



Ordinary Council Meeting Minutes 15 May 2014

CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on 19 June 2014 as a true and accurate record of the Ordinary Council Meeting held on 15 May, 2014.

.....
C (Turk) Shales
Shire President

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


DISCLAIMER

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

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

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

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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

The Deputy Shire President declared the meeting open at 4.00pm.

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 R Manning	Acting Chief Executive Officer
Mrs S O'Toole	Executive Manager Corporate Services
Mr R Kempe	Executive Manager Community Engagement
Mr Clif O'Toole	Acting Executive Manager Aviation Services
Mr R Mhasho	Executive Manager Town Planning
Mr K Woodward	Executive Manager Engineering Services

GALLERY

Visitors: 6

APOLOGIES

Councillor C (Turk) Shales	Shire President
Councillor G Thompson	
Mr B Price	Chief Executive Officer
Mrs J Kox	Executive Manager Aviation Services

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).

Nil

5 APPLICATIONS FOR LEAVE OF ABSENCE

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

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

Nil

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

That the Minutes of the Ordinary Meeting of the Shire of Exmouth held on the 17 April 2014 be confirmed as a true and correct record of proceedings.

COUNCIL DECISION – 01-0514 - ITEM 6
--

Moved Councillor Winzer, Seconded Councillor Todd.

That the Minutes of the Ordinary Meeting of the Shire of Exmouth held on the 17 April 2014 be confirmed as a true and correct record of proceedings.

CARRIED 4/0

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

The Deputy Shire President thanked Jenny Kox for her great work during her role as Acting Chief Executive Officer throughout the Exmouth Flood event over the Anzac Day Long Weekend. He also extended his thanks to all shire staff involved in the opening up works, they did a fantastic job throughout the ordeal.

8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

9. REPORT OF COUNCILLORS

Councillor McHutchison advised Council of her attendance to the Flickerfest Festival held over 2 nights of which 131 community members attended over the weekend. She also attended a site visit with Mrs Mac's Op Shop members and Council staff regarding a suitable premises to temporarily relocate the storage and sorting activities of Mrs Mac's.

Councillor Todd advised Council that he will be attending the CRG Meeting with oil n gas companies on the night of Thursday 15 May 2014.

Councillor Winzer advised Council of his attendance to the Gascoyne Country Zone Meeting held on 1 May 2014 via teleconference, he advised that the illegal camping issue was included in the WALGA minutes and is now being looked at, at a state wide level.

He attended the SES Recovery meeting of which Jenny Kox chaired and did a great job in her role as Acting Chief Executive Officer.


On 8 and 9 May 2014 Councillor Winzer attended the State Council meeting which entailed a trip through Northam, Westonia, Bruce Rock and Merredin.

On 12 May 2014 he attended the LEMC recovery meeting of which the emergency response towards the Exmouth Floods was discussed, what worked well and certain shortfalls that could be worked on in the future.

10. REPORTS OF OFFICER

10.1 Chief Executive Officer

10.1.1 Chief Executive Officers Report

Location:	Exmouth
Applicant:	Chief Executive Officer
File Reference:	GV.CM.0
Disclosure of Interest:	Nil
Date:	6 May 2014
Author:	Acting Chief Executive Officer, Mr R Manning
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

Ningaloo Centre

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

A draft of Matera's Stage 2 'Schematic Design' report was discussed with SPO on 12 May. On receipt it will be reviewed by the Project Management Committee. The report will present the Ningaloo Centre schematic design drawings, Room Data Sheets and a cost estimate update by Matera's Quantity Surveyor.

The report presents the Ningaloo Centre schematic design drawings, Room Data Sheets and a cost estimate update.

Since completion of Design Brief (Stage 1) in December 2013 there have been several alterations. These included the introduction of the mezzanine floor for Centre Management offices and mechanical services, the rework of the community centre and library for improved user functionality, the reposition of the visitor centre counter with provision of enhanced office space and the reposition of ablutions / centre management store / lunch room.

User group input and that too of the sub-consultants, including FRD interpretive consultants have moulded the layout to its current presentation. Stage 2 reporting has taken greater time (was due beginning of April 2014) but Matera advises the overall target date of September 2014 for building commencement remains with a start on civil site work in July 2014 given the Design Development Stage 3 is well advanced.

Building construction is subject to receipt of the detailed design drawings/specifications certified by a building surveyor.

Schematic plans and the project estimate update are to be separately circulated.

Department of Regional Development (DRD)

The Shire's Ningaloo Centre Stage 2 Business Case – 'Construction and Fit Out' is now with DRD under final review prior to its circulation with the Director's Reference Group and GAG endorsement. It will then be tabled with Cabinet for signoff in June 2014.

The Business Case is for \$19.82 million of Royalties for Regions (R4R) Gascoyne Revitalisation Plan funding. Other contributions for Stage 2 comprise the Shire's \$1.90 million (2015/16 budget) \$7 million from the Commonwealth for a construct/fit-out total of \$28.72 million.

Stage 1 R4R allocation of \$2.08 million covering architectural services, project management and project planning studies is to be carried over into 2014/15 because this is a design and construct project and architectural input continues into the construction phase. DRD are receptive to the Shire request to extend the Stage 1 completion date to enable full expenditure.

Community Development Grant (CDG) Funding

The Department of Infrastructure and Regional Development CDG Funding Agreement with Council has now been executed by both parties delivering \$7 million toward the construction and fit out of the Ningaloo Centre. The first milestone report is scheduled for 30 June 2014 and must demonstrate receipt of independently prepared project estimates. Timing is excellent.

Exmouth Floods 26 April 2014

On Saturday 26 April 2014 the Shire of Exmouth received over 200mm of rain resulting in flooding throughout the town and over major roads.

On Sunday 27 April 2014 at 7:00am a meeting was held at the Shire Depot between Council Officers, the Acting CEO and the Shire President to discuss the extent of the damage and to plan for works to make the roads safe. The extensive damage and obstructions on the road required Counter Disaster Operations (CDO or 'Opening up') works to be carried out immediately, the Shire President provided verbal authorisation for unbudgeted expenditure to enable these works to be carried out prior to assisting with opening up inspections. A new account (E125545 – Rain Event April 2014) for the above and the repairs works to follow has been established.

The Counter Disaster Operations (i.e. opening up) works were completed at a cost of approximately \$125,000.

Later the same day a meeting was held with several LEMC members to discuss operations thus far and plan for the following days recovery efforts.

Community Information Session 17 April 2014

The Shire of Exmouth held a Community information session on 17 April 2014 of which some 30 residents attended. Various projects were presented to the public, including an update on the Stage 2 CBD Revitalisation works and the parking situation over the Easter break, update on the Ningaloo Centre, a new caravan park of which the Shire has been working closely with Tourism WA, the Shire's new branding and Tidy Towns 2014.

Other Meetings & Functions attended by the CEO

1. Myself and Shire President met with Ms Ruth Sheen, Director General of the Department of Training & Workforce Development, Bert Beevers, Managing Director Durack Institute of Technology and Malcolm Smith Durack Institute Governing Council Chair, on Wednesday 16 April 2014.
2. Acting CEO attended LMEC Meeting on Sunday 27 April 2014 as part of the Emergency response to the flooding on 26 April 2014.
3. Acting CEO attended LEMC Meeting on Thursday 1 May 2014 to debrief on the Emergency Response carried out.

COMMENT

Nil

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 – 10.1.1
--

That the Council of the Shire of Exmouth receive the Chief Executive Officers Report for the month of May 2014.

COUNCIL DECISION – 02-0514 – 10.1.1
--

Moved Councillor McHutchison, Seconded Councillor Todd.


That the Council of the Shire of Exmouth receive the Chief Executive Officers Report for the month of May 2014.

CARRIED 4/0

10. REPORTS OF OFFICER

10.1 Chief Executive Officer

10.1.2 Surface Trough and Associated Flooding (26 April 2014)

Location:	Exmouth
Applicant:	Not Applicable
File Reference:	ES.RE.2, GS.PR.2
Disclosure of Interest:	Nil
Date:	2 May 2014
Author:	Acting Chief Executive Officer, Jenny Kox
Signature of Author:	

SUMMARY

Following the recent significant rain event of 25-26 April 2014, this report recommends that the Council of the Shire of Exmouth and Authorise unbudgeted expenditure of up to \$141,100 as Council's contribution to flood damage repairs to Council's road networks and other identified affected assets; and endorse the Core Business Australia report 'Tropical Low and Associated Flooding' dated 2 May 2014.

BACKGROUND

During the rain event of 25-26 April 2014 a great deal of damage was caused to the road network in the Shire. A number of roads were closed for differing periods of time due to severe damage to the road shoulders, floodway's and drains along with debris washed over sealed roads and culverts blocked by material washed downstream.

In addition, a number of other Shire assets were affected by the storm event. The Qualing Scarp Refuse Site suffered internal road network damage and flood waters penetrated the wall of the new food hole. Exmouth Aerodrome was closed due to severe inundation resulting in a complete loss of base material along the length of the runway with the northern end resembling a riverbed as well as damage to aprons, taxiways and the internal road network. The amount of debris within the canal systems, which forms part of the town drainage network is still unknown and must be assessed to ensure stated draw depths can be achieved. Paltridge Memorial Swimming Pool was also affected by flood inundation which has resulted in the early closure of the pool season.

On Friday 2 May 2014, Council was notified that the Director General of the Department of the Premier and Cabinet had activated the Western Australia Natural Disaster Relief and Recovery Arrangements (WANDRRA) for the event 'Surface Trough and Associated Flooding (26 April 2014)' which has impacted upon a number of local government districts. The Shire of Exmouth was one of the local governments on the list of affected areas.

COMMENT

The activation of the WANDRRA proclamation provides Council with substantial funds to carry out reinstatement works on the roads and other essential public assets, however there are several conditions that are attached to these funds, mainly:

- All work eligible for reimbursement is to be carried out by contractors;
- Only work carried out after hours by Council plant and staff is eligible for payment;
- All work is to be completed by 30 June 2016; and
- Council is to fund 25% of the cost of works up to the allocated Local Government contribution limit, which for the Shire of Exmouth is to a maximum contribution of \$141,100 for reinstatement. Note: Opening up costs are reimbursed at 100%.

Council Officers and consultants from Core Business Australia (CBA) have inspected most of the roads and other assets affected by the floods and have made an assessment of work required to reinstate the roads and assets to pre-disaster state. Though not exhaustive the list covers over 98% of the roads and 90% of drainage systems. Costs estimates are currently being finalised but early indications are that the above will be in excess of \$3.5M.

In addition to the above, several areas have been identified where the infrastructure could be reinstated to a more disaster resilient standard than its pre-disaster condition by use of current engineering standards. Further, some works have been identified for 'betterment' works (such as extension of the levee wall at Exmouth Aerodrome) and approval for such will be sought through WANDRRA, however in cases of betterment, Council may be required to contribute half of the cost.

As mentioned previously all work, where possible, is to be carried out by contractors. In order to facilitate these works and to ensure that projects are completed by 30 June 2016, it is proposed to manage most of the reinstatement works through hourly hire with daily supervision. A Request for Quotation (RFQ) will be sent to local contractors to submit rates for hourly, daily and weekly supply of plant, equipment and other resources. Information received will be used to compile an approved contractors list of equipment, services and cost and will be used by the project supervisor to obtain the necessary plant or equipment when the need arises. In some instances, larger parcels of like works may be bundled into a tender, following the normal tender process. If unable to source particular equipment or services locally, then requests will be sent outside of the Shire.

A report has been provided by CBA detailing the extent of repair required and Council Officers are preparing a detailed cost estimate for WANDRRA (refer to *Attachment 1*).

CONSULTATION

Main Roads West Australia (MRWA)
Department of the Premier and Cabinet (WA)

STATUTORY ENVIRONMENT

Requests for Tender (RFT), if so required, will be undertaken in accordance with Section 3.57 of *Local Government Act 1995*.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Counter Disaster Operations (CDO or 'Opening up') works may be eligible for full reimbursement through WANDRRA, although have to be paid initially by Council.

Council will be required to pay 25% of the required contribution, being the first \$141,100 of contractors invoices for reinstatement/repair works which is unbudgeted in the current financial year. In addition, as all contractor invoices must be paid by Council before payment is received by WANDRRA, there will be implications on Council's cash flow position. It has been advised that around \$500,000 is necessary to ensure cash flow can be maintained during the period of reconstruction.

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 – 10.1.2
--

That the Council of the Shire of Exmouth:

1. *Authorise unbudgeted expenditure of up to \$141,100 as Council's contribution to flood damage repairs to Council's road networks and other identified affected assets; and further WANDRRA funds as they become available from account E125545; and*
2. *Endorse the Core Business Australia report 'Tropical Low and Associated Flooding' dated 2 May 2014.*

COUNCIL DECISION – 03-0514 – 10.1.2
--

Moved Councillor Todd, Seconded Councillor Winzer.

That the Council of the Shire of Exmouth:


1. *Authorise unbudgeted expenditure of up to \$141,100 as Council's contribution to flood damage repairs to Council's road networks and other identified affected assets; and further WANDRRA funds as they become available from account E125545; and*
2. *Endorse the Core Business Australia report 'Tropical Low and Associated Flooding' dated 2 May 2014.*

CARRIED by ABSOLUTE MAJORITY 4/0

10. REPORTS OF OFFICER

10.1 Chief Executive Officer

10.1.3 Council Policy Review 1.44 EX-Factor Allowance (Cost of Living Assistance)

Location:	Exmouth
Applicant:	S O'Toole
File Reference:	CM.PO.1
Disclosure of Interest:	Nil
Date:	6 May 2014
Author:	Acting Chief Executive Officer, Rob Manning
Signature of Author:	

SUMMARY

This report recommends Council consider revised Policy 1.44 EX-factor Allowance (Cost of Living Assistance) under the Corporate Services sphere of the Council Policy Manual.

BACKGROUND

It is the policy of the Council to maintain a manual recording the various policies of the Council. Policies are to relate to issues of an on-going nature, policy decisions on single issues are not to be recorded in the manual.

The objectives of the Council's Policy Manual are:

- To provide Council with a formal written record of all policy decisions;
- To provide the staff with precise guidelines in which to act in accordance with Council's wishes;
- To enable the staff to act promptly in accordance with Council's requirements, but without continual reference to Council;
- To enable Councillors to adequately handle enquiries from electors without undue reference to the staff or the Council;
- To enable Council to maintain a continual review of Council Policy decisions and to ensure they are in keeping with community expectations, current trends and circumstances;
- To enable ratepayers to obtain immediate advice on matters of Council Policy.

COMMENT

Policy 1.44 EX-factor Allowance has been reviewed in line with current best practice and the proposed changes include:

- Recognition the allowance is paid as a privilege subject to Council's long term financial sustainability;
- Aviation staff who work beyond 1500 hours per annum will receive the full allowance, however if hours do not exceed this threshold, the allowance will be paid on a pro-rata basis.

There were some other minor word changes, but nothing of any consequence.

A copy of the changes to original policy is provided at *Attachment 2*.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Council Policy 1.44 EX-factor Allowance (Cost of Living Assistance)

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 to 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 – 10.1.3
--

That the Shire of Exmouth adopt the revised Policy 1.44 Ex-Factor Allowance (refer to Attachment 2).

COUNCIL DECISION – 04-0514 – 10.1.3
--

Moved Councillor Todd, Seconded Councillor Winzer.

That the Shire of Exmouth adopt the revised Policy 1.44 Ex-Factor Allowance (refer to Attachment 2).


CARRIED by ABSOLUTE MAJORITY 4/0

10. REPORTS OF OFFICERS

10.2 Executive Manager Corporate Services

10.2.1 General Report

Location: Exmouth
 Applicant: S O'Toole
 File Reference: CM.RE.0
 Disclosure of Interest: Nil
 Date: 6 May 2014
 Author: Executive Manager Corporate Services

Signature of Author: 

Senior Officer: Acting Chief Executive Officer, R M Manning

SUMMARY

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

BACKGROUND

Insurance Portfolio Review Meeting

On 15 April 2014 the Executive Manager Corporate Services met with Udam Wickremaratne from Local Government Insurance Services to finalise the Shire of Exmouth Insurance Declarations and Schedules for the 2014/15 financial year. Detailed below is a list of the various class of insurance and a brief overview of the protection provided under each of these policies.

Class of Insurance	Summary of Policy
Aviation Liability	Provides cover for accidental bodily injury to and/or property damage.
Bush Fire Injury	Protects members in the event of an accident/injury
Casual Hirers Liability	Cover is provided for Casual Hirers (other than incorporated Bodies, Sporting Clubs or Associations) of facilities owned by Council, against claims for damage and/or personal injury due to the negligence of the Casual Hirer.
Councillors & Officers Liability	Provides cover for Councillors and Officers in respect of costs incurred in defence of claims for any alleged wrongful acts arising out of their official capacities.
Contract Works	Provides cover against risks associated with the Ningaloo Centre construction project.
Corporate Practices Protection	Covers provides protection from the imposition of fines and penalties.
Events Insurance	Event cancellation due to adverse weather conditions, also non-appearance cover
Fidelity Guarantee	Insures losses resulting from misappropriation or embezzlement of money or goods by employees.
Property Includes: Business Interruption; General Property; Electronic Equipment Breakdown; Machinery Breakdown	Coverage for buildings and contents for loss from fire and extraneous perils or damage to real and personal property e.g. theft, accidental damage etc. Covers loss of revenue & rental income resulting from damage to property arising from a specified peril. Covers portable property away from premises Covers cost of repairs to electronic items Covers cost of repairs to fixed mechanical items
Local Government Business Practices	Protects the Shire and its employees from the imposition of Fines & Penalties
Motor Vehicle and Plant	Covers loss or damage to Vehicles, Plant & Equipment
MultiRisks/General Property	Provides protection for specified items
Personal Accident & Travel	Provides for protection for accidental injury only whilst engaged in any activity directly or indirectly connected with Council
Class of Insurance	Summary of Policy
Public Liability	Covers the legal liability to pay compensation in respect of personal injury or property damage caused by an occurrence in connection with Council.
Marine Cargo (Transit)	Provides coverage for goods carried.
Workers Compensation	Covers the legal liability to pay compensation to employees

Online Inductions

Corporate Services are currently working on creating an online induction format initially to introduce new employees to our organisation. The portal will be easy to access and interactive, and will improve consistency of information delivered to new staff.

The induction program will include:

- Welcome by the CEO
- Introduction to Councillors
- Introduction to Executive team
- Introduction to the Organisational Structure and Department Functions
- Code of Conduct
- Work Environment
- OH&S information

At the conclusion of the induction, a certificate will be produced confirming successful completion, which a copy will be retained for their staff file.

It is hoped to roll out a similar induction for Contractors focusing on general OHS in the work place.

Risk Management Services Project

Council has engaged the services of Mark Harris, Senior Risk Consultant from LGIS to develop the Shires risk management capabilities in compliance with the Local Government (Audit) Regulations 17.

This project will focus on:

- Governance Framework (Policy, Standards & Guidelines)
- Risk Data Validation (Risk Profiling)
- Risk Reporting (Monitoring & Review)
- Develop a Business Continuity Management Program

The outcomes of this will provide a platform for ongoing improvements and developmental changes in our risk management processes.

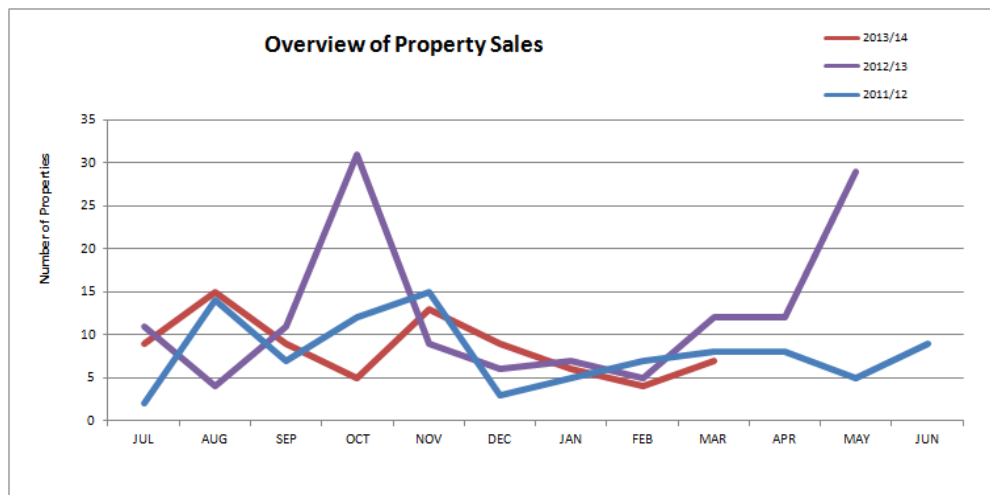
Rating**Property Sales**

Below is a summary of properties sold during 2013/14:

2013/14 Summary of Property Sales			
Number Sold	Land Usage	Total Sales	Average Sale
40	Vacant Land	\$13,387,500	\$334,688
34	Residential	\$17,807,500	\$523,750
6	Industrial	\$5,799,500	\$966,583
0	Mixed Use	\$0	\$0
0	Composite Devel	\$0	\$0
0	Special Use	\$0	\$0
0	Tourism	\$0	\$0
80		\$36,994,500	

Property Sales (cont.)

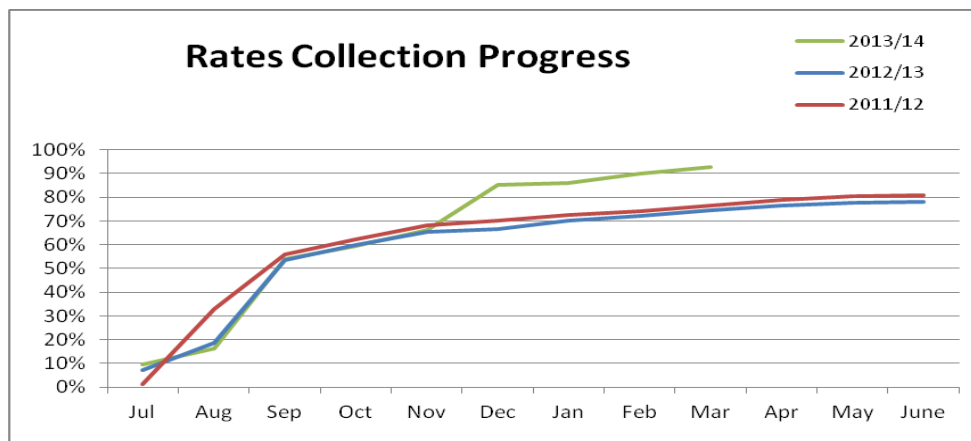
Property Sales	2013/14	2012/13	2011/12
JUL	9	11	2
AUG	15	4	14
SEP	9	11	7
OCT	5	31	12
NOV	13	9	15
DEC	9	6	3
JAN	6	7	5
FEB	4	5	7
MAR	7	12	8
APR	3	12	8
MAY		29	5
JUN		20	9
	80	157	95

**Rates Collection****2013/14 Rates Collection Analysis**

	\$
Rates & Charges Levied 2013/14	3,660,673
Arrears 1 July 2012	995,039
Less Collections	(4,349,033)
Total Rates & Charges Outstanding	306,679
Less Pensioner Deferred Rates	(18,210)
Total Rates Collectable	288,469
% Collected to Date	93.8%
Notices Sent	7/08/2013
Due Date	11/09/2013
Reminder Notice Sent	19/09/2013
Final Notice Sent	18/10/2013
Notice of Intention to Summons Sent	20/11/2013
Summons Issued	24/02/2014

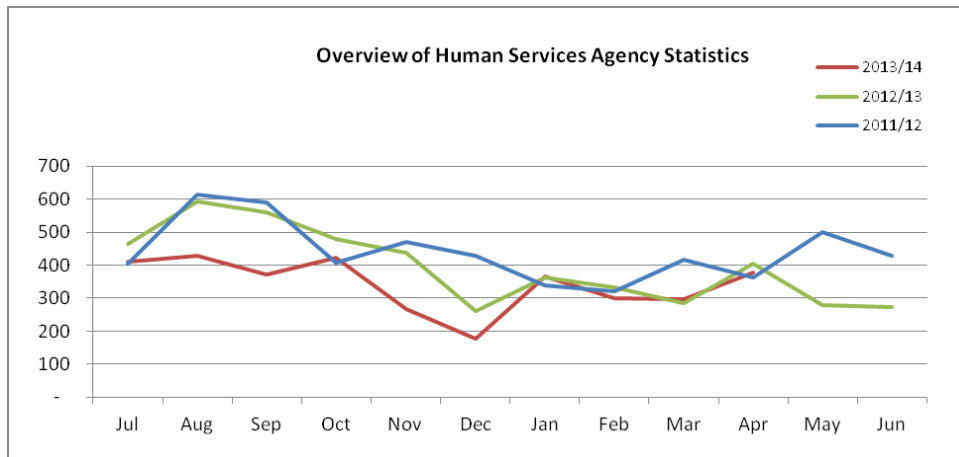
Rates Collection (cont.)**Comparative percentage of rates collected monthly**

	2013/14	2012/13	2011/12
Rates Due Date	11/09/2013	10/09/2012	2/09/2011
Jul	10%	7%	1%
Aug	16%	19%	33%
Sep	54%	54%	56%
Oct	59%	60%	62%
Nov	66%	65%	68%
Dec	85%	67%	70%
Jan	86%	70%	72%
Feb	90%	72%	74%
Mar	93%	75%	77%
Apr	94%	77%	79%
May		78%	81%
June		78%	81%

Graphical Overview of Rates Collection**Human Services Agency (formerly Centrelink)**

Summary of Agent Statistics for 2013/14:

						Hours of Operation/week		
						12.5	12.5	15
	Lodgement of Forms/Assist with Completion	Referrals to Call Centre & CSC	Assist with use of Equipment & Computer	Respond to General Enquiries	TOTAL	2013/14	2012/13	2011/12
Jul	118	81	13	199	411	Jul	411	464
Aug	149	68	21	189	427	Aug	427	592
Sep	129	79	19	146	373	Sep	373	560
Oct	142	57	40	183	422	Oct	422	478
Nov	90	34	36	108	268	Nov	268	436
Dec	45	27	32	74	178	Dec	178	262
Jan	101	61	52	153	367	Jan	367	364
Feb	108	40	39	112	299	Feb	299	332
Mar	103	34	47	112	296	Mar	296	285
Apr	187	44	48	98	377	Apr	377	403
May					-	May	278	500
Jun					-	Jun	272	428
TOTAL	1,172	525	347	1,374	3,418		3,418	4,726

Human Services Agency (formerly Centrelink)**CONSULTATION**

LGIS

STATUTORY ENVIRONMENT

Local Government (Audit) Regulations 17

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 – 10.2.1

That the Council of the Shire of Exmouth receive the Executive Manager Corporate Services Report for the month of May 2014.

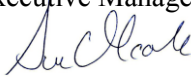
COUNCIL DECISION – 05-0514 – 10.2.1

Moved Councillor McHutchison, Seconded Councillor Winzer.

That the Council of the Shire of Exmouth receive the Executive Manager Corporate Services Report for the month of May 2014.

CARRIED 4/0

10. REPORTS OF OFFICERS**10.2 Executive Manager Corporate Services****10.2.2 Monthly Financial Statements and Report**

Location:	Exmouth
Applicant:	S O'Toole
File Reference:	FM.FI.0
Disclosure of Interest:	Nil
Date:	6 May 2014
Author:	Executive Manager Corporate Services, Sue O'Toole
Signature of Author:	
Senior Officer:	Acting Chief Executive Officer, R M Manning

SUMMARY

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

BACKGROUND

Financial report for the period ended 30 April 2014 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 – 10.2.2

1. *The monthly financial report for period ended 30 April 2014 be accepted; and*
 2. *The accounts as listed in the monthly financial report be received:*
 - a. *Municipal Fund ~ April 2014 \$1,378,472.12 incorporating cheque numbers 12675 to 12708 inclusive and direct debits*
 - b. *Trust Fund ~ \$27,611.37 incorporating cheque number 400787 inclusive and direct debits.*
- Outstanding Creditors totalling ~ \$101,616.79*

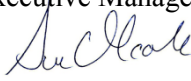
COUNCIL DECISION – 06-0514 – 10.2.2
--

Moved Councillor Todd, Seconded Councillor McHutchison.

- 1. *The monthly financial report for period ended 30 April 2014 be accepted; and***
 - 2. *The accounts as listed in the monthly financial report be received:***
 - a. Municipal Fund ~ April 2014 \$1,378,472.12 incorporating cheque numbers 12675 to 12708 inclusive and direct debits***
 - b. Trust Fund ~ \$27,611.37 incorporating cheque number 400787 inclusive and direct debits.***
- Outstanding Creditors totalling ~ \$101,616.79***

CARRIED 4/0

10. REPORTS OF OFFICERS**10.2 Executive Manager Corporate Services****10.2.3 Execution of Master Lending Agreement with WA Treasury Corporation**

Location:	Exmouth
Applicant:	Western Australian Treasury Corporation (WATC)
File Reference:	FM.LO.0
Disclosure of Interest:	Nil
Date:	6 May 2014
Author:	Executive Manager Corporate Services, Sue O'Toole
Signature of Author:	
Senior Officer:	Acting Chief Executive Officer, R M Manning

SUMMARY

This reports recommends Council enters into a Master Lending Agreement with Western Australian Treasury Corporation (WATC).

BACKGROUND

The WATC is the primary provider of treasury services to local governments and have historically taken a charge over local governments general funds as security for lending facilities.

Resulting from the introduction of the Commonwealth's Personal Property Securities Act 2009, WATC was advised to reference this requirement and have taken the opportunity to develop a Master Lending Agreement for Local Governments (LGMLA) tabled at this meeting.

The LGMLA is to improve the efficiency of the lending process and incorporates all future and existing loans together under the one agreement, therefore removing the need for individual loan agreements to be executed under seal each time loan funds are borrowed from WATC.

COMMENT

Council will still be required to lodge a formal application with WATC for each new loan sought with details of the Council's financial position, as is the current process and will still be subject to WATC's credit approval policy at the time of loan application.

The LGMLA requires the affixation of the Common Seal of the Shire of Exmouth and this has been recommended.

CONSULTATION

Western Australian Treasury Corporation

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS**Civic Leadership**

Strategic 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 – 10.2.3*That the Council of the Shire of Exmouth resolve to:*

- 1. Enter into a Master Lending Agreement with Western Australian Treasury Corporation as per the document tabled at this meeting;*
- 2. Approve to affix the Common Seal to the Master Lending Agreement in the presence of the President and Chief Executive Officer each of whom shall sign the document to attest the affixation of the Common Seal thereto; and*
- 3. Authorise the Chief Executive Officer or any of the Senior Employees of the Shire of Exmouth authorised by the Chief Executive Officer from time to time is authorised to sign schedule documents under the Master Lending Agreement and or to give instructions thereunder on behalf of the Shire of Exmouth.*

COUNCIL DECISION – 07-0514 – 10.2.3

Moved Councillor Winzer, Seconded Councillor McHutchison.

That the Council of the Shire of Exmouth resolve to:


- 1. Enter into a Master Lending Agreement with Western Australian Treasury Corporation as per the document tabled at this meeting;*
- 2. Approve to affix the Common Seal to the Master Lending Agreement in the presence of the President and Chief Executive Officer each of whom shall sign the document to attest the affixation of the Common Seal thereto; and*
- 3. Authorise the Chief Executive Officer or any of the Senior Employees of the Shire of Exmouth authorised by the Chief Executive Officer from time to time is authorised to sign schedule documents under the Master Lending Agreement and or to give instructions thereunder on behalf of the Shire of Exmouth.*

CARRIED 4/0

10. REPORTS OF OFFICERS

10.3 Executive Manager Aviation Services

10.3.1 General Report

Location:	Exmouth
Applicant:	J Kox
File Reference:	TT.SP.0
Disclosure of Interest:	Nil
Date:	6 May 2014
Author:	Executive Manager Aviation Services, Jenny Kox
Signature of Author:	
Senior Officer:	Acting Chief Executive Officer, R M Manning

SUMMARY

The following report contains a brief summary of significant activities and issues arising since the 17 April 2014 Council Meeting.

BACKGROUND

Defence

Amendment has been made to the Learmonth Airport Master Plan and will be forwarded to Defence for their approval once endorsed by Council.

Monthly Learmonth Advisory Committee Meetings continue to raise no significant issues.

Regulatory

A further certification proving audit of Network Aviation and their contractors will be undertaken by CASA on 8 May 2014.

Airlines/Air Operators/Industry

Flights on 26 April 2014 were returned to Perth due to inaccessible road conditions as a result of the significant rain event. The ARO and EAS Manager were the only operational staff, along with about 20 passengers able to get to the airport prior to road conditions making it unsafe and the road being closed. Thanks to Exmouth Police, SES and Shire personnel who attended the airport and escorted those safely back to town. Similarly, thanks to all Shire staff who provided escorts (under direction of Main Roads) for travellers to and from the airport to Exmouth and/or Burkett Road over the following day and a half until roads were reopened.

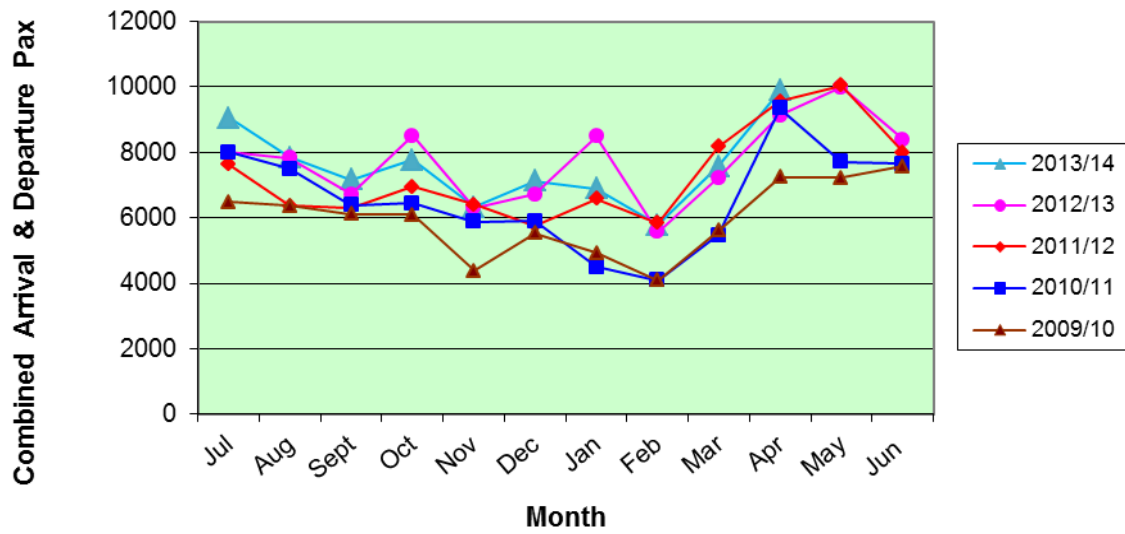
We have seen the most passengers for April on record due to both Easter and Anzac day falling in the school holiday period, with 766 more passengers than April 2013 and 342 more than April 2012. April continues the annual upward trend of passenger numbers until the end of the financial year.

Again it was a quiet month at the heliport with our lowest April passenger numbers and third lowest month for the year. Only 15% of RPT passengers were attributable to heliport operations.

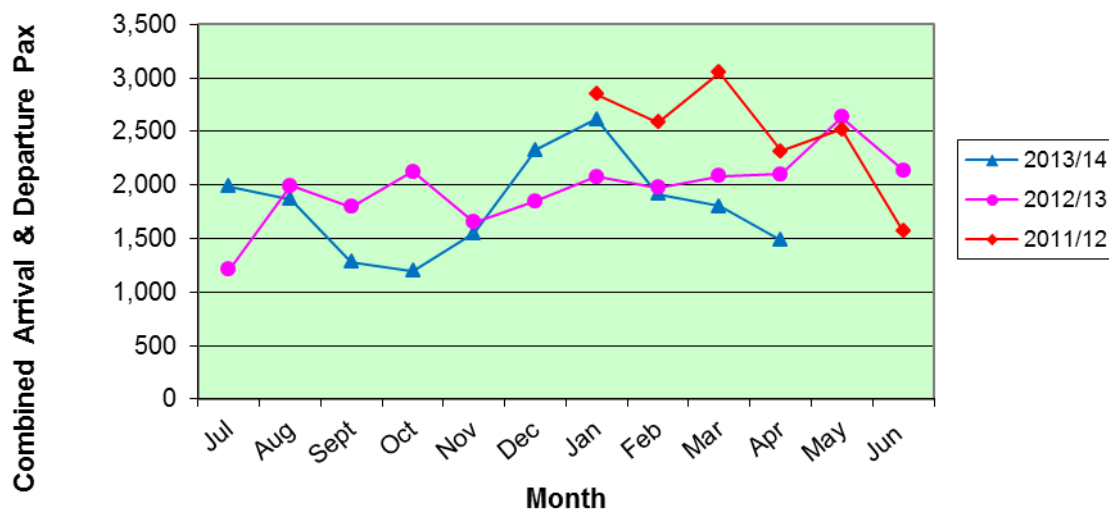
End of financial year passenger numbers are on target to be around the same as for 2012/13, being approximately 93,000 passengers.

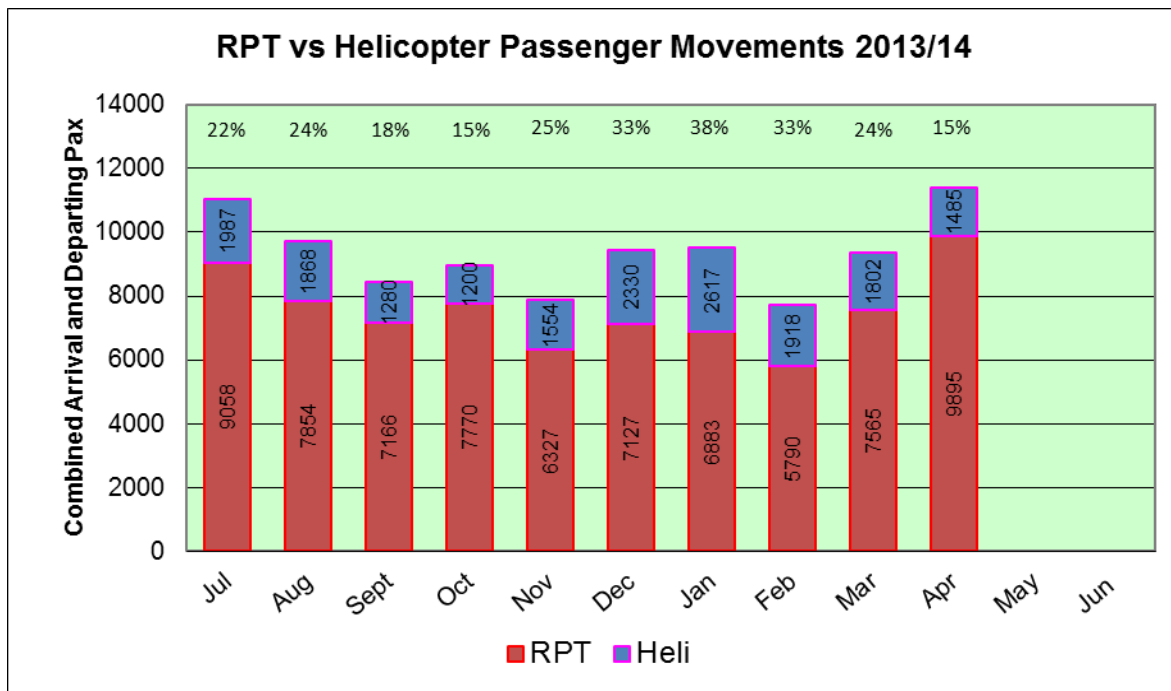
See the graphical presentation of statistics below.

Annual RPT Passenger Movements



Annual Helicopter Passenger Movements





Airport

The Airport Bus Shuttle service had its busiest month since the commencement of the current contract with 830 passengers transported for the month of April, over 200 more than for any other period.

Telecommunications continues to be an issue at the airport with mobile phone services going down on a couple of occasions during the month. This has also been identified as an issue by RAAF Learmonth who are investigating further with Telstra.

Heliport

A quieter month again with baseline operations and some occasional service vessel flights.

The 12th meeting of the Learmonth Heliport Consultative Meeting was due to be held on 2 May 2014 but was cancelled due to other commitments of many. It will be rescheduled for some time in June.

Staffing

The Executive Manager Aviation Services, Airport Manager and Heliport Co-ordinator are attending the Australian Airports Association WA/NT regional meeting in Broome on 8 & 9 May 2014. Of note are presentations on compliance and team building.

Leasing

A notice of breach of lease conditions was sent to Birds Eye View on 15 April 2014 for use of the premises for other than the Permitted Purpose. The lessee has until 19 May 2014 to rectify the breach.

Projects

The new doors and electronic locks have been received and are awaiting installation which will occur in the coming weeks.

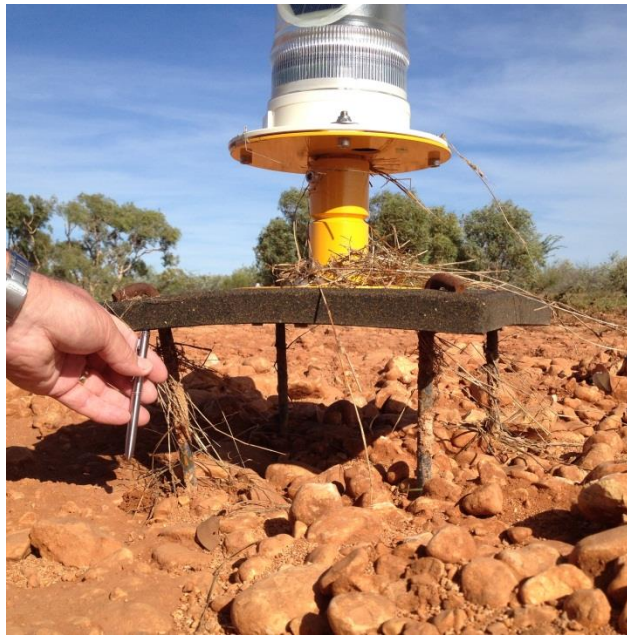
Works continue for the new shed with quotes for installation being confirmed.

Other Items

Nil

Exmouth Aerodrome

Interim works were undertaken on 1 & 2 May 2014 to reopen Exmouth Aerodrome runway after the rain event. Significant works will need to be undertaken as all of the sub-base requires replacement with over 250mm of sub-base washed away and runway profile lost (see picture below).



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 – 10.3.1
--

That the Council of the Shire of Exmouth receive the Executive Manager Aviation Services Report for the month of May 2014.

COUNCIL DECISION – 08-0514 – 10.3.1
--

Moved Councillor Todd, Seconded Councillor Winzer.


That the Council of the Shire of Exmouth receive the Executive Manager Aviation Services Report for the month of May 2014.

CARRIED 4/0

10. REPORTS OF OFFICERS

10.3 Executive Manager Aviation Services

10.3.2 Learmonth Airport Master Plan

Location:	Exmouth
Applicant:	J Kox
File Reference:	TT.LI.3
Disclosure of Interest:	Nil
Date:	6 May 2014
Author:	Executive Manager Aviation Services, Jenny Kox
Signature of Author:	
Senior Officer:	Acting Chief Executive Officer, R M Manning

SUMMARY

This report recommends that Council endorses submission of the Learmonth Airport Master Plan (revision 3) as required under the Head Lease with Department of Defence.

BACKGROUND

In accordance with clause 14.3 of the Operating Deed with the Department of Defence (DoD) for the Civil Lease Area at Learmonth Airport, the Shire of Exmouth are required to submit a Master Plan for the proposed development of the Civil Airport Site for approval by DoD. The DoD must either approve or reject the Master Plan in writing.

Further, under the terms of the lease, the Master Plan may be amended at any time and when doing so it must have regard to:

- (a) The actual and anticipated growth in, and pattern of, traffic demand for the Civil Airport Site;
- (b) The quality standards reasonably expected of such an airport in Australia; and
- (c) Good business practice as defined in sub-clause 1.1 of the Learmonth Airport Deed of Variation.

The original version (revision 0) of the Learmonth Airport Master Plan was submitted to DoD in June 2010 with some minor variations (revision 1) submitted in September 2010. DoD provided proposed amendments and inclusions which prompted further amendment, revision 2, the changes of which were made by Council Officers and resubmitted in February 2012.

During negotiations for the fuel facility and storage shed, it was identified that DoD have not approved the Master Plan to date. Further, as the proposed locations of these facilities were different or completely new to the previous versions, a complete review and upgrade of the Plan was warranted and will also assist in negotiations on future developments with DoD.

Significant changes have therefore been made to earlier versions of the Master Plan to now include the new location for the fuel facility and consideration of stand-alone power generation.

COMMENT

Attached is a copy of the Learmonth Airport Master Plan (revision 3) for Council consideration and endorsement (refer to ***Attachment 1***).

This revision of the Master Plan includes changes to landside development areas to incorporate relocation of the fuel facility, proposed power generation site and hangar facilities. Updates to passenger and aircraft movement figures have also been incorporated.

Council's endorsement of the Master Plan is sought as the plan provides strategic development of Learmonth Airport up to 7 March 2033 and thus influences other documents that form Council's integrated planning framework.

CONSULTATION

Defence Support Group, Department of Defence
Airservices Australia

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Any development proposed within the Master Plan will be budgeted to ensure that where possible an acceptable return on investment is achieved.

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 – 10.3.2
--

That the Council of the Shire of Exmouth endorse submission of the Learmonth Airport Master Plan (revision 3) as required under the Head Lease with Department of Defence.

COUNCIL DECISION – 09-0514 – 10.3.2
--

Moved Councillor McHutchison, Seconded Councillor Winzer.


That the Council of the Shire of Exmouth endorse submission of the Learmonth Airport Master Plan (revision 3) as required under the Head Lease with Department of Defence.

CARRIED 4/0

10. REPORTS OF OFFICERS

10.4 Executive Manager Community Engagement

10.4.1 General Report

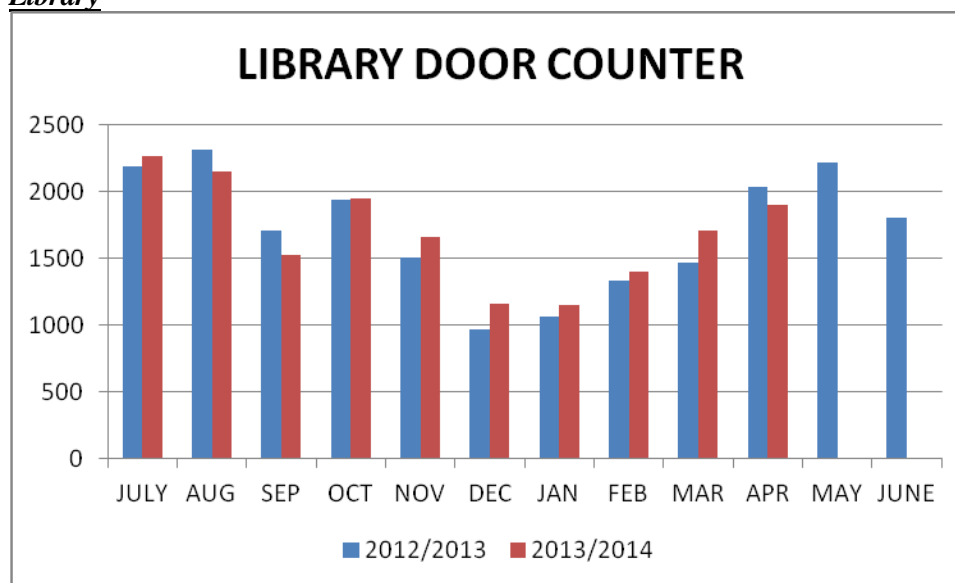
Location:	Exmouth
Applicant:	R Kempe
File Reference:	GV.CM.0
Disclosure of Interest:	Nil
Date:	5 May 2014
Author:	Executive Manager Community Engagement, Rogé Kempe
Signature of Author:	
Senior Officer:	Acting Chief Executive Officer, R M Manning

SUMMARY

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

BACKGROUND

Library



Nearly 1900 people made use of the library this month, slightly down for the same period last year.

Total book traffic was up from 1728 items last year to 2042 items this year. Ebooks are gaining in popularity with 46 items being borrowed for the month of April 2014 an increase of 10 books over any other month.

Due to the lack of office space available within the Shires administration building, the back meeting room of the Library (the old Telecentre) will be refurbished to make way for new Shire Administration offices. The library will no longer be able to offer meeting room or videoconferencing services. Alternative venues have been offered to our regular users.

Community Development

School Holiday Program April 2014

Unfortunately 'The smallest cinema in WA' event for the school holidays had to be cancelled due to lack of interest. This is the first time this has happened, but due to Easter we think that it was a busy time for families. We still had good numbers for the quirky head



photo shoot day with 17 girls attending and learning all about face painting and funny hairdos.

Exmouth District High School - Career Day

Exmouth District High Schools Career Day was a busy morning with 130 high school students coming through and talking with 16 different presenters. The Shire was represented by the Community Activities Officer who showed a short film on different local government position and handed out information on where to look for a job in local government.

Anzac Day

ANZAC day fell in the school holidays this year which would have bumped up crowds to really good numbers. The Dawn Service had an estimated 900 people attend and even though there was a slight drizzle, the commemorative service still attracted 300 people.

Next year will be 100 years of the ANZAC commemorations so we will be working closely with the RSL and Defence Forces to celebrate it in style.

KickstART Festival Perth

After recruiting some new members for the Youth Action Exmouth team officers once again took 4 young people to the KickstART Festival in Perth. The aim is for young people to see and learn about larger community events and exchange information with peers and professional event managers and artists.

The group had a full itinerary and visits scheduled include a full day at the KickstART festival, visiting the Year 12 Prospectus at the WA Art Gallery, and attending the opening of the Esplanade Youth Plaza in Fremantle. The group had a good time and we were able to source some activities for the Whaleshark Festival later on this month.



Although there were some highlights on the trip, officers didn't feel that the Festival was as good as last year and will be looking for other events to show the team next year.

Event Management Handbook

The YAE group spent two days over the Easter school holidays working with consultant Andrew Chambers. Andrew is a very experienced event planner and has produced a number of event handbooks for various organisations including Country Arts WA. The YAE group responded well to Andrew and it was an interesting two days. The CDO is now in the process of finalising the handbook before it goes to print.

Men's Shed

A public meeting was held at the end of last month to try and establish if there is any support in the community for such a project. The meeting was more successful than previous attempts and those present would like to take this further. A second meeting has been scheduled for Monday 9 June 2014. The group are not yet ready to set up a working group at this stage, but they are enthusiastic and keen to try and make this work.

Department of Sport and Recreation – Regional Office

There is a new Regional Manager for the Department of Sport and Recreation (DSR) for the Gascoyne Region, Mr Richard Malacari, who is based in Geraldton. There are also some other changes in the Carnarvon office with Trish Ouellette taking on some additional responsibilities. The DSR have assured us that Exmouth clubs will continue to receive a high level of service.

Media and Community Information

- Shire Newsletter (April)
- Shire Newsletter – Flood updates
- ANZAC Day information provided
- Men Shed media statements

- Media interview about new Shire Branding and Logo
- Media interview about Tidy Towns programme

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 – 10.4.1

That the Council of the Shire of Exmouth receive the Executive Manager Community Engagement Report for the month of May 2014.

COUNCIL DECISION – 10-0514 – 10.4.1

Moved Councillor Todd, Seconded Councillor McHutchison.

That the Council of the Shire of Exmouth receive the Executive Manager Community Engagement Report for the month of May 2014.

CARRIED 4/0

10. REPORTS OF OFFICERS

10.5 Executive Manager Health & Building

10.5.1 General Report

Location: Exmouth
 Applicant: R M Manning
 File Reference: GV.CM.0
 Disclosure of Interest: Nil
 Date: 9 May 2014
 Author: Executive Manager Health & Building, R M Manning

Signature of Author:



Senior Officer: Acting Chief Executive Officer, R M Manning

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

Below is a summary of building licence and building certificate applications and approvals up to 30 April 2014.

Building Applications						
Application No	Date Received	Lot No	Development Location	Description	Decision	Decision Date
13/186	11/12/2013	158	Tuckey Street	Outbuilding	Awaiting information from applicant	
13/187	11/12/2013	384	31 Corella Court	Jetty	Awaiting information from applicant	
14/25	06/03/2014	70	8 Bennett Street	Reposition Existing Building on Lot	Approved	15/04/2014
14/31	18/03/2014	198	Yardie Creek Road	Rigid Annexe	Awaiting information from applicant	
14/34	26/03/2014	1142	Koolinda Way	Outbuilding	Approved	07/04/2014
14/36	01/04/2014	1	Burkett Road	Wilderness Shower Block	Approved	23/04/2014
14/37	03/04/2014	305	Minilya Exmouth Road	Swimming Pool	Approved	23/04/2014
14/38	04/04/2014	8	30 Dugong Close	Single Dwelling	Approved	16/04/2014
14/39	07/04/2014	1	Burkett Road	3 x 4 bedroom transportable & 1 x commercial kitchen	Awaiting information from applicant	
14/41	09/04/2014	707	5 Gooley Street	Outbuilding	Approved	22/04/2014
14/42	17/04/2014	8	30 Dugong Street	Single dwelling	Awaiting information from applicant	
14/43	23/04/2014	111	51 Nimitz Street	Patio	Approved	06/05/2014
14/44	24/04/2014	50	Crevelle Way	Fence	Approved	05/05/2014
14/45	24/04/2014	361	5 Kestrel Place	Retaining wall and swimming pool	Approved	09/05/2014
14/46	28/04/2014	120	37 Skipjack Circle	Single dwelling	Approved	01/05/2014
14/17	30/04/2014	390	19 Corella Court	Single dwelling	Awaiting information from applicant	
14/48	30/04/2014	391	17 Corella Court	Single dwelling	Awaiting information from applicant	

Summary of Building Licence/Permit Applications
2007 to Year to date 30 April 2014

Year	No. Applications	Total Value of Works	No. Applications up 30 April 2014	Value up to 30 April 2014
2007- 2008	114	\$13,465,725.00	95	\$11,303,607
2008- 2009	132	\$26,600,941.00	105	\$23,117,922
2009 - 2010	198	\$26,916,869.00	156	\$20,983,332
2010 - 2011	188	\$24,816,605.00	136	\$18,957,196
2011-2012	144	\$23,057,154.00	128	\$20,704,803
2012- 2013	150	\$19,931,790.00	119	\$17,405,109
2013-2014			130	\$16,356,997

COMMENT

BUILDING

For several months Council Officers have been pursuing information from the owners/builders responsible for Application Numbers 13/186; 13/187 and 14/31 as these have been awaiting information for a very long time. Each of these applications relates to works that were commenced or completed without a Building Permit.

ENVIRONMENTAL HEALTH

With the recent resignation of Environmental Health Officer (EHO), Patrick Barber a relief EHO, Ross Keegan has been appointed to provide these services for the next four weeks or so. Ross will concentrate on pre-tourist season caravan parks and lodging house inspections in addition to maintaining the schedule of routine food business inspections and responding to day to day environmental health related queries.

Living Smart Course 2014

The group of individuals that completed the Living Smart Facilitator Training in March 2014 have commenced planning the first of 2 or 3 courses to be held over the next 12-18 months. The group met 16 April 2014 to discuss moving forward with rolling out the courses and resolved to look at commencing the first of the seven week training programs in late July 2014.

The group is still to have the planned course approved by 'Be Living Smart Inc' but will be meeting again 27 May 2014 to finalise plans and formally submit the necessary documentation to Be Living Smart Inc.

Waste Management and Recycling

Qualing Scarp Waste Disposal Site Operations

Late April and early May have been difficult times at the landfill site staff with the rain events interrupting operations, causing damage and temporary site closures. The community has generally been understanding of the need to close the facility when the roads and tipping faces are too wet and Council Officers have sought to keep the Shire's website up-to-date with respect to closures due to rain. Commercial waste truck operators were also kept informed of the closures.

Sentinel Chickens & Mosquito Borne Diseases

The University of Western Australia's Sentinel Chicken Bleeding Program is continuing with fortnightly blood sampling of chicken flocks. There were no new positives blood tests to report of for Murray Valley Encephalitis, Kunjin Virus or other flaviviruses from the rounds of testing up to 22 April 2014.

It is likely that mosquitoes will begin to immerge from low lying areas that have been retaining water for the past couple of weeks and also from 'back-yard containers'. Such mosquitoes may be a nuisance but should not pose any health risk as the sentinel chicken monitoring indicates that there is currently no mosquito borne disease activity in the region. Earlier this year there was some above-average levels of Ross River virus reported further north in the State but no reports of the other previously mentioned viruses.

Owing to the above there are no plans to commence baiting of breeding habitats with larvacide or broad acre spraying with adulticide. From past experience natural mosquito larvae predators such as tadpoles, soon immerse in the same breeding habitats as the mosquitoes and they tend to abate any mosquito larva problems those areas.

Council Officers initiated some public education on the above following the first rain event and have been liaising with staff from the Dept of Health's Mosquito Borne Disease Control Unit in relation to an appropriate formal media release from the Dept of Health to help get the message out about the potential for mosquito breeding within private property, the importance of individuals taking action to prevent the same and how to avoid mosquito bites.

Paltridge Memorial Swimming Pool

	<u>2014</u>	<u>2013</u>	<u>2012</u>	<u>2011</u>
Pool Users	1650	2823	1669	2308

The cooler than normal weather mid-April and the early closure of the pool brought about by the 26 April 2014 rain event, resulted in the pool patronage being less than normal for the final weeks of the season.

The facility is scheduled to reopen two weeks earlier than usual with a Pool Open Day on 31st August 2014, this will be subject to the pool water meeting satisfactory chemical tests and microbiological analysis following the re-filling of the freshly painted pool.

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 3.3: An inclusive, responsible and cohesive community.
- Outcome 3.4: A community that is well informed and educated about our natural, cultural and built environment.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.5.1

That the Council of the Shire of Exmouth receive the Executive Manager Health & Building Report for the month of May 2014.

COUNCIL DECISION – 11-0514 – 10.5.1
--

Moved Councillor Todd, Seconded Councillor Winzer.

That the Council of the Shire of Exmouth receive the Executive Manager Health & Building Report for the month of May 2014.

CARRIED 4/0

10. REPORTS OF OFFICERS**10.5 Executive Manager Health & Building****10.5.2 Appointment of Relief Environmental Health Officer as Authorised Person**

Location: Exmouth
 Applicant: R M Manning
 File Reference: PE.RE.359
 Disclosure of Interest: Nil
 Date: 6 May 2014
 Author: Executive Manager Health & Building, R M Manning

Signature of Author:



Senior Officer: Acting Chief Executive Officer, R M Manning

SUMMARY

This report recommends that the Council for the Shire of Exmouth appoint Council's Relief Environmental Health Officer, Mr Ross Keegan as an authorised person pursuant to the Health Act 1911, Food Act 2008 and the Caravan Parks and Camping Grounds Act 1995.

BACKGROUND

Mr Keegan commenced with the Shire of Exmouth as relief Environmental Health Officer (EHO) on 30 April 2014.

Formal 'authorisation' of an EHO under certain statutes is necessary in order for a local government EHO to efficiently carry out the functions and responsibilities of the position. In addition to the above, the Health Act 1911 prescribes that an appointment of an EHO by local government must be approved by the Executive Director, Public Health (EDPH).

COMMENT

The specific appointments as authorised person sought by this report are as follows:-

- **Health Act 1911:** Council Officers have already sought approval of the EDPH for the appointment of Mr Keegan as relief EHO for the Shire of Exmouth. Such approval will provide the authorisation required under the Health Act (and its subsidiary legislation) for Mr Keegan to perform functions related to lodging houses, public buildings, on-site waste water treatment systems etc;
- **Caravan Parks and Camping Grounds Act 1995 :** For powers of entry and inspection purposes; and
- **Food Act 2008:** Under Section 122 (1) for authorisation for the purposes of administering the Act.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Health Act 1911 and all subsidiary legislation thereto;
 Caravan Parks and Camping Grounds Act 1995 and Regulations 1997;
 Food Act 2008

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 2.2: Our pristine natural environment and biodiversity will be understood, maintained and protected.

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.

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.5.2

That the Council of the Shire of Exmouth

1. *Endorse Council Officers seeking the approval of the Executive Director, Public Health for the appointment of Mr Ross Keegan as relief Environmental Health Officer for the Shire of Exmouth; and*
2. *Appoint Shire of Exmouth relief Environmental Health Officer, Mr Ross Keegan as an authorised person pursuant to the Caravan Parks and Camping Grounds Act 1995 (s. 17) and the Food Act 2008 (s.122).*

COUNCIL DECISION – 12-0514 – 10.5.2

Moved Councillor Winzer, Seconded Councillor Todd.

That the Council of the Shire of Exmouth

1. *Endorse Council Officers seeking the approval of the Executive Director, Public Health for the appointment of Mr Ross Keegan as relief Environmental Health Officer for the Shire of Exmouth; and*
2. *Appoint Shire of Exmouth relief Environmental Health Officer, Mr Ross Keegan as an authorised person pursuant to the Caravan Parks and Camping Grounds Act 1995 (s. 17) and the Food Act 2008 (s.122).*

CARRIED 4/0

10. REPORTS OF OFFICERS

10.6 Executive Manager Town Planning

10.6.1 General Report

Location: Exmouth
 Applicant: Nil
 File Reference: LP.PL.0
 Disclosure of Interest: Nil
 Date: 5 May 2014
 Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer: Acting Chief Executive Officer, R M Manning

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 5 May 2014.

Applic. No	Lodgement Date	Lot	Property Address	Description	Decision	Date Determined
PA122/13	23/09/2013	304	Minilya Exmouth Road	Single Dwelling, Garage, Pool, Pavilion & Ancillary Accommodation	On Hold	
PA08/14	20/01/2014	1	4A Pellew Street	Open Carport	On Hold	
PA20/14	13/02/2014	162	Tuckey Street	Single Dwelling	On Hold	
PA35/14	06/03/2014	R37664	Minilya-Exmouth Road	Sea Container, Fence and Water Tank	Approved	15/04/14
PA37/14	06/03/2014	319	11 Pellew Street	Change of Use	Approved	02/05/14
PA39/14	11/03/2014	379	30 Corella Court	Holiday Accommodation	On Hold	
PA48/14	21/03/2014	361	5 Kestrel Place	Single dwelling and Swimming Pool	Approved	15/04/14
PA52/14	24/03/2014	1104	5 Campbell Way	Home Occupation – Event Hire	Approved	16/04/14
PA60/14	03/04/2014	305	Minilya Exmouth Road	Swimming Pool	Approved	15/04/14
PA61/14	04/04/2014	167	17 Maidstone Crescent	Storage and Sorting Room	Approved	17/04/14
PA62/14	04/04/2014	363	1 Kestrel Place	Single Dwelling	Approved	29/04/14
PA63/14	04/04/2014	1371	1 Heron Way	Carport and Garden Shed	On Hold	
PA65/14	04/04/2014	344	30 Kestrel Place	Retaining Walls	Approved	15/04/14
PA70/14	08/04/2014	1376	40 Preston Street	Shed and Carport	Approved	15/04/14
PA71/14	10/04/2014	126	47 Skipjack Circle	Outbuilding	May OCM	
PA76/14	15/04/2014	429	78 Madaffari Drive	Jetty	Approved	16/04/14
PA80/14	17/04/2014	422	64 Madaffari Drive	Holiday Accommodation	May OCM	
PA82/14	28/04/2014	337	16 Kestrel Place	Single Dwelling	Processing	
PA83/14	28/04/2014	318	Minilya-Exmouth Road	Single Dwelling	Approved	06/05/14
PA88/14	29/04/2014	344	30 Kestrel Place	Verandah	On Hold	

Summary of Total Planning Application/Codes Variations	
Year	No. Applications
2009-2010	131
2010-2011	149
2011-2012	163
2012-2013	175
2013-2014 (to date)	125

Permits issued for an Activity on Local Government Property	
Month	No. Applications
January	2
February	2
March	8
April	15

COMMENT

Local Planning Scheme and Strategy Project Update No. 10

Local Planning Strategy (LPS) Mapping – Edits to the LSP Mapping (Sheets 1- 6) have been finalised (Spatial and Strategic Plans) to incorporate adjustments discussed with Council Officer (Provision of additional Service Industrial land, Exmouth Power Station Buffer reflected as ‘Existing (approved) Situation’, pending modelling of Power Station at full capacity (10,000kW), extent of industrial investigation area to support EPA discussions).

LPS Part 1 & 2 Reporting – Shire Officers have undertaken a review of the Strategy Report Part 1-Sections 1 and 2. Suggested modifications are being made by TBB and discussions taking place with Council Officers as required to finalise the wording. Section 3 of Part 1: Analysis of Issues and corresponding Part 2 (strategies and actions) will be provided to the Shire of final review within 2 weeks.

Local Planning Scheme 4 (LPS4) – Based on the LPS recommendations, the Draft LPS4 Scheme Mapping *Sheets 1 to 11* have been prepared in final draft form and forwarded for Council Officer review. Concurrently with the mapping, Part 4 – Zones and Use of Land and Part 5 – General Development Requirements (and associated Schedules) have also been provided for review and input. Note: Parts 4 and 5 cover operational procedures of the Scheme of most relevance to the Shire’s day-to-day development control issues. The remaining sections of the text are in advanced stages of preparation, and generally adopt the Model Scheme Text format. A further working meeting/phone hook-up will be arranged to specifically discuss feedback on the Part 4 & 5 Scheme provisions as circulated, including inputs into the Special Control Areas – Part 6 (to be separately circulated this week).

The finalisation of LPS and LPS4 is being targeted for completion to enable concurrent advertising.

Ranger Services

A summary of the activities performed by Ranger Services during April 2014.

	Dogs	Camping	Parking	Litter	Fire	Off road	Other
Warning/caution	1	0	18	0	0	0	1
Infringement	4	63	4	0	0	0	0
Court	0	0	0	0	0	0	0
April Total	5	63	22	0	0	0	1
2013-2014 Totals	47	153	55	2	161	0	22

Due to an increase in complaints pertaining to the inappropriate use of the water spray ground, during the school holidays a Council Officer was positioned in the town centre to patrol the surrounding location, enforce any offences observed and to maintain a presence in the area. Throughout the holidays, there appeared to be a much wanted decrease in inappropriate use. Patrols of the town centre, particularly the water spray ground will continue to occur over the coming months to ensure the area is being used in accordance with Council’s Local Laws.

Review of Local Laws

Conway Highbury Pty Ltd, are continuing to work on the Local Law Review. Below is a summary of the progress:

- *Cemeteries Local Law*: drafted and ready for a final review before being tabled to Council for adoption for advertising;

- *Dogs Local Law*: drafted and ready for a final review before being tabled to Council for adoption for advertising;
- *Parking Local Law*: drafted and ready for a final review before being tabled to Council for adoption for advertising;
- *Cat Control Local Law*: drafted and ready for a final review before being tabled to Council for adoption for advertising;
- *Fencing Local Law*: Review completed by the relevant officers with comments being prepared to be submitted to the consultant;
- *Public Places and Local Government Property Local Law*: initial draft provided and is currently being reviewed by the relevant officers;
- *Standing Orders Local Law*: initial draft provided and is currently being reviewed by the relevant officers.

Officers will continue to review the final two drafts to provide comments to the consultant to ensure the local laws are suitable and ready to be adopted by Council.

Emergency Services

Rain/Floods – Anzac Day Long Weekend

On Thursday 1 May 2014, the Exmouth Local Recovery Committee came together to discuss the floods and to forward plan and prepare for the developing tropical low forecast for the weekend of the 3 May. There is no immediate plan to reconvene the Recovery Committee at the time of this report.

The emergency evacuation centre was not required during the flooding.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Shire of Exmouth Town Planning Scheme No. 3

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 – 10.6.1
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That the Council of the Shire of Exmouth receive the Executive Manager Town Planning Report for the month of May 2014.

COUNCIL DECISION – 13-0514 – 10.6.1
--

Moved Councillor McHutchison, Seconded Councillor Winzer.

That the Council of the Shire of Exmouth receive the Executive Manager Town Planning Report for the month of May 2014.

CARRIED 4/0

10. REPORTS OF OFFICERS

10.6 Executive Manager Town Planning

10.6.2 Final Adoption -Major Modification – Exmouth Marina Village Outline Development Plan

Location: Lot 481 Madaffari Drive, Exmouth
 Applicant: TME Town Planning Management Engineering
 File Reference: A1585 (PA170/13)
 Disclosure of Interest: Nil
 Date: 30 April 2014
 Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer:

Acting Chief Executive Officer, R M Manning

SUMMARY

This report recommends that the Council of the Shire of Exmouth adopt the Major Modification to the Exmouth Marina Village Outline Development Plan and within 21 days the Council forward the Outline Development Plan, a summary of all submissions and its recommendation to the Western Australian Planning Commission (refer to tabled ***Attachment 1***).

BACKGROUND

At the Ordinary Council Meeting of 21 February 2014 the Council resolved;

That the Council of the Shire of Exmouth adopt the major departure and modification to the Exmouth Marina Village Outline Development Plan (ODP) and advertise the major modification for a period of not less than 28 days, notifying all adjacent owners and relevant public authorities.

Public authorities and owners of land likely to be affected by the major departure and modification to the Outline Development Plan received written notice inviting each owner and nominated public authorities to make a submission. In addition the plan was advertised broadly within the Northern Guardian, public notice boards and the Shire website inviting the community to comment on the modification.

Consultation was undertaken for a period of more than 28 days and submissions were accepted in writing on or before 4.00pm Wednesday 16 April 2014.



COMMENT

The Outline Development Plan can be assessed under clause 5.5.2 of the Local Planning Scheme. Clause 5.5.2 outlines the approval process and specifically subclause (e), (g) and (h) below; highlighting the process should Council resolve to adopt the Plan.

- (e) *The Council is to consider any submissions received and resolve to:*
 - (i) *approve the Outline Development Plan with or without modifications; or*
 - (ii) *refuse to adopt the proposed Outline Development Plan...*
- (g) *Within 21 days of making its determination under sub-clause 5.5.3 (e), or deemed refusal under sub-clause 5.5.3 (f) the Council is to forward the Outline Development Plan, a summary of all submissions and its recommendation to the Commission.*
- (h) *The Commission is to consider the Outline Development Plan and information supplied by the Council and resolve to:*
 - (i) *approve the Outline Development Plan with or without modifications; or*
 - (ii) *refuse to adopt the proposed Outline Development Plan."*

ISSUES**Modification to ODP requires modification to Local Planning Policy 6.16**

The proposed modification to the Exmouth Marina Village ODP with the inclusion of an indicative subdivision boundary requires modifications to be made to Local Planning Policy 6.16: Design Guidelines for Exmouth Marina Village Precinct A, as Local Planning Policy 6.16 is to be practically applied to the as constructed subdivision of the Marina. The applicant has submitted an application with amendments to be made to Local Planning Policy 6.16 to reflect the changes proposed to the Exmouth Marina Village Outline Development Plan.

The applicant is not proposing to include all the detailed design provisions in Local Planning Policy 6.16 in the Exmouth Marina Outline Development Plan, rather the inclusion of wording to reference the Shire Policy when considering development applications

Access

The applicant has submitted a traffic assessment report to confirm Lot 481 can be subdivided into two lots. The location of the proposed crossovers has been addressed in the application to modify Local Planning Policy 6.16.

Other Issues

Other issues that need to be resolved include: infrastructure within the subdivision and the landmark site. These will be dealt with in proposed modifications to Local Planning Policy 6.16, at an officer level when the applicant submits an application for subdivision and when the applicant submits a development application.

CONSULTATION

In accordance with the Shire of Exmouth Town Planning Scheme No3 the Outline Development Plan, when prepared, is required to be publically advertised for a period of not less than 28 days. Adjacent properties and relevant public authorities were invited to comment on the proposal, with the comments period closing on Wednesday 16 April 2014. A summary is tabled below:

No	Submission From	Remarks	Recommendations	
			Shire of Exmouth	WAPC
1	Water Corporation PO Box 100 Leederville	The Water Corporation does not object to this development in principle; however it is conditional on the completion of a service report included in the proposed modification to the outline development plan. Wastewater Vacuum System The site appears to have been	Noted. The information will be passed to the owners of the lot	

		<p>planned and designed for flows from a hotel/motel development which is equivalent to approx. R40. The vacuum system scheme planning and designed were completed by Landcorp appointment consultants (<i>plan attached</i>)</p> <p>The proposed R60 development is likely to have increased flow rates from those originally adopted in the planning and design of the vacuum system. Increase flow rates may require an overall capacity review of the system. (<i>refer catchment plan</i>).</p> <p>Should there be sufficient capacity in the vacuum system; the existing connection points will likely require upgrading. This may include an additional valve or larger valve and/or additional storage. The new design standard for vacuum vales is to locate them in a separate access chamber, next to the collection chamber.</p> <p>Under no circumstances should backwash from pools or spas be permitted into the system.</p> <p>The Corporation suggest that an online service request is completed by the proponent, providing all the details of the proposed development included proposed flows form the buildings in order for the Corporation to complete a capacity and connection point review. Submission for the Vacuum Sewerage Systems shall refer to requirements in section 10.1.16 of the Developers Manual.</p> <p>The proposed site has two connection points, and when it was crated only paid the equivalent of one standard residential headwork. The proposed development shall incur an additional wastewater headwork's charge.</p> <p>Water</p> <p>When the lot was developed, it allowed for a future water connection, and when it was created only paid the equivalent of one standard residential headwork. The proposed development shall incur an additional headwork's charge.</p>		
2	<p>Mark Anthony Design</p> <p>9/18 Brisbane Street</p> <p>Perth WA 6000</p>	<p>Currently Clause 5.6 Minimum Finished Floor Level states the minimum floor level is generally 5.25 AHD due to flood protection. Clause 6.2.5.1 Specific Setback requirements for all Development within the Conditional Development Area states that a minimum of 6m setback must be maintained from the canal side of the secondary retaining wall, however it can be reduced to a 4m setback if the</p>	<p>Noted. Council will review this policy during the scheme review. In the meantime Council Officers will be recommending to council to vary this provision.</p>	

		<p>floor level is at a maximum height of 5.00 AHD. Therefore in order to obtain the minimum setback of 4m there must be at least a 250mm step down from the finished floor level of any dwelling to the level of the outdoor area, a height requiring stairs be constructed. The BCAClause3.9.1.3Stair Construction states a flight of stairs must not have more than 18 nor less than two risers, whilst Figure 3.9.1.2 shows a minimum riser height of 115mm. In order to obtain correct slope relationship of the risers and goings the goings to match a riser height of 115mm have to be 320mm wide (2x riser + 1x going to equal a minimum of 550). Taking all these factors into consideration a finished level of 5.00 AHD of an outdoor area would have to have two steps constructed outside of any openings from the dwelling (2x goings and 3x risers to transition from outdoor area, up to the first step, then up to the second step, then up into the dwelling) at a minimum producing a finished floor level in the dwelling of 5.345 AHD, with a minimum of 640mm directly outside the rear of the dwelling taken up by stair construction (2x goings).</p> <p>It is our opinion that these two clauses contradict each other and greatly change the construction and overall cost of any project (minimum of 100mm extra site fill to reach required finished floor level on top of actual stair construction required). External stairs can be viewed often as unsafe due to being poorly lit, blending in with the outdoor area floor material or not being directly visible upon exiting the dwelling. In an area that does receive extremely high volumes of temporary residences (rental properties) these factors are increased greatly with little or no prior knowledge of the dwelling in which a person may inhabit. We do not believe having the outdoor area level at the height allowable under a 6m setback will have any adverse effect on neighbouring properties if the setback is reduced to 4m whilst obtaining the same floor level, as Clause 6.3 Fencing and Retaining Walls states all side boundary fencing within the Conditional Development Area must be visually permeable above 0.9m regardless of outdoor area level or minimum setback, therefore at either level a resident will still be able to see into the neighbouring properties yard.</p>		
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		As we have a significant amount of clients with lots under this Town Planning Policy we ask that you strongly reconsider these regulations in order to obtain the reduced setback of 4m to outdoor areas without the requirement of unnecessary stair construction, given that no increase in overlooking to neighbouring properties will be created by having an outdoor area at a level that can also be obtained simply by increasing the setback by a further 2m.		
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STATUTORY ENVIRONMENT

Planning and Development Act 2005

Shire of Exmouth Town Planning Scheme Number 3

Exmouth Marina Village Outline Development Plan

POLICY IMPLICATIONS

Local Planning Policy 6.16: Design Guidelines for Exmouth Marina Village Precinct A

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONSEconomic

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.

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 3.4: A community that is well informed and educated about our natural, cultural and built environment.

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 – 10.6.2

That the Council of the Shire of Exmouth adopt the modified Exmouth Marina Village Outline Development Plan; and within 21 days Council forward the modified Outline Development Plan, a summary of all submissions and its recommendation to the WAPC.

COUNCIL DECISION – 14-0514 – 10.6.2
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Moved Councillor McHutchison, Seconded Councillor Todd.

That the Council of the Shire of Exmouth adopt the modified Exmouth Marina Village Outline Development Plan; and within 21 days Council forward the modified Outline Development Plan, a summary of all submissions and its recommendation to the WAPC.

CARRIED 4/0

10. REPORTS OF OFFICERS

10.6 Executive Manager Town Planning

10.6.3 Oversized Outbuilding – Lot 126 (47) Skipjack Circle, Exmouth

Location: Lot 126 (47) Skipjack Circle, Exmouth
 Applicant: Jamie Manifis
 File Reference: A1642 (PA71/14)
 Disclosure of Interest: Nil
 Date: 30 April 2014
 Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer:

Acting Chief Executive Officer, R M Manning

SUMMARY

This report recommends that the Council of the Shire of Exmouth grant conditional planning for an oversized Outbuilding upon Lot 126 (47) Skipjack Circle, Exmouth (refer to **Attachment 2**).

BACKGROUND

The applicant seeks Council's planning approval for an oversized outbuilding which varies the provisions of the Shires Local Planning Policy 6.6: Outbuildings. There is an approved constructed dwelling upon the subject lot. Council approved an oversized outbuilding which also varied the provisions of Councils Outbuilding Policy upon neighbouring adjoining Lot 127 (49) Skipjack Circle, Exmouth.



PROPOSAL

Outbuilding:

- 13.3m x 5m outbuilding = 66.5m²
- Maximum pitched roof height 4.2m
- Maximum wall height 3.5m

COMMENT

The proposal has been assessed using the Shire of Exmouth Town Planning Scheme No. 3 (Scheme), the Western Australian Residential Design Codes and Council's Local Planning Policy 6.6 - Outbuildings.

A variation from the Residential Design Codes of Western Australia (R-Codes) is as follows:

- 3.5m wall height in lieu of 2.4m
- 0.7m side setback from Lot 127 in lieu of 1.5m
- 0.7m rear setback from Lot 145 in lieu of 1.5m
- 66.5m² in lieu of 60m²

A variation from Local Planning Policy 6.6: Outbuildings is as follows:

- 700mm setbacks from the rear and side boundary in lieu of 901mm

Local Planning Policy 6.6 - Outbuildings

Required	Provided	Officer Comment
Outbuildings on a boundary (setback 0mm or between 700mm to 900mm) will only be considered in the following circumstances: <ul style="list-style-type: none"> - Existing development – where the wall abuts an existing or simultaneously constructed wall of similar or greater dimension; - Where walls are not higher than 3m and no more than 9m in length. 	Abuts an existing outbuilding and swimming pool 3.5m wall height setback 0.7m	Non-Compliant

Residential Design Codes

Required	Provided	Officer Comment
Outbuildings do not exceed a wall height of 2.4m.	3.5m	Non-compliant
Setbacks in accordance with Table 1 (1.5m)	0.7m	Non-compliant
Outbuildings shall not exceed 60m ² or 10% of the site area whichever is lessor.	66.5m ²	Non-compliant
Driveways shall be no closer than 0.5m from a side lot boundary.	Not provided	Conditioned

ISSUES**Increased Wall Height**

The increase in height is considered negligible and does not conflict with the intent of the provision which is to not detract from the streetscape or the visual amenity of residents or neighbouring properties. The proposed wall height of the outbuilding accords with the provisions of the Shire's Outbuildings Policy.

It is considered that the variation can be approved as no objections have been received from adjoining residents during the consultation period and for the reasons mentioned above. Further the outbuilding is not located within the front setback or in front of the existing dwelling.

Reduced Setbacks

The applicant is proposing side setbacks of 0.7m in lieu of 0.901m in accordance with the provisions of the Shire's Outbuilding Policy. The reduced side setback is minimal and allows access around the outbuilding to clear fire hazards. The proposed oversized outbuilding abuts an existing approved oversized outbuilding upon neighbouring lot 127 Skipjack Circle, Exmouth. Officer recommends approval of reduced side and rear setbacks.

Increased Area

The increase in area which varies the provisions of the R-Codes complies with the provisions of the Shire Outbuilding Policy which permits up to 90m². There are many existing outbuildings in residential zones which are up to 90m² in area. The increase in area is minimal and the lot will 59% open space. Officer recommends approval of the increased area.

Storm water

Details regarding storm water have not been provided. A standard condition shall apply to ensure storm water is retained on site or directed into the shire's road drainage system.

CONSULTATION

In accordance the requirements of the R-Codes adjoining neighbours are to be consulted. Adjacent properties were invited to comment on the proposed variation from Monday 14 April 2014 to Monday 28 April 2014 for a period of 14 days. A summary is tabled below:

Property	Received	Comment
Lot 127 (49) Skipjack Circle	Nil	nil
Lot 145 (41) Snapper Loop	Yes	Do not object

Follow up meeting with the applicant. The applicant modified the original design;

1. Increasing the setbacks to 0.7m; and
2. Reoriented the outbuilding to have the higher side abutting the existing two storey dwelling.

This reduces the overall impact on adjoining neighbours.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Shire of Exmouth Town Planning Scheme Number 3

Residential Design Codes WA

POLICY IMPLICATIONS

Local Planning Policy 6.6: Outbuildings

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.

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 – 10.6.3

That the Council of the Shire of Exmouth grants planning approval for an Outbuilding upon Lot 126 (47) Skipjack Circle, Exmouth subject to the following conditions:

1. *The development being carried out generally in accordance with the Shire of Exmouth Town Planning Scheme No. 3 and the approved plans (PA71/14)(as amended);*
2. *The outbuilding shall be setback a minimum of 0.7m from the side and rear boundary;*
3. *The outbuilding shall not be used for habitable purposes;*

4. *Zincalume shall not be used as a building material;*
5. *Storm water being managed on site and/or discharged into the Shire's road drainage system, in accordance with Council Policy, the Building Code of Australia and to satisfaction of Council Officers;*
6. *Concrete footings shall not encroach beyond the limits of the site;*
7. *Vehicle crossovers between the road carriageway and the property boundary being in accordance with Council Policy and the Residential Design Codes of Western Australia. Formed driveways shall be setback a minimum of 0.5m from the side boundary;*
8. *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;*
9. *Any substantial variation from the approved plans contained herein requires a separate planning approval. Should your plans for a building licence differ from these plans, a building licence may not be issued until such time as fresh planning approval is granted; and*
10. *The approval granted is valid up to two (2) years of the date of this approval. Should the use approved not substantially commence within this time, the approval will lapse.*

Advice

- i. *Prior to any construction, the applicant being required to obtain a building permit approval from the Shire of Exmouth. The Shire of Exmouth 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. *In accordance with Shire of Exmouth Local Laws a person shall not park a service vehicle, commercial vehicle or trailer on a street verge for more than 4 hours consecutively or on a street verge for the purpose of repairing, servicing or cleaning that vehicle.*
- iv. *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 – 15-0514 – 10.6.3
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Moved Councillor Winzer, Seconded Councillor McHutchison.

That the Council of the Shire of Exmouth grants planning approval for an Outbuilding upon Lot 126 (47) Skipjack Circle, Exmouth subject to the following conditions:

1. ***The development being carried out generally in accordance with the Shire of Exmouth Town Planning Scheme No. 3 and the approved plans (PA71/14)(as amended);***
2. ***The outbuilding shall be setback a minimum of 0.7m from the side and rear boundary;***
3. ***The outbuilding shall not be used for habitable purposes;***
4. ***Zincalume shall not be used as a building material;***
5. ***Storm water being managed on site and/or discharged into the Shire's road drainage system, in accordance with Council Policy, the Building Code of Australia and to satisfaction of Council Officers;***
6. ***Concrete footings shall not encroach beyond the limits of the site;***

7. *Vehicle crossovers between the road carriageway and the property boundary being in accordance with Council Policy and the Residential Design Codes of Western Australia. Formed driveways shall be setback a minimum of 0.5m from the side boundary;*
8. *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;*
9. *Any substantial variation from the approved plans contained herein requires a separate planning approval. Should your plans for a building licence differ from these plans, a building licence may not be issued until such time as fresh planning approval is granted; and*
10. *The approval granted is valid up to two (2) years of the date of this approval. Should the use approved not substantially commence within this time, the approval will lapse.*

Advice

- i. *Prior to any construction, the applicant being required to obtain a building permit approval from the Shire of Exmouth. The Shire of Exmouth 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. *In accordance with Shire of Exmouth Local Laws a person shall not park a service vehicle, commercial vehicle or trailer on a street verge for more than 4 hours consecutively or on a street verge for the purpose of repairing, servicing or cleaning that vehicle.*
- iv. *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 3/1

Councillor Todd voted against.

10. REPORTS OF OFFICERS

10.6 Executive Manager Town Planning

10.6.4 Holiday Accommodation – Lot 422 (64) Madaffari Drive, Exmouth

Location: Lot 422 (64) Madaffari Drive, Exmouth
 Applicant: Pebble Beach Constructions
 File Reference: A1476 (PA80/14)
 Disclosure of Interest: Nil
 Date: 8 May 2014
 Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer:

Acting Chief Executive Officer, R M Manning

SUMMARY

This report recommends that the Council of the Shire of Exmouth grant conditional planning approval for Holiday Accommodation upon Lot 422 (64) Madaffari Drive, Exmouth (refer to *Attachment 3*).

BACKGROUND

The subject lot received planning approval by Council for a dwelling, jetty and decking extension. Construction of the dwelling and decking extension has substantially commenced. Construction of the jetty has not commenced.



PROPOSAL

Council's approval is sought for the change of use from a dwelling to holiday accommodation.

Proposal summary:

- Maximum number of occupants: 10
- Maximum number of vehicles: Two (2) and one (1)
- No changes to buildings or the site are proposed
- Property to be managed by Ray White Exmouth Holidays
- Provided House Rules for Guests and Visitors for occupants which includes use of the mooring envelope and jetty
- Provided a Fire Escape plan for occupants.

COMMENT

The proposed land use has been assessed against the Shire of Exmouth Town Planning Scheme No. 3, Local Planning Policy 6.16: Exmouth Marina Precinct A detailed design guidelines adopted by Council as Policy and Local Planning Policy 6.12: Holiday Accommodation.

ISSUES

Nil

CONSULTATION

All holiday accommodation applications are required to be referred to adjoining owners and occupiers of land for comment on the proposal. Council must consider any submissions received during the advertising period.

Adjoining property owners were invited to comment on the proposal, with the consultation period beginning on Thursday 17 April 2014 and closing Thursday 8 May 2014. No comments were received from neighbours. A summary is tabled below:

Address	Received	Officer Comment
Lot 421 (62) Madaffari Drive, Exmouth	No	Nil
Lot 423 (66) Madaffari Drive, Exmouth	No	Nil

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Town Planning Scheme No. 3

Health Act 1911

POLICY IMPLICATIONS

Local Planning Policy 6.12: Holiday Accommodation

Local Planning Policy 6.16: Exmouth Marina Precinct A Detailed Design Guidelines

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 – 10.6.4

That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 422 (64) Madaffari Drive, Exmouth subject to the following conditions:-

- 1. The approved use shall accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA80/14) 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 eleven (11) 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 Council Policy;*

3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be three (3) 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 two (2) 240 litre rubbish bins prior to the use commencing;*
5. *The House Rules for Guests and Visitors 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. *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;*
9. *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; and*
10. *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 eleven (11) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

Schedule 1: Allowable Occupants: Lot 422 (64) Madaffari Drive, Exmouth

Bedroom 1: Total floor space: 21.18m², Approximate Air Space: 57.18m³

Allowable occupants: 4 adults **OR** 3 adult and 1 children **OR** 2 adults and 3 children **OR** 1 adult and 5 children **OR** 7 children

Bedroom 2: Total floor space: 16m², Approximate Air Space: 43.2m³

Allowable occupants: 3 adults **OR** 2 adult and 1 children **OR** 1 adult and 3 children **OR** 5 children

Bedroom 3: Total floor space: 12.95m², Approximate Air Space: 34.96m³

Allowable occupants: 2 adults **OR** 1 adult and 2 children **OR** 4 children

Bedroom 4: Total floor space: 12.95m², Approximate Air Space: 34.96m³

Allowable occupants: 2 adults **OR** 1 adult and 2 children **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 – 16-0514 – 10.6.4

Moved Councillor Todd, Seconded Councillor Hood.

That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 422 (64) Madaffari Drive, Exmouth subject to the following conditions:-

- 1. The approved use shall accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA80/14) 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 eleven (11) 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 Council Policy;***
- 3. The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be three (3) 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 two (2) 240 litre rubbish bins prior to the use commencing;***
- 5. The House Rules for Guests and Visitors 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. *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;*
9. *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; and*
10. *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 eleven (11) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

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Bedroom 2: Total floor space: 16m², Approximate Air Space: 43.2m³

Allowable occupants: 3 adults **OR** 2 adult and 1 children **OR** 1 adult and 3 children **OR** 5 children

Bedroom 3: Total floor space: 12.95m², Approximate Air Space: 34.96m³

Allowable occupants: 2 adults **OR** 1 adult and 2 children **OR** 4 children

Bedroom 4: Total floor space: 12.95m², Approximate Air Space: 34.96m³

Allowable occupants: 2 adults **OR** 1 adult and 2 children **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).*

DRAWN VOTE 2/2

Councillor Winzer and Councillor McHutchison voted against.

As per S 5.21(3) of the Local Government Act 1995 the Deputy Shire President delivered his casting vote in the positive.

CARRIED 3/2

10. REPORTS OF OFFICERS

10.6 Executive Manager Town Planning

10.6.5 Activity on Local Government Property – Kite Surfing and Stand Up Paddle Boarding Lessons – Town Beach, Exmouth

Location: Town Beach, Exmouth
 Applicant: Exmouth Kite Centre
 File Reference: LP.PE.0 (PA90/14)
 Disclosure of Interest: Nil
 Date: 7 May 2014
 Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer: Acting Chief Executive Officer, R M Manning

SUMMARY

This report recommends that the Council of the Shire of Exmouth approve the application for Activity on Local Government Property for Kite Surfing and Stand Up Paddle Boarding Lessons (1 June 2014 to 1 June 2015) for a period of one (1) year at Town Beach, Exmouth, subject to standard permit conditions.

BACKGROUND

Council has been formally approached to use town beach for Kite Surfing and Stand Up Paddle Boarding Lessons. 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.*”

PROPOSAL

Kite Surfing and Stand Up Paddle Boarding Lessons at Town Beach for one (1) year from 1 June 2014 to 1 June 2014.

- The applicant has submitted general safety procedures for the activities.
 - Lessons not to be conducted if wind speed exceeds 25 knots.
 - No kite lesson to be conducted if it is to interfere in any way with public use of the beaches.
- Safety Rescue Craft available at all times.
- The applicant has submitted proof of \$10 million public liability insurance.

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 proposal 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
<i>In determining an application for a permit for the purposes of this Division, the local government is to have regard to –</i> <ul style="list-style-type: none"> (a) <i>any relevant policies of the local government;</i> (b) <i>the desirability of the proposed activity;</i> (c) <i>the location of the proposed activity;</i> (d) <i>the principles set out in the Competition Principles Agreement;</i> (e) <i>such other matters as the local government may consider to be relevant</i> 	<p>The proposed activity is highly desired to attract visitors to Exmouth and specifically the town beach area, which has had recent significant works with the completion of the sea walls. The activity will also allow locals and visitors to enjoy recreational activities, promoting health and wellbeing.</p>

<i>in the circumstances of the case.</i>	
<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> 	There are no similar services or activities within 300m of the proposed activity location. The activity will cater for locals and tourists.
<p><i>A stallholder or trader shall not –</i></p> <ul style="list-style-type: none"> <i>(a) 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> 	The proposed activity is not within 300m of any other shop or permanent business.

Storage of Equipment

The applicant has advised equipment will be taken to and from Town Beach via a mobile van. No equipment will be stored or left onsite at Town Beach.

Bad Weather Plan

The applicant has indicated use of the golf club beach area in the event of bad weather. No activity to occur if wind speed exceeds 25 knots. No activity to occur if there are offshore winds.

Beach User Considerations

Town beach (Warne Street south to the Exmouth Boat Harbour) is dedicated as a safe beach for family use. Council has previously made formal determinations that dogs and vehicles are not permitted on Town Beach.

In consideration of maintaining safe general beach use, the officer recommends that the on land activities be located not less than 100m north of the Warne Street beach access and the water based activities to extend north of this location (refer to ***Attachment 4***).

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

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.

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 3.4: A community that is well informed and educated about our natural, cultural and built environment.

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 – 10.6.5
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That the Council of the Shire of Exmouth approve the application for Activity on Local Government Property for Kite Surfing and Stand Up Paddle Boarding Lessons at Town Beach (1 June 2014 to 30 May 2015), Exmouth subject to:-

1. *The standard Activity on Local Government Property permit conditions;*
2. *The on land activities being located not less than 100m north of the Warne Street beach access; and*
3. *The water based activities to extend north of this location (refer to Attachment 4).*

COUNCIL DECISION – 17-0514 – 10.6.5
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Moved Councillor Todd, Seconded Councillor McHutchison.

That the Council of the Shire of Exmouth approve the application for Activity on Local Government Property for Kite Surfing and Stand Up Paddle Boarding Lessons at Town Beach (1 June 2014 to 30 May 2015), Exmouth subject to:-

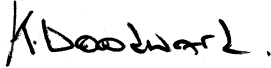
1. *The standard Activity on Local Government Property permit conditions;*
2. *The on land activities being located not less than 100m north of the Warne Street beach access; and*
3. *The water based activities to extend north of this location (refer to Attachment 4).*

CARRIED 4/0

10. REPORTS OF OFFICERS

10.7 Executive Manager Engineering Services

10.7.1 General Report

Location:	Exmouth
Applicant:	Keith Woodward
File Reference:	GV.ME.0
Disclosure of Interest:	Nil
Date:	May 2014
Author:	Executive Manager Engineering Services, Keith Woodward
Signature of Author:	

Senior Officer: Acting Chief Executive Officer, R M Manning

SUMMARY

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

BACKGROUND

Exmouth Town Centre Revitalisation Construction Works

The Exmouth Town Centre project was flooded on the 26 April 2014. As a result the project completion date has been extended from 14 May 2014 until June 2014. Drainage and roads damage has been estimated at \$50,000 and contractual delays associated with time extensions potentially \$45,000. These additional costs were not included in the project budget. The project included \$150,000 for variations and the \$100,000 for landscaping works which are fully committed.

It is envisaged that the WANDRRA program will cover the \$50,000 associated with drainage and roads flood damage. The damage consisted of:

- Deep scouring around works
- Kennedy Street road washout – pavement and seal damage, culvert coxes have dropped in several places
- Town Creek – flood has washed excessive amounts of rock and material within the creek and culvert boxes
- Pavements – Shoulders (pavement) seem to have become saturated at current seal edges

Water Mains

Part of the town centre works includes replacing the asbestos water mains that is aligned parallel to Kennedy Street through the town centre floodway. The replacement and realignment of the water mains is required because of the new culvert depth on Kennedy Street.

This water main diversion in Exmouth is currently holding up the construction program. The Shire/JDSI has submitted drawings and have obtained approval through their head office in Leederville (20/3/2014).

The Water Corporation process is to then wait for the file to be sent to the region (which can take up to 1 week) and then be assigned an inspector. The inspector is required for Start-Up meeting on site to set the isolation requirements, QA requirements and works programme.

JDSI and Central Earth Moving (CEM) met with the Water Corporation last week on site. The representative for the Water Corporation was not an inspector but someone from their operations business unit whom unfortunately was not authorised to make a decision. A construction programme and way forward was discussed on site and agreed upon with the Water Corporation officer then to follow up some outstanding issues from his end i.e. crew availability, works orders and a department approval.

These issues have now become reality with the Water Corporation not willing to proceed until a works order has been requested and put in place. The installation of the water main is critical item to finishing off the Town Centre works.

Construction works over the next 2 weeks will include:

- Brick Paving
- Kerbing
- Footpaths
- Asphalt Road and Car Parks
- Traffic Signage
- Water Mains Installation
- Drainage Works
- Culvert and Road repairs

State Underground Power Program

The construction of the Exmouth Town Centre underground power has been completed. Please see attached the Underground Power Project Report Part A and Part B for detailed information (refer to **Attachment 1**).

Exmouth Flood Event 26 April 2014

On 26 April 2014, a heavy rainfall event was caused by the passage of a surface trough over the west of the State. According to the Bureau of Meteorology, this particular trough drew in a vast amount of tropical moisture that was concentrated over the Northwest Cape Region. The heavier rain commenced in the early hours of the 26th and persisted for much of the day.

As a result, the areas most affected by the event were the Northwest Cape Region in the western Pilbara region, and parts of the Gascoyne region. Preliminary data suggests the highest 24-hour rainfall was observed at the AIMS observation site at Ningaloo Reef where 237.7mm fell in the 24-hour period to 9am on 27 April, although anecdotal evidence suggests that as much as 400mm may have fallen in the Cape Range area to the West of Exmouth. Exmouth recorded 206mm in the 24-hour period to 9am on 27 April.

As a result of the flood water substantial shire infrastructure assets were damaged and the estimated cost of the asset reinstatement is:

Roads and Associated Drainage	\$3,805,000
Floodway levee and structure	\$98,000
Exmouth Marina Village	\$293,000
Tantabiddi Boat Ramp Repairs	\$80,000
Tantabiddi Boat Ramp Dredge	\$400,000
Exmouth Aerodrome	\$250,000
Exmouth Landfill Site	<u>\$50,000</u>
Total	\$4,976,000

Attachment 2 (Main Roads Cost Estimate) and **Attachment 3** (Essential Public Asset) further quantify the damaged assets and costs.

Current Status as at 8 May 2014:

Roads

- All town site streets are open for traffic excluding the town centre construction
- Charles Knife Road is open
- Shot Hole Canyon Road has washed away and the road is closed
- Yardie Creek Road is open subject to the following conditions:
 Open to all traffic between the hours of 0800 – 1630 (daylight hours) until further notice.
 Closed to all traffic between the hours of 1630 – 0800 (evening/night) until further notice.
 These traffic restrictions will remain in place until appropriate traffic hazard works have been completed to MRWA standards. Speed limits have been reduced to 60kph – with signage indicating this regulation.

Floodway Levee and Structure

The LIA catchment storm water caused rock shale to become saturated and develop into a slurry of rock and mud which deposited North of Reid Street in the LIA floodway in large volumes. It is suggested that slope-related factors caused a shallow landslide within the floodway. As a result the Reid Street drainage culverts have become dammed resulting in water blockage increasing loadings on the road and levee areas not appropriately mitigated for this situation.

During the flood, storm water dammed at Reid Street and discharged through the unconstructed levee flooding sections of the south/eastern industrial estate.

The Light Industrial Area (LIA)/Reid Street flood mitigation project is a staged development. At this current time the Shire's Business Plan is with the Department of Regional Development Gascoyne Revitalisation Office seeking the release of up to \$1.5 million from the Royalties for Regions (RfR) Gascoyne Revitalisation Funds for Exmouth Flood Mitigation Works to complete Stage 2 of the Reid Street Light Industrial Area Flood Mitigation Project. The cost to finish the LIA/Reid Street Floodway is \$2.4M.

The Shire has formulated drawings, technical specifications and tender based on spending \$1.5M and will be ready to tender works once the funds are released.

The project has been scheduled to the following order.

Project Timeframe and Key Milestones Tasks	Start date	Duration (days)	End date	Output
Engage Contract Superintendent	March/April 14	30	October 14	Contract Superintendent appointed
Review specification and tender documents	March/April 14	30	March/April 14	Tender documents approved
Tender works	June 2014	30	July 14	Tender advertised
Council Meeting Award Tender	July 14	30	July 14	Tender awarded
Civil Works Commence	August 2014	90	October 14	Completion Stage 2 works

Tantabiddi Boat Ramp Repairs and Dredge

The recent flood events in Exmouth (April 2014) flushed the southern creek next to Tantabiddi boat ramp and has silted-up Tantabiddi boat ramp.

The Shire has requested assistance from the State Government to cover the sand removal costs. Immediate financial assistance of \$35,000 will enable the Shire of Exmouth to arrange for sand removal on the next suitable tides (14-16 May 2014 and/or 28-31 May 2014). This sand excavation will focus on the area immediately around the boat ramp allowing for boat ramp damage inspection and the opening of both ramps.

The Shire considers that the Stage 2 works of sand dredging to be critical and urgent. The Ningaloo region is currently entering the middle of our tourism season with substantial advance bookings with a range of commercial operators as well as an expectation from recreational boat owners travelling to Exmouth to use this facility. Further financial assistance from the State for the dredging will help ensure the sustainability of the tourism industry in Exmouth.

The Shire of Exmouth has identified a 3 staged approach to address this issue for the immediate, short term and long term:

1. Immediate removal of sand from the boat ramp structure.

This interim measure using an excavator and tipper trucks at very low tides will make the facility at least accessible for some boats as soon as the sand is removed directly off the boat ramp facility. Use of the ramps by larger vessels will still be restricted by the tides. Based on past experiences and considering the large amount of sand to be removed these works will cost at least \$50,000.

2. Removal of excess sand in the boat ramp vicinity.

The most effective and efficient way to remove sand that has been deposited in a large area in front of the boat ramps, is the use of a shallow draft dredge pumping onto the beach north of the boat ramp. This will make the area clear and deep enough again for most trailerable boats during all tides.

It is estimated that dredging costs would be approximately up to \$400,000. The Department of Transport (DoT Coastal) manages dredging contracts associated with DoT coastal assets on the West Australian coastline.

3. Construction of a sand trap groin

Finally, the proposal of the Shire to construct a future sand trap groin south of the Tantabiddi boat ramp to mitigate sand being deposited onto the boat ramp facility was discussed with the Minister for Tourism and other Members of Parliament during their Exmouth visit and considered worthy of further investigation. A sand trap groin will also facilitate access for the on-going removal of excessive sand build-up to help reduce the impact of similar events in the future.

COMMENT

Nil

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

As per Shire 2013-2014 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 – 10.7.1
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That the Council of the Shire of Exmouth receives the Executive Manager Engineering Services Report for the month of May 2014.

COUNCIL DECISION – 18-0514 – 10.7.1
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Moved Councillor Todd, Seconded Councillor McHutchison.

That the Council of the Shire of Exmouth receives the Executive Manager Engineering Services Report for the month of May 2014.

CARRIED 4/0

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

Nil

12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**COUNCIL DECISION – 19-0514 – ITEM 12**

Moved Councillor Winzer, Seconded Councillor Todd.

That the Council of the Shire of Exmouth accept the New Business of an Urgent Nature Report 12.1 - Community Purpose Facility (Mrs Macs Op Shop) – Lot 167 (17) Maidstone Crescent, Exmouth and 12.2 - Authorisation to Affix Common Seal to Amended Financial Assistance Agreement – Town Centre & Foreshore Revitalisation Stage 2.

CARRIED 4/0

Councillor McHutchison declared an impartiality interest in the following report and made the following statement:

‘With regard to Community Purpose Facility (Mrs Macs Op Shop) – Lot 167 (17) Maidstone Crescent, Exmouth, the matter in item 12.1, I disclose that I am Treasurer of Exmouth Cultural Arts Centre of which the administrative assistant is also a volunteer at Mrs Mac’s Op Shop. 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.’

12.1 Community Purpose Facility (Mrs Macs Op Shop) – Lot 167 (17) Maidstone Crescent, Exmouth

Location:	167 (17) Maidstone Crescent, Exmouth
Applicant:	Sharon Lister
File Reference:	A754 and R27410
Disclosure of Interest:	Suzanne McHutchison
Date:	9 May 2014
Author:	Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer: Acting Chief Executive Officer, R M Manning

SUMMARY

This report recommends that the Council of the Shire of Exmouth provide advice refusing immediate short term relocation of the Community Purpose Facility ‘sale of second hand clothing’ to Reserve 27410 and refuse a sea container upon Lot 167 (17) Maidstone Crescent. Council is prepared to offer the old Centrecare Building located at 1 Learmonth Street.

BACKGROUND

Council is in receipt of a letter from the current co-ordinator of Mrs Macs Op Shop (‘The Shed’) requesting Council’s resolution to address a number of issues (refer to **Attachment 1**). The main issues raised in the letter are:

- For relocation of the approved community purpose facility;
- void the recent planning approval to erect an additional small shed at the rear of Lot 167 (17) Maidstone Crescent, Exmouth

- Relocation of Mrs Macs 'The Shed' Op Shop land use to the Exmouth Power Station Building, which is understood to be vacant.
- Placing a temporary portable toilet facility upon Lot 167 (17) Maidstone Crescent, Exmouth.
- Placing a temporary sea container upon Lot 167 (17) Maidstone Crescent, Exmouth to address storage issues.

Council has always supported the activity on the lot and has previously approved the following planning approvals:

- Planning Approval 105/10 for an extension of an outbuilding and a change of use to community purpose facility for second hand goods by Council in November 2010.
- Planning Approval 61/14 for an extension of community purpose facility for second hand goods granted under delegation in April 2014.



COMMENT

The preliminary proposals have been assessed against the provisions of the Shire of Exmouth Town Planning Scheme Number 3 and various Local Planning Policies.

Issue raised by the applicant	Officers Comment
To void the recent planning approval to erect an additional small shed at the rear of Lot 167 (17) Maidstone Crescent, Exmouth	Owner permission is required to void the planning approval. Refer to issue.
Relocation of Mrs Macs 'The Shed' Op Shop land use to the Exmouth Power Station Building, which is understood to be vacant.	Reserve 27410 has a management order issued to Regional Power Corporation with a designed purpose of Power Station Site. Relocation of the land use to the old power station site Reserve 27410 cannot be considered by Council immediately in the short term. Refer to issues.
Relocation of the Mrs Macs 'The Shed' Op Shop land use to a location deemed appropriate by Council	Officer recommends the applicant liaise with Councillors and business community to discuss potential locations that may be suitable.
Placing a temporary portable toilet facility upon Lot 167 (17) Maidstone Crescent, Exmouth.	Planning approval is not required for a temporary portable toilet facility. In accordance section 4.8 Use of Setback Areas, the portable toilet cannot be located in front of any building or within any front setback.

Placing a temporary sea container upon Lot 167 (17) Maidstone Crescent, Exmouth.	In accordance with Local Planning Policy 6.9: Sea Containers; sea containers are not permitted within the Town Centre zone. Refer issues.
Use of a facility for temporary storage purposes within close proximity to the town centre as deemed appropriate by Council.	Lot 25 (12) Learmonth Street may be suitable for storage purposes subject to further negotiation with the Shire should the applicant wish to utilise this lot. Alternatively, Lot 37 (1) Learmonth Street (old Centre Care Office) may be a suitable short term option.

ISSUES

Owners Signature

The owner of Lot 167 (17) Maidstone Crescent has not signed the letter requesting preliminary approval. Any resolution by Council is purely advice for the applicant only. All formal approvals must be sought from the Shire once the applicant has determined what they intend to do. Additional advice note included.

Making Planning Approval 61/14 Void

As the owner of Lot 167 (17) Maidstone Crescent has not signed the letter planning approval for PA61/14 cannot be made void. Additional advice note included.

Power Station Site

The old power station site upon Lots 849 and 145 (Reserve 27410) Pelias Street has a designated purpose of Power Station Site and a management order issued to Regional Power Corporation. Reserve 27410 is currently not being used as a power station. The reserve is classified as a contaminated site. Approval for immediate use of the reserve cannot be given until the designated purpose has been changed and the Shire has a management order over the reserve.

Council Officers are in discussion with Horizon Power representatives in relation to the release of a portion of the lot that is not subject to the above mentioned contamination issues. No time frames have been given by Horizon power as to when the site will be available.

Sea Container

In accordance with Local Planning Policy 6.9 Sea Containers are not permitted within the Town Centre zone. Shire Officers have been undertaking compliance work to ensure implementation of the Sea Container Policy within the Town Centre and Residential zone, trying to clear these areas of sea containers and improve the amenity of Exmouth. Granting approval for a sea container to be located within the Town Centre zone for any period of time will set precedence.

Owing to the above, Council Officers recommend refusal for a sea container to be placed upon Lot 167 (17) Maidstone Crescent.

Site Inspections of Learmonth St Options

A recent site inspection by Council Officers, Cr Todd and Cr McHutchison of the Shire buildings (and property) at 12 Learmonth Street; (portion of) the SES building, Rigg St and the old Centrecare building at 1 Learmonth Street found that the first two options would not be suitable for immediate relocation of storage and sorting processes for Mrs Mac's. 1 Learmonth Street premises was found to offer a more appropriate solution in the short term for storage and sorting (Nb: retailing would still occur from the current premises at 17 Maidstone Crescent). However, there are a few works required to be carried out which include some isolated flooring repairs and improving external footpath access. The above works could be completed by Council staff at minimal cost to the Council.

There is currently no water service connected to the 'old' Centrecare building as there were a number of plumbing repairs needed to the building and the demolition of the building was imminent. As access to toilets will be required, the (Mrs Mac's) group may wish to engage a plumber to re-instate the water service and complete any necessary plumbing repairs, or alternatively the group could liaise with the RSL/Senior Citizens for rights of access to toilets already located on the before mentioned premises.

CONSULTATION

Mrs Sharon Lister of Mrs Mac's

STATUTORY ENVIRONMENT

Shire of Exmouth Town Planning Scheme No.3

Planning and Development Act 2005

Should the Council agree to grant access to 1 Learmonth Street ('old' Centrecare building) for the Mrs Mac's group for the purposes of storage and sorting items for retail upon 17 Maidstone Crescent, it is recommended that a lease be formulated by Council Officers and signed by both parties. The Local Government Act 1995 (s.3.58) would normally require that 'disposing of property' by way of a lease necessitates giving public notice of the intent to do so, however given the circumstances relating to this situation, clause 30 of the Local Government (Functions and General) Regulations 1996 provides an exemption from s.3.58 of the Act.

POLICY IMPLICATIONS

Local Planning Policy 6.9: Sea Containers

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.

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

Absolute Majority

OFFICER'S RECOMMENDATION – 12.1

That the Council of the Shire of Exmouth provides the following advice to Sharon Lister of Mrs Mac's Op Shop (The Shed):

- 1. Council is prepared to offer a 'pepper-corn' lease for the old Centrecare Building located at 1 Learmonth Street for the purposes of storage and sorting (only) and will fix the flooring and provide suitable external access;*
- 2. The lease stated in 1. above, shall be drafted by Council Officers using the standard lease template and upon execution shall be affixed with the Council's Common Seal;*
- 3. All relevant formal approvals must be obtained by the applicant from the Shire of Exmouth prior to any activity, land use or development occurring;*

4. *Planning Approval 61/14 can only be made void by formal submission to the Shire from the owner of Lot 167 (17) Maidstone Crescent, Exmouth;*
5. *Relocation of the community purpose facility in the short term to Reserve 27410 Pelias Street, Exmouth cannot be considered until the designated purpose of the reserve has been changed and the Shire of Exmouth has a management order over the reserve;*
6. *The applicant should liaise with Shire Planning Officers to discuss and determine locations that may be appropriate for the Community Purpose Facility 'sale of second hand clothes' and the processes involved in obtaining relevant approvals;*
7. *There are existing storage facilities available for hire in the industrial and mixed use zones;*
8. *Any temporary toilet facility located upon lot 167 (17) Maidstone Crescent shall not be located in front of any building or in any front setback area; and*
9. *Council Local Planning Policy 6.9: Sea Containers prohibits a sea container being placed upon lot 167 (17) Maidstone Crescent, Exmouth.*

Advice Note:

- i) *There is currently no water service connected to the 'old' Centrecare building. As access to toilets will be required, the (Mrs Mac's) group may wish to engage a plumber to re-instate the water service and complete any necessary plumbing repairs, or alternatively the group could liaise with the RSL/Senior Citizens for rights of access to toilets already located on the before mentioned premises.*
- ii) *Council Officers are available for further discussions regarding a long term solution for the complete relocation/consolidation of the Mrs Mac's Op Shop operations to one suitable premise.*

COUNCIL DECISION – 20-0514 – 12.1
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Moved Councillor Todd, Seconded Councillor McHutchison.

That the Council of the Shire of Exmouth provides the following advice to Sharon Lister of Mrs Mac's Op Shop (The Shed):

1. ***Council is prepared to offer a 'pepper-corn' lease for the old Centrecare Building located at 1 Learmonth Street for the purposes of storage and sorting (only) and will fix the flooring and provide suitable external access;***
2. ***The lease stated in 1. above, shall be drafted by Council Officers using the standard lease template and upon execution shall be affixed with the Council's Common Seal;***
3. ***All relevant formal approvals must be obtained by the applicant from the Shire of Exmouth prior to any activity, land use or development occurring;***
4. ***Planning Approval 61/14 can only be made void by formal submission to the Shire from the owner of Lot 167 (17) Maidstone Crescent, Exmouth;***
5. ***Relocation of the community purpose facility in the short term to Reserve 27410 Pelias Street, Exmouth cannot be considered until the designated purpose of the reserve has been changed and the Shire of Exmouth has a management order over the reserve;***


6. *The applicant should liaise with Shire Planning Officers to discuss and determine locations that may be appropriate for the Community Purpose Facility 'sale of second hand clothes' and the processes involved in obtaining relevant approvals;*
7. *There are existing storage facilities available for hire in the industrial and mixed use zones;*
8. *Any temporary toilet facility located upon lot 167 (17) Maidstone Crescent shall not be located in front of any building or in any front setback area; and*
9. *Council Local Planning Policy 6.9: Sea Containers prohibits a sea container being placed upon lot 167 (17) Maidstone Crescent, Exmouth.*

Advice Note:

- i) *There is currently no water service connected to the 'old' Centrecare building. As access to toilets will be required, the (Mrs Mac's) group may wish to engage a plumber to re-instate the water service and complete any necessary plumbing repairs, or alternatively the group could liaise with the RSL/Senior Citizens for rights of access to toilets already located on the before mentioned premises.*
- ii) *Council Officers are available for further discussions regarding a long term solution for the complete relocation/consolidation of the Mrs Mac's Op Shop operations to one suitable premise.*

CARRIED by ABSOLUTE MAJORITY 4/0

12.2 Authorisation to Affix Common Seal to Amended Financial Assistance Agreement – Town Centre & Foreshore Revitalisation Stage 2

Location:	Exmouth
Applicant:	N/A
File Reference:	GS.PR.6
Disclosure of Interest:	Nil
Date:	15 May 2014
Author:	Acting Chief Executive Officer, Mr R Manning
Signature of Author:	

SUMMARY

This report recommends that the Council authorise the common seal to be affixed to a new and amended version of the Financial Assistance Agreement – Town Centre and Foreshore Revitalisation Stage 2.

BACKGROUND

The Chief Executive Officer (CEO) recently requested amendments to the Financial Assistance Agreement – Town Centre and Foreshore Revitalisation Stage 2 (FAA). The original FAA (dated 5 February 2013), includes a total budget estimated for the project of \$9,544,261 and a commitment by the Shire of Exmouth to cover any cost overruns. However, once the tenders were received it became apparent the projected costs would be approximately \$10,782,909. Hence, the need for the scope of works and certain milestones within the FAA to be revised.

COMMENT

Due to tenders being higher than the project budget, Council Officers had to revisit plans to get the most value for money for the funding available. They have done this in consultation with Exmouth Townscape Committee members and the consultant project engineer from JDSI. As a result, cost savings have been made through the redesign of areas and the reducing of non-essential deliverables in order to *redirect funds*

to the most important infrastructure elements. However, cost savings alone will not allow us to complete the works in line with the full project scope outlined in the project business case and FAA.

Detailed correspondence was recently sent to officers of the Department of Regional Development (DRD) outlining the proposed changes. In response, DRD has recommended that the FAA be amended to make the final acquittal much easier for all parties.

Council Officers and officers from DRD have been in liaison over the past week to reach agreement on an amended version of the FAA. The latest version of the DRAFT amended FAA is provided at **Attachment 2**. The above is very close to being the final version with all the major adjustments being made. If any further amendments are necessary they will be relatively minor in the scheme of things.

An FAA requires the Council's common seal to be affixed and the Local Government Act 1995 requires that a common seal can only be affixed as authorised by the local government (i.e. the Council). Hence the need to bring this matter before the Council.

CONSULTATION

Director General, Department of Regional Development

STATUTORY ENVIRONMENT

Local Government Act 1995 s.949A - Execution of documents.

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

Absolute Majority

OFFICER'S RECOMMENDATION – 12.2

That the Council of the Shire of Exmouth resolve to authorise:-

1. *Council Officers to finalise the amendments to the (amended) Financial Assistance Agreement – Town Centre and Foreshore Revitalisation Stage 2 (FAA) with officers from the Department of Regional Development provided at Attachment 2 as DRAFT (FAA); and*
2. *the Common Seal to be affixed to the Financial Assistance Agreement – Town Centre and Foreshore Revitalisation Stage 2 in the presence of the President and Chief Executive Officer each of whom shall sign the document to attest the affixation of the Common Seal thereto.*

COUNCIL DECISION – 21-0514 – 12.2

Moved Councillor Todd, Seconded Councillor McHutchison.

That the Council of the Shire of Exmouth resolve to authorise:-

1. *Council Officers to finalise the amendments to the (amended) Financial Assistance Agreement – Town Centre and Foreshore Revitalisation Stage 2 (FAA) with officers from*

*the Department of Regional Development provided at Attachment 2 as DRAFT (FAA);
and*

2. *the Common Seal to be affixed to the Financial Assistance Agreement – Town Centre and Foreshore Revitalisation Stage 2 in the presence of the President and Chief Executive Officer each of whom shall sign the document to attest the affixation of the Common Seal thereto.*

CARRIED by ABSOLUTE MAJORITY 4/0

13. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS

Nil

14. CLOSURE OF MEETING

The Deputy Shire President closed the meeting at 4.58pm.