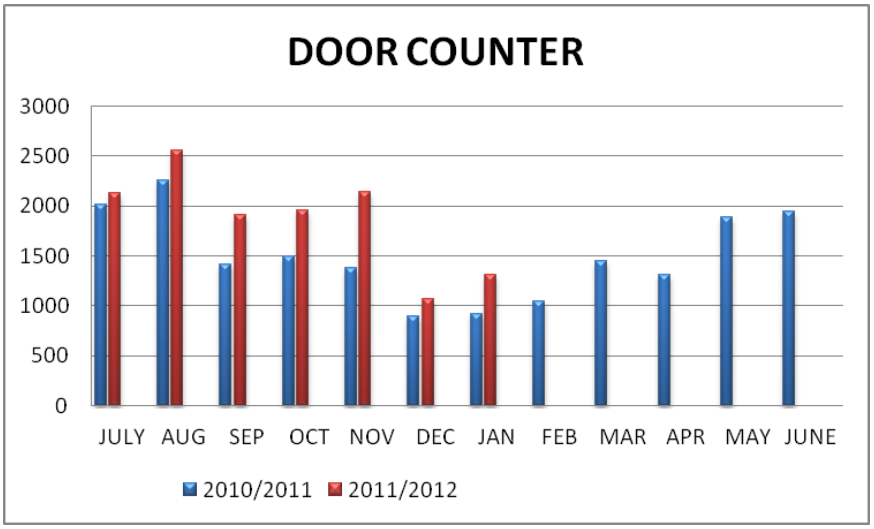
Cyclone Procedures

The updated EVC cyclone procedure manual was implemented during preparations for cyclone Iggy late January.

Library & Community Resource Centre (CRC)

Door Figures

Over December 2011 and January 2012 about 2375 people made use of the Library facilities compared to a total of 1808 for the same period last year, an increase of 569 people. Book borrowing over December and January has also increased from 2747 items last year to 2880 this year.



Better Beginnings

Two reading and rhyme sessions were held at the Festival of Trees in December which received positive feedback from the organisers and people at the Festival.

Better Beginnings story, rhyme and craft recommenced early February with 21 children and 18 adults attending. The library currently runs 2 Better Beginnings programs, for 0-5 year olds and for Kindy & Pre-Primary which will continue throughout 2012.

The following evaluation shows the success and importance of these programs (source: Edith Cowan University; www.better-beginnings.com.au):

Before Receiving Better Beginnings	**Better Beginnings Evaluation 2007 - 2009**	**Better Beginnings Evaluation 2010**
14% of parents in the study reported reading to their child.	85% of parents in the study reported reading to their child.	99% of mothers and 72% of fathers reported reading regularly with their child.
	79% of the parents reported that BB had influenced their beliefs about the importance of sharing books with their child.	98% of parents indicated that it was 'very important' and 96% attributed these views to their involvement with Better Beginnings.
56% of parents said their child was not at all or not very interested in books.	94% of parents indicated that their child was very or quite interested in sharing books.	99% of parents indicated that their child was very or quite interested in sharing books.
	62% of parents reported that their confidence in sharing books with their child had increased after being involved in the Better Beginnings program.	88% of parents reported that their confidence in sharing books with their child had increased after being involved in the Better Beginnings program.
Only 4% of parents had taken out library membership for their child.	23% of parents took out library membership for their child.	65% of the children had joined the library. (Most parents who had taken out library membership indicated that their decision had been influenced by BB.)
The average number of books suitable for reading to the child in the home was between 15 and 20	The average number of books suitable for reading to the child in the home was 49.	The average number of books suitable for reading to the child in the home increased to 125.

Community Services
The school library is currently closed due to construction of new buildings but new student memberships to the public library will allow teachers to bring their students to the library during class time.

Community Resource Centre (CRC)
Funding acquittal and agreements for the period June to December 2011 were finalised and request for grant funding to 30th of June 2012 has been submitted to Department of Regional Development & Lands. This funding allows the CRC to continue to provide services to the Community and to cover operational costs.
CRC is supporting a new initiative through Women's Health & Family Services (WHFS) '*Rural Reach Program*'. In total 31 CRC's will support this initiative throughout regional WA. Women's Health & Family Services is a not for profit organisation which has been providing services for Western Australian women since 1977. Programs and Services at WHFS include medical, counselling, drug and alcohol support, domestic violence, mental health and other health services for women and their families, these services are open to all WA women and their families.

The CRC service is to assist with bookings and set up Video Conferencing facilities for WHFS professionals to access Exmouth women and their families in our community. Further information can be found at www.whfs.org.au

Community Development
The following provides an overview of activities within the community development area.

Australia Day
The Australia Day celebrations were a great success this year with 236 people attending the event at the pool to enjoy a wide variety of activities. The event included a free BBQ breakfast, presentation of the Australia Day Active Citizenship Awards, presentation of Australian Citizenship to the Rozario family, free aqua run and the plastic bottle boat regatta.

A big thank you to Exmouth Tennis Club for the BBQ, Brumby's Bakery for donating the beautiful cake, all the Pool and Community Development staff, and especially new staff member Jaci Cutler, for their assistance with the event. Thank you to CEO Bill Price, Shire President Cr Turk Shales and Cr. Mick Hood for helping out on the day and the presentations.

Please refer to ***Attachment 1*** which illustrates some of the morning's activities and events through photos taken by local photographer Sascha Unger from aabz-imaging.

Vlamingh Head Lighthouse Centenary Celebration
Council will be aware that on 10.12.12 Vlamingh Head Lighthouse turns 100 years old. The Community Development Team has commenced planning a diverse selection of activities to commemorate this.

A grant has recently been submitted to the Department for Sustainability, Environment, Water, Population and Communities under the "*Your Community Heritage Fund*" to the value of $22,000.

If the application is successful the Shire will be undertaking a number of different activities to mark this event. The intention is to have an artist in residency project working with the community to produce lanterns for a lantern procession on the centenary; the second part is to create a film in relation to the history of the lighthouse and project this during the celebrations.

Other ideas are to have music by lantern light and also to fly Ron Campbell and Ken Baker to take part in the celebrations. Ron Campbell worked with Wayne Britton on the tours of the lighthouse and his equipment will allow the lighthouse to be lit the traditional way. Ken Baker was a technician on the SS Ottaway that serviced the lighthouse in the 1940's & 50's and has a wealth of knowledge and worked on the lighthouse.

Other ideas that will be explored to mark the centenary include a Lighthouse Ball, Laser Show and any suggestions received from the community.

The Community Activities Officer has requested the community to get involved with ideas and a Lighthouse Working Group will be created to assist the Shire in co-ordinating this event.

A final program will be fully costed and funding support will be sought later in the year through Shire budget, sponsorships and additional grants.

Banners in Maidstone Crescent Community Competition
The Shire has received funding from Chevron to produce banners that will be displayed along Maidstone Crescent. The purpose of the banners is to highlight the natural environment surrounding Exmouth.

The community will be asked to submit their photographs showcasing our natural environment. By using photography it will ensure that there is some uniformity to the banners. The CDO is also working with Tony Howard, a local graphic designer, to ensure that there is a professional look and feel to the banners.

The photographs will be judged by a panel that will include the Shire President, a professional photographer, EMCE, Cape Conservation Group and the Exmouth Cultural Arts Centre. This community competition will be launched very shortly and hopefully will produce some excellent results. The photographs submitted will become property of the Shire and allow the Shire to further increase our library of images for future promotion of Exmouth.

High School Orientation
In Early February the CDO supported Secondary Orientation day of the Exmouth District High School, and was involved in a workshop discussing bullying. The purpose was for the pupils to understand all the different forms bullying can take, how to deal with it, and who can help young people that are being bullied.

Club Development
Later this month Exmouth will host the annual Gascoyne Regional Clubs Conference and Sports Volunteers Awards night.

The workshops at the Conference will predominately focus on the good governance of local clubs; and they will include marketing your club, looking after your volunteers; grant writing, sponsorship and constitutions and legal issues. The Department of Sport & Recreation (DSR) will also be offering practical coaching workshops. The conference has been funded by the DSR Club Development Scheme, Shire of Exmouth, Shire of Carnarvon, Woodside and Apache. The additional monies from Woodside and Apache have allowed the CDO to book Peter Rowsthorn and Rick Smith to attend the conference.

The Awards focus on those that volunteer for their clubs rather than on athletic achievements. The Awards will be presented by Ian Crawford and Peter Rowsthorn.

Community Development Officer -Maternity Leave
The CDO will commence maternity leave on 2/3/12 and is scheduled to return on the date of 1/10/12. It is anticipated that during this period staff from the City of Swan twinning scheme may come up to Exmouth on a project by project basis to cover this leave.

Community Activities Officer (CAO) – Jaci Cutler
Jaci Cutler started on 9 January 2012 in the role of Community Activities Officer and has settled into her role. Jaci worked for the Shire before in the role of Physical Activities Officer. Jaci organised the Australia Day celebrations this year and is currently planning the next school holiday program and leading the work on the Vlamingh Head celebrations.

Facilities Planning

Hard Courts at EDHS
Officers worked on this project in partnership with the Department of Education. The finalisation of the project was expected to be in January 2012. The Department has informed the Shire that there are some delays due to logistical challenges, but that the delivery of the project is expected to be in March 2012.

Interpretive Signage project – WWII and Vlamingh Head
Officers and consultants are finalising the designs for this project and the expected delivery of the interpretive panels to the Shire is in April 2012 after which installation and additional infrastructure works can commence.

Recreational Pontoon

Officers commenced a feasibility study into the purchase and installation of a recreational pontoon which is proposed to be situated off Bundegi Beach. Designs and quotations are being sought and a working group meeting with DEC, Department of Transport and Department of Defence will be held in the near future to ensure various safety and permit requirements are met.

Media and Community Information

The Shire provided the following community information:

- Weekly ABC radio updates on Club Development and activities in Exmouth
- Shire Newsletter December 2011 and January 2012
- Provide media information about Club Conference in Exmouth
- Press release regarding Australia Day
- Media information regarding vandalising of the water fountain at the Skate Park.

Grant Applications and opportunities

- Officers submitted a grant application with the Department for Sustainability, Environment, Water, Population and Communities under the "*Your Community Heritage Fund*" to the value of $22,000. The project includes lantern and film making for the Lighthouse Centenary.
- Officers submitted a grant application with the Department for Sustainability, Environment, Water, Population and Communities under the "*Your Community Heritage Fund*" to the value of $23,300. The project includes interpretive signage about our community's relation with water; to be placed on a future Kailis trawler.
- Officers submitted a grant application with BHP Billiton for the "*From Exmouth to Swan - Youth Cultural Exchange Program*" to the value of $21,000. The program proposes an exchange of young people between Shire of Exmouth and City of Swan with the aim to develop youth networks, youth event management skills and the development and delivery of a youth event in 2013.

COMMENT

Nil

CONSULTATION

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Objective 4:	To promote socioeconomic development
Key Actions:	2. Promote culture, arts and recreation
	3. Support and manage tourism
Strategic Objective 3:	To communicate effectively
Key Action:	all

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.4.1

That the Council of the Shire of Exmouth receive the Executive Manager Community Engagement Report for the month of February 2012.

COUNCIL DECISION – 11-0212 – 10.4.1

Moved Councillor Fitzgerald, Seconded Councillor Hood.
That the Council of the Shire of Exmouth receive the Executive Manager Community Engagement Report for the month of February 2012.

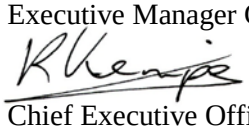
CARRIED 6/0

Councillor Fitzgerald requested that appreciation and congratulations be extended to the Staff at the Library for their excellent work in being selected as a selection library and also to Jaci Cutler for her coordination of the Australia Day Event.

10. REPORTS OF OFFICERS

10.4 Executive Manager Community Engagement

10.4.2 Loan Request –Truscott Memorial Club Inc

Location:	Exmouth
Applicant:	R Kempe
File Reference:	GS.PR.1
Disclosure of Interest:	Nil
Date:	8 February 2012
Author:	Executive Manager Community Engagement, Rogé Kempe
Signature of Author:	
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY

This report recommends to Council to consider the provision of a loan to the Truscott Memorial Club Inc. of $20,000 from the Shire's Community Development Fund for the replacement of cool room motors.

BACKGROUND

The Shire of Exmouth received a request for an interest free loan from the Truscott Memorial Club Inc. of $20,000 from the Shire's Community Development Fund for the replacement of cool room motors (***Attachment 2***).

The Shire's Community Development Fund is regulated by Council Policy 3.2 "Interest Free Loans to Clubs & Organisations" and states the following purpose:

> *"Council has set aside funding in a Community Development Reserve Fund for the provision of interest free loans to Exmouth clubs and organisations to assist in the provision of facilities and equipment for the betterment of the club or organization and for the long term benefit of Exmouth"*.

COMMENT

Council is advised that Shire Policy 3.2 states in regards to loan requests:

> "*No club/organisation can have more than one interest free loan at one time unless the Council is clearly satisfied that the club/organisation has the financial ability to service the additional loan*".

Council is informed that regarding the usage of the Community Development Fund (CDF) the Club has no outstanding loans:

1. The Club made a last repayment for a previous loan of $30,000 from the CDF. This loan is now fully repaid.

In addition, the Policy 3.2 states:

> *"The Chief Executive Officer should undertake assessment of the application with a recommendation to the Council for final approval or otherwise of the loan. Assessment should be based on:*
>
> - *Perceived ability for the loan to be repaid in full and for repayments to be made on time;*
> - *Ensuring that there is an apparent benefit not only to the club/organization but also to the wider community from the grant being given;*
> - *Clubs/organisations must have been in existence for 2 years and clearly demonstrated a stabilised or increased membership;*
> - *Clubs/organisations must clearly demonstrate an ability to remain a viable entity for a minimum of 3 years after the duration of repayment of the loan*".

Council is informed, the Truscott Memorial Club and the application submitted comply with all the assessment requirements. Specifically regarding the second bullet-point, the club provides a place for many local people and visitors to meet others and provides opportunity for other community clubs and groups to use the premises (i.e. darts clubs).

CONSULTATION
Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT
Nil.

POLICY IMPLICATIONS
Policy 1.25 –Communication and Consultation.
Policy 3.2 - Interest Free Loans to Clubs & Organisations

FINANCIAL IMPLICATIONS
The Shire's Community Development Fund reserve currently has a balance of $255,178. As previously mentioned at the OCM meeting held 15 September 2011, the need to ensure this reserve maintains its original balance of $400,000 either as cash and/or loan commitments and it was agreed in principal an allocation of $93,216 be included in the 2012/13 Budget. If this transfer goes ahead this reserve will have approximately $348,394 in funds available and $53,041 outstanding which is made up as follows:

Golf Club	$ 13,000
Bowling Club	$ 16,000
Gymnastics Club	$ 1,541
Squash Club	$ 20,000

There is no allocation in the 2011/12 budget to fund, however these fund will be transferred from the Community Development Fund Reserve account and will have no impact on our net result.

STRATEGIC IMPLICATIONS
Strategic Objective 4: To promote socioeconomic development
Key Actions: 2. Promote culture, arts and recreation
Strategic Objective 3: To communicate effectively
Key Action: all

VOTING REQUIREMENTS
Absolute Majority

OFFICER'S RECOMMENDATION – 10.4.2

That the Council of the Shire of Exmouth provides an interest free loan of $20,000 to the Truscott Memorial Club Inc. from the Shire's Community Development Fund for the purchase and replace by contract of refrigeration motors in the cool room at the Club.

COUNCIL DECISION – 12-0212 – 10.4.2

Moved Councillor Fitzgerald, Seconded Councillor Thompson.
That the Council of the Shire of Exmouth provides an interest free loan of $20,000 to the Truscott Memorial Club Inc. from the Shire's Community Development Fund for the purchase and replace by contract of refrigeration motors in the cool room at the Club.

CARRIED BY ABSOLUTE MAJORITY 6/0

10. REPORTS OF OFFICERS

10.5 Executive Manager Health & Building

10.5.1 General Report

Location:	Exmouth
Applicant:	R M Manning
File Reference:	GV.CM.0
Disclosure of Interest:	Nil
Date:	6th February 2012
Author:	Executive Manager Health & Building, R M Manning
Signature of Author:	
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY

The following report contains a brief summary of significant activities, events or issues that were raised during last month.

BACKGROUND

Building Licence and Building Certificate Applications and Approvals

Below is a summary of building licence and building certificate applications and approvals up to 6th February 2012.

Summary of Building Licence Applications

	Building Applications		
Application No.	Date Received	Lot/Description	Date Approved/Comments
148/11	**30/09/11**	**Lot 119 (26) Ingram Street**	**Approved 22/12/11**
159/11	**17/10/11**	**Lot 1104 Campbell Way**	**Approved 05/01/12**
168/11	14/11/11	Lot 127 Skipjack Circle	Awaiting information from applicant
182/11	**30/11/11**	**Lot 1112 (site 215) Murat Road**	**Approved 21/12/11**
183/11	**02/12/11**	**Lot 169 (Unit 23) Murat Road**	**Approved 12/12/11**
184/11	**02/12/11**	**Lot 169 (Unit 24) Murat Road**	**Approved 12/12/11**
185/11	**02/12/11**	**Lot 169 (Unit 14) Murat Road**	**Approved 12/12/11**
186/11	**02/12/11**	**Lot 169 (Unit 6) Murat Road**	**Approved 12/12/11**
187/11	**07/12/11**	**Lot 937 Stokes Hughes Street**	**Approved 16/12/11**
188/11	**09/12/11**	**Lot 227 Kennedy Street**	**Approved 21/12/11**
20110189	15/12/11	Lot 305 (18) Gnulli Court	Awaiting information from applicant 16/12/11
20110190	**15/12/11**	**Lot 284 (25) Lefroy Street**	**Approved 06/02/12**
20110191	**16/12/11**	**Lot 102 (3) Snapper Loop**	**Approved 10/01/12**
20120001	**05/01/12**	**Lot 250 (17) Davidson Street**	**Approved 20/01/12**
20120002	**10/01/12**	**Lot 927 (5) Ningaloo Street**	**Approved 12/01/12**
20120003	**11/01/12**	**Lot 284 (25) Lefroy Street**	**Approved 06/02/12**
20120004	**12/01/12**	**Lot 404 (22) Madaffari Drive**	**Approved 06/02/12**
20120005	**12/01/12**	**Lot 415 (50) Madaffari Drive**	**Approved 24/01/12**
20120006	**19/01/12**	**Lot 1211 (13) Skipjack Circle**	**Approved 08/02/12**
20120007	**19/01/12**	**Lot 128 (51) Skipjack Circle**	**Approved 08/02/12**
20120008	**20/01/12**	**Lot (12) Ningaloo Street**	**Approved 25/01/12**
20120009	**20/02/12**	**Lot 147 ( ) Hunt Street**	**Approved 30/01/12**
20120010	**23/02/12**	**Lot (30) Carpenter Street**	**Approved 25/01/12**
20120011	**27/01/12**	**Lot 73 Minilya- Exmouth Road**	**Approved 03/02/12**
20120012	30/01/12	Lot 101 (15) Ingram Street	Awaiting information from applicant
20120013	**02/02/12**	**Lot 181 (14) Ningaloo Street**	**Approved 09/02/11**
20120014	**02/02/12**	**Lot 805 (11) King Street**	**Approved 06/02/12**

2007 to Year to date – 6 February 2012

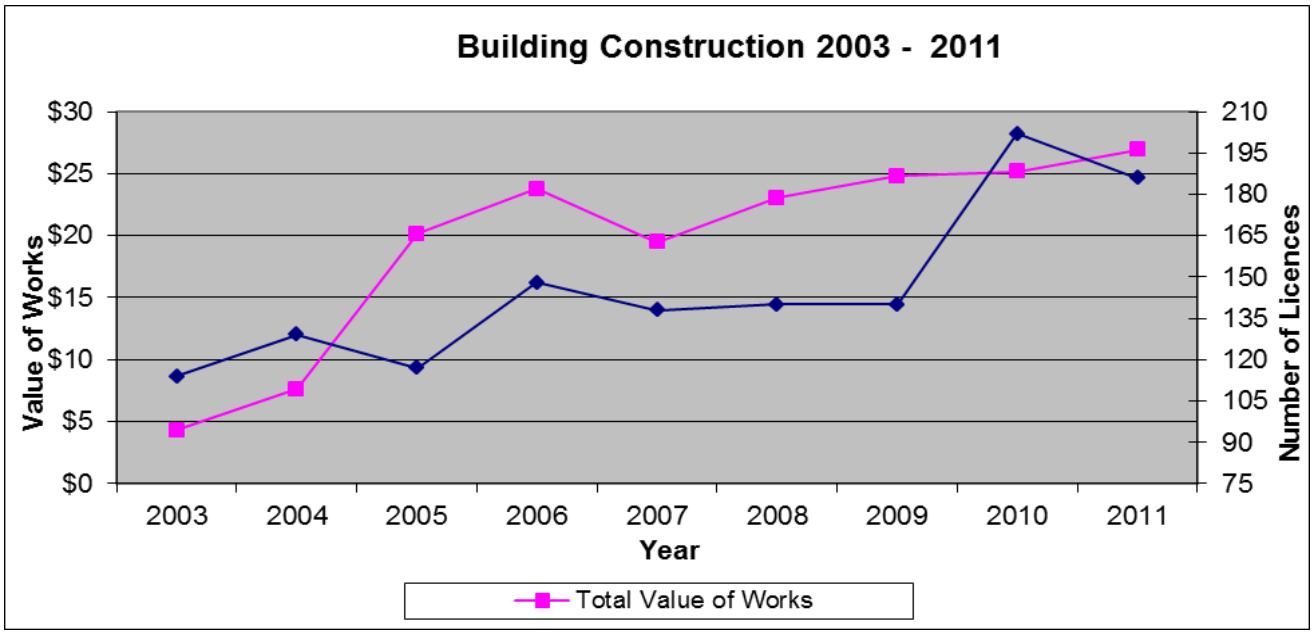
Year	No. Applications	Total Value of Works	No. Applications up 6 February	Value up to 6 February
2007	138	$19,487,319.01	10	$1,294,500.00
2008	140	$23,065,372.40	11	$1,110,505.00
2009	140	$24,780,872.94	11	$2,003,550.00
2010	202	$25,165,355.12	13	$1,785,016.00
2011	186	$26,904,715.11	15	$1,535,613.00
2012			14	$632,249.00

COMMENT

BUILDING

Provided above are the statistics usually reported each month which show that whilst the number of applications to February 2012 is consistent with previous years it is apparent the type of projects are not as significant due to the lower comparative value of works for the same period.

The graph below is a shows a comparison of the number of building licenses and value of the approved works for each calendar year ending back to 2003.



In future (commencing July 2012), the above information will be reported in financial year ending to align better with the local government annual reporting requirements.

Argosy Court

Late last year the Strata Company for Lot 620 Murat Rd initiated action through the Supreme Court to arrange for the enforcement of the SAT Orders made by Member David Aitken on 23 September 2011; being, *by 30 September 2011 the respondents (D Wise and C McKeown) are to ensure that the occupiers of Lots 1, 2, 3 and 4 on Strata Plan 21513 permanently vacate the buildings* and the *strata company to take the buildings down which are on the common property.*

The strata company have not advised Council Officers when the above matter will be heard in court.

ENVIRONMENTAL HEALTH

The general environmental health functions are continuing with regular food premises, public buildings, on-site waste water system and accommodation inspections continuing together with ongoing sampling of public swimming pools, potable and environmental waters.

The Executive Manager of Health & Building (EMHB) will be a speaker at the upcoming Gascoyne Clubs Conference on February 25th. The talk will focus on food safety within community/charitable groups when selling food to raise money for their group. The talk will include;

- Overview of the obligations of community/charitable groups under the Food Act 2008;
- Food Safety session; and
- A step by step guide to the application process- from simple BBQ's to more complex food handling operations.

Sentinel Chickens & Mosquito Borne Diseases

The University of Western Australia's Sentinel Chicken Bleeding Program is continuing with the bleeding of chicken flocks recently increased from monthly to twice monthly for increased monitoring over the warmer summer months and summer northwest rains. There has been one positive blood test to Kunjin Virus from the Exmouth flock and many positives from flocks in other northern regions.

The Department of Health has expanded its warning to residents and travellers in the Pilbara and Gascoyne regions to take additional precautions to avoid mosquito bites. The full media release from the Department of Health has been placed on the community notice board and a warning placed in the Shire's newsletter.

Waste Management & Recycling

DRAFT Cost Benefit Analysis of Purchasing Waste and Recycling Infrastructure for the Gascoyne Region.

Towards the end of 2011, the GDC in conjunction with the Gascoyne Collaborative of Shires with funding from the CLGF and in consultation with the Gascoyne Waste Advisory Group, engaged Cardno to provide a detailed cost benefit analysis of the purchase of waste and recycling infrastructure for the four local government authorities in the Gascoyne Region.

The GDC provided the EMHB a copy of the 106 page report on 3 February 2012 for review and comment by the respective Gascoyne Councils. The EMHB has provided as specific agenda item in relation to the above.

DRAFT Landfill Decommissioning and Post Closure Management Plan – 25 January 2012

The preparation of the above report was commissioned in mid 2010 but has experienced some significant delays due to difficulties in obtaining survey data of the landfill site from a third party that the Shire engaged to assist with the project. The survey data is required to calculate the life expectancy of the current site.

A current Draft of the Post Closure Management Plan contains all relevant information required from the brief, other than the life expectancy of the site. It is anticipated that the survey data will become available in the next week or so and the principal consultant will be able to complete the report. A copy of the report as currently drafted is provided for information at ***Attachment 1***.

When the final report is completed it will be present to Council for consideration of formal adoption.

Fortnightly Aluminium Can Collection – Resignation of the Squash Club as Collectors

The Exmouth Squash Club Inc. recently gave notice that they no longer wish to continue providing the aluminium can collection service to the Exmouth town site and Lighthouse Caravan Park. The reason cited by the club is that "*it is not worth the personal times and efforts for the individuals involved to supply their own vehicles and time for a mere monetary outcome*".

The squash club also advised that the issue of contaminants in the cages was 'annoying' ie: having to remove stubbies, plastics and tin cans from the cages while emptying them. Another problem was the lack of members within the club that volunteered to do the collection; thereby the task was left with the same few people each time.

The EMHB is currently consulting with the Shire's Executive Manager of Engineering Services and Johnny Kiesey of Jakhaul Haulage to explore alternatives that will provide some sustainability for the service.

Recycling Education & Promotion
The EMHB attended a Cape Conservation Group Meeting on Tuesday evening 7 February 2012 to address the group about recycling generally and in particular about the current status of the aluminium can collection. Due to the low numbers of local members, the group were not in a position to assist with the aluminium can collection.

Through the discussions it became apparent that some of the CCG members present were not familiar with the various recycling and waste minimisation initiatives that Shire of Exmouth has in place. This is despite several articles in the Shire Newsletter throughout the year, 1 or 2 dedicated waste and recycling Newsletters and articles in the Northern Guardian.

In consideration of the above, Environmental Health Services will endeavour to ensure that information about recycling in Exmouth is more widely and more frequently disseminated throughout the community.

Various members of CCG congratulated the Council on the new management strategies in place at the tip.

Occupational Safety & Health
The Councils OSH consultants were due to visit late January-early February but cancelled due to TC Iggy. Suitable dates for March are currently being considered.

This next visit will include a full 'Desktop Audit' of the organisation. These audits were previously carried out in 2006 and 2009. The EMHB is confident that this next audit will show further progressive improvement in OSH for the organisation.

Paltridge Memorial Swimming Pool

December	**2011**	**2010**	**2009**
Pool Users	3609	3268	2988

January	**2012**	**2011**	**2010**
Pool users	3378	2978	2970

The end of 2011 was a very busy time at the pool with consistently high patronage throughout December. The pool was booked regularly for private hires, Christmas parties and school reward days.

January has also been a busy month compared to previous years. The aqua run was available every Tuesday and Thursday afternoon throughout the school holidays and large numbers attended Vac swim from 9th-20th of January.

The Dive in Movies is now up and running as a regular event at the pool, thanks to a $5000 grant from Chevron. The fully transportable system which includes a large screen, sound system and a projector can be set up anywhere around the pool grounds. This versatile system can be utilised for other community events around Exmouth. The Dive in Movies is a fun night out that can be enjoyed by the whole family and has proven to be extremely popular within the community. There have been three Dive in Movies to date being 19th November – 153 attendees (this was the evening of the Family Fun Day), 14th January – 48 attendees, and 4th February – 54 attendees. Unfortunately, due to Cyclone Iggy the Dive in Movies scheduled for 28 January had to be cancelled but were rescheduled for the 4th of February.

The annual Australia Day celebrations were held again at the pool. It was very well attended and a fun day had by all.

Concrete Durability of Paltridge Memorial Swimming Pool 'Bowl'

A report on the concrete core sample taken in August 2011 from the bowl of the swimming pool has returned excellent results confirming that the pool bowl is in very sound condition and has many more years of life left in it.

Among other things, the report states that from the samples tested:-

- *The coating used is quite effective in preventing ingress of chloride and protection of reinforcement in the concrete structure;*
- *The concrete is sufficiently protected to prevent corrosion of reinforcement in the next sixty to seventy years provided the structure is well maintained and there are no micro cracks development to the sides and floor of the pool;*
- *The overall Characteristic Compressive Strength of the concrete is 60.5MPa. This exceeds the minimum strength requirement of 40MPa as recommended by Aust Std 3600…; and*
- *The cement content in the hardened concrete is well above the recommended Austroads minimum requirement of 390Kg/m³.*

These results provide confidence in planning for a future upgrade of this important community facility. Apart from some shade structures constructed over the Toddler's Pool and the shallow end of the Main Pool in recent years, the Paltridge Memorial Swimming Pool is very much as it was when it was constructed in 1966 and is in desperate need of a make-over.

Paltridge Memorial Pool Upgrade and New Water Play Park.

As a sub-project under the Town Site Re-development Plan, the EMHB recently called for quotations for the development of concept designs and costings for an extensive upgrade of the Paltridge Memorial Swimming Pool and a new Water Play Park proposed to be constructed adjacent to the Pool in a re-developed Federation Park. The quotations closed on 10 February 2012 and are currently being assessed.

The request for quotation brief included a requirement that the successful designer visit Exmouth to consult with Shire staff, main user groups of the pool, local children and the community generally. The successful consultant will be required to deliver the concept designs by 30 March 2012.

With the Council's support, the EMHB intends to make applications for grant funding from Lotteries West, the Department of Sport and Recreation and other available avenues for a very significant 'pool' of money. It is hoped that the construction of the new Water Play Park and the re-development of the pools facility will commence in 2013.

The substantial upgrade of the Paltridge Memorial Swimming Pool in 2013 proposed by the EMHB is consistent with meeting the objectives of the 10 Year Plan adopted by the Council at the June 2007 Ordinary Council Meeting.

At the above meeting the Council considered options of implementing a Staged Upgrade of the facilities (implemented over 10 years – see table below), Complete Upgrade or basically close it due to what it costs to run. The Council adopted the then Officer's recommendation for the Staged Upgrade. However, some of the later stages were dependent on the outcome of the core sampling. The core sampling has been planned for the past few years but was waiting for the outcome of the Town Planning Department's Structure Plan and Local Planning Strategy to confirm whether the current location for the pool is the best location for the future.

Early last year the strategic Town Planning processes confirmed that the pool should remain where it currently is. This facilitated Council officers to budget for and proceed with the core sampling.

There has been a few years delay from when the core sampling was originally planned for which has resulted in the planned Staged Upgrades for 2008 and 2010 not proceeding. A complete upgrade of the facility in 2013 will see the intent of the 10 year plan achieved.

Proposed Major Works Schedule 2007 - 2017

	Repaint Pool (© core sample to test condition of concrete)	**Refit Scum Gutters**	**Repair paving around pool**	**Major Repairs / Upgrade of Pump Room** - replace sand in filter or move to pig filters	**Refit Toilets / Changerooms** (provide hot water to showers, water saving toilets, etc)	**Upgrade Admin / Kiosk**	**Renew Pool Managers contract**
2007	xx ©	x					
2008				x	x		
2009							
2010			x				x
2011	x						
2012							
2013						x	
2014	x ©						
2015							
2016							
2017	x						

STAFF

The Assistant Swimming Pool Manager / Water Sampling Officer, Kristy Wadley has returned from her extended leave. This comes as a welcome relief to the Swimming Pool Manager, Josh Koontz who has had to endure long hours and working a 6 day week for the past few months.

It is with much regret that the EMHB recently accepted the resignation of Environmental Health Officer, Jenni Mitchell. Jenni and partner Shaun Mayes will be moving to Queensland where they will be close to family while they rear their young family. Jenni's departure will be a considerable loss to the Shire but we wish her (and Mayesy) all the very best for the future.

CONSULTATION

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Objective: 2 - To consistently apply the Principles of Good Governance

- Key Actions 1.To continue ethical and responsible decision making

Strategic Objective: 3 - To communicate effectively

- Key Actions 1. To convey relevant information using appropriate communication channels

Strategic Objective 4: To promote socioeconomic development

- Key Actions 1. Manage land use development
  2. Promote culture, arts and recreation
  3. Support and manage tourism

Strategic Objective 5: To value our environment and heritage

- Key Actions 1. To develop and implement policies and statutory processes that ensure balanced decision making

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.5.1

That the Council of the Shire of Exmouth receive the Executive Manager Health & Building Report for the month of February 2012.

COUNCIL DECISION – 13-0212 – 10.5.1

Moved Councillor Fitzgerald, Seconded Councillor Hood.

That the Council of the Shire of Exmouth receive the Executive Manager Health & Building Report for the month of February 2012.

CARRIED 6/0

10. REPORTS OF OFFICERS

10.5 Executive Manager Health & Building

10.5.2 Cost Benefit Analysis of Purchasing Waste and Recycling Infrastructure for the Gascoyne Region.

Location:	Exmouth
Applicant:	N/A
File Reference:	WM.SP.0 & WM.SP.1
Disclosure of Interest:	Nil
Date:	6 February 2012
Author:	Executive Manager Health & Building, R M Manning
Signature of Author:	
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY

This report recommends that the Council for the Shire of Exmouth receive the report "Waste Management Infrastructure Cost Benefit Analysis (January 2012)" prepared by Cardno for the Gascoyne Region via the GDC.

BACKGROUND

Towards the end of 2011, the GDC in conjunction with the Gascoyne Collaborative of Shires with funding from the CLGF and in consultation with the Gascoyne Waste Advisory Group, engaged Cardno to provide a detailed cost benefit analysis of the purchase of waste and recycling infrastructure for the four local government authorities in the Gascoyne Region.

The GDC provided the EMHB a copy of the 106 page report on 3 February 2012 for review and comment by the respective Gascoyne Councils. Feedback, comments and suggested amendments are requested to be submitted to the GDC by COB 15 February 2012. Mr John King from Carndo will attend the next CLGF – Gascoyne Collaborative Group Meeting on 22 Feb (Wednesday) in Carnarvon to discuss and clarify any issues relating to the report.

A copy of the Executive Summary is provided at ***Attachment 2*** to this report. A full copy of the report was emailed to the CEO and all Councillors on 4 February 2012.

COMMENT

At the time of preparing this report the EMHB had not been able to read the report in its fullest detail.

However, at first glance it is surprising to observe that the report finds transporting all the recyclables in an uncompacted form to a central processing hub in Carnarvon is more cost effective than each location processing their own recyclables.

The report compares three potential options of how recycling may be implemented in the Gascoyne:-

- Option One: Using mobile baling and/or crushing and/or shredding plant to move between the towns (and Coral Bay) and process the materials;
- Option Two: To centralise all the processing infrastructure in Carnarvon and freight the uncompacted material to Carnarvon for processing and on-freighting of aluminium and/or plastic and/or paper/cardboard to Perth and the re-use of reclaimed materials such as mulch, crushed glass and crushed concrete in Carnarvon; and
- Option Three: To purchase processing infrastructure for each location, process on-site then freight and/or re-use reclaimed materials as appropriate.

The report provides a comparison of each option based on the cost of one option for the whole region. It may be possible that a fourth option being a possible combination of the above options could be more cost effective and have a lesser carbon footprint.

The EMHB is currently consulting with the Gascoyne Waste Advisory Group in relation to the report. The Council will be provided an update on the progress made by the group in its consideration of the current version of the report before the February Ordinary Council Meeting.

CONSULTATION
Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT
Nil

POLICY IMPLICATIONS
Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS
Nil

STRATEGIC IMPLICATIONS
Strategic Objective: 2 - To consistently apply the Principles of Good Governance

- Key Actions 1.To continue ethical and responsible decision making

Strategic Objective: 3 - To communicate effectively

- Key Actions 1. To convey relevant information using appropriate communication channels

Strategic Objective 4: To promote socioeconomic development

- Key Actions 1. Manage land use development
  3. Support and manage tourism

Strategic Objective 5: To value our environment and heritage

- Key Actions 1. To develop and implement policies and statutory processes that ensure balanced decision making

VOTING REQUIREMENTS
Simple Majority

OFFICER'S RECOMMENDATION – 10.5.2

That the Council of the Shire of Exmouth:-

1. *Receive the draft report "Waste Management Infrastructure Cost Benefit Analysis (January 2012)" prepared by Cardno for the Gascoyne Region; and*

2. *Authorise the Executive Manager of Health and Building & Executive Manager of Engineering Services to provide comment and/or recommendations on the Council's behalf to the Gascoyne Waste Advisory Group in relation to the above report.*

COUNCIL DECISION – 14-0212 – 10.5.2

Moved Councillor Thompson, Seconded Councillor Winzer.
That the Council of the Shire of Exmouth:-

1. ***Receive the draft report "Waste Management Infrastructure Cost Benefit Analysis (January 2012)" prepared by Cardno for the Gascoyne Region; and***

2. Authorise the Executive Manager of Health and Building & Executive Manager of Engineering Services to provide comment and/or recommendations on the Council's behalf to the Gascoyne Waste Advisory Group in relation to the above report.

CARRIED 6/0

10. REPORTS OF OFFICERS

10.5 Executive Manager Health & Building

10.5.3 Qualing Scarp Waste Site – Weekend Opening Hours

Location:	Exmouth
Applicant:	NA
File Reference:	WM.SP.2
Disclosure of Interest:	Nil
Date:	4 February 2012
Author:	Executive Manager Health & Building, R M Manning
Signature of Author:	
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY

This report recommends that the Council for the Shire of Exmouth revise the weekend and public holiday tip opening hours.

BACKGROUND

In response to a complaint that had been made to a number of Councillors in December 2011 relating to the current weekend opening hours of the tip, the EMHB issued a survey to the Exmouth community via the December 2011 Shire Newsletter and on EELIS.

A copy of the complaint has never been forwarded to the EMHB but it is understood to be from a local building contractor who would like the Council to change the weekend tip opening times from being predominantly in the morning rather than the afternoon.

COMMENT

The current opening hours of the Qualing Scarp Waste Site are in accordance with those specified in the Landfill Environmental Management Plan formally adopted by the Council in June 2010 as follows:-

- Monday to Friday: 8:00am – 11:00am and 1:00pm – 4:00pm,
- Saturday and Sunday: 11.00am – 4.00pm, and
- Closed: Christmas Day, New Years Day and Easter Friday.

The community survey advised the readers that above weekend hours:-
"were selected with the domestic user in mind as they can only normally access the tip on weekends" and that *"Council officers are interested in the views of the domestic user of the tip as to whether moving the weekend opening hours to predominately in the morning than afternoon for example 8am-1pm would better or worse than the current hours."*

Before the Christmas break 13 responses were received, 12 from residential users and 1 from the commercial sector. The above request for comment was again provided to the community in the January Shire Newsletter. However, no further responses were received.

The table below provides a report of the responses received. Of the 12 responses from residential users 5 responded in favour of am, 5 for pm, 1 wanted the tip open all hours and another open the same hours as mid-week.

User Type	Preference AM/PM/ AM&PM	Comments
Res	**PM**	Best left at 11am to 4pm on the weekends. This allows for any gardening or cleaning up on the day to be clear in the afternoon.
Bus	**AM**	
Res	**AM**	We totally agree that the tip hours should be morning vs afternoon on the weekends – ie. 08:00am to 1:00pm. This suits our climate - if people are doing work in the garden they'd generally be doing it in the morning, to beat the heat. Fully support a change in hours – as soon as possible.
Res	**AM**	Prefer the weekend opening hours on the tip to be 8am to 1pm rather than 11am - 4pm
Res	**PM**	I am totally happy with the current operating hours at the tip, and extend my congratulations to all concerned with the current setup down there.
Res	**AM&PM**	My preference would be for hours to be identical every day
Res	**AM&PM**	Leave the tip open at all times would be a better option
Res	**AM**	Week end mornings in Summer would be more user friendly particularly when we are in the hottest months when working after approx 1pm is a bit trying and frying.
Res	**PM**	We would prefer the weekend hours as is, preferably extended. We find that we cannot access the tip during the week because the close time is prior to our work finish time. The weekend is when we have the time to work around the home and then access the tip in the afternoon when we have completed the days jobs and have enough to take to the Tip.
Res	**PM**	The tip should be open later on weekends, as per the current hours. For me personally I know that when I use the tip for domestic use it would be on a weekend and I would start a job in the morning e.g. pruning or cleaning the shed, and then by the end of the day have a trailer load to take to the tip
Res	**AM**	Weekend afternoons are for family time. Work around the house and any trips to the tip are done in the morning.
Res	**PM**	The tip weekend hours just right for us. We can get garden pruning etc done early and then dump on the same day. Hope the hours stay as they are.
Res	**AM**	

As the community response was very low it is difficult to interpret the above as a meaningful representative of the preferences of the residential user of the facility. However, if these results are to be used to inform decision, it seems that the most preferred access times for residential sector of the community is equal for am as it is for pm. With the above being considered and as the business and construction industry prefers the tip to be open more so in the mornings, the Council may wish to consider revising the weekend opening hours of the tip.

Should the Council wish to revise the tip weekend hours it is also recommended that the tip only be open on public holidays for the same hours as it would be on a weekend.

The EMHB and Executive Manager of Engineering Services have considered three options for the new weekend and public holiday opening hours as follows:-

Option One: Saturday, Sunday and Public Holidays: 8am to 1pm.

This option is mainly to suite the wishes of the business and construction sector.

Option Two: Saturday, Sunday and Public Holidays: 9am to 2pm

This option may appease both the residential and business users as it provides a spread of hours over both am and pm. However, the 9am opening may cause confusion on public holidays when the standard mid-week opening time is 8am.

Option Three: Saturdays: 8am to 1pm;
Sundays and Public Holidays: 11am to 4pm

Again, this option seeks to please both user groups by opening morning hours on a Saturday for the commercial user, but more so in the pm on Sundays and public holidays for the residential user. However, again the different opening times may cause some confusion.

CONSULTATION
Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT
Nil

POLICY IMPLICATIONS
Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS
Nil

STRATEGIC IMPLICATIONS
Strategic Objective: 2 - To consistently apply the Principles of Good Governance

- Key Actions 1.To continue ethical and responsible decision making

Strategic Objective: 3 - To communicate effectively

- Key Actions 1. To convey relevant information using appropriate communication channels

Strategic Objective 5: To value our environment and heritage

- Key Actions 1. To develop and implement policies and statutory processes that ensure balanced decision making

VOTING REQUIREMENTS
Simple Majority

OFFICER'S RECOMMENDATION – 10.5.3

That the Council of the Shire of Exmouth amend part 8.2 'Operating Hours' of the Qualing Scarp Landfill Environmental Management Plan by revising the previously adopted tip opening hours from:-

- *Monday to Friday: 8:00am – 11:00am and 1:00pm – 4:00pm,*
- *Saturday and Sunday: 11.00am – 4.00pm, and*
- *Closed: Christmas Day, New Years Day and Easter Friday.*

To

- *Monday to Friday: 8:00am – 11:00am and 1:00pm – 4:00pm,*
- *Saturday, Sunday and Public Holidays: 8am to 1pm.*
- *Closed: Christmas Day, New Years Day, Anzac Day and Easter Friday.*

COUNCIL DECISION – 15-0212 – 10.5.3

Moved Councillor Fitzgerald, Seconded Councillor Warren.
That the Council of the Shire of Exmouth amend part 8.2 'Operating Hours' of the Qualing Scarp Landfill Environmental Management Plan by revising the previously adopted tip opening hours from:-

- ***Monday to Friday: 8:00am – 11:00am and 1:00pm – 4:00pm,***
- ***Saturday and Sunday: 11.00am – 4.00pm, and***
- ***Closed: Christmas Day, New Years Day and Easter Friday.***

To

- ***Monday to Friday: 8:00am – 11:00am and 1:00pm – 4:00pm,***
- ***Saturday, Sunday and Public Holidays: 8am to 1pm.***
- ***Closed: Christmas Day, New Years Day, Anzac Day and Easter Friday.***

CARRIED 6/0

Councillor Warren declared an interest in the following report and left the room at 3.51pm.

10. REPORTS OF OFFICERS

10.5 Executive Manager Health & Building

10.5.4 Exmouth Marina Village Canal Water & Sediment Quality Monitoring

Location:	Exmouth
Applicant:	N/A
File Reference:	EM.MO.7
Disclosure of Interest:	Nil
Date:	9 February 2012
Author:	Executive Manager Health & Building, R M Manning
Signature of Author:	
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY
This report recommends that the Council for the Shire of Exmouth receive the Exmouth Boat Harbour and Marina Village Canal Environmental Monitoring Annual Reports for 2007/2008; 2008/2009; 2009/2010 and 2010/2011; and further endorse the recommendation to the Environmental Protection Authority that the Shire of Exmouth continue monitoring on a reduced scope and frequency for two sites only within the main canal of the waterways for which it is responsible.

BACKGROUND
Before the (separate) development of the Exmouth Boat Harbour (EBH) and the Exmouth Marina Village (EMV) could commence, approvals from the Environmental Protection Authority were required and obtained. A number of Ministerial (environmental) Conditions of Approval were set for each of the above developments including the requirement for water and sediment quality monitoring (W&SQM) and in the case of EBH, additional biota monitoring (within mussels) for traces of toxic metals and hydrocarbons was also required.

A EMV Water and Sediment Quality Monitoring Program (the Program) was developed by LandCorp (via their appointed environmental consultants) and approved by DEC as the program to be adopted by the developer of each stage of the EMV development for the monitoring of the waterways.

The Program detailed monitoring requirements pre, during and post construction and was referenced by the WAPC conditions of subdivision approval for each of the staged developments as a responsibility of the respective developers. In relation to post construction monitoring, the Program requires that monitoring occur for three years following construction of each stage of the EMV waterway; and further that the *requirements for ongoing monitoring in each stage of the Marina Village waterway during subsequent years will be assessed following consideration of the first three year's data, in conjunction with Department of Transport and the DEP* (now DEC).

In relation to the monitoring responsibilities, the Exmouth Marina Village Agreement transferred the monitoring obligations for the LandCorp Stage 1 of the EMV to the Shire of Exmouth after the first year. Therefore the Shire of Exmouth has been responsible for the implementation of the Program for the Stage 1 waterways (i.e. the main canal up to and including Canal Arm 4 but excluding the DoT canal) in 2005.

A more detailed background on the Exmouth Boat Harbour and Marina Village Canal water and sediment monitoring can be found in the Exmouth Marine Environment Monitoring Program: Sampling and Analysis Plan (SAP). Part 1.2 of the SAP – 'History of the Environmental Monitoring Program', provided at ***Attachment 3*** for additional background.

COMMENT

The Shire of Exmouth has been working collaboratively with the Dept of Transport (DoT) in relation to the W&SQM since approximately 2005. This collaboration included issuing joint tenders for the environmental monitoring contracts and obtaining approval from DEC for two revisions of the 'Program' to facilitate cost and reporting efficiencies that would also produce more meaningful reports.

The Shire of Exmouth has continued to monitor the stage 1 waterways beyond 2008 (i.e. more than 3 years post construction) as the water quality of the canals was continuously disrupted due the dewatering discharge from the subsequent construction of the Stage 2 and 3 waterways. In addition to the above, as the Shire of Exmouth was continuing to monitor the Stage 1 waterways, an offer extended to the two developers of the subsequent Stages 2 and 3 of the EMV for them to also partner in the joint W&SQM contract. The developer of Stage 2 has partnered with the above arrangement, whereas the developer of Stage 3 recently formally declined this offer and further reputes that they have any obligation to under take W&SQM on the designated monitoring sites within the waterways constructed in the Stage 3 (EMV-Precinct B) development.

Unfortunately the Shire of Exmouth had already commenced monitoring of the EMV Stage 3 waterway sites on behalf of the developer (Exmouth Marina Holdings P/L) but has since ceased with 2 + years of monitoring still outstanding for this section of the waterway.

Over the past 12 months the Shire of Exmouth and DoT have received the Exmouth Boat Harbour and Marina Village Canal Environmental Monitoring Annual Reports for 2007/2008; 2008/2009; 2009/2010 and 2010/2011 from the contracted environmental consultants - URS. The above reports are provided as soft copy attachments only at ***Attachment 4***. The Shire of Exmouth now has more than three years of very positive W&SQM results and in consultation with the DoT is in a good position to present to EPA a proposal for a significantly reduced scope of waterway monitoring for the years forward.

NOTE: A copy of each of the above reports will be held in the Exmouth Public Library for public record.

The 2010/2011 Annual Report by URS provides the following 'Recommendations for future monitoring' within the 'Executive Summary':-

> *In line with the WSQMP (BBG 2003), a revised sampling strategy is recommended for ongoing monitoring. URS recommends that the water quality component of the monitoring program be removed. A significant amount of data has been collected pre-, during and post-construction of the EMV Canals. Whilst water quality provides a 'snap-shot' of physico-chemical properties and nutrients in the EBH and EMV Canals in the winter and summer, the continuation of sediment and biomonitoring will provide an adequate assessment of the ecological conditions within these locations.*
>
> *URS recommends that the frequency of the sediment quality and biomonitoring component of the program be extended from annual monitoring to sampling every two years during the winter. Sampling every two years will adequately assess the ecological conditions and detect any changes or exceedences of nutrient and metal concentrations within the EBH and EMV Canals.*
>
> *The Department of Transport and the Shire of Exmouth should seek formal approval from the EPA for above changes prior to the next phase of the monitoring program.*

In consultation with Council's Executive Manager of Health & Building and with the approval of the CEO, DoT Officer Mr Larry Adams recently wrote to the EPA's Manager of Compliance Branch seeking approval for amendments to the SAP consistent with the above and to reduce the monitoring with the EMV waterways to two sites (a copy of the above correspondence is provided at ***Attachment* 5)**. The two monitoring sites being one mid way along the main canal and the second being towards the end of Canal Arm 1, these are identified as C3 and C7 (Refer ***Attachment 6***) and were selected by the EMHB as being representative of the Shire of Exmouth waterway.

CONSULTATION

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Ministerial Statement No.474 - Conditions of Approval for the Exmouth Marina Village.

POLICY IMPLICATIONS
Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS
The significantly reduced scope of waterway monitoring will be able to be financed by the 'Specified Area Rates' that are collected annually from the 'wet' lots within the EMV. In previous years, the cost of monitoring exceeded the maximum that the Council could collect by the Specified Area Rate.

STRATEGIC IMPLICATIONS
Strategic Objective: 2 - To consistently apply the Principles of Good Governance
- Key Actions 1.To continue ethical and responsible decision making

Strategic Objective: 3 - To communicate effectively
- Key Actions 1. To convey relevant information using appropriate communication channels

Strategic Objective 4: To promote socioeconomic development
- Key Actions 1. Manage land use development
  2. Promote culture, arts and recreation
  3. Support and manage tourism

Strategic Objective 5: To value our environment and heritage
- Key Actions 1. To develop and implement policies and statutory processes that ensure balanced decision making

VOTING REQUIREMENTS
Simple Majority

OFFICER'S RECOMMENDATION – 10.5.4

That the Council of the Shire of Exmouth:-

1. *Receive the Exmouth Boat Harbour and Marina Village Canal Environmental Monitoring Annual Reports for 2007/2008; 2008/2009; 2009/2010 and 2010/2011; and*

2. *Endorse the recommendation to the Environment Protection Authority that the Shire of Exmouth continue monitoring on a reduced scope and frequency for two sites only within the main canal of the waterways for which it is responsible as detailed in the correspondence dated 18 January 2012 from the Dept. of Transport's A/Maritime Planning Team Leader, Mr Larry Adams (refer to Attachment 5).*

COUNCIL DECISION – 16-0212 – 10.5.4

Moved Councillor Fitzgerald, Seconded Councillor Thompson.
That the Council of the Shire of Exmouth:-

1. ***Receive the Exmouth Boat Harbour and Marina Village Canal Environmental Monitoring Annual Reports for 2007/2008; 2008/2009; 2009/2010 and 2010/2011; and***

2. ***Endorse the recommendation to the Environment Protection Authority that the Shire of Exmouth continue monitoring on a reduced scope and frequency for two sites only within the main canal of the waterways for which it is responsible as detailed in the correspondence dated 18 January 2012 from the Dept. of Transport's A/Maritime Planning Team Leader, Mr Larry Adams (refer to Attachment 5).***

CARRIED 5/0

Councillor Warren re-entered the room at 3.53pm.

10. REPORTS OF OFFICERS

10.6 Executive Manager Town Planning

10.6.1 General Report

Location: Exmouth
Applicant: N/A
File Reference: LP.PL.0
Disclosure of Interest: Nil
Date: 31 January 2011
Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:

Senior Officer: Chief Executive Officer, Bill Price

SUMMARY
The following report contains a brief summary of significant activities, events or issues that were raised during the last month.

BACKGROUND
The schedule below indicates the current status of planning applications lodged with the Shire of Exmouth.

COMMENT
Below is a summary of planning applications and approvals up to 6 February 2012.

Application No	Lodgement Date	Lot	Property Address	Decision	Date Determined
PA115/11	22/11/2011	135	Bluefin Cove	Approved	13/12/2011
PA116/11	22/11/2011	136	Bluefin Cove	Approved	13/12/2011
PA118/11	22/11/2011	45	Cooyou Place	Approved	19/01/2012
PA119/11	02/12/2011	415	Madaffari Drive	Application Cancelled	
PA121/11	15/12/2011	404	22 Madaffari Drive	Approved	11/01/2012
PA123/11	20/12/2011	101	15 Ingram St	Approved	31/01/2012
PA124/11	21/12/2011	73	Minilya Exmouth Road	Approved	17/01/2012
PA125/11	13/12/2011	1112	1 Nimitz St	**FEB OCM**	
PA1/12	04/01/2012	927	5 Ningaloo St	Approved	30/01/2012
PA3/12	11/01/2012	458	15 Lyon St	**FEB OCM**	
PA6/12	12/01/2012	999	1 Griffiths Way	Approved	19/01/2012
PA7/12	24/01/2012	302	Minilya-Exmouth Road	Processing	
PA8/12	25/01/2012	102	16 Tautog St	Neighbour consultation closes 24/02/11	
PA9/12	25/01/2012	106	17 Page St	Processing	
PA10/12	30/01/2012	65	Inggarda Lane	Neighbour consultation closes 17/02/11	
PA11/12	30/01/2012	23	1 Kennedy St	Processing	

Town Planning Scheme No. 3 - Amendment 19
The amendment was presented to Council during the October Council meeting for final adoption and it is currently still with WAPC for approval**.**

District Water Management Strategy
The preparation of the District Water Management Strategy is progressing well. Cardno submitted a draft plan in December 2011.The plan was referred to Department of Water for comments. A meeting was held in

Perth on the 20th January to discuss the plan. Council will be receiving the revised draft plan by end of March.

Underground Power Grant Application
Council submitted a grant application for underground power to the Office of Energy in December .The proposal was acknowledged and the proposals are now being evaluated, with a short-list expected to be announced in May 2012.

Northern Planning Programme Grant Application
Council is notified that the Town Planning Department has submitted a grant application for the comprehensive Local Planning Strategy (LPS) for the Scheme Area to inform a Local Scheme review.

The project will deliver a comprehensive Local Planning Strategy (LPS) for the Scheme Area to inform a Local Scheme review. It is anticipated that the Strategy and Scheme review will guide development in Exmouth and encourage a diverse industry mix in the predominantly 'single industry' local economy for the next 10 years.

The Shire's Town Planning Scheme No.3 (gazetted 3 September 1999) covers only the townsite and surrounds and does not cover the balance of the Shire. The balance of the Shire is subject to Interim Development Orders.

The Northern Planning Program (the Program) was established to support a program of planning projects across the Kimberley, Pilbara, Gascoyne and Mid West Regions. The Program is intended to address the immediate 'debottlenecking' of land release and infrastructure provision processes, facilitate short-medium term delivery of effective planning instruments and outcomes, facilitate long-term regional and local planning and ensure that local communities and businesses are engaged in influencing the future development of their towns. (Refer ***Attachment 1***)

Lefroy Service Workers Housing Project
Council has been working with Exmouth Chamber of Commerce and Industry to come up with a housing project for the low wage, low skilled seasonal and permanent workers. Many small businesses (5-19 employees) and large businesses (20+ employees) fail to attract and retain employees due to the high cost of rentals creating poor wages and conditions and these businesses do not have the required capital to provide affordable housing options. A draft project proposal has been prepared by the Town Planning Department to be used to source funding for the project. (Refer ***Attachment 2***).

Council will be receiving a delegation from Questus LTD on Tuesday 14 February 2012 to discuss the possible funding arrangement of the project. Questus LTD are administering the National Rental Affordability Scheme in the Northwest and are considering bringing some of the housing entitlements to Exmouth.

Ranger services
A summary of the activities performed by the Ranger during December 2011 and January 2012.

	Dogs	**Camping**	**Parking**	**Litter**	**Fire**	**Off road**	**Other**
Warning/caution	2	13	0	2	34	0	1
Infringement	0	0	0	0	0	0	0
Court	0	0	0	0	0	0	0
December-January Total	**2**	**13**	**0**	**2**	**34**	**0**	**1**
July-November Total	62	170	40	1	1	5	13
2011-2012 Totals	64	183	**40**	**3**	**35**	**5**	**14**

Emergency Services

Bush fires
On Christmas Eve 2011, a bush fire started in the Shire of Carnarvon and quickly spread into the Shire of Exmouth and onto Giralia Station. The fire burnt over 60km of land and crossed over Burkett Road causing concern that the road may need to be closed. On Christmas Day, the Department of Environment and Conservation took control of the fire as it was burning on land under their control.

The Exmouth Bush Fire Brigade provided a fire truck and 2 personnel to assist the Department with this fire and help in protecting life and property at the Giralia Station homestead. On December 26th and 27th, the Shire provided a grader and grader operator to assist DEC with putting in containment lines around the Giralia homestead which would provide the homestead with a strategic buffer.

With the Giralia homestead protected, the Shire was no longer required to assist with fighting the fire as it had reached the Shire of Ashburton and the Fire and Emergency Services Authority had commenced flying in personnel from other regions to assist with managing this fire. Even though the Shire was no longer assisting at the fire front, the Exmouth Bush Fire Brigade had allowed for the fire truck to be utilized until the fire was suppressed.

On Saturday 21st January, the Department for Environment and Conservation, Carnarvon office, contacted the Shire of Exmouth to request assistance with the fires burning within the Shire of Carnarvon. The Shire's grader and loader were floated down to Carnarvon and 2 personnel were also provided to assist with installing containment lines around the fire zone in an attempt to contain the fire and stop in from spreading further.

Cyclones
Tropical Cyclone Iggy developed north of Exmouth and according to the Bureau of Meteorology's predictions, Iggy was threatening to impact the North West Cape as a Severe Tropical Cyclone. On Friday 27th January 2012, the Exmouth SES issued a Blue Alert for the Exmouth region as it was predicted for the cyclone to impact the Exmouth region within 24-48 hours.

Fortunately Tropical Cyclone Iggy stalled and remained in the same position approximately 350-400km west North West of Exmouth for over 24 hours. By remaining in the position, Tropical Cyclone Iggy began weakening to a Category 1 Tropical Cyclone and began moving south west with the prediction to continue along that path. As a result, the Exmouth SES lifted the blue alert and issued an All Clear with Caution at 9am on Monday 30th January.

Illegal camping
Illegal camping is the highest recorded offence observed by the Ranger and Emergency Services Officer each year. In an effort to reduce the number of offenders coming to Exmouth with the hope of not having to pay for accommodation by camping illegally, the Shire will be authorising more officers under the Caravan Park and Camping Grounds Act 1995. All authorised officers will work with the Ranger and Emergency Services Officer in enforcing the legislation to reduce the numbers of offences.

The Western Australia Police over the past 12 months have expressed interest in being authorised under the Act to enforce the issue. As a result, the Shire will also be authorising selected members of the Exmouth Police station, giving them the power to issue infringement notices to any person found not camping in an authorised caravan park or camping ground.

The Ranger and Emergency Services Officer is starting to work with the Department of Environment and Conservation and the Western Australia Police to plan how all agencies can work together in order to best to handle the issue and further ensure the safety and cleanliness of the Exmouth region.

CONSULTATION
Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT
Planning and Development Act 2005
Shire of Exmouth Town Planning Scheme No. 3

POLICY IMPLICATIONS
Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS
Nil

STRATEGIC IMPLICATIONS
Strategic Objective: 2 - To consistently apply the Principles of Good Governance

- Key Actions 1.To continue ethical and responsible decision making

Strategic Objective: 3 - To communicate effectively

- Key Actions 1. To convey relevant information using appropriate communication channels

Strategic Objective 4: To promote socioeconomic development

- Key Actions 1. Manage land use development
  2. Promote culture, arts and recreation
  3. Support and manage tourism

Strategic Objective 5: To value our environment and heritage

- Key Actions 1. To develop and implement policies and statutory processes that ensure balanced decision making

VOTING REQUIREMENTS
Simple Majority

OFFICER'S RECOMMENDATION – 10.6.1

That the Council of the Shire of Exmouth receive the Executive Manager Town Planning Report for the month of February 2012.

COUNCIL DECISION – 17-0212 – 10.6.1

Moved Councillor Warren, Seconded Councillor Thompson.
That the Council of the Shire of Exmouth receive the Executive Manager Town Planning Report for the month of February 2012.

CARRIED 6/0

10. REPORTS OF OFFICERS

10.6 Executive Manager Town Planning

10.6.2 Request to Keep Three (3) Dogs

Location:	Lot 479 (3) Eurayle Street, Exmouth
Applicant:	Kim McWilliam and Kym James
File Reference:	LE.RE.6
Disclosure of Interest:	Nil
Date:	31 January 2012
Author:	Executive Manager Town Planning, Rhassel Mhasho
Signature of Author:	
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY

This report recommends Council approve an application to keep 3 dogs at Lot 479 (3) Eurayle Street Exmouth subject to conditions.

BACKGROUND

Council is in receipt of a letter from Kim McWilliam and Kym James from Lot 479 (3 Eurayle Street requesting the Council to grant permission to have 3 dogs on their property. (Refer ***Attachment 3***)

The applicant has been keeping 3 dogs on the property for the past 4 years. There has been a recent complaint from the neighbour regarding the dogs entering the neighbouring property. An investigation into the issue revealed that the applicant has 3 dogs which is non-compliant with Council Policy 4.9 – Multiple Dogs was adopted 19 April 2007.

COMMENT

Policy 4.9 – Multiple Dogs was adopted 19 April 2007 seeks to ensure that multiple dog applications are treated in a fair and consistent manner having regard to other relevant Acts, Regulations, Local Laws and not to create disharmony in the immediate neighbourhood due to problems that could occur through having multiple dogs on a single property.

The policy does not generally allow more than 2 dogs on a property unless the 3rd dog is to replace another dog which is likely to die within the next 12 months. Therefore the matter is being referred to Council for determination. Also under the Shire of Exmouth Local Law – Dogs, the maximum number of dogs permitted on the property is two (2).

As noted by the applicant, the dogs have been residing at the property for the last 4 years and there is no record that any of the dogs have breached any section of the Dog Act 1976 and the Shire of Exmouth Dog Local Law. An inspection of the property by a Council Officer noted that the property has sufficient open space and fencing suitable to housing and containing more than 2 dogs.

The officer requests Council to exempt the applicant from clause as there is no record that any of the dogs have breached any section of the Dog Act 1976 and the Shire of Exmouth Dog Local Law

CONSULTATION

In accordance with Council Policy, all adjoining landowners have been contacted and no objections have been received.

STATUTORY ENVIRONMENT

Dog Act 1976
Dog Regulation 1976
Shire of Exmouth Dog Law

POLICY IMPLICATIONS
Policy 1.25 – Communication and Consultation.
Policy 4.9 – Multiple Dogs

FINANCIAL IMPLICATIONS
Nil

STRATEGIC IMPLICATIONS
Strategic Objective: 2 - To consistently apply the Principles of Good Governance
- Key Actions 1.To continue ethical and responsible decision making
  4. To recognize the legitimate interests of stakeholders

Strategic Objective: 3 - To communicate effectively
- Key Actions 3. To engage proactively with the community

Strategic Objective: 4 – To promote Socioeconomic Development
- Key Actions 1. Manage land use development

Strategic Objective 5: To value our environment and heritage
- Key Actions 1. To develop and implement policies and statutory processes that ensure balanced decision making

VOTING REQUIREMENTS
Simple Majority

OFFICER'S RECOMMENDATION – 10.6.2

That the Council of the Shire of Exmouth approves the application to keep three dogs at Lot 479 (3) Eurayle Street, Exmouth, subject to the following conditions:

1. *All dogs must be registered at all times;*
2. *All dogs must be adequately confined to the property at all times;*
3. *Any breach of the Dog Act 1976 may result in the approval being withdrawn;*
4. *The approval is subject to a 12 month review and*
5. *In the event that one or more of the dogs in question for any reason no longer resides at 3 Eurayle Street, the approval to keep 3 dogs will be withdrawn.*

COUNCIL DECISION – 18-0212 – 10.6.2

Moved Councillor Fitzgerald, Seconded Councillor Warren.
That the Council of the Shire of Exmouth approves the application to keep three dogs at Lot 479 (3) Eurayle Street, Exmouth, subject to the following conditions:

1. ***All dogs must be registered at all times;***
2. ***All dogs must be adequately confined to the property at all times;***
3. ***Any breach of the Dog Act 1976 may result in the approval being withdrawn;***
4. ***The approval is subject to a 12 month review and***
5. ***In the event that one or more of the dogs in question for any reason no longer resides at 3 Eurayle Street, the approval to keep 3 dogs will be withdrawn.***

CARRIED 6/0

Councillor Warren declared an interest in the following report and left the room at 3.59pm.

10. REPORTS OF OFFICERS

10.6 Executive Manager Town Planning

10.6.3 Resort Development on Lot 715 Truscott Crescent, Exmouth

Location:	Lot 715 Truscott Crescent, Exmouth
Applicant:	Humfrey Land Developments
File Reference:	A269
Disclosure of Interest:	Nil
Date:	6 February 2012
Author:	Executive Manager Town Planning, Rhassel Mhasho
Signature of Author:	
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY
This report recommends that the Council of the Shire of Exmouth grant 'in-principle' support for a mixed resort development on Lot 715 Truscott Crescent, comprising of 40% residential and 60% tourist, subject to

1 Developer contributions for increased tourism amenity within the immediate area (including on-street car parking and townscape plan recommendations as a minimum);
2 In stage 1 the developer is required to develop permanent accommodation, short stay units and the facilities building; and
3 That no further increase in the residential component will be supported.

BACKGROUND
Humfrey Land Developments requests Council's 'in-principle' support for permitting a maximum 40% residential and 60% tourist component upon Lot 715 Truscott Crescent, Exmouth. The intent of the developer is to only construct the residential component in stage 1 and the tourist component including all site facilities would be developed in stage 2, by a subsidiary company of Humfrey Land Developments. (Refer ***Attachment 4***)

Residential approval history:-
- July 2004, Council affirmed that the land is a key tourism use site for higher-order tourism development.
- December 2006, Council determined the land to be a 'non-strategic' tourism site allowing a maximum 20% residential component. Council's approval allowed a 14% residential component.
- February 2007, Council initiated Scheme Amendment 20 to apply an 'additional use' of 'dwelling' to a portion of the subject land, allowing 12 lots (14% residential component) 'dwelling' land use meaning permanent accommodation.
- September 2007, Council granted planning approval for a 'resort' and the approved plans permitted a total of 12 dwellings (14% residential component) in accordance with Scheme Amendment 20.

Council is advised of Scheme Amendment 15, a similar request determined upon adjacent land, which proposed to rezone Lot 848 Truscott Crescent 48% from Tourist to Residential R25 zone. The Amendment was approved by Council in May 2005 and refused by the Minister of Planning. To date the land remains vacant.

COMMENT
Council is the responsible authority for planning the local environment ensuring appropriate planning controls exist for land use and development. The proper planning process will require a future Council resolution to initiate a Scheme Amendment to affect any agreed 'in principle' support. The following land use definitions apply to the proposal:-

Resort means "*integrated, purpose-built luxury or experiential premises for short-stay guests comprising accommodation units and on-site tourism facilities such as reception, restaurant and leisure facilities like swimming pool, gymnasium, tennis courts, and where occupation by any person is limited to a maximum of three months in any 12-month period.*"

Dwelling means "*a building designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than 6 persons who do not comprise a single family."*

In the absence of a Local Tourism Planning Strategy, tourism developments are only guided by the Shire of Exmouth Town Planning Scheme No.3, Tourism Planning Taskforce Report (2006) and Planning for Tourism Bulletin 83/2011. These planning instruments can be used to assess the request to determine the sites tourism value and permissibility of increasing the residential component.

Site Tourism Value Assessment

Overall the site provides high tourism amenity however the land is not considered a key strategic site and an increased residential component can be considered. As a guide, the Tourism Taskforce Report recommends a maximum 25% residential however Council may exceed the recommendation.

Criteria	Comments
Suitability: *The site is located within a land use context that will not overly limit the extent of activities of guests within the resort due to amenity impacts on adjoining residents or where the adjoining uses potentially will detract from the tourism character of the site.*	The site is adjacent to existing residential development in Exmouth Marina Village Precinct 'A', predominantly for short term holiday accommodation and the site is clearly separated by a physical barrier, Warne Street. The proposed residential component can be integrated to compliment the resort through appropriate planning conditions or as 'additional use' under the Scheme to control the land use.
Capability*: The site has the capacity to be developed for tourism purposes and accommodate the associated services in a manner that does not detract from the natural attributes of the site or result in environmental degradation.*	The site has been previously utilised for holiday accommodation as the former Norcape Lodge and the entire site is filled above the known flood level and is cleared of remnant vegetation. The site can be serviced with the necessary infrastructure, services are provided adjacent to the land.
Size*: The site should be of a size adequate to accommodate a sustainable tourism facility of the appropriate type for the location, with consideration of future expansion, and exhibit potential for the necessary level of services to be provided.*	The viability of the size of the site is adequate to cater for a resort. However the percentage of permanent residential will require Tourism WA's advice to determine whether the land will remain viable.
Function*: Strategic tourism sites may perform a specific function, such as a traditional social or cultural role, and/or serve a particular clientele, where that may not be replaced readily.*	This resort is likely to service mainstream visitors to Exmouth-Ningaloo. The site is suitably located adjoining the Town Beach which is convenient for beach access and Town Beach provides basic amenities. The main coastal attraction for resort patrons would be the Ningaloo Marine Park and Cape Range National Park.

Council officers and the Department of Planning have concerns with no tourism component (facilities and short term accommodation) proposed in stage 1. If the residential component is developed prior to the tourism, the ultimate intent of the land and the Local Planning Scheme then the proposal contravenes the Scheme. Appropriate development staging to ensure the tourism development occurs concurrently to the residential component is recommended.

Department of Planning State Strategic Policy (tourism) reaffirmed their support for Council's letter to the developer stating that in stage 1 the developer is required to develop permanent, short stay and the facilities building. (Refer ***Attachment 5***)

Other Issues

- The location of any further residential component should not be allocated areas of high tourism amenity including beachfront and ease of access to resort amenities.
- Management and letting should be encouraged and limited any private letting to be managed by the resort, preferably by an on-site letting agent only i.e. resort.
- Developer contributions for additional on-street car parking along Warne Street (both sides) including pedestrian crossing and any relevant contributions recommended in the townscape plan (landscaping and public amenities).
- All built form should be similar to encourage a unique character and internal landscaping may differ to complement communal streetscape.
- The resort should achieve a minimum 4 star rating.

Council Officers recommend that the Council of the Shire of Exmouth grant 'in-principle' support for a mixed resort development on Lot 715 Truscott Crescent, comprising of 40% residential and 60% tourist, subject to

1 Developer contributions for increased tourism amenity within the immediate area (including on-street car parking and townscape plan recommendations as a minimum);
2 In stage 1 the developer is required to develop permanent accommodation, short stay units and the facilities building; and
3 That no further increase in the residential component will be supported.

CONSULTATION
Inform - in accordance with Council Policy 1.25.
Advice - Department of Planning State Strategic Policy (Tourism)

STATUTORY ENVIRONMENT
Planning and Development Act 2005
Local Government Act 1995
Shire of Exmouth Town Planning Scheme No.3
WAPC - Tourism Taskforce Report 2006
WAPC – Planning for Tourism

POLICY IMPLICATIONS
Policy 1.25 – Communication and Consultation

FINANCIAL IMPLICATIONS
Nil

STRATEGIC IMPLICATIONS
Strategic Objective: 2 - To consistently apply the Principles of Good Governance

- Key Actions 1.To continue ethical and responsible decision making

Strategic Objective: 3 - To communicate effectively

- Key Actions 1. To convey relevant information using appropriate communication channels

Strategic Objective 4: To promote socioeconomic development

- Key Actions 1. Manage land use development
  2. Promote culture, arts and recreation
  3. Support and manage tourism

Strategic Objective 5: To value our environment and heritage

- Key Actions 1. To develop and implement policies and statutory processes that ensure balanced decision making

VOTING REQUIREMENTS
Simple Majority

OFFICER'S RECOMMENDATION – 10.6.3

That the Council of the Shire of Exmouth grant 'in-principle' support for a mixed resort development on Lot 715 Truscott Crescent, comprising of 40% residential and 60% tourist, subject to

1 *Developer contributions for increased tourism amenity within the immediate area (including on-street car parking and townscape plan recommendations as a minimum);*
2 *In stage 1 the developer is required to develop permanent accommodation, short stay units and the facilities building; and*
3 *That no further increase in the residential component will be supported.*

Note:

Council will not be determining this application; the application will be determined by the Development Assessment Panel.

COUNCIL DECISION – 19-0212 – 10.6.3

Moved Councillor Fitzgerald, Seconded Councillor Thompson.
That the Council of the Shire of Exmouth grant 'in-principle' support for a mixed resort development on Lot 715 Truscott Crescent, comprising of 40% residential and 60% tourist, subject to

1 Developer contributions for increased tourism amenity within the immediate area (including on-street car parking and townscape plan recommendations as a minimum);
2 In stage 1 the developer is required to develop permanent accommodation, short stay units and the facilities building; and
3 That no further increase in the residential component will be supported.

CARRIED 5/0

Note:

Council will not be determining this application; the application will be determined by the Development Assessment Panel.

Councillor Warren re-entered the room at 4.02pm.

10. REPORTS OF OFFICERS

10.6 Executive Manager Town Planning

10.6.4 Activity on Local Government Property - Simmo's Mobile Scoop Shop and Country Cappuccino stallholder applications

Location:	Exmouth Visitors Centre Car Park
Applicant:	Simmo's Mobile Scoop Shop and Country Cappuccinos
File Reference:	LP.PE.0
Disclosure of Interest:	Nil
Date:	2 February 2012
Author:	Executive Manager Town Planning, Rhassel Mhasho
Signature of Author:	
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY
This report recommends that the Council of the Shire of Exmouth grant approval for Simmo's Mobile Scoop Shop and Country Cappuccino stallholder applications to trade on Council property referred to as the Town Beach, subject to standard permit conditions.

BACKGROUND
Two stallholder applications have been received by Council requesting permits to trade for a period greater than two weeks; during June/July. Listed below is an application summary. In December 2011, Council noted that "*any application from a trader wishing to operate longer than two weeks will be referred to the full Council for consideration.*" The resolution provided R45402 (Exmouth Visitors Centre) an exemption to clause 6.8(2)(a) of the local law which states:-

> "*a stallholder or trader shall not attempt to conduct a business within a distance of 300 metres of any shop or permanent place of business and has for sale any goods or services of the kind being offered for sale by the stallholder or trader.*"

Application summary:

- Simmo's Mobile Scoop Shop: 31days (1-31 July) operating between 9am and 6am; area 21sqm.
- Country Cappuccino: 41 days (18 June – 29 July) operating between 8am and 4pm; area 26sqm.

COMMENT
The stallholder applications can be assessed against the *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2009.* In determining whether to grant approval, Council is to have due regard to "*any relevant policies of the local government; the desirability of the proposed activity; the location of the proposed activity; the principles set out in the Competition Principles Agreement; and such other matters as the local government may consider to be relevant in the circumstances of the case.*"

Competition Principles
The Competition Principles Agreement requires all gazetted legislation to be assessed [and reviewed at least once every ten years] with the key guiding principle that "*legislation should not restrict competition unless it can be demonstrated that:*

a) *the benefits of the restriction to the community as a whole outweigh the costs; and*
b) *the objectives of the legislation [Local Law] can only be achieved by restricting competition.*"

Permit Conditions
Council may approve an application for a permit subject to conditions relating to:-

a) "the payment of a fee;
b) the duration and commencement of the permit

c) the commencement of the permit being contingent on the happening of an event;
d) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;
e) the approval of another application for a permit which may be required by the local government under any written law;
f) the area of the district to which the permit relates;
g) where a permit is issued for an activity which will or may cause damage to a public place, the payment of a deposit or bond against such damage;
h) the obtaining of insurance in amount and on terms reasonable to the local government; and
i) the provision of an indemnity from the permit holder indemnifying the local government."

In determining the applications, Council may vary the Policy and should consider whether the request can be undertaken consecutively or any alternative arrangement subject to any conditions as Council sees fit.

Considering the above, Council officers recommend that the Council of the Shire of Exmouth approve the applications subject to trade at town beach subject to standard conditions.

CONSULTATION
One letter of objection was received (Refer ***Attachment 6***)
Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT
Local Government Act 1995
Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2009

POLICY IMPLICATIONS
Policy 1.25 – Communication and Consultation

FINANCIAL IMPLICATIONS
Nil

STRATEGIC IMPLICATIONS
Strategic Objective: 2 - To consistently apply the Principles of Good Governance
- Key Actions 1.To continue ethical and responsible decision making

Strategic Objective 4: To promote socioeconomic development
- Key Actions 1. Manage land use development
  2. Promote culture, arts and recreation
  3. Support and manage tourism

Strategic Objective 5: To value our environment and heritage
- Key Actions 1. To develop and implement policies and statutory processes that ensure balanced decision making

VOTING REQUIREMENTS
Simple Majority

OFFICER'S RECOMMENDATION – 10.6.4

That the Council of the Shire of Exmouth grants approval for Simmo's Mobile Scoop Shop and Country Cappuccino stallholder applications to trade on Council property referred to as the Town Beach, subject to standard permit conditions.

COUNCIL DECISION – 20-0212 – 10.6.4

Moved Councillor Warren, Seconded Councillor Winzer.
That the Council of the Shire of Exmouth grants approval for Simmo's Mobile Scoop Shop and Country Cappuccino stallholder applications to trade on Council property referred to as the Town Beach, subject to standard permit conditions.

CARRIED 6/0

10. REPORTS OF OFFICERS

10.6 Executive Manager Town Planning

10.6.5 Scheme Amendment 28- Ningaloo Centre

Location:	Exmouth
Applicant:	Shire of Exmouth
File Reference:	
Disclosure of Interest:	Nil
Date:	30 January 2012
Author:	Executive Manager Town Planning, Rhassel Mhasho
Signature of Author:	
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY
This report recommends that Council initiate amendment 28 for the purpose of commencing public advertising (Refer ***Attachment 7)***. The Amendment seeks to:

1. Reclassifying a portion of Reserve 50807 and 28764 from Recreation and Open Space to Public Purposes.
2. Amend the scheme map accordingly as depicted on the Scheme Amendment Map.

BACKGROUND
Exmouth Structure Plan 2011 identified unconstrained land at the intersection of Murat Road/Truscott Crescent as a key entry statement to the Town Centre and recommended the protection of the site for future community facilities including the Ningaloo Centre. This amendment seeks to establish a statutory protection by reclassifying the land to Public Purposes to ensure the land is protected from inappropriate land uses.

The Ningaloo Research Centre is envisioned to be place for excellence through its facilities for research, teaching and training, accommodation and public education. Council's Strategic Community Plan 2011 identifies the need to provide a rich industry mix and recommends facilitating and assisting innovative industries including the emerging knowledge based industry to diversify the predominant 'single industry' economy.

COMMENT
Scheme amendments are controlled by the *Planning and Development Act 2005* and the *Town Planning Regulations 1967*. These outline the processes to be undertaken in scheme amendment, Town Planning Scheme No 3 and the Exmouth Structure Plan can be used to provide guidance on the assessing of this amendment.

It should be noted that only the Council can initiate/refuse an amendment having due regard to the purpose and objectives outlined in regional and local planning strategies and the purpose of public advertising.

At the conclusion of public advertising, any submissions received will be tabled to Council to resolve whether to adopt, with or without modifications, or refuse the Amendment. The final approval is to be granted by the Minister for Planning and Infrastructure having regard to advice from the Western Australian Planning Commission.

The amendment is supported based on the following strategic documents;

Exmouth Structure Plan
The Exmouth Structure Plan sets out development opportunities for unconstrained land at the intersection of Murat Road/Truscott Crescent, the land subject of the amendment. The land is identified as a key activity

node with a preferred use identified for predominantly cultural and office and any future development is recommended to incorporate landmark architecture.

Murat Road/Truscott Crescent Development initiative item 2, 3 and 6 (*refer* ***Figure 3)*** highlight the opportunities for the proposed Public Purposes zone to be protected and developed for a cultural/multipurpose community centre incorporating the Ningaloo Centre.

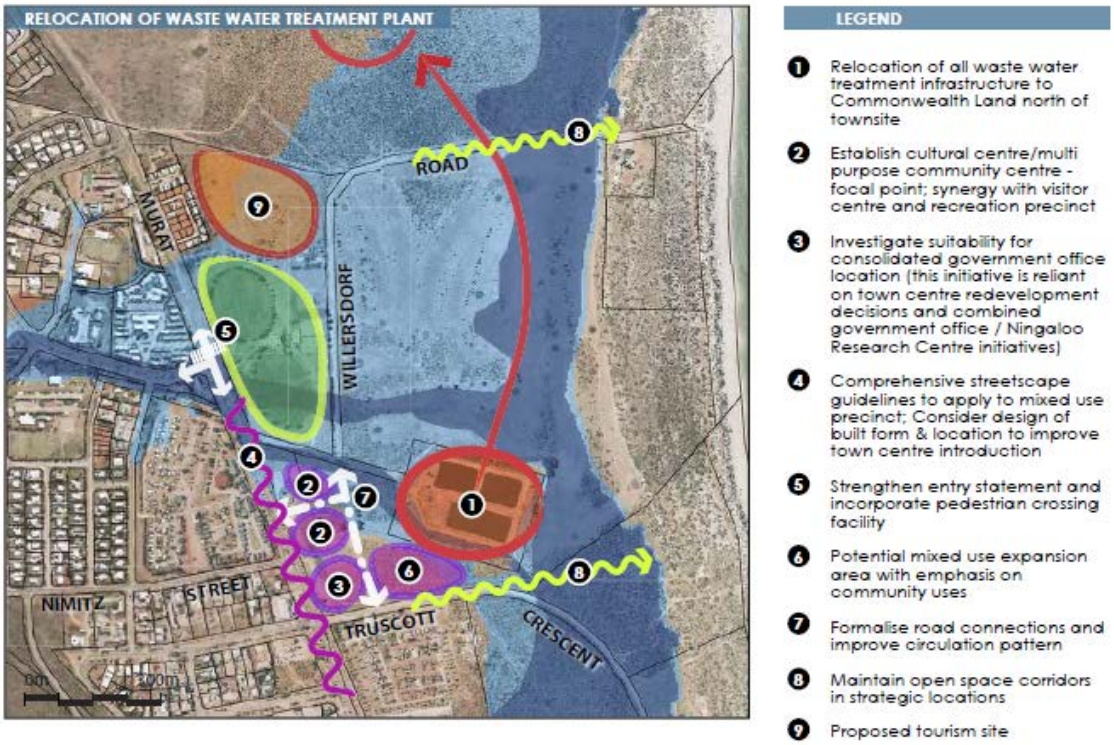


Figure 1: Murat Road/Truscott Crescent Development Initiative

The amendment will ensure that the orderly development of the Exmouth townsite maximises on the opportunities to co-locate community facilities and define the entry statement to the Town Centre.

Shire of Exmouth Town Planning Scheme No. 3
Local Scheme Reserves are lands reserved under the Scheme for the purposes indicated on the Scheme Map. Any development upon the land is required to have due regard to the ultimate purpose of the reserve and the Council refuse the development the owner of the land may, if the land is injuriously affected, claim compensation for such injurious affection.

The amendment will provide guidance on the future development of the land should the ultimate purpose of Reserve 50807 change from 'recreation and research centre.' Reclassifying the land from Recreation and Open Space, as shown on the Scheme Map, to Public Purposes will protect the land for future development of the Ningaloo Centre.

Based on the above strategic document, Council is requested to support the initiation of the scheme amendment

CONSULTATION
Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT
Planning and Development Act 2005
Shire of Exmouth Town Planning Scheme No.3

POLICY IMPLICATIONS
Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS
Nil

STRATEGIC IMPLICATIONS
Strategic Objective: 2 - To consistently apply the Principles of Good Governance

- Key Actions 1.To continue ethical and responsible decision making

Strategic Objective: 3 - To communicate effectively

- Key Actions 1. To convey relevant information using appropriate communication channels

Strategic Objective 4: To promote socioeconomic development

- Key Actions 1. Manage land use development
  2. Promote culture, arts and recreation
  3. Support and manage tourism

Strategic Objective 5: To value our environment and heritage

- Key Actions 1. To develop and implement policies and statutory processes that ensure balanced decision making

VOTING REQUIREMENTS
Simple Majority

OFFICER'S RECOMMENDATION – 10.6.5

That the Council of the Shire of Exmouth initiate Amendment 28 to Local Planning Scheme No. 3 for the purpose of initiating formal advertising pursuant to Section 75 of the Planning and Development Act 2005 for the purposes of:

1. *Reclassifying a portion of Reserve 50807 and 28764 from Recreation and Open Space to Public Purposes.*

2. *Amend the scheme map accordingly as depicted on the Scheme Amendment Map.*

COUNCIL DECISION – 21-0212 – 10.6.5

Moved Councillor Fitzgerald, Seconded Councillor Hood.
That the Council of the Shire of Exmouth initiate Amendment 28 to Local Planning Scheme No. 3 for the purpose of initiating formal advertising pursuant to Section 75 of the Planning and Development Act 2005 for the purposes of:

1. ***Reclassifying a portion of Reserve 50807 and 28764 from Recreation and Open Space to Public Purposes.***

2. ***Amend the scheme map accordingly as depicted on the Scheme Amendment Map.***

CARRIED 6/0

Councillor Hood declared an interest in the following report and left the room at 4.04pm.

10. REPORTS OF OFFICERS

10.6 Executive Manager Town Planning

10.6.6 Shop - Reserve - Lot 1112 Murat Road (Ningaloo Resort and Caravan Park)

Location:	Lot 1112 Murat Road (Ningaloo Resort And Caravan Park)
Applicant:	Tania Knight
File Reference:	R27648
Disclosure of Interest:	Nil
Date:	27 February 2012
Author:	Executive Manager Town Planning, Rhassel Mhasho
Signature of Author:	
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY
This report recommends that the Council of the Shire of Exmouth refuse planning approval for a change of use - Shop upon Lot 1112 Nimitz Road (Ningaloo Resort And Caravan Park), Exmouth (Refer ***Attachment 8 & 9***) for the following reasons:-

1. The development will alter the function of the predominant caravan park use by removing the only approved manager's house which permits human habitation on a permanent basis for the caretaker; and no alternative arrangement or relocation of the manager's house has been approved by Council; and

2. No further change of use requiring client car parking is permitted without addressing the shortage of public car parking bays requiring an additional 39 public parking bays.

BACKGROUND
The subject land is zoned Tourist and Residential with a total lot area of 9.53ha; the residential portion of the land is approximately 1.33ha on the western boundary. The land is reserved for the purpose of a caravan park and management is vested to the Shire of Exmouth.

Existing approvals permit a manager's house, shop, office and restaurant use upon the land. The proponent seeks Council's planning approval for the change of use from a manager's house to shop use. Land surrounding the manager's house is developed and two exclusive car parking bays have been provided for the manager's house.

Proposal summary:
- Shop: retail/massage and associated therapies (fitness, yoga and meditation), total floor area 63sqm;
- Signage: two flags, wall, polygon adjacent to crossover and on roof signage; and
- Parking: use of existing public car parking bays and overflow upon Exmouth Visitor Centre.

COMMENT
The change of use - shop can be assessed against the Shire of Exmouth Town Planning Scheme No. 3, the *Caravan Parks and Camping Grounds Regulations 1997* and WAPC Planning for Tourism Policy Document. To accord with the Scheme, a shop [defined below] is an 'AA' use within the Tourist zone meaning the use is not permitted unless the Council has granted planning approval.

> ***Shop:*** *"means any building wherein goods are kept, exposed or offered for sale by retail, or within which services of a person nature and provided (including a hairdresser, beauty therapist or manicurist) but does not include a showroom, take-away food outlet or any other use specifically defined elsewhere in the Scheme."*

Relevant Scheme objectives sought to:-

- *"provide for a wide range of tourist facilities and holiday accommodation;*
- *to protect and wherever possible enhance the special characteristics which attract tourists to the District;*
- *ensure the town of Exmouth remains the principal place in the District for tourist services and facilities, including holiday accommodation;*
- *facilitate access, especially within the town, for buses and caravans including provision of suitably located stopping places; and*
- *ensure the Council's facilities for tourists, and related services offered by the Council, are maintained at a high standard."*

Generally the proposal is consistent with the Scheme however there are issues and the development is recommended to be refused for reasons discussed herein:-

Appropriateness of Use

The predominant use of the land is for a caravan park meaning *an area of land on which caravans, or caravans and camps, are situated for habitation* and such a facility is limited to: manager's house, office, restaurant, shop, recreational facilities and any other approved building. The Regulations restrict the use of a residential building at a facility, other than a manager's house, to be used for the purpose of human habitation on a permanent basis. To maintain the predominant caravan park function, the change of use from the manager's house to a shop should be refused until suitable alternative arrangements for the residence are approved by Council.

The Town Centre zone is the principle place for all commercial premises and a shop use should only be permitted within the Tourist zone where the use is complementary to the predominant use or adjacent land use as determined by Council.

Access/Parking

Legal access to the land is provided by an existing crossover to Murat Road, providing access to a public car parking area and private parking within the caravan park. The access is suitably sealed to accord with the Scheme however there is a shortage of public car parking bays for existing approved uses and any further change of use or extension to existing uses will require additional car parking bays. A car parking and land use audit of the land is tabled below:

Prescribed Car Parking Bays

Land Use	Area	Car Parking Bays
Private Car Parking Bays		
Backpackers	32 beds	6
Office	98sqm (7x14m)	5
Shop (Winston)	Shop (Winston)	2
Subtotal		13
Public Car Parking Bays		
Shop (proposed)	63sqm (7x9m)	4
Shop (dive)	150sqm(15mx10m)	9
Cafe (25 tables)	In: 70sqm(7mx10)	18
	Out: 60sqm(6mx10m)	
Subtotal	-	44
	-	57

Existing Car Parking Bays

Location	Car Parking Bays	Comment
Private Car Parking Bays		The internal access configuration and location of the boom gate restricts the total number of public car parking bays. No further development requiring additional car parking bays should be approved without addressing the shortage of car parking bays, which may include cash in lieu for Council to provide car parking within reasonable distance from the approved use.
Northern (Backpackers)	14 (31 approved)	
Eastern (reception)	6	
Subtotal	37	
Public Car Parking Bays		
Northern (reception)	7	
Southern (Dive/Cafe)	13 (approved 15)	
Subtotal	22	
Total	42 (approved 59)	

To date, Council has not entered into an agreement for the use of car parking in Exmouth Visitor Centre reserve for the subject land and any future proposal will ensure that pedestrian access is upgraded. Any cash-in lieu agreement shall not be less than the estimated cost to the owner of providing and constructing the parking spaces plus the value of that area of land.

Clause 4.2.1 prohibits the development or use of any land or building for a shop unless parking spaces as specified in the Scheme are provided and constructed and maintained in accordance with the Scheme. Thus no further development should be permitted without addressing the shortage of car parking bays requiring an additional 39 public parking bays.

Signage

No signage details have been provided as part of the application. Should Council approve the proposal, then a condition is recommended to ensure a detailed site signage plan is provided and approved by Council prior to the use commencing.

Considering the above issues, Council officers recommend that the Council of the Shire of Exmouth refuse a change of use - shop for reasons outlined in the report.

CONSULTATION

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Planning and Development Act 2005
Shire of Exmouth Town Planning Scheme No.3
Caravan Parks and Camping Grounds Regulations

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Objective: 2 - To consistently apply the Principles of Good Governance

- Key Actions 1.To continue ethical and responsible decision making

Strategic Objective: 3 - To communicate effectively

- Key Actions 1. To convey relevant information using appropriate communication channels

Strategic Objective 4: To promote socioeconomic development

- Key Actions 1. Manage land use development
  2. Promote culture, arts and recreation
  3. Support and manage tourism

Strategic Objective 5: To value our environment and heritage

- Key Actions 1. To develop and implement policies and statutory processes that ensure balanced decision making

VOTING REQUIREMENTS
Simple Majority

OFFICER'S RECOMMENDATION – 10.6.6

That the Council of the Shire of Exmouth refuse planning approval for change of use - Shop upon Lot 1112 Murat Road (Ningaloo Resort And Caravan Park), Exmouth for the following reasons:-

1. *The development will alter the function of the predominant caravan park use by removing the only approved manager's house which permits human habitation on a permanent basis for the caretaker; and no alternative arrangement or relocation of the manager's house has been approved by Council; and*

2. *No further development is permitted without addressing the shortage of public car parking bays requiring an additional 18 public parking bays; and any cash-in-lieu payment shall not be less than the estimated cost to the owner of providing and constructing the parking spaces plus the value of that area of land.*

Advice

i) Council advises that a shop use is a discretionary land use within the Tourist zone and shall only be permitted where the use is complementary to the predominant use or adjacent land use as determined by Council.

ii) Should the applicant be aggrieved by this decision, a right of review may exist pursuant to the State Administrative Tribunal Act 2004. A request for review should be made within 28 days of notice of this decision to the State Administrative Tribunal.

Prior to the Council Meeting the Executive Manager Town Planning received further information from the applicant agreeing to the extra car parking required and has arranged a suitable action to be taken in order to meet this requirement, hence amending the Executive Manager Town Planning's recommendation to read the following:

OFFICER'S RECOMMENDATION – 10.6.6(A)

That the Council of the Shire of Exmouth grant planning approval for change of use -Home Shop upon Lot 1112 Murat Road (Ningaloo Resort And Caravan Park), Exmouth subject to the following conditions:-

1. *No further increase in 'commercial premises' , shop, office, business or retail development and a take-away food outlet will be supported by Council in future;*

2. *The premises can be used for habitation purposes subject to compliance to the Health and Building laws and the Town Planning Scheme No 3 minimum dwelling requirements;*
3. *The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of Planning Consent have been complied with;*

4. *The approval granted being valid for a period of two (2) years from the date of this approval. Should the use approved not substantially commence within this time, the approval will lapse;*

Advice Notes

a. The applicant is advised that any commercial premises proposal will need to be located within the Town Centre zone.

b. Should the applicant be aggrieved by this decision, a right of review may exist pursuant to the State Administrative Tribunal Act 2004. A request for review should be made within 28 days of notice of this decision to the State Administrative Tribunal.

COUNCIL DECISION – 22-0212 – 10.6.6

Moved Councillor Fitzgerald, Seconded Councillor Thompson.

That the Council of the Shire of Exmouth grant planning approval for change of use -Home Shop upon Lot 1112 Murat Road (Ningaloo Resort And Caravan Park), Exmouth subject to the following conditions:-

1. ***No further increase in 'commercial premises' , shop, office, business or retail development and a take-away food outlet will be supported by Council in future;***
2. ***The premises can be used for habitation purposes subject to compliance to the Health and Building laws and the Town Planning Scheme No 3 minimum dwelling requirements;***
3. ***The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of Planning Consent have been complied with;***
4. ***The approval granted being valid for a period of two (2) years from the date of this approval. Should the use approved not substantially commence within this time, the approval will lapse;***

Advice Notes

a. The applicant is advised that any commercial premises proposal will need to be located within the Town Centre zone.

b. Should the applicant be aggrieved by this decision, a right of review may exist pursuant to the State Administrative Tribunal Act 2004. A request for review should be made within 28 days of notice of this decision to the State Administrative Tribunal.

CARRIED 5/0

Councillor Hood re-entered the room at 4.16pm.

10. REPORTS OF OFFICERS

10.6 Executive Manager Town Planning

10.6.7 Oversized Outbuilding & Home Occupation (Fishing Charter) upon Lot 458(15) Lyon Street, Exmouth

Location:	Lot 458(15) Lyon Street, Exmouth
Applicant:	Fusion Fabrication & Marine
File Reference:	458
Disclosure of Interest:	Nil
Date:	3 February 2012
Author:	Executive Manager Town Planning, Rhassel Mhasho
Signature of Author:	
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY
This report recommends that the Council of the Shire of Exmouth refuse the proposed wall height of the oversized outbuilding and grant conditional planning approval for an oversized outbuilding and home occupation (fishing charter) upon Lot 458(15) Lyon Street, Exmouth. (Refer ***Attachment 10***)

BACKGROUND
The subject land is zoned Residential R17.5 comprising a lot area of 1,147sqm with limited vegetation coverage. An existing dwelling is sited upon the land addressing the streetscape and surrounding developments are of a residential scale. Council's planning approval is sought for an oversized outbuilding and home occupation (fishing charter) upon Lot 458 (15) Lyon Street, Exmouth. Proposal summary:

- Total floor area: 72sqm (12mx6m)
- Wall height of 4.2 and 5m apex height
- Gable roof design pitched 15 degrees
- Trimdek or Colorbond cladding as per Council's Colour Palette

Setbacks:
- Front: 20m+
- Side: 1.5m
- Rear: Not stated

Justification provided by the applicant states that the variation for an oversized outbuilding is required to house a commercial charter boat (25ft) with a 3.7m vertical height requiring a minimum 4m high vertical clearance. (Refer ***Attachment 11***).

COMMENT
The oversized outbuilding and home occupation can be assessed under the Shire of Exmouth Town Planning Scheme No. 3, R-Codes and Local Planning Policy 6.7 and 6.2. These instruments outline the permissibly of the proposal. To accord with the Scheme, a home occupation within the Residential zone is classified as an 'AA' use and an outbuilding is an 'IP' use meaning the use is not permitted unless such use is incidental to the predominant use as approved by Council. Relevant Scheme objectives sought to:-

- *"ensure the provision of appropriately sized and scaled ancillary outbuildings;*
- *achieve a high standard of residential development having regard to the economic importance of tourism to the town; and*
- *allow for the establishment of non-residential uses which are compatible with the predominant residential use and which will not adversely affect local amenities."*

Home Occupation
Tourism related business including dive tours, fishing charters, 4WD and adventure tours are deemed acceptable home occupations within the Residential zone. Limited details have been provided and shall be conditioned to maintain the local amenity and storage of related equipment and vehicles. Should the activity exceed these requirements it would be appropriate for the applicant to relocate the business on suitably zoned land.

Generally the home occupation complies with the Scheme however there are issues with the oversized outbuilding which requires modifications, as discussed herein:-

Built Form
No desired urban character has been designated for the locality and any proposed development should focus on the established urban character. As a guide, this may include certain details, patterns or forms with emphasis on: building height, roof pitch, articulation, detailing/form, materials, colours, textures and identity. The merits of the proposal are list below:-

- Roof design: Gable roof pitched at 15 degrees which is similar to the existing dwelling and surrounding 'visible' developments. The outbuilding is positioned on the rear of the lot and is not a dominant feature in the existing streetscape.
- External: Limited details have been provided on the external appearance of the development. A condition shall ensure the development conforms to Council's Colour Palette and should the development cause light reflections or glare the surface shall be treated.

Building height:
The proposed 4.2m wall height exceeds the established building height in the locality for an oversized outbuilding; surrounding developments have maintained a wall height of 3.6m or less. In determining the appropriate height the development must be *"[designed to] ensure that the height of buildings is consistent with the desired scale in a given locality… and to protect the amenities of adjoining properties."*

While the outbuilding is setback appropriately to screen the development from public view, adjacent properties are adversely affected by the proposal. To achieve the planning objective it is appropriate to condition the outbuilding to maintain a residential scale by limiting the wall and apex height to 3.6m and 4.5m respectively.

Access
Legal access is via an existing crossover to Lyon Street with is constructed sufficiently. Access to the rear of the lot is provided via a 5m wide access partially sealed formed driveway and two car parking spaces are provided in tandem upon the hardstand. An advisory notice shall be applied to ensure any future extension of the formed driveway maintains a 0.5m side setback.

Stormwater
Limited storm water details have been provided and shall be conditioned to ensure roof and impermeable surfaces are retained on-site or directed to the kerb and gutter in Lyon Street.

Consultation
Adjacent properties were invited to comment on the proposed variation prior to Tuesday 20 December 2011. Comments were received, a summary is tabled below:

Property	Response	Comment
Lot 457 Lyon Street	No response	Council's acceptable building height shall be condition to ensure that the development is an appropriate residential scale; reducing any future precedence for larger outbuildings within the Residential zone.
Lot 459 Lyon Street	No response	
Lot 467 Fitzhardinge Street	No objection	
Lot 468 Fitzhardinge Street	No objection	
Lot 469 Fitzhardinge Street	No response	

Council officers recommend that Council refuse a 4.2m wall height and conditionally approve the oversized outbuilding and home occupation (fishing charter).

CONSULTATION
Consult - in accordance with Council Policy 1.25

STATUTORY ENVIRONMENT
Planning and Development Act 2005
Town Planning Scheme No.3
Residential Design Codes Western Australia

POLICY IMPLICATIONS
Local Planning Policy 6.2: Colour Palette for Developments
Local Planning Policy 6.7: Outbuildings
Local Planning Policy

FINANCIAL IMPLICATIONS
Nil

STRATEGIC IMPLICATIONS
Strategic Objective: 2 - To consistently apply the Principles of Good Governance
- Key Actions 1.To continue ethical and responsible decision making

Strategic Objective 4: To promote socioeconomic development
- Key Actions 1. Manage land use development

Strategic Objective 5: To value our environment and heritage
- Key Actions 1. To develop and implement policies and statutory processes that ensure balanced decision making

VOTING REQUIREMENTS
Simple Majority

OFFICER'S RECOMMENDATION – 10.6.7

That the Council of the Shire of Exmouth refuse the proposed wall height of the oversized outbuilding and grant conditional planning approval for an oversized outbuilding and home occupation (fishing charter) upon Lot 458(15) Lyon Street, Exmouth subject to the following conditions:-

1. *The development being carried out generally in accordance with the Shire of Exmouth Town Planning Scheme No. 3, the approved plans (PA3/12) and Local Planning Policy 6.1: Home Occupations to the satisfaction of Council officers;*

2. *The development shall have a maximum wall and apex height of 3.6 metres and 4.5 metres respectively measured from Natural Ground Level;*

3. *The development shall have external colours consistent with Council's Colour Palette (see attached);*

4. *The hours of operation of the home occupation shall be limited to 7am to 7pm Monday to Sunday and the use shall fully comply with the Environmental (Noise) Regulations 1997 at all times;*

5. *An annual permit shall be obtained and maintained current at all times from the Shire of Exmouth in order to commence or carry out the home occupation for the duration of the activity upon the subject property;*

6. *All vehicles associated with the use shall be parked on the property behind the building setout line or wholly within a garage/outbuilding screened from public view and no client car parking is permitted at any time;*

7. *The maximum floor area for the approved use shall be less than 20sqm;*

8. *No sign exceeding 0.2sqm in area being displayed;*

9. *No materials, equipment or plant being stored outdoors;*

10. *No retail sale or display of goods of any nature being undertaken;*

11. *No employment of any person not a member of the occupier's household;*

12. *Where Council considers the home occupation is having an adverse impact on the amenity of the area, Council may rescind the approval in accordance with Council Policy;*

13. *Council officers have the authority to inspect premises at any reasonable time to ensure compliance and shall submit an inspection report on application and renewals for Council consideration;*

14. *Any future formed driveway shall maintain a minimum 0.5 metre side setback;*

15. *Vehicle crossovers between the road carriageway and the property boundary shall have a maximum width of six (6) metres and shall be constructed in accordance with Council Policy;*

16. *Storm water being managed on-site and/or discharged into the Shire's road drainage system, in accordance with Council Policy, the Building Code of Australia and to satisfaction of Council officers;*

17. *The outbuilding shall be non-habitable; and*

18. *The approval granted is valid up to two (2) years of the date of this approval. Should the use approved not substantially commence within this time, the approval will lapse.*

Advice

i) *Prior to any construction, the applicant is required to obtain a building license approval from the Shire of Exmouth.*

ii) *An approval to conduct a home occupation is issued to a specific occupier of a particular parcel of land. It shall not be transferred or assigned to any other person, and shall not be transferred from the land in respect of which it was granted. Should there be a change of the occupier of the land in respect of which a home occupation approval is issued the approval is cancelled.*

iii) *The applicant is required to obtain "Annual Permits" and fees relating to "Annual Permits" shall be determined by Council within the schedule of fees and charges set as part of the Annual Budget.*

iv) *The approval granted is not to be construed as approval granted under the Local Government (Miscellaneous Provisions) Act 1960, Building Regulations 1989 or any other relevant statutory approval.*

v) *Should the applicant be aggrieved by this decision, a right of review may exist pursuant to the State Administrative Tribunal Act 2004. A request for review should be made within 28 days of notice of this decision to the State Administrative Tribunal.*

COUNCIL DECISION – 23-0212 – 10.6.7

Moved Councillor Hood, Seconded Councillor Thompson.

That the Council of the Shire of Exmouth refuse the proposed wall height of the oversized outbuilding and grant conditional planning approval for an oversized outbuilding and home occupation (fishing charter) upon Lot 458(15) Lyon Street, Exmouth subject to the following conditions:-

1. ***The development being carried out generally in accordance with the Shire of Exmouth Town Planning Scheme No. 3, the approved plans (PA3/12) and Local Planning Policy 6.1: Home Occupations to the satisfaction of Council officers;***

2. ***The development shall have a maximum wall and apex height of 3.6 metres and 4.5 metres respectively measured from Natural Ground Level;***

3. ***The development shall have external colours consistent with Council's Colour Palette (see attached);***

4. ***The hours of operation of the home occupation shall be limited to 7am to 7pm Monday to Sunday and the use shall fully comply with the Environmental (Noise) Regulations 1997 at all times;***

5. ***An annual permit shall be obtained and maintained current at all times from the Shire of Exmouth in order to commence or carry out the home occupation for the duration of the activity upon the subject property;***

6. ***All vehicles associated with the use shall be parked on the property behind the building setout line or wholly within a garage/outbuilding screened from public view and no client car parking is permitted at any time;***

7. ***The maximum floor area for the approved use shall be less than 20sqm;***

8. ***No sign exceeding 0.2sqm in area being displayed;***

9. ***No materials, equipment or plant being stored outdoors;***

10. ***No retail sale or display of goods of any nature being undertaken;***

11. ***No employment of any person not a member of the occupier's household;***

12. ***Where Council considers the home occupation is having an adverse impact on the amenity of the area, Council may rescind the approval in accordance with Council Policy;***

13. ***Council officers have the authority to inspect premises at any reasonable time to ensure compliance and shall submit an inspection report on application and renewals for Council consideration;***

14. ***Any future formed driveway shall maintain a minimum 0.5 metre side setback;***

15. ***Vehicle crossovers between the road carriageway and the property boundary shall have a maximum width of six (6) metres and shall be constructed in accordance with Council Policy;***

16. ***Storm water being managed on-site and/or discharged into the Shire's road drainage system, in accordance with Council Policy, the Building Code of Australia and to satisfaction of Council officers;***

17. ***The outbuilding shall be non-habitable; and***

18. ***The approval granted is valid up to two (2) years of the date of this approval. Should the use approved not substantially commence within this time, the approval will lapse.***

<u>Advice</u>

i) Prior to any construction, the applicant is required to obtain a building license approval from the Shire of Exmouth.

ii) An approval to conduct a home occupation is issued to a specific occupier of a particular parcel of land. It shall not be transferred or assigned to any other person, and shall not be transferred from the land in respect of which it was granted. Should there be a change of the occupier of the land in respect of which a home occupation approval is issued the approval is cancelled.

iii) The applicant is required to obtain "Annual Permits" and fees relating to "Annual Permits" shall be determined by Council within the schedule of fees and charges set as part of the Annual Budget.

iv) The approval granted is not to be construed as approval granted under the Local Government (Miscellaneous Provisions) Act 1960, Building Regulations 1989 or any other relevant statutory approval.

v) Should the applicant be aggrieved by this decision, a right of review may exist pursuant to the State Administrative Tribunal Act 2004. A request for review should be made within 28 days of notice of this decision to the State Administrative Tribunal.

LOST 1/5

COUNCIL MOTION – 24-0212 – 10.6.7

Moved Councillor Fitzgerald, Seconded Councillor Warren.

That the Council of the Shire of Exmouth grant conditional planning approval for an oversized outbuilding and home occupation (fishing charter) upon Lot 458(15) Lyon Street, Exmouth subject to the officer's recommendation and amend condition 2 to read "the development shall have a maximum wall and apex height of 4.2 metres and 5 metres respectively measured from Natural Ground Level."

1. ***The development being carried out generally in accordance with the Shire of Exmouth Town Planning Scheme No. 3, the approved plans (PA3/12) and Local Planning Policy 6.1: Home Occupations to the satisfaction of Council officers;***

2. ***The development shall have a maximum wall and apex height of 4.2 metres and 5 metres respectively measured from Natural Ground Level;***

3. ***The development shall have external colours consistent with Council's Colour Palette (see attached);***

4. ***The hours of operation of the home occupation shall be limited to 7am to 7pm Monday to Sunday and the use shall fully comply with the Environmental (Noise) Regulations 1997 at all times;***

5. ***An annual permit shall be obtained and maintained current at all times from the Shire of Exmouth in order to commence or carry out the home occupation for the duration of the activity upon the subject property;***

6. ***All vehicles associated with the use shall be parked on the property behind the building setout line or wholly within a garage/outbuilding screened from public view and no client car parking is permitted at any time;***

7. ***The maximum floor area for the approved use shall be less than 20sqm;***

8. ***No sign exceeding 0.2sqm in area being displayed;***

9. ***No materials, equipment or plant being stored outdoors;***

10. ***No retail sale or display of goods of any nature being undertaken;***

11. ***No employment of any person not a member of the occupier's household;***

12. ***Where Council considers the home occupation is having an adverse impact on the amenity of the area, Council may rescind the approval in accordance with Council Policy;***

13. ***Council officers have the authority to inspect premises at any reasonable time to ensure compliance and shall submit an inspection report on application and renewals for Council consideration;***

14. ***Any future formed driveway shall maintain a minimum 0.5 metre side setback;***

15. ***Vehicle crossovers between the road carriageway and the property boundary shall have a maximum width of six (6) metres and shall be constructed in accordance with Council Policy;***

16. ***Storm water being managed on-site and/or discharged into the Shire's road drainage system, in accordance with Council Policy, the Building Code of Australia and to satisfaction of Council officers;***

17. ***The outbuilding shall be non-habitable; and***

18. ***The approval granted is valid up to two (2) years of the date of this approval. Should the use approved not substantially commence within this time, the approval will lapse.***

Advice

vi) Prior to any construction, the applicant is required to obtain a building license approval from the Shire of Exmouth.

vii) An approval to conduct a home occupation is issued to a specific occupier of a particular parcel of land. It shall not be transferred or assigned to any other person, and shall not be transferred from the land in respect of which it was granted. Should there be a change of the occupier of the land in respect of which a home occupation approval is issued the approval is cancelled.

The applicant is required to obtain "Annual Permits" and fees relating to "Annual Permits" shall be determined by Council within the schedule of fees and charges set as part of the Annual Budget.

viii) The approval granted is not to be construed as approval granted under the Local Government (Miscellaneous Provisions) Act 1960, Building Regulations 1989 or any other relevant statutory approval.

ix) Should the applicant be aggrieved by this decision, a right of review may exist pursuant to the State Administrative Tribunal Act 2004. A request for review should be made within 28 days of notice of this decision to the State Administrative Tribunal.

CARRIED 4/2

Councillor Winzer requested that his name be recorded as a no vote.

NB: Councillors resolved not to support the recommendation of the officer, considering that the shed was proposed on a large lot, the positioning of the shed was located at the rear of the premise and that new boat designs are tending to require additional height clearances for shedding.

Councillor Hood declared an interest in the following report and left the room at 4.36pm.

10. REPORTS OF OFFICERS

10.6 Executive Manager Town Planning

10.6.8 Reconsideration of Scheme Amendment 27- Lots 1,101,112 And 220 Minilya Exmouth Road

Location:	Lots 1,101,112 and 220 Minilya Exmouth Road
Applicant:	RPS
File Reference:	27
Disclosure of Interest:	Nil
Date:	5 February 2012
Author:	Executive Manager Town Planning, Rhassel Mhasho
Signature of Author:	
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY
This report is presented to the Council for consideration in relation to the proposed Scheme amendment 27 on Lots 1,101,112 and 220 Minilya Exmouth Road.

BACKGROUND
During the December OCM, Council resolved to set aside the amendment 27 to carry out a comprehensive study/risk analysis, with the assistance of the WAPC, that engages the community and industry to fully understand the demand and impact of any potential supply base(s).

The Shire President, CEO and myself had a meeting on the 11th of January with officials from the Department of Planning to fast track Council's December resolution. It was resolved that the preferred method was to extend the existing Exmouth Structure Plan addressing the land South of the townsite to Learmonth to suit the funding requirements of the Royalties for Region Northern Planning Program.

The Town Planning Department has finished preparing the scope of works for the Exmouth South Structure Plan. The scope of works is attached for Council's information (Refer ***Attachment 12***).

The scope of works has been compiled in a way that the first deliverable will be completed during March /April, including a full public consultation and a risk assessment of the marine study. It is proposed then that the Council may call a Special Council meeting to discuss the results of the study and the scheme amendment.

Quotations were sought from reputable consultants to complete the work. Council has been in discussion with the consultants regarding the scope of works and their proposed pricing. It is expected that a consultant will be engaged by mid-February to commence the work.

The proponent of the scheme amendment has since held meetings with various Councillors, CEO and myself, presenting additional information regarding their proposal. The proponent is requesting Council to reconsider its December meeting resolution, based on the additional information provided. (Refer ***Attachment 13)***

COMMENT
It should also be noted that the proponent has appealed to the Minister of Planning under section 76 of the Planning and Development Act 2005. The appeal is currently with the Minister for consideration.

Two main issues raised in the appeal are the setting aside of the proposal and issues of conflict of interest regarding one councillor. Both issues are currently being investigated by the Department of Planning and the Department of Local Government, respectively.

Since the December decision, Council has received correspondence from Gun Marine and the Novotel Ningaloo Resort in support of the proposal. Council has also received correspondence from the Cape Conservation Group and numerous letters from concerned community members in support of the Council's decision to be better informed prior to a full decision. This information has been provided to the Councillors separately.

It should be noted that the applicant can submit the project to be reviewed by EPA under section 38 of the EPA Act prior to receiving the Scheme Amendment which will assist in streamlining the planning process. (Refer ***Attachment 14***)

CONSULTATION
Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT
Planning and Development Act 2005
Town Planning Scheme No.3

POLICY IMPLICATIONS
Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS
Nil

STRATEGIC IMPLICATIONS
Strategic Objective: 2 - To consistently apply the Principles of Good Governance

- Key Actions 1.To continue ethical and responsible decision making

Strategic Objective: 3 - To communicate effectively

- Key Actions 1. To convey relevant information using appropriate communication channels

Strategic Objective 4: To promote socioeconomic development

- Key Actions 1. Manage land use development
  2. Promote culture, arts and recreation
  3. Support and manage tourism

Strategic Objective 5: To value our environment and heritage

- Key Actions 1. To develop and implement policies and statutory processes that ensure balanced decision making

VOTING REQUIREMENTS
Absolute Majority should a rescission motion be put.
Simple Majority

OFFICER'S RECOMMENDATION – 10.6.8

Council's direction is sought on the matter.

ADVICE

1. *Council is advised that good planning decisions should not be based on issues such as better proposal, economic competition, moral consideration or petitions but should be based on sound planning principles, established policies and laws.* DEVELOPMENT ASSESSMENT PANEL TRAINING NOTES 'MAKING GOOD PLANNING DECISIONS' (JUNE 2011)

2. *The applicant can submit the project to be reviewed by EPA under section 38 of the EPA Act to streamline the planning process.*

Councillor Winzer enquired with the CEO if the Section 76 Appeal had been resolved by the Minister for Planning. The CEO advised that no correspondence had yet been received.

COUNCIL MOTION – 25-0212 – 10.6.8

Moved Councillor Fitzgerald, Seconded Councillor Warren.
That the Council of the Shire of Exmouth rescind the December Council decision 10.6.5:

"That the Council of the Shire of Exmouth set aside the amendment and carryout a comprehensive study/risk analysis with the assistance of the WAPC that engages the community and industry to fully understand the demand and impact of any potential supply base(s)."

MOTION LOST 2/3

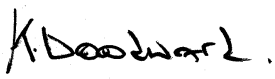
Councillor Warren requested that his comment regarding this report be recorded as follows "I believe that the Executive is not carrying out the previous resolution."

Councillor Hood re-entered the room at 4.41pm.

10. REPORTS OF OFFICERS

10.7 Executive Manager Engineering Services

10.7.1 General Report

Location:	Exmouth
Applicant:	
File Reference:	
Disclosure of Interest:	Nil
Date:	8 February 2012.
Author:	Executive Manager Engineering Services, Keith Woodward
Signature of Author:	
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY

The following report provides a summary of the Engineering Services 2011/2012 Construction Program and information.

BACKGROUND

1. Engineering Services Project Schedule

The Engineering Services Project Schedule 2011/2012 provides an overview of the project start and completion dates. It is important to note that staffing levels, contractor availability, private works and environmental conditions such as cyclone/floods influence the project timeframes.

2011/2012 Engineering Services Project Schedule included as ***Attachment 1***.

2. Tantabiddi Boat Ramp

The official completion date for the construction of the Tantabiddi Boat Ramp is the 5th February 2012. The completion date has been moved to the start of March 2012. The reason for this delay is associated with the following:

- 6 days lost associated with bushfire road closures south of Exmouth and construction material road freight.
- 6 days lost to demobilisation associated with cyclone Iggy
- The production of the armour rock was hindered because the quarry operator was delayed getting the licence to blast at the existing quarry. As I understand, this was due to a new Department of Water bore in close proximity to the quarry and associated concerns generated by the Department of Water and the Water Corporation. Approval has now been provided to the quarry operator from the EPA.

The projected completion date is now the 2nd March 2012 subject to cyclonic conditions. Contingency planning is underway to ensure that the boat ramp is operational for the Game Fishing competitions in early March.

3. Triple J Equipment Shire Works Depot

During the first week in January 2012 the Shire received complaints in relation to the radio communication service of Triple J not being operational. This issue was managed on an ad-hoc basis by Shire employees by resetting the transmitter when an outage occurred. However this was not sustainable and investigations into the history of the installation of the communication system demonstrated that in 2002 a letter addressed to Boeing Australia Limited requested assistance in the maintenance of the Triple J Equipment. Unfortunately this correspondence was not responded to and no follow-up was conducted.

After discussions with the installation contractor it was determined that the antenna and coaxial cabling may have been damaged during storm activities and a crane would be required to inspect and determine the extent of the damage. Preliminary enquiries in relation to obtaining contractors to complete this type of works proved to be costly due to the lack of cranes located in Exmouth and the length of the cabling.

Further investigations into the arrangements of maintenance for the radio re-trans facility found that the previous VLF site contractor (Boeing Australia) had taken it upon themselves to provide service as required to maintain the radio equipment located at the Welch St depot after the original site was destroyed during Cyclone Vance.

With the hand over to a new contract provider at the VLF site, Boeing are no longer in a position to be able to continue to provide this support, liaison through Boeing to the new VLF site operator (Raytheon) has seen a new offer to continue maintenance support to foster community goodwill. Raytheon – with Commonwealth support have offered services and equipment to investigate current issues with the antenna system and to date have disconnected the antenna to investigate the current issues with serviceability.

COMMENT
Nil

CONSULTATION
Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT
Nil

POLICY IMPLICATIONS
Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

STRATEGIC IMPLICATIONS

Strategic Community Plan 2011-Outcome 1.5 Maintain and Improve Shire Infrastructure

VOTING REQUIREMENTS
Simple Majority

OFFICER'S RECOMMENDATION – 10.7.1

That the Council of the Shire of Exmouth receive the Executive Manager Engineering Services Report for the month of February 2012.

COUNCIL DECISION – 26-0212 – 10.7.1

Moved Councillor Fitzgerald, Seconded Councillor Thompson.
That the Council of the Shire of Exmouth receive the Executive Manager Engineering Services Report for the month of February 2012.

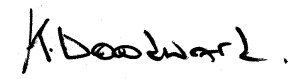
CARRIED 6/0

The Shire President, Cr Shales declared an interest in the following report and left the room at 4.43pm. Cr Fitzgerald resumed the chair.

10. REPORTS OF OFFICERS

10.7 Executive Manager Engineering Services

10.7.2 Tender 01/2012 Supply and Delivery Gravel Base Course Material

Location:	Exmouth
Applicant:	
File Reference:	
Disclosure of Interest:	Nil
Date:	8 February 2012.
Author:	Executive Manager Engineering Services, Keith Woodward
Signature of Author:	
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY
This report recommends that the Exmouth Shire Council award Tender 01/2012 to Exmouth Civil and authorise the Executive Manager of Engineering Services to make minor changes to the scope of works and consequently the price of works during the course of construction.

BACKGROUND
The Shire budgeted $1,850,085 in the 2011/2012 budget for the construction of aviation apron extensions at Learmonth Airport.

The Shire advertised tender 01/2012 Supply and Delivery of Base Course Material in the West Australian Newspaper on the 7th and 14th January 2012. The Shire received two tender submissions by the tender closing date and time.

The tender submissions were from Exmouth Civil and Exmouth Quarries and Concrete.

The Shire received one additional tender after the tender closing date and time. This tender was not reviewed.

Tender 01/2012 was opened in the presence of Exmouth Civil and Exmouth Quarries and Concrete.

Advertising Details

Attachment 2- copies of the newspaper advertisements.

COMMENT
The tender submissions were assessed by the Shire's Executive Manager of Engineering Services. All tenders were assessed against the compliance criteria and ranked accordingly. The assessment then adopted best value for money approach.

CONSULTATION
Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Section 3.57 of the Local Government Act (LGA) 1995 and the LGA Functions and General Regulations, 11 to 24G.

Regulation 18 (4) of the Local Government (Functions and General) Regulations states:

"Tenders that have not been rejected under sub regulation (1), (2), or (3) are to be assessed by the local government by means of a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept and it is to decide which of them it thinks it would be most advantageous to the local government to accept."

It is recommended all tenders be evaluated on selection criteria by which each tender is assigned a score based on the tenderers capacity to meet tender objectives.

The Contract may be awarded to a Tenderer who best demonstrates the ability to carry out the required service at a competitive price. The tendered prices will be assessed with the following qualitative and compliance criteria to determine the most advantageous outcome to the Principal.

This means that, although price is considered, the Tender containing the lowest price will not necessarily be accepted, nor will the offer ranked the highest on the qualitative criteria.

Tender 01/2012 Selection Criteria

"These criteria will not be point scored. Each Tender will be assessed on a Yes/No basis as to whether the criterion is satisfactorily met. An assessment of 'No' against any criterion may eliminate the Tender from consideration."

	Compliance Criteria	**Exmouth Civil**	**Exmouth Quarries and Concrete**
(a)	***Completion of Tenderers Offer*** *(Including the Price Schedule and Offer Form and Tenderer Information Form)*	Yes	Yes
(b)	***Compliance with the Conditions of Tendering***	Yes	Yes
(c)	***Compliance with Specification***	Yes	Yes
(d)	***Corporate Information*** • *Advise if agent or a trust for another party.* • *Provide evidence as to ability, if awarded the Contract, to fulfil the Requirements from your own resources or from resources readily available to you.* • *Provide details of a minimum of two referees including their Name, Position, Company, Address and contact Telephone Number*	Yes	Yes
(e)	***Financial Position*** • *Tenderer to confirm ability to pay all debts in full as and when they fall due, and* • *Advise of any current litigation as a result of which you may be liable for $50,000 or more.*	Yes	Yes
(f)	***Conflict of Interest*** • *Will any actual or potential conflict of interest in the performance of your obligations under the Contract exist if you are awarded the Contract, or are any such conflicts of interest likely to arise during the Contract?*	Yes	Yes

(g)	***Insurance*** • *Provide evidence of current insurance coverage that meets the Requirements of this Request.*	Yes	Yes

Qualitative Criteria		**Exmouth Civil**	**Exmouth Quarries and Concrete**
A) Organisation Capabilities *Tenderers must, as a minimum, address the following information in an attachment and label it* ***'Attachment 8 Organisation Capabilities'****:*	***Weighting 40%***	40%	40%
B) Personnel *Tenderers must, as a minimum, address the following information in an attachment and label it* ***'Attachment 9 Personnel'****:*	***Weighting 35%***	35%	35%
C) Performance *Tenderers must, as a minimum, address the following information in an attachment and label it* ***"Attachment 10 Performance"****:*	***Weighting 25%***	25%	25%

Price Consideration	**Exmouth Civil**	**Exmouth Quarries and Concrete**
The non-weighted cost method is used where functional considerations such as capacity, quality, transitional and adaptability are seen to be crucial to the outcome of the contract. The evaluation panel will make a series of value judgements based on the capability of the Tenderers to complete the Requirements and a number of factors will be considered including: *(a) the qualitative ranking of each Tenderer; and* *(b) the pricing submitted by each Tenderer.* *Once the Tenders have been ranked, the evaluation panel will make a value judgement as to the cost affordability, qualitative ranking, and risk of each Tender, in order to determine the Tender, which is most advantageous to the Principal.* *The tendered price will be considered along with related factors affecting the total cost to the Principal e.g. the lifetime operating costs of goods or the Principal's contract management costs may also be considered in assessing the best value for money outcome.*	$39.62 per tonne. Excluding GST $223,899	$46.00 per tonne. Excluding GST $259,900

Based on compliance with the tender submission Exmouth Civil was the most successful tender. Both tenderers submissions complied with the requirements of the tender specification.

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS
The Shire budgeted $1,850,085 in the 2011/2012 budget for the construction of aviation apron extensions at Learmonth Airport. The supply of gravel base course is required as part of the construction project.

STRATEGIC IMPLICATIONS
Strategic Community Plan 2011-Outcome 1.5 Maintain and Improve Shire Infrastructure

VOTING REQUIREMENTS
Absolute Majority

OFFICER'S RECOMMENDATION – 10.7.2

That the Council of the Shire of Exmouth Award Tender 01/2012 to Exmouth Civil for $223,899 excluding GST and authorise the Executive Manager of Engineering Services to make minor changes to the scope of works and consequently the price of works during the course of construction.

COUNCIL DECISION – 27-0212 – 10.7.2

Moved Councillor Winzer, Seconded Councillor Thompson.
That the Council of the Shire of Exmouth Award Tender 01/2012 to Exmouth Civil for $223,899 excluding GST and authorise the Executive Manager of Engineering Services to make minor changes to the scope of works and consequently the price of works during the course of construction.

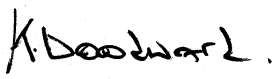
CARRIED BY ABSOLUTE MAJORITY 5/0

The Shire President re-entered the room at 4.46pm and resumed the chair.

10. REPORTS OF OFFICERS

10.7 Executive Manager Engineering Services

10.7.3 Tender 02/2012 Supply and Laying of Asphalt

Location:	Exmouth
Applicant:	
File Reference:	
Disclosure of Interest:	Nil
Date:	
Author:	Executive Manager Engineering Services, Keith Woodward
Signature of Author:	
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY

This report recommends that the Exmouth Shire Council award Tender 02/2012 to AAA Asphalt and authorise the Executive Manager of Engineering Services to make minor changes to the scope of works and consequently the price of works during the course of construction.

BACKGROUND

The Shire budgeted $1,850,085 in the 2011/2012 budget for the construction of aviation apron extensions at Learmonth Airport.

The Shire advertised tender 02/2012 Supply and Laying of Asphalt in the West Australian Newspaper on the 7th and 14th January 2012. The Shire received one tender submission by the tender closing date and time.

The tender submission was from AAA Asphalt.

Advertising Details

Attachment 3- copies of the newspaper advertisements.

COMMENT

The tender submission was assessed by the Shire's Executive Manager of Engineering Services. The tender was assessed against the compliance criteria and ranked accordingly. The assessment then adopted best value for money approach.

CONSULTATION

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Section 3.57 of the Local Government Act (LGA) 1995 and the LGA Functions and General Regulations, 11 to 24G.

Regulation 18 (4) of the Local Government (Functions and General) Regulations states:

"Tenders that have not been rejected under sub regulation (1), (2), or (3) are to be assessed by the local government by means of a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept and it is to decide which of them it thinks it would be most advantageous to the local government to accept."

It is recommended all tenders be evaluated on selection criteria by which each tender is assigned a score based on the tenderers capacity to meet tender objectives.

The Contract may be awarded to a Tenderer who best demonstrates the ability to carry out the required service at a competitive price. The tendered prices will be assessed with the following qualitative and compliance criteria to determine the most advantageous outcome to the Principal.

This means that, although price is considered, the Tender containing the lowest price will not necessarily be accepted, nor will the offer ranked the highest on the qualitative criteria.

Tender 02/2012 Selection Criteria

"These criteria will not be point scored. Each Tender will be assessed on a Yes/No basis as to whether the criterion is satisfactorily met. An assessment of 'No' against any criterion may eliminate the Tender from consideration."

	Compliance Criteria	**AAA Asphalt**	
(h)	***Completion of Tenderers Offer*** *(Including the Price Schedule and Offer Form and Tenderer Information Form)*	Yes	
(i)	***Compliance with the Conditions of Tendering***	Yes	
(j)	***Compliance with Specification***	Yes	
(k)	***Corporate Information*** • *Advise if agent or a trust for another party.* • *Provide evidence as to ability, if awarded the Contract, to fulfil the Requirements from your own resources or from resources readily available to you.* • *Provide details of a minimum of two referees including their Name, Position, Company, Address and contact Telephone Number*	Yes	
(l)	***Financial Position*** • *Tenderer to confirm ability to pay all debts in full as and when they fall due, and* • *Advise of any current litigation as a result of which you may be liable for $50,000 or more.*	Yes	
(m)	***Conflict of Interest*** • *Will any actual or potential conflict of interest in the performance of your obligations under the Contract exist if you are awarded the Contract, or are any such conflicts of interest likely to arise during the Contract?*	Yes	
(n)	***Insurance*** • *Provide evidence of current insurance coverage that meets the Requirements of this Request.*	Yes	

Qualitative Criteria		**AAA Asphalt**	
D) Organisation Capabilities *Tenderers must, as a minimum, address the following information in an attachment and label it* ***'Attachment 8 Organisation Capabilities'****:*	***Weighting 40%***	40%	
E) Personnel *Tenderers must, as a minimum, address the following information in an attachment and label it* ***'Attachment 9 Personnel'****:*	***Weighting 35%***	35%	
F) Performance *Tenderers must, as a minimum, address the following information in an attachment and label it* ***"Attachment 10 Performance"****:*	***Weighting 25%***	25%	

Price Consideration	**AAA Asphalt**	
The non-weighted cost method is used where functional considerations such as capacity, quality, transitional and adaptability are seen to be crucial to the outcome of the contract. The evaluation panel will make a series of value judgements based on the capability of the Tenderers to complete the Requirements and a number of factors will be considered including: *(c) the qualitative ranking of each Tenderer; and* *(d) the pricing submitted by each Tenderer.* *Once the Tenders have been ranked, the evaluation panel will make a value judgement as to the cost affordability, qualitative ranking, and risk of each Tender, in order to determine the Tender, which is most advantageous to the Principal.* *The tendered price will be considered along with related factors affecting the total cost to the Principal e.g. the lifetime operating costs of goods or the Principal's contract management costs may also be considered in assessing the best value for money outcome.*	$626,845. Mobilisation $30,000 Excluding GST	

Based on compliance with the tender submission AAA Asphalt was the most successful tender.

POLICY IMPLICATIONS
Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS
The Shire budgeted $1,850,085 in the 2011/2012 budget for the construction of aviation apron extensions at Learmonth Airport. The Supply and Laying of Asphalt is required as part of the construction project.

STRATEGIC IMPLICATIONS
Strategic Community Plan 2011-Outcome 1.5 Maintain and Improve Shire Infrastructure

VOTING REQUIREMENTS
Absolute Majority

OFFICER'S RECOMMENDATION – 10.7.3

That the Council of the Shire of Exmouth Award Tender 02/2012 to AAA Asphalt for $659,845 excluding GST and authorise the Executive Manager of Engineering Services to make minor changes to the scope of works and consequently the price of works during the course of construction.

COUNCIL DECISION – 28-0212 – 10.7.3

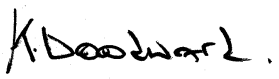
Moved Councillor Fitzgerald, Seconded Councillor Thompson.
That the Council of the Shire of Exmouth Award Tender 02/2012 to AAA Asphalt for $659,845 excluding GST and authorise the Executive Manager of Engineering Services to make minor changes to the scope of works and consequently the price of works during the course of construction.

CARRIED BY ABSOLUTE MAJORITY 6/0

10. REPORTS OF OFFICERS

10.7 Executive Manager Engineering Services

10.7.4 Tender 03/2012 Supply and Installation Helicopter Floodlighting Learmonth Airport Exmouth

Location:	Exmouth
Applicant:	
File Reference:	
Disclosure of Interest:	Nil
Date:	8 February 2012
Author:	Executive Manager Engineering Services, Keith Woodward
Signature of Author:	
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY
This report recommends that the Exmouth Shire Council award Tender 03/2012 to Trick Electricks and authorise the Executive Manager of Engineering Services to make minor changes to the scope of works and consequently the price of works during the course of construction.

BACKGROUND
The Shire budgeted $1,850,085 in the 2011/2012 budget for the construction of aviation apron extensions at Learmonth Airport.

The Shire advertised tender 03/2012 Supply and Installation Helicopter Floodlighting Learmonth Airport Exmouth in the West Australian Newspaper on Tuesday 17th January 2012. It was also advertised in the Northern Guardian but due to the road closures by Bushfire the edition was delivered just prior to the advertised closing date. As well the advert was posted on the Council webpage, noticeboards. The Shire received one tender submission by the tender closing date and time. The tender submission was from Trick Electricks.

The Shire received one additional tender after the tender closing date and time. This tender was not reviewed.

Advertising Details

Attachment 4- copies of the newspaper advertisements.

COMMENT
The tender submission was assessed by the Shire's Executive Manager of Engineering Services. The tender was assessed against the compliance criteria and ranked accordingly. The assessment then adopted best value for money approach.

CONSULTATION
Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT
Section 3.57 of the Local Government Act (LGA) 1995 and the LGA Functions and General Regulations, 11 to 24G.

Regulation 18 (4) of the Local Government (Functions and General) Regulations states:

"Tenders that have not been rejected under sub regulation (1), (2), or (3) are to be assessed by the local government by means of a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept and it is to decide which of them it thinks it would be most advantageous to the local government to accept."

It is recommended all tenders be evaluated on selection criteria by which each tender is assigned a score based on the tenderers capacity to meet tender objectives.

The Contract may be awarded to a Tenderer who best demonstrates the ability to carry out the required service at a competitive price. The tendered prices will be assessed with the following qualitative and compliance criteria to determine the most advantageous outcome to the Principal.

This means that, although price is considered, the Tender containing the lowest price will not necessarily be accepted, nor will the offer ranked the highest on the qualitative criteria.

Tender 02/2012 Selection Criteria

"These criteria will not be point scored. Each Tender will be assessed on a Yes/No basis as to whether the criterion is satisfactorily met. An assessment of 'No' against any criterion may eliminate the Tender from consideration."

	Compliance Criteria	**Trick Electricks**	
(o)	***Completion of Tenderers Offer*** *(Including the Price Schedule and Offer Form and Tenderer Information Form)*	Yes	
(p)	***Compliance with the Conditions of Tendering***	Yes	
(q)	***Compliance with Specification***	Yes	
(r)	***Corporate Information*** • *Advise if agent or a trust for another party.* • *Provide evidence as to ability, if awarded the Contract, to fulfil the Requirements from your own resources or from resources readily available to you.* • *Provide details of a minimum of two referees including their Name, Position, Company, Address and contact Telephone Number*	Yes	
(s)	***Financial Position*** • *Tenderer to confirm ability to pay all debts in full as and when they fall due, and* • *Advise of any current litigation as a result of which you may be liable for $50,000 or more.*	Yes	
(t)	***Conflict of Interest*** • *Will any actual or potential conflict of interest in the performance of your obligations under the Contract exist if you are awarded the Contract, or are any such conflicts of interest likely to arise during the Contract?*	Yes	
(u)	***Insurance*** • *Provide evidence of current insurance coverage that meets the Requirements of this Request.*	Yes	

Qualitative Criteria		**Trick Electricks**	
G) Organisation Capabilities *Tenderers must, as a minimum, address the following information in an attachment and label it* ***'Attachment 8 Organisation Capabilities'****:*	***Weighting 40%***	40%	
H) Personnel *Tenderers must, as a minimum, address the following information in an attachment and label it* ***'Attachment 9 Personnel'****:*	***Weighting 35%***	35%	
I) Performance *Tenderers must, as a minimum, address the following information in an attachment and label it* ***"Attachment 10 Performance"****:*	***Weighting 25%***	25%	

Price Consideration	**Trick Electricks**	
The non-weighted cost method is used where functional considerations such as capacity, quality, transitional and adaptability are seen to be crucial to the outcome of the contract. The evaluation panel will make a series of value judgements based on the capability of the Tenderers to complete the Requirements and a number of factors will be considered including: *(e) the qualitative ranking of each Tenderer; and* *(f) the pricing submitted by each Tenderer.* *Once the Tenders have been ranked, the evaluation panel will make a value judgement as to the cost affordability, qualitative ranking, and risk of each Tender, in order to determine the Tender, which is most advantageous to the Principal.* *The tendered price will be considered along with related factors affecting the total cost to the Principal e.g. the lifetime operating costs of goods or the Principal's contract management costs may also be considered in assessing the best value for money outcome.*	$53,700.00 Excluding GST	

Based on compliance with the tender submission Trick Electricks was the most successful tender.

POLICY IMPLICATIONS
Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS
The Shire budgeted $1,850,085 in the 2011/2012 budget for the construction of aviation apron extensions at Learmonth Airport. The Supply and Installation Helicopter floodlighting is required as part of the construction project.

STRATEGIC IMPLICATIONS
Strategic Community Plan 2011-Outcome 1.5 Maintain and Improve Shire Infrastructure

VOTING REQUIREMENTS
Absolute Majority

OFFICER'S RECOMMENDATION – 10.7.4

That the Council of the Shire of Exmouth Award Tender 03/2012 to Trick Electricks for $53,700.00 excluding GST and authorise the Executive Manager of Engineering Services to make minor changes to the scope of works and consequently the price of works during the course of construction.

COUNCIL DECISION – 29-0212 – 10.7.4

Moved Councillor Hood, Seconded Councillor Fitzgerald.

That the Council of the Shire of Exmouth Award Tender 03/2012 to Trick Electricks for $53,700.00 excluding GST and authorise the Executive Manager of Engineering Services to make minor changes to the scope of works and consequently the price of works during the course of construction.

CARRIED BY ABSOLUTE MAJORITY 6/0

11. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

COUNCIL DECISION – 30-0212 – ITEM 12

Moved Councillor Fitzgerald, Seconded Councillor Hood
That the Council of the Shire of Exmouth accept the New Business of an Urgent Nature - Tender EX-01-2012 Reid Street Flood Mitigation Works Stage 1.

CARRIED 6/0

The Shire President, CR Shales declared an interest in the following report and left the room at 4.49pm. Cr Fitzgerald assumed the chair.

12.1 Tender EX-01-2012 Reid Street Flood Mitigation Works Stage 1

Location:	Exmouth
Applicant:	
File Reference:	
Disclosure of Interest:	Nil
Date:	14 February 2012
Author:	Executive Manager Engineering Services, Keith Woodward
Signature of Author:	K.Doodward.
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY

This report recommends that the Exmouth Shire Council award Tender EX-01-2012 Reid Street Flood Mitigation Works Stage 1 to Exmouth Civil and authorise the Executive Manager of Engineering Services to make minor changes to the scope of works and consequently the price of works during the course of construction.

BACKGROUND

In June 2011 the Exmouth Shire Council passed the following resolution:

OFFICER'S RECOMMENDATION – 12.2
That the Council of the Shire of Exmouth:

1. *Accept the Department of Local Government and Regional Development- Regional Infrastructure Funding Programme grant of $1,100,000 and the Government of Western Australia Fire and Emergency Services - Natural Disaster Resilience Program Western Australian grant of $1,150,000 for the LIA/Reid Street Flood mitigation project.*

The Shire President and CEO be authorised to sign and duly seal the Financial Assistance Agreement.

COUNCIL DECISION - 2114 – 12.2

Moved Councillor Todd, seconded Councillor Fitzgerald
That the Council of the Shire of Exmouth:

2. ***Accept the Department of Local Government and Regional Development-Regional Infrastructure Funding Programme grant of $1,100,000 and the Government of Western Australia Fire and Emergency Services - Natural Disaster Resilience Program Western Australian grant of $1,150,000 for the LIA/Reid Street Flood mitigation project.***

The Shire President and CEO be authorised to sign and duly seal the Financial Assistance Agreement.

CARRIED 5/0

The Shire's Engineering Services Department engaged Greenfield Technical Services Geraldton to manage the tender, specifications and contract superintendent activities. On behalf of the Shire of Exmouth Greenfield Technical Services advertised tender EX-01-2012 in the West Australian newspaper, conducted the pre tender meetings and the tender submission assessment process. The associated tender assessment report will be provided to Council prior to the February 2012 Council meeting.

COMMENT

The following project objectives have been achieved:

1. The project is worth $5,500,000. The Shire has successfully attained $2,250,000 for expenditure in 2012
2. Stage one of the project was tendered in January 2012
3. Stage 2 funding applications have been submitted to the State Government
4. The geotechnical investigation and assessment has been completed
5. The construction drawings, construction tender and superintendents representative specification have been produced and the project has been tendered and the superintendents representative engaged
6. The Heritage assessment and report has been received
7. The Department of Regional Development and Lands Reserve 29066 management order in favour of the Shire of Exmouth for the purpose of drainage and recreation has been received
8. The Department of Environment and Conservation, native vegetation clearance permit has been received
9. The Department of Water permit to interfere with the water course has been received
10. The Department of Water civil flood mitigation guidance advise has been received
11. The Department of Transport New Coastal Asset letter of Support has been received
12. The design engineers have confirmed the staged construction of works

Attachment 5- Floodway Construction Design Drawing

CONSULTATION
Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT
Local Government Act 1995
Local Government (Functions and General) Regulations 1996

POLICY IMPLICATIONS
Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS
The Department of Local Government and Regional Development-Regional Infrastructure Funding Programme $1,100,000 and the Government of Western Australia Fire and Emergency Services- Natural Disaster Resilience Program Western Australian $1,150,000 grants have been received.

Stages 1 tendered works are within budget.

STRATEGIC IMPLICATIONS
Strategic Community Plan 2011-Outcome 1.5 Maintain and Improve Shire Infrastructure

VOTING REQUIREMENTS
Absolute Majority

OFFICER'S RECOMMENDATION – 12.1

That the Council of the Shire of Exmouth Award Tender EX-01-2012 to Exmouth Civil for $1,646,188.79 and authorise the Executive Manager of Engineering Services to make minor changes to the scope of works and consequently the price of works during the course of construction.

COUNCIL DECISION – 31-0212 – 12.1

Moved Councillor Warren, Seconded Councillor Thompson.
That the Council of the Shire of Exmouth Award Tender EX-01-2012 to Exmouth Civil for $1,646,188.79 and authorise the Executive Manager of Engineering Services to make minor changes to the scope of works and consequently the price of works during the course of construction.

CARRIED BY ABSOLUTE MAJORITY 5/0

The Shire President re-entered the room at 4.51pm and resumed the chair.

12.2 Reschedule of Ordinary Council Meeting in April

The CEO advised Council that the ordinary meeting proposed for April has been scheduled for the 19 April, which is in the second week of school holidays. Also a delegation from Actual to Ideal, consultants undertaking the Exmouth Visitor Centre review, has been scheduled for Tuesday 24 April, is there an opportunity to amend the meeting date for the week later being 26 April.

COUNCIL MOTION – 32-0212 – 12.2

Moved Councillor Thompson, moved councillor Winzer.
That the Council of the Shire of Exmouth resolve to reschedule their April Ordinary meeting to the 26th of April 2012.

CARRIED 6/0

13. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS

Nil

14. CLOSURE OF MEETING

The President declared the meeting closed at 4.56pm.