



Ordinary Council Meeting
Minutes
28 May 2015

CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on 25 June 2015 as a true and accurate record of the Ordinary Council Meeting held on 28 May 2015.

.....
Cr (Turk) Shales
Shire President


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

DISCLAIMER

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

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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 Shire President declared the meeting open at 4:00pm.

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

Councillor C (Turk) Shales	Shire President
Councillor M Hood	Deputy Shire President
Councillor R Winzer	
Councillor S McHutchison	
Mr B Price	Chief Executive Officer
Mrs S O'Toole	Executive Manager Corporate Services
Mrs J Kox	Executive Manager Aviation Services
Mr R Manning	Executive Manager Health & Building
Mr R Mhasho	Executive Manager Town Planning
Mr K Woodward	Executive Manager Engineering Services

GALLERY

Visitors: 1

APOLOGIES

Councillor R (Bob) Todd	
Mr R Kempe	Executive Manager Community Engagement
Mrs J Cutler	Acting Executive Manager Community Engagement

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. DECLARATIONS OF INTEREST

Item/Description	Name	Detail of Interest	Extent of Interest
11.7.2 – Tender 01/2015 – Minor Works Yardie Creek Rd	Turk Shales	Indirect Financial	Son in Law Tendered

6. APPLICATIONS FOR LEAVE OF ABSENCE

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

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

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

That the Minutes of the Ordinary Meeting of the Shire of Exmouth held on the 30 April 2015 be confirmed as a true and correct record of proceedings.

COUNCIL DECISION – 01-0515 - ITEM 7

Moved Councillor Winzer, Seconded Councillor Hood.

That the Minutes of the Ordinary Meeting of the Shire of Exmouth held on the 30 April 2015 be confirmed as a true and correct record of proceedings.

CARRIED 4/0

8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

The Shire President thanked the Deputy Shire President for hosting the visit by Honourable Kerry Sanderson AO Governor of Western Australia, in his absence. He was advised that the visit was highly successful and that Councillor Hood did a fantastic job touring the town with Her Excellency and also hosting the Civic Reception later in the evening at the Novotel Ningaloo Resort.

The Whaleshark Festival 2015 was another huge success, he congratulated the Whaleshark Festival Committee and community members for contributing to a fantastic weekend.

The Shire President advised that the Ningaloo Coast World Heritage Advisory Committee had provided a letter of support for the Ningaloo Centre.

The Shire President also advised that the Council had recently undergone an investigation based on allegations from unnamed 'constituents' into the administration of the Shire. The Department of Local Government have informed Council that the allegations were unfounded and apart from some minor administrative errors Council received the "all clear". Congratulations are extended to all staff and Councillors, the Shire can now move on.

9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

10. REPORT OF COUNCILLORS

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

- 11/5/15 – Hosted the Governors Visit, tour of town, luncheon at the Shire Council Chambers and Civic Reception held at the Novotel Ningaloo Resort
- 22/5/15 - Meeting with Hon Mia Davies Minister for Water; Sport and Recreation and Forestry
- 22/5/15 – Whaleshark Festival Gala Opening

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

- 3/5/15 - Flickerfest "Comedy Shorts" Co-Ordinator and Presenter
- 5/5/15 - Gascoyne Regional Investment Blueprint Presentation by GDC Representatives
- 11/5/15 - Luncheon with the Governor of WA Her Excellency the Hon Kerry Sanderson AO and Civic Reception At Novotel Ningaloo Resort
- 19/5/15 - Exmouth Cultural Arts Centre Inc Meeting - we now have 82 members (7 new this month)
- 20/5/15 - Judged Youth Videos on behalf of Shire
- 20/5/15 - Attended Opening of Leith Holtzman's Photographic Exhibition and Correena's 'Torri the Turtle' Book Launch
- 21/5/15 - Sea Sheppard Movie Night and 'Torri the Turtle' presentation
- 22/5/15 - Meeting with Hon Mia Davies Minister for Water; Sport and Recreation and Forestry
- 22/5/15 - Ningaloo Whaleshark Festival Gala Dinner at Novotel
- 23/5/15 - Ningaloo Whaleshark Festival Float Parade Co Ordinator & Event Staff
- 24/5/15 - Ningaloo Whaleshark Festival Event Staff on the Gate at the Yacht Club
Thanks Suzanne

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

- 1/5/15 - Gascoyne Zone Meeting (Chair Apology)Cyclone Quang
- 5/5/15 - Perth breakfast meeting with Members of Parliament Hon Tony Simpson MLA Minister for Local Government; Community Services; Seniors and Volunteering; Youth & Hon Ken Baston MLC Minister for Agriculture and Food; Fisheries
- 7/5/15 - WALGA Regional meeting in Albany & Visit to ANZAC Memorial Museum
- 8/5/15 - WALGA Mt Barker Site visit including the new Sporting Complex (1st WAFL game played)
- 11/5/15 - Luncheon with the Governor of WA Her Excellency the Hon Kerry Sanderson AO and Civic Reception At Novotel Ningaloo Resort
- 19/5/15 - LEMC Meeting, Basic discussion based around Cyclone Quang
- 22/5/15 - Meeting with Hon Mia Davies Minister for Water; Sport and Recreation and Forestry
- 22/5/15 - Meeting with BHP & CSIRO at the Novotel

Councillor Winzer also congratulated all staff who presented at the Community Information Session held on Wednesday 27 May 2015, he thought the session went very well and the Shire was able to get a lot of important information out to the community members who attended.

10.1 Shire Presidents Report

Location: Exmouth
 Applicant: Cr C (Turk) Shales
 File Reference: GV.CM.0
 Disclosure of Interest: Nil
 Date: 21 May 2015

Signature of Author:



SUMMARY

Following is a report on some of the activities, events and issues over the past month.

BACKGROUND

- 1/5/15 – Cyclone Quang hit Exmouth, although we were caught unawares all were safe and the town is back on track ready for the influx of tourists.
- 4/5/15 – Met with Craig Julian and Craig Deetlefs from Horizon Power to discuss further undergrounding of power in Exmouth.
- 6/5/15 – Ningaloo Coast World Heritage Advisory Committee (NCWHAC) Meeting
- 8/5/15 – Met with Simon Woodley and Peter Jones, member and Chair of NCWHAC
- 10/5/15- 14/4/15 – Attended Australian Institute of Company Directors Course. I also visited Parliament House where I met with the Premier Hon Colin Barnett MLA and several other Ministers.
- 22/5/15 – Met with Hon Mia Davies Minister for Water; Sport & Recreation, Vincent Catania Member for North West Central and Jacqui Boydell at the Golf Club to discuss the Reticulation Project for the Golf Course and other Strategic Projects for Exmouth.
- 22/5/15 – Attended and spoke at the Gala Opening for the Whaleshark Festival.
- 25/5/15 – Met with Brad Jolly – Executive Director Sector Regulation and Jenny Law – Director of Local Government Regulation & Support from Department of Local Government in Perth.
- 25/5/15 – Attended National Stronger Regions Fund Information Session in Perth.

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 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

Simple Majority

COUNCILLOR'S RECOMMENDATION – 10.1

That Council receive the Shire Presidents Report for the month of May 2015.

COUNCIL DECISION – 02-0515 – 10.1

Moved Councillor Winzer, Seconded Councillor McHutchison.


That Council receive the Shire Presidents Report for the month of May 2015.

CARRIED 4/0

11. REPORTS OF OFFICER

11.1 Chief Executive Officer

11.1.1 Chief Executive Officers Report

Location:	Exmouth
Applicant:	Chief Executive Officer
File Reference:	GV.CM.0
Disclosure of Interest:	Nil
Date:	21 May 2015
Author:	Chief Executive Officer, Mr B Price
Signature of Author:	

SUMMARY

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

BACKGROUND

Ningaloo Centre Project

'Design and Construction of the Ningaloo Centre' Activity

Fee proposals have been received from Site Architecture Studio and the sub-consultant team on the Ningaloo Centre project to finalise the design and documentation to enable tender to construct and fit out the building.

Discussion has involved alternative procurement means but the consensus is for detailed design completion to enable the best pricing and allow the architect/consultant team to provide the best support independently to the Shire.

The 'team' is very supportive of seeing the project through to completion and are willing to be re-engaged directly and deliver their services in line with the Shire's cash flow expectations. The need to have the Funding Assistance Agreement (FAA) for Phase 2 'Construction and Fit Out' first executed is paramount to the Shire committing to consultant work beyond the outstanding design completion.

The Commonwealth have supported the Shire variation request that now sets contract award at the end of September 2017 with February 2017 established as a contract practical completion date. The end date for the Community Development Program is 30 June 2017.

Department of Regional Development (DRD)

DRD have provided the Shire with the draft FAA for Phase 2 funding with the objective of execution within four weeks.

Advice has been received from the DTWD that their Minister accepts Durack Institute of Technology leasing education space within the Ningaloo Centre with the DTWD responsible for the leasing negotiations. Some short comings over the research space lease to Durack have resulted in a fresh look at the arrangements.

A meeting has been held with DRD to go through the draft FAA and iron out the sticking points.

It is the DRD's priority to have the Stage 2 funding for the Ningaloo Centre construction and fit out to the value of \$19.82 million committed to the Shire (via a dedicated Treasury Trust Fund) prior to 30 June 2015.

General

A follow up discussion has occurred with Chevron social investment personnel to discuss the sponsorship opportunities in the Ningaloo Centre.

An indication of their interest to support the Ningaloo Alliance and the aquaculture research space is expected by end of June in readiness to take to the upcoming meeting of the Ningaloo Alliance on 22 July 2015.

2015 WA Local Government Convention

The 2015 WA Local Government Convention will be held in Perth from Wednesday 5 to Saturday 8 August 2015. Programs have been provided to interested Councillors.

Visit by the Hon Mia Davies, MLA Minister for Water, Sport & Recreation

Council hosted the Hon Mia Davies MLA, Minister for Water, Sport & Recreation in Exmouth on Friday 22 May 2015. Mr Vince Catania, Member for the North West Central was also in attendance.

The Shire President took the opportunity to provide the Minister with a summary of strategic projects being undertaken by the Council and encouraged the importance of the new Waste Water Treatment Plant (WWTP) relocation project for the future development of the community.

Other Meetings & Functions attended by the CEO

- EMTP & myself attended a Local Recovery Coordination Workshop conducted by the State Emergency Management Committee (SEMC) held in Perth on Monday 4 May 2015.
- EMTP & myself met with representatives from Department of Transport in Perth on Monday 4 May 2015 to discuss planning and design guideline issues in relation to the Exmouth Boat Harbour.
- EMTP & myself met with representatives from Tourism WA in Perth on Tuesday 5 May 2015 to discuss the future Caravan Park project, Cruise shipping opportunities and other tourism related activities.
- EMTP & myself met in Perth on Tuesday 5 May 2015, with the consultant engaged to undertake an investigation into a multi-purpose deep water wharf for Exmouth Gulf.
- EMTP & myself met with representatives from Department of Housing in Perth on 5 May 2015 to discuss the affordable housing project for Exmouth.
- EMTP & myself met with representatives from RAC in Perth on Wednesday 6 May 2015 to discuss the RAC's recent acquisition and future plans of the Aspen Caravan Park.
- EMTP & myself met with representatives from Department of Lands in Perth on Wednesday 6 May 2015 to discuss various land issues.
- Councillors and staff hosted a visit from the Governor of WA, Hon Kerry Sanderson AOM, in Exmouth on Monday 11 May 2015.
- I met with representatives from Exmouth Netball Association on Tuesday 12 May 2015 in relation to user conditions of Hard Courts.
- I represented the Council at the Durack TAFE Student Awards Night held in the Exmouth Town Hall on Tuesday 12 May 2015.
- I met with representatives of Durack in Exmouth on Wednesday 13 May 2015 to discuss future tenancy arrangements at the Ningaloo Centre.
- I met with representatives of Base Marine in Exmouth on Thursday 14 May 2015 to discuss planning issues relating to their operations.
- EMES, EMAS, EMHB, EMTP and myself met with representatives from MRWA in Exmouth on Thursday 21 May 2015 to discuss WANDDRA Claim, Exmouth-Minilya Road Floodway project and rubbish issues from Ningaloo Station Wilderness Campers.

Meetings Scheduled for Next Month

- Shire President & myself will be attending an information session for prospective applicants on the National Stronger Regions Fund (NSRF) conducted by the Federal Governments Department of Infrastructure in Perth on Monday 25 May 2015.
- Shire President & myself will be meeting representatives from the Department of Local Government on Monday 25 May 2015 to discuss the issues relating to the complaints against Council by local constituents.
- Shire President, SPO & myself will be meeting Russell Brown Department of Training & Workplace Development (DTWD) in Perth on Tuesday 26 May 2015 to discuss tenancy arrangements for Durack TAFE at the proposed Ningaloo Centre.
- Cr Winzer & myself will be attending the Gascoyne Country Zone Meeting to be held in Carnarvon on Friday 19 June 2015.

- Cr Winzer, EMES & myself to attend the Gascoyne RRG meeting to be held in Carnarvon on Friday 19 June 2015.

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 – 11.1.1

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


COUNCIL DECISION – 03-0515 – 11.1.1

Moved Councillor Hood, Seconded Councillor Winzer.

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

CARRIED 4/0

11. REPORTS OF OFFICER**11.1 Chief Executive Officer****11.1.2 Annual Review of the Delegations to the CEO & Employees**

Location:	Exmouth
Applicant:	Chief Executive Officer
File Reference:	PE.AU.1
Disclosure of Interest:	Nil
Date:	17 May 2015
Author:	Chief Executive Officer, Bill Price
Signature of Author:	

SUMMARY

This report recommends that the Council, as per S5.46(2) of the Local Government Act 1995, conduct an annual review of the Register of Delegations from Council to the CEO and other employees.

BACKGROUND

S5.46(2) of the Act requires a local government to annually review its delegations to the CEO and employees.

Attached is a copy of the delegations register for consideration (refer *Attachment 1*). Council officers have undertaken a review of the delegations to ensure that they are still relevant and comply with current legislation.

COMMENT

The previous review and adoption of the Register of Delegations from Council to the CEO and employees was conducted on 12 February 2013.

CONSULTATION

Executive Managers

STATUTORY ENVIRONMENT

Local Government Act 1995 and associated Regulations.

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 – 11.1.2

That Council endorse the annual review of the Register of Delegations from Council to the CEO and other employees as per S5.46(2) of the Local Government Act as per Attachment 1.

COUNCIL DECISION – 04-0515 – 11.1.2

Moved Councillor Winzer, Seconded Councillor Hood.

That Council endorse the annual review of the Register of Delegations from Council to the CEO and other employees as per S5.46(2) of the Local Government Act as per Attachment 1.

CARRIED by ABSOLUTE MAJORITY 4/0

11. REPORTS OF OFFICERS**11.2 Executive Manager Corporate Services****11.2.1 General Report**

Location: Exmouth
 Applicant: S O'Toole
 File Reference: CM.RE.0
 Disclosure of Interest: Nil
 Date: 18 May 2015
 Author: Executive Manager Corporate Services

Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

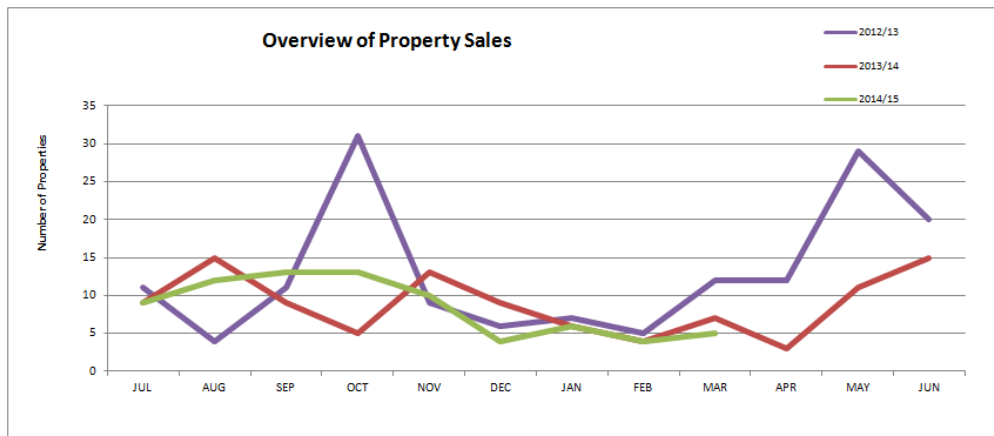
The following report contains a brief summary of activities and issues that were raised during April 2015.

BACKGROUND**Rating****Property Sales**

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

2014/15 Summary of Property Sales			
Number Sold	Land Usage	Total Sales	Average Sale
40	Vacant Land	\$11,449,500	\$286,238
38	Residential	\$19,148,000	\$503,895
5	Industrial	\$2,255,000	\$451,000
1	Mixed Use	\$330,000	\$0
0	Composite Devel	\$0	\$0
0	Special Use	\$0	\$0
0	Tourism	\$0	\$0
84		\$33,182,500	

Property Sales	2014/15	2013/14	2012/13
JUL	9	9	11
AUG	12	15	4
SEP	13	9	11
OCT	13	5	31
NOV	10	13	9
DEC	4	9	6
JAN	6	6	7
FEB	4	4	5
MAR	5	7	12
APR	8	3	12
MAY		11	29
JUN		15	20
	84	106	157

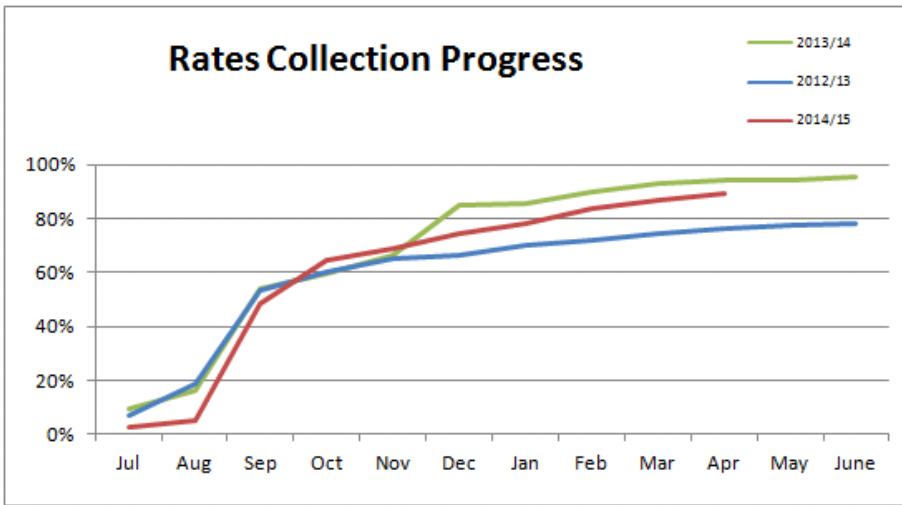
Rating (cont.)**Rates Collection**

Summary of Rates and Charges Collection	
Rates Collection Analysis	
	\$
Rates & Charges Levied 2014/15	3,806,536
Arrears 1 July 2014	275,052
Less Collections	(3,622,020)
Total Rates & Charges Outstanding	459,568
Less Pensioner Deferred Rates	(24,024)
Total Rates Collectable	435,544
% Collected to Date	89.3%
Notices Sent	26/08/2014
Due Date	30/09/2014
Reminder Notice Sent	21/10/2014
Final Notice Sent	1/12/2014
Notice of Intention to Summons Sent	22/01/2015
Summons Issued	27/02/2015

Comparative percentage of rates collected monthly

	2014/15	2013/14	2012/13
Rates Due Date	30/09/2014	11/09/2013	10/09/2012
Jul	3%	10%	7%
Aug	5%	16%	19%
Sep	48%	54%	54%
Oct	65%	59%	60%
Nov	69%	66%	65%
Dec	75%	85%	67%
Jan	78%	86%	70%
Feb	84%	90%	72%
Mar	87%	93%	75%
Apr	89%	94%	77%
May		94%	78%
June		96%	78%

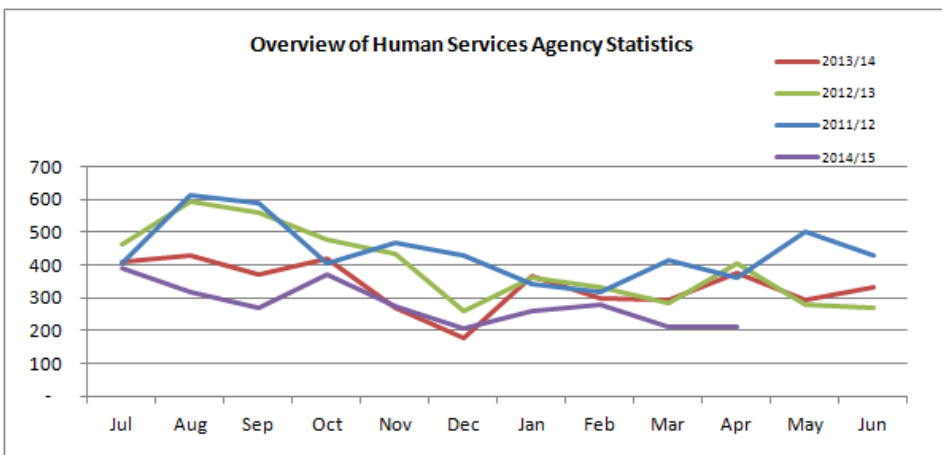
Graphical Overview of Rates Collection



Human Services Agency (formerly Centrelink)

Summary of Agent Statistics for 2014/15

	Lodgement of Forms/Assist with Completion	Referrals to Call Centre & CSC	Assist with use of Equipment & Computer	Respond to General Enquiries	TOTAL	Hours of Operation/week		
						2014/15	2013/14	2012/13
Jul	82	51	62	195	390	411	464	
Aug	68	50	54	145	317	427	592	
Sep	85	44	48	95	272	373	560	
Oct	87	55	86	141	369	422	478	
Nov	69	31	57	116	273	268	436	
Dec	46	30	45	87	208	178	262	
Jan	59	33	40	129	261	367	364	
Feb	56	42	43	137	278	299	332	
Mar	49	22	43	96	210	296	285	
Apr	41	34	46	91	212	377	403	
May					-	296	278	
Jun					-	331	272	
TOTAL	642	392	524	1,232	2,790	4,045	4,726	



CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.2.1

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

COUNCIL DECISION – 05-0515 – 11.2.1


Moved Councillor Hood, Seconded Councillor McHutchison.

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

CARRIED 4/0

The Chief Executive Officer, after receiving positive feedback from Council's Auditors, congratulated the Executive Manager Corporate Services and the entire Corporate Services team for their outstanding work in fulfilling all obligations with regards to financial management of the Council's operations. The Shire's auditors carried out there biannual audit on 25-26 May 2015 and advised that no non-compliance issues had been identified.

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

Location:	Exmouth
Applicant:	S O'Toole
File Reference:	FM.FI.0
Disclosure of Interest:	Nil
Date:	18 May 2015
Author:	Executive Manager Corporate Services, Sue O'Toole
Signature of Author:	
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY

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

BACKGROUND

Financial report for the period ended 30 April 2015 has been prepared and a copy of the Report is attached as *Attachment 1* and a complete list of accounts for payment is attached as *Attachment 2*.

COMMENT

Nil

CONSULTATION

Nil

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS**Civic Leadership**

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.2.2

That Council:

1. *Accept the monthly financial reports for period ended 30 April 2015;*
2. *The accounts as listed in the monthly financial report be received for;*

*Municipal Fund – April 2015 \$926,582.38 incorporating 13051 to 13088 and direct debits
Trust Fund - April 2015 \$800.00 incorporating of cheque 400817 and direct debits*

Outstanding Creditors as at March 2015 - \$444,425.34

COUNCIL DECISION – 06-0515 – 11.2.2

Moved Councillor McHutchison, Seconded Councillor Winzer.

That Council:

- 1. Accept the monthly financial reports for period ended 30 April 2015;*
- 2. The accounts as listed in the monthly financial report be received for;*

Municipal Fund – April 2015 \$926,582.38 incorporating 13051 to 13088 and direct debits

Trust Fund - April 2015 \$800.00 incorporating of cheque 400817 and direct debits

Outstanding Creditors as at March 2015 - \$444,425.34

CARRIED 4/0

11. REPORTS OF OFFICERS

11.3 Executive Manager Aviation Services

11.3.1 General Report

Location: Exmouth
 Applicant: J Kox
 File Reference: TT.SP.0
 Disclosure of Interest: Nil
 Date: 19 May 2015
 Author: Executive Manager Aviation Services, Jenny Kox
 Signature of Author: *J Kox*
 Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

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

BACKGROUND

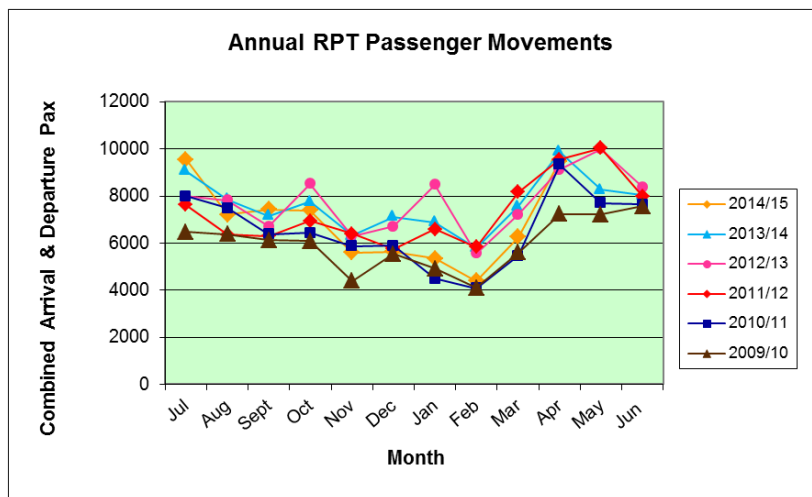
Regulatory

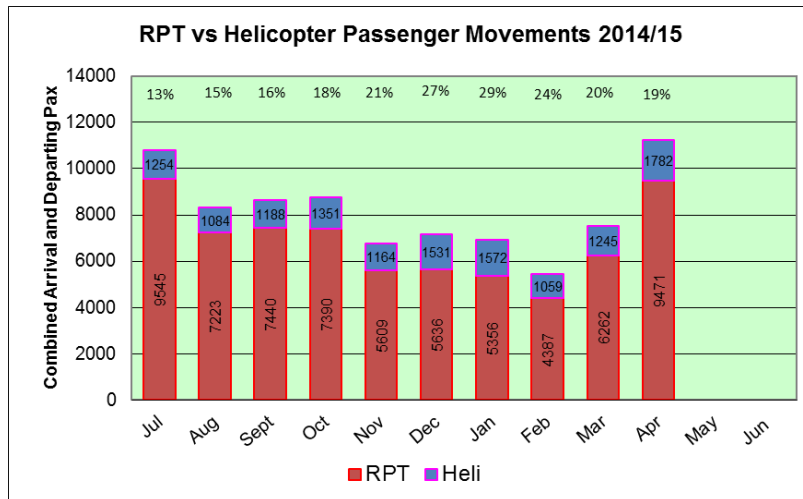
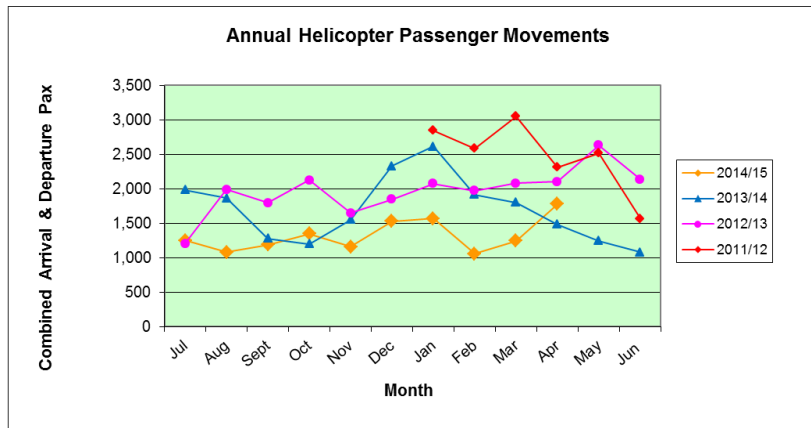
Department of Transport (DoT) has announced the 2015-17 Regional Airports Development Scheme (RADS) funding recipients. Fencing of the Exmouth Aerodrome was one of the successful projects to receive funding. The funding agreement is currently being prepared by DoT with the requirement for works to be undertaken between late September 2016 and May 2017.

Airlines/Air Operators/Industry

April 2015 RPT passenger numbers were stronger with the highest heliport passenger numbers for the year due to two drilling facilities operating offshore.

See the graphical presentation of statistics below.





Staffing

The Executive Manager Aviation Services (EMAS) attended the WA Division regional meeting of the Australian Airports Association (AAA) in Esperance on 7 & 8 May 2015. Of note at the meeting were presentations on airport asset management plans, leasing and valuations at airports. EMAS has also had the honour of being invited to speak at the AAA National Conference in Hobart in October 2015.

Leasing

Sub-leases at Learmonth Airport with Exmouth Aviation Services, Qantas and Airservices Australia have been executed or are close to execution. Consideration is currently being given to the café and airport shuttle bus service contracts.

Projects

Most major projects for the current financial year have been completed or are nearing completion with the installation of an ablutions facility and shed at Exmouth Aerodrome being the most recent projects to be completed. Remaining works include expansion of the General Aviation apron and taxiway for which quotes are currently being considered.

Work is currently underway in preparing a survey for airport passengers to gauge peoples’ experiences within the airport and Exmouth in general. It is planned that it will be conducted on four targeted occasions throughout the year.

COMMENT

Nil

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Economic

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

- Outcome: 1.1: To increase the number of local businesses, industries and services that will provide a range of employment opportunities for the people of Exmouth
- Outcome: 1.2: Planned and balanced economic growth
- Outcome: 1.3: Diverse tourism opportunities

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.3.1

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

COUNCIL DECISION – 07-0515 – 11.3.1

Moved Councillor Hood, Seconded Councillor McHutchison.

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

CARRIED 4/0

11. REPORTS OF OFFICERS

11.4 Executive Manager Community Engagement

11.4.1 General Report

Location: Exmouth
 Applicant: J Cutler
 File Reference: GV.CM.0
 Disclosure of Interest: Nil
 Date: 20 May 2015
 Author: Acting/Executive Manager Community Engagement, Jaci Cutler
 Signature of Author:

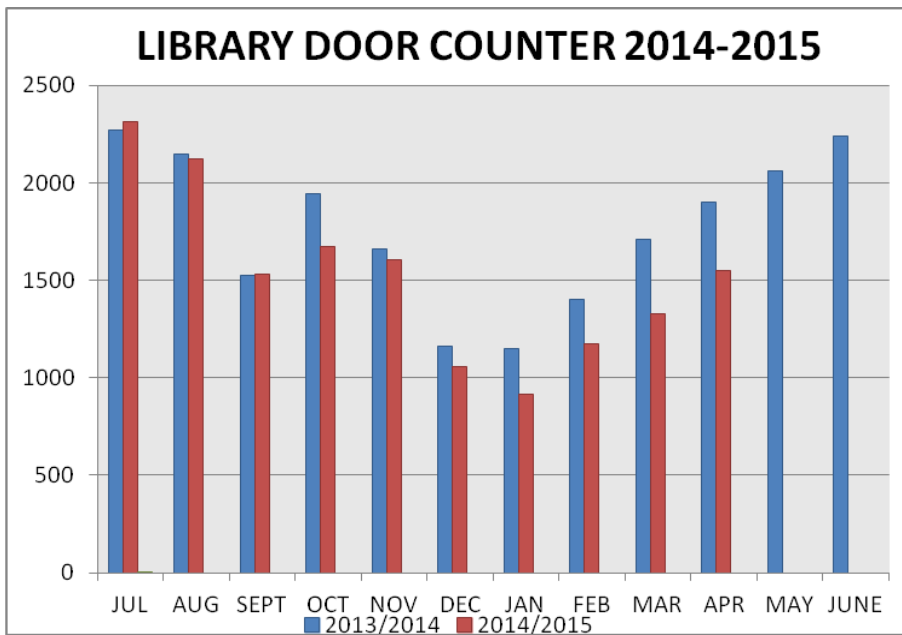
Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

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

BACKGROUND

Library Services



1548 people made use of the library facilities for the month of April with 1037 items being issued and 755 returned items. 21 new members joined the library, 9 adults, 7 juniors and 5 travellers. Ebooks are gaining popularity with 54 issued for the month, compared to 39 for the month of March.

Mothers Day story and card making morning



Community Development

Youth Needs Analysis

The CDO is organising Social Researcher Jude Sorenson to return to Exmouth and facilitate a follow-up Youth Needs Analysis from 11 – 12 June 2015. In 2012 the Shire of Exmouth commissioned Jude to facilitate an extensive, holistic, contemporary Youth Needs Analysis that looked at the experiences of young people living in the Shire of Exmouth. The outcome of the survey was fruitful and many of the projects recommendations have since been implemented including the development of a youth group that facilitates events for young people.

As a baseline has been set with the 2012 project, the Shire is commissioning a follow-up review Youth Needs Analysis using the same consultant, research theories, methodology and instrument (Qwizdom) so that we can track and compare results. The objective of the project is to revisit the young people in Exmouth and ascertain what has changed and what has stayed the same for them in the years since the first survey. During her follow-up project, Jude will facilitate surveys with young people at Exmouth District High School and will be meeting with youth representatives from the community. She will also be facilitating a forum with key stakeholders who work with young people in Exmouth and who might have insight into their experiences. The CDO is looking forward to finalising the project details with Jude and having her come up to Exmouth next month.

Youth Action Exmouth

Youth Action Exmouth has been busy planning their Youth Film Festival for the Ningaloo Whaleshark Festival 2015. They have called upon their peers in Exmouth to submit a short 2-5 minute film that incorporates the theme “Key to the Cape”. The young people have taken a hands-on role administering and managing the event including creating the flyer, choosing the prizes, setting out the structure of the event and will participate in the film judging and administering the event on the day.

Plastic Bottle Workshops

Students from Years 4-10 participated in Plastic Bottle Art workshops with Fremantle artist, Sandy McKendrick. Sandy shared her wealth of knowledge, creativity and experience to help students consider design ideas as well as demonstrated a range of construction techniques that they could use to produce their own plastic bottle art sculpture.

Sandy has been brought to Exmouth as part of this year’s preparations for the Whaleshark Festival. A total of 225 students have enjoyed these workshops.

Anzac 100 Years

Anzac 100 Years was a great success with an estimated 1200 people attending the dawn service and 300 at the commemorative service.

The Shire of Exmouth would like to thank the volunteers who helped out with this event to make it a memorable day.

The display also proved to be popular with many positive comments received.

Easy Video Workshop

ABC Open ran 3 workshops for the Exmouth community on easy video and photography, 20 people attended these workshops giving them tips to make their own films.

Her Excellency the Honourable Kerry Sanderson AO Governor of Western Australia talk to Exmouth Youth

This visit was a privilege for the few young people from Exmouth Swim Club, PCYC and Youth Action Exmouth who got to speak with the Governor about their life and volunteering in Exmouth.

The Governor was very impressed with our youth and encouraged them to stay committed in their roles in the community and it would see them in good stead for the future.



Media and Community Information

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

<p>Exmouth Info & Social Media Message in a Bottle Anzac Day Public Notice Newsletter Newsletter</p>	<p>Numerous notices for youth film competition, plastic bottle competition, Relay for life, big picture sports, public health notice Northern Guardian (April 2015) Northern Guardian (April 2015) Giardia (May 2015) Environmental Health (May 2015) Town Planning issues (May 2015)</p>
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Staffing

The Community Development Officers position has been advertised, closing date is 12 June 2015.

COMMENT

Nil

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Economic

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

- Outcome 1.3 – Diverse Tourism opportunities.

Social

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

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

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.4.1

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

COUNCIL DECISION – 08-0515 – 11.4.1

Moved Councillor Hood, Seconded Councillor McHutchison.

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

CARRIED 4/0

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

Location: Exmouth
 Applicant: R M Manning
 File Reference: GV.CM.0
 Disclosure of Interest: Nil
 Date: 18 May 2015
 Author: Executive Manager Health & Building, R M Manning

Signature of Author:



Senior Officer:

Chief Executive Officer, Bill Price

SUMMARY

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

BACKGROUND**Applications for Permits and Certificates Pursuant to the Building Act 2011**

Applic. No.	Date received	Lot No	Property Address	Description	Decision	Decision Date
15/51	07/04/2015	122	12 Grenadier Street	Shed/Carport	Approved	10/04/2015
15/52	09/04/2015	39	Unit 36 2 Murat Rd	Short Term Accommodation	Approved	15/05/2015
15/53	09/04/2015	37	Unit 38 2 Murat Rd	Short Term Accommodation	Approved	15/05/2015
15/54	09/04/2015	24	Unit 40 2 Murat Rd	Short Term Accommodation	Approved	15/05/2015
15/55	10/04/2015	117	9 Tautog Street	Swimming Pool Retaining Wall & Fencing	Approved	20/04/2015
15/56	13/04/2015	13	Unit 31 2 Murat Rd	Short Term Accommodation	Processing	
15/57	13/04/2015	33	Unit 18 2 Murat Rd	Short Term Accommodation	Processing	
15/59	21/04/2015	1268	3 Sculpin Court	Single Dwelling	Awaiting information form applicant	
15/61	21/04/2015	315	27 Gnulli Court	Floating Jetty	Approved	23/04/2015
15/62	28/04/2015	73	5 Lyndon Location	Container Hold Down	Approved	04/05/2015
15/63	28/04/2015	63	29 Inggarda Lane	Dwelling Carport & Garage	Approved	13/05/2015
15/64	29/04/2015	224	41 Nimitz Street	Outbuilding	Approved	12/05/2015

Summary of Building Licence/Permit Applications
2007 to Year to date 30 April 2015

Year	No. Applications	Total Value of Works	No. Applications up 30 April 2015	Value up to 30 April 2015
2007- 2008	114	\$13,465,725	95	\$11,303,607
2008- 2009	132	\$26,600,941	105	\$23,117,922
2009 - 2010	198	\$26,916,869	156	\$20,983,332
2010 - 2011	188	\$24,816,605	136	\$18,957,196
2011-2012	144	\$23,057,154	128	\$20,704,803
2012- 2013	150	\$19,931,790	119	\$17,405,109
2013-2014	159	\$23,404,099	130	\$16,356,997
2014-2015			130	\$15,613,630

COMMENT**BUILDING****Building Commission Regional Seminar Broome 7 & 8 May 2015**

Council's Building Surveyor attended both days of the above seminar and the Executive Manager Health & Building the second day. The seminar included information about the changes to the Building Code of Australia 2015 that came in to effect on 1 May 2015. Building Surveyors from around the North West attended, as did Registered Builders from the Broome district. The topics included but were not limited to:-

- Development of Performance Solutions
- Energy & Efficiency Requirements Alterations & Additions
- Registration Act Changes

In relation to the last point, the Building Commission is working on having the building registration cover the whole state which will ensure that all building work (subject to classes) over \$20,000 will require a Registered Builder.

The changes relating to the coverage of area requiring Registered Builders to be engaged is not before time. Approximately 12 years ago the Council formally requested the then Builder's Registration Board to be implemented to amend the Builder's Registration Act such that the Act was applicable over the whole municipality (with exception of rural sheds on pastoral lands). The response at the time was that this matter would be sorted when the new Building Act came in to force. Unfortunately this issue wasn't addressed in 2011 under the Building Act, but at least it looks like being addressed now.

ENVIRONMENTAL HEALTH

Environmental health tasks have continued as per normal. Some of the tasks completed this month have been food premise inspections, food business approvals, mosquito monitoring and treatment, water sampling and food sampling.

EHA Environmental Health Officer Northwest Group Meeting –Broome 6-7 May 2015

Councils EMHB, Rob Manning attended the above meeting in Broome. The above meeting is an annual gathering of Environmental Health Officers (those that can attend) from around the North West of WA. The meeting included presentations from a range of state government agencies and the State President of Environmental Health Australia, a practical session on use of sound level meters and culminated on Thursday afternoon with a round table meeting of NW EHO's to discuss topical and current EH issues in the region.

Of the agency presentations there were two of particular interest:-

- Update by Dept of Local Government (DLG) Senior Legislation Officer, Troy Hancock on the changes to the Caravan Parks and Camping Ground Regulations 1997 (the Regs) in relation to Nature Based Parks; and
- Shale & Tight Gas (or Unconventional Gas Production/Hydraulic Fracturing) by representatives from the Department of Mines and Petroleum (DMP); and the Department of Water (DoW).

Nature Based Parks

Unbeknown to most of the EHO's present at the meeting, the amendments to the Regs relating to Nature Based Parks (NBPs) were actually gazetted 12 Dec 2014. Thankfully the final form of the amendments was significantly different from the initial draft that was circulated for comment over two years ago. It seems that some of the comments were taken on board.

Whilst the amendments relating to NBPs are primarily prescriptive, most clauses are followed by an 'unless otherwise approved' clause providing the local government the flexibility to deal with practical solutions to local issues.

Some of the areas of interest within the new Regs that aren't flexible are:-

1. the requirement for the submission of a management plan with the application and that such plan must contain details about the following matters in relation to the facility:-
 - a. market segment;
 - b. the amenities that are proposed to be provided, or not provided, at the facility;
 - c. site planning;

- d. environmental impact and sustainability;
 - e. waste management;
 - f. traffic management;
 - g. risk management; and
 - h. length of stay of occupiers.
2. the limitation of the length of stay in a NBP being not more than 28 days in a 3 month period; and
 3. a requirement to provide either a) toilets; or b) an approved communal chemical soil waste dump point.

In relation to rubbish the Regs haven't been amended and require *that Rubbish bins at nature based parks and transit parks are to be provided as is approved* [Sch.7 Cl.49(2)]. Unfortunately the DLG did not 'take on' the advice it received during the consultation period that guidance in relation to the provision and management of small scale rubbish tips on remote pastoral stations should have been included.

At the NWEHO Group Meeting the following three main shortcomings of the amendments were discussed:-

- The lack of a 'transition period'. The amendments were gazetted 12 December 2014 and came in to affect 1 January 2015. Some local governments operate remote NBPs and to date had permitted camping for up to 3 months and are now copping grief from the regular campers that have travelled great distances without knowing when they arrive that the rules have changed;
- The lack of guidance of what an 'approved' waste water disposal system may be for chemical soil waste dump points as the Department of Health (DoH) will not approve a standard septic system for this purpose and regular pump-outs from a holding tank is not practicable or affordable in remote locations; and
- The lack of guidance in relation to the operation of small scale rubbish tips that are not captured by Department of Environment Regulation (DER) registration or licensing requirements and application of the full extent of the Environmental Protection Regulations (e.g. no burning) is not practical.

The NWEHO Group resolved to formally write to the DLG in relation to the above and in relation to the 2nd & 3rd items, request that the DLG consult with the Water Unit of the DoH and the DER respectively on those matters.

Shale & Tight Gas

The presentations by representatives from DMP and DoW were very informative. It is apparent that the form of unconventional gas productions potential for WA is primarily Shale & Tight Gas (S&TG). S&TG is very different and much less environmentally intrusive than the Coal Seam Gas production that occurs on the eastern sea board of Australia and throughout northern America. The industry is highly regulated and WA has the benefit of learning from the historic development of this industry on the east coast and in America.

The EMHB obtained a lot of information on the above most of which is in electronic form which can be provided to Councillors should they wish to find out more.

Emergency Management for Public Health Practitioners Course: Geraldton 14 – 15 May 2015

Council's Environmental Health Officer (EHO) attended the above course provided by the Department of Health and Environmental Health Association on Emergency Management. The course had been developed to introduce EHOs to emergency management and their role within an emergency. Topics covered were disaster management for public health, mass gatherings and implications for local government, the role of EHO in HazMat incidents, vector control and communicable diseases.

Giardia Outbreak

In December 2014 there was a minor occurrence of Giardia cases coming through which filtered off by January 2015. There has been a gradual increase in cases since April 2015 and public warnings regarding outbreak were issued 8 May 2015 by the Shire's Environmental Health Services.

Giardia infections are usually caused by consumption of food or water that contain Giardia cysts derived from faecal contamination or from infected surfaces via hand to mouth transfer. Those most susceptible to the infection are children not toilet trained, childcare workers, international travellers, hikers and campers.

Investigations will continue if new cases are identified. However, a common source of the outbreak is not currently known. It seems evident that the transmission through the community is more than likely through person to person contact.

To help prevent Giardia from further spreading throughout the community a hand hygiene awareness and health promotion campaign has been implemented with a focus on the younger demographic.

Waste Management and Recycling

Staff at the Qualing Scarp Waste Disposal Site (the tip) have been constructing new tyre disposal pits that meet the specifications of the Department of Environment Regulation Works Approval. The old tyre pits will be covered with geotextile material and then soil for protection from the threat of fire.

The redevelopment of the septage ponds at the tip is still 'on-hold' pending discussions with technical staff within Water Corporation (WC) as to whether provision for the acceptance of these wastes can be built into the design for the new WC Waste Water Treatment Plant.

CLGF 2012-2013 Regional Group Project – Waste and Recycling Infrastructure for the Gascoyne Region.

The Shire's of Carnarvon, Exmouth and Shark Bay have now received their respective funding as detailed in the Financial Assistance Agreement (FAA) with the Department for Regional Development for the above project. A telephone conference with representatives from the above Councils is planned to be held before the end of May 2015 to discuss the engagement of a project manager with appropriate waste and recycling industry experience to assist with the implementation of the project. The Regional Group has separate funding from the WA Waste Authority for the appointment of the abovementioned project manager.

Further to the above and in relation to the establishment of the Recycling 'Bring Centre' at the previous power station site, Council Officers are in receipt of the (386 page) 'HORIZON POWER – FORMER EXMOUTH POWER STATION ADDITIONAL Detailed Site Investigation and Ground Water Monitoring Event 2014'. The report states that *the December 2014 and previous investigation findings for the Site did not indicate impacts to soil, soil vapour, or groundwater that are likely to result in unacceptable exposures during ongoing use of the Site for commercial/industrial use subject to the limitation/assumptions described previously in the report.*

Council Officers are currently seeking a meeting with the Regional Horizon Power personnel to discuss arrangements for the subdivision of the land, fencing and access to the site for the intended Council purposes – Recycling Bring-Centre, Men's Shed and Emergency Services Precinct etc.

Sentinel Chickens & Mosquito Borne Diseases

The University of Western Australia's Sentinel Chicken Bleeding Program is continuing with bi-monthly bleeding of chicken flocks. There were no new positives blood tests to report of for Murray Valley Encephalitis, Kunjin Virus or other flaviviruses for Exmouth from the rounds of testing up to 14 May 2015.

Mosquito Control

There has been a warning for Ross River Virus issued for the Gascoyne and midwest regions. Although this doesn't cover Exmouth and no cases have been recorded for Exmouth with the increase in mosquito activity since Cyclone Quang the community have been asked to be vigilant and remove any sources of backyard breeding and protect against mosquito bites.

Council Officers have been monitoring for mosquito larvae and have carried out a treatment at the wastewater treatment plant using s-methoprene briquettes on the 19 May 2015 (see picture below).



With the assistance of the Water Corporation, a couple of years ago a ‘cover’ was installed over the Shire’s waste water storage pond for the water re-use scheme to help alleviate an algae problem that was consistently occurring every summer (picture above right shows the floating discs that interlock to form a cover). The previously open and exposed pond was not an environment that supported mosquito breeding. However, it is evident that the floating discs are now providing mosquito larvae with shelter from wind and natural predators and breeding is now occurring.

Council Officers have also been liaising with Raytheon personnel who have been fogging for a few weeks in Area’s A & B of the HEH Naval Communications facility. They have also been carrying out hand treatments for larvae around the VLF towers using s-methoprene briquettes.

Council Officers will continue to monitor the known breeding sites and liaise with Raytheon with regards to mosquito control strategies.

Paltridge Memorial Swimming Pool

April	<u>2015</u>	<u>2014</u>	<u>2013</u>
Pool Users	2221	1650	2823

Cyclone Quang

Cyclone Quang caused the start of the month to be a slow one with the pool suffering quite a lot of damage. The pool was closed for a week to clean up and have water analysis conducted due to the amount of sand and debris in the pool.

Aquatic Super Series

On Friday 8 May 2015, 33 children came to the pool to meet sport stars Libby Trickett and Eamon Sullivan as part of Swimming Western Australia's Aquatic Super Series. The sporting representatives conducted a free swimming clinic.

Season Close

The pool season will end on Friday 22 May 2015 and will open again on the 6 September 2015 with the annual Pool Open Day event.

Paltridge Memorial Pool Turns 50

This coming pool season will mark 50 years of the pool being opened, making it a special year for the pool. The facility was opened in 1966.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Environment

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

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

Social

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

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

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.5.1

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

COUNCIL DECISION – 09-0515 – 11.5.1

Moved Councillor Hood, Seconded Councillor Winzer.

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

CARRIED 4/0

11. REPORTS OF OFFICERS**11.6 Executive Manager Town Planning****11.6.1 General Report**

Location: Exmouth
 Applicant: Nil
 File Reference: LP.PL.0
 Disclosure of Interest: Nil
 Date: 19 May 2015
 Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer:

Chief Executive Officer, Bill Price

SUMMARY

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

BACKGROUND**Planning Applications and Approvals**

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

Applic No	Date	Lot	Property	Description	Decision	Date
PA200/14	21/11/2014	332	6 Kestrel Place	Dwelling	Processing	
PA42/15	24/03/2015	224	41 Nimitz Street	Shed	Approved	23/04/2015
PA43/15	24/03/2015	347	4 Lockwood Street	Patio And Outbuilding	Approved	24/04/2015
PA47/15	26/03/2015	344	30 Kestrel Place	Jetty	Approved	24/04/2015
PA48/15	30/03/2015	1284	3 Tambor Drive	Mobile Business	Approved	17/04/2015
PA50/15	09/04/2015	447	41 Madaffari Drive	Single Storey Dwelling	Approved	24/04/2015
PA51/15	10/04/2015	386	27 Corella Court	Single Dwelling	Approved	29/04/2015
PA52/15	10/04/2015	320	17 Gnulli Court	Single Dwelling	Approved	29/04/2015
PA60/15	17/04/2015	410	34 Madaffari Drive	Single Dwelling	Processing	
PA62/15	20/04/2015	458	15 Lyon Street	Ancillary Dwelling	Approved	29/04/2015
PA66/15	28/04/2015	341	24 Kestrel Place	Jetty	May OCM	
PA67/15	30/04/2015	236	24 Carpenter Street	Outbuilding	Processing	
PA68/15	11/05/2015	351	25 Kestrel Place	Jetty	Processing	
PA69/15	15/05/2015	73	R32867/2 Lyndon Location	Transportable Office/Ablution	Processing	
PA70/15	18/05/2015	301	23 Dugong Close	Lap Pool	Processing	

Summary of Total Planning Application/Codes Variations	
Year	No. Applications
2010-2011	149
2011-2012	163
2012-2013	175
2013-2014	149
2014-2015 (to date)	108

Permits issued for an Activity on Local Government Property	
Month	No. Applications
December	4
January	5
February	1
March	8
April	8

COMMENT**Ranger Services**

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

	Dogs	Camping	Parking	Litter	Fire	Off road	Other
Warning/caution	0	0	2	1	0	0	5
Infringement	0	11	1	0	0	0	0
Court	0	0	0	0	0	0	0
April Total	0	11	3	1	0	0	5
2014-2015 Totals	42	134	36	15	229	2	19

Local Law Review

Local Law Review											
Local Law	Approve by Council to Initiate	Advertising		Sent to Minister	Advertising Closes	Schedule of Submission	Final Adoption Council	Gazettal	Gazettal to Minister	Local Public Notice	Submit to JSC
		West Australian	Northern Guardian								
Dog	21/08/14	30/08/14	3/09/14	2/09/14	20/10/14	11/11/14	18/12/14	23/01/15	23/01/15	28/01/15	03/02/15
Cemetery	21/08/14	30/08/14	3/09/14	2/09/14	20/10/14	11/11/14	20/11/14	12/12/14	17/12/14	22/12/14	05/01/15
Meeting Procedure	18/09/14	27/09/14	1/10/14	24/10/14	17/11/14	11/12/14	19/02/2015	01/04/15	07/04/15	08/04/15	14/04/15
Fencing	18/09/14	27/09/14	1/10/14	24/10/14	17/11/14		28/05/2015				
Cat	23/10/14	1/11/14	5/11/14	6/11/14	22/12/14		26/03/2015				
Parking	23/10/14	1/11/14	5/11/14	6/11/24	22/12/14	11/12/14	19/02/2015	01/04/15	07/04/15	08/04/15	14/04/15
Public Places											
Marina Waterways											

Dog Control and Exercise Areas Survey

Council Officers have completed collating the results of the survey. The responders have identified key priorities in providing for more dog exercise areas through Exmouth and have also noted that they would like less prohibited areas to allow for a dog friendly community. Of the areas earmarked by the community as being designated as dog exercise areas, some are Unallocated Crown Land (UCL). As such, Council needs to seek permission from the State Government to designate these areas as dog exercise areas. Other information collected in the survey will be used to assist Council Officers in providing a greater service to the community as the information provides a clear picture of the communities' perspective on dog control in Exmouth.

Council Officers will commence discussions with the Department of Lands to allow for Unallocated Crown Land to be designated as dog exercise areas.

Exmouth Local Emergency Management Committee

The Exmouth Local Emergency Management Committee Meeting was held on the 19 May 2015. During this meeting, committee members debriefed the 2014/15 Tropical Cyclone season with the minutes to be tabled at the June 2015 Ordinary Council Meeting.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

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

Social

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

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

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.6.1

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

COUNCIL DECISION – 10-0515 – 11.6.1

Moved Councillor Winzer, Seconded Councillor Hood.

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

CARRIED 4/0

11. REPORTS OF OFFICERS

11.6 Executive Manager Town Planning

11.6.2 Review of Local Laws – Fencing Local Law

Location: Exmouth
 Applicant: Nil
 File Reference: LE.LO.5
 Disclosure of Interest: Nil
 Date: 14 May 2015
 Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends that Council adopt the proposed Fencing Local Law 2015 for advertising and public notice (refer *Attachment 1*).

BACKGROUND

The Shire of Exmouth Local Law Relating to Fencing was made in 1998. While many of its provisions are still relevant, a review of all Shire local laws has highlighted a need to update its provisions, to the extent that a new local law is required.

A draft Fencing Local Law to replace the previous local law was adopted by Council at its meeting held on 18 September 2014 and advertised for public comment.

While no comments were received from the public, the Department of Local Government and Communities suggested that the Shire consider a different model local law upon which to base its proposed local law. DLGC noted the proposed local law is based on WALGA's 2010 fencing local law template. In practice, local governments have used the previous 2005 template, as the 2010 model may not contain all the provisions that the Shire may seek to be provided for in a fencing local law.

The extent of changes suggested by DLGC should the Shire wish to proceed with the draft are extensive and to the point where it will be necessary to re-start the process to make a Fencing Local law. In doing so, the Shire may as well use the 2005 model as suggested by DLGC.

COMMENT

In general, fencing is regulated by the Dividing Fences Act 1961. The Act largely allows land owners to decide issues relating to dividing fences that separate privately owned land between themselves, with reference to a court where there is disagreement. The Act allows local governments to make local laws in relation to prescription of what constitutes a 'sufficient fence' and courts will often refer to those local laws to assist in determination of an appropriate course of action to resolve disputes.

A draft proposed new Fencing Local Law is attached. It is based on the 2005 model developed by the WA Local Government Association, customized to suit the Shire's requirements. Further changes have also been made to:

- Amending the definition of a 'sufficient fence' for residential areas to "...consist of link or chain mesh to a minimum height of 1,200mm, supported by galvanised iron top and bottom rail and posts of a diameter of 50mm, the posts spaced at 3metre centres set in concrete.....";
- Similarly, a 'sufficient fence' for industrial areas has been amended to delete a previous requirement for 3 strands of barbed wire being required (although this does not prevent owners from adding them if they see fit;

- Enforcement provisions have been improved generally, including addition of daily penalties and modified penalties if required.

Note too that sections 3.25 and 3.26, and clauses 5(2) and 12 of Division 1 of Schedule 3.1 of the Local Government Act 1995 in essence allow the Shire to serve a notice on an owner of land to repair, modify or make safe a fence that is unsightly, dilapidated, or dangerous.

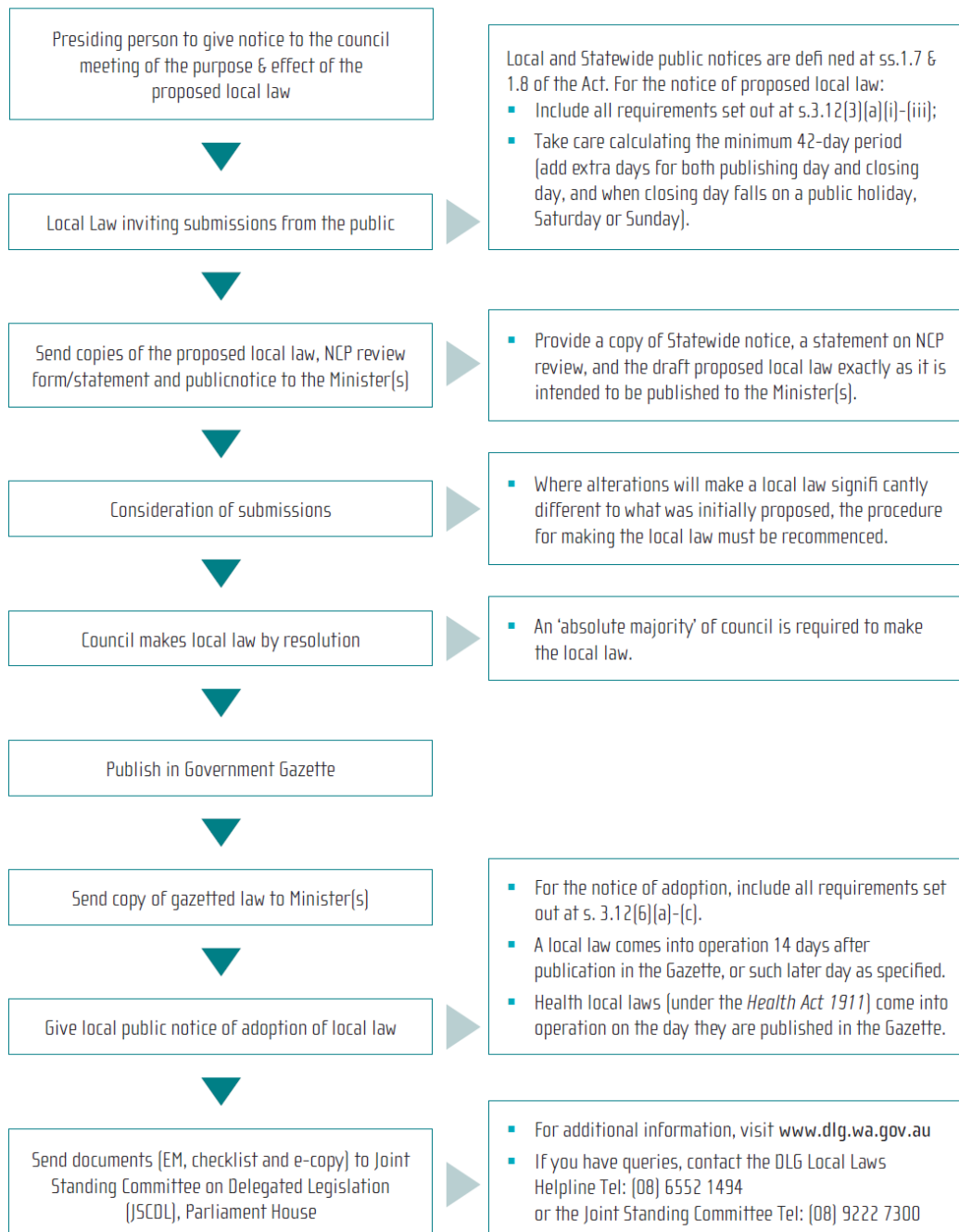
CONSULTATION

Section 3.12(3) of the Act requires the local government to give State-wide and local public notice stating that it proposes to make a local law, the purpose and effect of which is summarized in the notice for a period of 6 weeks after it first appears.

STATUTORY ENVIRONMENT

Section 3.12 of the Local Government Act and Regulation 3 of the Local Government (Functions & General) Regulations 1996 set out the procedural requirements to amend a local law, and which are the same as that required for the making of a local law.

A summary of s3.12 is:



The Act requires the person presiding at a Council meeting to give notice of the purpose and effect of the proposed local law by ensuring that the purpose and effect is included in the agenda for the meeting and that the minutes of the meeting include the purpose and effect of the proposed local law.

Purpose:

The purpose of this local law is to provide a 'sufficient fence' for the purposes of the Dividing Fences Act 1961 and to state the materials to be used and safety measures to be undertaken in relation to some types of fencing.

Effect:

Fencing in the district will need to comply with the definition of a 'sufficient fence' as stipulated in the local law.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The proposed new local law will require advertising for public submissions, as well as publishing in the Government Gazette if eventually adopted.

STRATEGIC IMPLICATIONS

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.6.2
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That Council:

1. *Adopt the proposed Shire of Exmouth Fencing Local Law 2015 as per Attachment 1 for advertising;*
2. *Give state-wide and local public notice stating that it proposes to make a Fencing Local Law 2015, and a summary of its purpose and effect;*
3. *Advertise the proposed Shire of Exmouth Fencing Local Law 2015. This is to include notifying public authorities as the Council nominates, within an area determined by the Council as likely to be affected by the Local Law, and inviting nominated public authority to make a submission to the Council within 6 weeks after the notice is given;*
4. *The period of advertising is to be not less than six (6) weeks from the date of the publishing of notices and newspaper advertisements, and shall be in the form of:-*
 - i). *Placing an electronic copy of the draft document on Council's website;*
 - ii). *Making a copy of the draft document available for public viewing and comment at Council's Offices;*
 - iii). *Publishing a notice in the 'West Australian' and the 'Northern Guardian' newspaper; and*
 - iv). *Placing a notice on Council's notice board for a period of not less than 6 weeks after the notice is given; and*
5. *Resolves that the results be presented to Council for consideration of any submissions received.*

COUNCIL DECISION – 11-0515 – 11.6.2

Moved Councillor Hood, Seconded Councillor Winzer.

That Council:

1. *Adopt the proposed Shire of Exmouth Fencing Local Law 2015 as per Attachment 1 for advertising;*
2. *Give state-wide and local public notice stating that it proposes to make a Fencing Local Law 2015, and a summary of its purpose and effect;*
3. *Advertise the proposed Shire of Exmouth Fencing Local Law 2015. This is to include notifying public authorities as the Council nominates, within an area determined by the Council as likely to be affected by the Local Law, and inviting nominated public authority to make a submission to the Council within 6 weeks after the notice is given;*
4. *The period of advertising is to be not less than six (6) weeks from the date of the publishing of notices and newspaper advertisements, and shall be in the form of:-*
 - i). *Placing an electronic copy of the draft document on Council's website;*
 - ii). *Making a copy of the draft document available for public viewing and comment at Council's Offices;*
 - iii). *Publishing a notice in the 'West Australian' and the 'Northern Guardian' newspaper; and*
 - iv). *Placing a notice on Council's notice board for a period of not less than 6 weeks after the notice is given; and*
5. *Resolves that the results be presented to Council for consideration of any submissions received.*

CARRIED 4/0

11. REPORTS OF OFFICERS**11.6 Executive Manager Town Planning****11.6.3 Restaurant Liquor Licence – Lot 21 (5) Kennedy Street, Exmouth**

Location:	Lot 21 (5) Kennedy Street, Exmouth
Applicant:	Dexter Stone
File Reference:	PA71/15
Disclosure of Interest:	Nil
Date:	19 May 2015
Author:	Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

It is recommended that Council issue a certificate under Section 40 of the *Liquor Control Act 1988* for a Restaurant licence to provide and serve liquor to patrons with or without meals in an outdoor eating area at Lot 21 (5) Kennedy Street, Exmouth.

BACKGROUND

The applicant/operator of the restaurant 5 Kennedy Street is seeking to establish an outdoor eating area within the property adjacent to the South of the existing patio dining area over an existing driveway. The applicant has requested a Section 40 Certificate from the Shire of Exmouth to proceed with an application to extend his Liquor.

COMMENT

The proposal has been assessed against the Shire of Exmouth's *Town Planning Scheme Number 3*, the *Liquor Control Act 1988* and the Department of Racing, Gaming and Liquor's Guidelines. In order to apply for a liquor license the *Liquor Control Act 1988* requires a Section 40 Certificate from the respective Local Government stating that the operation of the premises associated with the Liquor License complies with the local planning framework. The proposal does not require planning approval as it is not the development of a permanent structure and the land use is already approved.

5 Kennedy Street is an approved Restaurant currently operating with a Liquor License (refer *Attachment 2*). Therefore, the proposal is considered unlikely to cause any additional noise or adverse affect on the amenity and can be supported. However, it is recommended that support is subject to compliance with the *Environmental Protection (Noise) Regulations 1997* (as amended).

The Department of Racing, Gaming and Liquor can cancel the permit immediately if the licensee is found in breach of any of the conditions or the permit is determined no longer in the best interests of the public.

In addition, the licensee is advised that care must be taken when advertising the business. The sale of liquor should not be advertised as an attraction to the premises. A footnote has been included to advise the applicant.

STATUTORY ENVIRONMENT

Planning and Development Act 2005
Shire of Exmouth Town Planning Scheme No. 3
Liquor Control Act 1988

POLICY IMPLICATIONS

Nil

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.

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.

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.6.3

That Council grant conditional planning approval for a Section 40 – Certificate of Local Planning Authority at Lot 21 (5) Kennedy Street, Exmouth for a Restaurant License and an Extended Trading Permit subject to the following conditions:

1. *The sale and consumption of liquor may occur with or without a meal provided it is limited to the outdoor eating area of the restaurant approved by the Shire of Exmouth except on Anzac Day when the sale, supply and consumption of liquor cannot occur between 3am and midday, subject to compliance with conditions imposed by the Department of Racing, Gaming and Liquor;*
2. *A designated manager must be in charge of the premises at all times when the premises are open for business;*
3. *Liquor shall not be used as an attraction to the premises;*
4. *The outdoor eating area must always be set up with tables and chairs for dining;*
5. *The maximum noise levels emitted from the premises shall not exceed the levels specified in the Environmental Protection (Noise) Regulations 1997 (as amended); and*
6. *The approval granted is valid for a period of two (2) years from the date of this approval. Should the use approved not substantially commence within this time, the approval will lapse.*

Advice

- i). *The applicant is advised that when advertising the business liquor should not be used as an attraction to the premises.*
- ii). *Prior to the operation of the permit, the applicant is required to obtain Health approval from the Shire of Exmouth and the permit licence from the Department of Racing, Gaming and Liquor.*
- iii). *If the applicant is found in breach of the licence conditions of their permit, or if it is determined that the permit is no longer in the best interest of the public, the permit can be cancelled immediately.*
- 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 – 12-0515 – 11.6.3

Moved Councillor Winzer, Seconded Councillor McHutchison.

That Council grant conditional planning approval for a Section 40 – Certificate of Local Planning Authority at Lot 21 (5) Kennedy Street, Exmouth for a Restaurant License and an Extended Trading Permit subject to the following conditions:

- 1. The sale and consumption of liquor may occur with or without a meal provided it is limited to the outdoor eating area of the restaurant approved by the Shire of Exmouth except on Anzac Day when the sale, supply and consumption of liquor cannot occur between 3am and midday, subject to compliance with conditions imposed by the Department of Racing, Gaming and Liquor;*
- 2. A designated manager must be in charge of the premises at all times when the premises are open for business;*
- 3. Liquor shall not be used as an attraction to the premises;*
- 4. The outdoor eating area must always be set up with tables and chairs for dining;*
- 5. The maximum noise levels emitted from the premises shall not exceed the levels specified in the Environmental Protection (Noise) Regulations 1997 (as amended); and*
- 6. The approval granted is valid for a period of two (2) years from the date of this approval. Should the use approved not substantially commence within this time, the approval will lapse.*

Advice

- i). The applicant is advised that when advertising the business liquor should not be used as an attraction to the premises.*
- ii). Prior to the operation of the permit, the applicant is required to obtain Health approval from the Shire of Exmouth and the permit licence from the Department of Racing, Gaming and Liquor.*
- iii). If the applicant is found in breach of the licence conditions of their permit, or if it is determined that the permit is no longer in the best interest of the public, the permit can be cancelled immediately.*
- 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 4/0

11. REPORTS OF OFFICERS

11.6 Executive Manager Town Planning

11.6.4 Proposed Jetty – Lot 341 (24) Kestrel Place, Exmouth

Location: Lot 341 (24) Kestrel Place, Exmouth
 Applicant: The Jetty Specialist
 File Reference: PA66/15
 Disclosure of Interest: Nil
 Date: 19 May 2015
 Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

It is recommended that Council grant approval for a proposed Jetty at Lot 341 (24) Kestrel Place, Exmouth in Precinct A of the Exmouth Marina Estate.

BACKGROUND

The applicant proposes to construct a jetty at Lot 341 (24) Kestrel Place, Exmouth which is currently vacant.

The Department of Transport (DoT) gave Council powers to approve “broad development approval” for jetty applications which have been lodged with Council. The term ‘broad approval’ is used on the basis that no plans that are submitted (other than general location / site plans) will be endorsed.

It has been discussed and agreed upon by Council’s Town Planning Department, Environmental Health and Building Department, and DoT that the basic principles of the Exmouth Marina Village Boat Mooring Management Plan, Standard Operating Procedures and Local Laws should form the basis of any approval, with the technical details regarding design and engineering of the proposed jetties being assessed by the DoT at Jetty license application stage.

The proposed Jetty (refer *Attachment 3*) is as follows:

- The Jetty is comprised of a pontoon secured by two (2) steel piles and a catwalk providing access to the canal path to the pontoon.
- The entire structure protrudes 8.8m into the canal from the Canal Setout Line and is setback 4m from both side property boundaries.
- The pontoon is 2.5m wide 10m long extending the entire width at along the rear of the Jetty Envelope
- The catwalk is 1.5m wide and setback approximately 0.9m from the western side of the Jetty Envelope.
- No cyclonic mooring posts are proposed in the Mooring Envelope.
- The top of the steel piles is 5m AHD as compared to the height of the path being 1.7m AHD allowing the floating pontoon to rise with the tide.

COMMENT

The proposal has been assessed under Council’s Town Planning Scheme No. 3, Local Laws and various Local Planning Policies. These instruments outline the permissibly for this proposal within the Zone. A ‘Jetty’ within the Marina zone is incidental to a Dwelling. As no Dwelling has been developed there is nothing for the Jetty to be incidental to, therefore there is no delegation in place for Shire Officers to determine the application.

Pursuant to *Policy 6.16: Design Guidelines for Exmouth Marina Village Precinct ‘A’*, the major consideration in regard to Jetties and Mooring Piles is ensuring that they are sited inside the Jetty Envelope

and Mooring Envelope as determined by the Department of Transport. The Jetty Envelope at the property is 10m wide (setback 4m from both side property boundaries) and 8.8m long extending from the Canal Setout Line meaning the proposed Jetty is located within the Jetty Envelope (refer to background above). No Mooring Piles separate from the Jetty structure are proposed.

Standard conditions have been included in the Officers recommendation to ensure compliance with the relevant statutory and policy documents.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Town Planning Scheme No. 3

Exmouth Marina Village Canal Boat Mooring Management Plan and Standard Operating Procedures

POLICY IMPLICATIONS

Policy 6.16 - Design Guidelines for Exmouth Marina Village Precinct 'A'

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Environment

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

- Outcome 2.1: To maintain and improve access and connectivity to our natural assets
- Outcome 2.5: To make Exmouth an attractive town that is a comfortable and welcoming place to live and visit, and reflects the lifestyle values and unique natural environment

Social

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

- Outcome 3.8: There is diverse range of residential land options available

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.6.4
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That Council grants planning approval for a Jetty at Lot 341 (24) Kestrel Place, Exmouth subject to the following conditions:

1. *The development shall be carried out in accordance with Policy 6.16 - Design Guidelines for Exmouth Marina Village Precinct 'A', Town Planning Scheme No. 3 and the approved plans (PA66/15) to the satisfaction of Council Officers to the satisfaction of Council Officers;*
2. *The jetty structure, including the pontoon catwalk and steel piles, shall be constructed wholly within the Jetty Envelope as determined by the Department of Transport as follows:*
 - a. *8.8m long from the Canal Setout Line towards the rear property boundary; and*
 - b. *Setback 4m from the side property boundaries.*
3. *Boat mooring shall be wholly within the Mooring Envelope as determined by the Department of Transport as follows:*

- a. 13.8m long from the Canal Setout Line towards the rear of the property; and
 - b. The total width of the property ;
4. The jetty structure shall not put a horizontal surcharge load on the canal wall;
 5. Mooring piles and associated envelope areas shall no be roofed or have structures built on, around, adjacent to, or within the approved jetty area;
 6. The applicant shall obtain a permit for a barge vessel to enter Local Government Property, to carry out construction works in the waterway;
 7. All proposed jetty designs shall be approved by the Department of Transport, with engineering plans and detail being in accordance with the Exmouth Marina Village Canal Boat Mooring Management Plan;
 8. The maximum sized powerboat permitted to be moored at the Jetty is 15m in length. The maximum sized sail boat permitted to be moored at the Jetty is 10m in length; and
 9. The approval granted is valid up to two (2) years from the date of this approval. Should the use approved not substantially commence within this time, the approval will lapse.

Advice

- i). This approval is not to be construed as approval granted under The Building Act 2011, Building Regulations 2012 or any other relevant statutory approval. Prior to any construction an approved Building Permit from the Shire of Exmouth is required.
- ii). Enclosed is a copy of the Exmouth Marina Village Canal Boat Mooring Management Plan and Standard Operating Procedures.
- iii). The mooring of boats shall accord with the Exmouth Cyclone Contingency and Vessel Management Plan.
- iv). The applicant is advised that any future approval of a Holiday Accommodation shall require a Tenant Code of Conduct making reference to the Shire of Exmouth Marina Village Boat Mooring Management Plan including relevant provisions.
- v). 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.
- vi). Any substantial variation from the approved plans contained herein requires a separate planning approval. Should your plans for a building permit differ from these plans, a building permit may not be issued until such time as fresh planning approval is granted.
- vii). Council Officers may enter uninvited onto your property, including your vessel or jetty provided the provisions of the Local Government Act are adhered to.
- viii). 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 – 13-0515 – 11.6.4
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Moved Councillor Hood, Seconded Councillor Winzer.

That Council grants planning approval for a Jetty at Lot 341 (24) Kestrel Place, Exmouth subject to the following conditions:

1. The development shall be carried out in accordance with Policy 6.16 - Design Guidelines for Exmouth Marina Village Precinct 'A', Town Planning Scheme No. 3 and the approved plans (PA66/15) to the satisfaction of Council Officers to the satisfaction of Council Officers;
2. The jetty structure, including the pontoon catwalk and steel piles, shall be constructed wholly within the Jetty Envelope as determined by the Department of Transport as follows:

- a. 8.8m long from the Canal Setout Line towards the rear property boundary; and
 - b. Setback 4m from the side property boundaries.
3. Boat mooring shall be wholly within the Mooring Envelope as determined by the Department of Transport as follows:
 - a. 13.8m long from the Canal Setout Line towards the rear of the property; and
 - b. The total width of the property ;
4. The jetty structure shall not put a horizontal surcharge load on the canal wall;
5. Mooring piles and associated envelope areas shall no be roofed or have structures built on, around, adjacent to, or within the approved jetty area;
6. The applicant shall obtain a permit for a barge vessel to enter Local Government Property, to carry out construction works in the waterway;
7. All proposed jetty designs shall be approved by the Department of Transport, with engineering plans and detail being in accordance with the Exmouth Marina Village Canal Boat Mooring Management Plan;
8. The maximum sized powerboat permitted to be moored at the Jetty is 15m in length. The maximum sized sail boat permitted to be moored at the Jetty is 10m in length; and
9. The approval granted is valid up to two (2) years from the date of this approval. Should the use approved not substantially commence within this time, the approval will lapse.

Advice

- i). This approval is not to be construed as approval granted under The Building Act 2011, Building Regulations 2012 or any other relevant statutory approval. Prior to any construction an approved Building Permit from the Shire of Exmouth is required.
- ii). Enclosed is a copy of the Exmouth Marina Village Canal Boat Mooring Management Plan and Standard Operating Procedures.
- iii). The mooring of boats shall accord with the Exmouth Cyclone Contingency and Vessel Management Plan.
- iv). The applicant is advised that any future approval of a Holiday Accommodation shall require a Tenant Code of Conduct making reference to the Shire of Exmouth Marina Village Boat Mooring Management Plan including relevant provisions.
- v). 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.
- vi). Any substantial variation from the approved plans contained herein requires a separate planning approval. Should your plans for a building permit differ from these plans, a building permit may not be issued until such time as fresh planning approval is granted.
- vii). Council Officers may enter uninvited onto your property, including your vessel or jetty provided the provisions of the Local Government Act are adhered to.
- viii). An applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with the rules and regulations made pursuant to the Planning and Development Act 2005 (as amended). Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).

CARRIED 4/0

11. REPORTS OF OFFICERS

11.6 Executive Manager Town Planning

11.6.5 Repeal Local Law

Location: Exmouth
 Applicant: N/A
 File Reference: LE.LO.8
 Disclosure of Interest: Nil
 Date: 21 May 2015
 Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends that Council adopt the proposed Repeal Local Law 2015 for advertising and public comment (refer *Attachment 4*).

BACKGROUND

Standing Orders local laws provide rules as to how the Council of a local government goes about its business and makes decisions.

The Shire of Exmouth Meeting Procedures Local Law 2015 was published in the Government Gazette on 1 April 2015 and came into effect on 15 April 2015. It updated meeting procedures to reflect changes in other legislation since 1999.

Local laws are subject to review by the WA Parliamentary Joint Standing Committee on Delegated Legislation (JSC). The Joint Standing Committee has reviewed the new Meeting Procedures Local law and noted that there is no clause in it to repeal the old 1999 Standing Orders. It has requested that the Shire repeal the old local law (refer *Attachment 5*).

COMMENT

It is normal practice when making a new local law to repeal previous versions. In this instance, it is not known why the clause was not included, and was not noticed in spite of several reviews including externally by the Department of Local Government and Communities.

That said; it is relatively straightforward to rectify the matter by making a repeal local law, and which is attached.

The Act requires the person presiding at a Council meeting to give notice of the purpose and effect of the proposed local law by ensuring that the purpose and effect is included in the agenda for the meeting and that the minutes of the meeting include the purpose and effect of the proposed local law:

Purpose:

To repeal the Shire of Exmouth Standing Orders Local law 1999.

Effect:

The local law is repealed.

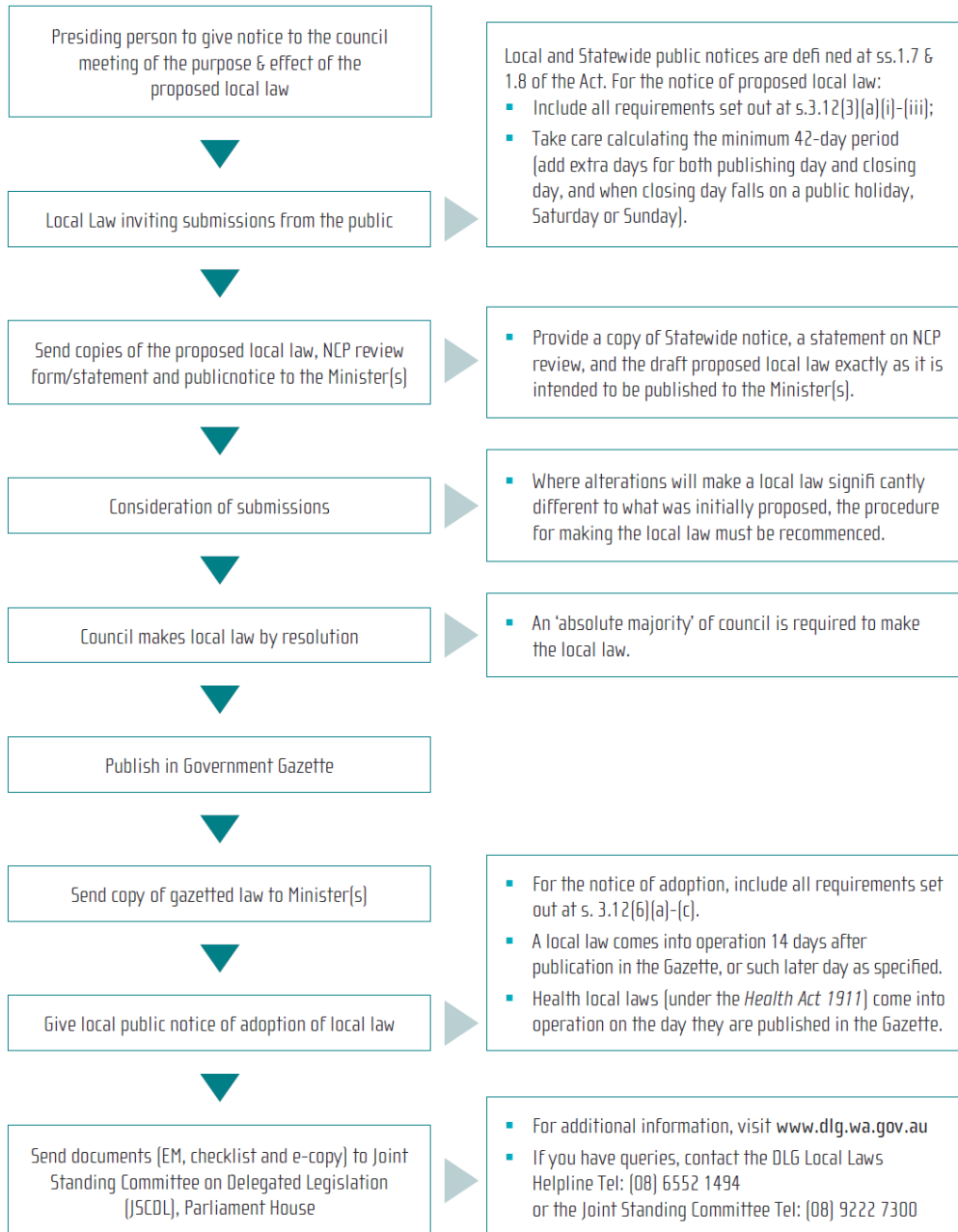
CONSULTATION

Section 3.12(3) of the Act requires the local government to give State-wide and local public notice stating that it proposes to make a local law, the purpose and effect of which is summarized in the notice for a period of 6 weeks after it first appears.

STATUTORY ENVIRONMENT

Section 3.12 of the Local Government Act and Regulation 3 of the Local Government (Functions & General) Regulations 1996 set out the procedural requirements to amend a local law, and which are the same as that required for the making of a local law.

A summary of s3.12 is:



POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The proposed new local law will require advertising for public submissions, as well as publishing in the Government Gazette if eventually adopted.

STRATEGIC IMPLICATIONS

Civic Leadership

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

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.6.5
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That Council:

1. *Adopt the proposed Shire of Exmouth Repeal Local Law 2015 for advertising (refer Attachment 4) ;*
2. *Give State-wide and local public notice stating that it proposes to make a Repeal Local Law 2015, and a summary of its purpose and effect;*
3. *Advertise the proposed Shire of Exmouth Repeal Local Law 2015. This is to include notifying public authorities as the Council nominates, within an area determined by the Council as likely to be affected by the Local Law, and inviting nominated public authority to make a submission to the Council within 6 weeks after the notice is given;*
4. *The period of advertising is to be not less than six (6) weeks from the date of the publishing of notices and newspaper advertisements, and shall be in the form of:-*
 - Placing an electronic copy of the draft document on (Council's website) the internet;*
 - Making a copy of the draft document available for public viewing and comment at Council's Offices;*
 - Publishing a notice in the 'West Australian' and the 'Northern Guardian' newspaper; and*
 - Placing a notice on Council's notice board for a period of not less than 6 weeks after the notice is given; and*
5. *Resolves that the results be presented to Council for consideration of any submissions received.*

COUNCIL DECISION – 14-0515 – 11.6.5
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Moved Councillor McHutchison, Seconded Councillor Hood.

That Council:

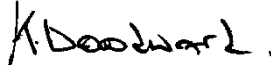
1. *Adopt the proposed Shire of Exmouth Repeal Local Law 2015 for advertising (refer Attachment 4) ;*
2. *Give State-wide and local public notice stating that it proposes to make a Repeal Local Law 2015, and a summary of its purpose and effect;*
3. *Advertise the proposed Shire of Exmouth Repeal Local Law 2015. This is to include notifying public authorities as the Council nominates, within an area determined by the Council as likely to be affected by the Local Law, and inviting nominated public authority to make a submission to the Council within 6 weeks after the notice is given;*
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 - Placing an electronic copy of the draft document on (Council's website) the internet;*
 - Making a copy of the draft document available for public viewing and comment at Council's Offices;*
 - Publishing a notice in the 'West Australian' and the 'Northern Guardian' newspaper; and*
 - Placing a notice on Council's notice board for a period of not less than 6 weeks after the notice is given; and*
5. *Resolves that the results be presented to Council for consideration of any submissions received.*

CARRIED 4/0

11. REPORTS OF OFFICERS**11.7 Executive Manager Engineering Services**

11.7.1 General Report

Location: Exmouth
 Applicant: Keith Woodward
 File Reference: GV.CM.0
 Disclosure of Interest: Nil
 Date: 28 May 2015
 Author: Executive Manager Engineering Services, Keith Woodward
 Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

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

BACKGROUND

It's been an interesting month as we had almost recovered from Tropical Cyclone Olwyn when Tropical Cyclone Quang hit us quite unexpectedly. Clean up was quick and effective as the work crews are experienced in responding to the cyclone and flood impacts. We are noticing that its taking longer for our street trees to bounce back after TC Quang but that is understandable after the battering they have received in the last few months.

Crews have been balancing their schedules over town clean-up, weed management, general maintenance mowing/pruning, road works in town and at the light aircraft strip and preparing for events such as the Governor General's visit and the Whale Shark Festival.

The depot crew will be entering the loader and grader into the Float Parade on Saturday for the Whale shark festival. Joining them will be the Volunteer Bush Fire Brigade truck. The rest of the works team will be involved in the traffic management for the Fun Run, the Float Parade and general support.

We have received the next batch of Poinciana and Kurrajong Trees to continue the street scape along Murat Road. This project will get underway ASAP and is expected to be completed by the end of the financial year. Some of the date palms will be transplanted to the big prawn public open space area.

Kenny Cameron celebrated 30 years of service with the Shire of Exmouth on 8 May 2015. We are planning an event to commend Kenny for his long service and wish him well in his retirement.

COMMENT

Nil

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

As per Shire 2014-2015 Budget

STRATEGIC IMPLICATIONS

Economic

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

- Outcome 1.5: Maintain & Improve Shire Infrastructure

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.7.1

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

COUNCIL DECISION – 15-0515 – 11.7.1

Moved Councillor Winzer, Seconded Councillor Hood.

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

CARRIED 4/0

The Shire President thanked the Executive Manager Engineering Services Keith Woodward for his effort with regards the Tantabiddi Boat Ramp issue. It has been a contentious issue amongst the community for some time now and Keith has done extremely well with the management of this issue.

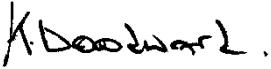
The Shire President declared an indirect financial interest in the following report and left the Chambers at 5:11pm.

The Deputy Shire President took the chair.

11. REPORTS OF OFFICERS

11.7 Executive Manager Engineering Services

11.7.2 Tender 01-2015 – Minor Works Yardie Creek Road (WANDRRA)

Location:	Exmouth
Applicant:	Keith Woodward
File Reference:	CM.TE.012015
Disclosure of Interest:	Cr C (Turk) Shales
Date:	28 May 2015
Author:	Executive Manager Engineering Services, Keith Woodward
Signature of Author:	

Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends that Tender 01/2015 Minor Works Yardie Creek Road is awarded to Exmouth Hire Pty Ltd and authorise the Executive Manager of Engineering Services to make minor changes to the scope of works and consequently the price of works during construction.

BACKGROUND

On 12 March 2015 Tropical Cyclone Olwyn was a Category 3 cyclone, with sustained winds near its centre of 150 kilometres per hour with wind gusts to 205 kilometres per hour. The centre of Severe Tropical Cyclone Olwyn tracked very close to the coast.

The event was activated as a WA Natural Disaster Relief and Recovery Arrangement (WANDRRA) event, AGRN663 Severe Tropical Cyclone Olwyn and Associated Flooding (12 March 2015).

As a result of this rain event, essential public infrastructure within the Shire of Exmouth was damaged. The one of the area that sustained significant damage was along Yardie Creek Road.

At the Ordinary Council meeting held 20 March 2015 Council resolved:

That Council authorises:

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

COMMENT

Tender RFT01-2015 Minor Works Yardie Creek Road advertised on Saturday 24 April 2015 in the West Australian. Tenders closed 2pm, Monday 11 May 2015. Twenty (20) Companies made enquiries during the tender period. Five Companies submitted tenders by the deadline.

Tenders were assessed by an independent panel provided by Core Business Australia (CORE). CORE has been appointed as the project supervisors for WANDRRA flood recovery reinstatement works. As part of the process of engaging contractors to complete tendered works CORE:

- Prepared all tender specifications and documentation;
- Issued tenders and addendums and conducted tender briefings;
- Closed and received tenders; and
- Assessed tenders.

A full assessment report has been provided to Councillors as part of agenda briefing. This report is commercial in confidence (Refer *Confidential Attachment 1*). The CORE tender assessment report fully details the tender process and assesses the qualitative assessment, weightings and costs assessment including recommendations. These processes effectively addresses the requirements of the Local Government Act 1995 (Functions and General) Regulation (s.3.57).

A brief summary of the report is included as part of this agenda item.

The tender assessment process included assessment of each tender by the tender panel in the following phases:

- Compliance Assessment resulting in acceptance or rejection of tenders;
- Qualitative Assessment resulting in a weighted individual score being provided for each tender;
- Price Assessment resulting in a weighted individual score for each tender; and
- Compilation of result, final consideration and assessment then recommendations based on achieving the best outcome to complete the works.

CONSULTATION

Three addendums were issued following receipt of questions. In the instances of some minor non-conformances identified by the panel, communication occurred with tenderers to seek clarification.

STATUTORY ENVIRONMENT

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

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

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

All tenders were evaluated against the selection criteria by which each tender is assigned a score based on the tenderers capacity to meet the tender objectives.

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

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

POLICY IMPLICATIONS

Policy 2.10 – Purchasing

Policy 2.17 – Regional Price Preference

FINANCIAL IMPLICATIONS

Cost of restoration works are re-claimed under the WANDRRA program subject to the Shire meeting program requirements.

Tendered prices are based on a schedule of rates. Details of price schedules provided are available in the commercial in confidence tender assessment report provided to Councillors as part of agenda briefing.

STRATEGIC IMPLICATIONS

Economic

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

- Outcome 1.5: Maintain & Improve Shire Infrastructure

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.7.2

That Council awards tender 01-2015 Minor Works Yardie Creek Road to Exmouth Hire Pty Ltd for \$814,890 excluding GST as per Confidential Attachment 1 and authorise the Executive Manager of Engineering Services to make minor changes to the scope of works and consequently the price of works during construction.

COUNCIL DECISION – 16-0515 – 11.7.2

Moved Councillor Winzer, Seconded Councillor McHutchison.

That Council awards tender 01-2015 Minor Works Yardie Creek Road to Exmouth Hire Pty Ltd for \$814,890 excluding GST as per Confidential Attachment 1 and authorise the Executive Manager of Engineering Services to make minor changes to the scope of works and consequently the price of works during construction.

CARRIED 3/0

The Shire President re-entered the Chambers at 5:12pm and resumed the chair.

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

Nil

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

Nil

14. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS

Nil

15. CLOSURE OF MEETING

The Shire President declared the meeting closed at 5:14pm.