



Ordinary Council Meeting  
Agenda  
24 February 2016

# NOTICE OF MEETING

Notice is hereby given that the

Shire of Exmouth  
Ordinary Council Meeting

will be held on  
24 February 2016  
Commencing at 5.00pm  
In the Council Chambers, Administration Centre,  
22 Maidstone Crescent, Exmouth



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**Bill Price**

**Chief Executive Officer**

**24 February 2016**

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## **Disclaimer**

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

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

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**DECLARATION OF INTERESTS (NOTES FOR YOUR GUIDANCE) (updated 13 March 2000)**

A member who has a **Financial Interest** in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest:

- (a) In a written notice given to the Chief Executive Officer before the Meeting or;
- (b) At the Meeting, immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- (c) Preside at the part of the Meeting, relating to the matter or;
- (d) Participate in, or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under Section 5.68 or Section 5.69 of the *Local Government Act 1995*.

**NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)**

The following notes are a basic guide for Councillors when they are considering whether they have a **Financial Interest** in a matter. I intend to include these notes in each agenda for the time being so that Councillors may refresh their memory.

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measure in money terms. There are exceptions in the *Local Government Act 1995* but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
  - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the *Local Government Act*; or
  - 6.2 Where the Minister allows the Councillor to participate under s5.69 (3) of the *Local Government Act*, with or without conditions.

**INTERESTS AFFECTING IMPARTIALITY**

**DEFINITION:** *An interest that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected, but does not include an interest as referred to in Section 5.60 of the 'Act'.*

A member who has an **Interest Affecting Impartiality** in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest;

- (a) in a written notice given to the Chief Executive Officer before the Meeting; or
- (b) at the Meeting, immediately before the matter is discussed.

**IMPACT OF AN IMPARTIALITY CLOSURE**

There are very different outcomes resulting from disclosing an interest affecting impartiality compared to that of a financial interest. With the declaration of a financial interest, an elected member leaves the room and does not vote.

With the declaration of this new type of interest, the elected member stays in the room, participates in the debate and votes. In effect then, following disclosure of an interest affecting impartiality, the member's involvement in the Meeting continues as if no interest existed.

## SHIRE OF EXMOUTH DISCLOSURE OF INTEREST

**To: Chief Executive Officer**

As required by Section 5.65(1)(a) of the Local Government Act 1995, I \_\_\_\_\_ hereby declare my interest in the following matters included on the Agenda paper for the Council/Committee meeting to be held on \_\_\_\_\_ (Date).

Item No.	Subject	Details of Interest	*Extent of Interest (see below)

\*Extent of Interest only has to be declared if the Councillor also requests to remain present at a meeting, preside, or participate in discussions or the decision making process (see item 6 below)

Councillor / Employee Signature \_\_\_\_\_ Date \_\_\_\_\_

NB:

1. This notice must be given to the Chief Executive Officer prior to the meeting or at the meeting immediately before the matter in which you have an interest is discussed, Section 5.65(2)(a) & (b).
2. It remains Councillor's responsibility to make further declarations to the Council if a matter arises during the course of a meeting and no previous declarations have been made.
3. It is a Councillor's responsibility to ensure that the interest is brought to the attention of the Council/Committee when the Agenda item arises and to ensure that it is recorded in the minutes.
4. It remains the Councillor's responsibility to ensure that he/she does not vote on a matter in which a declaration has been made, unless specifically entitled under the Local Government Act 1995. This responsibility also includes the recording of particulars in minutes to ensure they are correct when such minutes are being confirmed.
5. It is recommended that when previewing Agendas, Councillors mark Agendas with items on which an interest is to be declared and complete the declaration form at the same time.
6. Councillors may be allowed to remain at meetings at which they have declared an interest and may also be allowed to preside (if applicable) and participate in discussions and the decision making process upon the declared matter subject to strict compliance with the enabling provisions of the Local Government Act 1995 and appropriately recorded resolutions of the Council. Where Councillor's request consideration of such Council approval the affected Councillor must vacate the Council Chambers in the first instance whilst the Council discusses and decides upon the Councillor's application.
7. Local Governments are required to include in their codes of conduct certain provisions in relation to the disclosure of interests that are perceived to affect the impartiality of elected members or employees. It is the Councillor's responsibility to declare those matters where they perceive they may have an Impartiality Interest – however Councillor's are entitled to stay in the room, participate in the debate and vote on matters where they have declared an Impartiality Interest.

Remember: The responsibility to declare an interest rests with individual Councillors. If Councillor's are in any doubt seek legal opinion or, to be absolutely sure, simply declare in any case.

**Office Use Only:**

**Date/Initial**

1. Particulars of declaration given to the meeting \_\_\_\_\_

2. Particulars recorded in the minutes \_\_\_\_\_

Signed by the Chief Executive Officer \_\_\_\_\_

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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**
- 2. RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE**
- 3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
- 4. PUBLIC QUESTIONS TIME**

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

Council Consideration Towards Public

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

When a matter is listed on the Agenda and member/s of the public are in attendance to observe the determination of the matter, out of courtesy and at the discretion of the President the matter is to be brought forward on the agenda and dealt with immediately

to allow the public to observe the determination of the matter (again this obviates the need for the public to wait an indeterminate period of time).

**5. DECLARATIONS OF INTEREST**

Item/Description	Name	Detail of Interest	Extent of Interest

**6. APPLICATIONS FOR LEAVE OF ABSENCE**

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

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

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

That the Minutes of the Shire of Exmouth Ordinary Meeting held on the 27 January 2016 & the Audit Committee Meeting held on the 22 February 2016 be confirmed as a true and correct record of proceedings.

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

**9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

**10. REPORT OF COUNCILLORS**

Date	Activity	Councillor					
		Cr Shales	Cr Hood	Cr Coote	Cr McHutchison	Cr Roscic	Cr Todd



## **11 EXECUTIVE SERVICES**

### **11.1 2015 COMPLIANCE AUDIT RETURN**

File Reference:	FM.AD.1
Responsible Officer:	Chief Executive Officer
Date of Report:	17 February 2016
Applicant/Proponent:	Department of Local Government
Disclosure of Interest:	Nil
Attachment(s):	1. Audit Committee Meeting Minutes 22 February 2016 2. 2015 Compliance Audit Return

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#### **PURPOSE**

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

#### **BACKGROUND**

Pursuant to Regulations 14 & 15 of the *Local Government (Audit) Regulations 1996*, each year Local Governments are required to complete the Compliance Audit Return for Local Government. Part of this process requires the presentation of the Compliance Return to the Audit Committee, previously the ordinary Council meeting, where it is to be formally adopted 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 were no matters of non-compliance contained within the report:

#### **COMMENT**

A copy of the Minutes of the Audit Committee held on Monday 22 February 2016 and completed 2015 Compliance Audit Return is provided to Councillors for consideration (Refer Attachment 1 & 2).

#### **CONSULTATION**

Senior Managers delegated responsibility for certain functions have completed relevant sections of the Return.

#### **STATUTORY ENVIRONMENT**

Pursuant to Regulations 14 & 15 of the *Local Government (Audit) Regulations 1996* requires the 2015 Compliance Audit Return to be completed and returned by the 31 March 2016.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2012-2016.

- Civic Leadership: 4    To work together as custodians of now and the future.
- 4.1    *To be a collaborative community with the capacity to manage the current and future direction of Exmouth.*
  - 4.2    *A local government that is respected, professional, trustworthy and accountable.*
  - 4.3    *To be strong advocates representing the region's interests.*

**VOTING REQUIREMENTS**

Absolute Majority

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**OFFICER'S RECOMMENDATION****ITEM 11.1**

That Council endorse the completed 2015 Compliance Audit Return.

## 11.2 AMENDMENT TO LEASE AREA – LOT 1 EXMOUTH AERODROME

File Reference:	CP.OP.2
Responsible Officer:	Executive Manager Aviation Services
Date of Report:	16 February 2016
Applicant/Proponent:	Peter & Heather Lake T/A Lakewood Trust
Disclosure of Interest:	Nil
Attachment(s):	1. Lot 1 lease plan – Exmouth Aerodrome (EXM-005 v3) 2. Request to amend Lot 1 Exmouth Aerodrome lease area

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### PURPOSE

This report seeks Council's approval to amend the lease area of Lot 1 at Exmouth Aerodrome (Lyndon Location 73) from 2,565m<sup>2</sup> to 2,137.5m<sup>2</sup> by executing an Amendment to Lease Agreement.

### BACKGROUND

At the 17 April 2014 Ordinary Council Meeting, Council resolved to enter into a lease with Peter & Heather Lake trading as Lakewood Trust (hereby known as Lakewood Trust) for Lot 1 at Exmouth Aerodrome (Lyndon Location 73) being 2,565m<sup>2</sup> for a term of 10 years + 10 years. This lease commenced on 1 January 2014 and was executed on 13 May 2014.

### COMMENT

On 11 February 2015, the proponent requested that the eastern boundary of Lot 1 be reduced by 7.5m as the land between an existing bore and the carpark is surplus to their needs.

A new lease plan (refer Attachment 1) has been prepared detailing the reduced lease area from 2,565m<sup>2</sup> to 2,137.5m<sup>2</sup>, thus adjusting the width of the lot from 45m to 37.5m. The reduction in lease area also provides additional area to the car park located between Lots 1 and 2.

An Amendment to Lease Agreement has been prepared detailing the requested changes and also includes some minor administrative amendments. The proponent has advised they are in agreement with the proposed amendments to the lease (refer Attachment 2). Changes to the existing eastern boundary will be undertaken by and at the expense of the proponent.

### CONSULTATION

Lakewood Trust

### STATUTORY ENVIRONMENT

As this is an amendment to an existing lease, the requirement of advertising the Disposal of Property under Section 3.58 of the *Local Government Act 1995* have already been met.

### POLICY IMPLICATIONS

Policy 2.4 - Leases

## FINANCIAL IMPLICATIONS

The reduction in lease area will see a reduction in rental return to Council from year 5 onwards of the lease by a value of 427.5m<sup>2</sup> x the applicable per m<sup>2</sup> reviewed rental amount.

## STRATEGIC IMPLICATIONS

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2012-2016.

- Economic:           1    To be a diverse and innovative economy with a range of local employment opportunities.  
                          1.5   *Maintain and improve Shire infrastructure.*
- Civic Leadership:  4    To work together as custodians of now and the future.  
                          4.1   *To be a collaborative community with the capacity to manage the current and future direction of Exmouth.*  
                          4.2   *A local government that is respected, professional, trustworthy and accountable.*

## VOTING REQUIREMENTS

Simple Majority

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## OFFICER'S RECOMMENDATION

## ITEM 11.2

That Council:

1. Endorse amendment to the lease area of Lot 1 at Exmouth Aerodrome (Lyndon Location 73) from 2,565m<sup>2</sup> to 2,137.5m<sup>2</sup> as detailed in Attachment 1, by executing an Amendment to Lease Agreement with Peter & Heather Lake trading as Lakewood Trust (ABN 24 192 984 992); and
2. Delegate Authority to the Chief Executive Officer to execute the Amendment to Lease Agreement upon amended leasing conditions being to the satisfaction of the Chief Executive Officer.

### **11.3 EXMOUTH GOLF CLUB – REQUEST FOR PINDAN SAND**

File Reference:	RC.LI.12
Responsible Officer:	Chief Executive Officer
Date of Report:	17 February 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Cr Hood, Cr McHutchison, CEO Impartiality Interest
Attachment(s):	Nil

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#### **PURPOSE**

This report recommends that Council support the donation of 2,500m<sup>3</sup> of sand from the Council's Pindan Pit for the purpose of undertaking grassing of fairways project at the Exmouth Golf Club.

#### **BACKGROUND**

Council would be aware that the Exmouth Golf Club has been successful in obtaining grant funding from the Department of Sport & Recreation CSRFF funding program to plant grass on fairways that have been recently reticulated as part of the Water Corporations Effluent Reuse Scheme.

The committee is proposing to grass 5 hectares of 12 fairways on the golf course. This will not grass all of these fairways but will provide a substantial improvement to the amenity of the areas grassed. The club are focussing on the areas surrounding the sand greens and fairway approaches to these greens.

To maximise the establishment of the areas planned to be planted with grass, the golf club would like to spread 50mm of pindan over these areas. In the past all pindan supplied to the Exmouth Golf Club by various contractors has not incurred a cost from the shire for the supply of the pindan.

The Club want to confirm that this is still the case and the amount of pindan we are proposing to cart is estimated at 2,500m<sup>3</sup>.

The Club are proposing to approach contractors from town to cart the pindan to the golf course.

#### **COMMENT**

The purpose of the Pindan Pit is for the use in municipal purposes and has been traditionally used free of charge by the community sporting organisations who require the pindan product. As the Golf Course is located on Council land it could be considered that the purpose of the sand is a municipal purpose.

#### **CONSULTATION**

Nil.

#### **STATUTORY ENVIRONMENT**

Nil.

## POLICY IMPLICATIONS

Nil.

## FINANCIAL IMPLICATIONS

Nil.

## STRATEGIC IMPLICATIONS

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2012-2016.

- Economic:           1    To be a diverse and innovative economy with a range of local employment opportunities.  
                          1.3    *Diverse tourism opportunities.*
- Environment:       2    To have a balanced respect for our environment and heritage, both natural and built.  
                          2.4    *To be a leader in eco-friendly initiatives and innovations.*  
                          2.5    *To make Exmouth an attractive town that is a comfortable and welcoming place to live and visit, and reflects the lifestyle values and unique natural environment.*
- Social:               3    To be a dynamic, passionate and safe community valuing natural and cultural heritage.  
                          3.2    *Excellent lifestyle, recreational and cultural facilities.*  
                          3.5    *Maintain and increase participation levels in local community organisations and clubs.*  
                          3.7    *Residents and visitors have access to appropriate services and facilities to enhance their health and wellbeing.*
- Civic Leadership:  4    To work together as custodians of now and the future.  
                          4.1    *To be a collaborative community with the capacity to manage the current and future direction of Exmouth.*

## VOTING REQUIREMENTS

Simple Majority

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## OFFICER'S RECOMMENDATION

## ITEM 11.3

That Council support the donation of 2,500m<sup>3</sup> of sand from the Council's Pindan Pit for the purpose of undertaking grassing of fairways project at the Exmouth Golf Club.

## 12 CORPORATE SERVICES

### 12.1 FINANCIAL STATEMENT FOR PERIOD ENDING 31 JANUARY 2016

File Reference:	FM.FL.0
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	12 February 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Financial Report as at 31 January 2016

#### PURPOSE

The provisions of the Local Government Act 1995 and associated Regulations require a monthly financial report for presentation to the Council. This report recommends Council accept the financial report.

#### BACKGROUND

A financial report for the period ended 31 January 2016 has been prepared and a copy of the Report is attached.

The following table displays the Council's year to date position to 31 January 2016 including the projected closing position for 2015/16 financial year. The 2015/16 Budget estimated to deliver a budget with a small surplus of \$2,880, however the current projected forecast closing position to 30 June 2016 will reduce to a deficit of (\$33,038).

2015/16	Year to Date Actual	Year to Date Budget	Amended Budget	On Target with YTD Budget	Forecast to 30/6/16	Forecast Impact on Surplus
	\$	\$	\$	%		
Operating Revenue	19,503,861	10,132,570	33,132,978	233.5%	33,392,541	▲
Operating Expenditure	(10,311,651)	(10,426,109)	(17,520,744)	98.9%	(17,379,867)	▲
Non Operating Revenue	1,087,627	1,092,494	3,739,322	99.6%	2,210,777	▼
Non Operating Expenditure	(5,480,018)	(1,812,973)	(24,655,384)	302.3%	(23,533,812)	▲
Non cash Items Included	2,519,360	2,112,532	3,873,829	119.3%	3,873,829	
Surplus C/Fwd June 2015	1,403,494	1,432,879	1,432,879	97.9%	1,403,494	▼
<b>Surplus/(Deficit)</b>	<b>8,722,673</b>	<b>2,531,393</b>	<b>2,880</b>	<b>344.6%</b>	<b>(33,038)</b>	<b>▼</b>

Monitoring of the financial statements will occur each month until the end of the financial year and the forecast result may change each month as future expenditure and revenue expectations are refined and additional information is received.

## COMMENT

### Financial Ratios

The following financial ratios are designed to provide a clearer interpretation of the performance and financial results of Council and a comparison with the annual budget.

Key Performance Indicators		YTD Actual	YTD Budget	Amended Budget
<b>Operating Sustainability</b>				
<b>Operating Surplus Ratio</b>	<i>An indicator of the extent of which revenues raised covers operational expenses only or are available for capital funding</i>			
	Operating revenue minus Operating Expense	(1,241,532)	(1,075,581)	(4,363,850)
	Own source Operating Revenue	7,940,415	8,258,574	10,954,106
	<b>Target Standards - Ratio is between 0 and 15%</b>	<b>-16%</b>	<b>-13%</b>	<b>-40%</b>
<b>Asset Sustainability Ratio</b>				
<b>Asset Sustainability Ratio</b>	<i>An indicator of the extent to which assets managed by a local government are being renewed or replaced as they reach the end of their useful lives</i>			
	Capital renewal and replacement expenditure	639,642		888,656
	Depreciation Expense	2,507,933		4,187,091
	<b>Target Standards - Ratio is greater than 0.90</b>	<b>0.26</b>		<b>0.21</b>
<b>Own Source Revenue Ratio</b>				
<b>Own Source Revenue Ratio</b>	<i>An indicator of a local government's ability to cover its costs through its own revenue efforts</i>			
	Own source operating revenue	7,940,415	8,258,574	10,954,106
	Operating Expenses	10,311,651	10,442,391	17,520,744
	<b>Target Standards - Ratio is greater than 0.40</b>	<b>0.77</b>	<b>0.79</b>	<b>0.63</b>
<b>Debt Ratio</b>				
<b>Debt Service Cover Ratio</b>	<i>An indicator of a local government's ability to generate sufficient cash to cover its debt payments</i>			
	Operating surplus before interest expenses and depreciation	1,306,892	1,403,469	(111,110)
	Principal and interest expense	98,867	96,596	177,035
	<b>Target Standards - Ratio is greater than or equal to 2</b>	<b>13.22</b>	<b>14.53</b>	<b>-0.63</b>
<b>Liquidity Ratio</b>				
<b>Current Ratio</b>	<i>A measure of a local government's liquidity and its ability to meet its short term financial obligations from unrestricted current assets</i>			
	Current Assets less Restricted Assets	9,089,623		1,085,230
	Current Liabilities less Current Liabilities associated with Restricted Assets	1,063,259		628,003
	<b>Target Standards - Ratio is greater than or equal to 1</b>	<b>8.55</b>		<b>1.73</b>



## Statement of Financial Position

Total Current Assets have decreased by 8.57% from December 2015 to January 2016 due to rates and GST Receivable payments received in January 2016. Current Liabilities have also decreased by 44.09% from December 2015 to January 2016 due to a decrease in supplier invoices payable and accrued expenditure. Non-Current Assets have decreased slightly by 0.30% due to depreciation of assets. Non-Current Liabilities remain unchanged from December 2015.

	31/01/2016	31/12/15	% Change
<b>Current</b>			
Assets	13,780,875	15,072,330	(8.57%)
Liabilities	(1,411,235)	(2,524,030)	(44.09%)
<b>Non Current</b>			
Assets	83,632,070	83,887,550	(0.30%)
Liabilities	(1,437,766)	(1,437,766)	0.00%
<b>NET ASSETS</b>	<b>94,563,945</b>	<b>94,998,084</b>	

## Capital Expenditure

The 2015/16 budget included \$23,328,051 for capital expenditure, with the majority of expenditure associated with major projects including Ningaloo Centre and infrastructure improvements. The timing of projects has occurred earlier than planned and the table below shows Council is 282% above the year to date budget.

Asset Class	Year to Date Actual	Year to Date Budget	YTD Variance	Annual Budget
	\$	\$	%	\$
Land & Buildings	2,010,179	131,412	1530%	19,046,000
Furniture & Equipment	41,761	14,000	298%	24,000
Land Held for Resale	(116,125)	0		109,386
Plant & Equipment	566,120	650,312	87%	809,412
Infrastructure Roads	2,087,093	743,718	281%	2,763,458
Infrastructure Other	329,587	202,737	163%	575,795
<b>TOTAL</b>	<b>4,918,616</b>	<b>1,742,179</b>	<b>282%</b>	<b>23,328,051</b>

## CONSULTATION

Nil

## STATUTORY ENVIRONMENT

In accordance with the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996*, a Statement of Financial Activity is required to be presented to Council as a minimum requirement.

## POLICY IMPLICATIONS

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2012-2016.

- Civic Leadership: 4 To work together as custodians of now and the future.  
4.2 *A local government that is respected, professional, trustworthy and accountable.*

**VOTING REQUIREMENTS**

Simple Majority

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**OFFICER'S RECOMMENDATION****ITEM 12.1**

That Council pursuant to Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Administration) Regulations 1996 resolves to receive the Financial Reports for the financial period ending 31 January 2016.

## 12.2 LIST OF ACCOUNTS FOR PERIOD ENDING 31 JANUARY 2016

File Reference:	FM.FI.0
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	15 February 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. List of Accounts for period ending 31 January 2016.

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### PURPOSE

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

### BACKGROUND

Council continue to meet our terms of credit as established between suppliers and aspire to obtain discounts where practicable. Payments have been approved by authorised officers in accordance with agreed delegations and policy frameworks.

### COMMENT

Council has given delegated authority that allows the Chief Executive Officer to approve payments from Council's bank accounts either via cheque or through electronic lodgement.

### CONSULTATION

Nil

### STATUTORY ENVIRONMENT

Payments are to be made in accordance with Part 6, Division 4 of the *Local Government Act 1995* and as per the *Local Government (Financial Management) Regulations 1996*. Payments are to be made through the municipal fund, trust fund or reserve funds. Payments are to be in accordance with approved systems as authorised by the CEO.

### POLICY IMPLICATIONS

Policy 2.10 – Purchasing Policy and  
Policy 2.17 - Regional Price Preference Policy (where applicable)

### FINANCIAL IMPLICATIONS

Payments are made under delegated authority and are within defined and approved budgets. Payment is made within agreed trade terms and in a timely manner.

### STRATEGIC IMPLICATIONS

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2012-2016.

- Civic Leadership: 4 To work together as custodians of now and the future.  
4.2 *A local government that is respected, professional, trustworthy and accountable*

**VOTING REQUIREMENTS**

Simple Majority

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**OFFICER'S RECOMMENDATION****ITEM 12.2**

That Council pursuant to Sections 6.7 and 6.9 of the *Local Government Act 1995* resolves to accept accepts payments from 1 January to 31 January 2016 being made up of:

1. Municipal Fund \$1,576,687.68 incorporating of cheques 13231 to 13248 and direct debits;  
and
2. Trust Fund – \$3,014.85 incorporating cheque 400838 and direct debits;

with Outstanding Creditors as at 31 January 2016 being \$124,049.86

## 13 AVIATION SERVICES

### 13.1 LANDSITE DEVELOPMENT LOCALITY SITE PLAN – EXMOUTH AERODROME

File Reference:	CP.OP.2; R32867
Responsible Officer:	Executive Manager Aviation Services
Date of Report:	16 February 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none"><li>1. Exmouth Aerodrome Landside Development Locality Site Plan (EXM-004, Sheet 1 v4) with proposed amendments</li><li>2. Exmouth Aerodrome Landside Development Locality Site Plan (EXM-004 – Sheets 1&amp;3 v5, Sheets 2&amp;4 v4)</li></ol>

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#### PURPOSE

The report recommends Council to adopt the amended Exmouth Aerodrome Landside Development Locality Sites Plan (EXM-004).

#### BACKGROUND

Reserve 32867 (the Light Aircraft Strip) is currently vested with the Shire of Exmouth for the purpose of "Aerial Landing Ground". It consists of an area of 494.8598 hectares and is located adjacent to the Exmouth-Minilya Road approximately 13kms south of the Exmouth townsite. Council has been provided the power to lease for this site up to 21 years, subject to the approval of the Minister.

At the 21 March 2013 Ordinary Council Meeting, Council formally adopted the then titled Lease Allocation Plan (EXM-004) for Exmouth Aerodrome (Resolution 09-0313) as well as endorsing the preparation of Design Guidelines specific to Exmouth Aerodrome as part of the Town Planning Scheme review and delegating authority to the Chief Executive Officer to negotiate variations to leased areas.

Currently the lots at Exmouth Aerodrome all form part of Lot 73 Lyndon Location and as such are not demarcated lease areas other than those determined by Council on this plan.

Some minor amendment to the plans have been made since adoption by Council to accommodate lease reallocations.

Design guidelines for Exmouth Aerodrome have been prepared and included into the draft Town Planning Scheme No. 4 in Special Use Zone SU3 - Aerodrome.

#### COMMENT

As part of the ongoing consideration of the new Scheme, Department of Lands (DoL) has provided some initial comments for improvement to the lease areas at Exmouth Aerodrome so that the lease

areas can comply with the requirements of a Crown Sub-Division for Reserve 32867. These considerations are:

- Road reserve access to lots;
- Alignment of utilities; and
- Apron utilisation.

The benefit of a Crown Sub-Division of the Reserve is that it will create individual leasehold lots from the current Lot 73 Lyndon Location which can be registered with Landgate, thereby providing security of tenure to the leaseholder.

An amended Exmouth Aerodrome Landsite Development Locality Sites Plan (EXM-004) has therefore been prepared with the following considerations:

#### Road Reserve access to Lots

Some of the northern general aviation (GA) lots do not have direct road reserve access, which requires amendment prior to the sub-division being endorsed by DoL. The additional land within the northern GA lots will fall outside of the building envelope for the lot, but can be used for tenant and visitor parking.

#### Alignment of utilities

Previously, Council had been advised that development of the GA precinct would require the relocation of existing powerline infrastructure either by relocating existing power poles outside of lots or aircraft movement areas; or by installing an underground power system. The cost to undertake either is in the order of \$500,000 to \$2-3 million.

Discussions with the Civil Aviation Safety Authority has determined that an overhead power line can remain in the GA precinct without compromising aircraft safety, therefore relocation of existing power infrastructure can be avoided. The realignment of lots on the southern GA precinct sees power pole locations now aligning with lot boundaries or within service easement/car park areas rather than within a lot (as was the case for Lots 8, 10 & 11).

#### Apron utilisation

As the cost to build aprons is substantial, Council is best served to provide maximum utilisation of the apron area by providing as much lettable apron frontage access as possible. Having non-exclusive use car parks between lots means that prime apron access is lost.

Sound planning practises requires parking to be wholly provided within a lot, so removal of the car parks between lots is in line with this practice. Initially, the car parks were requested by the existing tenants to meet their needs for their visitor parking (noting that they are non-exclusive use car parks), so they remain around their lots in the amended plan in line with previous negotiations.

The amended plan removes the car parking areas in the GA precinct (with the exception of those between Lots 1 & 2 and Lots 10 & 11). This change has resulted in an additional 3 lots being made available. There will be a reduction in the ongoing cost to maintain car parks, and the additional lots created provide more value per dollar for the apron construction (improved rate of return on investment).

### Other amendments

There are some other minor amendments to include built infrastructure such as the toilets, shed, power pole locations and changes to Lot 1 boundary and its associated car park.

## **CONSULTATION**

Consultation will be undertaken as part of the Town Planning Scheme No. 4 process as this plan will form part of the Schemes' Special Use Zone SU3 – Aerodrome.

## **STATUTORY ENVIRONMENT**

*Land Administration Act 1997*

Shire of Exmouth Town Planning Scheme No. 4 (Draft).

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Nil

## **STRATEGIC IMPLICATIONS**

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2012-2016.

- Economic:
- 1 To be a diverse and innovative economy with a range of local employment opportunities.
    - 1.1 *To increase the number of local businesses, industries and services that will provide a range of employment opportunities for the people of Exmouth.*
    - 1.2 *Planned and balanced economic growth.*
    - 1.3 *Diverse tourism opportunities.*
    - 1.5 *Maintain and improve Shire infrastructure.*
- Civic Leadership:
- 4 To work together as custodians of now and the future.
    - 4.2 *A local government that is respected, professional, trustworthy and accountable.*

## **VOTING REQUIREMENTS**

Simple Majority

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## **OFFICER'S RECOMMENDATION**

## **ITEM 13.1**

That Council formally adopt the amended Exmouth Aerodrome Landside Development Locality Sites Plan (EXM-004, Sheets 1 & 3 v5, Sheets 2 & 4 v4) as detailed in Attachment 2 noting that it shall form part of the Exmouth Aerodrome Master Plan and the Crown Sub-Division application for Reserve 32867.

## **14 COMMUNITY ENGAGEMENT**

### **14.1 MAJOR EVENTS IN 2017 – OPENING NINGALOO CENTRE AND 50 YEARS ANNIVERSARY OF THE OPENING OF EXMOUTH TOWNSITE AND NAVAL COMMUNICATION STATION HAROLD E. HOLT**

File Reference:	CR.CE.0
Responsible Officer:	Executive Manager Community Engagement
Date of Report:	15 February 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Nil

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#### **PURPOSE**

To seek direction from Council regarding the most suitable dates in 2017 for the official opening of the Ningaloo Centre and the 50 year celebrations of the official opening of Exmouth Town & the Naval Communication Station Harold E. Holt.

#### **BACKGROUND**

The year 2017 will see two significant events with the opening of the Ningaloo Centre and the 50 year celebrations of the official opening of Exmouth Town & the Naval Communication Station Harold E. Holt.

The Ningaloo Centre is planned to be finalised and open its doors by the end of April 2017 and the 50 Celebrations are on 16 September 2017.

Substantial lead up time is required for the planning of these events to include timely bookings (entertainment, special guests), but also for grant application purposes.

Officers have commenced planning of both events, listing ideas and activities that could be undertaken and seeking initial costings. A meeting was held with community groups and individuals to seek their ideas and input. A first substantial research effort has resulted in some draft program ideas. During this process officers identified opportunities to have one combined event for both occasions. This report provides the reasons for this and seeks Council support for a combined celebration in September 2017.

#### **COMMENT**

Officers propose to organise a multiple day event on and around Saturday 16 September 2017, which incorporates the formal opening ('ribbon cutting' event) of the Ningaloo Centre as part of the 50 years Exmouth/Naval Station celebrations.

The motivations for a combined event, include:



- A precedent was set during the 30 year celebrations of the Opening of Town in 1997 which incorporated the official opening of a major project, the Exmouth Harbour.
- Costs efficiency regarding: (1) infrastructure hire (stages, sound and light equipment), (2) entertainment, (3) marketing/promotion and print material, (4) staff time and project management.
- Ningaloo Centre will be up a running for a few months and teething issues (if any) will be resolved. In addition, a day for official opening would need to be chosen after the expected 'doors open' to build in a safety margin.
- Grants; having an event in September aligns better with the timing of submitting and receiving grants. This is a valid argument for various grants available. In addition, a combined celebration creates a larger scale event with more significance and therefore increased likelihood of grant support. Finally, reduced number of grant application required for 1 event compare to 2 events.
- VIP's will only have to attend one event which should result in better attendance. VIP's would include representation from grant providers, members of parliament, USA representatives, Defence personnel, and other honoured guests.
- Mid-September is a very favourable period being the shoulder of the tourism season with accommodation availability for visitors to town.
- Finally, combining the 2 events to be held in September will give officers more preparation time.

As Council is aware, a multiple-day event was successfully held for the 100 year Vlaming Head Lighthouse celebrations.

As such, a multiple day programme could look as follows:

Friday 15 September (lunchtime)	<ul style="list-style-type: none"> <li>• Official opening of the Ningaloo Centre; ribbon cutting and public address.</li> <li>• Activities are focussed on various areas within the Ningaloo Centre and can be linked with 50 year celebration</li> <li>• Include: special events/activities in the Ningaloo Centre which highlight the Centre but also links with the 50 years Celebrations.</li> </ul>
Saturday 16 September (whole day)	<ul style="list-style-type: none"> <li>• 50 Years Celebrations events.</li> </ul>
Sunday 17 September (whole day)	<ul style="list-style-type: none"> <li>• Family events as part of 50 Years Celebrations.</li> </ul>
Throughout the whole of 2017	A range of activities could be supporting the 50 years celebrations throughout 2017 as an annual reminder, including Event Banners throughout town, Whale Shark Festival themed on 50 years, American themed events/sports.

## CONSULTATION

Nil

**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2012-2016.

- Economic:           1    To be a diverse and innovative economy with a range of local employment opportunities.  
                          1.3    *Diverse tourism opportunities.*
- Environment:       2    To have a balanced respect for our environment and heritage, both natural and built.  
                          2.3    *To have a town and community that takes pride in its world heritage status.*  
                          2.5    *To make Exmouth an attractive town that is a comfortable and welcoming place to live and visit, and reflects the lifestyle values and unique natural environment.*
- Social:               3    To be a dynamic, passionate and safe community valuing natural and cultural heritage.  
                          3.2    *Excellent lifestyle, recreational and cultural facilities.*  
                          3.3    *An inclusive, responsible and cohesive community.*  
                          3.5    *Maintain and increase participation levels in local community organisations and clubs.*

**VOTING REQUIREMENTS**

Simple Majority

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**OFFICER'S RECOMMENDATION****ITEM 14.1**

That Council supports the celebrations of the official opening of the Ningaloo Centre and the 50 year celebrations of the official opening of Exmouth Town & the Naval Communication Station Harold E. Holt to be held as one event and to take place over more than one day and at least include 16 September 2017 being the official opening of Exmouth Town.

## 15 HEALTH & BUILDING SERVICES

### 15.1 TENDER 1/2016: DEMOLITION/REMOVAL OF OLD CENTACARE OFFICE & QUOTATION 1/2016: DEMOLITION OF PREVIOUS SENIOR CITIZENS AND RSL RELATED BUILDINGS

File Reference:	CM.TE.01.2016
Responsible Officer:	Executive Manager Health & Building Services
Date of Report:	11 February 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. 17 December 2015 OCM Report 11.5.2 Demolition of Council Buildings Lot 1416 Learmonth St Cnr Maidstone Crescent

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#### PURPOSE

For Council to decide which tender to accept in relation to RFT 1/2016 – Demolition/Removal of the previously CentaCare building, upon Lot 1416 Learmonth St, Exmouth: adjacent to the buildings previously used by the Senior Citizens and the Exmouth Branch of the RSL.

#### BACKGROUND

At the 17 December 2015 Ordinary Council Meeting a detailed report regarding the recommended demolition/removal of the buildings upon Lot 1416 Maidstone Crescent, Exmouth was provided (refer Attachment 1). Council made the following decision with regards to the above report:-

***That Council approve the release of request for quotations (RFQs) for the demolition/removal of buildings from Lot 1416 Learmonth Street cnr Maidstone Crescent, Exmouth. The advertising of the RFQs shall among other means, be via local public notice in accordance with the Local Government Act 1995 S.3.58 (3).***

Due to the possibility of the previous CentaCare building being transported for re-use, the advertising of this portion of the above works was done so as a tender in accordance with the *Local Government Act 1995* – Disposing of property provisions.

#### COMMENT

Six submissions were received in relation to the advertising of the above tender. One later withdrew and another is technically not a conforming tender (not a licensed demolition contractor).

The basis for each of the submissions received was to demolish the building. There were no specific submissions to remove and relocate the building. In consideration of the above, the process need not have been initiated as a formal 'Disposal of Property – tender' and can be finalised as if it were a quotation, similar to the quotations sought for the demolition of the adjoining previous Senior Citizens and RSL buildings.

The EMHB has evaluated the submissions received for both RFT 1'2016 (Previous CentaCare Building) and RFQ 1'2016 (Previous Senior Citizens & RSL Buildings). Prices ranged from \$103,530 to \$44,600 for the total works, with the preferred demolition contractor being MKB Industries Demolition of Carnarvon at \$44,600 (excl GST).

## CONSULTATION

RFT 1-2016 and RFQ 1-2016 were advertised in the Weekend West 9-10 January 2016.

## STATUTORY ENVIRONMENT

*Local Government Act 1995 S.3.58 (3)*

## POLICY IMPLICATIONS

2.10 Purchasing Policy

## FINANCIAL IMPLICATIONS

The 2015/16 Budget includes an allocation of \$20,000 (E149435) for demolition works upon Lot 1416.

Under A104050 – CBD Street Furniture there is an allocation of \$45,000 that was to be sourced from a transfer from Reserve L019830F – Community Development Fund Reserve. It is proposed that the balance of the funds required to complete the demolition and site clean-up of all the buildings on Lot 1416 being \$24,600. In addition a further \$10,000 to apply a compacted road base surface to the land be sourced from the above reserve account (i.e. \$34,600) to E149435 in lieu of this amount being transferred to CBD Street Furniture.

## STRATEGIC IMPLICATIONS

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2012-2016.

- Economic:
- 1 To be a diverse and innovative economy with a range of local employment opportunities.
    - 1.1 *To increase the number of local businesses, industries and services that will provide a range of employment opportunities for the people of Exmouth.*
    - 1.2 *Planned and balanced economic growth.*
    - 1.5 *Maintain and improve Shire infrastructure.*
- Environment:
- 2 To have a balanced respect for our environment and heritage, both natural and built.
    - 2.5 *To make Exmouth an attractive town that is a comfortable and welcoming place to live and visit, and reflects the lifestyle values and unique natural environment.*
- Civic Leadership:
- 4 To work together as custodians of now and the future.
    - 4.1 *To be a collaborative community with the capacity to manage the current and future direction of Exmouth.*
    - 4.2 *A local government that is respected, professional, trustworthy and accountable.*

## VOTING REQUIREMENTS

Absolute Majority

**OFFICER'S RECOMMENDATION****ITEM 15.1**

That Council:

1. Proceed with the demolition of the buildings upon Lot 1416 Learmonth Street Cnr Maidstone Crescent and award the demolition contract to MKB Industries Demolition of Carnarvon at a total cost of \$44,600 (excl GST); and
2. Approve a transfer from Reserve L0198930 – Community Development Fund of \$34,600 to Other Property & Services: Unclassified (E149435).

## 16 TOWN PLANNING SERVICES

### 16.1 PROPOSED ROAD CLOSURE – PORTION OF NEALE COVE, EXMOUTH

File Reference:	RD.RO.0
Responsible Officer:	Executive Manager Town Planning Services
Date of Report:	4 February 2016
Applicant/Proponent:	Department of Transport
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none"><li>1. Letter dated 13 November 2014 from Department of Transport requesting road closure</li><li>2. Recommended amendment to road closure</li><li>3. Southern boat harbour beach access</li></ol>

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#### PURPOSE

This report recommends that Council resolve to proceed with the permanent closure of a portion of Neale Cove Road Reserve subject to conditions.

#### BACKGROUND

At the Ordinary Meeting of Council held on the 26 November 2015 Council resolved the following:

- 1. Pursuant to Section 58 of the Land Administration Act 1997, support the permanent closure of a portion of Neal Cove Road Reserve in accordance with Attachment 5 subject to the creation of an easement, encumbrance or any other legal agreement which would provide access for the public at large to the beach access on the Southern side of the Exmouth Boat Harbour shown in Attachment 6;***
- 2. Give notice of the proposed road closure in accordance with Land Administration Act allowing a minimum period of 35 days for people to lodge submissions from the date of the notice;***
- 3. At the conclusion of the submission period determine whether to proceed or not to proceed with the proposed road closure in light of any submissions.***

The resolution was the result of a request from the Department of Transport to close a portion of the Neale Cove Road Reserve (refer Attachment 1) to be included in the expansion of the Exmouth Boat Harbour. Council resolved to close a slightly smaller portion of the Road Reserve than originally requested as per Attachment 2 which was referred to in the resolution "Attachment 5". The submission period outlined by point 2 of the resolution above has concluded. Therefore, Council is requested to determine whether to proceed with the road closure.

## COMMENT

Section 58 of the *Land Administration Act 1997* and Regulation 9 of the *Land Administration Regulations 1998* outline the statutory process and required documents for the permanent closure of a public road reserve.

Now that the submission period has concluded Council may determine, in light of the submissions received, either to proceed with the road closure or not to proceed. Should Council determine to proceed with the road closure a request may be sent to the Minister for Lands to permanently close the road. The Minister may then grant the request, direct the Local Government to reconsider the request or refuse to grant the request.

Should the request for the proposed road closure be granted by the Minister for Lands the subject land will become unallocated Crown land. Thereby, a Crown subdivision will allow the amalgamation of the subject land into the adjoining Crown reserve as requested by the Department of Transport.

Two submissions were received during the submission period. One submission was from a member of the local community objecting to the proposal for the reason of access to beach south of the Boat Harbour being closed (refer Attachment 3). However, this submission failed to take into account that Council's resolution to support the road closure is subject to this beach access remaining through some form of legal status, such as an easement, encumbrance or any other legal agreement. The second submission was from Main Roads Western Australia who stated they have no objection to the proposal to permanently close the road. They also advised that they support Council's position to formalise the current beach access arrangement for public liability reasons.

Based on the above it is recommended that Council resolve to proceed with the proposed road closure subject to the creation of an easement, encumbrance or any other legal agreement which would provide access for the public at large to the beach access on the Southern of the Exmouth Boat Harbour. Therefore, it is recommended that a request is sent to the Minister for Lands accordingly.

## CONSULTATION

The *Land Administration Act 1997* outlines that a local government must not make a request to the Minister for Lands to permanently close a road reserve until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.

Notice of Council's resolution was given in the Pilbara News on the 16 December 2015 outlining that people may make a submission regarding the proposal on or before the 27 January 2016 being a period of 42 days. The following submissions were received:

Submission	Comments	Officer Comment
Marie Pittock	I am writing to express my dismay at the proposed partial road closure.  I use this road for vehicle access to the beach south of the Marina daily, and know of many others who regularly use the area.	The beach access is currently located within the lot managed by the Department of Transport meaning that they currently have the ability to close the subject beach access. Council's

	<p>There are young families who find this beach safe for small children and need <u>vehicle</u> access to bring shade etc. dogs are regularly walked, tourist fishers find good sport, launch canoes and small boats, all in all a well frequented safe area.</p> <p>Could the actual closure be made further along the road towards the wharf to still allow access? What sort of easement could be provided? Will it still allow vehicle access? Would there be impact to the sand dunes? I feel these have not been properly addressed or considered.</p> <p>I feel that there would be significant impact to locals and tourists by closing this access completely and hope that there could be some compromise made.</p>	<p>resolution to permanently close the subject portion of the road reserve is subject to the Department maintaining and formalising this access to ensure it remains open for the public. The purpose of the road closure is to transfer the responsibility of maintaining the land to the Department as a part of the Harbour Expansion program. In order for this to occur the road reserve is required to be formally closed. However, the intention is that nothing will actually change on the ground. Furthermore there are two other access points to the subject beach along McLeod Street. No works are proposed to the sand dunes.</p>
<p>Main Roads Western Australia</p>	<p>The proposal would facilitate the boundary extension of the Exmouth Boat Harbour and result in the Management Order for the crown reserve being altered from the Shire of the Exmouth to the Department of Transport. It is considered that the proposal and associated changes would have no impact on the safety, amenity or operation of the Main Roads network or its users. Accordingly, Main Roads has no objections to permanent closure of the portion of Neale Cove road reserve.</p> <p>In addition, Main Roads supports the Shire of Exmouth's proposal to formalise access arrangements to the adjacent southern beach and Exmouth Boat Harbour through the creation of an easement, encumbrance or any other legal agreement. As part of formalising the access arrangements, Main Roads advises that the provisions of signage, gates or any other physical or visual means could be used to advertise the change of responsibility. This would be beneficial to the public and all government bodies for public liability reasons, regulator basis and to determine where the Shire road and the Department of Transport's responsibility begins/ends.</p>	<p>Noted.</p>



	<p>It should be noted that Main Roads currently has an agreement with the Department of Transport regarding the provision of maintenance and asset management of some of their infrastructure at the Exmouth Boat harbour. As such, Main Roads requests to be kept informed of any developments on this matter.</p>	
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## STATUTORY ENVIRONMENT

*Land Administration Act 1997*

*Land Administration Regulations 1998*

## POLICY IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

The permanent closure of the subject portion of Neale Cove Road Reserve will result in there being less road for Council to maintain.

## STRATEGIC IMPLICATIONS

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2012-2016.

- Economic:           1    To be a diverse and innovative economy with a range of local employment opportunities.
- 1.1    *To increase the number of local businesses, industries and services that will provide a range of employment opportunities for the people of Exmouth.*
- 1.2    *Planned and balanced economic growth.*
- Social:                3    To be a dynamic, passionate and safe community valuing natural and cultural heritage.
- 3.2    *Excellent lifestyle, recreational and cultural facilities.*
- 3.7    *Residents and visitors have access to appropriate services and facilities to enhance their health and wellbeing.*
- Civic Leadership:  4    To work together as custodians of now and the future.
- 4.1    *To be a collaborative community with the capacity to manage the current and future direction of Exmouth.*
- 4.2    *A local government that is respected, professional, trustworthy and accountable.*
- 4.3    *To be strong advocates representing the region's interests.*

## VOTING REQUIREMENTS

Absolute Majority

**OFFICER'S RECOMMENDATION****ITEM 16.1**

That Council pursuant to Section 58 of the *Land Administration Act 1997*, proceed with the process for the permanent closure of a portion of Neal Cove Road Reserve (refer Attachment 2) subject to the creation of an easement, encumbrance or any other legal agreement which would provide access for the public at large to the beach access on the Southern side of the Exmouth Boat Harbour shown in Attachment 3.

## 16.2 ACTIVITY ON LOCAL GOVERNMENT PROPERTY – COFFEE TRAILER

File Reference:	LP.PE.0.2016; PA04/16
Responsible Officer:	Executive Manager Town Planning Services
Date of Report:	11 February 2016
Applicant/Proponent:	Amy Munday
Disclosure of Interest:	Nil
Attachment(s):	1. Recommended permanent locations 2. Applicant's proposal

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### PURPOSE

This report recommends that Council approve the mobile and permanent sale of coffee and baked goods in accordance with Attachment 1 and delegate authority to the Executive Manager of Town Planning to issue annual permit approval for the activity on local government property subject to standard conditions.

### BACKGROUND

The applicant has lodged a permit application for an activity on local government property for a period longer than two weeks. Council Officers have no delegation to determine such applications where the activity is for a longer period than two weeks, therefore Council is required to determine the application.

The proposal is for the sale of coffee and baked goods from a mobile coffee trailer. The Applicant has proposed five (5) permanent locations as outlined in Attachment 2. The applicant is also seeking to conduct the activity in a mobile manner also, such as driving to different sites to serve customers when orders are received.

### COMMENT

The proposal can be assessed against Council's *Local Government Property and Activities on Thoroughfares and Trading in Thoroughfares and Public Places* Local Laws. The main considerations are the requirement for a prior approved permit, a minimum separation distance of 300m from permanent businesses selling similar products, behaviour, cleanliness, public liability, the use of signs, parking and access obstruction. In addition, the Local Laws provide guidance on standard conditions of approval regarding these matters.

It is recommended that Council approve the subject application as the proposal is considered to be consistent with the Local Laws except for permanent location 3 at Vlamingh Head Precinct. This is a heritage precinct used for tourism purposes. Council has refused to approve similar permits in this location previously. Therefore, Hunters Beach Carpark is recommended in close proximity as an alternative.

It is recommended that authority is delegated to the Executive Manager of Town Planning to issue the approved Permit for the activity on local government property subject to standard condition which will ensure the continued compliance with Council's local law.

## CONSULTATION

Locations 1 and 4 as shown in Attachment 2 are located within Crown Reserves jointly managed by the Shire of Exmouth and the Department of Parks and Wildlife (DPaW). Therefore, the proposal was referred to DPaW for comment who advised that they have no objection.

## STATUTORY ENVIRONMENT

*Local Government Act 1995*

*Local Government Property Local Law*

*Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law*

## POLICY IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

Nil

## STRATEGIC IMPLICATIONS

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2012-2016.

- Economic:
- 1 To be a diverse and innovative economy with a range of local employment opportunities.
    - 1.1 *To increase the number of local businesses, industries and services that will provide a range of employment opportunities for the people of Exmouth.*
    - 1.2 *Planned and balanced economic growth.*
    - 1.3 *Diverse tourism opportunities.*
- Social:
- 3 To be a dynamic, passionate and safe community valuing natural and cultural heritage.
    - 3.2 *Excellent lifestyle, recreational and cultural facilities.*
    - 3.7 *Residents and visitors have access to appropriate services and facilities to enhance their health and wellbeing.*
- Civic Leadership:
- 4 To work together as custodians of now and the future.
    - 4.2 *A local government that is respected, professional, trustworthy and accountable.*
    - 4.3 *To be strong advocates representing the region's interests.*

## VOTING REQUIREMENTS

Simple Majority

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## OFFICER'S RECOMMENDATION

## ITEM 16.2

That Council approve the mobile and permanent sale of coffee and baked goods in accordance with Attachment 1 and delegate authority to the Executive Manager of Town Planning to issue annual permit approval for the activity on local government property subject to standard conditions.

## **17 ENGINEERING SERVICES**

### **17.1 REQUEST FOR FEE WAIVER**

File Reference:	FM.DB.1
Responsible Officer:	Executive Manager Engineering Services
Date of Report:	12/02/2016
Applicant/Proponent:	Superior Jetties
Disclosure of Interest:	Nil
Attachment(s):	1. Superior Jetties Request for Fee Waiver

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#### **PURPOSE**

This report recommends that the Council consider waiving fees charged to Superior Jetties for the impounding and removal of jetty pylons from the Exmouth Marina Village Canal waters.

#### **BACKGROUND**

In 2013, two jetty pylons had been observed resting against the canal wall at the western end of the canal waterway between Corella Court and Kestrel Place for approximately 6 months.

Following enquiries by Council's Rangers with all of the licensed construction companies operating in Exmouth during 2013, including Superior Jetties, an owner of the pylons could not be identified. With officers unable to identify an owner of the jetty pylons, it was believed that they had been abandoned or dumped by unknown persons.

On 12 November 2013, the two jetty pylons were removed by the local crane hire on request by the Shire from the western end of the canal waterway between Corella Court and Kestrel Place as it was believed they were dumped illegally and could cause damage to the canal wall or others using the canal waterways. Following their removal, they were delivered to the Shire's Works Depot on Welch Street for impounding and storage in case an owner came forward to lay a claim for them. The cost incurred by Council for the removal of the pylons totalled \$903.10.

In early November 2014, an employee of Superior Jetties made contact with the Shire to enquire if we had taken any jetty pylons as they were missing two. After learning that the Shire had taken what was believed to be their pylons, the employee was advised that fees would need to be paid in order for the pylons to be returned to Superior Jetties as the owner to which the employee understood.

In mid-November 2014, an invoice and images of the pylons were provided to the enquiring Superior Jetties employee for payment in order to finalise this matter.

Following non-payment of that above invoice, legal action commenced against Superior Jetties in relation to the unpaid debt for the impounding of their jetty pylons. Subsequently, Council has incurred legal fees and charges in relation to this debt recovery totalling \$628.60.

On 21 January 2016, the CEO of Superior Jetties, Mr John Hogan, wrote to Council, following phone conversations held with officers in the preceding month, noting the circumstances surrounding the matter. In summary, a contractor, being Broadway Marine, was engaged by Superior Jetties to undertake any jobs in Exmouth and according to Superior Jetties is the agency responsible for the abandoned pylons. During phone conversations with Mr Hogan, it was advised that Superior Jetties would be willing to cover all costs incurred by Council which at the time was approximately \$1,500.00.

In the letter received by Superior Jetties (refer Attachment 1), it was noted that they would like to resolve this matter and in good faith offer \$1,500.00 as a full and final settlement of the issue to ensure they maintain a good working relationship with the Shire.

Following receipt of this letter and in preparation of this report, Council's Finance Officers provided all outstanding invoices which totals \$4,337.30 (inclusive of transportation, legal fees, impounding fees and administrative costs).

### **COMMENT**

In order to resolve the matter and recoup costs incurred by Council, two options are proposed in order to resolve the matter.

Option 1 will recoup all of Council's incurred costs which is \$339.80 over the offered amount of \$1,500.00 as offered by Superior Jetties. These additional costs are determined as legal fees resulting from the debt recovery process. However, Superior Jetties have advised they would be willing to finalise this matter by way of payment of \$1,500.00. Requesting additional to this amount may result in opposition from Superior Jetties but as they are costs incurred by Council and a cost Superior Jetties have advised they would be willing to cover.

Option 2 agrees to the offer of \$1,500.00 by Superior Jetties but would result in Council incurring \$339.80 which are determined as legal fees resulting from the debt recovery process.

### **CONSULTATION**

Not applicable.

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Local Government (Financial Management) Regulations 1996*

### **POLICY IMPLICATIONS**

Policy 3.33 – Debt Recovery

### **FINANCIAL IMPLICATIONS**

Current costs attempting to be recovered from Superior Jetties totals \$4,337.30.

The Shire of Exmouth has incurred fees and charges relating to this matter totalling \$1,839.80 which includes crane hire and legal fees.

In accordance with the Shire's Fees and Charges, \$2,497.50 has been charged to Superior Jetties for daily impounding fees.

Waiving all fees, except for the offered \$1,500.00, would result in Council incurring \$339.80 as a result of this matter which are determined as legal fees.

### **STRATEGIC IMPLICATIONS**

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2012-2016.

Civic Leadership: 4 To work together as custodians of now and the future.  
4.2 *A local government that is respected, professional, trustworthy and accountable.*

### **VOTING REQUIREMENTS**

Absolute Majority

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### **OFFICER'S RECOMMENDATION**

### **ITEM 17.1**

That Council accept the settlement of \$1,500.00 from Superior Jetties in good faith and waive additional fees totalling \$2,837.30.

## **18. ITEMS FOR INFORMATION ONLY**

Responsible Officer: Chief Executive Officer

Disclosure of Interest: Nil

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### **PURPOSE**

To advise Council of the information items for February 2016.

### **VOTING REQUIREMENTS**

Simple Majority.

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### **OFFICER'S RECOMMENDATION**

### **ITEM 18**

That Council note the following information items:

- 18.1 Register of Documents Stamped with the Shire of Exmouth Common Seal
- 18.2 Concessions on Fees for Council Facilities for February 2016
- 18.3 Building Decisions Issued up to 30 January 2016
- 18.4 Planning Decisions Issued up to 30 January 2016



## **18.1 REGISTER OF DOCUMENTS STAMPED WITH THE SHIRE OF EXMOUTH COMMON SEAL**

Responsible Officer: Chief Executive Officer

Disclosure of Interest: Nil

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### **PURPOSE**

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

DATE	DOCUMENT
19/02/2016	Transfer of Land LOT 300 on Deposited Plan 76150

**18.2 CONCESSIONS ON FEES FOR COUNCIL FACILITIES FOR JANUARY 2016**

File Reference: CP.US.0

Responsible Officer: Executive Manager Community Engagement

Date of Report: 18 February 2016

Disclosure of Interest: Nil

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**PURPOSE**

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

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

### 18.3 BUILDING DECISIONS ISSUED UP TO 31 JANUARY 2016

File Reference: GV.CM.0

Responsible Officer: Executive Manager Health & Building Services

Date of Report: 15 February 2016

Disclosure of Interest: Nil

Attachment(s): Nil

#### PURPOSE

To provide Council with the building licence and building certificate applications and approvals made under Delegation pursuant to the Building Act 2011 up to 31 January 2016.

App #	Date Received	Lot	Property Address	Description	Decision	Decision Date
15/89	26/06/15	1381	45 Preston Street	Lean-To	Cancelled	
15/138	17/11/15	121	10 Grenadier Street	Workshop	Refused	
15/143	30/11/15	14	Unit 30 2 Murat Road	Short Stay Accommodation	Approved	08/01/2016
15/145	30/11/15	23	Unit 39 2 Murat Road	Short Stay Accommodation	Approved	08/01/2016
15/146	30/11/15	38	Unit 37 2 Murat Road	Short Stay Accommodation	Approved	08/01/2016
15/149	27/11/15	410	34 Madaffari Drive	Gazebo	Approved	21/01/2016
15/151	03/12/15	750	83 Nimitz Street	Enclose Existing Patio	Approved	14/01/2016
15/161	16/12/15	418	7 Fitzhardinge Street	Verandah and Decking	Approved	13/01/2016
16/01	08/01/16	108	Marina Quays	Dwelling and Store	Approved	22/01/2016
16/02	11/01/16	34	7 Learmonth Street	Patio and Laundry	Approved	18/01/2016
16/03	11/01/16	1293	2 Trout Place	Decking and Spa	Approved	14/01/2016
16/04	15/01/16	454	3 Potshot Street	Fencing	Approved	20/01/2016
16/05	19/01/16	341	24 Kestrel Place	Pontoon System	Approved	08/02/2016

**18.4 PLANNING DECISIONS ISSUED UP TO 31 JANUARY 2016**

File Reference: LP.PL.0

Responsible Officer: Executive Manager Town Planning

Date of Report: 15 February 2016

Disclosure of Interest: Nil

Attachment(s): Nil

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**PURPOSE**

To advise Council of the following planning decisions issued under delegation for the above period.

App #	Date Received	Lot	Property Address	Description	Decision	Decision Date
PA02/16	13/01/2016	215	17 Carpenter Street	Outbuilding	Awaiting for information from applicant	
PA05/16	19/01/2016	117	33 Snapper Loop	Home Occupation	Cancelled	
PA07/16	28/01/2016	1481	Lot 1481 Neale Cove	Boat Lifting Facility	Awaiting for information from applicant	
PA09/16	29/01/2016	953	7 Welch Street	Relocation Of Container Office	Processing	

- 19. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
  
- 20. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**
  
- 21. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS**
  - 21.1 RELEASE PRICES FOR 11 SPECIAL RURAL LOTS**
  
- 22. CLOSURE OF MEETING**