



Ordinary Council Meeting Agenda 27 August 2015

CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on 1 October 2015 as a true and accurate record of the Ordinary Council Meeting held on 27 August 2015.

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


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

DISCLAIMER

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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 4:02pm.

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

Councillor C (Turk) Shales	Shire President
Councillor R Winzer	
Councillor R (Bob) Todd	
Councillor S McHutchison	
Mr B Price	Chief Executive Officer
Mrs S O'Toole	Executive Manager Corporate Services
Mr R Kempe	Executive Manager Community Engagement
Mrs C Webster	Environmental Health Officer
Mr R Mhasho	Executive Manager Town Planning
Mr K Woodward	Executive Manager Engineering Services

GALLERY

Visitors: 4

APOLOGIES

Councillor M Hood	Deputy Shire President
Mrs J Kox	Executive Manager Aviation Services
Mr R Manning	Executive Manager Health & Building

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).

Two questions were submitted by Kim Hansman.

Q1. What is being done about the damaged footpaths on Murat Road?

A1. Footpaths tend to get damaged around town by contractors/builders when they are working on a development. Council intend to initiate a program of undertaking repairs to these sites and will also instigate a pre and post-audit of development sites to keep track of damages and claim from relevant contractors for the reinstatement costs.

Q2. There is a rumour going around that the Shire will be removing all of the gum trees throughout the town, is this true?

A2. The gum trees throughout town were severely damaged during TC Olwyn and TC Quang. The majority of these trees are no longer stable and the Council intends to introduce a plan to phase the gum trees out replacing them with a more suitable and sustainable product.

5. DECLARATIONS OF INTEREST

Item/Description	Name	Detail of Interest	Extent of Interest
NIL			

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 July 2015 be confirmed as a true and correct record of proceedings.

COUNCIL DECISION – 01-0815 - ITEM 7

Moved Councillor Todd, Seconded Councillor Winzer.

That the Minutes of the Ordinary Meeting of the Shire of Exmouth held on the 30 July 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 advised Council of the sad passing of Mrs Bernice McLeod, an icon of Exmouth who initiated Mrs Mac's Shed and also had the Bernice McLeod Childcare Centre named after her. Mrs Mac's Shed has raised hundreds of thousands of dollars for Princess Margaret Hospital, The Royal Flying Doctors Service, many other charities and has donated towards children's play equipment at the Paltridge Memorial Swimming Pool and also the Exmouth District High School. She was a pioneer of the town and made a significant impact on many lives in Exmouth throughout her life here. She will be sadly missed by many people. Our thoughts are with the McLeod family at this sad time.

The Shire President also advised that this year will see Local Government Elections taking place in October with 4 Councillor vacancies. He advised that Councillor Hood and Councillor McHutchison will be re-nominating and wished them the best of luck with the election.

9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil.

10. REPORT OF COUNCILLORS

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

- 4-7/8/15 Local Government Week.
- 11/8/15 CEO Performance Appraisal Training.
- 12/8/15 Free Webinar Information Session for those Nominating for Council.
- 17/8/15 Invitation to attend the Exmouth District High School Board Meeting. They are to be congratulated on how they are progressing in their first year managing the school as an Independent School.
- 19/8/15 Bernice McLeod's Funeral.
- 20/8/15 CEO Performance Appraisal Meeting with the Shire President and other Councillors.
- 20/8/15 Red Cross Dinner for a presentation to Karen Famlonga in recognition of her service to Red Cross and the announcement of the new Exmouth Team Leader, Gaye McCabe and Deputy Team Leader, Suzanne McHutchison.
- 25/8/15 Meeting with the Shire President.
- 26/8/15 Tour of Exmouth District High School buildings and grounds.
- 26/8/15 Exmouth Community Support Group, Meet and Greet at the Yacht Club to welcome new people who have come to live in Exmouth.

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

- 4-7/8/15 Local Government Week.
- 19/8/15 Bernice McLeod's Funeral.
- 26/8/15 Tour of Exmouth District High School buildings and grounds.

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

- 4-7/8/15 Local Government Week
- 11-12/8/15 GDC Meeting Gascoyne Junction.
- 18/8/15 LEMC Meeting Exmouth.
- 21/8/15 Gascoyne Zone Teleconference.
- 26/8/15 Tour of Exmouth District High School buildings and grounds.

10.1 Shire Presidents Report

Location: Exmouth
 Applicant: Cr C (Turk) Shales
 File Reference: GV.CM.0
 Disclosure of Interest: Nil
 Date: 20 August 2015

SUMMARY

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

BACKGROUND

28/7/15 Interview with Branwen Smith regarding Minister for Transport, Hon Dean Nalder's announcement of airport deregulation.

30/7/15 Meeting with the Gascoyne Development Commission Chief Executive Officer, Mr Stephen Webster regarding his retirement as of October 2015.

5/8/15 – 6/8/15 Local Government Week, met with Federal Member for Durack, Melissa Price along with other representatives of the Shires of Carnarvon, Upper Gascoyne, Shark Bay, Wiluna and Meekatharra regarding the Developing Northern Australia program. I also met with Site Architecture regarding the Ningaloo Centre.

11/8/15 Gascoyne Development Commission Board Meeting in Gascoyne Junction.

16/8/15 – 18/8/15 Visited Parliament House in Canberra with GDC Delegates whereby we met with Federal Member for Durack, Melissa Price and the Under-Secretary for Defence regarding defence opportunities in Exmouth.

19/8/15 Met with Gareth Govan and Andrew Harris, representatives of the Office of the Auditor General regarding the Ningaloo Marine Park.

20/8/15 Met with Councillors to discuss the CEO's performance review.

I would like to also report that since the last meeting, and as per S5.38(1) of the Local Government Act 1995 and Clause 8 of the CEO's Employment Contract, an annual performance review was undertaken of the CEO's position.

The assessment was conducted by the full Council.

I am pleased to report that the CEO's performance based on the Key Performance Indicators previously set were to a satisfactory standard and there were no issues to be raised.

Key Performance Indicators were also set for the forthcoming year.

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

COUNCILLOR'S RECOMMENDATION – 10.1

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

COUNCIL DECISION – 02-0815 – 10.1

Moved Councillor Todd, Seconded Councillor Winzer.

That Council receive the Shire Presidents Report for the month of August 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:	17 August 2015
Author:	Chief Executive Officer, Mr B Price

SUMMARY

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

BACKGROUND

Ningaloo Centre Update

Design and Construction of the Ningaloo Centre

RFT 04/2015 'Construction and Fit Out of the Ningaloo Centre' has been advertised, effective 8 August 2015. Close date is 8 September 2015. A strong response to document download within the first week has been recorded by WALGA, which is encouraging.

A tender period of four weeks has been deemed appropriate due to the provision of a Bill of Quantities prepared by Donald Cant Watts Corke (DCWC) Pty Ltd. Exceptions on quantities provided are electrical, mechanical and hydraulic which are to be quantified and priced by trade subcontractors.

The refinement of various design elements remain in progress. Key elements are the aquaria and the kitchen/café principally to ensure optimum functionality. These are receiving specialist design review and are subject to minor change which can be introduced as a contract variation. Other elements include carpark lights and branding that require further work.

Freeman Ryan Design (FRD) have progressed to Design Development and have issued their Exhibition Design Concepts report that outlines the revised design and content concepts for the permanent exhibitions in the Ningaloo Centre. Their final install work to the layouts described is to occur after Practical Completion with primary works for their electrical and lighting installations already incorporated into the tender documentation.

Department of Regional Development (DRD)

In accordance with Clause 3A of the Financial Assistance Agreement (FAA) for Stage 2 funding for the Construction and Fit Out of the Ningaloo Centre an Addenda to the Ningaloo Centre Business Case was provided to DRD on 31 July 2015.

A submission to the Minister by DRD is anticipated by months end.

NOERC

A special general meeting of the Ningaloo Ocean & Earth Research Centre Inc. (NOERC) was held on Friday 14 August 2015.

The intent of the meeting was

'That the Ningaloo Ocean & Earth Centre incorporated association be wound up voluntarily.'

The motion was lost 6/6 as a few committee members sought clarification on certain matters prior to the decision being reconsidered.

Attached is a copy of the minutes of the meeting for Councillor information (refer ***Attachment 1***).

2015 Local Government Elections

Since the last meeting Cr Winzer tendered his resignation as a Councillor, effective from the 2015 elections, as he was relocating from Exmouth. As Cr Winzer was a sitting member until 2017, and with reference to Section 4.16(3) of the *Local Government Act 1995*, Council wrote to the WA Electoral Commission requesting that there now be 4 vacancies for the forthcoming election.

- 3 Councillor positions x 4 year term (2019)
- 1 Councillor position x 2 year term (2017)

As resolved previously Council have elected for the West Australian Electoral Commission (WAEC) to conduct the elections on Council's behalf. Mr Graham Little (Sean Fletcher withdrew) will be the Returning Officer for the event. Graham will be in Exmouth on Wednesday 2 September 2015 and will conduct a Councillor Candidate information and induction session in the evening.

Cruise WA Committee

The Shire President and myself met with Christine Cole, Tourism WA, and representatives from Carnival Australia (Cruise Shipping Destination Coordinators), to explore and discuss the potential of establishing Exmouth as a recognised Cruise Ship destination as part of the Western Australian Cruise itinerary.

The representatives were very impressed with the offerings of Exmouth and were very excited with the potential of Council's Strategic Plan for a Multi-Purpose Deep Water Port for the Exmouth Gulf that could accommodate larger vessels and guarantee passenger disembarking.

As a result of the meetings and on behalf of the Council, I was invited and have since been elected as a committee member of the Tourism WA Cruise WA Committee which held a meeting on Tuesday 18 August 2015.

Interesting issues that were discussed at the meeting included:

- Delegation to Minister Kim Hames (Deputy Premier and Tourism) and Lisa Harvey whereby two major issues were identified –
 - Gambling restrictions at Ship Casinos whilst operating in WA waters;
 - The Exmouth Port being a 'game-changer' in key infrastructure requirements to compliment the west coast itinerary.
- WA Cruise shipping growth figures largest in Australia.

The annual Cruise Downunder National Conference & AGM is scheduled to be held in Darwin between 2 - 4 September 2015 and it is intended that Council be represented at this forum to engage with key stakeholders within the industry promoting Exmouth as a desirable Cruise Shipping destination.

Northern Australia White Paper

During Local Government Week, a delegation of Gascoyne Council's and the Shires of Meekatharra and Wiluna met with Melissa Price, Member for Durack, to discuss the designation of the Tropic of Capricorn as the demarcation line for the purposes of the Developing Northern Australia White Paper.

Whilst this delineation does not affect the position of the Shire of Exmouth (total shire boundary captured north of the line) it is a concern to the relevant Council's mentioned as it will more than likely exclude any potential projects identified within this region that could be captured under the Developing Northern Australia model.

It was resolved by the participating Council's that correspondence be drafted to Melissa Price seeking assurances from the Federal Government that the Council's in question be considered as eligible for any potential funding under the program.

Attached is a copy of the correspondence for Councillor information (refer *Attachment 2*).

Staffing Matters

During the month Performance Reviews were conducted for all Executive Managers as required by S 5.38 of the *Local Government Act 1995*. I am pleased to advise that all Managers have performed to an

extremely high standard and there are no issues to report. The reviews will be tabled for Councillor information.

A review of the CEO was also undertaken by the Council with new Key Performance Indicators (KPI's) set for the ensuing 12 month period.

Other Meetings & Functions attended by the CEO

- Councillors and myself attended Local Government Week in Perth from Wednesday 5 – Friday 7 August 2015.
- Met with representatives from Exmouth Senior Citizens and Pensioners Club Inc. regarding their lease at their new premises on Monday 17 August 2015.
- Shire President and myself met with Gareth Govan and Andrew Harris from the Office of the Auditor General on Wednesday 19 August 2015 to seek Council input into the Management of the Ningaloo Marine Park.
- Met with David Timmins, Hale School, on Friday 21 August 2015 regarding their lease arrangements at the old rifle range site.
- Councillors, Executive Managers and myself attended a tour of Exmouth District High School with Principal Ian Fraser on Wednesday 26 August 2015.

Meetings Scheduled for Next Month

- Shire President, Deputy President and myself to attend the Cruise Downunder Conference on 2 – 4 September 2015.
- SPO and myself to participate in the Ningaloo Centre tender assessment panel to be held in Perth on Wednesday 16 September 2015.

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 August 2015.

COUNCIL DECISION – 03-0815 – 11.1.1

Moved Councillor Todd, Seconded Councillor McHutchison.

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

CARRIED 4/0

11. REPORTS OF OFFICERS

11.1 Chief Executive Officer

11.1.2 Ningaloo Centre

Location:	Exmouth
Applicant:	DRD & Freeman Ryan Design
File Reference:	ED.PJ.1
Disclosure of Interest:	Nil
Date:	20 August 2015
Author:	Chief Executive Officer, Bill Price

SUMMARY

This report recommends that Council endorse the following documentation in relation to the Ningaloo Centre:

1. Ningaloo Centre *Exhibition Design Concepts* compiled by Freeman Ryan Design – July 2015;
2. The Addenda Information Package provided to DRD to satisfy Clause 3A of the Financial Assistance Agreement (FAA) for Stage 2 funding for the Construction and Fit Out of the Ningaloo Centre.

BACKGROUND

Council have been provided with a copy of the latest design concepts for the Exhibition spaces within the interpretive areas of the Ningaloo Centre compiled by Freeman Ryan Design (FRD).

The theme of the spaces will remain the same and will include

- En-Route to Exmouth Display
- Ningaloo Reef Marine Display
- Terrestrial/Cape Range Display

The design concepts are fluid and will continue to evolve as more exhibition material comes to hand. The fit-out of the exhibitions are proposed to be installed nearing the completion of construction phase of the project within a ten week window.

Also, in accordance with Clause 3A of the Financial Assistance Agreement (FAA) for Stage 2 funding for the Construction and Fit Out of the Ningaloo Centre an Addenda to the Ningaloo Centre Business Case was provided to DRD on 31 July 2015. The Business Case provided an overview of the project as it currently is planned, the proposed operating management arrangements and a detailed five year financial statement for the centre's operation. Attachments included Shire correspondence to DRD confirming it will meet its operating costs, Ningaloo Coast World Heritage Advisory Committee support for the project, and agreement to lease correspondence from Department of Training and Workforce Development and University of WA.

A meeting with DRD representatives has since occurred on Friday 7 August 2015 to further expand upon points raised by the Department. A submission to the Minister by DRD is anticipated by months end.

COMMENT

In March 2015 Council received correspondence from the Director General of the DRD advising that the \$19.82M funding for the Ningaloo Centre had been approved by Cabinet based on additional conditions.

One of the conditions was for the Shire to secure an anchor tenant prior to any state funding being released. Negotiations with both the DTWD (Durack Campus) and now the UWAOI (research centre) as the anchor tenants has resulted in a satisfactory outcome to the condition imposed by the state government.

CONSULTATION

Freeman Ryan Design
Department of Regional Development

University of WA (Oceans Institute)

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The securing of the \$19.820m funds from the Royalties for Regions Gascoyne Revitalisation Program for the Ningaloo Centre over the 2015/16 and 2016/17 financial years.

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
- Outcome 1.5: Maintain & Improve Shire Infrastructure

Environment

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

- Outcome 2.2: Our pristine natural environment and biodiversity will be understood, maintained and protected
- Outcome 2.3: To have a town and community that takes pride in its world heritage
- Outcome 2.5: To make Exmouth an attractive town that is a comfortable and welcoming place to live and visit, and reflects the lifestyle values and unique natural environment

Social

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

- Outcome 3.2: Excellent lifestyle, recreational and cultural facilities.
- Outcome 3.4: A community that is well informed and educated about our natural, cultural and built environment.
- Outcome 3.6: Expanded education and training facilities and opportunities
- Outcome 3.7: Residents and visitors have access to appropriate services and facilities to enhance their health and wellbeing

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.1.2

That Council endorse the following documentation in relation to the Ningaloo Centre

1. *Ningaloo Centre Exhibition Design Concepts compiled by Freeman Ryan Design – July 2015;*
2. *The Addenda Information Package provided to DRD to satisfy Clause 3A of the Financial Assistance Agreement (FAA) for Stage 2 funding for the Construction and Fit Out of the Ningaloo Centre*

COUNCIL DECISION – 04-0815 – 11.1.2

Moved Councillor McHutchison, Seconded Councillor Winzer.

That Council endorse the following documentation in relation to the Ningaloo Centre

1. *Ningaloo Centre Exhibition Design Concepts compiled by Freeman Ryan Design – July 2015;*
2. *The Addenda Information Package provided to DRD to satisfy Clause 3A of the Financial Assistance Agreement (FAA) for Stage 2 funding for the Construction and Fit Out of the Ningaloo Centre*

CARRIED 4/0

11. REPORTS OF OFFICERS

11.1 Chief Executive Officer

11.1.3 Council Policy Manual Review – Corporate Services

Location:	Exmouth
Applicant:	Nil
File Reference:	CM.PO.1
Disclosure of Interest:	Nil
Date:	20 August 2015
Author:	Chief Executive Officer, Bill Price

SUMMARY

This report recommends the adoption of the reviewed Policy 2.2 “*Interest Free Loans to Clubs & Organisations*” under the Corporate Services sphere of the Council Policy Manual.

BACKGROUND

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

The objectives of the Council’s Policy Manual are:

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

COMMENT

Policy Review

Policy 2.2 - *Interest Free Loans to Clubs & Organisations* has been revised to reflect the current organisational approach to supporting Clubs and Organisations in Exmouth.

This policy has been updated as follows.

Remove:

‘An application fee of 5% will be charged on any new application and will be added to the loan amount requested and can be added to the total and paid via payment schedule’.

Replace with:

‘An application fee of 5% will be charged on any new application and can be paid over the term of the loan’.

The reason for this proposed change is to prevent community organisations from borrowing the application fee of 5% and adding it to their loan amount. It would seem more appropriate to charge the 5% fee and allow community organisations to repay this fee over the term of their loan. This fee in addition to their principal amount will be repaid into the Reserve account and over time will increase the amount available for future community organisations use.

A copy of the changes to the original Policy is provided (Refer *Attachment 3*).

CONSULTATION

The policy has been considered by the Chief Executive Officer, EMCE and EMCS before being presented to Council.

STATUTORY ENVIRONMENT

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

Local Government Act 1995 - Subdivision 2 — Fees and charges

6.16. Imposition of fees and charges

- (1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

** Absolute majority required.*

- (2) A fee or charge may be imposed for the following —
- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
 - (b) supplying a service or carrying out work at the request of a person;
 - (c) subject to section 5.94, providing information from local government records;
 - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
 - (e) supplying goods;
 - (f) such other service as may be prescribed.
- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
- (a) imposed* during a financial year; and
 - (b) amended* from time to time during a financial year.

** Absolute majority required.*

6.17. Setting level of fees and charges

- (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —
- (a) the cost to the local government of providing the service or goods; and
 - (b) the importance of the service or goods to the community; and
 - (c) the price at which the service or goods could be provided by an alternative provider.
- (2) A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.
- (3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —
- (a) under section 5.96; or
 - (b) under section 6.16(2)(d); or
 - (c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.
- (4) Regulations may —
- (a) prohibit the imposition of a fee or charge in prescribed circumstances; or
 - (b) limit the amount of a fee or charge in prescribed circumstances.

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

POLICY IMPLICATIONS

Policy 2.2 - Interest Free Loans to Clubs & Organisations

FINANCIAL IMPLICATIONS

Financial implications from the introduction of an Application Fee through the Schedule of Fees and Charges will be minimal as the expected average number of applications would not exceed 2 per year.

STRATEGIC IMPLICATIONS

Civic Leadership

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

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

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION – 11.1.3
--

That Council formally adopt reviewed Council Policy 2.2 - Interest Free Loans to Clubs & Organisations as detailed in Attachment 3.

COUNCIL DECISION – 05-0815 – 11.1.3
--

Moved Councillor Todd, Seconded Councillor Winzer.

That Council formally adopt reviewed Council Policy 2.2 - Interest Free Loans to Clubs & Organisations as detailed in Attachment 3.

CARRIED by ABSOLUTE MAJORITY 4/0

Councillor Winzer requested that as part of the assessment process for loan applications clubs must be formally constituted and have the capacity to meet their commitments before being approved as ultimately any default will be the responsibility of the Council.

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 August 2015
 Author: Executive Manager Corporate Services
 Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

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

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

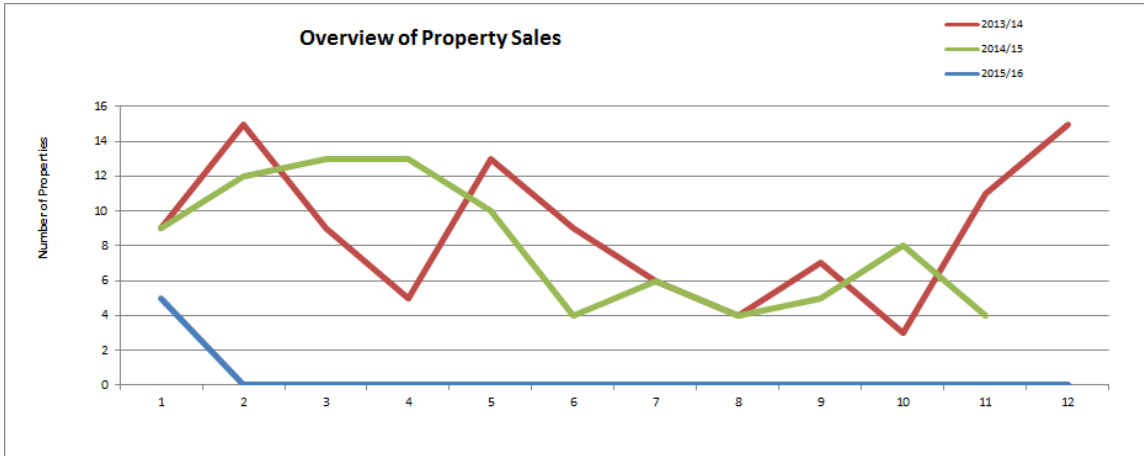
Below is a summary of properties sold during 2015/16:

2015/16 Summary of Property Sales

Number Sold	Land Usage	Total Sales	Average Sale
3	Vacant Land	\$395,000	\$131,667
2	Residential	\$965,000	\$482,500
0	Industrial	\$0	\$0
0	Mixed Use	\$0	\$0
0	Composite Devel	\$0	\$0
0	Special Use	\$0	\$0
0	Tourism	\$0	\$0
5		\$1,360,000	

Property Sales	2016/16	2014/15	2013/14
JUL	5	9	9
AUG		12	15
SEP		13	9
OCT		13	5
NOV		10	13
DEC		4	9
JAN		6	6
FEB		4	4
MAR		5	7
APR		8	3
MAY		4	11
JUN		2	15
	5	90	106

Property Sales Cont.



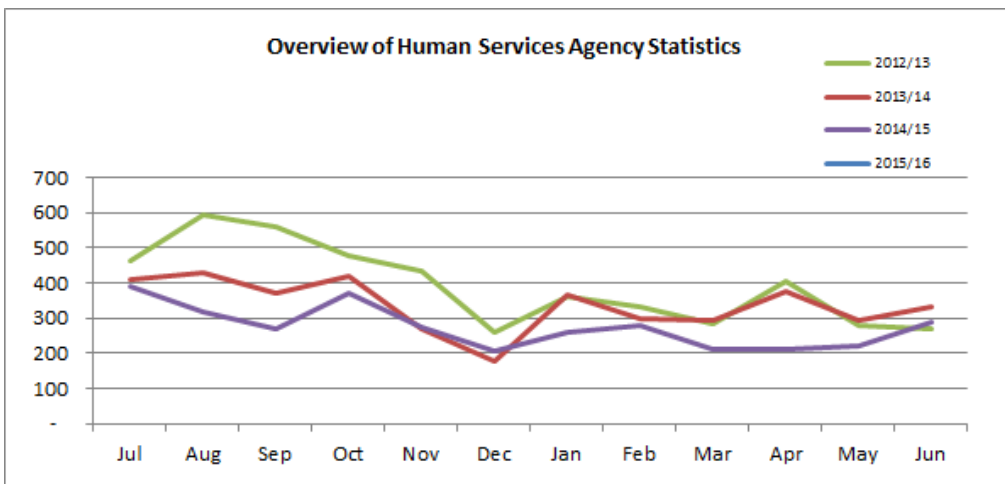
Rates Collection

2015/16 rates not levied. No collection analysis to be provided until following month.

Human Services Agency (formerly Centrelink)

Summary of Agent Statistics for 2015/16

	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		
						12.5	12.5	15
						2015/16	2014/15	2013/14
Jul	59	44	59	141	303	303	390	411
Aug					-		317	427
Sep					-		272	373
Oct					-		369	422
Nov					-		273	268
Dec					-		208	178
Jan					-		261	367
Feb					-		278	299
Mar					-		210	296
Apr					-		212	377
May					-		219	296
Jun					-			331
TOTAL	59	44	59	141	303	303	3,009	4,045



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 August 2015.

COUNCIL DECISION – 06-0815 – 11.2.1

Moved Councillor McHutchison, Seconded Councillor Winzer.

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

CARRIED 4/0

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

Location:	Exmouth
Applicant:	S O'Toole
File Reference:	FM.FI.0
Disclosure of Interest:	Nil
Date:	18 August 2015
Author:	Executive Manager Corporate Services, Sue O'Toole
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 31 July 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 31 July 2015;*
2. *The accounts as listed in the monthly financial report be received for;*

*Municipal Fund – July 2015 \$1,376,608.11 incorporating 13133 to 13155 and direct debits
Trust Fund – July 2015 \$1,200.00 incorporating of cheque 400822 and direct debits*

Outstanding Creditors as at July 2015 - \$904,762.79

COUNCIL DECISION – 07-0815 – 11.2.2

Moved Councillor Todd, Seconded Councillor McHutchison.

That Council:

- 1. Accept the monthly financial reports for period ended 31 July 2015;***
- 2. The accounts as listed in the monthly financial report be received for;***

Municipal Fund – July 2015 \$1,376,608.11 incorporating 13133 to 13155 and direct debits

Trust Fund – July 2015 \$1,200.00 incorporating of cheque 400822 and direct debits

Outstanding Creditors as at July 2015 - \$904,762.79

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 August 2015
Author:	Executive Manager Aviation Services, Jenny Kox
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY

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

BACKGROUND

Regulatory

The VOR upgrade is now complete with the new VOR back in operation.

Airlines/Air Operators/Industry

Helicopter numbers were stronger for the month with overall passenger numbers for July in line with 2014. August numbers are looking strong to date. There have been a number of aircraft serviceability issues for the month prompting some significant delays.

Learmonth Airport

Learmonth Airport now has its own brand - 'Where your extraordinary Ningaloo experience begins'. The continued focus on customer experience identified a need to make a promise to all customers that throughout the airport we will strive to make them feel like they've begun their extraordinary Ningaloo experience from the moment they've stepped off the plane until they board the plane to return home.



As part of the customer experience program, passenger surveys will be undertaken from next month to gauge the level of customer satisfaction in all areas of airport operations so that we can look to improve any identified deficiencies. Also included in the survey are questions to establish the type of visitors and their booking habits. A complimentary luggage tag with the new logo on it is available for each person completing the survey.

A nomination for an Australian Airports Association Excellence & Innovation award in the category of Customer Experience (refer **Attachment 1**) has been submitted for consideration, primarily focussing on the 'sense of place' established with the window displays and airport branding. The award winners will be announced at the AAA National Conference in October 2015.

Exmouth Aerodrome

Works programs for the new financial year are being finalised for Exmouth Aerodrome with the main priorities being apron areas in the GA precinct and preparation of runway & runway strip improvement plans.

Leasing

Colta Pty Ltd's sublease of the freight handling office at Learmonth Airport is due to expire on 30 September 2015. The current lessee is in discussion with Qantas Freight for them to negotiate to hold the sublease with Council. In the interim, the lessee will continue with the sublease in a holding-over period until the new lessee can be determined.

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 August 2015.

COUNCIL DECISION – 08-0815 – 11.3.1

Moved Councillor McHutchison, Seconded Councillor Todd.

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

CARRIED 4/0

Councillor Winzer advised that as far as Country Airports go Learmonth Airport is one of the best presented airports he has been to and congratulated Jenny Kox, Executive Manager Aviation Services and her team on the extensive work that has been carried out.

11. REPORTS OF OFFICERS

11.3 Executive Manager Aviation Services

11.3.2 Learmonth Airport Fuel Storage Compound Sublease

Location:	Exmouth
Applicant:	Mobil Oil Australia Pty Ltd
File Reference:	TT.SP.1/TT.LR.0
Disclosure of Interest:	Nil
Date:	16 August 2015
Author:	Executive Manager Aviation Services, Jenny Kox
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY

This report seeks Council's approval to enter into a new sublease for the "Fuel Storage Compound" at Learmonth Airport for the purpose of an aircraft refuelling depot used to store aviation fuel.

BACKGROUND

At the October 2014 Ordinary Council Meeting (OCM), Council resolved (by Resolution 13-1014 – 11.3.3) to call tenders for the sublease of property for aviation fuel storage and refuelling services at Learmonth Airport.

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

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

Following receipt of tenders, Council then resolved at the March 2015 OCM by Resolution 15-0315 - 11.3.2)

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

There is no executed sublease currently in place for the "Fuel Storage Compound" at Learmonth Airport. Negotiations had been held with Mobil Oil Australia Pty Ltd (Exxon Mobil) in relation to formalising sublease arrangements for the existing sublease area prior to tenders being called for the relocation to the new site within the Learmonth Airport Civil Lease Area. Further negotiations have occurred since rejection of the tenders and terms have been agreed for the existing site.

Mobil Oil Australia Pty Ltd (Mobil) are a longstanding, reputable tenant of Learmonth Airport. Defence approval has been provided to sublease the premises to Mobil.

COMMENT

The proposed sublease term is ten (10) years with a further term up to 7 March 2033 effective 1 September 2015. Council will apply an annual CPI increase to the initial rental. All utilities are in addition to the rental fee.

CONSULTATION

Mobil Oil Australia Pty Ltd

STATUTORY ENVIRONMENT

The leasing of property is provided within Section 3.58 Disposal of Property of the *Local Government Act 1995*. This section permits the disposal or lease of property to third parties for appropriate consideration as deemed by Council whilst assessed against commercial market values and requires public advertising of the intent to dispose of property.

POLICY IMPLICATIONS

Policy 2.4 Leases

FINANCIAL IMPLICATIONS

The proposed annual rental rate is in line with the valuation per square metre rate proposed in the tender.

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

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION – 11.3.2
--

That Council:

1. *Agree in principal to enter into a sublease with Mobil Oil Australia Pty Ltd (ACN 004 052 984) for the "Fuel Storage Compound" at Learmonth Airport being approximately 2,650m² for an initial term of 10 years and further term until 7 March 2033 at an initial rate of \$20.30/m² plus GST;*
2. *Endorse publicly advertising the above proposed sublease to Mobil Oil Australia Pty Ltd at the negotiated rate in accordance with Council policies;*
3. *Delegate Authority to the Chief Executive Officer to execute a sublease document upon closure of the advertising period subject to no adverse submissions being received and leasing conditions being to the satisfaction of the Chief Executive Officer; and*
4. *Delegate Authority to the Chief Executive Officer to approve any further terms of the sublease.*

COUNCIL DECISION – 09-0815 – 11.3.2

Moved Councillor Winzer, Seconded Councillor Todd.

That Council:

- 1. Agree in principal to enter into a sublease with Mobil Oil Australia Pty Ltd (ACN 004 052 984) for the “Fuel Storage Compound” at Learmonth Airport being approximately 2,650m² for an initial term of 10 years and further term until 7 March 2033 at an initial rate of \$20.30/m² plus GST;***
- 2. Endorse publicly advertising the above proposed sublease to Mobil Oil Australia Pty Ltd at the negotiated rate in accordance with Council policies;***
- 3. Delegate Authority to the Chief Executive Officer to execute a sublease document upon closure of the advertising period subject to no adverse submissions being received and leasing conditions being to the satisfaction of the Chief Executive Officer; and***
- 4. Delegate Authority to the Chief Executive Officer to approve any further terms of the sublease.***

CARRIED by ABSOLUTE MAJORITY 4/0

11. REPORTS OF OFFICERS**11.3 Executive Manager Aviation Services****11.3.3 Learmonth Airport Bar & Kiosk Sublease**

Location:	Exmouth
Applicant:	Exmouth Airport Bar & Kiosk Pty Ltd
File Reference:	TT.LR.0
Disclosure of Interest:	Nil
Date:	5 August 2015
Author:	Executive Manager Aviation Services, Jenny Kox
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY

The following report recommends to sublease the Learmonth Airport Bar & Kiosk (Kiosk) to Exmouth Airport Bar & Kiosk Pty Ltd.

BACKGROUND

The current operator has managed the Kiosk for the past 15 years only commencing a formal sublease agreement on a commercial basis in 2008. This sublease expires on 31 August 2015. Sublease fees for the Kiosk are currently \$427.17/m² (excl. GST) with a subleased area of 53m² that does not include the whole of the seating area (breezeway).

COMMENT

In 2010 the Shire of Exmouth acquired the services of a Practising Valuer to provide market rental values for areas available to sublease at Learmonth Airport. The Valuers report recommended two options for calculating rent:

1. adopt a percentage of turnover method; or
2. a commercial rate per square metre based on the CBD market.

The Valuers report also recommended if the latter option was adopted, that a rental review clause be inserted into the new sublease to ensure when an annual rent review is carried out, that it meets 8% of turnover (gross sales) supporting growth in rent as the business grows. The existing sublease includes the 8% of gross turnover rental calculation. The proposed initial rental for the new sublease using this method would be \$23,288 per annum excluding GST, or a rate of \$439.39/m². The sublessee has indicated that their preference is a commercial rate per m² rather than a % of turnover due to staff overhead costs.

Negotiations with the sublessee have proposed a sublease term of five (5) years at a rate of \$450/m² + outgoing of \$5,736 per annum with CPI applied annually. There are no further term options included in the sub-lease.

CONSULTATION

Eileen & Letitia Dellar

STATUTORY ENVIRONMENT

The sub-leasing of property is provided within Section 3.58 Disposal of Property of the Local Government Act 1995. This section permits the disposal or lease of property to third parties for appropriate consideration as deemed by Council whilst assessed against commercial market values and requires public advertising of the intent to dispose of property.

Department of Defence approval is also required for sub-leasing at this property and has been granted.

POLICY IMPLICATIONS

Policy 2.4 Leases

FINANCIAL IMPLICATIONS

CPI increase to the m² rate provides known incremental increases to the rent across the term of the sublease.

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

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 – 11.3.3

That Council:

1. *Agree in principal to enter into a sublease with Exmouth Airport Bar & Kiosk Pty Ltd (ACN 090 659 939) for the Learmonth Airport Kiosk being 53m² for a term of 5 years at an initial rate of \$450/m² plus GST & outgoings, subject to approval from Department of Defence;*
2. *Endorse publicly advertising the above proposed sublease to Exmouth Airport Bar & Kiosk Pty Ltd at the negotiated rate in accordance with Council policies; and*
3. *Delegate Authority to the Chief Executive Officer to execute a sublease document upon closure of the advertising period subject to no adverse submissions being received and leasing conditions being to the satisfaction of the Chief Executive Officer.*

COUNCIL DECISION – 10-0815 – 11.3.3

Moved Councillor Mc Hutchison, Seconded Councillor Todd.

That Council:

1. *Agree in principal to enter into a sublease with Exmouth Airport Bar & Kiosk Pty Ltd (ACN 090 659 939) for the Learmonth Airport Kiosk being 53m² for a term of 5 years at an initial rate of \$450/m² plus GST & outgoings, subject to approval from Department of Defence;*
2. *Endorse publicly advertising the above proposed sublease to Exmouth Airport Bar & Kiosk Pty Ltd at the negotiated rate in accordance with Council policies; and*
3. *Delegate Authority to the Chief Executive Officer to execute a sublease document upon closure of the advertising period subject to no adverse submissions being received and leasing conditions being to the satisfaction of the Chief Executive Officer.*

CARRIED by ABSOLUTE MAJORITY 4/0

11. REPORTS OF OFFICERS

11.4 Executive Manager Community Engagement

11.4.1 General Report

Location:	Exmouth
Applicant:	R Kempe
File Reference:	GV.CM.0
Disclosure of Interest:	Nil
Date:	18 August 2015
Author:	Executive Manager Community Engagement, Rogé Kempe
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY

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

BACKGROUND

Tourism

Australia's Coral Coast (ACC)

The EMCE attended an ACC board meeting in Perth which discussed the future of the board, its constitution, and board membership. There is potential for a reduction in the number of board members from 13 to 9 (by removing 2 government and 2 elected positions) and the abolishment of the ward system for allocating board positions.

Exmouth Visitor Centre (EVC)

The EMCE attended a meeting organised by the General Manager of the EVC to meet the 2 judges of the GWN7 Top Tourism Award program. The meeting went really well and the judges were very impressed with our region, Exmouth town as a tourism destination, and the current operations of the Exmouth Visitor Centre.

TC Olwyn Recovery Activities

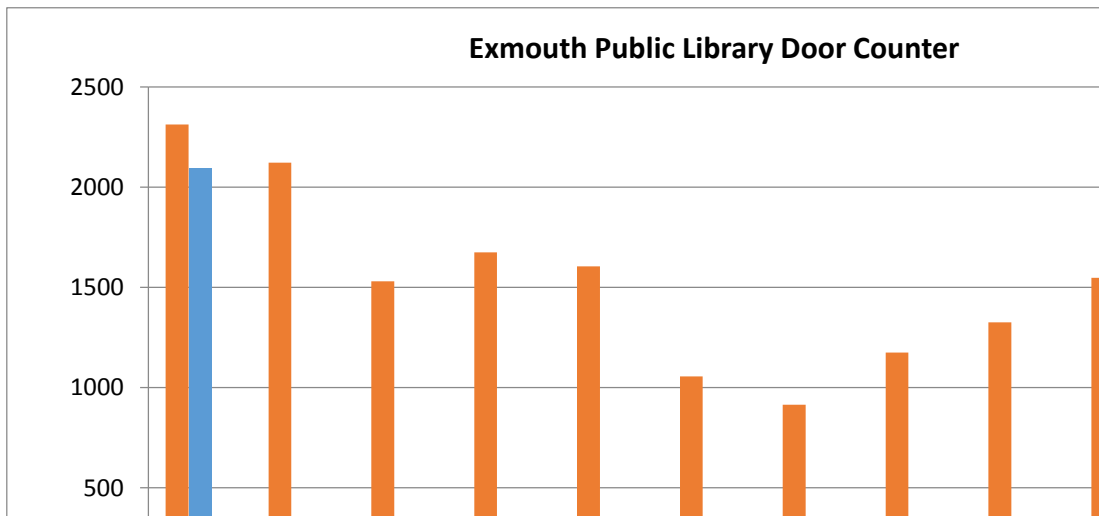
The 'Gascoyne Promotions' project is managed by GDC and is in response to the potential effects on tourism by Cyclone Olwyn in March of this year. Activities are still being implemented through social media and a recent Customer Service workshop held in Exmouth for business and Shire officers.

Local Government Week

The EMCE attended a day at Local Government Week to experience the 'Market Place' where service providers and sales persons provide information to local governments. This visit was an orientation to see if the Shire of Exmouth could have a market stand in future years to promote Exmouth as a destination (tourism and workplace of choice) and as a place for conferences (Ningaloo Centre).

Library Services

Nearly 2100 people made use of the library facilities in the month of July; slightly down compared to July 2014. About 2900 items were circulated through the library front desk which is 557 items more than in July 2014. Finally, 46 e-books were borrowed this month, which is more than double the number of the same period last year.



The Exmouth Library provided the Exmouth Child Health Nurse with 45 resource bags containing reading materials and information on the importance of reading to children from birth. These bags are part of the *Better Beginnings* programme and are distributed to new mothers. The Nurse promotes the library services and encourages new mothers to visit the library for Story time and to make use of library material and services.



National Reading Hour is celebrated each year with libraries across Australia holding a designated reading hour at various times during the day and evening. The Reading Hour aims to encourage everyone to pick up and share a book for 10 minutes a day and enjoy the gift of reading. The Library celebrated Reading Hour on 18 August with 22 children and their carers who all enjoyed rhymes, songs, stories and craft. Each child received a book to take home and share with others.

Community Development

Vietnam Veterans Day

A good crowd of spectators showed their respect for Vietnam Veterans Day, with Roland Walker of the Pilbara Regiment giving a heartfelt address leaving the audience to have a vivid picture of what it was like fighting in the jungle. Frank Nicole presided over the prayers and Max Thomas invited all to the Truscott Club after the service.

Relay for Life

Relay for Life is a chance for communities to recognise and celebrate those who have overcome cancer or are undergoing treatment, as well as the people who care for them. Relay also provides an opportunity to celebrate the memory of loved ones lost to cancer.

The Exmouth community has embraced Relay for Life in the past months by supporting the various fundraising activities, joining teams, donating products and volunteering their time.

Relay for Life will be held from Friday 4 September at 6pm, till Saturday 5 September, closing at 6pm. All members of the Exmouth community will be invited to come to Talanjee Oval to enjoy the free entertainment and support the 175 participants.

To date, our community has raised over \$36,000 and there are more fundraisers planned leading up to and during the September event.

Country Arts WA funding application

Shire officers and Youth Action Exmouth (YAE) have compiled and submitted a grant application seeking \$20,000 funding from Country Arts WA to host a youth music festival in Exmouth next year. The aim is to bring young people from the Region together to enable them to create new networks and learn from each other.

The festival will provide access to live music and skill development workshops for youth as well as showcasing the area's music talent. Although still in the early planning stages, the festival proposal has received great support from the community and the Shires of Ashburton and Carnarvon. Announcements on successful applications are not expected until late December.

Children's Environment and Health Local Government Report Card Project Showcase

The Shire of Exmouth has nominated for Awards in two categories of this year's *Children's Environment and Health Local Government Report Card Project Showcase*.

These Awards are run by the Public Health Advocacy Institute of Western Australia and recognise that identifying and developing healthy environments at a local community level will create a safer and healthier environment for childhood and have a positive effect on child and adolescence development.

In category 15, '*Young People Making a Difference in Communities*', the Community Engagement Team has outlined the Shire's achievements and ongoing commitment to engaging young people in the community through Youth Action Exmouth.

In category 13 '*Stimulating Learning Environments*' the Water Spray Ground has been nominated for its incredible recreation of the significant, diverse and rich natural and cultural heritage of the North West Cape and Ningaloo Coast as a learning environment for children.

Disability Action & Inclusion Plan

Following the lodgement of the Shire's amended Disability Action & Inclusion Plan, the Director General of the Disability Services Commission has advised Council that it meets the requirements of the Disability Services Act 1993.

Department of Sport and Recreation

Richard Malacari, Manager of the Midwest and Gascoyne Region (Department of Sport and Recreation) was in Exmouth on 18 and 19 August.

As part of the visit the Club Development Officer organised a Clubs financial management workshop which was well attended by 11 representatives of 8 Exmouth Clubs. These workshops are important in assisting local clubs to put in place the correct financial structures to ensure clubs remain sustainable. Feedback from those attending was very positive.

In addition Richard met with the Exmouth Talent Advisory Group and toured a number of sporting facilities to view cyclone damage.

Trails Masterplan

A first meeting was held to discuss the possible development of a Trails Master plan for Exmouth, with the inclusion of mountain bike trails that the recently established Cape Range Riders mountain bike club is very interested in. Shire officers and Department of Sport and Recreation attended the meeting and DPaW and Watercorp will be approached to seek their interest to be involved.

The intent is to develop an overall Exmouth Trails Masterplan which could include trails for cycling, walking, kayaking, arts, exercise, or snorkelling.

Grants Updates

- Officers have submitted a grant application of \$20,000 with Country Arts WA to support a future regional Youth Music Festival.
- Officers are preparing a (grant) partnership proposal for Woodside with possible topics of public art, volunteering, Tidy Towns or Signature Events.

COMMENT

Nil

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Economic

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

- Outcome 1.3 – Diverse Tourism opportunities.

Social

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

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

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.4.1

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

COUNCIL DECISION – 11-0815 – 11.4.1

Moved Councillor McHutchison, Seconded Councillor Todd.

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

CARRIED 4/0

11. REPORTS OF OFFICERS

11.4 Executive Manager Community Engagement

11.4.2 CSRFF Small Grants Applications and Shire Priorities

Location:	Exmouth
Applicant:	R. Kempe
File Reference:	GS.AP.1
Disclosure of Interest:	Nil
Date:	18 August 2015
Author:	Rogé Kempe, Executive Manager Community Engagement
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY

This report recommends Council prioritise the applications made for the ‘Community Sporting and Recreation Facilities Fund’ (CSRFF) Small Grants for Exmouth and to inform the Department of Sport & Recreation accordingly. All applications including ‘Project Assessment Sheets’ are provided combined as *Attachment 1*.

BACKGROUND

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

The following application will be made with DSR:

- Exmouth Golf Club – Grassing of 12 fairways
- Shire of Exmouth/Exmouth Swimming Club – multi-purpose meeting room and multi-user storage facility

In addition to this, on 27 May 2015 Department of Sport and Recreation Regional Manager Richard Malacari wrote to the Shire of Exmouth in the wake of cyclone Olwyn indicating that:

“CSRFF policy provides for the consideration of emergency relief funding which can be allocated outside the normal timeline to projects that reinstate facilities for sport and recreation that are extensively damaged as a result of unforeseen circumstances”.

“The department will require a letter requesting consideration of out of round funding and/or funding of a project of total value less than \$7,500 to be submitted with the application”.

“Organisations are also able to submit an application in the regular Small Grants Round opening in July and is the department’s preferred process”.

The following application will be made with DSR as part of emergency relief funding:

- Exmouth Motorcycle Club – replace cyclone damaged shade sails
- Exmouth Golf Club – repair cyclone damage
- Exmouth Horseman’s Club – repair cyclone damage

COMMENT

Three clubs have applied for funding to assist with the cost of repairing cyclone damage. The funding amount requested is less than \$7,500 each. Using the ‘Project Assessment Sheet’ provided by DSR, all applications score “satisfactory” in all relevant areas. All three application were given a ‘B’ project rating, being “well planned and needed by the applicant”.

Of the two regular applications, the Exmouth Golf Club has applied for funding to cover 1/3 of the cost of grassing the remaining 12 fairways. This grant application is premised on the club’s successful application for a grant from the Shire of Exmouth’s Community Development Fund (see agenda item 11.4.3). Using

the ‘*Project Assessment Sheet*’ provided by DSR, the application scored “satisfactory” in all relevant areas. It was also given a B project rating as “well planned and needed by the applicant”.

The final application is from the Shire of Exmouth and Exmouth Amateur Swimming Club (EASC) for the provision of a multi-purpose meeting room and multi-user storage facility. The facility would resolve current storage and meeting room issues for the Shire, EASC and other regular users of the pool including Exmouth District High School, Vac Swim and AustSwim. Additional storage facilities would also assist in stowing pool equipment during severe weather events. Using the ‘*Project Assessment Sheet*’ provided by DSR, the application scores “satisfactory” in all relevant areas. It was also given an ‘A’ project rating, being “well planned and needed by the municipality”.

CONSULTATION

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

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Social

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

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

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER’S RECOMMENDATION – 11.4.2
--

That Council:

1. *Forwards applications by the Exmouth Golf Club, Motocross Club and Exmouth Horseman’s Club for repairs of cyclone damage to the Department of Sport and Recreation with a request that they be given special consideration as:*
 - a. *Projects that are below the total value of \$7,500; and*
 - b. *Projects where the applicant has started and prefunded work in order to enable it to conduct its sport as soon as possible after a severe weather event.*
2. *Prioritises the remaining two applications as follows: Shire of Exmouth/Exmouth Amateur Swimming Club multipurpose meeting room and storage facility 1 of 2 and the Exmouth Golf Club grassing of fairways 2 of 2.*

COUNCIL DECISION – 12-0815 – 11.4.2

Moved Councillor Todd, Seconded Councillor McHutchison.

That Council:

- 1. Forwards applications by the Exmouth Golf Club, Motocross Club and Exmouth Horseman's Club for repairs of cyclone damage to the Department of Sport and Recreation with a request that they be given special consideration as:***
 - a. Projects that are below the total value of \$7,500; and***
 - b. Projects where the applicant has started and prefunded work in order to enable it to conduct its sport as soon as possible after a severe weather event.***
- 2. Prioritises the remaining two applications as follows: Shire of Exmouth/Exmouth Amateur Swimming Club multipurpose meeting room and storage facility 1 of 2 and the Exmouth Golf Club grassing of fairways 2 of 2.***

CARRIED 4/0

11. REPORTS OF OFFICERS

11.4 Executive Manager Community Engagement

11.4.3 Interest Free Loan Application by Exmouth Golf Club

Location:	Exmouth
Applicant:	Exmouth Golf Club
File Reference:	FM.LO.0
Disclosure of Interest:	Nil
Date:	12 August 2015
Author:	Rogé Kempe
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY

This report recommends that Council provides an interest free loan to the Exmouth Golf Club of \$50,000 from the Shire's Community Development Fund for the grassing of 12 fairways.

BACKGROUND

Council received a request to consider the provision of a loan to the Exmouth Golf Club of \$50,000 from the Shire's Community Development Fund. This will meet approximately 1/3 of the cost of grassing 12 fairways. The golf club has also applied to the Department of Sport and Recreation for a further \$50,000 funding for the project (see agenda item 11.4.2) and will contribute \$49,850 of its own funds for the project.

The Shire's Community Development Fund is regulated by Council Policy 2.2 "*Interest Free Loans to Clubs & Organisations*" and states the following purpose:

"Council has set aside funding in a Community Development Reserve Fund for the provision of interest free loans to Exmouth clubs and organisations to assist in the provision of facilities and equipment for the betterment of the club or organisation and its members".

COMMENT

The Policy 2.2 states:

"The Executive Manager of Community Engagement (EMCE) and the Executive Manager Corporate Services (EMCS) should undertake assessment of the application with a recommendation to the Council for final approval or otherwise of the loan. Assessment should be based on:

- *Perceived ability for the loan to be repaid in full and for repayments to be made on time;*
- *Ensuring that there is an apparent benefit not only to the club/organization but also to the wider community from the loan being given;*
- *Clubs/organisations must have been in existence for 2 years and clearly demonstrated a stabilised or increased membership;*
- *Prior to an application being lodged, an applicant has used their best endeavours to source grant funding to assist with their purchase.*
- *Clubs/organisations must provide Council with an end of year financial statement for each year of the loan.*

The EMCE and EMCS have assessed this application (refer **Attachment 2**) and inform Council that the Exmouth Golf Club complies with and/or is expected to be able to comply with the above requirements.

The Club is a place for many local people and visitors to be physically active and to meet others and it is expected that grassed fairways will assist in attracting more members and visitors. The Club completed the ASC Health Check in 2012 and developed a Strategic Plan 2013-2016. Many of the KPIs identified by this Plan have been achieved. Finally, the golf clubhouse is on occasion used by other community organisations for their activities and functions.

The club have suggested a repayment schedule of \$5,000 per year for 10 years. Based on their accounts the EMCS is comfortable with this schedule and does not feel that it would put any undue strain on the club to make these repayments. Should the club default on the loan there are some assets that the Shire would be able to have access to, to recover the debt.

Policy 2.2 further states that:

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

The club has a current outstanding loan of \$25,000 but the EMCS is of the view that the club has the capacity to service the additional loan as requested.

In addition to this principal loan amount, Policy 2.2 stipulates that ‘An application fee of 5% will be charged on any new application and can be paid over the term of the loan’.

If approved, the Exmouth Golf Club will be managed in accordance with Council Policy 2.2.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Policy 2.2 - Interest Free Loans to Clubs & Organisations

FINANCIAL IMPLICATIONS

The Shire’s Community Development Fund Reserve currently has a balance of \$264,057 (August, 2015). If Council agree to this loan, then the impact of the loan on the total reserve would be considered minimal.

The following clubs currently hold loan funds totalling \$247,750:

Golf Club	\$ 25,000 (machinery shed)
Bowling Club	\$128,000
Squash Club	\$ 11,000
Truscott Club	\$ 5,000
Exmouth Game Fishing Club	\$78,750

STRATEGIC IMPLICATIONS

Social

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

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

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER’S RECOMMENDATION – 11.4.3

That Council approves the Interest Free Loan of \$50,000 for the grassing of fairways to the Exmouth Golf Club, subject to:

- *Satisfactory repayments for a term not exceeding 10 years;*

- *The applicant maintaining full insurance cover on subject assets; and*
- *The club's CSRFF grant application with the Department of Sport and Recreation for the fairway grassing project being approved.*

COUNCIL DECISION – 13-0815 – 11.4.3
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Moved Councillor Winzer, Seconded Councillor Todd.

That Council approves the Interest Free Loan of \$50,000 for the grassing of fairways to the Exmouth Golf Club, subject to:

- *Satisfactory repayments for a term not exceeding 10 years;*
- *The applicant maintaining full insurance cover on subject assets; and*
- *The club's CSRFF grant application with the Department of Sport and Recreation for the fairway grassing project being approved.*

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: 19 August 2015
 Author: Executive Manager Health & Building, R M Manning
 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
15/85	22/06/2015	768	19 Ingleton	Shed Extension	Awaiting Planning approval	
15/89	26/06/2015	1381	45 Preston Street	Lean-to	Awaiting information from applicant	
15/90	26/06/2015	159	26 Dugong Close	Single Storey Dwelling	Awaiting information from applicant	
15/91	3/07/2015	775	5 Carr Way	Fencing	Approved	3/07/2015
15/92	3/07/2015	102	441 Murat Road	Sea container	Approved	9/07/2015
15/93	8/07/2015	317	Gnulli Court	Staircase	Approved	20/07/2015
15/94	24/07/2015	1477	R47803 Madaffari Drive	Stairs	Approved	30/07/2015
15/95	28/07/2015	1	L100 Murat Road	Demolition of sheds	Approved	30/07/2015
15/96	30/07/2015	447	41 Madaffari Drive	Dwelling & Outbuilding	Approved	13/08/2015
15/97	31/07/2015	195	51 Cobia Close	Spa pool and fencing	Awaiting information from applicant	

Summary of Building Licence/Permit Applications
2007 to Year to date 31 July 2015

Year	No. Applications	Total Value of Works to Years End	No. Applications up to 31 July	Value up to 31 July
2009 - 2010	198	\$26,916,869.00	12	\$1,203,805.00
2010 - 2011	188	\$24,816,605.00	16	\$1,149,755.00
2011-2012	144	\$23,057,154.00	16	\$4,794,271.00
2012- 2013	150	\$19,931,790.00	17	\$1,893,538.00
2013-2014	159	\$23,404,990.00	13	\$2,458,567.00
2014-2015	155	\$21,321,521.00	9	\$2,224,267.00
2015-2016			7	\$391,500.00

COMMENT**BUILDING**

Council's Building and Town Planning Officers have recently become aware of a number of unauthorised structures and works at various locations around town. A list of premises where such potential breaches have occurred is being compiled and compliance letters will soon be issued to the respective property owners.

ENVIRONMENTAL HEALTH

Environmental health tasks have been continuing as normal with food premise inspection, noise complaints, water sampling and Department of Health annual Food Act compliance/enforcement reporting.

Re-emergence of Mexican Poppy

Mexican Poppy is a Dept of Agriculture and Food 'Declared Pest' that emerges at various locations around the North-West Cape following periods of higher than usual rainfall (see pictures below).



A few plants were recently seen at the Qualing Scarp Landfill Site, removed and safely disposed of. The largest of the plants had already developed a number of seed pods, none of which had fully matured and dispersed seed.

In the past the plant has been a particular problem around the Learmonth area. Council officers have made contact with Dept of Defence personnel and Mr John Martin of Hanson Concrete, Hanson's quarry is immediate south of RAAF Learmonth. Both of whom were already aware of its re-emergence and had already taken appropriate action to treat several problem areas where they had observed the weed.

If there are further sightings of the weed it may be necessary to issue a newsletter to the general public to inform them what it looks like and what to do if they identify it.

Waste Management and Recycling

The ground water monitoring bores at the Qualing Scarp Landfill Site were recently sampled and water analysis carried out to assess environmental compliance. The analysis of the water involved testing for approximately 60 different parameters and found the samples to be below regulatory and guideline thresholds.

Unauthorised Out of Hours Entry to Tip

The security cameras have been busy at the tip. Since the July 2015 OCM report another 'Unauthorised entry' infringement has been issued pursuant to the Shire of Exmouth Property Local Law - Section 5.5 *No entry to fenced or closed local government property.*

The camera has also captured images of two people (one confirmed as male) on the site at around 1:45am on 12 August 2015. Council property was stolen from the tip and the loader illegally used on the same night. Council Officers are working with Exmouth Police to identify the person captured in the images. Police have circulated the images internally through their intranet and publically via social media (Twitter).

Scrap Metal

With further falls in the price of iron ore, scrap metal has now lost its value. In past years the Shire was paid between \$50-\$70/tonne for scrap metal. Last year the Shire was fortunate to have it removed without being charged. SIMS Metal have now advised that it will cost an estimated \$150/tonne for the scrap metal to be removed and processed for recycling. This cost is likely to increase by the time the metal is removed.

Council Officers are contacting other scrap metal dealers to see if they can offer a better arrangement than SIMS.

This situation has implications for the tip during cyclone season and a management plan may need to be formulated to make sure there is no risk of large amounts of the metal being blown away during a cyclone. Due to the cyclones earlier this year the footprint for the metal stock-pile is already larger than in previous years and will need to be further increased as if the Shire needs to hold onto the metal for an extended time before a suitable recycling arrangement can be found.

The Great Northern Clean-Up 2015

Council officers have begun organising this year's Great Northern Clean-up event which will be held on 19 September 2015. Anyone that wants to register their own clean-up site can do so at:-

<http://www.cleanupaustriaday.org.au/about/about-the-event/great-northern-clean-up>

Alternatively volunteers can join the site/s registered by the Shire of Exmouth. The Shire of Exmouth event will commence with registrations and inductions at the swimming pool car park at 8am. The focus areas this year being Krait Street, Learmonth Street and around the Skate Park depending on numbers.

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 positive blood tests to report of for Murray Valley Encephalitis, Kunjin Virus or other flaviviruses for Exmouth from the rounds of testing up to 10 August 2015.

Paltridge Memorial Swimming Pool

The pool is currently closed with the pre-season start-up maintenance underway. The pool open day is scheduled for Monday 7 September 2015.

Federation Park Water Spray Ground: Stage 2 of Interpretive Project

Earlier this year the Shire of Exmouth was successful in obtaining a Royalties for Regions, Gascoyne Development Commission Community Chest Fund Grant for the 'Promotion and Education of Ningaloo Coast World Heritage Area'.

The grant funding is to complete the second stage of an interpretive signage project for the Federation Park Water Spray Ground. The Department for Parks and Wildlife (Exmouth) are also contributing funds towards the design of a children's activity book.

The first stage of the interpretive signage project was a joint project between the Shire and DPaW that delivered physical interpretive signage to the facility and was completed late 2014. The interpretive signage at the facility is in itself unique and is further complimented by the incorporation of a QR scanner code on the main welcome sign where users access a link on the Shire website to learn more fascinating facts about the different elements at the water spray ground and how they are significant to the North West Cape and Ningaloo Coast.

This second stage consists of two parts. Part One will further enhance the information accessed via the QR scanner code with the development of further information and fun fact sheets for the promotion and education of Ningaloo Coast World Heritage area and the cultural heritage of the North West Cape. Whilst Part Two consists of the development of a "Ningaloo Coast Kids Activity Booklet" which will build on the existing "themes" and "characters" already developed in the Exmouth Waterpark (and in the interactive fact sheets).

The RfR funds have been provided specifically for the development of 10 interactive fact sheets which represent key elements of the WSG, including Ningaloo Coast World Heritage Area, cultural and European history, whales, turtles, etc. The fact sheets will be interactive and include videos, cartoon animations and images as well as traditional text.

A Request for Quotations with a Consultant's Brief was recently issued and closed on 21 August 2015 for the compilation and delivery of the above material.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Shire of Exmouth Property Local Law

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.

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 August 2015.

COUNCIL DECISION – 14-0815 – 11.5.1

Moved Councillor Winzer, Seconded Councillor Todd.

That Council receive the Executive Manager Health & Building Report for the month of August 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:	17 August 2015
Author:	Executive Manager Town Planning, Rhassel Mhasho
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 31 July 2015.

Applic No.	Date	Lot	Property	Description	Decision	Date
PA82/15	15/06/2015	124	43 Skipjack Circle	Outbuilding	Approved	27/07/2015
PA89/15	18/06/2015	324	Minilya-Exmouth Rd	Outbuilding and Dwelling	Approved	30/07/2015
PA93/15	26/06/2015	768	19 Ingleton St	Shed extension	Approved	31/07/2015
PA94/15	26/06/2015	324	9 Gnulli Court	Jetty	Approved	30/07/2015
PA98/15	02/07/2015	1085	13 Hall Street	Home Occupation	Approved	13/07/2015
PA100/15	06/07/2015	317	23 Gnulli Court	Staircase	Approved	10/07/2015
PA102/15	07/07/2015	12	114 Madaffari	Stairs	Approved	15/07/2015
PA103/15	16/07/2015	1	4 Ross Street	Changes to Gutters	Approved	30/07/2015
PA105/15	16/07/2015	312	312 Minilya-Exmouth Rd	Extension to existing residence	Approved	31/07/2015

Summary of Total Planning Application/Codes Variations	
Year	No. Applications
2010-2011	149
2011-2012	163
2012-2013	175
2013-2014	149
2014-2015	118
2015-2016	5

Permits issued for an Activity on Local Government Property	
Month	No. Applications
March	8
April	8
May	5
June	7
July	6

BACKGROUND**Exmouth Key Worker Housing Project**

Council in conjunction with the Department of Housing (DoH) are currently finalising the construction programme of the Exmouth Key Worker Housing Project. The Executive Manager Town Planning had a meeting in Perth on the 4 August 2015 to discuss the approval and construction program of the project.

Town Planning Scheme No. 4 and Local Planning Strategy

Council is notified that Town Planning Scheme No. 4 has been referred to the Environmental Protection Authority (EPA) to determine whether the Scheme should be formally assessed under Section 48 of the Environmental Protection Act 1986. It is anticipated that there would not be any basis for the Scheme to be formally assessed or to carry out an Environmental Review given that the new Scheme do not propose any major rezoning. In the event that an Environmental Review is requested by the EPA, the matter would be returned to Council for its further consideration.

Special Rural Subdivision of Lot 300 Heron Way, Exmouth

Council is notified that the Western Australian Planning Commission has issued clearance of the conditions of subdivision for Lot 300 Heron Way. The next step will be formally applying for titles. It is expected that titles will be issued by 30 September 2015. Exmouth Cape Real Estate and Exmouth Experience Real Estate are undertaking the marketing on behalf of Council.

Approval of Reserved Road Names List- Geographical Names Committee

During the April 2015 Ordinary Council meeting, Council resolved to request the Geographical Names Committee to retain and add some road names on the Reserved Road Name list for Exmouth. The Geographical Names Committee has agreed to add the 6 remaining names of the Operation Jaywick Officers who have not had a road named after them (refer *Attachment 1*).

COMMENT**Ranger Services**

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

	Dogs	Camping	Parking	Litter	Fire	Off road	Other
Warning/caution	4	0	3	1	0	7	7
Infringement	1	34	2	1	0	0	1
Court	0	0	0	0	0	0	0
July Total	5	34	5	2	0	7	8
2015-2016 Totals	5	34	5	2	0	7	8

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	19/02/15	01/04/15	07/04/15	08/04/15	14/04/15
Fencing	28/05/15	06/06/15	09/06/15	12/06/15	24/07/15						
Cat	23/10/14	1/11/14	5/11/14	6/11/14	22/12/14		26/03/15				
Parking	23/10/14	1/11/14	5/11/14	6/11/24	22/12/14	11/12/14	19/02/15	01/04/15	07/04/15	08/04/15	14/04/15
Public Places											
Marina Waterways											
Repeal	28/05/15	06/06/15	09/06/15	12/06/15	24/07/15						

Emergency Overflow Camping Ground

The Shire's Emergency Overflow Camp Ground opened during July with the school holidays being the only period required to accommodate travellers with a total of 133 bookings being taken during this period.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Economic

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

- Outcome 1.2 - Planned and balanced economic growth.

Environment

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

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

Social

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

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

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.6.1

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

COUNCIL DECISION – 15-0815 – 11.6.1

Moved Councillor Todd, Seconded Councillor Winzer.

That Council receive the Executive Manager Town Planning Report for the month of August 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:	
File Reference:	LE.LO.5
Disclosure of Interest:	Nil
Date:	11 August 2015
Author:	Executive Manager Town Planning, Rhassel Mhasho
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY

This report recommends that the Council adopt the Shire of Exmouth Fencing Local Law 2015 (refer *Attachment 2*).

BACKGROUND

A draft Fencing Local Law to replace the previous local law on 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.

The extent of changes suggested by DLGC were such that it was necessary to re-start the process to make a Fencing Local law. In doing so the Shire used as a base, a local law used by another local government (in this case the City of Kalgoorlie Boulder) as suggested by DLGC.

A draft Fencing Local Law was subsequently adopted by Council at its meeting held on 28 May 2015 and advertised for public 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.

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 summarised in the notice for a period of 6 weeks after it first appears.

The draft Fencing Local Law was advertised for public comment, closing on 24 July 2015.

No comments were received from the public, but the Department of Local Government and Communities made a number of recommendations, which are summarised below:

Suggestion	Comment
<p>1. Clause 1.2 – Purpose and effect</p> <p>Clause 1.2 sets out the purpose and effect of the local law. This clause has no legislative effect and can be removed if the Shire wishes.</p> <p>While the <i>Local Government Act 1995</i> requires the purpose and effect to be included in the public notices relating to a proposed local law, there is no requirement to include the purpose and effect in the local law itself.</p>	<p>Agreed. The clause has been deleted.</p>

Suggestion	Comment
<p>2. Clause 1.6 – Interpretation</p> <p>a) The definitions of “boundary fence” and “dividing fence” are the same. It is suggested that the Shire amend these definitions to “has the meaning given under the <i>Dividing Fences Act 1961</i>”.</p> <p>b) The following definitions can be deleted as they do not appear to be used anywhere in the local law:</p> <ul style="list-style-type: none"> · AS; · front fence; · front setback area; · local government property; and · non-sacrificial graffiti protection. <p>c) It is also suggested that definitions for the following terms which are currently used throughout the local law should be inserted:</p> <ul style="list-style-type: none"> · gate; · public access way; and · right-of-way. 	<p>Agreed.</p> <p>Agreed.</p> <p>Agreed, although a definition of ‘gate’ is considered unnecessary. Its common use is well understood, and nor is it defined in the Dividing Fences Act, or in the Local Government (Uniform Local Provisions) Regulations which deal with gates across thoroughfares.</p>
<p>3. Clause 2.1 and Schedule 4 – Rural lot</p> <p>Clause 2.1(2)(c) and Schedule 4 refer to “rural lot”, however, this term is not defined. It is suggested that the Shire insert a definition of “rural lot” or replace the term with “rural residential lot” which is already defined.</p>	<p>Agreed. A definition of ‘rural lot’ has been added; the definition of ‘rural residential lot’ has been deleted.</p>
<p>4. Clause 2.2 – Gates in fences</p> <p>Paragraph (a) currently provides that a gate in a fence which does not open into the “lot” should not be erected. It is unclear which “lot” is being referred to in situations where a fence is built between two lots. It is suggested that the Shire redraft this clause to provide clarification on what should occur in this situation.</p>	<p>Agreed. The clause has been redrafted so that it reads: <i>‘A person shall not erect a gate in a fence which does not—</i> <i>(a) open into the lot owned or occupied by the person;’</i></p>
<p>5. Clause 2.7 – Prohibited materials</p> <p>a) The current clause 2.7(b) prohibits the erection of a fence which comprises “dangerous material”.</p> <p>It is suggested that “dangerous material” be specifically defined. For example, the Shire may wish to define a “dangerous material” as being any material which results in a dangerous fence. This would then link to the definition of “dangerous” already present in the local law.</p> <p>b) There may be instances whereby the Shire may wish to allow people to construct a fence which comprises dangerous material. For example, an electric fence or barbed wire fence in a commercial lot.</p> <p>If so, the Shire may wish to insert a provision which allows the Shire to approve or grant a licence for the construction or</p>	<p>Agreed. A definition of ‘dangerous material’ has been added to clause 1.5.</p> <p>Not agreed. It is noted though, that the specifications for a ‘sufficient fence’ Schedule 3 (commercial or industrial lots) allow for barbed wire to be placed on the fence.</p>

Suggestion	Comment
<p>erection of a “dangerous” fence in certain circumstances. The Shire should be aware that if it wishes to insert such a provision it will need to restart the law-making process under section 3.12 of the Act. This is because the changes are likely to constitute a significant change in proposal for the purposes of section 3.13 of the Act.</p> <p>c) Clause 2.7(b) appears to contradict Schedule 4, which indicates that barbed wire may classify as a sufficient fence. It is suggested that this inconsistency should be resolved, either by inserting an exception in clause 2.7(b) or deleting clause 3 in Schedule 4.</p>	<p>Clause 2.7 has been amended to remove the contradiction.</p>
<p>6. Clause 5.2 – Limit on liability</p> <p>Clause 5.2 prohibits a person from making any claim against an authorised person or other local government officer while they are acting under clause 5.1(3). This has the effect of being an “ouster clause”, since it ousts the jurisdiction of the courts. The effect of this subclause is to block the private remedies that an individual might bring against the Shire.</p> <p>The Delegated Legislation Committee has formed the general view that ouster clauses are beyond the limits of legislative authority granted by the <i>Local Government Act</i>. Their reasoning is set out on page 17 of the JSCDL 6th report.</p> <p>It is also debatable whether the clause is necessary. Clause 5.2 indemnifies the local government for “anything done while they are acting under clause 5.1(3)”. Since clause 5.1(3) does not actually authorise an employee or agent to do anything regarding the owner’s property, it does not seem to permit any kind of action which would need the protection of clause 5.2.</p>	<p>Agreed. This clause has been deleted.</p>
<p>7. Clause 6.2 – Modified Penalties</p> <p>It appears that the purpose of clause 6.2(3) is to provide guidance to an authorised person when he or she issues an infringement notice for an offence under the local law.</p> <p>As this clause is not placing any obligation on an authorised person, it has no legislative effect. It is suggested that clause 6.2(3) is not included in the local law but rather in a separate guidance or practice manual that officers can refer to when administering and enforcing the local law.</p>	<p>Agreed. This clause has been deleted.</p>
<p>8. Clause 6.3 – Form of notices</p> <p>This clause currently states that forms should be “substantially” in the form prescribed by the <i>Local Government (Functions and General) Regulations 1996</i>.</p> <p>The Regulations provide that infringement and withdrawal notices need to be issued in the prescribed form. The Regulations do not appear to allow notices that only substantially comply with these forms.</p> <p>In the past, the Delegated Legislation Committee has requested the words ‘or substantially in’ be deleted from a similar clause. It is suggested that the Shire should remove this phrase from subclause (1) and (2).</p>	<p>Agreed. The words ‘or substantially in’ have been deleted from clause 6.3.</p>

The Department also suggested a number of minor editing and presentation changes, which have been undertaken.

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 local law will come into effect on its publication in the Government Gazette, and will be subject to scrutiny and review by the Parliamentary Joint Standing Committee on Delegated Legislation.

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**Social**

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

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

Civic Leadership

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

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

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION – 11.6.2

That Council:

1. *In accordance with section 3.12(4) of the Local Government Act 1995, adopt the Shire of Exmouth Fencing Local Law 2015 as attached;*
2. *In accordance with s3.12(5) of the Local Government Act 1995, the local law be published in the Government Gazette and a copy sent to the Minister for Local Government;*
3. *In accordance with s3.12(6) of the Local Government Act 1995, give local public notice —*
 - a) *Stating the title of the local law;*
 - b) *Summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - c) *Advising that copies of the local law may be inspected or obtained from the Shire office.*
4. *In accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010, a copy of the local law and a duly completed explanatory memorandum signed by the President and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation within 10 working days of Gazettal.*

COUNCIL DECISION – 16-0815 – 11.6.2

Moved Councillor Todd, Seconded Councillor McHutchison.

That Council:

1. *In accordance with section 3.12(4) of the Local Government Act 1995, adopt the Shire of Exmouth Fencing Local Law 2015 as attached;*
2. *In accordance with s3.12(5) of the Local Government Act 1995, the local law be published in the Government Gazette and a copy sent to the Minister for Local Government;*
3. *In accordance with s3.12(6) of the Local Government Act 1995, give local public notice —*
 - a) *Stating the title of the local law;*
 - b) *Summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - c) *Advising that copies of the local law may be inspected or obtained from the Shire office.*

4. *In accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010, a copy of the local law and a duly completed explanatory memorandum signed by the President and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation within 10 working days of Gazettal.*

CARRIED by ABSOLUTE MAJORITY 4/0

11. REPORTS OF OFFICERS

11.6 Executive Manager Town Planning

11.6.3 Repeal Local Law

Location:	Exmouth
Applicant:	Nil
File Reference:	LE.LO.8
Disclosure of Interest:	Nil
Date:	11 August 2015
Author:	Executive Manager Town Planning, Rhassel Mhasho
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY

This report recommends that the Council adopt the Shire of Exmouth Repeal Local Law 2015 (refer *Attachment 3*).

BACKGROUND

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 requested that the Shire repeal the old local law.

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

A repeal local law was advertised for public comment for a 6 week period ending on 24 July 2015 after adoption by Council.

CONSULTATION

Section 3.12(3) of the Act requires a 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. An advertisement calling for submissions was duly published, and closed on 24 July 2014.

No comments were received from the public. The Department of Local Government and Communities, which deals with local law issues on the Minister's behalf made some minor suggestions in relation to the formatting of the repeal local law

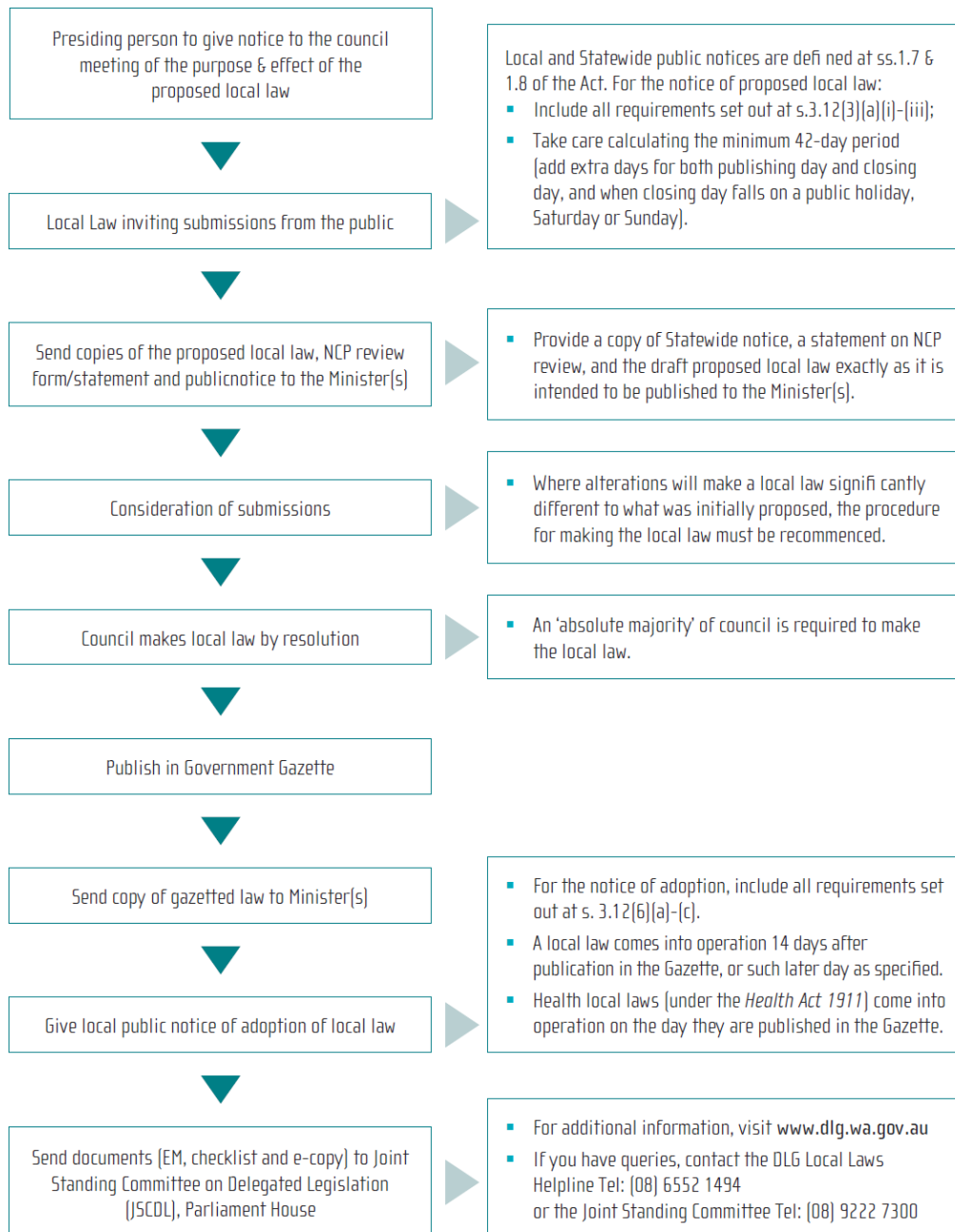
Other than these minor changes, no other changes are required to the draft local law, which can now be adopted.

After Gazettal, the Shire must also publish a further notice advising when the amendment local law is to come into effect.

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 repeal 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

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

Absolute Majority

OFFICER’S RECOMMENDATION – 11.6.3

That Council:

1. *In accordance with section 3.12(4) of the Local Government Act 1995, adopt the Shire of Exmouth Repeal Local Law 2015 as attached (Attachment 3);*

2. *In accordance with s3.12(5) of the Local Government Act 1995, the local law be published in the Government Gazette and a copy sent to the Minister for Local Government;*
3. *In accordance with s3.12(6) of the Local Government Act 1995, give local public notice —*
 - a) *Stating the title of the local law;*
 - b) *Summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - c) *Advising that copies of the local law may be inspected or obtained from the Shire office.*
4. *In accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010, a copy of the local law and a duly completed explanatory memorandum signed by the President and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation within 10 working days of Gazettal.*

COUNCIL DECISION – 17-0815 – 11.6.3
--

Moved Councillor Todd, Seconded Councillor McHutchison.

That Council:

1. *In accordance with section 3.12(4) of the Local Government Act 1995, adopt the Shire of Exmouth Repeal Local Law 2015 as attached (Attachment 3);*
2. *In accordance with s3.12(5) of the Local Government Act 1995, the local law be published in the Government Gazette and a copy sent to the Minister for Local Government;*
3. *In accordance with s3.12(6) of the Local Government Act 1995, give local public notice —*
 - a) *Stating the title of the local law;*
 - b) *Summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - c) *Advising that copies of the local law may be inspected or obtained from the Shire office.*
4. *In accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010, a copy of the local law and a duly completed explanatory memorandum signed by the President and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation within 10 working days of Gazettal.*

CARRIED by ABSOLUTE MAJORITY 4/0

11. REPORTS OF OFFICERS

11.6 Executive Manager Town Planning

11.6.4 Restaurant Liquor Licence – Lot 11 (8) Huston Street, Exmouth

Location:	Lot 11 (8) Huston Street, Exmouth
Applicant:	P White & C Annan
File Reference:	PA108/15; A242
Disclosure of Interest:	Nil
Date:	14 August 2015
Author:	Executive Manager Town Planning, Rhassel Mhasho
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY

This report recommends that Council issue a certificate under Section 40 of the *Liquor Control Act 1988* for a Restaurant Licence in the Los Cantina Restaurant at Lot 11 (8) Huston Street, Exmouth (refer *Attachment 4*).

BACKGROUND

On the 19 October 2000 Council resolved to approve a Restaurant/Take-Away Food Outlet at Lot 11 (8) Huston Street, Exmouth. Since then a number of restaurant and take-away food businesses have operated at the premises under this approval. The latest business currently in operation by the applicants is the Los Cantina Mexican restaurant. The applicants are seeking a Liquor License from the Department of Department of Racing, Gaming and Liquor to serve liquor in the restaurant (refer to Attachment 4). Therefore, a Section 40 Certificate has been requested from the Shire of Exmouth to allow the applicants to proceed with an application to the Department.



Lot 11 (8) Huston Street, Exmouth

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 complies with Council's local planning framework as planning approval was granted for the permissible land use in October 2000 in accordance with the Scheme.

Los Cantina is an approved Restaurant/Take-Away Food Outlet currently operating in the 'Mixed Use' zone which is primarily for light and service industries which are not sensitive land uses. Therefore, the proposal is considered unlikely to have any adverse impact on the amenity of the immediate area and can be supported. However, it is recommended that the support is subject to compliance with the *Environmental Protection (Noise) Regulations 1997* (as amended) as a way to manage noise.

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.

CONSULTATION

Nil

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 IMPLICATIONS

Economic

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

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

Environment

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

- Outcome 2.1: To maintain and improve access and connectivity to our natural assets

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.6.4
--

That Council grant conditional planning approval for a Section 40 – Certificate of Local Planning Authority at Lot 11 (8) Huston Street, Exmouth for a Restaurant License subject to the following conditions:

1. *The sale and consumption of liquor may not occur without a meal provided it is limited to the area of the restaurant outlined in Attachment 4 as 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 area the subject of the liquor license 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 – 18-0815 – 11.6.4
--

Moved Councillor McHutchison, Seconded Councillor Winzer.

That Council grant conditional planning approval for a Section 40 – Certificate of Local Planning Authority at Lot 11 (8) Huston Street, Exmouth for a Restaurant License subject to the following conditions:

1. *The sale and consumption of liquor may not occur without a meal provided it is limited to the area of the restaurant outlined in Attachment 4 as 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 area the subject of the liquor license 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

11.6.5 Scheme Amendment No. 31 – Final Adoption

Location:	Lots 149 (1) and 150 (13) Hunt Street, North West Cape
Applicant:	Dynamic Planning
File Reference:	LP.PL.3.31; A1389; A1390
Disclosure of Interest:	Nil
Date:	18 August 2015
Author:	Executive Manager Town Planning, Rhassel Mhasho
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY

This report recommends that Council resolve to adopt Scheme Amendment No. 31 to *Town Planning Scheme No. 3* without modification, pursuant to Regulation 17 of the *Town Planning Regulations 1967*.

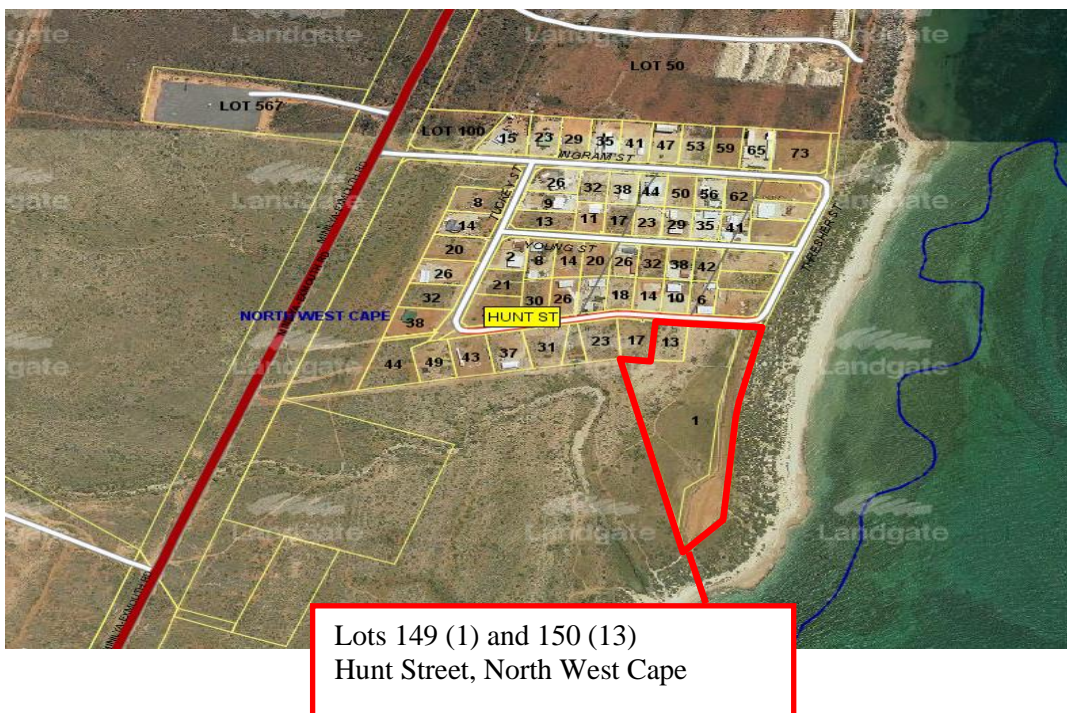
BACKGROUND

On the 30 April 2015 Council resolved to adopt Scheme Amendment No. 31 for the purpose of initiating formal advertising pursuant to section 75 of the *Planning and Development Act 2005*. The resolution was as follows:

“That the Council initiate Amendment 31 to Local Planning Scheme No. 3 and advertise pursuant to Section 75 of the Planning and Development Act 2005 for the purposes of:

1. *Rezoning Lot 149 (1) and Lot 150 (13) Hunt Street, North West Cape from Special Use 5 to Tourist and delete Conditions relating to the Development Investigation Area text in Special Use Zone 5 of Schedule 3 accordingly; and*
2. *Amending the Scheme Map accordingly as depicted on the Scheme Amendment Map.”*

Consequently, the Scheme Amendment was advertised in accordance with the *Town Planning Regulations 1967*. Referral to the Environmental Protection Authority resulted in the determination that the Scheme Amendment didn't require environmental review. The advertising period has now concluded and the Regulations require that Council determine whether to proceed with the Scheme Amendment taking into account any submissions lodged with the Shire in its regard.



The Scheme Amendment is for the rezoning Lots 149 (1) and 150 (13) Hunt Street, North West Cape in the Mowbowra Industrial Estate from 'Special Use Zone 5' to 'Tourism'. Lot 149 is currently outlined as a 'Development Investigation Area' for the purpose of Tourist related activities, such as a caravan park, subject to prior environmental and flood investigation and amendment to the Scheme being undertaken. The owner of the land has engaged the Applicants who have organised the appropriate investigation through consultancy reports to justify the land being used for its designated purpose. Therefore, the Applicant has lodged the Scheme Amendment application to rezone the land enabling it to realise its potential for the earmarked development. Included in the rezoning is Lot 150 to increase the area for development.

COMMENT

Statutory Process

The *Planning and Development Act 2005*, *Planning and Development Regulations 1967* and *Environmental Protection Act 1986* outline the statutory process for an amendment to a Local Planning Scheme. As outlined above, Regulation 17 of the Regulations requires Council to consider all submissions lodged during the advertising process and determine whether the Scheme Amendment should be adopted with or without modifications or resolve not to proceed with the Scheme Amendment.

Upon adoption the Scheme Documents are forwarded to the Western Australian Planning Commission where similarly the Minister for Planning will determine to approve, refuse or approve subject to prior modifications the Scheme Amendment. Should the Minister determine to approve the Scheme Amendment the final documents are executed with the Shire's common seal and published in the Government Gazette upon which date it will take effect.

When the Scheme Amendment is published in the Gazette the Shire is required to notify each person who made a submission and publish a notice once in a newspaper circulating the district.

Submissions

The theme of submissions from the community is predominantly objecting to the caravan park development proposal put forward by the Applicant to support the Scheme Amendment and its impact on the environment. It should be noted that this process is for the rezoning of the land to 'Tourism' and not the approval of the development proposal. The Tourism zone allows the permissibility of tourist land uses, such as but not limited to a caravan park, which are subject the requirement for planning approval through the lodgement of a development application. The applicant has submitted management plans to manage the impact of development on flora, fauna and drainage. Through the approval process development would be required to comply with these management plans.

In addition, Lot 149 (1) Hunt Street has been identified as a 'Development Investigation Area' in *Town Planning Scheme No. 3* for the purpose of tourism uses, such as a caravan park, since the initial subdivision of the Mowbowra Industrial Estate. Therefore, current land owners should have considered the potential for a tourism development prior to purchasing in this area. Submissions also raised concerns regarding the land use conflict arising due to the impact of the existing industrial uses being incompatible with future tourism uses. This is considered to be best dealt with the time of the development application (see submissions below).

In regard to public authorities four (4) submissions were received. Similarly their comments were more in regard to the development proposal and therefore do not require any modification to the Scheme Amendment.

It is recommended that Council adopt Scheme Amendment No. 31 to *Town Planning Scheme No. 3* without modification as there were no submissions lodged raising reasonable grounds to modify or not proceed with the scheme Amendment.

Environmental Considerations

As outlined in the initial adoption for advertising report to Council the Applicant has lodged a Flood Risk Assessment, Environmental and Foreshore Management Plan, Infrastructure Servicing Report and a Traffic Impact Statement to support the proposal. These supporting documents justify that there are no environmental issues, such as clearing, sand dune management and drainage, which cannot be sufficiently addressed during the development application process. This is supported by the fact that the Environmental

Protection Authority did not require the environmental review of the scheme amendment pursuant to the *Environmental Protection Act 1986*.

CONSULTATION

Consultation was required in accordance with the *Town Planning Regulations 1967* after the Western Australian Planning Commission has given consent subject to the requirement for Environmental Review. Consent was given without the requirement for environmental review or modifications. Advertising was as follows:

- Notice in writing to each Public Authority.
- Notice given to landowners considered affected by the proposal.
- A notice published once in a newspaper circulating in the district.
- A notice placed in a prominent place in the Shire Offices.

Each form prescribed a minimum period of 42 days from the date of the notice within which submissions may be made to the Shire regarding the proposal which commenced on the 6 July 2015. Advertising concluded on the 20 August 2015 allowing a period of 45 days for people to lodge submission. A total of ten (10) submissions were received as follows:

No	Submission From	Submission	Recommendation	
			Shire of Exmouth	WAPC
1	Main Roads PO Box 165, Geraldton WA 6531	<p>Main Roads acknowledges that the proposed rezoning would result in greater volume of recreational and light vehicle traffic in the area. These traffic users would access the site via the intersection of Minilya Exmouth Road and Ingram Street. It is noted that this intersection is adjacent to a road train assembly point, which would create a hazard with increased traffic volumes using the intersection.</p> <p>Accordingly, for any future planning application Main Roads would request that the proponent submit a Traffic Statement setting out the likely traffic generation as a result of the development. The Traffic Statement should be produced in accordance with the WAPC guideline, <i>Transport Assessment Guidelines for Developments</i>. Should the Traffic Statement indicate that an intersection upgrade is required; Main Roads advises that the proponent would be responsible for the cost of the intersection upgrade at Minilya Exmouth Road and Ingram Street.</p> <p>It should be noted that Main Roads will not approve a new road access or intersections for future planning related applications at Lots 149 and 150 hunt Street.</p> <p>In summary, Main Roads WA does not object to the proposed scheme amendment, however would request continued consultation as development plans progress in the area.</p>	<p>Noted. The Applicants have provided a Traffic Impact Statement (TIS) prepared by KC Traffic and Transport which utilizes the WAPC's <i>Transport Assessment Guidelines for Developments</i>. The TIS concludes that the traffic volumes associated with the development proposal will not impact the function of Ingram Street or Minilya-Exmouth Road as the traffic counts are within the theoretical capacity of these roads.</p> <p>The Shire of Exmouth is happy to consult Main Roads WA further should a development application be lodged. However, it should be noted that this site has been identified as a 'Development Investigation Area' for the purpose of tourism uses since the time of subdivision. Therefore, the impact of such a development on the local road hierarchy should have been considered at the time of subdivision.</p>	
2	Water	The Water Corporation offers the following	Noted.	

	<p>Corporation PO Box 100 Leederville WA 6902</p>	<p>comments in regard to this proposal.</p> <p>Water Reticulated water is currently available to the existing lots 149 and 150 Hunt Street. The development proposal shall require approval by our Building Services section prior to commencement of works. The water demand proposed for the development, and water management plan should be provided with the proposal. Infrastructure contributions and fees may be required to be paid prior to approval being issued.</p> <p>Urban Water Management – Water Management Plans In conjunction with general climatic changes, water efficiency is an extremely high priority in all development proposals, and should be accompanied by a water management plan that to address the State Water Strategy 2003, State Water Plan 2007 and the State Planning Policy 2.9 and ‘Better Urban Management’ implementation guide. In particular items that should be addressed include appliance labelling standards, incentives for occupants to be water efficient, garden and irrigation design, leak detection and maintenance, and opportunities explored for recycling. Please find further information on the Corporations website in regards to water efficiency and alternatives, including; General http://www.watercorporation.com.au/home/business/saving-water/case-studies Caravan Parks. http://www.watercorporation.com.au/home/business/saving-water/case-studies/caravan-parks Fremantle Village http://www.watercorporation.com.au/_files/Business/Fremantle_Village_Final_Report.pdf http://www.watercorporation.com.au/media/files/business/saving%20water/case%20studies/fremantle-village-caravan-park-case-study.pdf Please provide the above comments to the land owner, developer and/or their representative.</p>	<p>Noted. This process is for the rezoning of the land and not the approval of the development proposal. An advice note regarding this requirement at the development applicant stage shall be provided.</p> <p>Noted. The water management of any development will not be confirmed until a development application is lodged. However, the Applicant considers the current water service as sufficient for the development proposal. In addition, the proposal includes an onsite wastewater treatment plant which can treat water to be used for irrigation, increasing water efficiency.</p> <p>The applicant shall be advised through an advice note.</p>	
<p>3</p>	<p>Tourism WA 2 Mills Street, Perth WA 6000</p>	<p>The Shire of Exmouth is located along the Ningaloo Coast, providing extraordinary natural experiences and attracts many tourists, particularly in the self-drive sector. This is a growing market and demand for facilities is continuing to increase around the State.</p>	<p>Noted.</p>	

		<p>The report <i>A Strategic Approach to Caravan and Camping Tourism in WA</i>, which was prepared in 2012 by Brighthouse Consultants, recognises this and identifies the Shire of Exmouth as an area of 'extreme priority' for additional caravan park facilities. In this context, Tourism WA is pleased to be presented with a proposal to introduce a new caravan park development within the Shire.</p> <p>However, based on the level of information provided, which does not include any justification for the intended uses of the site or any background or studies relating to the site and its location, Tourism WA has a number of concerns with the proposal. In particular, as the predominant focus of the development is accommodation for transient workers, the appropriateness of zoning the site as 'Tourist' needs further consideration and justification. For example, if it is intended that the transient worker sites will be converted to tourism accommodation when no longer required for this purpose then this needs to be demonstrated to support this zoning.</p> <p>In this regard, it is highlighted that Tourism WA has adopted the following position in relation to Transient Worker Accommodation: <i>'Transient Worker Accommodation should be built to accommodate workers for specific construction projects and should be dismantled or mothballed upon project completion. If a transient workers camp is built in a location that would have value as tourist accommodation in the future, it needs to be built in such a way that conversion is possible and viable'.</i></p> <p>In a number of locations throughout the State, transient workers accommodation is not permitted in a 'tourism' zone. This is because, as you may be aware, there have been several instances in regional locations where the use of tourist accommodation for transient workers has created conflict between tourists and workers. This includes the reduction of accommodation supply, particularly in peak season, the artificial inflation of room or site rates and the different expectations (and behaviours) of tourists and workers.</p>	<p>Noted. This process is for the rezoning of the land to 'Tourist' which will allow the permissibility of tourism uses such as caravan park. It is not for the approval of a caravan park.</p> <p>Dismissed. The site has been earmarked for tourism development, such as caravan park, through being outlined as a 'Development Investigation Area' in Special Use Zone 5 of <i>Town Planning Scheme No. 3</i> since the subdivision of the Mowbowra Industrial Estate. The 'Tourist' zone is currently the most appropriate classification of land under the Scheme to cater for the development a caravan park. Therefore, it is unreasonable not to allow the landowner to develop the site in accordance with the Scheme.</p> <p>Noted. This is process is for the rezoning of the land to allow the permissibility of tourism uses such as the development proposal put forward to support the Scheme Amendment. The ability of structures to be converted for different land uses is most appropriately considered at the development application stage.</p> <p>Noted. The development proposal is subject to change when such matters, such as the use of the development, are considered in the assessment of a development application. In addition, anyone is permitted to stay in a caravan park as long as the period of stay complies with temporary timeframe requirements. The development proposal is for a 'Caravan Park' use class not a 'Transient Workers Accommodation' use class.</p>	
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		<p>These experiences can negatively impact the visitor view of the destination overall, and these risks need to be appropriately considered in relation to this proposal. In this regard, it is noted that the proposed design includes shared common areas and does not provide for a separation of activities. This has the potential to exacerbate these type of issues and needs to be addressed in the detailed planning process. This should include the preparation of a management plan for the site to ensure minimal conflict between uses, and also consideration of the appropriateness of locating a caravan park adjacent to an industrial area that is some distance from the town of Exmouth.</p> <p>If, subject to the clarification of these matters, the intended long term use of the site is as a caravan park (with camping facilities), it is the view of Tourism WA that the zoning should be 'Special Use-Caravan Park' as per Planning Bulletin 49/2014. This is to provide long term security of the site as a caravan park, particularly as Exmouth is experiencing under-supply of this use.</p>	<p>Noted. The management is more appropriately considered through the development application process. See response to submission 5 below. The reason the development proposal has included a focus on workers accommodation is to take advantage of the close proximity to industrial uses which may require accommodation for their workers.</p> <p>Noted. Council is currently in the process of adopting draft <i>Town planning Scheme No. 4</i> which includes a 'Caravan Parks and Camping Grounds' zone. The intention is to classify the land with this zone which would achieve the same purpose. An advice note has been included accordingly.</p>	
<p>4</p>	<p>Mieke Wright Lot 154 (37) Hunt Street, North West Cape WA 6707</p>	<p>Not happy to have men's quarters or caravan park so close to the beach of our residential area. We have no footpaths. This development will destroy natural environment for native animals accessing fresh water from the area.</p>	<p>Noted. This is process is not the consideration of the development proposal put forward but only the determination of a scheme amendment to change the land zoning to Tourism.</p> <p>The Applicants have provided investigation into the environmental and drainage implications of development at the premises. Resultantly the Environmental Protection Authority determined that an environmental review due to adverse environmental impacts as a result of the scheme amendment was not required.</p> <p>The subject land is freehold land capable of development which has been predominantly cleared of native vegetation. Therefore, it is unreasonable to expect the landowner not to develop the land for environmental reasons when it can be developed subject to meeting the requirements of <i>Town Planning Scheme No. 3</i>.</p>	

5	Exmouth Freight and Logistics Lot 104 (35) Ingram Street, North West Cape WA 6707	<p>We own Lot 103, 104, 105 and lease Lot 106 and 107 Ingram Street. Operating as a transport and logistics provider we carry out heavy haulage operations, heavy lift activities, 24 hour operations and store and handle dangerous goods.</p> <p>We are not necessarily concerned about how tourists will affect our operations but are a little concerned of our impact on their operations. We will be unable to change our core activities around this new proposed scheme amendment.</p>	<p>Noted.</p> <p>Noted. The area is primarily for industrial purposes. Therefore, industrial development takes precedence over sensitive development in area. This is highlighted by Dwellings in the area requiring design standards which attenuate the noise impact of surrounding industrial uses.</p> <p>Rezoning the land to 'Tourism' will technically see the subject land become a sensitive premises for the purpose of the <i>Environmental Protection (Noise) Regulations 1997</i>. Therefore, it is recommended that should a development application for a sensitive land use be approved at the premises a condition requiring a notification to be placed on the title advising of the surrounding industrial noise is imposed.</p>	
6	Vernon Atherton Lot 132 (38) Hunt Street, North West Cape WA 6707	<p>I strongly object to the proposed development at Lot 149 Hunt Street North West Cape with regard to the following points:</p> <p><u>Environmental</u> – Qualing Pool and associated beach front is an extremely fragile environment and I feel the proposed development will have a detrimental impact on this reserve. The major environmental concerns include:</p> <ul style="list-style-type: none"> -Sewerage Treatment (74 villas plus 60 campsites = a lot of waste) -Destruction of nearby dunes and vegetation. -Drainage and flooding – the site clearly requires the existing spoon drain to be filled in causing a risk of flooding to the Estate. To relocate the drain would cause further environmental damage beyond the boundaries of the proposed development. 	<p>Noted.</p> <p>Noted. See response to submission 4 above. The use of effluent disposal systems are subject to approval under the <i>Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulation 1974</i>. The Regulations manage the impact of effluent disposal systems on the environment through buffer distances and the type of system required. The Applicant has given consideration to wastewater disposal in the 'Infrastructure Servicing Report' lodged with the Scheme Amendment. The drainage investigation provided proposes the retention of the drainage swale to be used as a drainage</p>	

		<p><u>Public Access</u> – The site has allowed no access to the Qualing Pool beach front and squid rocks. This would be detrimental to the lifestyle of the current residents of the LIA.</p> <p><u>Personal</u> – Mowbowra LIA has a small quiet community which I feel would be adversely affected by the proposed Development which is clearly a singlemans quarters. The security serenity and lifestyle of the existing residents would be seriously in question.</p>	<p>corridor. Furthermore, this portion of the property is protected for drainage purposes through an easement on the Certificate of Title.</p> <p>The Applicant has provided an ‘Environmental/Foreshore Management Plan’ which provides measures to control access to the beach and sand dune system. Compliance with the management plan will form a condition of approval for any development approval granted.</p> <p>Lot 149 (1) Hunt Street, North West Cape has been identified as a ‘Development Investigation Area’ for the purpose of tourist uses since the time of initial subdivision. This should have been considered by anyone prior to purchasing land in the area.</p>	
7	James Duncan PO Box 233, Exmouth WA 6707	<p>I object to the degree of proposed development of Lot 149 and Lot 150 Hunt Street and therefore object to the proposed amendment number 31 on the basis that I believe the risk of environmental pollution will be greatly increased.</p> <p>The groundwater is connected to a subterranean creek and to the nearby “Unnamed Creek”. The groundwater in the residential area became saline after “Unnamed Creek opened to the gulf last cyclone season therefore it is feasible for the introduced pollution at this development site to access not just the creek but the seawater of the gulf.</p> <p>The beach near the development site is used for recreation and any risk of contamination is not acceptable. I therefore Object to the proposed amendment.</p>	<p>Noted. The Scheme Amendment has been referred to the Environmental Protection Authority who did not require an environmental review due to adverse environmental impacts posed by tourism development.</p> <p>Noted. The proposal was referred to the Department of Water who are responsible for assessing the impact of potential development on groundwater and waterways. No comments were received suggesting that the Scheme Amendment would result in development that would affect the groundwater or seawater quality. These matters are also considered through the assessment of development applications.</p> <p>Noted.</p>	
8	Gill Morris Lot 127 Young Street, North	1) Beach access track along Eastern boundary of Lot 149 Hunt St which has been in general use since the establishment of subdivision will be obstructed (aerial photos	Noted. The subject tracks through the property are not public access tracks as they are within private property.	

	West Cape WA 6707	<p>of block and adjacent foreshore demonstrate established use).</p> <p>2) Construction of 3 story building would impact on visual beauty and amenity of area. The proposed building with a 2,500m² footprint will visually detract from the area and would seem overly generous in living space allocation if the estimate of 100 guests is to be believed (50m² – 75m² per person).</p> <p>3) (i) How will the Biomax wastewater treatment system handle caravanners emptying their chemical laden cassettes into the system. It is my understanding that these systems need to be very carefully managed. (ii) How can they accommodate 20,000m² dispersal area for this system within the proposed development. (iii) The drainage easement which handles storm water run-off from the LIA is subject to flooding in significant rain event (See attached picture – <i>tabled with submissions</i>). The proposal to move and or reconfigure this drain (subject to approval) would seem simplistic and optimistic without damage to the dune area. Any system failures could lead to contamination of ‘Unnamed Creek’ and subsequently into Exmouth Gul. It is a repeat of the sewerage problems experienced in Coral Bay going to be risked here.</p> <p>4) The submission mentions maintaining the existing beach access for 4WD vehicle. This is a narrow single track through the dune area. The proposed increase in traffic numbers would create significant traffic management problems and/or damage to the dunes.</p>	<p>Entering private property without consent is trespassing which is an offence.</p> <p>This process of for the rezoning of the land to allow tourism uses. The design of associated buildings and their impact on amenity is assessed at the development application stage.</p> <p>Wastewater disposal, including that from caravans, is required to comply with the <i>Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulation 1974</i>. The landowner is permitted to put in any system which complies with the Regulations. This is assessed at the development application stage.</p> <p>Access is considered at the Development Application stage. The Applicants have provided an ‘Environmental/Foreshore Management Plan’ to justify that the dune system can be appropriately managed.</p>	
9	Craig Regan Lot 151 (17) Hunt Street, North West Cape WA 6707	<p>Please note my objection to the proposed rezoning of Lot 149 & 150 Hunt Street.</p> <p>Arguments for my objection: I purchased this property with the intention for it to be used for both industrial and residential purposes. The conditions my zoning – special purpose – Composite Development state that my residential dwelling be located at the front of my property and the industrial arear at the rear. Looking at the proposal my residential dwelling will be located next door to what will be a commercial site of some sort. This will inevitably lead to higher than normal traffic and noise. I’m concerned on the type</p>	<p>Noted.</p> <p>Noted. The requirements referred to are contained within Special Use Zone 5 of Schedule 3 of <i>Town Planning Scheme No. 3</i>. Special Use Zone 5 also clearly outlines that Lot 149 Hunt Street is a ‘Development Investigation Area’ with the “intention that this area be used for tourist related activities which may include a caravan park and</p>	

		<p>of site it may become. A restaurant, corner store, petrol station etc will lead to traffic and noise outside of normal business hours. I did not purchase the property with the intention of living next door to a commercial site.</p> <p>My industrial area down the rear of my property will back onto what is proposed to be villas. I believe security to be an issue with the number of transient people coming through the area on what will be a daily basis. I believe there will be a potential noise impact on the proposed villa sites directly behind and to the right of my property. My business will involve the use of both heavy vehicles and machinery. These will be used frequently throughout the day on a daily basis. This property was bought with believing there would be minimal noise impact on neighbors due to the fact that all owner occupiers in this area are of the understanding that this is an industrial area and therefore accommodating of general industrial noise. Holiday makers I feel will not be so tolerant.</p> <p>I feel the proposed development will have a negative impact on my property and decrease its value should I wish to sell in the future. I myself have would not have purchased this property had I known that I would be located next to tourist accommodation.</p> <p>If this proposal was to go ahead one suggestion I have would be that I was able to build my residential property to the rear of the property and industrial area to the front. This would eliminate most of my concerns and also be beneficial to the other party concerned.</p>	<p>associated uses". Such development is subject to prior drainage and environmental investigation and amendment to the scheme which is current process being undertaken. Therefore, this should have been considered prior to purchasing in the area.</p> <p>Noted. Refer to response to submission 5 above. Dwellings in the area are required to be developed to a standard which attenuates the impact of industrial noise. This will also attenuate the impact of the noise from any future development at the subject site. Similar conditions will likely be imposed on the development of structures at the site through development approvals given the area is primarily for industrial purposes.</p> <p>Noted. Property values are not a consideration. See comments above.</p> <p>The development of the property is required to be in accordance with <i>Town Planning Scheme No. 3</i>.</p>	
<p>10</p>	<p>Department of Health 277 Stubbs Terrace, Shenton Park WA 6008</p>	<p>The DOH provides the following comments: <i>1) Water Supply and Wastewater Disposal</i> The rezoning proposal is to facilitate a large tourist development. DOH does not support the proposed rezoning and development guide plan as no information been provided in regard to wastewater treatment and disposal associated with the development. It is not known if the site is capable of disposing the amount of wastewater that will be produced.</p>	<p>Noted. The proposal is to change the zoning of the land which will allow any of the uses permitted under the 'Tourist' zone. Any wastewater disposal proposed is required to comply with the <i>Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulation 1974</i>. Therefore, any future development is subject to change to achieve compliance with the Regulations. This is</p>	

		<p>2) Food Act Requirements All food related aspects (Proposed restaurant, convenience store, etc.) to comply with the provisions of the <i>Food Act 2008</i> and related code, regulations and guidelines.</p> <p>3) Health Act Requirements All public related developments (Pool, gym, meeting rooms, etc.) to comply with the provisions of the <i>Health Act 1911</i>, related regulations and guidelines and in particular Part VI – Public Buildings, Lodging House provisions (studio accommodation/single bedroom development) and Aquatic Facilities Regulations.</p> <p>4) Disaster Preparedness and Emergency Management The proponents should develop a Disaster Management and Emergency Response Plan considering there is only a single access road to/from the development. The Plan should be approved by the Shire of Exmouth and integrated with the Shires Emergency Management Plan.</p>	<p>assessed at the development Application stage. The Applicant has provided a ‘Infrastructure Servicing Report’ which identifies the amount of wastewater produced by the development proposal, the size and cost of the system required to recycle the water and the area of land required to dispose of the wastewater (given it is an ATU system). It has been noted that this is subject to Local government approval in accordance with the regulations.</p> <p>Noted. This is outside the grounds of the planning system and is generally included as an advice note on development approvals.</p> <p>Noted. See comments immediately above.</p> <p>Noted. Emergency management is more appropriately considered as a part of the development application process when proposals are finalised. The Department of Fire and Emergency Services raised no concerns regarding emergency management.</p>	
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STATUTORY ENVIRONMENT

- Planning and Development Act 2005
- Town Planning Regulations 1967
- Town Planning Scheme No. 3
- Exmouth South Structure Plan
- Environmental Protection Act 1986
- Environmental Protection (Noise) Regulations 1997

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

Environment

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

- Outcome 2.1: To maintain and improve access and connectivity to our natural assets

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 – 11.6.2

That Council pursuant to the Town Planning Regulations 1967:

- 1. Resolve to adopt Scheme Amendment No. 31 without modification in accordance Regulation 17;*
- 2. Forward the appropriate Scheme Amendment documents to the Western Australian planning Commission in accordance with Regulation 18;*
- 3. Upon consent from the Minister for Planning execute the Scheme Amendment Documents in accordance with Regulation 22; and*
- 4. Advertise the final approval of Scheme Amendment No. 31 in accordance with Regulation 23.*

Advice Note:

- i). It should be noted that the Shire of Exmouth is currently in process of adopting draft Town Planning No. 4 and a Local Planning Strategy. The land the subject of this Scheme Amendment will likely be classified as the proposed 'Caravan Parks and Camping Grounds' zone. This is a new zone proposed to cater for caravan park developments which is most appropriate for the development proposal put forward to support the Scheme Amendment. The land use permissible of the proposed zone is the same as the current 'Tourist' zone under Town Planning Scheme No. 3; and*
- ii). The Applicant and Landowners are advised that given the area is primarily for industrial purposes the approval of a sensitive land use at the premises shall require the requirement for a notification to be placed on the Certificate of Title for properties. The notification shall advise that the site is subject to surrounding industrial noise levels and noise attenuation measures may be required.*
- iii). The Applicant is advised that further correspondence is required with the Water Corporation in regard to their approval requirements prior to the commencement of works for any future development approval (refer to submission from the Water Corporation). In addition, the Water Corporation has provided information regarding urban water management which is required to be considered for any future development application.*

COUNCIL DECISION – 19-0815 – 11.6.5

Moved Councillor Todd, Seconded Councillor Winzer.

That Council pursuant to the Town Planning Regulations 1967:

- 1. Resolve to adopt Scheme Amendment No. 31 without modification in accordance Regulation 17;*
- 2. Forward the appropriate Scheme Amendment documents to the Western Australian planning Commission in accordance with Regulation 18;*
- 3. Upon consent from the Minister for Planning execute the Scheme Amendment Documents in accordance with Regulation 22; and*
- 4. Advertise the final approval of Scheme Amendment No. 31 in accordance with Regulation 23.*

Advice Note:

- i). It should be noted that the Shire of Exmouth is currently in process of adopting draft Town Planning No. 4 and a Local Planning Strategy. The land the subject of this Scheme Amendment will likely be classified as the proposed ‘Caravan Parks and Camping Grounds’ zone. This is a new zone proposed to cater for caravan park developments which is most appropriate for the development proposal put forward to support the Scheme Amendment. The land use permissible of the proposed zone is the same as the current ‘Tourist’ zone under Town Planning Scheme No. 3; and*
- ii). The Applicant and Landowners are advised that given the area is primarily for industrial purposes the approval of a sensitive land use at the premises shall require the requirement for a notification to be placed on the Certificate of Title for properties. The notification shall advise that the site is subject to surrounding industrial noise levels and noise attenuation measures may be required.*
- iii). The Applicant is advised that further correspondence is required with the Water Corporation in regard to their approval requirements prior to the commencement of works for any future development approval (refer to submission from the Water Corporation). In addition, the Water Corporation has provided information regarding urban water management which is required to be considered for any future development application.*

CARRIED 4/0

Councillor Todd requested that the following statement be recorded in regards to the above Scheme Amendment:

“First and foremost this is an industrial estate, any other activity happening on this estate ie: residing, caravan park etc. is ancillary to industry. If proponents in the future wish to take up the caravan park site option there may be extensive road and other issues to be considered in the next stage (planning).”

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:	27 August 2015
Author:	Executive Manager Engineering Services, Keith Woodward
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

Works Program Schedule of Works

The Engineering Services Project Status Schedule 2015/2016 provides an overview of the project start, progress and completion dates. Please note that staffing levels, contractor availability, private works and environmental conditions such as cyclone/floods influence the project timeframes.

2015-2016 Engineering Services Project Schedule (Tabled *Attachment 1*).

Tantabiddi Boat Ramp General

The CEO and EMES met with the Department of Transport (DoT) and the Department Parks and Wildlife (DPaW) to discuss the Tantabiddi Boat Ramp.

A generalisation of the challenges at Tantabiddi are:

- The Tantabiddi Boat Ramp was designed as a recreational facility only.
- The recreational and commercial use of the boat ramp during school holidays which represent the core tourism period is terrible. The number of people, vehicles, and vessels overwhelm the boat ramps, carpark and facilities.
- Recently the atypical sand spit further aggravated the situation adding to the frustration associated with launch, retrieval, bogging, pushing in and the overwhelming number of people.
- The cost of maintaining and developing Tantabiddi and Bundegi Boat Ramps is creating a negative influence on Council finances which requires attention. At the February 2015 Council meeting Council passed the following resolution by absolute majority:

“Unbudgeted dredging expenditure of \$189,792 against Tantabiddi. This proposal will have a material impact on Council’s 2014/2015 budget by decreasing the estimated closing deficit position by (\$189,972).”

- The user pays principle proposed for Tantabiddi and Bundegi Boat Ramps has been recommended by the Minister for Transport as per communication dated 11 June 2015.

“There are many examples within the State where users contribute to maintaining a facility. A fee for parking, commercial operations, etc. is income used by Local Government or the State to fund management of these facilities.”

Therefore three options require investigation.

1. An additional boat ramp and jetty for commercial use at Tantabiddi.

2. The implementation of a user pays system for commercial and recreational use.
3. The implementation of a management structure whereby commercial and recreational use is regulated.

Course of Action:

- Facilitate a meeting between the Tantabiddi Commercial Sector, DoT and DPaW to encourage industry engagement with the State Agencies.

DoT provide and manage commercial vessel interests in Western Australia. DPaW are involved in the management of commercial, government and research operators and both agencies in some situations draw revenue from the these users of Tantabiddi Boat Ramp through various means of licencing.

- Report to Council on the implementation of a user pays system for the reason that:

The annual cost to maintain roads, sand excavation, toilet cleaning and rubbish at Tantabiddi is \$171,223. Boat ramp repairs and maintenance \$6,000.

The annual maintenance cost recovery target is \$180,000.

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 1.5: Maintain & Improve Shire Infrastructure

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.7.1
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That Council receives the Executive Manager Engineering Services Report for the month of August 2015.

COUNCIL DECISION – 20-0815 – 11.7.1
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Moved Councillor McHutchison, Seconded Councillor Winzer.

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

CARRIED 4/0

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

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

COUNCIL DECISION – 21-0815 – ITEM 13

Moved Councillor Winzer, Seconded Councillor Todd.

That Council accept the New Business of an Urgent Nature – 13.1 – Change of Ordinary Council Meeting Date.

CARRIED 4/0

13.1 Change of Ordinary Council Meeting Date

It was recommended by the Chief Executive Officer to change the September 2015 Ordinary Council Meeting Date from Thursday 24 September 2015 to the following week being Thursday 1 October 2015. The purpose for the change of date is to allow more time for the Ningaloo Tender Assessment to be carried out and presented at the meeting.

COUNCIL DECISION – 22-0815 – 13.1

Moved Councillor Winzer, Seconded Councillor McHutchison.

That Council change the September 2015 Ordinary Council Meeting Date from Thursday 24 September 2015 to the following week being Thursday 1 October 2015.

CARRIED 4/0

14. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS

Nil

15. CLOSURE OF MEETING

The Shire President declared the meeting closed at 4:53pm.