



Ordinary Council Meeting Minutes 26 March 2015

CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on 30 April 2015 as a true and accurate record of the Ordinary Council Meeting held on 26 March 2015.

.....
Cr (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.

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.

INDEX OF MINUTES

| | | |
|--------|---|----|
| 1. | DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS..... | 5 |
| 2. | RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE..... | 5 |
| 3. | RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE..... | 5 |
| 4. | PUBLIC QUESTIONS TIME | 5 |
| 6. | APPLICATIONS FOR LEAVE OF ABSENCE | 6 |
| 7. | CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS | 6 |
| 8. | ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION..... | 7 |
| 9. | PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS | 7 |
| 10. | REPORT OF COUNCILLORS..... | 7 |
| 11. | REPORTS OF OFFICER | 8 |
| 11.1 | CHIEF EXECUTIVE OFFICER | 8 |
| 11.1.1 | CHIEF EXECUTIVE OFFICERS REPORT | 8 |
| 11.1.2 | LOCAL GOVERNMENT ORDINARY ELECTIONS - 2015 | 11 |
| 11.2 | EXECUTIVE MANAGER CORPORATE SERVICES..... | 14 |
| 11.2.1 | GENERAL REPORT..... | 14 |
| 11.2.2 | MONTHLY FINANCIAL STATEMENTS AND REPORT | 18 |
| 11.2.3 | SUBLEASE FOR QANTAS AIRWAYS LTD FOR OFFICE & CHECK-IN COUNTERS AT LEARMONTH AIRPORT | 20 |
| 11.2.4 | SUBLEASE FOR EXMOUTH AVIATION SERVICES AT LEARMONTH AIRPORT..... | 22 |
| 11.2.5 | SURRENDER RESERVE 40485 AND MANAGEMENT & EQUITY OF LAURANCE RETIREMENT VILLAGE TO DEPARTMENT OF HOUSING | 24 |
| 11.2.6 | 2014/15 BUDGET REVIEW..... | 26 |
| 11.3 | EXECUTIVE MANAGER AVIATION SERVICES..... | 34 |
| 11.3.1 | GENERAL REPORT..... | 34 |
| 11.3.2 | TENDER EVALUATION – RFT 07/2014 - LEASE OF PROPERTY FOR AVIATION FUEL STORAGE AND REFUELLING SERVICES AT LEARMONTH AIRPORT AND EXMOUTH AERODROME AND PROVISION OF HOT REFUELLING AT LEARMONTH AIRPORT..... | 38 |
| 11.4 | EXECUTIVE MANAGER COMMUNITY ENGAGEMENT..... | 41 |
| 11.4.1 | GENERAL REPORT..... | 41 |
| 11.4.2 | CSRFF SMALL GRANTS APPLICATIONS AND SHIRE PRIORITIES – GOLF CLUB | 45 |
| 11.5 | EXECUTIVE MANAGER HEALTH & BUILDING | 47 |
| 11.5.1 | GENERAL REPORT | 47 |
| 11.6 | EXECUTIVE MANAGER TOWN PLANNING | 52 |
| 11.6.1 | GENERAL REPORT..... | 52 |
| 11.6.2 | ACTIVITY ON LOCAL GOVERNMENT PROPERTY – MOBILE PIZZA COOKING – VLAMING HEAD LIGHTHOUSE AND TOWN BEACH CAR PARK, EXMOUTH..... | 55 |
| 11.6.3 | HOLIDAY ACCOMMODATION – LOT 350 (27) KESTREL PLACE EXMOUTH..... | 58 |
| 11.6.4 | PROPOSED DWELLING – LOT 399 (1) CORELLA COURT, EXMOUTH | 65 |
| 11.7 | EXECUTIVE MANAGER ENGINEERING SERVICES | 72 |
| 11.7.1 | GENERAL REPORT | 72 |

| | | |
|--------|---|----|
| 11.7.2 | FINANCIAL ASSISTANCE AGREEMENT BETWEEN THE DEPARTMENT OF REGIONAL DEVELOPMENT ROYALTIES FOR REGIONS AND THE SHIRE OF EXMOUTH..... | 75 |
| 11.7.3 | TENDER EX-01-2015 REID STREET FLOOD MITIGATION STAGE 2..... | 80 |
| 11.7.4 | WANDRRA- SEVERE TROPICAL CYCLONE OLWYN 13 MARCH 2015..... | 83 |
| 12. | ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN | 86 |
| 13. | NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING | 86 |
| 14. | MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS..... | 86 |
| 15. | CLOSURE OF MEETING..... | 86 |

ORDINARY COUNCIL MEETING MINUTES

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

In the absence of the Shire President, Councillor Michael Hood as Deputy Shire President assumed the role of Acting Shire President and declared the meeting open at 4:03pm.

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

| | |
|--------------------------|--|
| Councillor M Hood | Deputy Shire President |
| Councillor R Winzer | |
| Councillor S McHutchison | |
| Councillor R (Bob) Todd | |
| Mr B Price | Chief Executive Officer |
| Mrs S O'Toole | Executive Manager Corporate Services |
| Mrs J Kox | Executive Manager Aviation 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 |

GALLERY

Visitors: 2

APOLOGIES

Councillor C (Turk) Shales Shire President

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).

1 Question was submitted by Mr Rene Schwengeler.

Q1. There is increased traffic by quad and cross bikes on the Shire's firebreak and pathways around the town. Do we have to put up with the terrible noise and dust from these vehicles.

The Chief Executive Officer made the following response:

A1. No, residents do not need to tolerate this nuisance. Council's position has been that some tolerance has been allowed when riders circumnavigate the townsite to access the bush tracks external to the town, whilst discouraging the riding of bikes on firebreaks and streets/footpaths within town. Although difficult to police Council's ranger services will make a more concerted effort on this issue.

5. DECLARATIONS OF INTEREST

| Item/Description | Name | Detail of Interest | Extent of Interest |
|--|-----------------|---------------------------|---|
| 11.4.2 – CSRFF Small Grants – Exmouth Golf Club | Cr Michael Hood | Impartiality Interest | Executive Committee Member of the Exmouth Golf Club |

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.

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

That the Minutes of the Ordinary Council Meeting held on the 19 February 2015 and the Special Council Meeting held on 19 March 2015 be confirmed as a true and correct record of proceedings.

| |
|--|
| COUNCIL DECISION – 05-0315 - ITEM 7 |
|--|

Moved Councillor Todd, Seconded Councillor McHutchison.

That the Minutes of the Ordinary Council Meeting held on the 19 February 2015 and the Special Council Meeting held on 19 March 2015 be confirmed as a true and correct record of proceedings.

CARRIED 4/0

8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

The Deputy Shire President, on behalf of the Shire President reiterated the tremendous effort by shire staff towards the post Cyclone Olwyn clean up. The town is looking fantastic and it was great to see all staff involved and at such an early stage after the cyclone.

9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

10. REPORT OF COUNCILLORS

Councillor Hood advised of the following activities and meetings attended since the last Council Meeting:

- 28/2 – 1/3/15 – State Country Pennants Swimming Championships
- 25/3/15 – Attended Exmouth Junior Basketball Grand Final

Councillor McHutchison advised of the following activities and meetings attended since the last Council Meeting:

- 28/2 – 1/3/15 - State Country Pennants Swimming Championships
- 9/3/15 - Exmouth Community Support Group monthly Meeting
- 12/3/15 - Red Cross Registrations at the EVac Centre for Cyclone Olwyn 10am - 2pm
- 13/3/15 - Evac Centre extra day psychological welfare volunteer for Red Cross 7-10am
- 18/3/15 - Exmouth Cultural Arts Centre - Flickerfest (Best of Aust Shorts 30 April and Comedy Shorts 3 May) at the Novotel and Float Parade on 23 May 2015. Myself and Bill were awarded Life Members of ECAC.

Councillor Todd advised of the following activities and meetings attended since the last Council Meeting:

- 7/3/15 - Canal Clean Up Day
- 9/3/15 - Men's Shed Meeting
- 25/3/15 - Oil & Gas Community Reference Group Meeting


Councillor Winzer advised of the following activities and meetings attended since the last Council Meeting:

- 23/2/15 – GDC Teleconference
- 24/2/15 - LEMC Meeting
- 25/2/15 – GDC Induction
- 26/2/15 - Gascoyne Zone Meeting
- 26/2/15 - Regional Road Group Meeting
- 4/3/15 - WALGA State Council Meeting
- 16/3/15 - GDC Teleconference
- 19/3/15 - Shire Meeting

11. REPORTS OF OFFICER

11.1 Chief Executive Officer

11.1.1 Chief Executive Officers Report

| | |
|-------------------------|---|
| Location: | Exmouth |
| Applicant: | Chief Executive Officer |
| File Reference: | GV.CM.0 |
| Disclosure of Interest: | Nil |
| Date: | 17 March 2015 |
| 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

Contract 04/2013 'Design and Construction of the Ningaloo Centre' Activity

Various consultations with Site Architecture and Matera Construction have been undertaken to refine the outstanding items for the Design Phase 1 completion which is at 95% completion.

The Community Centre ceiling height and floor plan have been the dominant Shire considerations together with the building materials and finishes. A comprehensive check list is being maintained.

Received through Matera Construction is the Landscape Concept Plan by UDLA and Shire requested Porters Traffic analysis of access to and from the Ningaloo Centre from the main arterials.

The company informally advised at a meeting (CEO, President and SPO) on 4 March 2015 that it had cash flow issues due unpaid services on a project associated with Elizabeth Quay. Subsequent formal advice received on 13 March 2015 is that the company has entered voluntary administration. Consultant services have been placed on hold effective 5 March 2015.

Department of Regional Development (DRD)

Ningaloo Centre Stage 2 Business Case to the value of \$19.82 million has been approved by Cabinet subject to conditions.

Shire meetings (CEO, President and SPO) were convened 4 March 2015 with DRD, Department of Training and Workplace Development (DTWD) and Durack Institute of Technology regarding the principal condition being the lease of education and research space in the Ningaloo Centre.

DTWD are facilitating the preparation of a business case for Durack's lease, which on completion will be presented to the Minister for Training for endorsement. On the proviso that Ministerial endorsement is obtained Durack will then formally provide a commitment to the Shire that they will take up the lease on building completion. The Shire is to provide this to the DRD and in turn to the Minister for Regional Development whom can inform Cabinet of the satisfactory meeting of the subject clause.

In the unlikely event that Durack are not approved tenants then the Shire must find another 'anchor' tenant. Monies are not released until the conditional clauses are satisfied.

Community Development Grant (CDG) Funding

Reporting for the end of January 2015 has occurred. Not all milestones were met due the State funding issue. However, the Commonwealth have accepted the report given there was no monetary claim associated.

Farm Business Assessment Scheme

Agriculture and Food Minister Ken Baston has recognised the tough season dealt to some farm businesses in parts of the eastern Wheatbelt and has allocated grants of up to \$10 000 for business assessments and

implementation advice. The Gascoyne is pushing to have this scheme made available to Gascoyne based farmers and station owners also.

The Shire has written a letter to Minister Baston encouraging the Minister to include the Shire of Exmouth, to allow for our local pastoralists to be able to apply for funding under this scheme.

Governor of Western Australia Visit to Exmouth

Her Excellency the Honourable Kerry Sanderson AO, Governor of Western Australia will visit the Gascoyne Region from 11 May to 14 May 2015.

She will arrive in Exmouth on 11 May and will stay overnight before travelling to Carnarvon, Shark Bay and Gascoyne Junction.

The Governor's interests include science, education & innovation, environment & conservation, and youth employment. She is also keen to meet with volunteer groups when in town.

A draft itinerary for the Exmouth visit has been prepared, but is awaiting confirmation. The proposed programme includes:

- Arrival around 10am at Learmonth Airport.
- Visit to Exmouth District High School
- Shire of Exmouth – lunch and presentation by the Shire
- Town Tour
- Exmouth Hospital
- Meet Exmouth Youth Groups
- Civic Reception
- Dinner at Novotel

Councillors and senior staff will be kept informed on progress and their attendance throughout the visit.

Tropical Cyclone Olwyn

Council are aware of the severe tropical cyclone Olwyn that hit Exmouth on Friday 13 March 2015. As advised previously the Council workforce has concentrated on the clean-up/recovery effort to ensure that the town was ready for the forthcoming tourist season.

The Shire President and myself met with Vince Catania, member for the Northwest on Tuesday 17 March to showcase the extent of damage throughout the townsite.

On Friday 19 March 2015 the Leader of the Opposition, Hon Mark McGowan, Hon Stephen Dawson, Member for Mining & Pastoral and Hon Darren West Member for Agriculture also visited Exmouth to see the extent of damage to the town.

An all of Staff BBQ lunch was held on Friday 19 March 2015 as an appreciation for the concerted effort and commitment of the staff during the clean-up.

Appreciation is extended to Exmouth Wholesalers who donated the steak, sausages and onions for the lunch as recognition for a job well done.

Staffing Matters

There have been no staff matters for the month.

Other Meetings & Functions attended by the Acting CEO

- Shire President and myself met with Mr Bert Beevers Director of Durack Institute of Technology on Wednesday 11 March 2015 to discuss the development of a business case for Durack leasing the education space in the new Ningaloo Centre.
- Met with committee members of Exmouth Netball Association on Tuesday 17 February 2015 to discuss issue of costs associated with renting sports facilities at school.

- Shire President and myself met with Jackie Brooks & Cameron Moir from the Exmouth Chamber of Commerce and Industry on Monday 23 February 2015 to discuss relationship issues between the parties and Eco Tech Solutions visit.
- Shire President, SPO and myself met with Phil Matera from Matera Construction regarding the Ningaloo Centre project on Wednesday 4 March 2015.
- Attended the Gascoyne Regional Blueprint Workshop held in Carnarvon on Tuesday 10 March 2015.
- Compliance and Emergency Services Coordinator and myself attended the Incident/Recovery Committee Meeting post Tropical Cyclone Olwyn on Saturday 14 March 2015
- Compliance and Emergency Services Coordinator and myself attended the Incident/Recovery Committee Meeting post Tropical Cyclone Olwyn on Sunday 15 March 2015
- EMCE and myself attended the Local Recovery Committee Meeting post Tropical Cyclone Olwyn on Wednesday 18 March 2015
- Cr Shales, Hood and myself met with Kerry Graham and Ned Haywood, Exmouth Golf Club on Monday 23 March 2015, regarding future management arrangements for the Golf Course reticulation.
- EMTP and myself met with owners of 5 Kennedy Street Restaurant on Monday 23 March 2015 to discuss alfresco dining in Kennedy Street Mall.

Meetings Scheduled for Next Month

- Meeting with Marilyn Rulyancich and Alan Bradley from Regional Development Australia – Mid West Gascoyne Branch on Tuesday 31 March 2015 to discuss the Building Stronger Regions Australia programme.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Civic Leadership

Objective 4: To work together as custodians of now and the future.

- Outcome: 4.1: To be a collaborative community with the capacity to manage the current and future direction of Exmouth
- Outcome: 4.2: A local government that is respected, professional, trustworthy and accountable
- Outcome: 4.3: To be strong advocates representing the region's interests

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.1.1

That Council receive the Chief Executive Officers Report for the month of March 2015.

COUNCIL DECISION – 06-0215 – 11.1.1

Moved Councillor Todd, Seconded Councillor Winzer.


That Council receive the Chief Executive Officers Report for the month of March 2015.

CARRIED 4/0

11. REPORTS OF OFFICER

11.1 Chief Executive Officer

11.1.2 Local Government Ordinary Elections - 2015

| | |
|-------------------------|---|
| Location: | Exmouth |
| Applicant: | WA Electoral Commission |
| File Reference: | GV.EL.1 |
| Disclosure of Interest: | Nil |
| Date: | 17 March 2015 |
| Author: | Chief Executive Officer, Mr B Price |
| Signature of Author: |  |

SUMMARY

This report recommends that the Council authorise the Western Australian Electoral Commission to conduct the 2015 ordinary local government elections.

BACKGROUND

2015 is the year for biennial elections for all local governments throughout the State, with the election date being 17 October 2015. For the Shire of Exmouth, two (2) Councillor positions will become vacant, with the third already vacant due to the previous resignation of Councillor Thompson in September 2014. Those Councillors, whose term expires on the 17 October, 2015 are:-

- i.) Cr Hood
- ii.) Cr McHutchison

The option exists for a postal election through the WA Electoral Commission to be conducted for this 2015 election. This has been the basis for elections for some years in Exmouth, instead of conducting the election as an in-person election.

COMMENT

Total voter response for postal elections tend to be better than in person elections, with response rates of around 55% normal compared to the average response rate of between 10-40% for an in person election.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

The Local Government Act 1995 provides for Council to resolve to conduct elections by postal voting and if so, for the WA Electoral Commission to undertake that task on Council's behalf. The WAEC therefore has to appoint a Returning Officer and Deputy Returning Officer to conduct the election.

Before the Council can appoint the Electoral Commissioner as being responsible for the conduct of the election, the Council must first obtain the written agreement of the Electoral Commissioner – this has been pre-empted by the Commissioner and has been received in a letter dated 16 February 2015.

The process for Council to follow in terms of appointing the Electoral Commissioner (EC) to be responsible for the conduct of elections and for the elections to be postal elections is as follows :-

- i.) Council must resolve in the first instance to request the EC to conduct the 2015 biennial elections (Sect 4.20(4) of the LG Act);
- ii.) Council writes formally to the EC requesting them to conduct the 2015 elections;

- iii.) If the EC responds favourably to Council's response, (which has already occurred) then Council must formally resolve by Special Majority (affirmative vote of no less than 4 Councillors) to declare the EC as the person responsible for the conduct of the 2015 elections (Sect 4.20(4) of the LG Act).

This process must be concluded no later than 80 days prior to the holding of the 2015 elections on the 17 October 2015. Council's decision to appoint the EC cannot be rescinded after the 80th day prior to the election has expired;

- iv.) After the EC has agreed to conduct the 2015 elections and after the Council has resolved by Special Majority to appoint the EC to conduct the elections, Council may resolve by Special Majority to conduct the elections as a postal election (Sect 4.61(2) of the LG Act).

Council cannot formally resolve to conduct postal elections until after a decision has been made on whether or not to appoint the EC to conduct the elections (only the EC can conduct a postal election - Councils cannot do this in-house themselves).

The process of appointing the EC to conduct the 2015 elections and for those elections to be postal elections should really be considered as a whole.

As Council conducted the 2011 & 2013 elections as a postal election, the Commissioner has pre-empted the request process and indicated that he agrees to conduct the 2015 election as a postal election if Council chooses to do so.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The cost estimate from the WA Electoral Commission to conduct the 2015 election is \$14,000 inc GST. This is based on 1,750 electors, a response rate of 55%, 3 vacancies with counting conducted in Exmouth. Costs do not include non-statutory advertising, legal fees that may arise in the event of a dispute and assumes 1 Council staff member is involved.

The cost per elector would therefore be approximately \$8.00.

A provision will be made in the 2015/2016 budget for this expenditure.

STRATEGIC IMPLICATIONS

Civic Leadership

Objective 4: To work together as custodians of now and the future.

- Outcome: 4.1: To be a collaborative community with the capacity to manage the current and future direction of Exmouth
- Outcome: 4.2: A local government that is respected, professional, trustworthy and accountable
- Outcome: 4.3: To be strong advocates representing the region's interests

VOTING REQUIREMENTS

Absolute Majority

| |
|--|
| OFFICER'S RECOMMENDATION – 11.1.2 |
|--|

That Council:

- 1) *Declare, in accordance with section 4.20 (4) of the Local Government Act 1995, the WA Electoral Commissioner to be responsible for the conduct of the 2015 ordinary elections together with any other elections or polls which may also be required; and*
- 2) *Decide, in accordance with section 4.61 (2) of the Local Government Act 1995, that the method of conducting the 2015 election will be as a postal election.*

COUNCIL DECISION – 07-0315 – 11.1.2

Moved Councillor McHutchison, Seconded Councillor Todd.

That Council:

- 1) Declare, in accordance with section 4.20 (4) of the Local Government Act 1995, the WA Electoral Commissioner to be responsible for the conduct of the 2015 ordinary elections together with any other elections or polls which may also be required; and***
- 2) Decide, in accordance with section 4.61 (2) of the Local Government Act 1995, that the method of conducting the 2015 election will be as a postal election.***

CARRIED by ABSOLUTE MAJORITY 4/0

11. REPORTS OF OFFICERS

11.2 Executive Manager Corporate Services

11.2.1 General Report

Location: Exmouth
 Applicant: S O'Toole
 File Reference: CM.RE.0
 Disclosure of Interest: Nil
 Date: 3 March 2015
 Author: Executive Manager Corporate Services

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 February 2015.

BACKGROUND

Staff Movements

Vanessa Volkoff has resigned from her position as Administration Manager effective 28 April 2015 as she will be travelling around Australia. Recruitment for the Administration is being reviewed and a replacement will commence once a suitable candidate has been recruited.

Vicki Nelson has commenced the role of Administration Officer/Records, replacing Julianne Roulston who is leaving on 9 April 2015, embarking on her travels around Australia.

Budget Workshop

The Executive Manager Corporate Services attended a Budgeting Workshop conducted by UHY Haines Norton in February 2015. The Workshop was providing general and technical guidance on Budget Estimates, Budget Adoption and Budget Reviews.

Rating

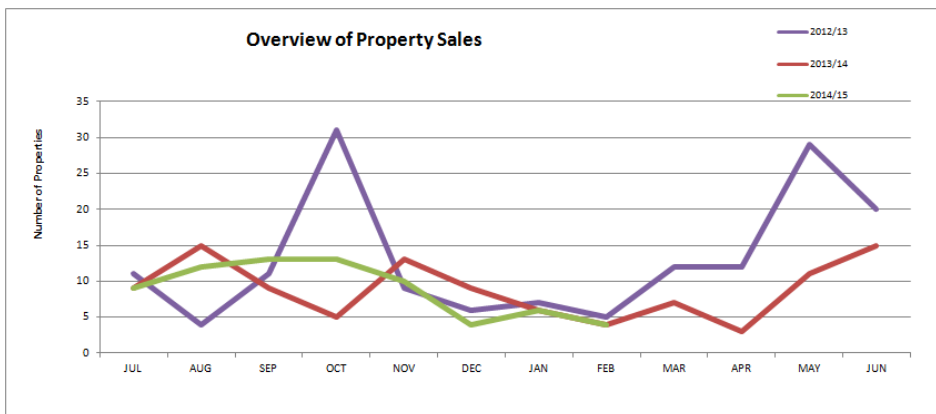
Property Sales

Below is a summary of properties sold during 2014/15:

| 2014/15 Summary of Property Sales | | | |
|-----------------------------------|-----------------|---------------------|--------------|
| Number Sold | Land Usage | Total Sales | Average Sale |
| 35 | Vacant Land | \$9,951,500 | \$284,329 |
| 31 | Residential | \$15,980,000 | \$515,484 |
| 4 | Industrial | \$1,590,000 | \$397,500 |
| 1 | Mixed Use | \$330,000 | \$0 |
| 0 | Composite Devel | \$0 | \$0 |
| 0 | Special Use | \$0 | \$0 |
| 0 | Tourism | \$0 | \$0 |
| 71 | | \$27,851,500 | |

Rating (cont.)

| Property Sales | 2014/15 | 2013/14 | 2012/13 |
|----------------|---------|---------|---------|
| JUL | 9 | 9 | 11 |
| AUG | 12 | 15 | 4 |
| SEP | 13 | 9 | 11 |
| OCT | 13 | 5 | 31 |
| NOV | 10 | 13 | 9 |
| DEC | 4 | 9 | 6 |
| JAN | 6 | 6 | 7 |
| FEB | 4 | 4 | 5 |
| MAR | | 7 | 12 |
| APR | | 3 | 12 |
| MAY | | 11 | 29 |
| JUN | | 15 | 20 |
| | 71 | 106 | 157 |

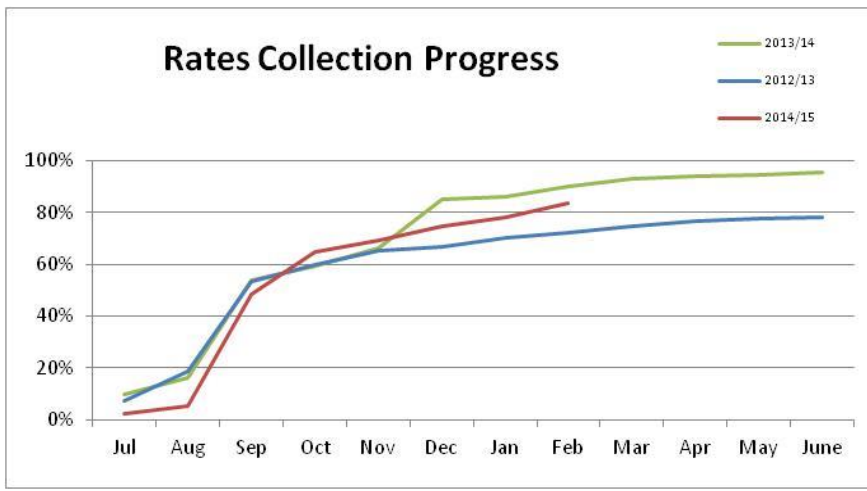
**Rates Collection**

| Summary of Rates and Charges Collection | |
|--|----------------|
| Rates Collection Analysis | |
| | \$ |
| Rates & Charges Levied 2014/15 | 3,842,787 |
| Arrears 1 July 2014 | 275,052 |
| Less Collections | (3,413,518) |
| Total Rates & Charges Outstanding | 704,321 |
| Less Pensioner Deferred Rates | (24,024) |
| Total Rates Collectable | 680,298 |
| % Collected to Date | 83.5% |
| Notices Sent | 26/08/2014 |
| Due Date | 30/09/2014 |
| Reminder Notice Sent | 21/10/2014 |
| Final Notice Sent | 1/12/2014 |
| Notice of Intention to Summons Sent | 22/01/2015 |
| Summons Issued | 27/02/2015 |

Rating (cont.)

| Comparative percentage of rates collected monthly | | | |
|---|------------|------------|------------|
| | 2014/15 | 2013/14 | 2012/13 |
| Rates Due Date | 30/09/2014 | 11/09/2013 | 10/09/2012 |
| Jul | 3% | 10% | 7% |
| Aug | 5% | 16% | 19% |
| Sep | 48% | 54% | 54% |
| Oct | 65% | 59% | 60% |
| Nov | 69% | 66% | 65% |
| Dec | 75% | 85% | 67% |
| Jan | 78% | 86% | 70% |
| Feb | 84% | 90% | 72% |
| Mar | | 93% | 75% |
| Apr | | 94% | 77% |
| May | | 94% | 78% |
| June | | 96% | 78% |

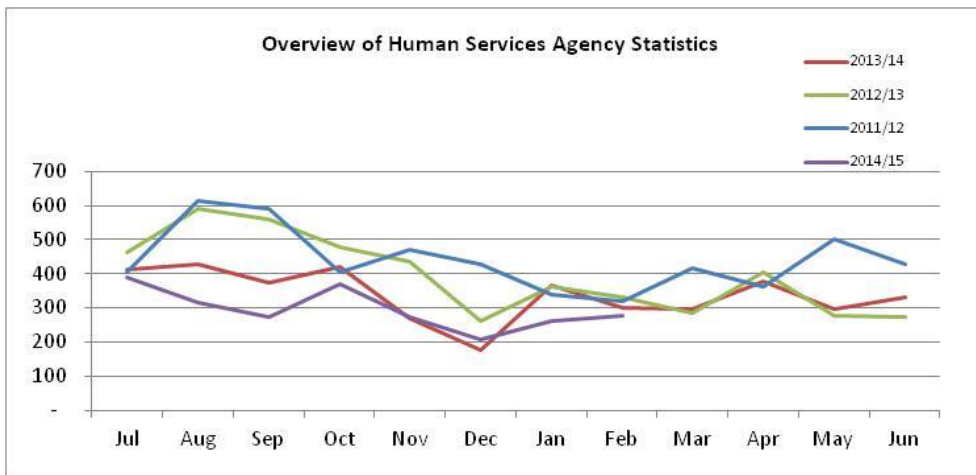
Graphical Overview of Rates Collection



Human Services Agency (formerly Centrelink)

Summary of Agent Statistics for 2014/15

| | Lodgement of Forms/Assist with Completion | Referrals to Call Centre & CSC | Assist with use of Equipment & Computer | Respond to General Enquiries | TOTAL | 12.5 | 12.5 | 15 |
|--------------|---|--------------------------------|---|------------------------------|--------------|--------------|--------------|--------------|
| | | | | | | 2014/15 | 2013/14 | 2012/13 |
| Jul | 82 | 51 | 62 | 195 | 390 | 390 | 411 | 464 |
| Aug | 68 | 50 | 54 | 145 | 317 | 317 | 427 | 592 |
| Sep | 85 | 44 | 48 | 95 | 272 | 272 | 373 | 560 |
| Oct | 87 | 55 | 86 | 141 | 369 | 369 | 422 | 478 |
| Nov | 69 | 31 | 57 | 116 | 273 | 273 | 268 | 436 |
| Dec | 46 | 30 | 45 | 87 | 208 | 208 | 178 | 262 |
| Jan | 59 | 33 | 40 | 129 | 261 | 261 | 367 | 364 |
| Feb | 56 | 42 | 43 | 137 | 278 | 278 | 299 | 332 |
| Mar | | | | | - | | 296 | 285 |
| Apr | | | | | - | | 377 | 403 |
| May | | | | | - | | 296 | 278 |
| Jun | | | | | - | | 331 | 272 |
| TOTAL | 552 | 336 | 435 | 1,045 | 2,368 | 2,368 | 4,045 | 4,726 |



CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Civic Leadership

Objective 4: To work together as custodians of now and the future.

- Outcome: 4.2: A local government that is respected, professional, trustworthy and accountable

VOTING REQUIREMENTS

Simple Majority

OFFICER’S RECOMMENDATION – 11.2.1

That Council receive the Executive Manager Corporate Services Report for the month of March 2015


COUNCIL DECISION – 08-0315 – 11.2.1

Moved Councillor Todd, Seconded Councillor McHutchison.

That Council receive the Executive Manager Corporate Services Report for the month of March 2015

CARRIED 4/0

11. REPORTS OF OFFICERS**11.2 Executive Manager Corporate Services****11.2.2 Monthly Financial Statements and Report**

| | |
|-------------------------|---|
| Location: | Exmouth |
| Applicant: | S O'Toole |
| File Reference: | FM.FI.0 |
| Disclosure of Interest: | Nil |
| Date: | 5 March 2015 |
| 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 a monthly financial report for presentation to the Council. This report recommends Council accept the financial reports and pass the accounts for payment.

BACKGROUND

Financial report for the period ended 28 February 2015 has been prepared and a copy of the Report is attached as *Attachment 1* and a complete list of accounts for payment is attached as *Attachment 2*.

COMMENT

Nil

CONSULTATION

Nil

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS**Civic Leadership**

Objective 4: To work together as custodians of now and the future.

- Outcome: 4.2: A local government that is respected, professional, trustworthy and accountable

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.2.2

That Council:

1. *Accept the monthly financial reports for period ended 28 February 2015;*
2. *The accounts as listed in the monthly financial report be received for;*
Municipal Fund – February 2015 \$500,946.84 incorporating 12994 to 13019 and direct debits
Trust Fund - February 2015 \$22,686.35 incorporating 400804 to 400805 and direct debits

Outstanding Creditors as at February 2015 - \$263,652.84

COUNCIL DECISION – 09-0315 – 11.2.2

Moved Councillor Todd, Seconded Councillor McHutchison.

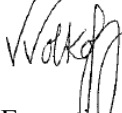
That Council:

- 1. Accept the monthly financial reports for period ended 28 February 2015;***
- 2. The accounts as listed in the monthly financial report be received for;***
Municipal Fund – February 2015 \$500,946.84 incorporating 12994 to 13019 and direct debits
Trust Fund - February 2015 \$22,686.35 incorporating 400804 to 400805 and direct debits

Outstanding Creditors as at February 2015 - \$263,652.84

CARRIED 4/0

11. REPORTS OF OFFICERS**11.2 Executive Manager Corporate Services****11.2.3 Sublease for Qantas Airways Ltd for Office & Check-in Counters at Learmonth Airport**

| | |
|-------------------------|---|
| Location: | Learmonth Airport |
| Applicant: | Qantas Airways Ltd |
| File Reference: | TT.LR.0 |
| Disclosure of Interest: | Nil |
| Date: | 5 March 2015 |
| Author: | Administration Manager, Vanessa Volkoff |
| Signature of Author: |  |
| Senior Officer: | Executive Manager Corporate Services, Ms S O'Toole |

SUMMARY

The following report recommends Council authorise continuation in subleasing to Qantas Airways Ltd for office space and check-in counters at Learmonth Airport.

BACKGROUND

Qantas's 2+2 year sublease for office space and check-in counters at Learmonth Airport is due to expire on 22 March 2015. The leaseholder has expressed an interest to continue subleasing with Council for a subsequent 3 years.

No leasing issues with the check-in counters and office space have been raised during this period by either party.

Qantas are a longstanding, reputable leaseholder and sublease multiple locations with the Shire, only recently signing off on a five (5) year Access Licence for regular access to the Learmonth Rest Area.

Defence processes in endorsing Learmonth Airport subleases remain under review by Defence. Leasing however continues as usual until such time this is reached.

COMMENT

No changes to the current executed sublease document are anticipated. The Shire will apply a CPI increase to the current rental which is a one off fee with no additional charges for utilities.

Subject to Department of Defence approval the Shire will continue subleasing to Qantas Airways Ltd commencing 1 June 2015. A proportionate monthly fee will be applied for the remaining two months of the current sublease to allow the Shire to bring Exmouth Aviation Services and Qantas sublease term expirations in line with each other.

CONSULTATION

Greg Holmes – Real Estate & Leasing Qantas Airways

STATUTORY ENVIRONMENT

Local Government Act s3.58(4) Disposal of Property

POLICY IMPLICATIONS

Policy 2.4 – Leases

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Civic Leadership

Objective 4: To work together as custodians of now and the future.

- Outcome: 4.1: To be a collaborative community with the capacity to manage the current and future direction of Exmouth

Economic

Objective 1: To be a diverse and innovative economy with a range of local employment opportunities.

- Outcome 1.5: Maintain & Improve Shire Infrastructure

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.2.3

That Council:

1. *Endorse a sublease to Qantas Airways Ltd for a 3 year term commencing 1 June 2015 for office and Check-in Counters inside the Departures terminal at Learmonth Airport and subject to approval from Department of Defence.*
2. *Delegate Authority to the Chief Executive Officer to:*
 - a) *finalise negotiations of the sublease document with Qantas Airways Ltd; and*
 - b) *to enter into a further term when applicable.*

COUNCIL DECISION – 10-0315 – 11.2.3

Moved Councillor McHutchison, Seconded Councillor Todd.

That Council:

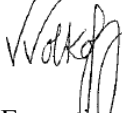
1. *Endorse a sublease to Qantas Airways Ltd for a 3 year term commencing 1 June 2015 for office and Check-in Counters inside the Departures terminal at Learmonth Airport and subject to approval from Department of Defence.*
2. *Delegate Authority to the Chief Executive Officer to:*
 - a) *finalise negotiations of the sublease document with Qantas Airways Ltd; and*
 - b) *to enter into a further term when applicable.*

CARRIED 4/0

11. REPORTS OF OFFICERS

11.2 Executive Manager Corporate Services

11.2.4 Sublease for Exmouth Aviation Services at Learmonth Airport

Location: Exmouth
Applicant: Exmouth Aviation Services
File Reference: TT.LR.0
Disclosure of Interest: Nil
Date: 6 February 2015
Author: Administration Manager, Vanessa Volkoff
Signature of Author: 
Senior Officer: Executive Manager Corporate Services, Ms S O'Toole

SUMMARY

The following report recommends Council endorse continuation to sublease to Exmouth Aviation Services for office space at Learmonth Airport.

BACKGROUND

Exmouth Aviation Services 2 year sublease for office space at Learmonth Airport is due to expire on 31 May 2015. The leaseholder has expressed an interest to continue subleasing with the Shire for a subsequent 2 years.

No leasing issues have been raised during this period by either party.

Defence are yet to endorse the current sublease with advice that Defence processes in endorsing Learmonth Airport subleases are under review. Leasing however continues as usual until such time this is reached.

COMMENT

No changes to the currently executed sublease document are anticipated. The Shire will apply a CPI increase to the current rental and a review of the utilities output for the subleased area has reduced slightly due to applying an alternative method of review on the last sublease.

Subject to Department of Defence approval the Shire will continue subleasing to Exmouth Aviation Services for a further 2 years commencing 1 June 2015.

CONSULTATION

Bennett & Co Solicitors

STATUTORY ENVIRONMENT

Local Government Act s3.58(4) Disposal of Property

POLICY IMPLICATIONS

Policy 2.4 – Leases

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Civic Leadership

Objective 4: To work together as custodians of now and the future.

- Outcome: 4.1: To be a collaborative community with the capacity to manage the current and future direction of Exmouth

Economic

Objective 1: To be a diverse and innovative economy with a range of local employment opportunities.

- Outcome 1.5: Maintain & Improve Shire Infrastructure

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.2.4

That Council:

1. *Endorse a sublease for Exmouth Aviation Services for a 2 year term commencing 1 June 2015 for office space inside the terminal at Learmonth Airport, subject to approval from Department of Defence.*
2. *Delegate Authority to the Chief Executive Officer to finalise negotiations of the sublease document with Exmouth Aviation Services.*

COUNCIL DECISION – 11-0315 – 11.2.4


Moved Councillor Todd, Seconded Councillor McHutchison.

That Council:

1. *Endorse a sublease for Exmouth Aviation Services for a 2 year term commencing 1 June 2015 for office space inside the terminal at Learmonth Airport, subject to approval from Department of Defence.*
2. *Delegate Authority to the Chief Executive Officer to finalise negotiations of the sublease document with Exmouth Aviation Services.*

CARRIED 4/0

11. REPORTS OF OFFICERS**11.2 Executive Manager Corporate Services****11.2.5 Surrender Reserve 40485 and Management & Equity of Laurance Retirement Village to Department of Housing**

| | |
|-------------------------|---|
| Location: | Exmouth |
| Applicant: | Department of Housing |
| File Reference: | CP.AD.2 & R40485 |
| Disclosure of Interest: | Nil |
| Date: | 19 March 2015 |
| Author: | Administration Manager, Vanessa Volkoff |
| Signature of Author: |  |
| Senior Officer: | Executive Manager Corporate Services, Ms S O'Toole |

SUMMARY

This report recommends that Council endorse the termination of Joint venture with the Department of Housing (DoH) for Laurance Retirement Village (LRV) and surrender vesting of the land on Reserve 40485.

BACKGROUND

Council at its Ordinary Meeting on 23 October 2014 resolved:

'That Council submit an application in writing to surrender Laurance Retirement Village and Reserve 40485 for no monetary consideration to the Department of Housing, subject to approval from the Minister for Housing.'

The application was forwarded to DoH on 5 November 2014, advising of Council's decision.

COMMENT

The DoH has sourced a Tier 1 Community Housing Organisation (CHO) that will appoint a local manager in Exmouth that will reside in the 3 bedroom unit as the on-site caretaker. The DoH is ready to begin formal negotiations.

To do this, the DoH and Shire of Exmouth will terminate the joint venture agreement releasing the Shire, at the same time transferring equity for no consideration to the Housing Authority by lodging a Surrender Document with Landgate. This transfer of Crown Land does not constitute a purchase therefore DoH advise no ministerial approval under s.19 of the Housing Act is required.

The Shire will notify the LRV tenants, of the surrender date, in advance and when it is known.

CONSULTATION

Department of Housing

STATUTORY ENVIRONMENT

Housing Act 1980

Section 3.58 Local Government Act 1985

POLICY IMPLICATIONS

Policy 2.4 – Leases

Policy 2.16 – Joint Venture Aged Pension Units

FINANCIAL IMPLICATIONS

There are short and long term financial benefits for Council if the management of the Laurance Retirement Village resided with the State Government.

STRATEGIC IMPLICATIONS

Civic Leadership

Objective 4: To work together as custodians of now and the future.

- Outcome: 4.2: A local government that is respected, professional, trustworthy and accountable

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.2.5

That Council authorise the surrender of Reserve 40485 for no monetary consideration effectively transferring the management and equity of Laurance Retirement Village to the Department of Housing.

COUNCIL DECISION – 12-0315 – 11.2.5

Moved Councillor Winzer, Seconded Councillor Todd.


That Council authorise the surrender of Reserve 40485 for no monetary consideration effectively transferring the management and equity of Laurance Retirement Village to the Department of Housing.

CARRIED 4/0

11. REPORTS OF OFFICERS

11.2 Executive Manager Corporate Services

11.2.6 2014/15 Budget Review

| | |
|-------------------------|---|
| Location: | Exmouth |
| Applicant: | S O'Toole |
| File Reference: | FM.BU.14.15 |
| Disclosure of Interest: | Nil |
| Date: | 20 March 2015 |
| Author: | Executive Manager Corporate Services, Sue O'Toole |
| Signature of Author: |  |
| Senior Officer: | Chief Executive Officer, Bill Price |

SUMMARY

This report recommends Council adopt this Mid Year Budget Review prepared as at 28 February 2015 with no budget amendments required for the 2014/15 Budget.

BACKGROUND

A review of budget projections as at 28 February 2015 was conducted and a comparison of the year to date actual results with the adopted budget has established whether Council are continuing meeting its budget commitments. Using a materiality level of \$10,000 or 10% against each of the accounts has highlighted a number of timing differences.

COMMENT

The financial report for the period 1 July 2014 to 28 February 2015 is attached (refer *Attachment 1*) to the Council Report 11.2.2 Monthly Financial Statements and Reports. This financial report includes:

- **Statement of Financial Activity** – displays the Council's year to date position to 28 February 2015 including the projected deficit closing position for 2014/15 financial year estimated at (\$5,610).
- **Identified Material Variances Report** – Examines the financial performance of the year to date actual revenue and expenditure against the year to date budget.
- **Forecast Under or Over Revenue/Expenditure Report** – Examines the forecast closing position compared to the Budget as at 30 June 2015, providing an explanation of amounts > \$2,000 at an account level. This has been based upon assumptions expected to be followed by Officers and will be reasonably attainable.

The amended 2014/15 Budget projected to deliver a budget with a deficit of (\$136,142). A review was conducted to compare the actual revenue and expenditure and assessed whether the remaining budget for the year needed to be amended. The projected forecast closing position for 2014/15 will reduce the deficit down to (\$5,610). Where accounts have been identified as having under or over revenue/expenditure, forecast savings have been identified where possible to offset the additional costs.

Listed below is an explanation of identified major expenditure and revenue expectations of specific projects not proceeding, reduction in revenue or timing issues:

General Purpose Funding

- Late Payment Penalty Interest on outstanding rates is higher than anticipated by \$17,000.
- The budget for General Purpose Grant was based on the Notional Payment Advice, whereby confirmation has since been received of an increase of \$35,152.

Governance

- Approval was granted not to call an extraordinary election following the resignation of a Councillor in September 2014, this has reduced expenditure by \$10,856

Law, Order, Public Safety

- Insurance Policy for cyclone damage has an excess of \$50,000 which has been included in the forecast expenditure to cover costs resulting from Cyclone Olwyn (March 2015).

Housing

- Expenditure for materials and contracts has been revised for staff housing and Laurence Retirement Village, providing an overall saving of \$142,466.

Community Amenities

- Unbudgeted expenditure of \$20,000 was required for new toilets located in Kennedy St and Bonefish Carpark.

Recreation & Culture

- Timing issue with the construction of the Ningaloo Centre which will now occur in 2015/16. This project was being funded from grant funds, and will have a small estimated variance at year end of (\$11,712).
- Works planned in various parks and gardens have been scaled down.
- Council were unsuccessful in obtaining a grant from RBFS Fund of \$547,000 for the Tantabiddi Car Park Redevelopment, however a grant of \$400,000 has been approved from GDC to be spent towards dredging at Tantabiddi Boat Ramp.

Transport

- The Plant Replacement Program included purchasing a new Truck and trading in Tip Truck EX4476, this expenditure has now been postponed until 2015/16.
- There has been less activity at the Heliport due to a significant down turn in mining production and exploration, This is also evident in our Heliport Processing Fees, that are at a 3 year low. Revenue reflects a reduction by \$905,000 however by revising our programs and various projects, this program forecasts to be under budget by \$391,433.
- An assessment of our fees and charges at Learmonth has been conducted following a direct request from industry for all suppliers to reduce their costs. Officers have recommended to include one charge (being standard Saturday rate) for all Sunday and public holidays. The Passenger Levy has also been reduced as this fee has been incorporated into the activities of the departing and arriving helicopters.

Other Property and Services

- Heron Way sub-division is 50% complete with titles expected to be issued 30 June 2015. The first sales of this sub-division were expected during 2014/15, with budgeted revenue of \$1,390,083. This revenue will now be included in our 2015/16 Budget. To offset this reduction in revenue, all expenditure is being closely monitored to identify any potential savings so we can deliver a small deficit at year end of (\$5,610)

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

Fees & Charges

A review of the 2014/15 Schedule of Fees and Charges has highlighted the following recommended changes:

| Description | A/c # | 2014/15 Adopted Fee (Inc GST) | 2014/15 Proposed Fee (Inc GST) | Effective Date | Explanation |
|--|---------|--|---|-------------------|--|
| Refuse Contracts 240Lt Bin Travel Charge per km | R101210 | \$4.20 | \$12.05 | 1 July 2015 | A revision of the cost per kilometre for the Refuse Truck has identified this charge has not been meeting cost recovery. |
| Heliport Passenger Fees - Saturday For each <u>Departure</u> of Helicopter within the Learmonth Operating Deed Hours | R129180 | No Change | No Change | 1 April 2015 | Amended Wording to "Heliport Passenger Fees - Weekend & Public Holiday" |
| Heliport Passenger Fees - Saturday For each <u>Departure</u> of Helicopter outside the Learmonth Operating Deed Hours | R129180 | No Change | No Change | 1 April 2015 | Amended Wording to "Heliport Passenger Fees - Weekend & Public Holiday" |
| Heliport Passenger Fees – Saturday For each <u>Arrival</u> of Helicopter within the Learmonth Operating Deed Hours | R129180 | No Change | No Change | 1 April 2015 | Amended Wording to "Heliport Passenger Fees - Weekend & Public Holiday" |
| Heliport Passenger Fees - Saturday For each <u>Arrival</u> of Helicopter outside the Learmonth Operating Deed Hours | R129180 | No Change | No Change | 1 April 2015 | Amended Wording to "Heliport Passenger Fees - Weekend & Public Holiday" |
| Heliport Passenger Fees – Sunday For each <u>Departure</u> of Helicopter within the Learmonth Operating Deed Hours | R129180 | \$1,680 | \$1,440 | 1 April 2015 | Amended Fee & Wording to "Heliport Passenger Fees - Weekend & Public Holiday" |
| Heliport Passenger Fees – Sunday For each <u>Departure</u> of Helicopter outside the Learmonth Operating Deed Hours | R129180 | \$2,160 | \$1,680 | 1 April 2015 | Amended Fee & Wording to "Heliport Passenger Fees - Weekend & Public Holiday" |
| Heliport Passenger Fees - Sunday For each <u>Arrival</u> of Helicopter within the Learmonth Operating Deed Hours | R129180 | \$980 | \$840 | 1 April 2015 | Amended Fee & Wording to "Heliport Passenger Fees - Weekend & Public Holiday" |
| Heliport Passenger Fees - Sunday For each <u>Arrival</u> of Helicopter outside the Learmonth Operating Deed Hours | R129180 | \$1,260 | \$980 | 1 April 2015 | Amended Fee & Wording to "Heliport Passenger Fees - Weekend & Public Holiday" |

| Description | A/c # | 2014/15 Adopted Fee (Inc GST) | 2014/15 Proposed Fee (Inc GST) | Effective Date | Explanation |
|--|---------|--|---|-------------------|---|
| Heliport Passenger Fees – Public Holiday For each <u>Departure</u> of Helicopter within the Learmonth Operating Deed Hours | R129180 | \$2,400 | \$1,440 | 1 April 2015 | Amended Fee & Wording to “Heliport Passenger Fees - Weekend & Public Holiday” |
| Heliport Passenger Fees – Public Holiday For each <u>Departure</u> of Helicopter outside the Learmonth Operating Deed Hours | R129180 | \$2,880 | \$1,680 | 1 April 2015 | Amended Fee & Wording to “Heliport Passenger Fees - Weekend & Public Holiday” |
| Heliport Passenger Fees – Public Holiday For each <u>Arrival</u> of Helicopter within the Learmonth Operating Deed Hours | R129180 | \$1,400 | \$840 | 1 April 2015 | Amended Fee & Wording to “Heliport Passenger Fees - Weekend & Public Holiday” |
| Heliport Passenger Fees – Public Holiday For each <u>Arrival</u> of Helicopter outside the Learmonth Operating Deed Hours | R129180 | \$1,680 | \$980 | 1 April 2015 | Amended Fee & Wording to “Heliport Passenger Fees - Weekend & Public Holiday” |
| Heliport Passenger Levy | R129181 | \$25 | \$11 | 1 April 2015 | This fee has been incorporated into the activities of the departing and arriving helicopters |

CONSULTATION

Learmonth Heliport Consultative Meeting members

STATUTORY ENVIRONMENT

Local Government (Financial) Regulations 33A

Local Government Act 1995, Part 6, Division 5, Subdivision 2

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The proposed Schedule of Fees and Charges is included in the 2014/15 Budget and was used to forecast revenue expected. No material changes to revenue are expected as a result of the amendments to fees and charges.

STRATEGIC IMPLICATIONS**Civic Leadership**

Objective 4: To work together as custodians of now and the future.

- Outcome: 4.2: A local government that is respected, professional, trustworthy and accountable

VOTING REQUIREMENTS

Absolute Majority

| |
|--|
| OFFICER'S RECOMMENDATION – 11.2.6 |
|--|

That Council adopt the:

1. 2014/15 Budget Review prepared as at 28 February 2015 and included in Attachment 1; and
2. Amendments to the 2014/15 Schedule of Fees and Charges as listed below and endorse the advertising of the revised fees and charges pursuant to s6.19 of the Local Government Act 1995.

| Description | A/c # | 2014/15 Adopted Fee (Inc GST) | 2014/15 Proposed Fee (Inc GST) | Effective Date | Explanation |
|--|---------|--|---|-------------------|--|
| Refuse Contracts 240Lt Bin Travel Charge per km | R101210 | \$4.20 | \$12.05 | 1 July 2015 | A revision of the cost per kilometre for the Refuse Truck has identified this charge has not been meeting cost recovery. |
| Heliport Passenger Fees - Saturday For each <u>Departure</u> of Helicopter within the Learmonth Operating Deed Hours | R129180 | No Change | No Change | 1 April 2015 | Amended Wording to "Heliport Passenger Fees - Weekend & Public Holiday" |
| Heliport Passenger Fees - Saturday For each <u>Departure</u> of Helicopter outside the Learmonth Operating Deed Hours | R129180 | No Change | No Change | 1 April 2015 | Amended Wording to "Heliport Passenger Fees - Weekend & Public Holiday" |
| Heliport Passenger Fees – Saturday For each <u>Arrival</u> of Helicopter within the Learmonth Operating Deed Hours | R129180 | No Change | No Change | 1 April 2015 | Amended Wording to "Heliport Passenger Fees - Weekend & Public Holiday" |
| Heliport Passenger Fees - Saturday For each <u>Arrival</u> of Helicopter outside the Learmonth Operating Deed Hours | R129180 | No Change | No Change | 1 April 2015 | Amended Wording to "Heliport Passenger Fees - Weekend & Public Holiday" |
| Heliport Passenger Fees – Sunday For each <u>Departure</u> of Helicopter within the Learmonth Operating Deed Hours | R129180 | \$1,680 | \$1,440 | 1 April 2015 | Amended Fee & Wording to "Heliport Passenger Fees - Weekend & Public Holiday" |
| Heliport Passenger Fees – Sunday For each <u>Departure</u> of Helicopter outside the Learmonth Operating Deed Hours | R129180 | \$2,160 | \$1,680 | 1 April 2015 | Amended Fee & Wording to "Heliport Passenger Fees - Weekend & Public Holiday" |

| Description | A/c # | 2014/15 Adopted Fee (Inc GST) | 2014/15 Proposed Fee (Inc GST) | Effective Date | Explanation |
|--|---------|--|---|-------------------|---|
| Heliport Passenger Fees - Sunday For each <u>Arrival</u> of Helicopter within the Learmonth Operating Deed Hours | R129180 | \$980 | \$840 | 1 April 2015 | Amended Fee & Wording to “Heliport Passenger Fees - Weekend & Public Holiday” |
| Heliport Passenger Fees - Sunday For each <u>Arrival</u> of Helicopter outside the Learmonth Operating Deed Hours | R129180 | \$1,260 | \$980 | 1 April 2015 | Amended Fee & Wording to “Heliport Passenger Fees - Weekend & Public Holiday” |
| Heliport Passenger Fees – Public Holiday For each <u>Departure</u> of Helicopter within the Learmonth Operating Deed Hours | R129180 | \$2,400 | \$1,440 | 1 April 2015 | Amended Fee & Wording to “Heliport Passenger Fees - Weekend & Public Holiday” |
| Heliport Passenger Fees – Public Holiday For each <u>Departure</u> of Helicopter outside the Learmonth Operating Deed Hours | R129180 | \$2,880 | \$1,680 | 1 April 2015 | Amended Fee & Wording to “Heliport Passenger Fees - Weekend & Public Holiday” |
| Heliport Passenger Fees – Public Holiday For each <u>Arrival</u> of Helicopter within the Learmonth Operating Deed Hours | R129180 | \$1,400 | \$840 | 1 April 2015 | Amended Fee & Wording to “Heliport Passenger Fees - Weekend & Public Holiday” |
| Heliport Passenger Fees – Public Holiday For each <u>Arrival</u> of Helicopter outside the Learmonth Operating Deed Hours | R129180 | \$1,680 | \$980 | 1 April 2015 | Amended Fee & Wording to “Heliport Passenger Fees - Weekend & Public Holiday” |
| Heliport Passenger Levy | R129181 | \$25 | \$11 | 1 April 2015 | This fee has been incorporated into the activities of the departing and arriving helicopters |

| |
|--|
| COUNCIL DECISION – 13-0315 – 11.2.6 |
|--|

Moved Councillor Todd, Seconded Councillor McHutchison.

That Council adopt the:

- 1. 2014/15 Budget Review prepared as at 28 February 2015 and included in Attachment 1; and***
- 2. Amendments to the 2014/15 Schedule of Fees and Charges as listed below and endorse the advertising of the revised fees and charges pursuant to s6.19 of the Local Government Act 1995.***

| Description | A/c # | 2014/15 Adopted Fee (Inc GST) | 2014/15 Proposed Fee (Inc GST) | Effective Date | Explanation |
|--|---------|--|---|-------------------|--|
| Refuse Contracts 240Lt Bin Travel Charge per km | R101210 | \$4.20 | \$12.05 | 1 July 2015 | A revision of the cost per kilometre for the Refuse Truck has identified this charge has not been meeting cost recovery. |
| Heliport Passenger Fees - Saturday For each <u>Departure</u> of Helicopter within the Learmonth Operating Deed Hours | R129180 | No Change | No Change | 1 April 2015 | Amended Wording to "Heliport Passenger Fees - Weekend & Public Holiday" |
| Heliport Passenger Fees - Saturday For each <u>Departure</u> of Helicopter outside the Learmonth Operating Deed Hours | R129180 | No Change | No Change | 1 April 2015 | Amended Wording to "Heliport Passenger Fees - Weekend & Public Holiday" |
| Heliport Passenger Fees - Saturday For each <u>Arrival</u> of Helicopter within the Learmonth Operating Deed Hours | R129180 | No Change | No Change | 1 April 2015 | Amended Wording to "Heliport Passenger Fees - Weekend & Public Holiday" |
| Heliport Passenger Fees - Saturday For each <u>Arrival</u> of Helicopter outside the Learmonth Operating Deed Hours | R129180 | No Change | No Change | 1 April 2015 | Amended Wording to "Heliport Passenger Fees - Weekend & Public Holiday" |
| Heliport Passenger Fees - Sunday For each <u>Departure</u> of Helicopter within the Learmonth Operating Deed Hours | R129180 | \$1,680 | \$1,440 | 1 April 2015 | Amended Fee & Wording to "Heliport Passenger Fees - Weekend & Public Holiday" |
| Heliport Passenger Fees - Sunday For each <u>Departure</u> of Helicopter outside the Learmonth Operating Deed Hours | R129180 | \$2,160 | \$1,680 | 1 April 2015 | Amended Fee & Wording to "Heliport Passenger Fees - Weekend & Public Holiday" |


| Description | A/c # | 2014/15 Adopted Fee (Inc GST) | 2014/15 Proposed Fee (Inc GST) | Effective Date | Explanation |
|--|---------|--|---|-------------------|--|
| Heliport Passenger Fees - Sunday For each <u>Arrival</u> of Helicopter within the Learmonth Operating Deed Hours | R129180 | \$980 | \$840 | 1 April 2015 | Amended Fee & Wording to “Heliport Passenger Fees - Weekend & Public Holiday” |
| Heliport Passenger Fees - Sunday For each <u>Arrival</u> of Helicopter outside the Learmonth Operating Deed Hours | R129180 | \$1,260 | \$980 | 1 April 2015 | Amended Fee & Wording to “Heliport Passenger Fees - Weekend & Public Holiday” |
| Heliport Passenger Fees – Public Holiday For each <u>Departure</u> of Helicopter within the Learmonth Operating Deed Hours | R129180 | \$2,400 | \$1,440 | 1 April 2015 | Amended Fee & Wording to “Heliport Passenger Fees - Weekend & Public Holiday” |
| Heliport Passenger Fees – Public Holiday For each <u>Departure</u> of Helicopter outside the Learmonth Operating Deed Hours | R129180 | \$2,880 | \$1,680 | 1 April 2015 | Amended Fee & Wording to “Heliport Passenger Fees - Weekend & Public Holiday” |
| Heliport Passenger Fees – Public Holiday For each <u>Arrival</u> of Helicopter within the Learmonth Operating Deed Hours | R129180 | \$1,400 | \$840 | 1 April 2015 | Amended Fee & Wording to “Heliport Passenger Fees - Weekend & Public Holiday” |
| Heliport Passenger Fees – Public Holiday For each <u>Arrival</u> of Helicopter outside the Learmonth Operating Deed Hours | R129180 | \$1,680 | \$980 | 1 April 2015 | Amended Fee & Wording to “Heliport Passenger Fees - Weekend & Public Holiday” |
| Heliport Passenger Levy | R129181 | \$25 | \$11 | 1 April 2015 | This fee has been incorporated into the activities of the departing and arriving helicopters |

CARRIED by ABSOLUTE MAJORITY 4/0

11. REPORTS OF OFFICERS

11.3 Executive Manager Aviation Services

11.3.1 General Report

| | |
|-------------------------|---|
| Location: | Exmouth |
| Applicant: | J Kox |
| File Reference: | TT.SP.0 |
| Disclosure of Interest: | Nil |
| Date: | 17 March 2015 |
| Author: | Executive Manager Aviation Services, Jenny Kox |
| Signature of Author: |  |
| Senior Officer: | Chief Executive Officer, Bill Price |

SUMMARY

The following Aviation Services Department report contains a brief summary of significant activities and issues arising since the February 2015 Council Meeting agenda report.

BACKGROUND

Defence

Runway repair works will be undertaken by Defence from 10 March to 3 April 2015. There will be limited impact to civilian operations during this time.

Regulatory

The Department of Transport released the final version of their State Aviation Strategy on 23 February 2015. The strategy highlights 11 key actions around infrastructure planning, airport planning, improvements to aviation forecasting, private sector investment & management options and fostering tourism through improved aviation services.

Airservices Australia has bought forward the replacement program for the VOR & DME due to significant damage sustained to the existing equipment during TC Olwyn. Project works are expected to commence on 13 April 2015 and conclude on 7 August 2015.

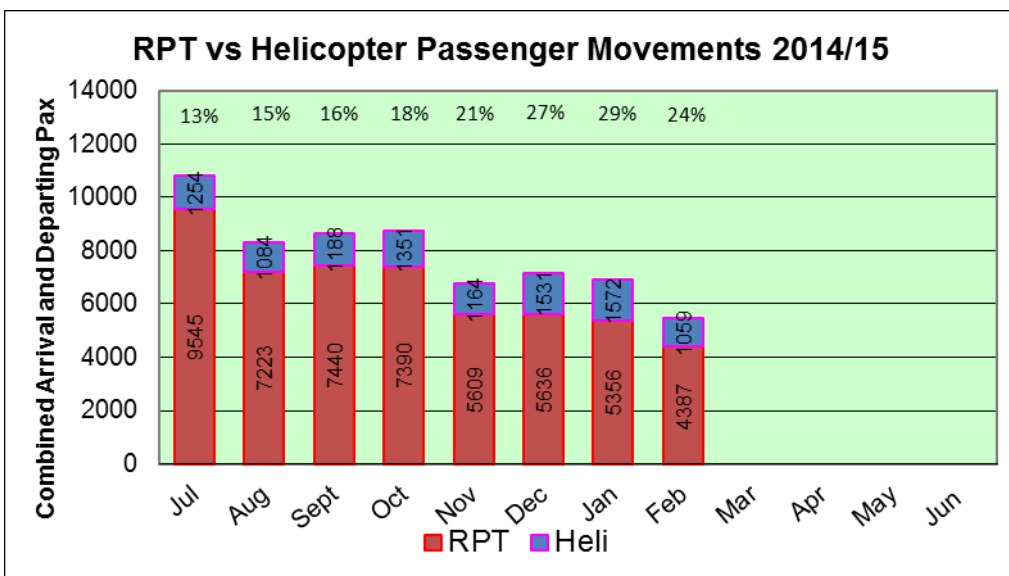
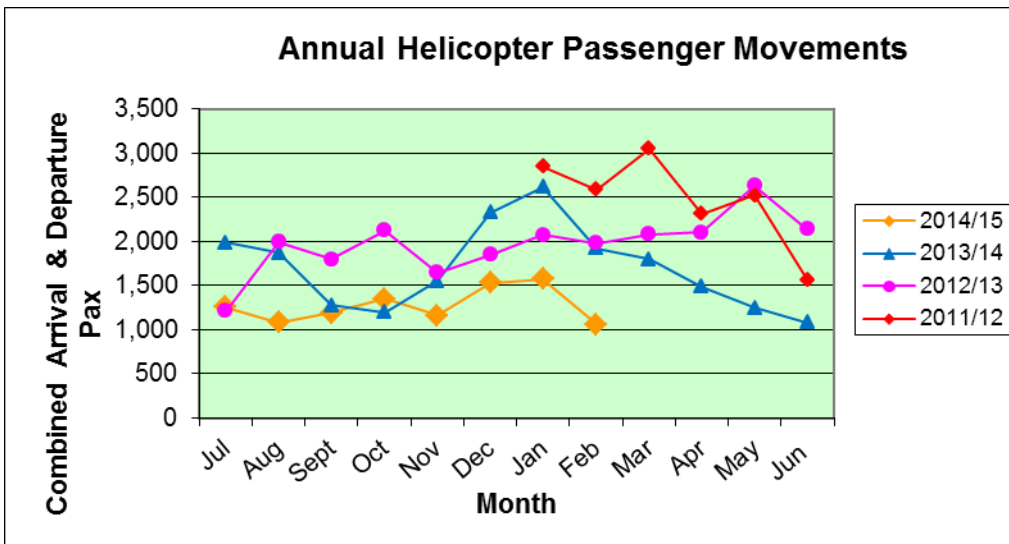
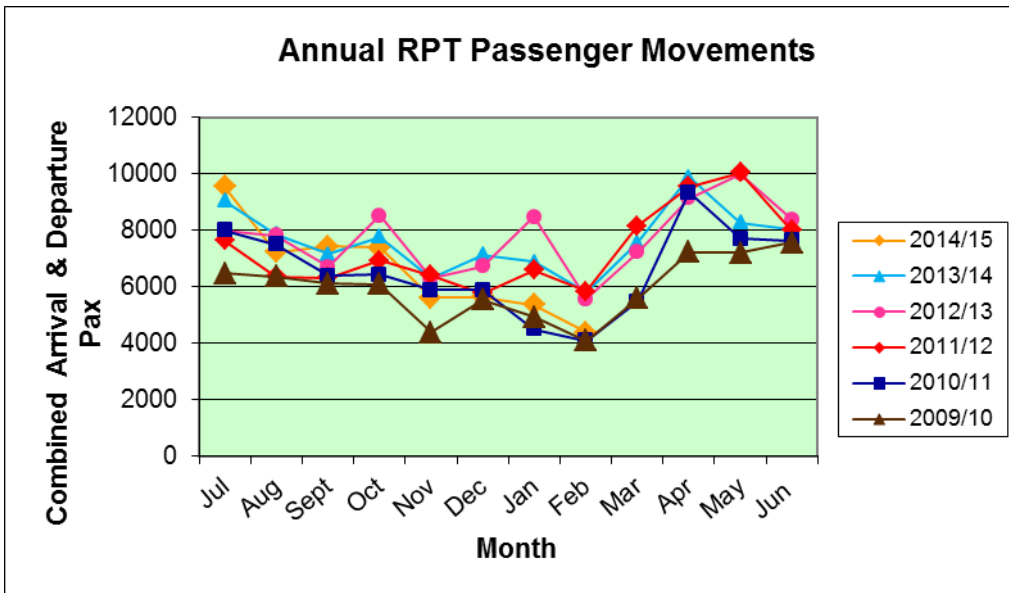
Airlines/Air Operators/Industry

There was no consistency to March afternoon flight schedules due to the changeover to operational aircraft and current slot commitments into Perth. Effective 29 March 2015, the new seasonal schedule (April to October) sees each afternoon flight departing Perth 12:40 arriving Learmonth 14:30 with the return flight departing Learmonth 15:10 and arriving Perth 17:00 (albeit some additional changes around Easter). The new schedule is better suited to the tourist traveller and airport operations and still allows through connectivity to east coast services.

Cyclone Olwyn de-man activities were completed by Wednesday 11 March 2015 with RPT services operating on Thursday 12 March 2015 with the civil side of the airport then closed from 2.30pm. The civil side of Learmonth was reopened for emergency operations only from 12pm on Friday 13 March 2015. RPT Flights recommenced on Sunday 15 March 2015 after works were completed on the terminals to make them operational.

February 2015 RPT passenger numbers were the lowest seen in 3 years and reflective of quiet off-shore operations. When compared to the 2013/14 financial year, there are currently 5,389 less RPT passengers for the current financial year of which there were 4,212 less passengers through the heliport. Heliport activity is reflective of Ningaloo Vision FPSO still being offline and limited drilling campaigns.

See the graphical presentation of statistics below.

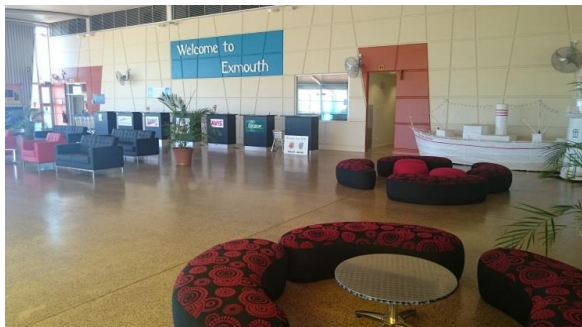


Airport

TC Olywn resulted in some damage to the Airport terminal with some doors being blown in and a section of the ceiling collapsing within the screening area. The ceiling has been removed and electrically made safe pending further inspection from architects and engineers on 26 March 2015. Car park lighting was also affected as was external roofing and signage.



Rental car counter refurbishments are now complete as is the installation of the window prints. The official launch of the window prints will coincide with ANZAC celebrations and be held on 24 April 2015 with members of the community welcome to attend.



Toilet refurbishment, water softeners and kitchenette works have also been completed.

Heliport

Atwood Falcon is scheduled to return to Exmouth for a drilling program for BHP Billiton in mid-March 2015 however it is likely this will be pushed back to April due to its current utilisation running over. The return date of Ningaloo Vision for Apache is not known at this time due to delays in Singapore. The initial up-man flights for Atwood Eagle following TC Olwyn have been undertaken via Karratha Heliport due to pilot housing being affected in Exmouth.

Staffing

EMAS will be attending the Developing Customer Service Culture at Airports Course in Queensland, as part of the Airport Management Professional Accreditation Program (AMPAP), from 13 – 17 April 2015. Refueller training for helicopters by a Bristow Helicopters trainer was conducted on 4-6 March 2015.

Leasing

Nil.

Exmouth Aerodrome

Some minor infrastructure repairs to the runway are required as a result of TC Olwyn which are currently being coordinated.

Requests for quotation have been sought for fencing to the General Aviation precinct, closing on 18 March 2015. Works are to be completed by 1 May 2015.

COMMENT

Nil

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Economic

Objective 1: To be a diverse and innovative economy with a range of local employment opportunities.

- Outcome: 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
- Outcome: 1.2: Planned and balanced economic growth
- Outcome: 1.3: Diverse tourism opportunities

Civic Leadership

Objective 4: To work together as custodians of now and the future

- Outcome: 4.1: To be a collaborative community with the capacity to manage the current and future direction of Exmouth
- Outcome: 4.2: A local government that is respected, professional, trustworthy and accountable.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.3.1

That Council receive the Executive Manager Aviation Services Report for the month of March 2015.

COUNCIL DECISION – 14-0315 – 11.3.1

Moved Councillor Winzer, Seconded Councillor Todd.


That Council receive the Executive Manager Aviation Services Report for the month of March 2015.

CARRIED 4/0

11. REPORTS OF OFFICERS

11.3 Executive Manager Aviation Services

11.3.2 Tender Evaluation – RFT 07/2014 - Lease of Property for Aviation Fuel Storage and Refuelling Services at Learmonth Airport and Exmouth Aerodrome and Provision of Hot Refuelling at Learmonth Airport

| | |
|-------------------------|---|
| Location: | Exmouth |
| Applicant: | J Kox |
| File Reference: | CM.TE.072014 |
| Disclosure of Interest: | Nil |
| Date: | 19 March 2015 |
| Author: | Executive Manager Aviation Services, Jenny Kox |
| Signature of Author: |  |
| Senior Officer: | Chief Executive Officer, Bill Price |

SUMMARY

This report provides an overview of the assessment process for two (2) tenders received for RFT 07/2014 – Lease of Property for Aviation Fuel Storage and Refuelling Services at Learmonth Airport and Exmouth Aerodrome and Provision of Hot Refuelling at Learmonth Airport.

The report also recommends that neither party be awarded the tender as neither party provided a fully conforming tender. It is recommended, however, that Council directly negotiate with Exxon Mobil on the provision of service offered in their submission.

BACKGROUND

At the 23 October 2014 Ordinary Council Meeting, Council resolved by Resolution 13-1014 the following:

‘That Council, pursuant to Section 3.57 of the Local Government Act 1995 endorses to:

- 1) call tenders for Request for Tender 07/2014 - Lease of Property for Aviation Fuel Storage and Refuelling Services at Learmonth Airport and Exmouth Aerodrome and Provision of Hot Refuelling at Learmonth Airport; and*
- 2) note that a further report will be presented to Council to consider award of tender after the tender closing period.’*

The tender was advertised in the West Australian on 1 November 2014, the Northern Guardian on 5 November 2014 and on the Shires website from 28 October 2014. Tenders closed 2pm Friday 30 January 2015. Thirteen (13) enquiries were received during the tender period with two (2) companies submitting tenders by the close date. There were no late tenders received.

COMMENT

Both tenders received were non-conforming tenders with both failing to meet some of the compliance criteria. Regulation 18(2) of the Local Government (Functions and General) Regulations allows for rejection of the tenders in such case. The tenders were still assessed, however, to determine whether the proposals provided (whilst not necessarily in line with the tender specifications) were of benefit to Council.

Tenders were assessed by the Executive Manager Aviation Services, Executive Manager Corporate Services and the Administration Manager.

A commercial-in-confidence evaluation report of tender responses has been prepared for Council’s perusal (refer *Confidential Attachment 1*). The tender assessment process included assessment of each tenderer against the compliance and qualitative criteria as well as consideration of proposed annual lease rental fee, site plans, variation to lease conditions, indicative sell price of product, product payment mechanism and hot refuelling commitment.

In making its recommendation the panel considered:

- That both tenderers provided non-conforming, differing tenders;
- That both tenderers have proven operational experience in aviation refuelling systems and operations;
- The proposed lease rental and variations to lease;
- The impact of upcoming changes to the aviation market, particularly at Learmonth Airport; and
- The level of understanding by the tenderers of the proposed service delivery requirement.

It is recommended that Council reject both tenders as neither was a conforming tender. It is further recommended that Council, via delegated authority to the CEO, enter into discussions with the incumbent fuel provider (Exxon Mobil) to discuss the alternate tender offer provided. In the event an agreement cannot be reached with the incumbent, it is recommended the CEO be delegated authority to enter into discussions with the other tenderer regarding leasing of fuel sites at Learmonth Airport and Exmouth Aerodrome and provision of hot refuelling at Learmonth Airport.

CONSULTATION

A non-mandatory inspection of premises was offered with none of the potential tenderers requesting an inspection.

One addendum was issued following receipt of questions.

Post tender receipt, clarification was sought from each tenderer on a number of non-conformances identified in each tender.

STATUTORY ENVIRONMENT

Section 3.57 of the *Local Government Act 1995*.

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

18. *Rejecting and accepting tenders*

- (1) *A tender is required to be rejected unless it is submitted at a place, and within the time, specified in the invitation for tenders.*
- (2) *A tender that is submitted at a place, and within the time, specified in the invitation for tenders but that fails to comply with any other requirement specified in the invitation may be rejected without considering the merits of the tender.*
- (3) *If, under regulation 23(4), the CEO has prepared a list of acceptable tenderers for the supply of goods or services, a tender submitted by a person who is not listed as an acceptable tenderer is to be rejected.*
- (4) *Tenders that have not been rejected under subregulation (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.*
- (4a) *To assist the local government in deciding which tender would be the most advantageous to it to accept, a tenderer may be requested to clarify the information provided in the tender.*
- (5) *The local government may decline to accept any tender.*

In this case, both submitted tenders were non-conforming and therefore may be rejected in accordance with R18(2) above. An assessment of tenders was undertaken however to determine whether one or other (or both) of the proposals were beneficial to Council.

POLICY IMPLICATIONS

The tender process was undertaken in accordance with Council Policy 2.10 *Purchasing Policy*.

FINANCIAL IMPLICATIONS

There is no immediate financial impact on Council's budget if both tenders are rejected. Negotiation of new lease arrangements for Learmonth Airport and Exmouth Aerodrome as proposed in the tender documentation would see increased rental revenue in future budgets.

Relocation of the fuel facility to the proposed site at Learmonth Airport will however require the establishment of a new access road at Council's expense in future financial year budgets.

STRATEGIC IMPLICATIONS**Economic**

Objective 1: To be a diverse and innovative economy with a range of local employment opportunities.

- Outcome: 1.2: Planned and balanced economic growth
- Outcome: 1.5: Maintain & Improve Shire Infrastructure

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION – 11.3.2

That Council:

- 1) *Reject both tenders submitted for tender RFT 07/2014 - Lease of Property for Aviation Fuel Storage and Refuelling Services at Learmonth Airport and Exmouth Aerodrome and Provision of Hot Refuelling at Learmonth Airport;*
- 2) *Delegate Authority to the CEO to negotiate with Exxon Mobil for the lease of property for the provision of fuel at Learmonth Airport and Exmouth Aerodrome and the provision of Hot Refuelling from the existing fuel site at Learmonth Airport. In the event an agreement cannot be reached with Exxon Mobil (or an agreeable alternative proposal), enter into negotiations with the 2nd tenderer for same.*

COUNCIL DECISION – 15-0315 – 11.3.2

Moved Councillor Todd, Seconded Councillor McHutchison.

That Council:


- 1) *Reject both tenders submitted for tender RFT 07/2014 - Lease of Property for Aviation Fuel Storage and Refuelling Services at Learmonth Airport and Exmouth Aerodrome and Provision of Hot Refuelling at Learmonth Airport;*
- 2) *Delegate Authority to the CEO to negotiate with Exxon Mobil for the lease of property for the provision of fuel at Learmonth Airport and Exmouth Aerodrome and the provision of Hot Refuelling from the existing fuel site at Learmonth Airport. In the event an agreement cannot be reached with Exxon Mobil (or an agreeable alternative proposal), enter into negotiations with the 2nd tenderer for same.*

CARRIED by ABSOLUTE MAJORITY 4/0

11. REPORTS OF OFFICERS

11.4 Executive Manager Community Engagement

11.4.1 General Report

Location: Exmouth
 Applicant: R Kempe
 File Reference: GV.CM.0
 Disclosure of Interest: Nil
 Date: 17 March 2015
 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

Tourism

Exmouth Visitor Centre (EVC)

The Executive Manager Community Engagement attended a Strategic Planning workshop aimed at the review of the EVC's Strategic Plan. The workshop was well attended and some direction was formulated but an additional workshop is likely needed to finalise the review. Council will be informed about the final review as the EVC's Strategic Plan relates directly to the reporting requirements of the EVC to Council through the KPI's within the Plan.

Australia's Coral Coast (ACC)

In February officers attended the board meeting of the ACC in Perth which discussed the marketing plan for the ACC this season but also had guests from Geraldton to discuss their activities in the tourism area.

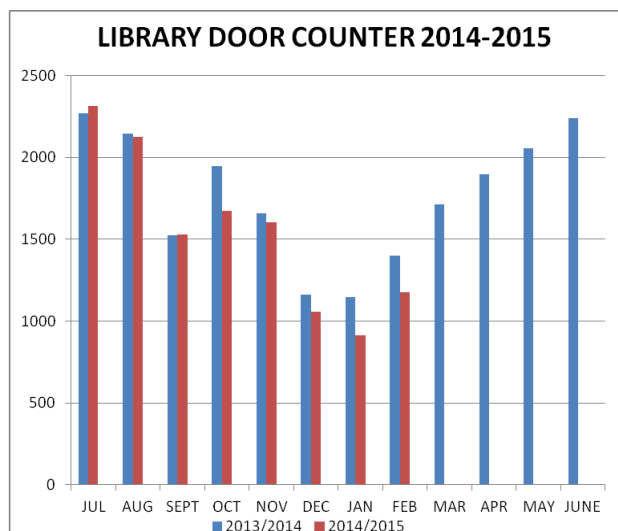
"Open for Business" campaign

The Shire is working with other organisations to develop a marketing campaign to make sure people know Exmouth is open for business. Many tourism businesses commenced their tours only a few days after the Cyclone and most accommodation providers are up and running as normal.

The Shire of Exmouth will contribute \$5,000 to a campaign covering the Gascoyne area and of course Exmouth and Ningaloo will feature in this. Other organisations involved at this stage include the Gascoyne Development Commission, the Gascoyne Shires and Australia's Coral Coast.

Library Services

About 1175 people made use of the library during the month of February and 1425 books were issued and returned. There were 66 Inter-library loans received with 13 being sent out.



The Northern Guardian featured a Story and rhyme time in the edition of 25 February 2015.

This month's book display centred Valentine's Day with "*Have a blind date with a book*". The idea was to choose a random "gift wrapped book" open it at home and read. It's a way of introducing new authors to our readers or sparking an interest in another Genre; it was well received by our readers.



Community Development

Relay for Life

Sarah Smith from the WA cancer council was in Exmouth on Monday 23 February and provided an information talk to the community about Relay for life. Community members were able to get all their answers at the event and teams used it as a fundraising opportunity. The committee raised funds to help stage the event. So far there are 7 teams with 67 participants. About \$ 4,625 has been raised with 170 days to go.

Anzac 100 Years

Officers met with a local resident and were given items found over the years at various sites around town. Some of these items will be on display at our ANZAC 100 Years exhibition later this year. Officers are working with consultants to identify and age some of the items received. Some easily identifiable ones include an old razor, a lighter and a RAAF insigne.



In addition, officers have approached some veterans of war and have loaned some items for the ANZAC exhibition.

Defibrillator Training

St John Ambulance Centre volunteer Craig Sigley visited the Shire to ensure all Shire staff knew how to use the first aid defibrillator that was donated some months ago. There were many questions, but all staff now understand how easy it is to use and how comfortable we should be when using it in an emergency. We would like to thank Craig for volunteering his time to do this training.

Acquisitions for the Ningaloo Centre

Officers have been successful in the acquisition of various items that potentially can go on display in the future Ningaloo Centre.

One of the items is a replica of a Sleeping Beauty, which is a submersible canoe which was used during WWII. The replica was made for a documentary and the relevance for Exmouth is that a Sleeping Beauty was used during operation Rimau which is part of our town's war history.

Exmouth Men Shed

The Exmouth Men's Shed held their regular meeting on 9 March 2015 and discussed various projects to be undertaken in the coming months, including the restoration of an old bus and the construction of a model plane. They are investigating grant opportunities as well. Three designs for a logo were presented and discussed and feedback is now sought on the preferred design before finalisation. Memberships are officially open.

The Shire has received an old bus which was in use during the early days of Exmouth town. The bus will be on display as a centre piece in the future Ningaloo Centre but requires some restoration works to be undertaken. The intent is for the Exmouth Men's Shed to be involved under guidance of Exmouth Smash Repairs.



Gascoyne Aboriginal Cultural and Recreational Needs Study

Officers met with Melanie Foxley from the Gascoyne Development Commission to discuss the progress of this study. Previously a consultant was engaged to conduct this study but no progress was made for several months. Melanie is now project officer for this project and will work with Shire officers to receive input.

The purpose of the Study is to identify cultural and recreational needs for the Aboriginal people living in the Gascoyne and to develop recommendations to address identified regional planning priorities as they relate to Aboriginal culture in the Gascoyne region.

Shire Presence on Facebook

The Community Development Officer has finalised an investigation into the use of social media, specifically Facebook, by other local governments in WA. Information provided by officers from other LG's indicates that, if well managed, Facebook can be a good tool to inform the community and have an effective way of communicating with residents.

The Management team had a first discussion about a report summarising the opportunities to implement a Shire of Exmouth Facebook page. The recent cyclone event has proven that a presence on social media during emergency and recovery times can be very beneficial. A proposal on the use of Facebook by the Shire will be presented to Council in due course.

Banners

Officers have engaged a graphic designer to reproduce the Banners on Maidstone crescent as the majority of them have reached the end of their use. Most of the photos will be used again; however some will be replaced with more recent photos from the Visitor Centre photo competition.

In addition, some new pull-up banners and so called 'teardrop' banners for outside will be made in the new shire Branding and with the new logo. Finally, a banner will be made for Tidy Towns to be on display during Tidy Town activities.

Media and Community Information

The following media and community information was released during the month:

- A wide range of notices regarding the Cyclone Recovery process posted on Facebook, and public notice board.
- Shire Newsletter regarding Cyclone Recovery process (2x March)
- Information for Northern Guardian regarding Library – Story time

Staffing

Sara Dunny-Fox has resigned from her role as Library Officer; we wish her all the best in her future career and have commenced the recruitment process to fill the position.

The EMCE will be on Long Service Leave from 30 March to 12 June 2015. Jaci Cutler, our Community Activities Officer will be the Acting EMCE during this period.

COMMENT

Nil

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Economic

Objective 1: To be a diverse and innovative economy with a range of local employment opportunities.

- Outcome 1.3 – Diverse Tourism opportunities.

Social

Objective 3: To be a dynamic, passionate and safe community valuing natural and cultural heritage.

- Outcome 3.3 –An inclusive, responsible and cohesive community.
- Outcome 3.5 –Maintain and increase participation levels in local community organisations and clubs.

Civic Leadership

Objective 4: To work together as custodians of now and the future

- Outcome 4.2 –A local government that is respected, professional, trustworthy and accountable.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.4.1

That Council receive the Executive Manager Community Engagement Report for the month of March 2015.

COUNCIL DECISION – 16-0315 – 11.4.1

Moved Councillor Winzer, Seconded Councillor Todd.

That Council receive the Executive Manager Community Engagement Report for the month of March 2015.

CARRIED 4/0


The Acting Shire President declared an impartiality interest in the following report and made the below declaration;

'With regard to CSRFF Small Grants Applications and Shire Priorities – Golf Club, the matter in item 11.4.2, I disclose that I am an executive committee member of Exmouth Golf Club. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.'

11. REPORTS OF OFFICERS

11.4 Executive Manager Community Engagement

11.4.2 CSRFF Small Grants Applications and Shire Priorities – Golf Club

| | |
|-------------------------|---|
| Location: | Exmouth |
| Applicant: | Exmouth Golf Club |
| File Reference: | GS.PR.1 |
| Disclosure of Interest: | Nil |
| Date: | 18 March 2015 |
| Author: | Rogé Kempe, Executive Manager Community Engagement |
| Signature of Author: |  |

Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends to Council to prioritise the applications made for the 'Community Sporting and Recreation Facilities Fund' (CSRFF) Small Grants for Exmouth and to inform the Department of Sport & Recreation accordingly.

BACKGROUND

The Shire of Exmouth received a request from the Department of Sport & Recreation (DSR) to assess applications submitted by Exmouth clubs and organisations for the 'Community Sporting and Recreation Facilities Fund (CSRFF) – Small Grants' funding by the Department.

The following application will be made with DSR (refer *Attachment 1*):

- Exmouth Golf Club – a Clubhouse Extension with Office and Storage Room.

COMMENT

This is the third time that the Exmouth Golf Club submits this application for exactly the same project. The project has not been successful in the 2 previous applications. There is no new information provided in terms of the need for the project and the project has not changed. The project assessment by officers is similar to the previous assessments.

Using the 'Project Assessment Sheet' provided by DSR (refer *Attachment 1* -page 10), the following comments for prioritisation of the initiative are made:

- The application scores "satisfactory" in all relevant areas.
- The project aligns with the ongoing improvements made to the Golf Club premises and grounds.
- The project is well planned and needed by the applicant.
- The project builds on the club's Strategic Plan and improvements in operations and governance.

CONSULTATION

Officers have been in contact with Department of Sport & Recreation, Carnarvon Office, regarding the draft application and grant requirements. The application needs to be forwarded with the Council recommendation to the DSR office in Geraldton.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There are no financial implications for Council in regard to the CSRFF applications made by the Exmouth Golf Club.

STRATEGIC IMPLICATIONS

Social

Objective 3: To be a dynamic, passionate and safe community valuing natural and cultural heritage.

- Outcome 3.3 –An inclusive, responsible and cohesive community.
- Outcome 3.5 –Maintain and increase participation levels in local community organisations and clubs.

Civic Leadership

Objective 4: To work together as custodians of now and the future

- Outcome 4.2 –A local government that is respected, professional, trustworthy and accountable.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.4.2

That Council prioritises the applications for the 'Community Sporting and Recreation Facilities Fund (CSRFF)' as follows: Priority 1 of 1 is Exmouth Golf Club for a Clubhouse Extension with Office and Storage Room.

COUNCIL DECISION – 17-0315 – 11.4.2

Moved Councillor Todd, Seconded Councillor Winzer.

That Council prioritises the applications for the 'Community Sporting and Recreation Facilities Fund (CSRFF)' as follows: Priority 1 of 1 is Exmouth Golf Club for a Clubhouse Extension with Office and Storage Room.

CARRIED 4/0

11. REPORTS OF OFFICERS**11.5 Executive Manager Health & Building****11.5.1 General Report**

Location: Exmouth
 Applicant: R M Manning
 File Reference: GV.CM.0
 Disclosure of Interest: Nil
 Date: 18 March 2015
 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**Applications for Permits and Certificates Pursuant to the Building Act 2011**

| Building Applications | | | | | | |
|-----------------------|---------------|--------|------------------------|---------------------------|-------------------------------------|---------------|
| Application No | Date Received | Lot No | Development Location | Description | Decision | Decision Date |
| 14/135 | 24/10/2014 | 1131 | 23 Koolinda Way | Carport | Awaiting information from applicant | |
| 15/04 | 13/01/2015 | 217 | 21 Carpenter Street | Verandah | Awaiting information from applicant | |
| 15/13 | 20/01/2015 | 949 | 8 Griffiths Way | Internal Fit Out – Office | Approved | 03/03/2015 |
| 15/18 | 03/02/2015 | 403 | 5 Farley Street | Resheet existing pergola | Approved | 06/02/2015 |
| 15/19 | 29/01/2015 | 35 | Unit 35 2 Welch Street | Short Stay Accommodation | Awaiting information from applicant | |
| 15/20 | 30/01/2015 | 18 | Unit 18 2 Welch Street | Short Stay Accommodation | Awaiting information from applicant | |
| 15/21 | 30/01/2015 | 19 | Unit 19 2 Welch Street | Short Stay Accommodation | Awaiting information from applicant | |
| 15/22 | 30/01/2015 | 22 | Unit 22 2 Welch Street | Short Stay Accommodation | Awaiting information from applicant | |
| 15/23 | 30/01/2015 | 36 | Unit 36 2 Welch Street | Short Stay Accommodation | Awaiting information from applicant | |
| 15/24 | 02/02/2015 | 407 | 28 Madaffari Drive | Jetty | Approved | 09/02/2015 |
| 15/25 | 05/02/2015 | 66 | 20 Crevelle Way | Fence | Approved | 06/02/2015 |
| 15/26 | 11/02/2015 | 19 | 5 Maley Street | Internal Fit out | Approved | 16/02/2015 |
| 15/27 | 06/02/2015 | 73 | Lyndon Location | Dome Shelter | Approved | 10/02/2015 |
| 15/28 | 09/02/2015 | 278 | 22 Christie Street | Outbuilding | Approved | 12/02/2015 |
| 15/29 | 09/02/2015 | 456 | 4 Osprey Way | Single Dwelling | Approved | 11/02/2015 |
| 15/30 | 11/02/2015 | 11 | 112 Madaffari Drive | Single Dwelling | Approved | 09/03/2015 |
| 15/32 | 12/02/2015 | 253 | 18 Davidson Street | Swimming Pool and Fence | Approved | 19/02/2015 |
| 15/33 | 12/02/2015 | 2 | 5A Tonge Place | Single Dwelling | Approved | 17/02/2015 |
| 15/34 | 13/02/2015 | 1210 | 15 Skipjack Circle | Swimming Pool | Approved | 23/02/2015 |
| 15/35 | 13/02/2015 | 456 | 4 Osprey Way | Outbuilding | Approved | 17/02/2015 |
| 15/36 | 18/02/2015 | 66 | Minilya-Exmouth Road | Demolition | Approved | 18/02/2015 |
| 15/37 | 18/02/2015 | 66 | Minilya-Exmouth Road | Demolition | Approved | 18/02/2015 |
| 15/38 | 18/02/2015 | 925 | 9 Ningaloo Street | Patio | Approved | 19/02/2015 |

| | | | | | | |
|-------|------------|----|----------------------|-------------|----------|------------|
| 15/39 | 23/02/2015 | 73 | Lyndon Location | Outbuilding | Approved | 04/03/2015 |
| 15/42 | 25/02/2015 | 27 | Unit 27 Welch Street | Patio | Approved | 26/02/2015 |
| 15/43 | 27/02/2015 | | 18 Davidson Street | Pool shed | Approved | 04/03/2015 |

Summary of Building Licence/Permit Applications
2007 to Year to date 28 February 2015

| Year | No. Applications | Total Value of Works | No. Applications to 28 February | Value to 28 February |
|-------------|------------------|----------------------|---------------------------------|----------------------|
| 2007- 2008 | 114 | \$13,465,725.00 | 78 | \$9,507,707 |
| 2008- 2009 | 132 | \$26,600,941.00 | 91 | \$19,436,323 |
| 2009 - 2010 | 198 | \$26,916,869.00 | 107 | \$16,607,842 |
| 2010 - 2011 | 188 | \$24,816,605.00 | 107 | \$16,520,433 |
| 2011-2012 | 144 | \$23,057,154.00 | 100 | \$16,953,004 |
| 2012- 2013 | 150 | \$19,931,790.00 | 95 | \$14,572,901 |
| 2013-2014 | 159 | \$23,404,990.00 | 109 | \$16,360,997 |
| 2014-2015 | | | 113 | \$12,820,001 |

COMMENT

BUILDING

There was one matter of non-compliance that Council Officers responded to since the previous OCM General Report. That being the commencement of demolition works by Kailis of the old 'Kailis Hatchery' buildings without a Demolition Permit. The land being leased from the Department of Defence apparently was the cause of some confusion amongst Kailis staff as to whether they were required by law to obtain a Demolition Permit or not. The works were stopped for about 24 hours while the necessary paperwork was sorted out.

Following Cyclone Olwyn, through the Shire Newsletter Officers have reminded residents and business proprietors of the need to handle any material suspected to be containing asbestos in the correct manner and to ensure immediate repairs (temporary if necessary) are carried out to any swimming pool barrier fencing that has been compromised.

ENVIRONMENTAL HEALTH

The environmental health responsibilities continued as per normal with regular water sampling, food and public building inspections and general enquiries.

Following Cyclone Olwyn, there has been additional focus on guiding the proprietors of tourist accommodation establishments with semi-public swimming pools on how to get their respective pools re-open for use. With the above now 90% sorted, attention has turned to ensuring that the caravan parks and public buildings have all the necessary emergency and safety features fully operational before the Easter holiday period.

Waste Management and Recycling

In accordance with the Shire of Exmouth Cyclone Emergency Plan, the Qualing Scarp Waste Disposal Site was closed on Thursday morning 12 March 2015 as the town had been put on a 'Yellow Alert' at 6am that morning. The tip hours had been extended to 6pm on the Wednesday (while on Blue Alert) to give residents and businesses extra time to use the tip. The additional opening hours proved very popular. Tip staff were inundated on Wednesday and had no time to push and cover the large amount of material that entered the site. While the tip was closed to the public Thursday morning, staff were able to push and cover the past two days waste in preparation for the cyclone.

At about 10:15am, once the general tip face, food hole and scrap metal areas were under control, the tip gates were re-opened for public to continue to access the site. Although this action was not strictly in accordance with the procedures outlined in the Cyclone Emergency Plan, it was deemed necessary as it was evident that a large sector of the community had not taken the necessary precautions/actions during Blue Alert or made use of the free Pre-Cyclone Season Clean-up Service provided by Council late 2014. This was despite an article in the Feb 2015 Shire Newsletter on Cyclone Preparations and specifically asking

residents and businesses not to leave it to the last minute (e.g. Yellow Alert), to commence cleaning up around the house.

Council Officers will give consideration to any changes to the tip site emergency procedures for cyclones and communicate the same to the community.

Septage Pond Redevelopment Issues

A Request for Quotation (03/15) was recently called for the decommissioning of the existing septage ponds at the Qualing Scarp Waste Disposal Site and construction of a new ponds system built to current industry standards and the requirements of the Department for Environmental Regulation (DER). The RFQ included detailed specifications and design drawings prepared by Council Waste Management Consultant, Bowman & Assoc.

The redevelopment of the septage ponds is a requirement of the DER as the current ponds are not approved or licensed with DER.

Unfortunately the quotations received were a lot more than the original project cost estimate and substantially more than the adopted budget for the project. Given the Council's current financial situation and the financial burden of cleaning up after Cyclone Olwyn, it is not possible for this project to proceed this financial year. Owing to the above, the Executive Manager Health & Building has informed DER Officers of Council's predicament and has requested that there be some reconsideration of other potential options to resolve this issue.

Scrap Metal

Sims Metal will be coming after Easter 2015 to compact and remove all vehicles from the tip.

Clean-up Australia Canal Clean-up 7 March 2015

The Canal Clean-up was a great success with two skip bins of rubbish removed from within and around the canals and around the boat harbour. Four divers volunteered their time and found diving in different water conditions a great experience.

Some interesting items collected from the canals were a skate board and ladders. It was good to see only a small amount of tyres were pulled from the canals and no other items were removed that indicated any illegal disposing of rubbish was occurring in the canals.

Unfortunately thanks to Cyclone Olwyn, it is likely that the canals now have a considerable amount of debris in them again.

Sentinel Chickens & Mosquito Borne Diseases

The University of Western Australia's Sentinel Chicken Bleeding Program is continuing with bi-monthly bleeding of chicken flocks. There were no new positives blood tests to report of for Murray Valley Encephalitis, Kunjin Virus or other flavivirus from the rounds of testing up to 10 March 2015.

Paltridge Memorial Swimming Pool

| | <u>2015</u> | <u>2014</u> | <u>2013</u> |
|-------------------|-------------|-------------|-------------|
| Pool Users | 4938 | 3341 | 4372 |

2015 Karma Resorts Virtual Swim to Rottnest

The above event was held on Saturday 21 February 2015. Everyone had a great time at the Virtual Swim to Rottnest, the weather was perfect with a gentle breeze helping to keeping the swimmers cool. The event managed to raise \$3,981 for the Royal Flying Doctors Service, which included \$173.20 from gold coin donations at the gate.

Sunsmart Country Pennants WA 2015

The above event was a great success bringing an estimated 1,000 people to town for the Labour Day long weekend. All the feedback from the visiting teams was positive which is a credit to the Exmouth Amateur Swimming Club for their planning and preparation towards running the event. The use of Federation Park

for an expanded footprint of the event proved to work very well. Federation Park was used to house the team camps and the stage used for opening and closing ceremonies. This also made for uncramped conditions in the pool grounds and generous spectating areas. A screen shot of the event taken from a short video clip filmed by a drone is shown below.



Competition wise the event was very successful for the Exmouth Amateur Swimming Club who won their B Grade division and also won the relay section of the competition. The club has now moved up into A Grade.

Community Pool Revitalisation Grant

The Community Pool Revitalisation Grant of \$30,000 has helped to subsidise staff training as well as fund upgrades to the pool plant and treatment systems. Below are two of the items that have been purchased and installed from the grant that are significant improvements to the treatment system:-

- An Optidrive unit has now been fitted to the main pump at the pool which looks promising for significant power savings. The Optidrive reduces the hertz that the pump runs at with minimal impact to the speed of the motor of the pump. The current pump fitted to the pool which runs 24 hours a day 7 days a week is a 7.5 Kw pump when running at 60 hertz has now been reduced to 48 hertz which means it is only drawing 4.5 Kw showing a 33% reduction in the running cost of the pump. This pump is the heart of the pool and would account for the majority of the pools power usage.
There are also other advantages to this system such as the pump runs cooler and works less increasing the lifespan of the pump. The unit eliminates voltage fluctuations and spikes that can harm the motor of the pump. It reduces water hammer in the filtration system with its soft start feature and reduces the noise in the plant room with the motor running a lot quieter. The Optidrive unit was funded by a Community Pool Revitalization grant.
- A new automatic controller has now been fitted to the Chlorine Gas dosing system for the pool which has always been controlled manually in the past. This unit will make chlorine levels in the pool more consistent saving money through efficiency in chlorine dosing and it also reduces the time the booster pump needs to run saving in power. It will also make the pools chlorine levels a lot safer by reducing the chance of human error in chemical balancing.

Staff

The Environmental Health Officer will be on annual leave from 28 March to 20 April 2015. Relief EHO, Ken Lowth will be engaged for a week prior to Easter, mainly to provide assistance in ensuring that the caravan parks and public buildings have all the necessary emergency and safety features fully operational before the Easter holiday period.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Environment

Objective 2: To have a balanced respect for our environment and heritage, both natural and built.

- Outcome 2.4: To be a leader in eco-friendly initiatives and innovations.

Social

Objective 3: To be a dynamic, passionate and safe community valuing natural and cultural heritage.

- Outcome 3.2: Excellent lifestyle, recreational and cultural facilities.
- Outcome 3.3: An inclusive, responsible and cohesive community.
- Outcome 3.4: A community that is well informed and educated about our natural, cultural and built environment.
- Outcome 3.5 - Maintain and increase the participation levels in local community organisations and clubs.

Civic Leadership

Objective 4: To work together as custodians for now and the future.

- Outcome 4.1: To be a collaborative community with the capacity to manage the current and future direction of Exmouth.
- Outcome 4.2: A local government that is respected, professional, trustworthy and accountable.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.5.1

That Council receive the Executive Manager Health & Building Report for the month of March 2015.

COUNCIL DECISION – 18-0315 – 11.5.1

Moved Councillor Winzer, Seconded Councillor McHutchison.

That Council receive the Executive Manager Health & Building Report for the month of March 2015.

CARRIED 4/0

Councillor McHutchison congratulated the Exmouth Amateur Swim Club on how well the State Country Pennants Swimming Championships were held and the amount of positive feedback she had received towards the organisation and running of the event.

11. REPORTS OF OFFICERS

11.6 Executive Manager Town Planning

11.6.1 General Report

Location: Exmouth
 Applicant: Nil
 File Reference: LP.PL.0
 Disclosure of Interest: Nil
 Date: 18 March 2015
 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

Planning Applications and Approvals

Below is a summary of planning applications and approvals up to 18 March 2015.

| Applic No. | Lodgement | Lot | Property Address | Description | Decision | Date Determined |
|------------|------------|------|------------------------|-------------------------------|--|-----------------|
| PA141/14 | 06/08/2014 | 462 | 16 Osprey Way | Garage | Awaiting information from applicant | |
| PA200/14 | 21/11/2014 | 332 | 6 Kestrel Place | Single Dwelling | Awaiting information from applicant | |
| PA04/15 | 12/01/2015 | 1342 | 31 Salmon Loop | Home Occupation | Approved | 06/03/2015 |
| PA05/15 | 13/01/2015 | 198 | Yardie Creek Rd | Renovations and Alterations | Approved | 17/02/2015 |
| PA09/15 | 29/01/2015 | 949 | 8 Griffiths Way | Office | Approved | 19/02/2015 |
| PA11/15 | 29/01/2015 | 197 | Reserve 41975 | Ablution Shade Sail Structure | Approved | 17/02/2015 |
| PA13/15 | 03/02/2015 | 15 | 120 Madaffari Drive | Single Dwelling | Neighbour consultation closes 26/03/2015 | |
| PA15/15 | 05/02/2015 | 399 | 1 Corella Court | Single Dwelling | March OCM | |
| PA16/15 | 06/02/2015 | 27 | Unit 27/2 Welch Street | Patio | Approved | 16/02/2015 |
| PA17/15 | 12/02/2015 | 122 | 12 Grenadier Street | Outbuilding | Approved | 05/03/2015 |
| PA20/15 | 16/02/2015 | 1381 | 45 Preston Street | Lean-to Addition | Approved | 16/02/2015 |
| PA21/15 | 16/02/2015 | 159 | 26 Dugong Close | Single Dwelling | Processing | |
| PA22/15 | 19/02/2015 | 73 | Lyndon Location | Sea Container | Approved | 06/03/2015 |
| PA23/15 | 19/02/2015 | 395 | 9 Corella Court | Swimming Pool | Approved | 23/02/2015 |
| PA24/15 | 23/02/2015 | 350 | 27 Kestrel Place | Holiday Accommodation | March OCM | |
| PA25/15 | 23/02/2015 | 131 | 42 Young Street | Lean-to and Balcony Addition | Approved | 05/03/2015 |
| PA26/15 | 24/02/2015 | 649 | 22 Hall Street | Home Occupation | Approved | 10/03/2015 |

| | | | | | |
|---------|------------|------|-------------------|----------------------|--|
| PA27/15 | 26/02/2015 | 3 | 5 Ningaloo Street | Lean-to | Processing |
| PA28/15 | 03/03/2015 | 63 | 29 Inggarda Lane | Single Dwelling | Processing |
| PA31/15 | 10/03/2015 | 1293 | 2 Trout Place | Holiday Accomodation | Neighbour consultation closes 09/04/2015 |

| Summary of Total Planning Application/Codes Variations | |
|---|-------------------------|
| Year | No. Applications |
| 2010-2011 | 149 |
| 2011-2012 | 163 |
| 2012-2013 | 175 |
| 2013-2014 | 87 |
| 2014-2015(to date) | 86 |

| Permits issued for an Activity on Local Government Property | |
|--|-------------------------|
| Month | No. Applications |
| October | 4 |
| November | 4 |
| December | 4 |
| January | 5 |
| February | 1 |

Local Planning Strategy and Scheme

The preparation of the Local Planning Strategy and Local Planning Scheme No 4 is progressing well. Taylor Burrell Barnett (TBB) are currently finalising the Local Planning Scheme No 4. The Executive staff are currently going through the draft Local Planning Strategy. It is envisaged that the documents will be presented to Council during the June Ordinary Council Meeting.

Civil Construction -Special Rural Subdivision of Lot 300 Heron Way, Exmouth

Construction of the above project is now 50% complete. It is expected that the civil works will be completed by April 2015 and titles issued by 30 June 2015. Exmouth Cape Real Estate and Exmouth Experience Real Estate are undertaking the marketing on behalf of Council.

Approval of the Road Name Catalina Close – Heron Way , Exmouth

The Geographic Names Committee has approved to name the unnamed road reserve in Heron Way subdivision Catalina Close after the type of sea plane used in the Exmouth Gulf during World War II and is consistent with the naming of Preston Street and Heron Way (refer *Attachment 1*).

Management Order – Horse Blocks

The Department of Lands has provided Council a Management Order for the leasing of horse blocks for a period not exceeding 5 years (refer *Attachment 2*).

Ranger Services

A summary of the activities performed by Ranger Services during February 2015.

| | Dogs | Camping | Parking | Litter | Fire | Off road | Other |
|-------------------------|-------------|----------------|----------------|---------------|-------------|-----------------|--------------|
| Warning/caution | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Infringement | 27 | 2 | 0 | 0 | 0 | 0 | 0 |
| Court | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| February Total | 27 | 2 | 0 | 0 | 0 | 0 | 0 |
| 2014-2015 Totals | 37 | 113 | 31 | 13 | 229 | 2 | 7 |

Dog Control Survey

Council Officers are currently collating the statistics collected from the surveys completed in February 2015. A report is expected to be presented to Council during the April 2015 Ordinary Council Meeting.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Planning and Development Act 2005
Shire of Exmouth Town Planning Scheme No 3
Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Economic

Objective 1: To be a diverse and innovative economy with a range of local employment opportunities.

- Outcome 1.2 - Planned and balanced economic growth.

Environment

Objective 2: To have a balanced respect for our environment and heritage, both natural and built.

- Outcome 2.2: Our pristine natural environment and biodiversity will be understood, maintained and protected.
- Outcome 2.4: To be a leader in eco-friendly initiatives and innovations.

Social

Objective 3: To be a dynamic, passionate and safe community valuing natural and cultural heritage.

- Outcome 3.2: Excellent lifestyle, recreational and cultural facilities.
- Outcome 3.3: An inclusive, responsible and cohesive community.
- Outcome 3.4: A community that is well informed and educated about our natural, cultural and built environment.
- Outcome 3.5 - Maintain and increase the participation levels in local community organisations and clubs.

Civic Leadership

Objective 4: To work together as custodians for now and the future.

- Outcome 4.1: To be a collaborative community with the capacity to manage the current and future direction of Exmouth.
- Outcome 4.2: A local government that is respected, professional, trustworthy and accountable.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.6.1

That Council receive the Executive Manager Town Planning Report for the month of March 2015.

COUNCIL DECISION – 19-0315 – 11.6.1

Moved Councillor Todd, Seconded Councillor McHutchison.

That Council receive the Executive Manager Town Planning Report for the month of March 2015.

CARRIED 4/0

10. REPORTS OF OFFICERS**11.6 Executive Manager Town Planning****11.6.2 Activity on Local Government Property – Mobile Pizza Cooking – Vlaming Head Lighthouse and Town Beach Car Park, Exmouth**

Location: Vlaming Head Lighthouse and Town Beach Car Park
 Applicant: Extreme Pizza – Phil Marshall
 File Reference: LP.PE.0
 Disclosure of Interest: Nil
 Date: 9 March 2015
 Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer:

Chief Executive Officer, Bill Price

SUMMARY

This report recommends that Council approve the application for Activity on Local Government Property for mobile pizza cooking and the sale of pizza for a period of (1) one year at the Hunters Beach Carpark and the Town Beach Carpark.

BACKGROUND

In December 2011, Council noted “any application from a trader wishing to operate longer than two weeks will be referred to the full Council for consideration.” This proposal is to operate a mobile pizza van for a period of one (1) year; therefore it has to be determined by Council.

PROPOSAL

Extreme Pizza has formally applied to Council to use the Vlaming Head Lighthouse and Town Beach Car Park for mobile pizza cooking and the sale of pizza. The sale of pizza will be for a period of twelve (12) months from 01/03/2015 to 29/02/2016 between 5pm and 9pm. The 3m x 6m mobile pizza van will be parked at the Town Beach car park every other weekend and next to the Vlaming Head Lighthouse three (3) days of the month when there is a full moon. See **Attachment 3** for proposed locations.

COMMENT

The proposal has been assessed against the *Local Government Act 1995* and Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law. In determining the sale of pizza the Council must consider the following relevant clauses of the Activities in Thoroughfares and Trading in Thoroughfares and Public Places Local Law.

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

| Local Law Provisions | Officer Comment |
|--|--|
| <p><i>In determining an application for a permit for the purposes of this Division, the local government is to have regard to –</i></p> <p>(a) <i>any relevant policies of the local government;</i></p> <p>(b) <i>the desirability of the proposed activity;</i></p> <p>(c) <i>the location of the proposed activity;</i></p> | <p>The proposed activity will complement the Town Beach area. However the use of Vlaming Head Lighthouse precinct/area is not supported as the area is a heritage Precinct. Council Officers suggests the use of Hunters Beach Carpark in close proximity as an alternative.</p> <p>The proposed activity provides an additional service to the town. The sale of pizza is partly catered for by some existing restaurants in town; however, they are not located within 300m of the</p> |

| | |
|---|---|
| <p>(d) <i>the principles set out in the Competition Principles Agreement;</i></p> <p>(e) <i>such other matters as the local government may consider to be relevant in the circumstances of the case.</i></p> | <p>Town Beach Car park.</p> <p>The key guiding principle is that “<i>legislation should not restrict competition unless it can be demonstrated that:</i></p> <p>a) <i>the benefits of the restriction to the community as a whole outweigh the costs; and</i></p> <p>b) <i>the objectives of the legislation [Local Law] can only be achieved by restricting competition.</i>”</p> <p>Council should consider the implications of approving long term permits on the Town Beach car park and the Hunters Beach Carpark</p> <p>The proposed period of operation although all year round, also coincides with the tourist season when there is increased use of the Town Beach and Hunters Beach Carpark. The proposed activity will encourage more use of these two areas.</p> <p>The application is recommended for approval to operate in the proposed time period for the following reasons:</p> <ul style="list-style-type: none"> - The sale of pizza will encourage more use of the Town Beach and Hunters Beach Carpark. - Both locations are suitable for the activity as they are popular areas with locals and tourists. |
| <p><i>The local government may refuse to approve an application for a permit under this Division on any one or more of the following grounds;</i></p> <ul style="list-style-type: none"> - <i>that the needs of the district, or the part for which the permit is sought, are adequately catered for by established shops or by persons who have valid permits to carry on trading or to conduct a stall.</i> - <i>such other grounds as the local government may consider to be relevant in the circumstances of the case.</i> | <p>The proposed activity provides an additional service to the town. The sale of pizza is partly catered for by some existing restaurants in town; however, they are not located within 300m of the Town Beach Car park.</p> <p>Also the applicant is not proposing to operate everyday but on selected days every month and for a limited number of hours. To encourage competition and meet the Competition Principles Agreement the activity is deemed suitable.</p> |
| <p><i>A stallholder while conducting a stall or a trader while trading shall when selling goods by weight, carry and use for that purpose, scales tested and certified in accordance with the provisions of the Weights and Measures Act 1915.</i></p> | <p>Not applicable.</p> |
| <p><i>A stallholder or trader shall not –</i></p> <p>(a) <i>attempt to conduct a business within a distance of 300m 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.</i></p> | <p>The proposed activity is not within 300m of any other shop or permanent business selling pizza.</p> |

CONSULTATION

Nil

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

In accordance with 2014/2015 fees and charges the permit fee will be; Vlaming Head Lighthouse per year; \$112.50 and Mobile vendors per year; \$1111.00.

STRATEGIC IMPLICATIONS

Social

Objective 3: To be a dynamic, passionate and safe community valuing natural and cultural heritage.

- Outcome 3.2: Excellent lifestyle, recreational and cultural facilities..

Civic Leadership

Objective 4: To work together as custodians for now and the future.

- Outcome 4.1: To be a collaborative community with the capacity to manage the current and future direction of Exmouth.
- Outcome 4.2: A local government that is respected, professional, trustworthy and accountable.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.6.2

That Council approve the application for activity on Local Government Property for the sale of pizza upon the Town Beach Carpark and Hunters Beach Carpark for a maximum period of twelve (12) months between 1 April 2015 and March 2016 subject to standard permit conditions.

COUNCIL DECISION – 20-0315 – 11.6.2

Moved Councillor McHutchison, Seconded Councillor Todd.

That Council approve the application for activity on Local Government Property for the sale of pizza upon the Town Beach Carpark and Hunters Beach Carpark for a maximum period of twelve (12) months between 1 April 2015 and March 2016 subject to standard permit conditions.

CARRIED 4/0

11. REPORTS OF OFFICERS

11.6 Executive Manager Town Planning

11.6.3 Holiday Accommodation – Lot 350 (27) Kestrel Place Exmouth

Location: Lot 350 (27) Kestrel Place Exmouth
 Applicant: KDST PTY LTD ATF The K & P Strickland Family Trust
 File Reference: A1464 (PA24/15)
 Disclosure of Interest: Nil
 Date: 17 March 2015
 Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends that Council grant conditional planning approval for Holiday Accommodation upon Lot 350 (27) Kestrel Place, Exmouth.

BACKGROUND

The subject lot has a substantially constructed dwelling, is approximately 906m² in area and zoned Marina in the Scheme. It has planning approval for a dwelling (PA27/14) and a jetty and mooring posts (PA203/14).

The area has an Outline Development Plan which identifies the lot within Marina Precinct A. Detailed Design Guidelines have been prepared and adopted by Council as Policy 6.16: Design Guidelines for Exmouth Marina Village Precinct A. The aerial image below identifies Lot 350 (27) Kestrel Place where the proponent seeks planning approval for Holiday Accommodation use.

Lot 350 (27) Kestrel Place, Exmouth



COMMENT

The proposal has been assessed against the Town Planning Scheme No. 3 (Scheme), Policy 6.12: Holiday Accommodation and Policy 6.16: Design Guidelines for Exmouth Marina Village Precinct A. Table 1 of the Scheme defines Holiday Accommodation as an 'SA' use in the residential zone meaning the use is not permitted unless the Council has granted planning approval after giving notice in accordance with clause 9.3. The relevant Outline Development Plan states land uses to be in accordance with the residential zone of the scheme.

Policy 6.12 objectives sought to:

- *Support a diverse accommodation base within the Shire;*
- *Provide an effective management framework and guide for the provision of holiday accommodation (other than within the Tourist zone) within the Shire;*
- *Ensure that a holiday accommodation establishment is maintained to a satisfactory standard and that its use is lawfully conducted;*
- *Ensure that all holiday accommodation accords with Town Planning Scheme No. 3 by undertaking community consultation with adjoining property owners and a formal decision being made by the Council where required;*
- *Ensure holiday accommodation does not compromise the amenity of the residential neighbourhood through appropriate planning approval conditions;*
- *Ensure that holiday accommodation establishments comply with the Building Code of Australia and Regulations and Health Act 1911.*

This application generally accords with the Policy, however, there are a number of areas where the application needs to be modified, as discussed below: -

Number of Occupants

The number of allowable occupants is restricted by the ventilation requirements under the Health Act 1911, which defines the following:

- a. For every person over the age of 10 years, there is to be a minimum of 14 cubic metres of air space per person
- b. For every person between the ages of 1 & 10 years, there is to be a minimum of 8 cubic metres of air space per person.

Officers have calculated the permissible number of occupants per bedroom:

| Schedule 1: Allowable Occupants: Lot 350 (27) Kestrel Place, Exmouth |
|---|
| Bedroom 1: Total floor space: 17.2m ² , Approximate Air Space: 46.43m ³ Allowable occupants: 3 adults OR 2 adults and 2 children OR 5 children |
| Bedroom 2: Total floor space: 17.92m ² , Approximate Air Space: 48.39m ³ Allowable occupants: 3 adults OR 2 adults and 2 children OR 5 children |
| Bedroom 3: Total floor space: 14.5m ² , Approximate Air Space: 39.14m ³ Allowable occupants: 2 adults OR 2 adults and 1 child OR 4 children |
| Bedroom 4: Total floor space: 14.07m ² , Approximate Air Space: 37.99m ³ Allowable occupants: 2 adults OR 2 adults and 1 child OR 4 children |
| *Note: All persons over the age of 10 years require a minimum of 14 cubic metres of air space per person. Children aged up to 10 years require a minimum of 8 cubic metres of air space each. As such, the term 'adult' has been used for persons over the age of 10 years. |
| **The air space is calculated with a 2.7m ceiling height. |

Occupancy Levels

Following the assessment by officers to calculate the number of guests permissible, the maximum number of overnight occupants allowed within the dwelling at the same time shall be twelve (12) persons. This includes no more than ten (10) occupants over the age of 10 at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy. Potential occupants shall be advised of this prior to booking.

Number of Vehicles

The application states the number of vehicles to be accommodated on site is two (2) vehicles and two (2) trailers. The maximum permissible number allowed under the Holiday Accommodation Policy is three (3) vehicles and two (2) trailers. The policy states that car parking shall be calculated on the basis of four persons per vehicle. The property has a double garage with space to accommodate two (2) more vehicles just in front of the double garage. Officer recommends a maximum of two (2) vehicles and two (2) trailers to reduce traffic issues. Considering the above officer recommends that the Council of the Shire of Exmouth grant conditional planning approval for Holiday Accommodation upon Lot 350 (27) Kestrel Place, Exmouth.

Management Plan and Code of Conduct

The applicant has submitted a copy of the proposed Management Plan, Tenant Code of Conduct and an Emergency Response Plan as per the Holiday Accommodation Policy 6.12. The documentation is considered sufficient to achieve the desired management framework. A condition shall be applied to ensure the occupancy numbers are written clearly to reflect the relevant Scheme provisions and approval by Council.

Currently, there are seven (7) approved Holiday Accommodation premises in Kestrel Place (Refer *Attachment 4*). Having regard to the above, Officers recommend that Council grant conditional planning approval for holiday accommodation upon Lot 350 (27) Kestrel Place.

CONSULTATION

In accordance with the requirements of the Scheme adjoining impacted neighbours were invited to comment on the proposal from **Thursday 26 February 2015 to Thursday 19 March 2015** for a period of 21 days. A summary is tabled below:

| Property | Response | Officer Comments |
|----------------------------|----------|------------------|
| Lot 351 (25) Kestrel Place | Nil | |
| Lot 349 (29) Kestrel Place | Nil | |
| Lot 341 (24) Kestrel Place | Nil | |
| Lot 342 (26) Kestrel Place | Nil | |
| Lot 379 (30) Corella Court | Nil | |
| Lot 380 (32) Corella Court | Nil | |

STATUTORY ENVIRONMENT

Planning and Development Act
Town Planning Scheme No. 3

POLICY IMPLICATIONS

Policy 6.12: Holiday Accommodation
Policy 6.16: Design Guidelines for Exmouth Marina Village Precinct A

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS**Economic**

Objective 1: To be a diverse and innovative economy with a range of local employment opportunities.

- Outcome 1.2 - Planned and balanced economic growth.

Civic Leadership

Objective 4: To work together as custodians for now and the future.

- Outcome 4.1: To be a collaborative community with the capacity to manage the current and future direction of Exmouth.
- Outcome 4.2: A local government that is respected, professional, trustworthy and accountable.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.6.3

That Council grant planning approval for holiday accommodation upon Lot 350 (27) Kestrel Place, Exmouth subject to the following conditions:

- 1. The approved use shall accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA24/15) and Local Planning Policy No. 6.12: Holiday Accommodation;*
- 2. The maximum number of overnight occupants allowed within the dwelling at the same time shall be twelve (12) persons. This includes no more than ten (10) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Local Planning Policy 6.12: Holiday Accommodation;*
- 3. The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be two (2) and two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
- 4. The property shall provide at least three (3) 240 litre rubbish bins prior to the use commencing;*
- 5. The Terms and Conditions, Tenant Code of Conduct, Management Statement, and Emergency Response Plan shall be clearly displayed in the premises in accordance with Council Holiday Accommodation Policy;*
- 6. An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:

 - a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - no fires are to be lit outside with the exception of a gas or electric barbeque.**
- 7. The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
- 8. An approved smoke alarm must be installed on or near the ceiling in each guest bedroom; and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms and the remainder of the building. Where the building is more than one storey, approved smoke alarms must be installed on each storey. The smoke alarms must be installed in accordance with Australian Standards and be connected to the consumer mains power;*
- 9. If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighboring properties, or causes a nuisance to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;*
- 10. 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 this approval hereby granted have been complied with;*
- 11. Should this residential premises be used for Holiday Accommodation purposes and provide a swimming pool/spa pool for the use of guests or should the owners intend to install a swimming pool/spa pool in the future, the owners are hereby advised of the following:-

 - The Health (Aquatic Facilities) Regulations 2007 require that a Certificate of Compliance and a Permit to Operate from the Executive Director, Public Health (EDPH) for the 'aquatic facility' be obtained i.e. the Department of Health (WA) is the approving authority, not the Shire of Exmouth;**

- *Whether an aquatic facility is approved by the EDPH or not, regulation 21 prescribes that an Environmental Health Officer, or a person under the direction of an Environmental Health Officer, collects 2 water samples (one for bacteria, one for amoeba) from each water body of each aquatic facility in the district at least once per month. The owner/property manager must therefore make suitable arrangements for the Shire's Water Sampling Officer to access the property to obtain the water samples.*

12. *This approval is valid until 30 September 2015. Following planning approval an annual permit will be issued after paying the prescribed fee. Upon this period lapsing, Council will notify owners about the date of expiry and that a new permit is required should the property continue to be used for holiday accommodation.*

Advice

- i) *In regards to Condition (2) above, the number of persons per room shall accord with the following:*
- *For every person over the age of 10 years, there is to be a minimum of 14 cubic metres of air space per person; and*
 - *For every person between the ages of 1 & 10 years, there is to be a minimum of 8 cubic metres of air space per person.*

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of twelve (12) persons. This includes no more than ten (10) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

Schedule 1: Allowable Occupants: Lot 350 (27) Kestrel Place, Exmouth

Bedroom 1: Total floor space: 17.2m², Approximate Air Space: 46.43m³
Allowable occupants: 3 adults OR 2 adults and 2 children OR 5 children

Bedroom 2: Total floor space: 17.92m², Approximate Air Space: 48.39m³
Allowable occupants: 3 adults OR 2 adults and 2 children OR 5 children

Bedroom 3: Total floor space: 14.5m², Approximate Air Space: 39.14m³
Allowable occupants: 2 adults OR 2 adults and 1 child OR 4 children

Bedroom 4: Total floor space: 14.07m², Approximate Air Space: 37.99m³
Allowable occupants: 2 adults OR 2 adults and 1 child OR 4 children

*Note: All persons over the age of 10 years require a minimum of 14 cubic metres of air space per person. Children aged up to 10 years require a minimum of 8 cubic metres of air space each. As such, the term 'adult' has been used for persons over the age of 10 years.

**The air space is calculated with a 2.7m ceiling height.

- ii) *Should the holiday accommodation be viewed as a 'Lodging House' at any time under the Health Act 1911, a permit pursuant to the Shire of Exmouth Health Local Laws will be required. For further Information, please contact the Shire of Exmouth's Health Services on 9949 3000.*
- iii) *An applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with the rules and regulations made pursuant to the Planning and Development Act 2005 (as amended). Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).*

COUNCIL DECISION – 21-0315 – 11.6.3

Moved Councillor Todd, Seconded Councillor McHutchison.

That Council grant planning approval for holiday accommodation upon Lot 350 (27) Kestrel Place, Exmouth subject to the following conditions:

1. *The approved use shall accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA24/15) and Local Planning Policy No. 6.12: Holiday Accommodation;*
2. *The maximum number of overnight occupants allowed within the dwelling at the same time shall be twelve (12) persons. This includes no more than ten (10) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Local Planning Policy 6.12: Holiday Accommodation;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be two (2) and two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
4. *The property shall provide at least three (3) 240 litre rubbish bins prior to the use commencing;*
5. *The Terms and Conditions, Tenant Code of Conduct, Management Statement, and Emergency Response Plan shall be clearly displayed in the premises in accordance with Council Holiday Accommodation Policy;*
6. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*
 - *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - *no fires are to be lit outside with the exception of a gas or electric barbeque.*
7. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
8. *An approved smoke alarm must be installed on or near the ceiling in each guest bedroom; and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms and the remainder of the building. Where the building is more than one storey, approved smoke alarms must be installed on each storey. The smoke alarms must be installed in accordance with Australian Standards and be connected to the consumer mains power;*
9. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighboring properties, or causes a nuisance to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;*
10. *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 this approval hereby granted have been complied with;*
11. *Should this residential premises be used for Holiday Accommodation purposes and provide a swimming pool/spa pool for the use of guests or should the owners intend to install a swimming pool/spa pool in the future, the owners are hereby advised of the following:-*
 - *The Health (Aquatic Facilities) Regulations 2007 require that a Certificate of Compliance and a Permit to Operate from the Executive Director, Public Health (EDPH) for the 'aquatic facility' be obtained i.e. the Department of Health (WA) is the approving authority, not the Shire of Exmouth;*
 - *Whether an aquatic facility is approved by the EDPH or not, regulation 21 prescribes that an Environmental Health Officer, or a person under the direction of an Environmental Health Officer, collects 2 water samples (one for bacteria, one for amoeba) from each water body of each aquatic facility in the district at least once per month. The owner/property manager must therefore make suitable arrangements for the Shire's Water Sampling Officer to access the property to obtain the water samples.*
12. *This approval is valid until 30 September 2015. Following planning approval an annual permit will be issued after paying the prescribed fee. Upon this period lapsing, Council will notify owners about*

the date of expiry and that a new permit is required should the property continue to be used for holiday accommodation.

Advice

- i) In regards to Condition (2) above, the number of persons per room shall accord with the following:*
 - For every person over the age of 10 years, there is to be a minimum of 14 cubic metres of air space per person; and*
 - For every person between the ages of 1 & 10 years, there is to be a minimum of 8 cubic metres of air space per person.*

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of twelve (12) persons. This includes no more than ten (10) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

| |
|--|
| <p>Schedule 1: Allowable Occupants: Lot 350 (27) Kestrel Place, Exmouth</p> <p>Bedroom 1: Total floor space: 17.2m², Approximate Air Space: 46.43m³ Allowable occupants: 3 adults OR 2 adults and 2 children OR 5 children</p> <p>Bedroom 2: Total floor space: 17.92m², Approximate Air Space: 48.39m³ Allowable occupants: 3 adults OR 2 adults and 2 children OR 5 children</p> <p>Bedroom 3: Total floor space: 14.5m², Approximate Air Space: 39.14m³ Allowable occupants: 2 adults OR 2 adults and 1 child OR 4 children</p> <p>Bedroom 4: Total floor space: 14.07m², Approximate Air Space: 37.99m³ Allowable occupants: 2 adults OR 2 adults and 1 child OR 4 children</p> <p><i>*Note: All persons over the age of 10 years require a minimum of 14 cubic metres of air space per person. Children aged up to 10 years require a minimum of 8 cubic metres of air space each. As such, the term ‘adult’ has been used for persons over the age of 10 years.</i></p> <p><i>**The air space is calculated with a 2.7m ceiling height.</i></p> |
|--|

- ii) Should the holiday accommodation be viewed as a ‘Lodging House’ at any time under the Health Act 1911, a permit pursuant to the Shire of Exmouth Health Local Laws will be required. For further Information, please contact the Shire of Exmouth’s Health Services on 9949 3000.*
- iii) An applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with the rules and regulations made pursuant to the Planning and Development Act 2005 (as amended). Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).*

CARRIED 4/0

11. REPORTS OF OFFICERS

11.6 Executive Manager Town Planning

11.6.4 Proposed Dwelling – Lot 399 (1) Corella Court, Exmouth

Location: Lot 399 (1) Corella Court, Exmouth
 Applicant: Shire of Exmouth
 File Reference: PA15/15; A1531
 Disclosure of Interest: Nil
 Date: 16 March 2015
 Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

It is recommended that Council approve a proposed Dwelling at Lot 399 (1) Corella Court, Exmouth subject to conditions with setbacks variations.

BACKGROUND

The applicant has lodged an application for a Dwelling at the subject property and is seeking setback variations for the siting of the dwelling from the prescribed setbacks outlined by Council's *Policy No. 6.16 – Design Guidelines for Exmouth Marina Village Precinct 'A'*.

The proposal is for a single storey four (4) bedroom dwelling with the master bedroom, an ensuite, a study and storage room proposed through a loft (refer *Attachment 5*). The dwelling also proposes a basement for the purpose of a garage/workshop. The basement is accessed via a car lift for vehicles from the garage and stairs to the dwelling.

The setbacks outlined by Policy No. 6.16 are applicable to the proposal. The variations are as follows:

- 5m garage front setback in lieu of 5.5m
- 1.2m Eastern side setback to garage in lieu of 1.5m
- 1.5m side setbacks to the deck within the Conditional Development Area (CDA) in lieu of 3.75m.

COMMENT

The proposal has been assessed against Councils *Town Planning Scheme No. 3, Policy No. 6.16 – Design Guidelines for Exmouth Marina Village Precinct 'A'* and *Policy No. 6.2 – Colour Pallete for Developments*. All aspects of the proposal comply with the applicable documents except that mentioned in the comment section of this report. Standard conditions have been provided in the Officers recommendation to achieve continued compliance.

Garage Setbacks

The proposed garage setback variations are negligible given the adjoining is in support of the proposal (refer *Attachment 6*). Therefore, it is recommended that Council support the proposed variations.

CDA Setbacks

Generally setback variations in the CDA have not been supported by the Officer's assessing applications for development within the Exmouth Marina Village Estate. However, the Applicant has requested Council consider the variations given that the property is at the end of the canal and edge of the Estate. Resultantly, the proposed variation does not impact views down the Canal of the adjoining land owner, a major intention of the requirement, as the canal does not extend further past the subject property to provide a view. Therefore, it is considered reasonable for Council to support the proposed CDA side setback variations given the unique location of the subject property.

Colour of Development

No details have been provided in regard to the proposed colour of the Dwelling. Therefore, it is recommended that the colour of the Dwelling is required to be in accordance with *Policy No. 6.2 – Colour Palette for Developments*.

Noise

The proposed car lift is not a typical component of a dwelling and it has the potential to create noise issues, impacting on surrounding landowners. The maximum noise permitted to be produced by the car lift is prescribed by the *Environmental Protection (Noise Regulations) 1997*. It is recommended that the proposed car lift not be supported unless its operation is in accordance with the Noise Regulations.

CONSULTATION

The Applicant has provided a signed letter from the adjoining affected landowner advising that there is no objection towards the proposal.

STATUTORY ENVIRONMENT

Planning and Development Act 2005
Town Planning Scheme No. 3

POLICY IMPLICATIONS

Policy No. 6.2 – Colour Palette for Developments
Policy No. 6.16 – Design Guidelines for Exmouth Marina Village Precinct ‘A’

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Economic

Objective 1: To be a diverse and innovative economy with a range of local employment opportunities.

- Outcome 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
- Outcome 1.2: Planned and balanced economic growth
- Outcome 1.3: Diverse Tourism opportunities

Environment

Objective 2: To have a balanced respect for our environment and heritage, both natural and built.

- Outcome 2.1: To maintain and improve access and connectivity to our natural assets
- Outcome 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
- Outcome 2.6: Incorporate Climate Change impacts into current and future planning and policy of Land Developments

Social

Objective 3: To be a dynamic, passionate and safe community valuing natural and cultural heritage.

- Outcome 3.4: A community that is well informed and educated about our natural, cultural and built environment.
- Outcome 3.8: There is diverse range of residential land options available

Civic Leadership

Objective 4: To work together as custodians of now and the future.

- Outcome: 4.1: To be a collaborative community with the capacity to manage the current and future direction of Exmouth
- Outcome: 4.2: A local government that is respected, professional, trustworthy and accountable
- Outcome: 4.3: To be strong advocates representing the region’s interests

VOTING REQUIREMENTS

Simple Majority

| |
|--|
| OFFICER'S RECOMMENDATION – 11.6.4 |
|--|

That Council grant approval for the proposed Dwelling at Lot Lot 399 (1) Corella Court, Exmouth subject to the following conditions:

- 1. The development shall be generally in accordance with the approved plans PA15/15 and the Exmouth Marina Village Precinct 'A' Design Guidelines to the satisfaction of Council officers;*
- 2. The minimum finished floor level of habitable rooms within the dwelling shall be 5.50m AHD;*
- 3. Storm water shall be 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;*
- 4. Groundwater bores are prohibited;*
- 5. The external colours of any development shall be in accordance with Council's Policy No. 6.2) Colour Palette for Developments;*
- 6. Development within 2 metres of the Conditional Development Area shall be certified by a structural engineer;*
- 7. The Nutrient Retention Area shall not be paved/sealed and shall be for garden purposes only or covered with grated/permeable materials that allow for nutrient run off to be contained on-site to the satisfaction of Council Officers;*
- 8. The use of all fertilisers is prohibited within the Nutrient Retention Area. Outside of the Nutrient Retention Area slow release granular fertilisers specially formulated to reduce nutrient run-off and nutrient infiltration into the water table are the only permitted fertilisers;*
- 9. The property owners shall be responsible for ensuring that no materials deleterious to the water quality shall enter the canals; Moorings, jetties and similar structures shall not be erected or attached to the canal walls without the prior approval being obtained from the Shire of Exmouth and the Department of Transport;*
- 10. In accordance with the Exmouth Vessel Management Plan, the discharge of toilet water, sewerage, bilge or other pollutant wastes into the canal waters is prohibited. Boat wastes shall be disposed of at boat water disposal units provided by the relevant authorities or otherwise where permitted and specified by the authorities;*
- 11. Landscaping shall be established prior to occupation of the new building;*
- 12. No obstructions are permitted to restrict and/or hinder access along the canal edge footpath or the shared stairway providing access to the path pursuant to Council local laws;*
- 13. The owner of any canal frontage lot shall be responsible for the ongoing maintenance of the stabilised surfaces and revetment walls and private jetties within their lot. Each owner shall be responsible for the ongoing maintenance of any pontoon or jetty that gives access to that lot;*
- 14. All canal revetment walls along the canal frontage shall be kept in a structurally sound condition and not being altered, extended or removed without the prior written approval of Council and the Department of Transport;*
- 15. All retaining walls within the Conditional Development Area shall be no more than 0.75m in height above natural ground level and separated by a minimum of 2m. Retaining walls are prohibited within 2m of the canal side of the secondary retaining wall;*
- 16. Any future fencing within the front street setback area (including the street front boundary) shall not exceed 0.9 metres in height;*

17. Any future canal frontage fencing (excludes retaining walls) shall be open style fencing (minimum of 90% visually permeable) and not exceed 1.2 metres. The minimum canal setback for fencing is on top of the Secondary Retaining Wall;
18. No fencing shall be permitted within two (2) metres of any shared stair access to the canals;
19. Boundary fencing located along the Net Developable Area shall not exceed 1.8m in height;
20. Any fencing above 0.9 metres within the Conditional Development Area shall be open style fencing (minimum 90% visually permeable) and a maximum height of 1.5m;
21. The total width of the crossover at street frontage between the road carriageway and the property boundary shall not exceed 6.85m;
22. External clothes drying facilities, rubbish bin and all service fittings and fixtures shall not be visible from the public road and canal waterway;
23. No structural loading being placed on canal walls;
24. The operation of the car lift shall comply with the Environmental Protection (Noise) Regulations 1997; and
25. 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

- i. Prior to any construction, the applicant is required to obtain a building permit approval from the Shire of Exmouth. The Building Surveyor can be contacted on 9949 3011.
- ii. The approval granted is not to be construed as approval granted under the Building Act 2011, Building Regulations 2012 or any other relevant statutory approval.
- iii. Any future fencing is required to be in accordance with the Design Guidelines and may require a building permit approval from the Shire of Exmouth.
- iv. Due to proximity of the development to the Exmouth Gulf and the possible exposure to high salt laden winds, it is recommended that all structural steel members and external steel cladding be of a type suitable for high saline environments in accordance with the BCA Volume 2.
- v. The 'Nutrient Retention Area' (NRA) is located above the top of the first (highest) retaining wall, and serves to ensure that nutrient run off from domestic uses is retained on site rather than entering the canal system. The NRA comprises an area 1.6m wide area located along the edge of the highest retaining wall constructed by the developer.
- vi. The applicant is advised landscaping is to compromise species of plants as defined within Councils Landscaping Policy.
- vii. This approval is not an authority to ignore any constraint to development on the land, which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and not the Shire to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire's attention.
- viii. Any additional development not being in accordance with the original application or conditions of approval, as outlined above will require further approval by the Shire of Exmouth. Any commencement of development not subject of a current approval is an offence under the Shire of Exmouth Town Planning Scheme No.3.

- ix. *Any substantial variation from the approved plans contained herein requires a separate planning approval. Should your plans for a building permit differ from these plans, a building permit may not be issued until such time as fresh planning approval is granted.*
- x. *An applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with the rules and regulations made pursuant to the Planning and Development Act 2005 (as amended). Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).*

| |
|--|
| COUNCIL DECISION – 22-0315 – 11.6.4 |
|--|

Moved Councillor Todd, Seconded Councillor McHutchison.

That Council grant approval for the proposed Dwelling at Lot Lot 399 (1) Corella Court, Exmouth subject to the following conditions:

1. *The development shall be generally in accordance with the approved plans PA15/15 and the Exmouth Marina Village Precinct 'A' Design Guidelines to the satisfaction of Council officers;*
2. *The minimum finished floor level of habitable rooms within the dwelling shall be 5.50m AHD;*
3. *Storm water shall be 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;*
4. *Groundwater bores are prohibited;*
5. *The external colours of any development shall be in accordance with Council's Policy No. 6.2) Colour Palette for Developments;*
6. *Development within 2 metres of the Conditional Development Area shall be certified by a structural engineer;*
7. *The Nutrient Retention Area shall not be paved/sealed and shall be for garden purposes only or covered with grated/permeable materials that allow for nutrient run off to be contained on-site to the satisfaction of Council Officers;*
8. *The use of all fertilisers is prohibited within the Nutrient Retention Area. Outside of the Nutrient Retention Area slow release granular fertilisers specially formulated to reduce nutrient run-off and nutrient infiltration into the water table are the only permitted fertilisers;*
9. *The property owners shall be responsible for ensuring that no materials deleterious to the water quality shall enter the canals; Moorings, jetties and similar structures shall not be erected or attached to the canal walls without the prior approval being obtained from the Shire of Exmouth and the Department of Transport;*
10. *In accordance with the Exmouth Vessel Management Plan, the discharge of toilet water, sewerage, bilge or other pollutant wastes into the canal waters is prohibited. Boat wastes shall be disposed of at boat water disposal units provided by the relevant authorities or otherwise where permitted and specified by the authorities;*
11. *Landscaping shall be established prior to occupation of the new building;*
12. *No obstructions are permitted to restrict and/or hinder access along the canal edge footpath or the shared stairway providing access to the path pursuant to Council local laws;*
13. *The owner of any canal frontage lot shall be responsible for the ongoing maintenance of the stabilised surfaces and revetment walls and private jetties within their lot. Each owner shall be responsible for the ongoing maintenance of any pontoon or jetty that gives access to that lot;*

14. *All canal revetment walls along the canal frontage shall be kept in a structurally sound condition and not being altered, extended or removed without the prior written approval of Council and the Department of Transport;*
15. *All retaining walls within the Conditional Development Area shall be no more than 0.75m in height above natural ground level and separated by a minimum of 2m. Retaining walls are prohibited within 2m of the canal side of the secondary retaining wall;*
16. *Any future fencing within the front street setback area (including the street front boundary) shall not exceed 0.9 metres in height;*
17. *Any future canal frontage fencing (excludes retaining walls) shall be open style fencing (minimum of 90% visually permeable) and not exceed 1.2 metres. The minimum canal setback for fencing is on top of the Secondary Retaining Wall;*
18. *No fencing shall be permitted within two (2) metres of any shared stair access to the canals;*
19. *Boundary fencing located along the Net Developable Area shall not exceed 1.8m in height;*
20. *Any fencing above 0.9 metres within the Conditional Development Area shall be open style fencing (minimum 90% visually permeable) and a maximum height of 1.5m;*
21. *The total width of the crossover at street frontage between the road carriageway and the property boundary shall not exceed 6.85m;*
22. *External clothes drying facilities, rubbish bin and all service fittings and fixtures shall not be visible from the public road and canal waterway;*
23. *No structural loading being placed on canal walls;*
24. *The operation of the car lift shall comply with the Environmental Protection (Noise) Regulations 1997; and*
25. *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.*

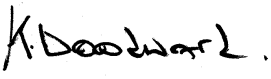
Advice

- i. *Prior to any construction, the applicant is required to obtain a building permit approval from the Shire of Exmouth. The Building Surveyor can be contacted on 9949 3011.*
- ii. *The approval granted is not to be construed as approval granted under the Building Act 2011, Building Regulations 2012 or any other relevant statutory approval.*
- iii. *Any future fencing is required to be in accordance with the Design Guidelines and may require a building permit approval from the Shire of Exmouth.*
- iv. *Due to proximity of the development to the Exmouth Gulf and the possible exposure to high salt laden winds, it is recommended that all structural steel members and external steel cladding be of a type suitable for high saline environments in accordance with the BCA Volume 2.*
- v. *The 'Nutrient Retention Area' (NRA) is located above the top of the first (highest) retaining wall, and serves to ensure that nutrient run off from domestic uses is retained on site rather than entering the canal system. The NRA comprises an area 1.6m wide area located along the edge of the highest retaining wall constructed by the developer.*
- vi. *The applicant is advised landscaping is to compromise species of plants as defined within Councils Landscaping Policy.*

- vii. *This approval is not an authority to ignore any constraint to development on the land, which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and not the Shire to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire's attention.*
- viii. *Any additional development not being in accordance with the original application or conditions of approval, as outlined above will require further approval by the Shire of Exmouth. Any commencement of development not subject of a current approval is an offence under the Shire of Exmouth Town Planning Scheme No.3.*
- ix. *Any substantial variation from the approved plans contained herein requires a separate planning approval. Should your plans for a building permit differ from these plans, a building permit may not be issued until such time as fresh planning approval is granted.*
- x. *An applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with the rules and regulations made pursuant to the Planning and Development Act 2005 (as amended). Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).*

CARRIED 4/0

11. REPORTS OF OFFICERS**11.7 Executive Manager Engineering Services****11.7.1 General Report**

| | |
|-------------------------|---|
| Location: | Exmouth |
| Applicant: | Keith Woodward |
| File Reference: | GV.CM.0 |
| Disclosure of Interest: | Nil |
| Date: | 20 March 2015 |
| Author: | Executive Manager Engineering Services, Keith Woodward |
| 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

Friday 13 March 2015 the Engineering workforce was called in for the opening up and removal of any hazards associated with the impact of Cyclone Olwyn, joining the outdoor workforce was the Administration and Airport staff. The commitment and dedication that all staff demonstrated throughout the day was inspiring to witness. The efforts of staff concentrated on the central business district and surrounding parks and gardens, by the end of the day the area was open and ready for use. The weekend saw the Engineering crew out clearing up roads, footpaths and public open space that had fallen trees and branches limiting their safe use. Come Monday the Administration staff were back into the thick of things in the great outdoors getting road reserves and gardens back to their 'Tidy Town' best. Engineering would like to express their appreciation and applaud all Council staff on the huge effort that has been put into the recovery progress. There is still much more to do before the influx of tourists at Easter to ensure that the town is once again showcased at its premium. Encouragingly the Bauhinia, Cassia and Poinciana trees that were flattened by the cyclone throughout the town centre have all new growth so out of the devastation that was caused by TC Olwyn sprouts fresh new vegetation just in time to welcome our visitors.

Preliminary Report Engineering Services Cyclone Olwyn

On 13 March 2015 Severe Tropical Cyclone Olwyn passed over Exmouth with very destructive winds, heavy rain and dangerous storm surge. The destructive winds caused significant damage to Shire roads, drainage, buildings, landscaping and coastal infrastructure.

The extent of restoration has yet to be fully determined, suffice to say that shire staff are focusing all efforts in protecting existing services and maintaining reasonable/safe access for the public. Shire staff, along with contractors, were immediately deployed in Recovery Operations (RO) to clear roads, protect services, unblock culverts/drains and make temporary repairs to damaged road pavement. The RO have utilised the entire Shire workforce including the executive managers, administration, aviation, engineering staff and contractors. The equipment used in RO includes 2 graders, 12 trucks, 7 loaders/bobcats and multiple light vehicles and small equipment.

RO are continuing with an estimated completion date in the first week of April 2015. A preliminary inspection has been carried out by Shire officers to determine the extent of road and drainage damage. Preliminary costs for roads reinstatement have been estimated in the excess of \$1.2m-\$1.5m. Sections of Yardie Creek Road within Cape Range National Park are destroyed, covered in silt/debris and will need to be reconstructed after clean up. The estimated costs to perform these works are based on the following activities:

- Reconstruction of road
- Reconstruction of table drains
- Reconstruction of floodway and culverts

- Reconstruction of road shoulders and batters
- Clearing piped drainage
- Resheeting of gravel roads
- Signage and guideposts

In addition to the roads infrastructure there has been considerable damage to other Shire assets including:

- Street lighting
- Learmonth jetty
- Boat ramps
- Coastal public toilets, carparks, fencing and steps
- Learmonth Airport buildings and associated security equipment
- Shire buildings
- Lighthouse
- Hard and soft parklands landscaping
- Street trees
- Seawalls
- Fencing
- Sewage pumping compound and irrigation
- Sporting complex infrastructure

Current Inspection Status

| | Inspections ongoing | Inspected |
|-------------------------------|---|------------------|
| Roads (Town Site) | All town streets are open | 90% |
| Roads (Rural) | Yardie Creek Road is open for its entire length of 76 km. | 100% |
| | Shot Hole Canyon Road is impassable due to significant damage. The road is closed. | 5% |
| | Charles Knife Road has not been inspected due to power lines being down over the road. The road is closed. | 5% |
| Drainage Levee and structures | Inspections ongoing | 70% |
| Buildings | Inspections ongoing | 95% |
| Coastal Asset | <ul style="list-style-type: none"> • Substantial damage to the rock armouring at Learmonth jetty. Jetty will be closed until made safe. • Minor rock dislodgement to the southern seawall at Town Beach. Loss of sand from eastern side of landscaped irrigated area. Sand dune reinstatement required. • Sand drifts over the roads and fence damage at Bundegi Beach. • Dislodgement of walkway decking on the Bundegi Boat ramp. • Total destruction of various public toilets and signage • Loss of coastal steps and fencing | 30% |
| Hard and soft landscaping | <p>Damage to all parks consisting of trees damage/loss, damaged irrigation, electrical, fence damage and scoreboard.</p> <p>Sea water intrusion to electrical systems and BBQ at town beach.</p> | 80% |
| Street trees | Substantial loss and damage to most verge trees. Structural inspection required once the clearing has been completed. | 10% |
| Street Lighting | Street lighting damaged on Murat Road footpath and Maidstone Crescent. | 5% |

COMMENT

Nil

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

As per Shire 2014/2015 Budget

STRATEGIC IMPLICATIONS

Economic

Objective 1: To be a diverse and innovative economy with a range of local employment opportunities.

- Outcome 1.5: Maintain & Improve Shire Infrastructure

Environment

Objective 2: To have a balanced respect for our environment and heritage, both natural and built.

- Outcome 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

Objective 3: To be a dynamic, passionate and safe community valuing natural and cultural heritage.

- Outcome 3.2: Excellent lifestyle, recreational and cultural facilities.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.7.1

That Council receives the Executive Manager Engineering Services Report for the month of March 2015.

COUNCIL DECISION – 23-0315 – 11.7.1

Moved Councillor Winzer, Seconded Councillor Todd.

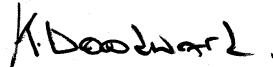
That Council receives the Executive Manager Engineering Services Report for the month of March 2015.

CARRIED 4/0

The Deputy Shire President advised that it is evident with the level of debris collected post Cyclone Olwyn that there is a need to communicate more strongly to the community the importance of being proactive before a cyclone is imminent. The community need to ensure trees and other potential projectiles are cleared much earlier rather than at the last minute, to reduce the level of damage to not only their own properties but neighbouring properties as well.

11. REPORTS OF OFFICERS**11.7 Executive Manager Engineering Services****11.7.2 Financial Assistance Agreement between the Department of Regional Development Royalties for Regions and the Shire of Exmouth**

| | |
|-------------------------|--|
| Location: | Exmouth |
| Applicant: | Keith Woodward |
| File Reference: | GS.PR.2 |
| Disclosure of Interest: | Nil |
| Date: | 20 March 2015 |
| Author: | Executive Manager Engineering Services, Keith Woodward |
| Signature of Author: | |



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends that Council endorse the following resolution:

1. The signing and duly seal of the Financial Assistance Agreement (FAA) between the Government of Western Australia Department of Regional Development Royalties for Regions and the Shire of Exmouth. The FAA value is \$1,500,000 and is associated with the Light Industrial Area Floodway and Reid Street Flood Mitigation Stage 2 project.
2. Request that the Department of Regional Development amend the draft FAA associated with the project budget breakdown and the construction start and completion dates.

BACKGROUND

The Exmouth townsite and North West Cape are subject to cyclones, causing strong winds and storms which result in inundation of the Exmouth townsite and coastal zone. Flooding of the coastal plain also occurs as a result of the combination of rain, high tides and low lying landform.

Flooding associated with run-off from the Cape Range and storm/cyclone events is also an on-going concern with past occurrences causing damage to property, roads and the boat harbour.

During floods the breakout of floodwaters from the LIA floodway on Reid St substantially impacts the Exmouth community and ultimately the State Government – by inundating private property and cutting off community and commercial road access.

The Shire of Exmouth in conjunction with the Department of Water completed the “*Exmouth Floodplain Management Study*” December 2007. The study proposed a floodplain development strategy for the Shire and assessed possible flood mitigation works. The study recommended both structural and non-structural flood mitigation measures, based on detailed hydrological and hydraulic modeling. The flood study report has been endorsed by the Shire and the Department of Water.

The flood mitigation works proposed in the study have been recommended to minimise the impact of flooding on the town, including the LIA, Exmouth Marina Precinct, existing residences and businesses and to assist with maintaining access between properties south of the LIA creek and the town site. The need for flood mitigation has also been identified to establish clear parameters for future development on land affected by the floodway/flood fringe.

The works identified in Reid St Stage 1 and Stage 2 has been designed by Sinclair Knight Merz (SKM).

Flood Studies

Severe flooding has affected Exmouth and surrounds on three occasions, in March 1999, June 2002 and April 2014. The March 1999 flood event was the result of severe Cyclone Vance which crossed the coast near Exmouth. The June 2002 event was the result of significant rainfall that caused widespread flooding through a longer, more drawn out rainfall event which included the wettest June day on record in Western Australia (BOM, 2002). Both of these events broke the banks of the drainage lines from the upstream

catchments. Damage was focused on the LIA, and flooding in both instances damaged roads, property and boats in the Exmouth Boat Harbour.

The flooding of the LIA creek is the result of heavy rainfall within the Cape Range catchment. Historically the flood waters have risen rapidly. This generally means that only those who have previously experienced these local factors are prepared in time. Flooding results in the need to evacuate the affected areas. The 2002 flood rainfall commenced at 5:00am on a Public Holiday with few people having knowledge to the extent of the rainfall occurring within the catchment. By 11:00am the flood waters had begun to take effect within the area and they peaked at 5:00pm.

A similar pattern of events occurred in May 1999 and April 2014 where flood waters cut the two main access roads into Exmouth (Murat Road and Reid Street). These events severed access between the town site and all residences and businesses south of town including the Exmouth Marina Village, the power station and the Shire Depot. With the LIA cut off there is no access to heavy machinery to carry out emergency works within the town. Further, supplies including food and gas to power the power station are unavailable as the town is inaccessible by road.

The “*Exmouth Flood Management Study, 1999*”, “*Review of Exmouth Flood Management Study, 2002*”, “*Exmouth Floodplain Management Study, Dec 2007*” by Jim Davies and Associates (JDA) and Sinclair Knight Merz (SKM) has discussed the flooding resulting from the two events. The “*Exmouth Floodplain Management Study, Dec 2007*” highlighted the need for works to occur in two key areas to avoid the impact of flooding to the town, including residences, businesses and maintaining access to the town itself and other areas such as the Marina Precinct and LIA’s. This Reid St project is based on the recommendations of these reports and advice from the Department of Water.

Previous Council Decisions:

In June 2011 the Council passed the following resolution associated with signing the FAA for the stage 1 component of the Light Industrial Area Floodway and Reid Street Flood Mitigation project.

‘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.’

COMMENT

Since 2002, the Shire has worked closely with State Government to undertake extensive flood studies and to develop and implement flood protection measures at critical locations throughout the town site, including the Reid St Light Industrial Area (LIA), and Market St.

The FAA is for the release of up to \$1.5 million from the Royalties for Regions Gascoyne Revitalisation Funds for Exmouth Flood Mitigation Works to complete Stage 2 of the Reid Street LIA Flood Mitigation Project. The Total Project Cost for Stage 2 works is \$1.5 million.

This project is a high priority project for the Shire of Exmouth as reflected in the Shire’s long-term planning, *Shire of Exmouth 10+ year Strategic Community Plan 2011* and the *Exmouth Town Site Structure Plan August 2011*.

This project has been recognised as a Flagship project within the *Gascoyne Regional Development Plan 2010 – 2020*.

The Reid St LIA project has been separated into two stages comprising a combination of flood mitigation measures:

- (i) Improved levees for flood containment at a cost of \$1.85 million. This work was completed as Stage 1 in 2012; and,
- (ii) Stage 2 works to raise the road profile to interconnect with existing levees, improve culvert structures and realign Reid St to maintain access at a cost of \$1.5m.

Project Timeframe and Key Milestones

| Main Activities / Milestone | Milestone Date | End Date |
|---|------------------|------------------|
| Engage Contract Superintendent | March/April 2014 | July/August 2015 |
| Review specification and tender documents | November 2014 | December 2014 |
| Tender works | January 2015 | January 2015 |
| Council Meeting Award Tender | March 2015 | March 2015 |
| Civil Works Commence | April/May 2015 | July/August 2015 |

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995 section 3.57 and Functions and General Regulations, 11 to 24G.

POLICY IMPLICATIONS

The Reid St Flood Mitigation project is consistent with and driven by a number of local Strategic Policies, including:

- *Gascoyne Regional Development Plan 2010 –2020*
- *Shire of Exmouth 10+ yr. Strategic Community Plan 2011*
- *Exmouth Town site Structure Plan August 2011.*
- *Shire of Exmouth Long Term Financial Plan 2013-2028*
- *Shire of Exmouth Corporate Business Plan 2013-2014*
- *Royalties for Regions Objectives*

The Exmouth Flood Mitigation works are important for the Shire and align with the *Gascoyne Regional Development Plan 2010 – 2020* with strong links to:

- *Outcome 8: Improved Regional Infrastructure*
- *Outcome 13: Continued Expansion of the Tourism Industry*
- *Outcome 15: A Valued and Protected Environment*
- *Outcome 17: Enhanced Qualities to Regional Lifestyles.*

The Reid St flood mitigation works are strategically aligned to the:

- *Shire of Exmouth 10+ yr. Strategic Community Plan 2011 and*
- *Exmouth Town site Structure Plan August 2011.*

The *Exmouth Town Site Structure Plan* key outcomes.

- The No 1 outcome is that it identified opportunities and constraints that need to be accommodated for future development within the town site, with the foremost land use determinant being flood management.
- The No 2 outcome is the need for flood mitigation works to be undertaken to establish clear parameters for future development on land affected by the floodway/flood fringe.

Consequently, it is critical for the Shire to complete Reid St Flood Mitigation Works Stage 2 so that future development in the Exmouth town site will not be constrained.

The *Shire of Exmouth Corporate Business Plan 2013-2014* has developed a key strategy to source funding for the implementation of Flagship projects identified in the Gascoyne Development Plan including Stage 2 of the Reid St / LIA Flood Mitigation works.

FINANCIAL IMPLICATIONS

This project is worth \$1,500,000 and is entirely funded from the Department of Regional Development Royalties for Regions program. The associated income and expenditure has been identified in the 2014/2015 Shire budget.

The project budget of \$1,500,000 is allocated over the following activities:

| | | Comment |
|-----------------------------------|------------------------|--|
| Tender EX 01-2015 | \$ 1,258,110.50 | |
| | \$ 1,258,110.50 | |
| Tender Contingency (construction) | \$ 56,640.00 | |
| Total Construction | \$ 1,314,751.00 | |
| Superintendent Representative | \$ 114,805.00 | Business Plan 2.12 & 3.2 |
| Retrospective Expenditure | \$ 70,444.00 | FAA Schedule 4 Retrospective Shire Expenditure 13/14 |
| Grand Total | \$ 1,500,000.00 | |

STRATEGIC IMPLICATIONS

Economic

Objective 1: To be a diverse and innovative economy with a range of local employment opportunities.

- Outcome 1.5: Maintain & Improve Shire Infrastructure

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION – 11.7.2

That Council authorises:

1. *The signing and duly sealing of the Financial Assistance Agreement (FAA) between the Government of Western Australia Department of Regional Development Royalties for Regions and the Shire of Exmouth. The FAA value is \$1,500,000 and is associated with the Light Industrial Area Floodway and Reid Street Flood Mitigation Stage 2 project.*
2. *Request that the Government of Western Australia Department of Regional Development amend the draft FAA associated with the project budget breakdown and project timeframe as detailed below in Tables 1 and 2:*

Table 1 – Project Budget Breakdown

| | |
|-----------------------------------|------------------------|
| Tender EX 01-2015 | \$ 1,258,110.50 |
| | \$ 1,258,110.50 |
| Tender Contingency (construction) | \$ 56,640.00 |
| Total Construction | \$ 1,314,751.00 |
| Superintendent Representative | \$ 114,805.00 |
| Retrospective Expenditure | \$ 70,444.00 |
| Grand Total | \$ 1,500,000.00 |

Table 2 – Project Timeframe

| Main Activities / Milestone | Milestone Date | End Date |
|---|------------------|------------------|
| Engage Contract Superintendent | March/April 2014 | July/August 2015 |
| Review specification and tender documents | November 2014 | December 2014 |
| Tender works | January 2015 | January 2015 |
| Council Meeting Award Tender | March 2015 | March 2015 |
| Civil Works Commence | April/May 2015 | July/August 2015 |

| |
|--|
| COUNCIL DECISION – 24-0315 – 11.7.2 |
|--|

Moved Councillor Todd, Seconded Councillor McHutchison.

That Council authorises:

1. *The signing and duly sealing of the Financial Assistance Agreement (FAA) between the Government of Western Australia Department of Regional Development Royalties for Regions and the Shire of Exmouth. The FAA value is \$1,500,000 and is associated with the Light Industrial Area Floodway and Reid Street Flood Mitigation Stage 2 project.*
2. *Request that the Government of Western Australia Department of Regional Development amend the draft FAA associated with the project budget breakdown and project timeframe as detailed below in Tables 1 and 2:*

Table 1 – Project Budget Breakdown

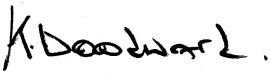
| | |
|--------------------------------------|------------------------|
| Tender EX 01-2015 | \$ 1,258,110.50 |
| | <u>\$ 1,258,110.50</u> |
| Tender Contingency (construction) | <u>\$ 56,640.00</u> |
| Total Construction | \$ 1,314,751.00 |
| Superintendent Representative | \$ 114,805.00 |
| Retrospective Expenditure | <u>\$ 70,444.00</u> |
| Grand Total | \$ 1,500,000.00 |

Table 2 – Project Timeframe

| Main Activities / Milestone | Milestone Date | End Date |
|---|------------------|------------------|
| Engage Contract Superintendent | March/April 2014 | July/August 2015 |
| Review specification and tender documents | November 2014 | December 2014 |
| Tender works | January 2015 | January 2015 |
| Council Meeting Award Tender | March 2015 | March 2015 |
| Civil Works Commence | April/May 2015 | July/August 2015 |

CARRIED by ABSOLUTE MAJORITY 4/0

11. REPORTS OF OFFICERS**11.7 Executive Manager Engineering Services****11.7.3 Tender EX-01-2015 Reid Street Flood Mitigation Stage 2**

| | |
|-------------------------|---|
| Location: | Exmouth |
| Applicant: | Keith Woodward |
| File Reference: | CM.TE.012015 |
| Disclosure of Interest: | Nil |
| Date: | February 2015 |
| Author: | Executive Manager Engineering Services, Keith Woodward |
| Signature of Author: |  |

Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends that Council award of Tender EX-01-2015 Reid Street Flood Mitigation Stage 2 to Dean Contracting for \$1,258,110.50 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 February 2012 the Council passed the following resolution associated with awarding Tender EX-01-2012 Reid Street Flood Mitigation Works Stage 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.’

Greenfield Technical Services (GTS) were engaged by the Shire to act as the Shire’s Superintendents Representative to formulate tenders, advertise, receive and assess the tender submissions.

Tender EX-01-2015 was advertised in the West Australian Newspaper on Saturday 10 January 2015. GTS issued minor clarifications per Tender addendum #1 on 21 January 2015 and addendum #2 on 02 February 2015. The RFT specified that all tenders be submitted to GTS no later than 2.00 pm on Tuesday 03 February 2015.

COMMENT

Tender documents were requested by 22 different companies and submissions were received from the following 6 companies:

1. ATM Civil (AC)
2. Dean Contracting (DC)
3. Exmouth Hire (EH)
4. Allwest Plant Hire (AP)
5. Exmouth Civil (EC)
6. Multiplant (MP)

Assessment of Tenders

All tender submissions received are deemed to be conforming in all respects. Tender submissions were reviewed and evaluated by GTS engineers.

It is the Principal’s guiding principle to award contracts to organisations whose Tenders are assessed as offering the best value for money. The preferred Tenderer will generally be the best value conforming Tender or the best value Alternative Tender.

In assessing best value for money, the Principal considered:

- Price, including Regional Buying Preference factors where applicable;
- Previous relevant experience;
- Management & supervision capability;
- Methodology for delivery of the contract requirements;
- Environmental & safety performance and compliance; and
- Technical capacity & resources.

All tenders were assessed for their compliance or non-compliance in addressing Tender and Contract requirements, including information requested in the Conditions of Tendering.

The Tender Assessment Report and Tendered Rates Table are Commercial in Confidence and provided for Council information (refer ***Tabled Confidential Attachment 1***).

CONSULTATION

Greenfields Technical Services

STATUTORY ENVIRONMENT

Local Government Act 1995 section 3.57 and Functions and General Regulations, 11 to 24G.

POLICY IMPLICATIONS

Policy 2.10 - Purchasing

Policy 2.17 - Regional Price Preference

FINANCIAL IMPLICATIONS

This project is worth \$1,500,000 and is entirely funded from the Government of Western Australia Department of Regional Development Royalties for Regions program. The associated income and expenditure has been identified in the 2014/2015 Shire budget.

The project budget of \$1,500,000 is allocated over the following activities.

| | | Comment |
|-----------------------------------|------------------------|--|
| Tender EX 01-2015 | \$ 1,258,110.50 | |
| | \$ 1,258,110.50 | |
| Tender Contingency (construction) | \$ 56,640.00 | |
| Total Construction | \$ 1,314,751.00 | |
| Superintendent Representative | \$ 114,805.00 | Business Plan 2.12 & 3.2 |
| Retrospective Expenditure | \$ 70,444.00 | FAA Schedule 4 Retrospective Shire Expenditure 13/14 |
| Grand Total | \$ 1,500,000.00 | |

STRATEGIC IMPLICATIONS

Economic

Objective 1: To be a diverse and innovative economy with a range of local employment opportunities.

- Outcome 1.5: Maintain & Improve Shire Infrastructure

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION – 11.7.3

That Council award Tender EX-01-2015 Reid Street Flood Mitigation Stage 2 to Dean Contracting for \$1,258,110.50 (excluding GST) and authorise the Executive Manager Engineering Services to make minor changes to the scope of works and consequently the price of works during the course of construction.

COUNCIL DECISION – 25-0315 – 11.7.3

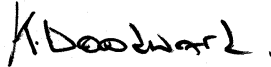
Moved Councillor Todd, Seconded Councillor Winzer.

That Council award Tender EX-01-2015 Reid Street Flood Mitigation Stage 2 to Dean Contracting for \$1,258,110.50 (excluding GST) and authorise the Executive Manager 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 4/0

11. REPORTS OF OFFICERS**11.7 Executive Manager Engineering Services****11.7.4 WANDRRA- Severe Tropical Cyclone Olwyn 13 March 2015**

Location: Exmouth
 Applicant: Keith Woodward
 File Reference: GS.PR.2
 Disclosure of Interest: Nil
 Date: 20 March 2015
 Author: Executive Manager Engineering Services, Keith Woodward
 Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

The purpose of this report is to obtain approval to expend funds not included in the annual budget to repair structural damage to buildings and to engage Core Business Australia who will manage the WANDRRA claim.

These engagements will conflict with the requirements of Council Policy 2.10 Purchasing Policy "tender" however will accord and not conflict the provisions of the Local Government Act 1995 in this situation.

This request and the expenditure of funds is associated with opening up works and the reinstatement of Council civil infrastructure damaged as a result of the *proclaimed eligible disaster under the Western Australia Natural Disaster Relief and Recovery Arrangements (WANDRRA) on 13 March 2015, pursuant to Section 4.2 of the Natural Disaster Relief and Recovery Arrangements Determination 2012 Version 1, issued by the Commonwealth Government Attorney-General, Tropical Cyclone Olwyn.*

BACKGROUND

On 13 March 2014, severe Tropical Cyclone Olwyn tracked close to the Exmouth coast line and severely affected Exmouth. Cyclone Olwyn was a Category 3 cyclone with sustained winds near its centre of 150 kilometres per hour with wind gusts to 205 kilometres per hour. The eligible costs for this event are anticipated to be largely associated with the restoration and replacement of essential public assets, mainly the local and state road network infrastructure, building and landscaping.

COMMENT

It is calculated that the costs associated with the engagement of Core Business Australia will be in excess of \$100,000 and the costs associated with the structural repairs to Shire Buildings will be in excess of \$100,000.

Typically these engagements would be tendered under the provisions of the Local Government Act 1995 section 3.57 and Council Policy 2.10 Purchasing. However this situation is not typical and it is requested that Council engage Core Business Australia and arrange for the repair structural damage to Shire Buildings under the provisions of the Local Government Act 1995 Local Government (Functions and General Regulation 1996 Part 4 (s.3.57) 2 (a) and the Local Government Act 1995 Division 4 General Financial Provisions Section 6.8(c).

Core Business managed the Shire's WANDRRA submissions, tenders and construction works associated with the *Proclaimed Eligible Disaster Surface Trough and Associated Flooding 26 April 2014*. The engagement of Core Business will expedite the WANDRRA submissions, tenders and subsequently civil reinstatement works.

Multiple Shire buildings have structural damage which need to be repaired ASAP. The associated tender specification preparation process, advertising and assessment period would typically be 3 months. It is the opinion of this Officer and the Local Government Insurers that repair works are required ASAP to reinstate the structural integrity of the buildings.

Most of the Shire roads are open and made safe. The roads and drainage civil reinstatement works will be tendered as per the requirements of the Local Government Act 1995 Local Government (Functions and General Regulation 1996 Part 4 (s.3.57) and Council Policy 2.10.

CONSULTATION

Main Roads Western Australia
Local Government Insurance

STATUTORY ENVIRONMENT

Local Government (Functions and General Regulation 1996 Part 4 (s.3.57) 2 (a)

- (1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$100,000 unless sub regulation (2) states otherwise.*
- (2) *Tenders do not have to be publicly invited to the requirements of this Division if-*
 - (a) *the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the act.*

Local Government Act 1995 Division 4 General Financial Provisions Section 6.8(c)

Expenditure from municipal fund not included in annual budget.

- (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure -*
 - (a) *is incurred in a financial year before the adoption of the annual budget by the local government; or*
 - (b) *is authorised in advance by resolution; or*
 - (c) *is authorised in advance by the mayor or president in an emergency.*

POLICY IMPLICATIONS

Policy 2.10 - Purchasing

FINANCIAL IMPLICATIONS

The costs associated with the reinstatement of the Shire's roads are paid for by the WANDRRA program. This excludes the Local Government WANDRRA contribution of \$141,100.

Attachment 2:- Preliminary Cost Estimates-Road Works

The costs associated with the reinstatement of Shire buildings are paid for by the Shire's insurance. This excludes the Cyclone \$50,000 insurance excess.

Attachment 3:- Preliminary Building Damage Report

STRATEGIC IMPLICATIONS

Economic

Objective 1: To be a diverse and innovative economy with a range of local employment opportunities.

- Outcome 1.5: Maintain & Improve Shire Infrastructure

Environment

Objective 2: To have a balanced respect for our environment and heritage, both natural and built.

- Outcome 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

Objective 3: To be a dynamic, passionate and safe community valuing natural and cultural heritage.

- Outcome 3.2: Excellent lifestyle, recreational and cultural facilities.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION – 11.7.4

That Council authorises:

- 1. The expenditure of municipal funds not included in annual budget associated with Tropical Cyclone Olwyn (13 March 2015) on civil reinstatement works.*
- 2. The engagement of Core Business Australia to manage and supervise the WANDRRA claim and associated civil works.*
- 3. Approve expenditure outside the provisions of Council Policy 2.10 Purchasing.*

COUNCIL DECISION – 26-0315 – 11.7.4

Moved Councillor Todd, Seconded Councillor Winzer.

That Council authorises:

- 1. The expenditure of municipal funds not included in annual budget associated with Tropical Cyclone Olwyn (13 March 2015) on civil reinstatement works.*
- 2. The engagement of Core Business Australia to manage and supervise the WANDRRA claim and associated civil works.*
- 3. Approve expenditure outside the provisions of Council Policy 2.10 Purchasing.*

CARRIED by ABSOLUTE MAJORITY 4/0

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

Nil

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

Nil

14. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS

Nil

15. CLOSURE OF MEETING

The Acting Shire President closed the meeting at 5:08pm.