

SHIRE OF EXMOUTH



ORDINARY COUNCIL MEETING

MINUTES

15th December 2011

CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on 15 December 2011 as a true and accurate record of the Ordinary Council Meeting held on 17 November, 2011.

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

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


DISCLAIMER

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

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

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

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ORDINARY COUNCIL MEETING AGENDA

Our Vision

To support and develop a vibrant, welcoming community that embraces its past, values its present and plans for a sustainable future

Our Purpose

To responsibly provide governance for the whole community in the best interest of current and future generations

Our Strategic Objectives

- To provide sustainable management of the organisation
- To consistently apply the principles of Good Governance
 - To communicate effectively
 - To promote socioeconomic development
 - To value our environment and heritage

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The President declared the meeting open at 3.07pm.

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

Councillor T Shales
Councillor S Fitzgerald
Councillor R Winzer
Councillor J Warren
Councillor M Hood
Councillor G Thompson

Shire President
Deputy Shire President

Mr B Price
Mrs Sue O'Toole
Mr R Kempe
Mr R Manning
Mr R Mhasho
Mr K Woodward

Chief Executive Officer
Executive Manager Corporate Services
Executive Manager Community Engagement
Executive Manager Health & Building
Executive Manager Town Planning
Executive Manager Engineering Services

GALLERY

Visitors

6

APOLOGIES

Mr A Forte

Executive Manager Aviation Services

LEAVE

Nil

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4. PUBLIC QUESTIONS TIME

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

Council Consideration Towards Public

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

When a matter is listed on the Agenda and member/s of the public are in attendance to observe the determination of the matter, out of courtesy and at the discretion of the President the matter is to be brought forward on the agenda and dealt with immediately to allow the public to observe the determination of the matter (again this obviates the need for the public to wait an indeterminate period of time).

4.1 Questions Submitted:

One question was submitted by Lachlan Edwards

Has Council considered the proposed Chaplaincy funding for 2012?

The CEO advised that the Council had not formally considered the request but it will presented to the next Council meeting for consideration. Council have though made future budgetary allocations in support of the project.

5 APPLICATIONS FOR LEAVE OF ABSENCE

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

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

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

That the Minutes of the Ordinary Council Meeting held on the 17th November, 2011 be confirmed as a true and correct record of proceedings.

COUNCIL DECISION – 01-1211 - ITEM 6
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Moved Councillor Fitzgerald, Seconded Councillor Hood

That the Minutes of the Ordinary Council Meeting held on the 17th November, 2011 be confirmed as a true and correct record of proceedings.

CARRIED 6/0

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

The President read a letter of which he sent to Department of Immigration and Citizenship on behalf of Caltex Star Mart Exmouth, regarding the revoking of a family under there employ. He also extended a Merry Christmas to everyone present in Chambers.

8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil


9. REPORT OF COUNCILLORS

Ross Winzer advised Councillors of his nomination from the Gascoyne Country Zone and attendance to the State Council Meeting held on Wednesday 7th December 2011 in Perth.

10. REPORTS OF OFFICER

10.1 Chief Executive Officer

10.1.1 Chief Executive Officers Report

Location: Exmouth
Applicant: Chief Executive Officer
File Reference: GV.CM.0
Disclosure of Interest: Nil
Date: 6 December 2011
Author: Chief Executive Officer, Mr B Price
Signature of Author: 

SUMMARY

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

BACKGROUND

Visit by Chairman of the Regional Development Commission

Cr Shales and myself met with Mr Ian Fletcher, Chairman of the Regional Development Commission on Tuesday 29 and Wednesday 30 November. This position is appointed by the Minister for Regional Development & Lands and chairs the regional committee consisting of all the Development Commission Chairs.

The Council took the opportunity to give Mr Fletcher a tour of all of the significant issues currently faced by the Exmouth community. The Chairman was impressed with Exmouth's desire to attract a greater defence presence as a strategy to increase the population in Exmouth.

Apache Tour and Reference Group Meeting

Several Councillors, senior staff and community representatives participated in a tour of the Apache Exmouth Basin Operations by Helicopter Flights. This was followed by a Community Reference Group meeting which detailed Apache's expansion proposals for the Van Gogh Operation.

Gascoyne Regional Meetings

Cr Winzer, EMES and myself flew to Shark Bay on Thursday 1 December to attend the Gascoyne Regional meetings of

1. Regional Road Group
2. WALGA Zone Meeting
3. Gascoyne Regional Collaborative Group

It should be noted that Cr Winzer has been elected as the Gascoyne Regions delegate on the WALGA State Council. Cr Winzer replaces the position previously held by Ronnie Fleay.

Gascoyne Revitalisation Steering Committee

Cr Shales and myself attended the GRSC meeting held in Carnarvon on Tuesday 6 December. The committee allocate the Revitalisation Funds to designated projects over the 5 years of the program.

The Shire of Exmouth have the following funds allocated in the 2012/13 financial year.

- CBD/Foreshore Revitalisation Project - \$ 6m
- Flood Mitigation \$ 3.5m
- Ningaloo Centre Project – \$ 5m

I will be using the bulk of January to draft the required Business Cases for the first two projects, whilst the NOERC committee have appointed a consultant to complete the business case for the Ningaloo Centre project. The draft business cases are required to be presented to the GRSC meeting scheduled for 7 February 2012.

Leadership Program

Council would be aware of a Leadership Program conducted by Leadership WA and sponsored as a Regional Pilot project by the Gascoyne Development Commission has been functioning over several months. Cr Shales and Rob Manning, EMHB were nominated by the Council to participate in the program. After 5 rounds of 'retreats', the program has been completed with the participants receiving a graduation from the course.

Annual Christmas Function

Reminder to all Councillors and partners that the annual Councillor and staff function is being held at the Exmouth Yacht Club on Friday 16 December commencing at 6.30pm

Staff

The position vacancy of Executive Secretary to the CEO closed on Friday, 18 November. Two interviews were conducted on Tuesday, 22 November with Brooke Shales being appointed to the position commencing work on Monday 25 November. Jasmine Rohan finished work with the Shire on Wednesday 27 November.

Other Meetings & Functions attended by the CEO

The CEO advised having attended the following meetings and functions during the month:

1. I met with Ian Gilyead, new OIC of the Exmouth Police on Friday 25 November.
2. Cr Shales and myself met with Ken Bastion MLC, Member for Mining & Pastoral Region and Barry Haase, Federal Member for Durack on Friday 25 November to discuss Strategic issues for Exmouth.
3. Cr Shales, EMCE, EMES and myself met with members of the Cultural Arts Centre and other proponents of a proposed Outback Sounds festival for Exmouth on Monday 28 November.
4. Crs Hood, Thompson EMCE and myself attended the Woodside RCG meeting held on Monday 28 November as well as met with Jarvis Coombe and Tony Johnstone, Woodside on Tuesday 29 November.
5. I met with Meath Hammond and Frank Hernandez, Managing Director Houston, from BHP Billiton on Wednesday 30 November.
6. Cr Shales and myself attended the Gascoyne Revitalisation Steering Committee meeting and CLGF Regional committee meeting in Carnarvon on Tuesday 6 December.
7. Cr Shales and myself represented the Council at the Exmouth District High School Awards Presentation Night on Tuesday 13 December.

Scheduled meetings for the next month include:

1. Cr Shales, GDC members and myself are meeting with Professor Duarte from the UWA Indian Ocean Research Laboratory in Exmouth on Friday 16 December.
2. EMTP and myself to meet with Hassells, consultants to the CBD & Foreshore Revitalisation Planning Project in Perth on Tuesday 20 December.
3. EMTP and myself to meet with Henty Farrar, Department of Regional Development & Lands in Perth on Tuesday 20 December in relation to land issues for Exmouth.

COMMENT

Nil

CONSULTATION

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

To consistently apply the Principles of Good Governance.

To Communicate Effectively

To promote Socioeconomic Development

To value our Environment and Heritage

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.1.1

That the Shire of Exmouth receive the Chief Executive Officers Report for the month of December 2011.

COUNCIL DECISION – 02-1211 - 10.1.1

Moved Councillor Fitzgerald, Seconded Councillor Warren.


That the Shire of Exmouth receive the Chief Executive Officers Report for the month of December 2011.

CARRIED 6/0

10. REPORTS OF OFFICER

10.1 Chief Executive Officer

10.1.2 Meeting Dates 2012

Location:	Exmouth
Applicant:	Chief Executive Officer
File Reference:	GV.CM.0
Disclosure of Interest:	Nil
Date:	6 December 2012
Author:	Chief Executive Officer, Mr B Price
Signature of Author:	

SUMMARY

Council endorsement of the proposed Ordinary meeting dates for 2012 is required.

BACKGROUND

Below are the proposed meeting dates for the year 2012, being the third Thursday of the month and commencing at 3.00pm unless listed otherwise.

January – No Council Meeting

16 February 2012
15 March 2012
19 April 2012
17 May 2012
21 June 2012
19 July 2012
16 August 2012
20 September 2012
18 October 2012
15 November 2012
20 December 2012

Council are required to give local public notice of the proposed dates as per Regulation 12(1) of the Local Government (Administration) Regulations 1996.

COMMENT

Nil

CONSULTATION

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Local Government (Administration) Regulations 1996.

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Objective 2 – To consistently apply the Principles of Good Governance.

Key Action 1 – To continue ethical and responsible decision making – Compliance with Statutory Processes.

Key Action 2 – To safeguard integrity and reporting – Rigorous Officers Reports

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.1.2

That the Shire of Exmouth endorse the following dates for Ordinary Council meetings for the 2012 year

January – No Council Meeting

16 February 2012

15 March 2012

19 April 2012

17 May 2012

21 June 2012

19 July 2012

16 August 2012

20 September 2012

18 October 2012

15 November 2012

20 December 2012

COUNCIL DECISION – 03-1211 - 10.1.2

Moved Councillor Winzer, Seconded Councillor Hood.

That the Shire of Exmouth endorse the following dates for Ordinary Council meetings for the 2012 year

January – No Council Meeting

16 February 2012

15 March 2012

19 April 2012

17 May 2012

21 June 2012

19 July 2012

16 August 2012

20 September 2012

18 October 2012

15 November 2012


20 December 2012

CARRIED 6/0

10. REPORTS OF OFFICER

10.1 Chief Executive Officer

10.1.3 Office Shutdown Christmas New Year Period

Location:	Exmouth
Applicant:	Chief Executive Officer
File Reference:	
Disclosure of Interest:	Nil
Date:	6 December 2012
Author:	Chief Executive Officer, Bill Price
Signature of Author:	

SUMMARY

Council consideration in closing the administration offices during the Christmas New Year period is requested.

BACKGROUND

In previous years Council has resolved to close the Shire Office over the Christmas New Year period. Shire staff usually take annual/accumulated leave for the days on which the office is closed.

Generally, the town is very quiet at that time of the year and previously it does not seem to have been inconvenient to the general public to have the office closed. It is proposed that a Senior Officer of the Shire will be in town during this period should an emergency arise.

This year the days in question are Wednesday 28th to Friday 30th December 2011. As Christmas falls on a Sunday, the public holiday will be Tuesday 27th December. New Years Day also falls on a Sunday so Monday 2nd January 2012 will also be a public holiday.

Hence, the office will be closed from COB Friday 23rd December and reopen again on Tuesday 3rd January 2012, allowing staff to have a decent break over the festive period.

COMMENT

Nil.

CONSULTATION

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Objective 2 – To consistently apply the Principles of Good Governance.

Key Action 1 – To continue ethical and responsible decision making – Compliance with Statutory Processes.

Key Action 2 – To safeguard integrity and reporting – Rigorous Officers Reports

Policy 1.25 – Communication and Consultation.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.1.3

That the Shire of Exmouth agrees to close the administration office from Wednesday 28th to Friday 30th December inclusive, to coincide with the existing Christmas New Year public holidays.

COUNCIL DECISION – 04-1211 - 10.1.3

Moved Councillor Fitzgerald, Seconded Councillor Winzer.

That the Shire of Exmouth agrees to close the administration office from Wednesday 28th to Friday 30th December inclusive, to coincide with the existing Christmas New Year public holidays.


CARRIED 6/0

10. REPORTS OF OFFICER

10.1 Chief Executive Officer

10.1.4 Gascoyne Regional Collaborative Group (GRCG) Meeting Minutes

Location: Exmouth
Applicant: Gascoyne Regional Collaborative Group (GRCG)

File Reference: GR.SL.45
Disclosure of Interest: Nil
Date: 6 December 2011
Author: Chief Executive Officer, Bill Price
Signature of Author: 

SUMMARY

Attached are the minutes of the inaugural meeting of the Gascoyne Regional Collaborative Group (RCG) meeting held in Carnarvon on 1st December, 2011.

BACKGROUND

Council are aware of the State Governments initiated reform process which has involved the Exmouth Council participating in a Regional Collaborative Group (RCG) with the Carnarvon and Shark Bay Shire Councils.

The purpose of the RCG is to adopt a regional approach to strategic and community planning and facilitating the harmonisation of core functions and services across the participating local governments for the benefit of their communities.

Attached is a copy of the meeting minutes which was held in Shark Bay on Thursday 1st December, 2011. (Refer *Attachment 1*)

Matters raised at the meeting for Council consideration include

- Cr Shales being elected as Chairman of the GRCG.
- Long Term Financial Planning Improvement Process

COMMENT

Nil.

CONSULTATION

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Local Government Act (Administration) Regulations

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Objective 2 – To consistently apply the Principles of Good Governance.

Key Action 1 – To continue ethical and responsible decision making – Compliance with Statutory Processes.

Key Action 2 – To safeguard integrity and reporting – Rigorous Officers Reports .

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.1. 4

That the Shire of Exmouth receive the minutes of the Gascoyne Regional Collaborative Group (GRCG) meeting held in Shark Bay on 1st December, 2011.

COUNCIL DECISION – 05-1211 - 10.1.4

Moved Councillor Hood, Seconded Councillor Fitzgerald.


That the Shire of Exmouth receive the minutes of the Gascoyne Regional Collaborative Group (GRCG) meeting held in Shark Bay on 1st December, 2011.

CARRIED 6/0

10. REPORTS OF OFFICER

10.1 Chief Executive Officer

10.1.5 SGS Report – Pilbara Gascoyne Project

Location:	Exmouth
Applicant:	SGS Economics & Planning
File Reference:	GR.LO.01
Disclosure of Interest:	Nil
Date:	6 December 2011
Author:	Chief Executive Officer, Bill Price
Signature of Author:	

SUMMARY

This report requests Council comments on the draft Gascoyne Pilbara Project 'Economic Development Opportunities for the Gascoyne & Pilbara Regions'.

BACKGROUND

This report was commissioned by the Gascoyne Development Commission (GDC) to identify opportunities for the Gascoyne region to capitalise on and benefit from current and future developments in the resources sector. This identification of economic development opportunities for the region is a component of the Gascoyne Pilbara Project (GPP).

The Gascoyne region sits between the thriving resources regions of the Pilbara and the Mid-West. To the north-west of the Gascoyne, significant oil and gas exploration and extraction activities are on-going in the Carnarvon and Browse Basins.

Despite the scale of resource sector activity in these areas, industry needs will not be able to be solely serviced locally. Opportunities exist for the Gascoyne region to tap into wider regional resource sector supply chains, to better capture a portion of economic throughput from the mining and resource sectors.

Recognising the potential economic and social benefits to be realised, the Gascoyne Development Commission (GDC) engaged SGS Economics and Planning (SGS) and O'Neil Pollock & Associates (OPA) to examine opportunities for the Gascoyne region to benefit from current and prospective developments in the resources sector, in the Gascoyne itself and in the surrounding regions.

The recommendations put forward in this report acknowledge and respond to: a comprehensive list of resource projects (committed and under consideration); examination of the Gascoyne regions current offering to the resources sector; an evaluation of infrastructure improvements or developments to increase the regions ability to service resource projects; and the identification of the full range of opportunities within each local government area.

The research and analysis identified 35 prospective projects to enhance the Gascoyne regions community and economic development prospects. It culminated in the identification of **12 priority projects across the region's four local government areas**. Project prioritisation is essential to ensure that both financial and human resources are allocated effectively so that opportunity can be readily transferred into action.

A summary of projects by Shire and priority is provided below. The identification of each priority project reflects the economic positioning / preferred economic future of the Shire in which it is physically located and that Shires stated core values and related considerations.

For each priority project, information is provided on **key tasks, project proponents and project rationale**. Each of the regions local government areas are addressed in turn below.

COMMENT

The report is attached for Councillor information (refer *Separate Attachment*). Sections of the report that are specific to Exmouth are

- Pages ii, iii, iv, 20 – 29 inclusive.

Some amendments have already been requested to the draft report which has included the deletion of specific references to proponents as well as the request to include another opportunity for Exmouth being the potential for Oil & Gas Companies to allow flexibility to their FIFO flight schedules that would enable employees to remain in Exmouth during their time off period for holiday & recreation.

CONSULTATION

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Local Government Act (Administration) Regulations

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Objective 2 – To consistently apply the Principles of Good Governance.

Key Action 1 – To continue ethical and responsible decision making – Compliance with Statutory Processes.

Key Action 2 – To safeguard integrity and reporting – Rigorous Officers Reports .

VOTING REQUIREMENTS

Simple Majority

OFFICER’S RECOMMENDATION – 10.1. 5

That the Shire of Exmouth comment on the draft Gascoyne Pilbara Project ‘Economic Development Opportunities for the Gascoyne & Pilbara Regions’.

COUNCIL DECISION – 06-1211 - 10.1.5

Moved Councillor Fitzgerald, Seconded Councillor Warren.


That the Shire of Exmouth make no further comment on the draft Gascoyne Pilbara Project ‘Economic Development Opportunities for the Gascoyne & Pilbara Regions’.

CARRIED 6/0

10. REPORTS OF OFFICERS

10.2 Executive Manager Corporate Services

10.2.1 General Report

Location:	Exmouth
Applicant:	S O'Toole
File Reference:	CM.RE.0
Disclosure of Interest:	Nil
Date:	9 November 2011
Author:	Executive Manager Corporate Services, Sue O'Toole
Signature of Author:	
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY

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

BACKGROUND

Nil

COMMENT

Integrated Planning Process

After its adoption at the November meeting of Council, the Shire of Exmouth Strategic Community Plan has been advertised and made available on the website and for the public to view in the Shire office. This document will be reviewed every two years with a full review including formal community consultation every four years.

The Draft Regional Strategic Community Plan was presented at the Gascoyne Regional Collaborative Group Meeting held on 1 December by Paul Breman and Russell Barnes from UHY Haines Norton. This along with the Draft Regional Business Plan which is nearing completion will be available for Council to review at a workshop early in the New Year.

The Asset Management Plans and Workforce Plan are progressing and will provide information for the Long Term Financial Plan. Drafts of the Asset Management Plans are expected by the end of January.

Synergy Software

Two new servers have been purchased and installed to accommodate the implementation and configuration of Synergy software, which is planned to 'go live' on 12 December 2011. The initial setup of the software has commenced with most ledgers now ready to accept data. Five staff from IT Vision will be here in our Shire office during the 'go live' week providing training to key staff and troubleshooting if required.

Financial Workshops

Our departing Finance Officer and newly appointed Finance Officer attended a "Nuts and Bolts" Introduction to Finance course held in Perth on Tuesday 6 December 2011. This workshop provides an overview of accounting for local governments. Our Senior Finance Officer attended a GST and FBT workshop held in Perth on Wednesday 7 December 2011 to keep up to date with current changes to legislation on local government BAS and FBT returns.

Property Sales

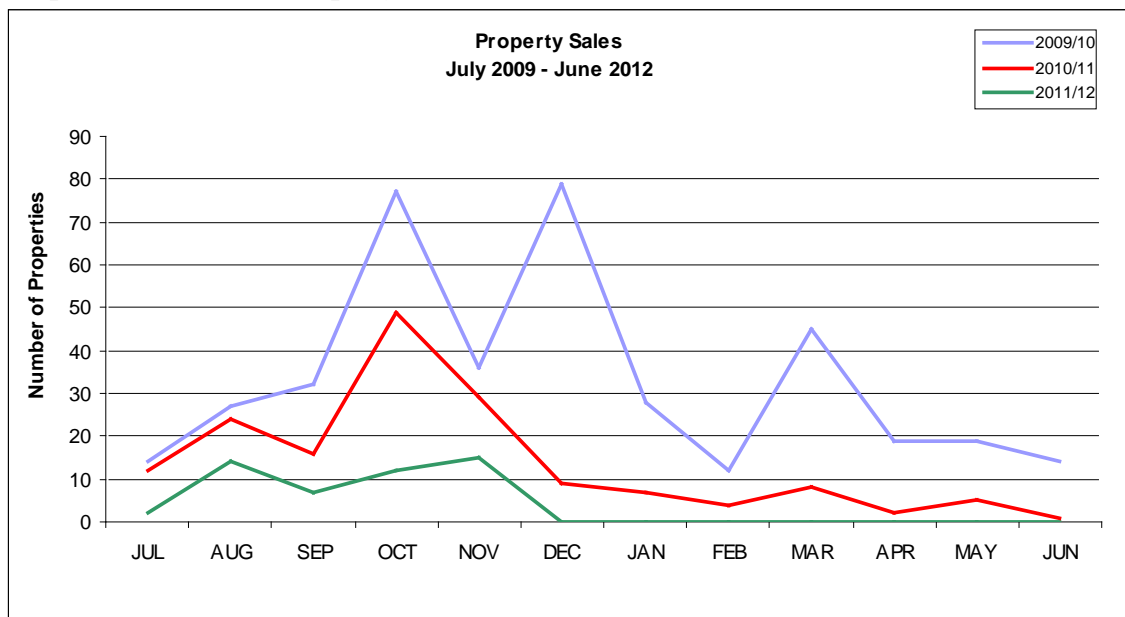
Below is a summary of properties sold during 2011/12:

2011/12 Summary of Property Sales

Number Sold	Land Usage	Total Sales	Average Sale
8	Vacant Land	\$2,922,000	\$365,250
39	Residential	\$20,362,500	\$522,115
3	Industrial	\$2,665,000	\$888,333
0	Composite Devel	\$0	\$0
0	Mixed Use	\$0	\$0
0	Special Use	\$0	\$0
0	Tourism	\$0	\$0
50		\$25,949,500	

Property Sales	2011/12	2010/11	2009/10	2008/09
JUL	2	10	2	0
AUG	14	10	3	0
SEP	7	9	16	0
OCT	12	37	28	17
NOV	15	14	7	8
DEC		9	70	42
JAN		7	21	11
FEB		4	8	7
MAR		8	37	5
APR		2	17	5
MAY		5	14	3
JUN		1	13	4
	50	116	236	102

Graphical overview of Property Sales for 2011/12:



Summary of Rates and Charges Collection

A summary of rates collected to date is below:

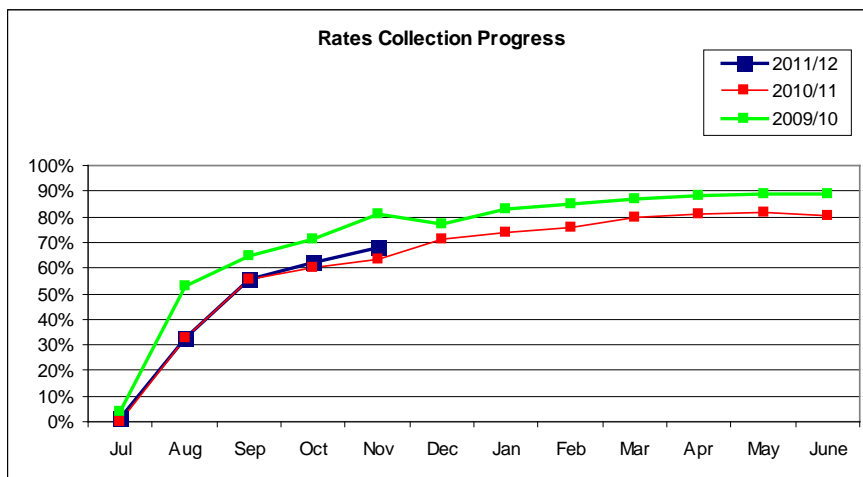
2011/12 Rates Collection Analysis

	\$
Rates & Charges Levied 2011/12	3,598,201
Arrears 1 July 2011	768,603
Less Collections	(2,971,751)
Total Rates & Charges Outstanding	1,395,053
Less Pensioner Deferred Rates	(10,502)
Total Rates Collectable	1,384,551
% Collected to Date	68.3%
Notices Sent	28/07/2011
Due Date	2/09/2011
Reminder Notice Sent	5/09/2011
Final Notice Sent	28/09/2011
Notice of Intention to Summons Sent	8/11/2011

Comparative percentage of rates collected monthly

	2011/12	2010/11	2009/10
Rates Due Date	2/09/2011	2/09/2010	28/08/2009
Jul	1%	0%	4%
Aug	33%	33%	53%
Sep	56%	55%	65%
Oct	62%	60%	71%
Nov	68%	63%	81%
Dec		71%	77%
Jan		74%	83%
Feb		76%	85%
Mar		80%	87%
Apr		81%	88%
May		82%	89%
June		80%	89%

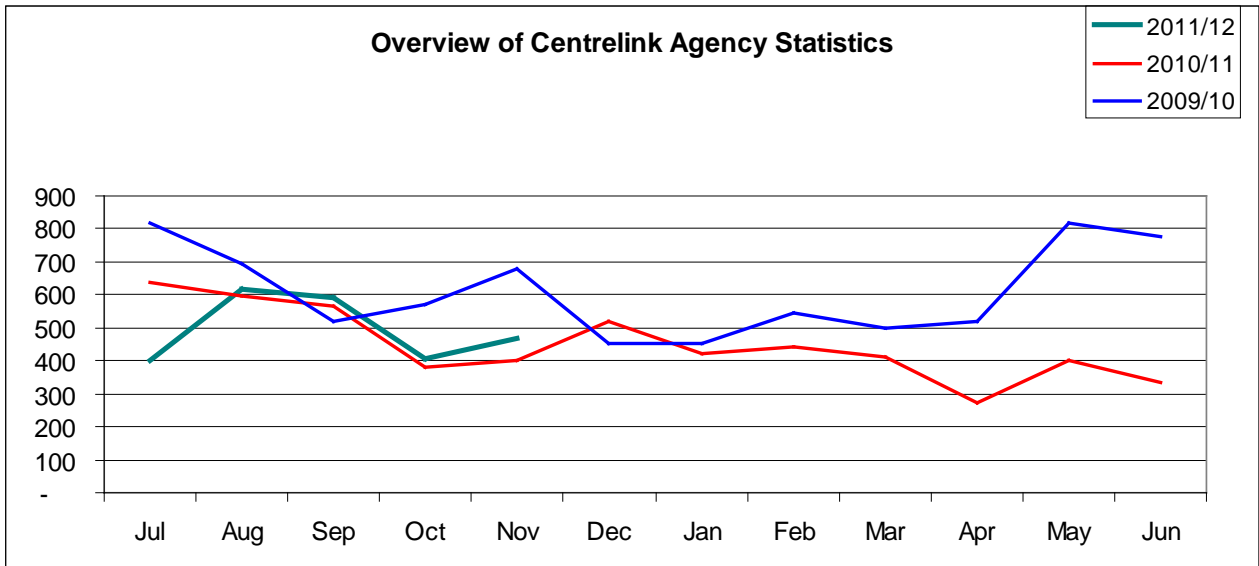
Graphical Overview of Rates and Charges Collection



Centrelink Agency

Below is a summary of activities performed by Centrelink Agency during this financial year:

	Lodgement of Forms/Assist with Completion	Referrals to Call Centre & CSC	Assist with use of Equipment & Computer	Respond to General Enquiries	TOTAL		2011/12	2010/11	2009/10
Jul	119	85	35	164	403	Jul	403	637	819
Aug	202	125	18	270	615	Aug	615	595	695
Sep	183	113	37	257	590	Sep	590	567	522
Oct	133	84	22	167	406	Oct	406	383	570
Nov	170	97	14	188	469	Nov	469	402	677
Dec						Dec		521	454
Jan						Jan		424	454
Feb						Feb		441	543
Mar						Mar		409	501
Apr						Apr		271	517
May						May		400	820
Jun						Jun		334	779
TOTAL	807	504	126	1,046	2,483		2,483	5,384	7351



CONSULTATION

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Objective 1: To provide sustainable management of the organisation.

VOTING REQUIREMENTS

Simple Majority

OFFICER’S RECOMMENDATION – 10.2.1

That the Council of the Shire of Exmouth receive the Executive Manager Corporate Services Report for the month of November 2011.

COUNCIL DECISION – 07-1111 - 10.2.1
--

Moved Councillor Fitzgerald, Seconded Councillor Thompson

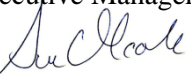
That the Council of the Shire of Exmouth receive the Executive Manager Corporate Services Report for the month of November 2011.

CARRIED 6/0

10. REPORTS OF OFFICERS

10.2 Executive Manager Corporate Services

10.2.2 Monthly Financial Statements and Report

Location:	Exmouth
Applicant:	S O'Toole
File Reference:	FM.FI.0
Disclosure of Interest:	Nil
Date:	10 November 2011
Author:	Executive Manager Corporate Services, Sue O'Toole
Signature of Author:	
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY

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

BACKGROUND

A financial report for the period ended 30 November 2011 has been prepared and a copy of the Report is attached as *Attachment Item 1* and a complete list of accounts for payment is attached as *Attachment Item 2*.

COMMENT

Nil

CONSULTATION

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Objective 1: To provide sustainable management of the organisation.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.2.2
--

1. That the monthly financial report for period ended 30 November 2011 be accepted; and
2. That the accounts as listed in the monthly financial report be received:
 - a. Municipal Fund ~ November 2011 \$768,309.09 incorporating cheque numbers 11527 to 11542 inclusive and direct debits
 - b. Trust Fund ~ \$8,711.25 incorporating direct debits.Outstanding Creditors totalling ~ \$93,582.76

COUNCIL DECISION – 08-1111 - 10.2.2

Moved Councillor Fitzgerald, Seconded Councillor Warren.


1. *That the monthly financial report for period ended 30 November 2011 be accepted; and*
 2. *That the accounts as listed in the monthly financial report be received:*
 - a. *Municipal Fund ~ November 2011 \$768,309.09 incorporating cheque numbers 11527 to 11542 inclusive and direct debits*
 - b. *Trust Fund ~ \$8,711.25 incorporating direct debits.*
- Outstanding Creditors totalling ~ \$93,582.76*

CARRIED 6/0

10. REPORTS OF OFFICERS

10.2 Executive Manager Corporate Services

10.2.3 2010/11 Annual Report and Electors Meeting

Location:	Exmouth
Applicant:	S O'Toole
File Reference:	FM.FI.1
Disclosure of Interest:	Nil
Date:	28 November 2011
Author:	Executive Manager Corporate Services, Sue O'Toole
Signature of Author:	
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY

This report recommends that Council accept the Annual and Financial Report for the year ending 30 June 2011 and set a date for the Annual Electors Meeting.

BACKGROUND

Council is to prepare an Annual Report for each financial year and the Chief Executive Officer is to give local public notice of the availability of the Annual Report as soon as practicable after the report has been accepted by Council.

COMMENT

The year end audit visit has now been completed and the Independent Audit Report and the Management Report were received on 18 November 2011.

At the time of writing this report, an Audit Committee Meeting will be held prior to this meeting to discuss the Audit Report and Management Letter. A copy of the 2010/11 Annual and Financial Report is attached. (refer *Attachment Item 3*).

The Annual Electors Meeting must be held within 56 days of accepting the annual report and the date has been proposed for *** 2012. (56 days - prior 8/2/12)

CONSULTATION

Inform - in accordance with Council Policy 1.25.

Local Public Notice of the availability of the annual financial report, the date set for the Annual General Meeting of electors will be provided in the Northern Guardian newspaper, Shire and Library noticeboards.

STATUTORY ENVIRONMENT

Sections 5.26, 5.27, 5.53, 5.54 of the Local Government Act 1995.

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Objective 1: To provide sustainable management of the organisation.

Strategic Objective 2: To consistently apply the Principles of Good Governance.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION – 10.2.3

That the Council of the Shire of Exmouth:

- *accept the Annual Financial Report including the Independent Audit Report for the financial year ended 30 June 2011;*
- *accept the Annual Report for the financial year ended 30 June 2011;*
- *authorise the Annual Electors Meeting be held in the Exmouth Shire Council Chambers on ***2012 commencing at **pm.*

COUNCIL DECISION – 09-1211 - 10.2.3

Moved Councillor Hood, Seconded Councillor Fitzgerald.

That the Council of the Shire of Exmouth:

- *accept the Annual Financial Report including the Independent Audit Report for the financial year ended 30 June 2011;*
- *accept the Annual Report for the financial year ended 30 June 2011;*
- *authorise the Annual Electors Meeting be held in the Exmouth Shire Council Chambers on 6th February 2012 commencing at 6.00pm.*

CARRIED BY ABSOLUTE MAJORITY 6/0

The President congratulated the Executive Manager Corporate Services for her comprehensive work in producing the Annual Financial Reports and receiving a clean Audit Report during the year.

As the Executive Manager Aviation Services was unable to attend, the Chief Executive Officer presented the following report to Council.

10. REPORTS OF OFFICERS

10.3 Executive Manager Aviation Services

10.3.1 General Report

Location: Exmouth
Applicant: Andrew Forte
File Reference: TT.SP.0
Disclosure of Interest: Nil
Date: 7 December 2011
Author: Executive Manager Aviation Services, Andrew Forte

Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

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

BACKGROUND

HELIPORT

Many and various elements over past four weeks. Of interest these include;

- Ground Handling Tender
 - Nil respondents.
- Recruitment for Heliport operations.
 - Completed with five new employees appointed.
- Team Heliport created.
 - Four existing employees co-opted and training program commenced.
 - Training includes Cert 11 Security operations, check-in, Dangerous Goods Awareness and First Aid, Ramp, use of fire extinguishers, helicopter awareness, load-out, marshalling and refuelling.
 - Helicopter ramp and handling awareness and refuelling training undertaking has been provided by CHC. A participative response from BHA is still pending.
- Procurement.
 - Equipment orders complete, including tugs, barrows, extinguishers, radios and PPE.
- Operating Procedures
 - Flow charts under preparation following understandings imparted by training.
 - O&G input received on requirements.
 - Systems development occurring¹.
- EAC sponsored Audit of Heliport operational readiness completed.
 - Response to audit outcomes to be given by EMAS at EAC special meeting 16 Dec. 11
- Compliance with Regulations
 - Regulatory review started covering AD Manual, Airside SMS, DAMP, TSP, certificates of completion, security licenses.

¹ Note: Heliport operations is not a transfer of business rather a grass roots start up operation by Shire and it necessitates extensive systems development, some of which will develop more comprehensively post start up.

- Document control procedures are to be effected.
- Airside risk assessment to be conducted under SMS

- Cyclone Down Manning exercise
 - Cyclone evacuation (down manning) exercise arranged by EAC scheduled in Perth 16 Dec.
 - Situation has Shire under operations.
 - Requires actual check-in simulation role for both VPOB and TAB systems. Three persons to Perth to partake.

LEASING

- BHA has had their sublease offer for three months. Meeting held with BHA who have advised they are not in a position to sign to a lease. Many factors from operational impositions on Deed of operation, which apply irrespective to leasing and future outcomes of the O&G and lot size on offer.

- CHC's sublease that was represented to Defence for approval prior to formal presenting to CHC for signing is yet to be approved. Without substantial contracts they are not in urgent hurry.

CIVIL WORKS

- Defence's runway and taxiway enrichment program is in progress.

REGULATORY

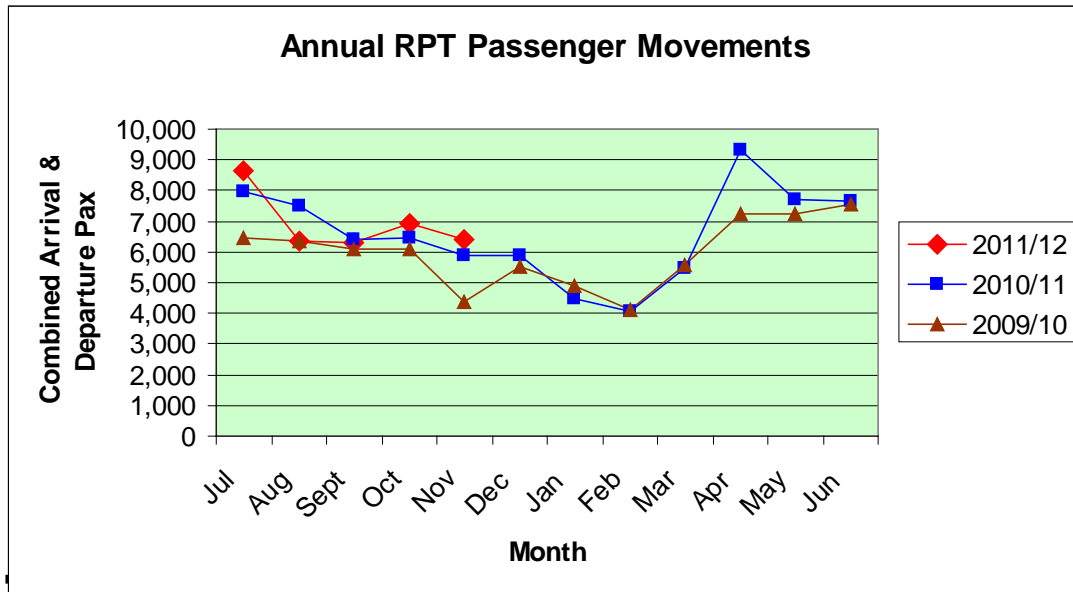
- A meeting with Defence Group Capt Mark Kelton has been arranged for end of January 2012 on civil airport leasing, operational and compliance matters.
- Defence approvals of all GA activity with 24 hr PN is are now a focussed activity following new Deed of Operation. Several charters have been denied on late timing notifications. Airport management systems to enable an effective 'paper trail' are under consideration. Airlines are being educated to new procedures.

TERMINAL

- Positive customer feedback being received on presentation.

AIRLINES/HELICOPTERS

- Skywest Airlines approval granted to operate RPT twice weekly (Mo-Tue) LEA to PBO return flying the F100. Monday only service being conducted at present – six out on first flight 28 Nov.
- Qantas RPT commenced Monday (fourth service) Q400 service, effective 21 Nov. .
- Qantas formal advice received and endorsement sought from Defence for twice daily RPT services effective 1 Jan. 2012. Underwritten by Woodside passenger movement contract.
- Qantas incident report for operations on NOTAM'd runway 4 Dec.
- Apache Energy conduct promotional facility familiarisation flights to FPSO's for community business leaders on 30 Nov.
- Graphical and tabulated format of the Learmonth RPT passenger movements are presented below.



for first 5 months of financial year.

Annual Passenger Movements (RPT)

	2011/12	2010/11	2009/10
Jul	8,632	7,991	6,484
Aug	6,358	7,494	6,370
Sept	6,308	6,388	6,119
Oct	6,940	6,437	6,092
Nov	6,400	5,875	4,387
Dec		5,896	5,533
Jan		4,488	4,920
Feb		4,085	4,093
Mar		5,472	5,598
Apr		9,340	7,235
May		7,707	7,215
Jun		7,648	7,576
	34,638	78,821	71,622

- Increased frequency (and therefore capacity) of RPT services (Qantaslink twice daily) effective New Year should deliver improved opportunity for travel, particularly if Skywest A/L retains its daily service.
- Heliport security, check-in, freight handling, ramp, refuelling operations and associated training, administration, risk assessment, document control, procurement and exercise training are a priority in the period to 1 January 2012.
- Defence liaison has been elevated in priority due to Commonwealth’s focus for operational compliance in accordance with the Deed of Operations.

COMMENTS

Nil

CONSULTATION

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

In accordance with airport regulatory and strategic objectives

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.3.1

That the Council of the Shire of Exmouth receive the Executive Manager Aviation Services Report for the month of December 2011.

COUNCIL DECISION – 10-1211 - 10.3.1

Moved Councillor Fitzgerald, Seconded Councillor Warren

That the Council of the Shire of Exmouth receive the Executive Manager Aviation Services Report for the month of December 2011.

CARRIED 6/0

10. REPORTS OF OFFICERS**10.4 Executive Manager Community Engagement****10.4.1 General Report**

Location: Exmouth
 Applicant: R. Kempe
 File Reference: CR.CO.1
 Disclosure of Interest: Nil
 Date: 5 December 2011
 Author: Executive Manager Community Engagement, Rogé Kempe

Signature of Author:



Senior Officer:

Chief Executive Officer, Bill Price

SUMMARY

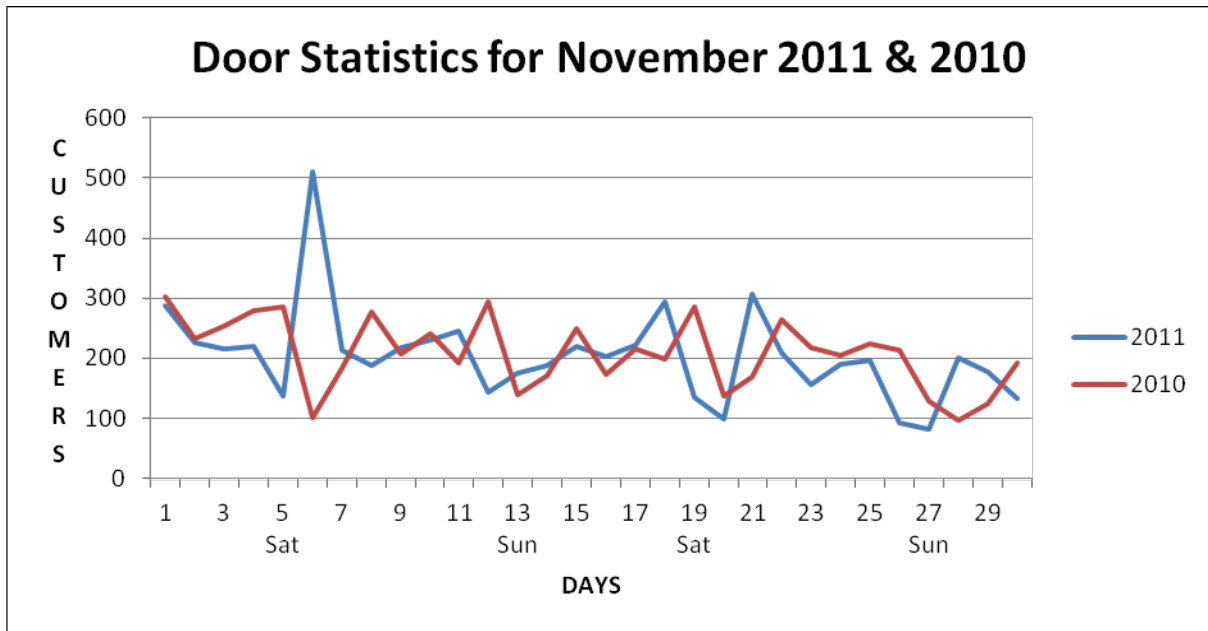
The following report contains a brief summary of significant activities, events and issues that were raised during the last month.

BACKGROUND**Visitor Centre**

Door count November 2011

- Total visitor numbers 6119
- The average visitor number per day is 204

	2004/5	2005/6	2006/7	2007/8	2008/9	2009/10	2010/11	2011/12	Compared to last year
JUL	17,987	18,746	18,901	21,887	18,453	20,608	19,833	16,175	-3,658
AUG	14,087	16,046	15,782	17,932	17,017	16,168	15,157	15,147	-10
SEP	10,750	15,486	12,324	13,281	14,332	15,512	13,035	11,048	-1,987
OCT	10,282	10,307	11,307	12,139	11,662	11,652	9,875	9,751	-124
NOV	5,774	6,037	5,436	6,846	7,884	6,967	6,305	6,119	-136
DEC	4,806	5,169	5,228	2,749	7,683	6,148	5,272		
JAN	4,183	4,118	5,758	5,382	5,596	4,525	5,355		
FEB	2,466	3,205	3,724	3,243	3,915	3,200	3,810		
MAR	5,006	4,781	4,619	4,889	7,246	5,481	6,749		
APR	8,821	11,111	11,205	11,924	16,518	11,422	12,566		
MAY	9,667	10,240	11,376	12,643	15,030	14,741	12,987		
JUN	10,293	11,326	13,006	14,095	16,054	14,058	13,950		
TOTAL	104,122	116,572	118,666	127,010	141,390	130,482	114,335		
Average	285	319	325	348	387	357	313		



Tour Sales

	Nov 2011	Oct 2011	Nov 2010
Total Number of Bookings	174	410	196
Total Online Bookings	5	12	2
Average Spend per Booking	\$193.00	\$158.00	\$216.00
Online Tour Bookings	2.87%	3.19%	1.02%

Accommodation Bookings

- 52.87% of accommodation bookings were booked online in November 2011.
- 25.23% accommodation bookings were booked online in October 2011.

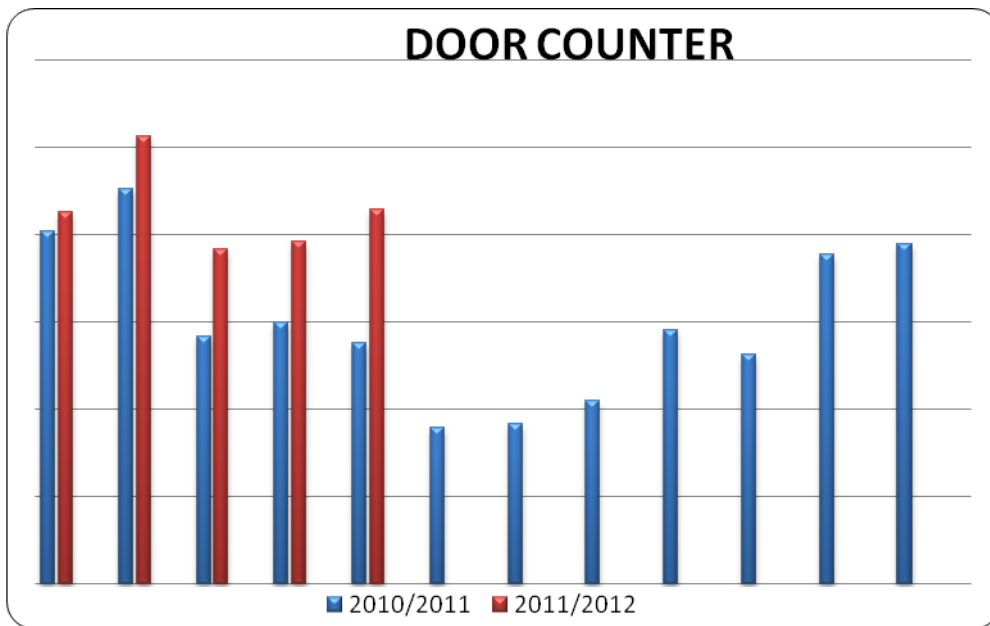
	Nov-11	Oct-11	Nov-10
Total Number of Nights	284	248	310
Total Number of Bookings	87	107	98
Number of Online Bookings	46	26	46
Average spend per booking	\$460.00	\$267.00	\$477.00
Online Bookings (% of total bookings)	52.87%	25.23%	46.94%

Staff

Rebecca Lawson has commenced in her position of Assistant Manager at the EVC and has made a great start while Bev Marston is on leave. Currently Bec is updating all Membership related details and outstanding activities as well as organising a Stock take while it is relatively quiet at the EVC this time of year.

Library & Community Resource Centre (CRC)

Door Figures



For the month of November the library and Community Resource Centre (CRC) visitors figures continue to grow in comparison with 2010. About 2145 people utilised the Library and CRC resources; an increase of 760 people on November 2010. On average 107 people use these facilities per day during November.

Activities

The library brought Better Beginnings story time to the Festival of Trees for two reading sessions. Story time exceeded previous attendances this week with 25 children and 16 carers. Final session will be Tuesday 13th December and will recommence February 2012, in line with the school terms.



The Premier's Summer Reading Challenge 2011/2012 has commenced in the library. This Challenge encourages children from Kindergarten to Year 7 to read over the summer holidays and visit the library to collect various giveaways they have completed the required hours of reading. The Challenge runs from 1st of December to 6th February 2012.

Community Resource Centre

The Exmouth Community Resource Centre or CRC had their AGM on 7 December and endorsed their budget and Annual Plan and formed a new committee. The EMCE represents the shire on this committee.

Community Development

The following provides an overview of activities with the community development area.

Proposed Exmouth Music Festival

The Exmouth Cultural Arts Centre (ECAC) has commenced preparations for “*Sounds Outback ...to Reef*” a proposed 3-day Music Festival in Exmouth and surrounds.

A meeting was held on 28 November 2011 at the Shire with interested parties, including DEC, local businesses and ECAC representatives. Mr Tos Mahoney, the artistic director of *New Tura Music* and the proposed coordinator of the event, outlined his draft proposal for the event to be held in the second half of 2012.

The vision is to create an annual event that would attract local, state-wide, national and international audiences to a cultural event of international standing in amongst iconic natural environments. Revolving around a main event at one of the Exmouth proximate canyons (most probably Shothole Canyon) on the Saturday afternoon/evening, the Festival will present three days of concerts, installations, workshops and events in and around Exmouth.

Initial costings for the start up event are in the order of \$200,000 with conservative sales in the order of \$15,000; thus about \$185,000 would need to be raised via funding and sponsorships.

Family Fun Day

This event on Saturday 19th November was a big success. There was a great attendance with a total of 474 people entering the pool during the two parts to the day. The Fun Day was funded by the Dry Season Assistance Scheme, and through this the CDO was able to engage services from a number of clubs and businesses to participate and to bring the kid’s entertainment to town called The LULUS (refer attachment 1). The swim club, kart club and PCYC were all involved during the day. The CDO would like to thank Councillor Hood for his involvement in the event and assistance with the set up at the pool and being MC for part of the day.

Youth Advisory Council

The CDO has been working with a group of young people that are interested in developing more facilities at the skate park. This group has worked with the CDO and a number of other officers, on illuminating the streetscape section of the park. The young people worked with the CDO to submit a grant application to Woodside in relation to this, and they are currently awaiting the outcome of the application.

This group of young men also organised a skate competition and disco in partnership with the CDO and PCYC. The disco and skate competition took place in November and was a great success. The group of young people range from school year 6 to 9, and were committed and well organised during the events. The adults that supported the disco and competition were impressed by the young people’s attitude and how well they delivered. The CDO would like to thank Councillor Fitzgerald for giving up his time to MC and judge the competition.

‘Twinning’ with the City of Swan

As previously mentioned Community Engagement submitted their interest to participate in this scheme. Exmouth has been twinned with the City of Swan, which is as per our request. The EMCE and CDO have attended a familiarisation exercise with officers from the City of Swan and participated in a Progress Event with other regional and metropolitan Councils. Officers will provide an outline of the nature, range and extent of the twinning exercise and will produce a draft plan to outline the strategic, operational and specific support required in the program to a future Council meeting.

Australia Day 2012

Preparations for next year's Australia Day celebrations have commenced. The CDO and the Pool Manager are working together to offer a number of activities for the community and to recognise the members of the community that will receive the *Premier's Active Citizenship Awards*.

The Awards committee has met and decided the winners in each of the categories. The categories that people can be nominated in are Citizen over 25; Citizen under 25 and Community Group / Event. This year the committee was impressed by the number of deserving nominations in the Citizen over-25 category.

One of the activities that will take place is a plastic bottle boat regatta. The "boat" can only be made of plastic bottles, tape and ropes. Boats can be built individually or in teams. This event will be advertised in the Shire Newsletter and through *EELIS*. There will be prizes and trophies awarded to the best "boats", as this was such a successful activity last year.

Festival of the Trees

The Shire has supported this event in a number of ways, including providing officer time to assist the Exmouth Cultural Arts Centre and donating prize money for the winning tree. Shire staff also submitting an entry called the "*Communitree*" which showcased a wide range of Shire achievements and community events over the year 2011.

Club Development

The CDO attended the Department of Sport and Recreation's Club Development Officer Personal Development training in Perth, including the Clubs Conference in Fremantle which all clubs across the state were invited to. The DSR did offer a scheme to support regional clubs to attend which the Exmouth Tennis Club, Bowls Club and PCYC were able to make use. The feedback from the attendees has been very positive.

In February 2012 Exmouth will host the annual Gascoyne Regional Clubs Conference and Sports Volunteers Awards night. Nomination forms for the Sports Awards will be passed on to all sports clubs and the CDO would like to encourage Council that if they are aware of anyone that deserves recognition to ensure they nominate them. The categories for the Awards are Committee Member; Grants Go Getter; Junior Volunteer; Volunteer Coach / Official and Indispensable Volunteer. The workshop presenters include Ian Crawford; Ali Mills and Patrick Moriarty.

The workshops at the Conference will predominately focus on the good governance of local clubs; and they will include marketing your club, leadership within your club; grant writing, sponsorship and risk management. The DSR will also be offering practical coaching workshops.

Staffing

Interviews were finalised for the position of Community Activities Officer and officers are negotiating with the preferred candidate for a commencement date early in January 2012.

Media and Community Information

The Shire provided the following community information:

- Weekly ABC radio updates on Club Development and activities in Exmouth – CDO
- Shire Newsletter November
- Provide media information about the Family Fun Day and the LULUS
- Media information regarding Tantabiddi Boat Ramp construction
- Media information on the Town Centre and Foreshore Development Plans

Grant Applications and opportunities

Artist in Residence - Healthway

The EMCE worked successfully with Country Arts WA officers on receiving a grant from Healthway to deliver a Gascoyne Youth Arts program. The funding will assist in the proposed artist in residence program with an artist likely to come to Exmouth in July 2012 to work with our young people. The program could result in public artworks which may tie in with the findings and recommendations of the Townsite and Foreshore development plans currently being prepared.

Reviewed Grant opportunity – BHP Billiton

BHP Billiton Petroleum recently reviewed its local community sponsorships application process. The key changes include:

- BHPB will seek applications for funding from the community each year in November/December for the next financial year.
- Applications must be submitted using an electronic form
- Closing date for applications this year is January 6, 2012.
- Funds will be made available to successful applicants after June 30, 2012.

BHPB now seeks applications from local community groups that aim to improve the quality of life in their town. Shire officers will assist BHPB with the distribution of information to Exmouth Clubs and groups.

COMMENT

Nil

CONSULTATION

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Objective 4: To promote socioeconomic development

- Key Actions: 1. Promote culture, arts and recreation
 2. Support and manage tourism

Strategic Objective 3: To communicate effectively

- Key Action: all

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.4.1

That the Council of the Shire of Exmouth receive the Executive Manager Community Engagement Report for the month of December 2011.

COUNCIL DECISION – 11-1211 - 10.4.1

Moved Councillor Hood, Seconded Councillor Warren.

That the Council of the Shire of Exmouth receive the Executive Manager Community Engagement Report for the month of December 2011.

CARRIED 6/0

10. REPORTS OF OFFICERS

10.5 Executive Manager Health & Building

10.5.1 General Report

Location: Exmouth
 Applicant: R M Manning
 File Reference: GV.CM.0
 Disclosure of Interest: Nil
 Date: 6th December 2011
 Author: Executive Manager Health & Building, R M Manning

Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

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

BACKGROUND

Building Licence and Building Certificate Applications and Approvals

Below is a summary of building licence and building certificate applications and approvals up to 6th December 2011.

Building Applications			
Application No.	Date Received	Lot/Description	Date Approved/Comments
135/11	08/09/11	Lot 169 (Unit 25) Murat Road	Approved 16/11/11
148/11	30/09/11	Lot 119 (26) Ingram Street	Awaiting information from applicant
150/11	05/10/11	Lot 147 Hunt Street	Approved 09/12/11
152/11	05/10/11	Lot 1279 (6) Seawolf Place	Approved 09/12/11
159/11	17/10/11	Lot 1104 Campell Way	Awaiting information from applicant
160/11	21/10/11	Lot 1280 Seawolf Place	Approved 17/11/11
163/11	31/10/11	Lot 155 Snapper Loop	Approved 07/11/11
164/11	07/11/11	Lot 112 Snapper Loop	Approved 16/11/11
165/11	07/11/11	Lot 415 (50) Madaffari Drive	Approved 10/11/11
166/11	11/11/11	Lot 1112 (Site 215) Murat Road	Approved 29/11/11
167/11	11/11/11	Lot 1112 (Site 215) Murat Road	Approved 29/11/11
168/11	14/11/11	Lot 127 Skipjack Circle	Awaiting information from applicant
169/11	15/11/11	Lot 149 Dugong Close	Approved 09/12/11
170/11	15/11/11	Lot 984 Walters Way	Approved 15/11/11
171/11	15/11/11	Lot 252 Davidson Street	Approved 15/11/11
172/11	15/11/11	Lot 973 Schmidt Way	Approved 15/11/11
173/11	15/11/11	Lot 627 Fletcher Street	Approved 15/11/11
174/11	15/11/11	Lot 707 Gooley Street	Approved 15/11/11
175/11	16/11/11	Lot 155 Snapper Loop	Approved 21/11/11
176/11	17/11/11	Lot 1280 Seawolf Place	Approved 17/11/11
177/11	21/11/11	Lot 60 (9) Lockwood Street	Approved 29/11/11
178/11	21/11/11	Lot 120 Bluefin Cove	Approved 05/12/11
179/11	23/11/11	Lot 154 (5) Griffin Way	Approved 01/12/11
180/11	22/11/11	Lot 147 Hunt Street	Approved 01/12/11
181/11	28/11/11	Lot 147 Snapper Loop	Approved 09/12/11
182/11	30/11/11	Lot 1112 (site 215) Murat Road	Processing
183/11	02/12/11	Lot 169 (Unit 23) Murat Road	Processing
184/11	02/12/11	Lot 169 (Unit 24) Murat Road	Processing
185/11	02/12/11	Lot 169 (Unit 14) Murat Road	Processing
186/11	02/12/11	Lot 169 (Unit 6) Murat Road	Processing

Summary of Building Licence Applications
2005 to Year to date 6th December 2011

Year	No. Applications	Total Value of Works	No. Applications up to 6 th December 2011	Value up to 6 th December 2011
2006	148	\$23,758,341.45	132	\$22,407,166.00
2007	138	\$19,487,319.01	119	\$17,677,224.51
2008	140	\$23,065,372.40	130	\$22,514,322.40
2009	140	\$24,780,872.94	132	\$22,019,772.94
2010	202	\$25,165,355.12	193	\$25,198,557.12
2011			181	\$26,082,485.11

COMMENT

BUILDING

Implementation of the New Building Act & Regulations

Advice was received formally late November from the Building Commission that the Minister has determined that the implementation of the Building Act is to be delayed with the proposed implementation date now prescribed as the 2 of April 2012.

At a meeting of the Building Act Stakeholder Reference Group which included HIA, MBA, AIBS and Local Government representatives on Monday the 21 November it was clear that the regulations had not yet been finalised and that the latest version of the regulations which was presented to the stakeholders Reference Group was due to be represented to the Parliamentary Council in the very near future. Representatives were able to review only the latest version of the regulations and as such there is still no ability to provide members with any additional information.

This advice comes as a relief as it would have been near on impossible to implement the new system at 1 January 2012 without any lead-time to review the content of the new regulations. A copy of the final draft of the regulations has now been circulated for review by all stakeholders.

Lot 169 Murat Road (EMV-Precinct B) : Group Housing/Short Stay Accommodation - Disability Access

The Building Code of Australia (2011) now requires that where there are more than four dwellings are proposed for construction on a lot for use as short stay accommodation the buildings are classified as Class 1b buildings and a prescribed number of dwellings must be designed and constructed as disabled accessible.

The current planning approval for the above site is for permanent occupation of the dwellings (BCA Class 1a buildings). However, there have been expressions of interest by investors/owners to obtain approval for short stay accommodation.

Owing to the above, officers within the Council's Building Services have raised the potential disability access issue with the principal developer. The developer has provided a commitment that at least two of the remaining dwellings to be developed will be disabled compliant thereby satisfying the BCA and Building Standards (Access for People with Disability) should all or some of the dwellings seek approval from the Council for use as short stay accommodation.

A further four applications for building license were recently submitted for dwellings at the above complex. One of the above applications includes access to and within the dwelling in accordance with Australian Standard 1428.1. There are a further 12 strata lots that are yet to submit applications for a Building License, one of which may include the second disabled accessible unit.

Argosy Court

Progress in getting the owners of strata lots 1 to 4 to vacate the premises and facilitate the Strata Company removing the remaining units has been slow.

The Strata Company is currently pursuing two courses of action to get the occupants off the site. More will be known with the progress of the above in the days preceding the December 15 Ordinary Council Meeting. Further updates on this matter will be provided to the Council prior to or at the meeting.

ENVIRONMENTAL HEALTH

General Duties

The general environmental health functions are continuing with regular food premises, public buildings, on-site waste water system and accommodation inspections continuing together with ongoing sampling of public swimming pools, potable and environmental waters.

Noise Issues – Exmouth Power Station

On the 10th November 2011 correspondence was received from the Deputy Company Secretary & Legal Council of Worley Parsons advising that:-

“The Power Station is investigating the noise issues raised in the Council’s correspondence and will provide a response to Council by 8 December.

The Power Station is committed to complying with all its obligations, including any noise issues, and continuing to provide an essential service to the Exmouth local community.”

The Executive Manager Health & Building expects to receive the above mentioned correspondence by the 8th of December as indicated above and will provide the Council with any relevant updates on this matter prior to the December 15, Ordinary Council Meeting once the information is available.

Community / Not-for-Profit Groups as Food Businesses

Recently, clarification was sought from the Department of Health – Food Unit (DoH) and various other Environmental Health Officers (EHOs) across WA on the definition and intent of sections of the Food Act and Regulations relating to the above.

Below is an Extract from the *Food Regulations 2009*:-

Part 3 — Exempted food businesses

9. Term used: potentially hazardous food

In this Part —

potentially hazardous food has the meaning given in FSC standard 3.2.2.

10. Food businesses conducted as fundraising events (s. 109)

- (1) **business in** For section 109 of the Act, a food business conducted at any premises is an **exempted food business** in respect of those premises if —
- (a) the food business is conducted to raise money solely for purposes that are of a charitable or community nature; and
 - (b) any food handled in the course of conducting the food business —
 - (i) is not potentially hazardous food; or
 - (ii) after being appropriately cooked, is provided by the food business for immediate consumption.

The clarification was sought as Officers were finding it difficult to determine under what circumstances particular community groups should be classified as exempted food businesses under the Food Regulations 2009. The DoH confirmed that the intent of the exemption is to allow community and charitable organisations from time to time, to conduct fundraising events such as sausage sizzles without having to register as a food businesses.

Community/charitable groups are required to notify EHOs of their intention to sell food at events and following this will receive a certificate of notification. Only low-risk food or sausage sizzles are permitted under the exemption for registration. Any food activities conducted by Community/Not for Profit groups that are outside of the exemption will result in registration. Recently, the Shire of Exmouth Schedule of Fees and Charges were amended to include a 50% reduction for food business registration fees if community and charitable groups were required to formally register.

In the near future, an information evening will be held by Officers of Council’s Environmental Health Services in conjunction with the Community Development Officer to ensure all the community/charitable groups are aware of their requirements under the Food Act 2008.

Waste Management & Recycling

Implementation of the LEMP

The formal opening and closing times commenced at the Qualing Scarp Waste Disposal Site on the 28th November 2011. Staff at the tip have tracked waste entering the site using the waste docketts and in the first nine days of operation they have logged approximately 100 vehicles entering the site (not including Exmouth Crane and Truck Hire or rubbish trucks). The data captured by these docketts is essential information required to accurately respond to annual waste and recycling reporting surveys issued by ABS and the DEC – Waste Management Branch.

To date there have been very few complaints (none formal) regarding the opening times and the formal collection of the tipping fees. One incident of illegal dumping occurred at the entrance gates which is currently under investigation by the Council Ranger.

Recycling – Glass Crushing Trial

A low-key glass crushing trial was conducted earlier this year. The trial involved seeing whether locally available crushing infrastructure could produce crushed glass to a specification that may be able to be re-used in road construction or the manufacturing of concrete.

Preliminary results show a limited success from the trial. Dr Komsun Siripun of the Curtin University Geomechanics and Pavement Laboratory is assisting with the technical aspects of the trial. Dr Siripun has not completed his research at the time this report was prepared. However, he has advised that whilst the samples analysed would not be suitable for use as an aggregate substitute in asphalt or concrete, the material may be suitable as sub-base material in road construction.

Further information will be provided to the Council once the EMHB has the final results of the analysis.

Sentinel Chickens & Mosquito Borne Diseases

The University of Western Australia’s Sentinel Chicken Bleeding Program continues to show negative results from the new Exmouth flock.

Paltridge Memorial Swimming Pool

	<u>2011</u>	<u>2010</u>	<u>2009</u>
Pool users	6070	5631	4630

It has been a busy month at the pool with many community groups (children focussed) holding end of year winds-ups and Christmas parties at the Paltridge Memorial Swimming Pool.

A Family Fun Day was held on the 19th of November and saw over 500 people enter through the gates. A lot of fun was had and a great deal of positive feedback from the public has been received. The Dive-In-Movies that was aired after the family fun day was also a big success. The new outdoor screen and sound system was made possible thanks to a \$5000 grant from Chevron.

The Pilbara Championships were held on the 26th and 27th of November 2011 at the Paltridge Memorial Swimming Pool. This is a significant event within regional Western Australia that attracted nine teams with a total of 214 competitors to Exmouth. The two days of competition saw 1000 people enter through the gates. The swimming pool staff worked extremely hard throughout the event to ensure the health and safety of both, competitors and spectators.

The pool will be closed Boxing Day (Monday 26 Dec) this year and re-open as normal on Tuesday the 27th of December. This is to give the pool Manager two consecutive days off over the Christmas period. There will be no early morning swimming on the 28th and 30th of December 2011 as this has been standard practise for recent years and the pool is traditionally very quiet during this time.

CONSULTATION

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Food Act 2008

Food Regulations 2009

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Objective: 2 - To consistently apply the Principles of Good Governance

- Key Actions 1. To continue ethical and responsible decision making

Strategic Objective: 3 - To communicate effectively

- Key Actions 1. To convey relevant information using appropriate communication channels

Strategic Objective 4: To promote socioeconomic development

- Key Actions 1. Manage land use development
2. Promote culture, arts and recreation
3. Support and manage tourism

Strategic Objective 5: To value our environment and heritage

- Key Actions 1. To develop and implement policies and statutory processes that ensure balanced decision making

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.5.1
--

That the Council of the Shire of Exmouth receive the Executive Manager Health & Building Report for the month of December 2011.

COUNCIL DECISION – 12-1211 - 10.5.1

Moved Councillor Fitzgerald, Seconded Councillor Thompson.

That the Council of the Shire of Exmouth receive the Executive Manager Health & Building Report for the month of December 2011.

CARRIED 6/0

10. REPORTS OF OFFICERS**10.6 Executive Manager Town Planning****10.6.1 General Report**

Location: Exmouth
 Applicant: Rhassel Mhasho
 File Reference: LP.PL.0
 Disclosure of Interest: Nil
 Date: 4 December 2011
 Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer:

Chief Executive Officer, Bill Price

SUMMARY

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

BACKGROUND

The schedule below indicates the current status of planning applications lodged with the Shire of Exmouth.

COMMENT**Planning Applications and Approvals**

Below is a summary of planning applications and approvals up to 7th December, 2011

Planning Applications			
Application No.	Date Received	Lot/Description	Date Approved/Comments
PA104/11	14/10/11	Lot 768 Ingleton Street	Approved 09/11/11
PA106/11	07/11/11	Lot 606 Maidstone Crescent	DEC OCM
PA107/11	07/11/11	Lot 1112 (215) Nimitz Street	Approved 10/11/11
PA111/11	14/11/11	Lot 1419 (Res 29066) Murat Road	Approved 21/11/11
PA112/11	16/11/11	Lot 303 Gnulli Court	Approved 21/11/11
PA113/11	18/11/11	Lot 805 King Place	DEC OCM
PA114/11	21/11/11	Lot 1090 Nimitz Street	Approved 23/11/11
PA115/11	22/11/11	Lot 135 Bluefin Cove	Neighbour consultation closes 13/12/11
PA116/11	22/11/11	Lot 134 Bluefin Cove	Neighbour consultation closes 13/12/11
PA117/11	22/11/11	Lot 784 Carr Way	Approved 17/11/11
PA118/11	22/11/11	Lot 45 Cooyou Place	Neighbour consultation closes 14/12/11
PA119/11	02/12/11	Lot 415 Madaffari Drive	Processing
CV22/11	05/10/11	Lot 737 (17) Snapper Loop	Approved 17/11/11
CV23/11	26/10/11	Lot 109 (17) Snapper Loop	Approved 21/11/11
CV24/11	26/10/11	Lot 1279 Seawolf Place	Approved 21/11/11
CV25/11	02/12/11	Lot 458 (15) Lyon Street	Neighbour consultation closes 20/12/11

Town Planning Scheme No. 3 - Amendment 19

The amendment was presented to Council during the October Council meeting for final adoption and has been forwarded to WAPC for approval.

Town Centre and Foreshore Revitalisation Plan

HASSELL presented the options to Shire Council and Townscape Committee on the 17 November 2011 and the two options were put for advertisement for 21 days. Advertising closed on 9 December. It is expected that HASSELL will finalise the preferred plan and Draft report mid-January for final adoption by Council.

Home Occupation Compliance Notices

Council served a total of 30 illegal notices to businesses operating at home or using their home for non-residential purposes. A compliance audit of home occupations revealed a significant number of businesses are operating without valid Planning Approval. The conduct of a business, office, a workshop or activity from a dwelling or curtilage (yard) requires Planning Approval and a valid licence.

An approval for a home occupation is specific to a person and the land. Council also reserves the right to cancel any home occupation if it is considered to have an adverse effect in the immediate locality. Examples of home occupations include:

- Professional Service: Real Estate, Engineering, Surveying, Planning, Architecture, Valuation, Secretarial, Legal, Finance, Photography, Security, Home Based Travel Consultant.
- Human Services: Beautician, Medical, Therapeutic, Guidance, Masseuse, other.
- Trades: Business contact address and administration only *eg.* Builder, Plumber, Electricians, Mobile Hairdressing.
- Arts & Crafts: Production only, not retail sale or display of goods.
- Tourism Related Businesses: dive tours, fishing charters, 4WD and Adventure Tours.

Comments on proposed Expansion to limestone quarry mining lease 08./06 sublease 3h/034

Council is notified that the town planning department provided comments on the proposed expansion to the limestone quarry mining lease 08/06 sublease 3h /034 to EPA.

Ranger services

A summary of the activities performed by the ranger during November 2011.

	Dogs	Camping	Parking	Litter	Fire	Off road	Other
Warning/caution	11	13	1	0	0	1	4
Infringement	0	2	0	0	0	0	0
Court	0	0	0	0	0	0	0
Monthly Total	11	15	1	0	0	1	4
July-October Total	51	155	39	1	1	4	9
2011-2012 Totals	62	170	40	1	1	5	13

Dust Notices

A total of eleven (11) property owners were issued with a Notice to Take Action pursuant to Section 3.25 of the Western Australia Local Government Act 1995 in order to reduce or minimize the movement of sand or silt from land owned by them with owners required to be compliant by 12th December 2011.

CONSULTATION

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Local Government Act 1995

Bushfires Act 1954

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Objective: 2 - To consistently apply the Principles of Good Governance

- Key Actions 1.To continue ethical and responsible decision making

Strategic Objective: 3 - To communicate effectively

- Key Actions 1. To convey relevant information using appropriate communication channels

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.6.1

That the Council of the Shire of Exmouth receive the Executive Manager Town Planning Report for the month of December 2011

COUNCIL DECISION – 13-1211 - 10.6.1

Moved Councillor Fitzgerald, Seconded Councillor Winzer.

That the Council of the Shire of Exmouth receive the Executive Manager Town Planning Report for the month of December 2011

CARRIED 6/0

10. REPORTS OF OFFICERS

10.6 Executive Manager Town Planning

10.6.2 Community Survey – Traders out of Town

Location: Exmouth
Applicant: Nil
File Reference: R45402
Disclosure of Interest: Nil
Date: 11th October 2011
Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer:

Chief Executive Officer, Bill Price

SUMMARY

This report presents the results of the community survey –traders out of town and recommends that the Council of the Shire of Exmouth continue to allow outside traders to conduct trading upon Reserve 45402 (Exmouth Visitor Centre) and provide an exemption under clause 6.8(2)(a) of the Shire's Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2009 .

BACKGROUND

In July 2011, Council conducted a Community Survey to determine whether there was broad community support for permitting trading on local government property by businesses outside the local government area. The survey was distributed through post office boxes and provided a period of 31 days for public comment (refer *Attachment 1*).

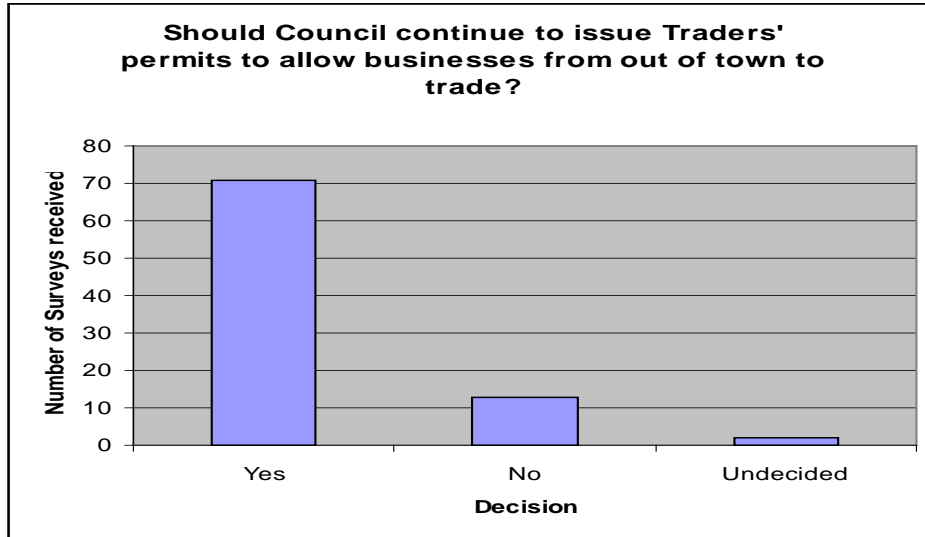
The survey informed the public that their assistance would provide information to Council, as a guide to either restrict or continue to allow traders from outside of the local government area to trade on local government property.

COMMENT

The Shire's *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2009* governs the conduct of trading. All trading on local government property requires Council's approval unless the trading is conducted with the consent of a person who holds a permit to conduct a function, and where the trading is carried on under and in accordance with the permit; or by a person who has a licence or permit to carry on trading on local government property under any written law.

Community Survey Results

The Shire estimates a total of 750 survey forms were sent and a total of 80 responses were received by the Shire and represents 10.6% of the community surveyed. Tabled below is a summary:



Yes

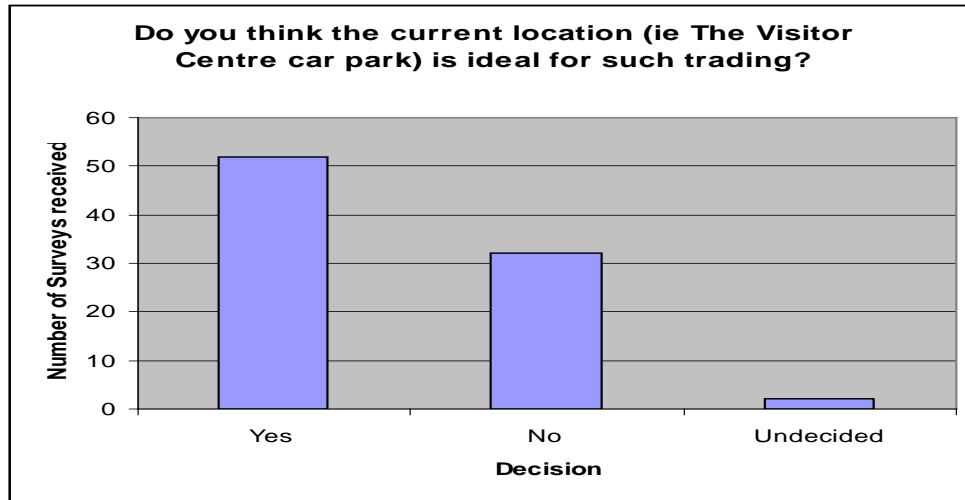
- Getting less and less choice from local traders
- We are ‘starved’ for retail outlets
- Provides much needed variety to community
- Allows competition which is healthy choice
- It gives diversity and choice and access to other commodities.
- We badly need competition
- They bring variety of goods to town
- Competition is good for the town.
- As a retailer I understand we like to keep money local but I also believe in competition and that we need variety in this small town.
- This provides us locals with the chance to purchase other things which shops in town do not offer.
- More choice on offer of goods. Keep the local traders honest. This town is about the people not just the traders.
- There should be choice for consumers – competition benefits everyone.
- Freedom of Choice!
- It’s nice to have variety, adds a bit of atmosphere.

- Exmouth residents deserve the choice to buy items at reasonable prices.
- Competition is a good thing
- More choice
- Diversity – Choice – Pricing – competition
- Adds to the diversity of the existing retail outlets and adds a bit more ‘colour’ to the town.
- It vies a wider and often cheaper choice of goods and services, some of which is not available locally.

NO

- I believe you need to support the stores in town.
- It’s hard enough for local businesses to survive without outside completion
- Outsiders don’t make the same commitment to the local community – no rates, no rents, no volunteer work, no kids at school, no employment of locals.
- Most services are already provided by people/businesses who live here and contribute to our community.
- These impact the viability of existing local businesses.

Comments: Generally the public were supportive of permitting traders from outside the local government area to trade and providing competition in the local market. The survey represented 9.4%, approximately 233 residents supported outside traders.



Yes

- Doesn't interfere with local traffic/ good visibility
- Plenty of room for parking / not tucked away
- Out of town centre / easily accessible

- No Where
- Shire Office car park
- Centennial Park
- Closer to shopping district
- Niblet Oval
- Too close to competing local businesses

No

- Federation Park

Comments: Generally the community was in favour of allowing outside traders to conduct trading at the Exmouth Visitor Centre. The support represented 6.7%, approximately 160 residents supported trading at the Exmouth Visitor Centre.

Compliance with Local Law

Council's determination approving trading permits on local government property considers:

- (a) "any relevant policies of the local government;
- (b) the desirability of the proposed activity;
- (c) the location of the proposed activity;
- (d) the principles set out in the Competition Principles Agreement; and
- (e) such other matters as the local government may consider to be relevant in the circumstances of the case."

Clause 6.7(3) states that the local government may exempt a person or a class of persons, whether or not in relation to a specified public place, from the requirements of this Division (*Division 1— Stallholders and traders*). This provides Council the power to exempt traders from clause 6.8(2)(a) which states:

"that a stallholder or trader shall not... attempt to conduct a business within a distance of 300m of any shop or permanent place of business and has for sale any goods or services of the kind being offered for sale by the stallholder or trader."

'Competition Principles' recommend that "legislation should not restrict competition unless it can be demonstrated that:

- (a) the benefits of the restriction to the community as a whole outweigh the costs; and
- (b) the objectives of the Local Laws can only be achieved by restricting competition.

Based on the results of the survey, Council officers recommend that the Council of the Shire of Exmouth continue to allow outside traders to conduct trading and provide an exemption for commercial participant and charitable organisations under clause 6.8(2)(a) to permit approved trading upon Reserve 45402 (Exmouth Visitor Centre).

CONSULTATION

Consult - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Local Government Act 1995

National Competition Policy

Competition Policy Statement (Local Government Statement) 1996

Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2009

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Objective: 2 - To consistently apply the Principles of Good Governance

- Key Actions 1. To continue ethical and responsible decision making

Strategic Objective: 3 - To communicate effectively

- Key Actions 1. To convey relevant information using appropriate communication channels

Strategic Objective 4: To promote socioeconomic development

- Key Actions 1. Manage land use development
2. Promote culture, arts and recreation
3. Support and manage tourism

Strategic Objective 5: To value our environment and heritage

- Key Actions 1. To develop and implement policies and statutory processes that ensure balanced decision making

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.6.2

That the Council of the Shire of Exmouth continues to allow traders and stallholders to conduct trading upon reserve 45402 (Exmouth Visitors Centre) or other approved venues, providing an exemption to clause 6.8(2)(a) of the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2009 which states: a stallholder or trader shall not attempt to conduct a business within a distance of 300 metres of any shop or permanent place of business and has for sale any goods or services of the kind being offered for sale by the stallholder or trader.

COUNCIL DECISION – 14-1211 - 10.6.2

Moved Councillor Thompson, Seconded Councillor Fitzgerald.

That the Council of the Shire of Exmouth continues to allow traders and stallholders to conduct trading upon reserve 45402 (Exmouth Visitors Centre) or other approved venues, providing an exemption to clause 6.8(2)(a) of the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2009 which states: a stallholder or trader shall not attempt to conduct a business within a distance of 300 metres of any shop or permanent place of business and has for sale any goods or services of the kind being offered for sale by the stallholder or trader.

CARRIED 6/0

NOTE: It was noted by Council that any application from a trader wishing to operate longer than two weeks will be referred to the full Council for consideration.

10. REPORTS OF OFFICERS

10.6 Executive Manager Town Planning

10.6.3 Proposed lease on Reserve 32867 -Light Aircraft Strip, Exmouth

Location: Reserve 32867, Light Aircraft Strip, Exmouth
Applicant: Peter Lalor
File Reference: Reserve 32867
Disclosure of Interest: Nil
Date: 4 December 2011
Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends that the Council of the Shire of Exmouth grant a lease to a portion of Reserve 32867, Light Aircraft Strip, Exmouth for a recreational hanger to house light aircraft.

BACKGROUND

In May 2011, Council received a request for land to develop a recreational hanger to house light aircraft upon Reserve 32867, Light Aircraft Strip, Minilya-Exmouth Road. Over the last 5 years, the applicant has been assembling an ultra-light aircraft and the completed aircraft is now parked upon the public apron at the Light Aircraft Strip (*refer Attachment 2*).

Proposal summary:

- Hanger 120sqm (12mx10m)

COMMENT

The proposed lease can be assessed against the Shire of Exmouth Town Planning Scheme No. 3. To accord with the Scheme, any use of a reserve requires Council to have due regard to the *ultimate purpose intended for the Reserve* and any other relevant planning considerations.

Appropriateness of Use

Reserve 32867 is for the purpose of 'light aircraft' and the proposal accord with ultimate intent. The appropriate area of land, for the purpose of a formal lease agreement should be limited to the building envelope only – i.e. 120sqm.

Development Control

All development upon the land requires planning approval, and a future application will be required for the proposed hanger to enforce appropriate development standards as determined by Council.

Council officers recommended that Council grant a lease for a recreational hanger to house light aircraft.

CONSULTATION

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Planning and development Act 2005
Town Planning Scheme No. 3.

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Objective: 2 - To consistently apply the Principles of Good Governance

- Key Actions 1.To continue ethical and responsible decision making

Strategic Objective 4: To promote socioeconomic development

- Key Actions 1. Manage land use development
2. Promote culture, arts and recreation
3. Support and manage tourism

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.6.3

That the Council of the Shire of Exmouth grant a lease of a portion of Reserve 32867, Light Aircraft Strip, Exmouth to Peter Lalor for a recreational hanger to house light aircraft.

COUNCIL DECISION – 15-1211 - 10.6.3

Moved Councillor Warren, Seconded Councillor Hood.

That the Council of the Shire of Exmouth grant a lease of a portion of Reserve 32867, Light Aircraft Strip, Exmouth to Peter Lalor for a recreational hanger to house light aircraft.

CARRIED 6/0

10. REPORTS OF OFFICERS

10.6 Executive Manager Town Planning

10.6.4 Policy Manual- Holiday Accommodation

Location: Exmouth
 Applicant: N/A
 File Reference: 4/115/1
 Disclosure of Interest: Nil
 Date: 28 November 2011
 Author: Executive Manager Town Planning, Rhassel Mhasho
 Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report is presented to Council recommending the adoption of the Holiday Accommodation Policy, reviewed after submissions with the intent of providing an overall guiding document for the assessment of Development Applications (refer *Attachment 3.*)

BACKGROUND

Council, at its meeting on the 15th of September 2011, endorsed to amend the following as a Draft Policy:-

Section 6-TOWN PLANNING & BUILDING
 Policy 6.27 Holiday Accommodation

and

1. *Advertise the Policy. This is to include notifying in writing all owners of land and such public authorities as the Council nominates, within an area determined by the Council as likely to be affected by the policy, and inviting each owner and nominated public authority to make a submission to the Council within the required timeframe;*
2. *The period of advertising is to be not less than twenty-eight (28) days from the date of the publishing of notices and newspaper advertisements, and shall be in the form of:-*
 - a. *Notifying all affected agencies, authorities, organizations and landowners Council deems necessary;*
 - b. *Placing an electronic copy of the draft document on the internet;*
 - c. *Making a copy of the draft document available for public viewing and comment at Council's Offices;*
 - d. *Publishing a notice in the 'Northern Guardian' newspaper; and*
 - e. *Placing a notice on Council's notice board for a period of not less than twenty-eight (28) days.*

The resultant modifications to the Policy were as follows:

- **Section 3 Residential** – incorporate Policy 6.10 which prohibits holiday accommodation in Skipjack circle.
- **Section 3- 10** – Include the need for all holiday accommodation to have one on site signage located on the front boundary with names of the management agents, council approval number, no of people allowed and contact details.
- **Renewal** – To have 30 September as anniversary date for renewal of all holiday accommodation

The Policy was advertised on the 5th of October 2011 and submissions were accepted until the 4th of November 2011.

COMMENT

All holiday home owners received a letter of notification and relevant documentation pertaining to the amendment. By the end of the advertising period 21 submissions were received.

No	Submission From	Submission	Remarks
1	Thomas Moeller	<ul style="list-style-type: none"> ▪ In the preamble, the policy was formulated on the basis that the availability of housing for permanent residents may, potentially be compromised by the use of the dwellings for short stay accommodation for many years as I have stayed in several of them. Given that short term accommodation has been available for many years, I have today examined the Ray White Exmouth and Exmouth Cape Realty websites. I these two agencies alone there are 17 properties available for long term rental. I consider that the whole basis for the draft policy is flawed. ▪ The last time I stayed in rented short term accommodation, we travelled with two adults and four children. Pricing better style accommodation that does not involve house style accommodation ie the Novotel, the cost for one week would be around \$5,000. Whilst other accommodation is cheaper it is significantly lesser standard and cramped. If short term housing was not available, I would take my family to another holiday destination. ▪ I have short stay properties in other locations, ie Yallingup WA and Cairns QLD. I have also stayed in house style short term accommodation in Gold Coast, QLD, Sunshine Coast QLD, Darwin NT, Rarotonga, Cook Islands. None of these has anywhere the regulations of Exmouth. Draft Policy 6.27 for Exmouth residential short term accommodation is onerous and overregulated. ▪ Section 11 regarding signage for holiday accommodation, what is its purpose of the proposed sign as it is not stated in the Draft Policy. I am assuming it is for the neighbours benefit to notify the agent of any complaints. If this is the purpose, then this is discriminatory, if section 11 remains in the policy then every residence should have the same with a contact number for the owner/manager. ▪ Section 11 is an open invitation for any burglar that does not see a car in the driveway. If this is enforced and my residence is burgled, I will be seeking compensation from the Shire. ▪ Section 11- given that short term residential house style accommodation must be managed by an agent, location the managing agency should not be too difficult in a town the size of Exmouth. A sign is considered unsightly and unnecessary. We use Ray White as a manager and never any issue or complaint from neighbours nor occupiers. 	Noted
2.	Perkets Pty Ltd (Jeffrey & Kerry Moore)	<ul style="list-style-type: none"> ▪ As a holiday accommodation owner we are not supportive of the Council's proposal of the requirement to erect signage at the front of the property nominating the property as holiday accommodation. ▪ Whilst not stated, it would appear that the intent of this proposal is to provide neighbours information to lodge a complaint should they perceive conflict with the holiday accommodation. Such signage is unnecessary as all details being requested on the signage are already available from the Shire. Furthermore, we have excellent neighbour relationships and they have our details at hand should a problem arise. ▪ We also believe that the potential conflict between holiday clients and neighbours specified in the policy preamble can be properly managed through other means including the application of appropriate conditions to rental agreements. This would reduce the risk of conflict arising between the two parties. ▪ However, more importantly, the erection of signage places the safety of the property at risk. Identifying a property as holiday accommodation 	Noted

		<p>will invariably attract unwanted interest, including theft and vandalism, particularly over the periods when the property may be visibly unoccupied.</p> <ul style="list-style-type: none"> ▪ Some holiday accommodation owners also reside at their properties for periods of the year at which time the properties are private residences. The erection of a sign at a private residence over such times is inequitable to owners as it does not afford them the same rights as other permanent residences to live privately in town. This singling out of particular properties does not encourage the development of community spirit. <p>Further, standard condition 5 applicable to the Holiday Accommodation land use specifies that the accommodation land use shall not prejudice the amenity of the local neighbourhood. The erection of a sign indicating such land use would clearly contravene this condition; a contradiction of policy and administrative requirements</p>	
3.	Kristian & Gemma Lucas	<p>In reference to planning condition number 11. We feel that erecting a sign at the front of our property will affect the security of the property, and would advertise the fact that the house is not always occupied. The neighbours were notified that the house would be holiday accommodation at the time of application. We think a letter to the neighbours at the start of each renewal with local manager contact details and Shire approval numbers would be sufficient.</p>	Noted
4.	Claire Saunders	<ul style="list-style-type: none"> ▪ Note 11: Signage to all holiday establishments. <p>In our opinion this is totally unnecessary. Not only will the signs look untidy but they will draw attention and emphasise that the house is a holiday rental and not always occupied therefore making it an easy target for break ins and uninvited and unwelcomed guests.</p> <ul style="list-style-type: none"> ▪ The signage with all the information stated on it is also unnecessary and pointless, as all surrounding neighbours of all holiday homes are aware that the house is a holiday rental and who the managing agent is- along with contact details. <p>If the neighbours are not aware I'm sure they could all be notified again and given a copy of these details. Tenants are also aware of the above as all this relevant information is supplied inside the house.</p>	Noted
5.	Geoffrey Turner	<ul style="list-style-type: none"> ▪ Objection to Item 11- Signage <p>We object to the proposed changes based on the following arguments:</p> <ul style="list-style-type: none"> ▪ Our neighbours already have the contact details for us, the owners (managers) and the booking agents (NRH) should there be any need to contact either party for any reason. Should our neighbours need to contact our caretakers in an emergency then either the manager or our booking agents will provide the caretakers details if they think appropriate. ▪ We feel there are security issues surrounding advertising the vacancy of a property. ▪ There is an additional cost to owner (we presume the Shire is not paying for signage). ▪ There are privacy issues by advertising the personal contact details for our caretakers. ▪ There is not enough information that has been provided by the Shire as to the consequences should the details on the proposed signage be incorrect or out of date. ▪ We feel that Shire Policy is written as a set of guidelines for the effective implementation of Shire law written in the Scheme. So we don't see how this new signage amendment is assisting or guiding. What Scheme law is it actually guiding us through? ▪ We also have issues as to the 'purpose' of the signage. What is the reason for the Approval numbers? Why advertise the street address when the roads and numbers are clearly signed already, what purpose does this address? ▪ Why does a passerby need to know the personal details of a caretaker? What are the implications should the caretakers phone number change, or the registered caretaker changes? Or the caretaker is out of town or out fishing should there be some reason for a passerby to call the number on the signage? ▪ In a recent conversation with local police I was informed that they had 	Noted

		<p>very little trouble from holiday home residents in the town. So clearly there is no need for the policing of our guests from the neighbouring residents. The Shire has clear conflict resolution guidelines in the Policy 6.27 as to what is to be done in the rare circumstances of 'nuisance' guests. So clearly the signage is not to address 'conflict management'.</p> <ul style="list-style-type: none"> ▪ Should however the Shire wish to reward the holiday home owners who have gone to the trouble and the expense of registering their properties for Holiday Accommodation Use. Then we would be happy to embrace some letter of statement to post in our home, to state that we have complied with all health and safety aspects of Planning. ▪ We see no purpose and no reasoning behind the additional signage and do not support the Amendment. 	
6.	Helen & Geoff Turner	<ul style="list-style-type: none"> ▪ Objection to Item 11- Signage <p>We object to the proposed changes based on the following arguments:</p> <ul style="list-style-type: none"> ▪ Our neighbours already have the contact details for us, the owners (managers) and the booking agents (NRH) should there be any need to contact either party for any reason. Should our neighbours need to contact our caretakers in an emergency then either the manager or our booking agents will provide the caretakers details if they think appropriate. ▪ We feel there are security issues surrounding advertising the vacancy of a property. ▪ There is an additional cost to owner (we presume the Shire is not paying for signage). ▪ There are privacy issues by advertising the personal contact details for our caretakers. ▪ There is not enough information that has been provided by the Shire as to the consequences should the details on the proposed signage be incorrect or out of date. ▪ We feel that Shire Policy is written as a set of guidelines for the effective implementation of Shire law written in the Scheme. So we don't see how this new signage amendment is assisting or guiding. What Scheme law is it actually guiding us through? ▪ We also have issues as to the 'purpose' of the signage. What is the reason for the Approval numbers? Why advertise the street address when the roads and numbers are clearly signed already, what purpose does this address? ▪ Why does a passer-by need to know the personal details of a caretaker? What are the implications should the caretakers phone number change, or the registered caretaker changes? Or the caretaker is out of town or out fishing should there be some reason for a passer-by to call the number on the signage? ▪ In a recent conversation with local police I was informed that they had very little trouble from holiday home residents in the town. So clearly there is no need for the policing of our guests from the neighbouring residents. The Shire has clear conflict resolution guidelines in the Policy 6.27 as to what is to be done in the rare circumstances of 'nuisance' guests. So clearly the signage is not to address 'conflict management'. ▪ Should however the Shire wish to reward the holiday home owners who have gone to the trouble and the expense of registering their properties for Holiday Accommodation Use. Then we would be happy to embrace some letter of statement to post in our home, to state that we have complied with all health and safety aspects of Planning. ▪ We see no purpose and no reasoning behind the additional signage and do not support the Amendment. 	Noted
7.	Helen Turner	<ul style="list-style-type: none"> ▪ In response to comments made to me by my property owners who feel that this amendment is another level of Shire bureaucracy which is proposed to penalize rather than reward the efforts and associated costs comply with Shire Planning approval for Holiday use. I wish to lend my support to their grievances regarding to erection of signage to their holiday homes 	Noted
8.	Philip Litton	<ul style="list-style-type: none"> ▪ This block of land is the site for a future residence (lot 420 Madaffari Drive). I am very much in favour of flexible use of homes in Exmouth. I love Exmouth and intend to live part of each year in the town. I am 	Noted

		<p>realistic about Exmouth being remote and small- so it must be flexible to meet the needs of the various people attracted to the region.</p> <ul style="list-style-type: none"> ▪ I believe all the types of people's usage from retirement to local work to mining FIFO to holiday makers (of various types) can be accommodated. ▪ I do NOT believe it is necessary to visually "label" houses. It should be "seamless" to the passer-by- and be a homogenous community. ▪ I particularly disagree with condition 11, requiring signage identifying houses as holiday establishments. Reasons: <ul style="list-style-type: none"> a) Unnecessary- the Shire knows how has approval b) Neighbours can seek that information from the Shire c) Other residents don't have to identify their names and phone numbers to passers-by d) Identifying usage perhaps attracts theft. If the purpose of these signs is to allow neighbours to complain about the noise, then I respectfully suggest that a similar principle should apply for all houses- full-time residents may have a noisy party themselves. ▪ I would like more information about how the Shire is enforcing Policy on holiday home approvals. It would be reasonable for only those people who comply and register, to pay the costs of compliance- whilst perhaps many others ignore the law. 	
9.	Neil Tweedie	<ul style="list-style-type: none"> ▪ I do not support this policy. Signs are onerous, unnecessary and will affect security by signalling that the property is often unoccupied. The whole policy seems designed to make it difficult for rate payers who choose to rent their properties to family holiday makers and tourists with boats. The Shire purports to support Exmouth as a family and fishing holiday destination however this policy makes it difficult for those who provide accommodation for these groups. Hotels are not suitable for many families and boat owners find hotels and tight holiday village difficult with their boats; boat owners cannot bring caravans if they are already towing boats. Holiday house rentals provide sought after accommodation diversity for tourists. Other holiday destinations like Busselton do not require registration of holiday rentals. 	Noted
10.	DW & AG Elkerbout	<ul style="list-style-type: none"> ▪ Do not wish any signage or property- aesthetically unattractive and for security reasons. ▪ Also who will pay for this signage? Property is managed by Ningaloo Reef Holidays and they can be contacted if there are any issues relating to the property. ▪ We have already complied with all Shire requirements and consider any further issues to be unnecessary. 	Noted
11	Darrell Gallagher	<ul style="list-style-type: none"> ▪ I have met all my neighbours and given them my contact details. I do not wish to put signs on my property as this would create a security risk. As for the cost I have already out-layed a significant amount to meet council requirements. ▪ No signs on private holiday accommodation ▪ Who is going to pay for the sign? I don't believe any signs are needed 	Noted
12	AJ & LR Clarke	<ul style="list-style-type: none"> ▪ Strongly object to Point 11. This will draw attention to the fact that the property is used for Holiday Accommodation and hence may at times be vacant. This may contravene or influence insurance policies. May also de-value property and surrounding properties and will definitely affect the aesthetic value of the precinct. As most, if not all accommodation is booked remotely, either by internet, word- of-mouth or by contacting agent direct, having a sign to advertise agent's contact details etc is totally unnecessary. 	Noted
13	Jason Lee	<ul style="list-style-type: none"> ▪ Point 11. I disagree with having a sign posted outside each holiday home because it will advertise the home is vacant one quarter of the year and will be an invitation for possible forced entry. The current process includes neighbours approving or disapproving the licence when applying. So they are aware who the managing agent id. 	Noted
14	Wayne Zarb	<ul style="list-style-type: none"> ▪ Don't understand what this would achieve ▪ Would be unsightly <p>4500mm is too big (4.5m?)- particularly for a cyclone area</p>	Noted
15	Bronwyn Stewart	<p>I wish to comment on the proposed amendment to include the requirement to place a sign at the address of the holiday rental property. I strongly object to this being made a requirement for licensing. Reasons</p>	Noted

		<p>for my objection are:</p> <ul style="list-style-type: none"> ▪ Signage compromises the security of the premises as it advertises that the house is likely to be vacant for some periods throughout the year. People who live in the town know which houses are rentals and those that are not so it has to be asked ‘what purpose does such a sign achieve?’. ▪ The council already holds all the relevant details for policing the requirements that are placed on holiday homeowners. ▪ Police generally deal with noise complaints, as they do not only occur in holiday homes. This seems to be the only reason why there would be any urgency for contacting a caretaker. All other emergency would be dealt with the usual manner, ie by calling 000. ▪ The cost of complying with the already strict rules to gain a holiday home license in the Exmouth shire is considerable and this is yet another cost. If there is any change to the management of the house this will be recorded with the council as per the regulations in place. There will then, however, be the extra (and repeated) cost to change the information on the sign or perhaps simply a number of signs to display out of date information. ▪ Holiday houses in Exmouth help to bring income and employment into the town and with increasing tourism advertising these numbers are continuing to grow. A variety of accommodation types in the town caters for different groups and encourages business within and into the town. To impose obligations such as those foreshadowed upon one group only of accommodation types is patently discriminatory. ▪ If the caretaker/homeowner is to become the point of contact for dealing with complaints regarding a particular residence how does the council then intend to manage which ones are problematic? It is highly unlikely that any complaint or problem is likely to get back to the council. Isn't the fee that is paid to the council for registering the house intended in part to cover the costs of monitoring compliance with the regulations? ▪ If a homeowner or individual (i.e. not corporate) caretaker manages the house, the individual's privacy would be severely compromised by the mandatory display of personal information pertaining to that individual. Such a requirement squarely offends the Privacy Principles as enshrined in the Privacy Act 1988 (Cth) and may be unlawful as a consequence. ▪ It is not difficult to conceive of instances where the publication of the name and contact details of a person (contrary to the express wishes of that person) may give rise to issues of risk to the individual or property. Consider for example the ex-spouse seeking to inflict harm, loss or damage upon his/her former partner; the disgruntled former employee exacting retribution against his/her former employer; the market competitor wishing to disrupt or damage the business of a proprietor; the vexatious lunatic harbouring a grudge; the burglar looking for a ‘sure thing’. ▪ If the signage proposal is to be passed notwithstanding objection, then on behalf of other rental home owners in Exmouth (many of whom also live in Exmouth full time; many of whom own more property in Exmouth than permanent residents, long-term renters or, for that matter, councillors) we would expect each councillor to display a similar sized sign with similar details in a prominent position on his or her home so that, when the apprehended risks eventuate, we will all know where and how to contact those who enlivened the risk in the first place. ▪ Council is inviting liability for circumstances which arise as the consequence of irresponsibility mandating the disclosure of personal and potentially confidential information. Council may or may not be able to insure itself and its councillors against such risk, particularly (but not only) if the requirement is ultimately struck down as unlawful or <i>ultra vires</i> the powers of the council. Indeed, if the signage proposal is to be passed notwithstanding objection as prior notice of an intention to seek appropriate redress if I suffer any harm, loss or damage as a consequence of having to display the foreshadowed particulars and thereby advertise the property as being mine, and as being periodically vacant or occupied by someone other than a permanent resident. 	
16	Paringa Investment	We are the joint owners of a house at 78 Madaffari Drive Exmouth. The house is used as holiday accommodation. We have Approval for such use from the Shire. We;	Noted

	<ul style="list-style-type: none"> • Did seek approval in the proper process • Do ensure compliance with safety and other requirements – at substantial cost • Do pay the Shire for an extra bin – even though usage has proven it was unnecessary. • Do ensure we have a caretaker readily available • Have put strong rules in place to ensure our guests comply with reasonable standards for noise etc • Did apply for LESS than the possible numbers of guests under the rules, and target less than that number again – again to ensure a good environment for everyone. <p>We remain concerned that many other houses exmouth are being used as holiday homes by friends or owners, payment guests, social clubs or whatever – and these owners are NOT incurring the costs and requirements that we comply with.</p> <p>Now, under the proposed draft, you seek to add more requirements, including that we “label” the house publicly – and unnecessarily.</p> <p>We also are concerned about a myth that seems to have developed – that holidaying families are the cause of noise and unruly behavior.</p> <p>On our research that is not the case. If the Shire has hard information, from Police report records or similar, then that should be supplied.</p> <p>There is nothing to suggest that holiday makers make any more noise or worse, than residents having their own parties, or worse, including domestic violence, drugs and alcohol.</p> <p>To the contrary, we screen our guests, we have strong rules (the breaking of which means instant eviction), the guests pay serious money to rent the house – and in the main they are in exmouth to enjoy the beaches, the weather, the fishing – hey are in good happy positive moods. Contrast with the residential tenancy laws which have a drawn out process to evict a bad tenant – a process that could take 6 months.</p> <p>We strongly believe that Exmouth should have a policy that provides for a variety of accommodation, aiming to suit the needs of the people attracted to live, work and holiday in the region. It is a broad group – and Policy makers must be careful not to be swayed by vocal segments, to the detriment of others, and to the detriment of the growth of the town.</p> <p>Dealing with the Draft document:</p> <ol style="list-style-type: none"> 1. Preamble – this starts from what I see as shaky ground – what evidence is there to support the base statement that “availability of housing for permanent residents may, potentially be compromised by the use of residential dwellings for short term holiday accommodation”. A quick search on real estate listings will show; <ul style="list-style-type: none"> • Plenty of land for sale for house construction • Plenty of existing houses for sale <p>If it is long term rental accommodation that is the concern, then it is not the role of Council to restrict or force owners of property to provide that for people unprepared to invest in the area themselves.</p> <p>If there is a public need for low cost housing then there are programs to deal with that.</p> <p>The preamble goes on to make another leap by suggesting holiday rental may generate conflict with adjoining property owners.</p> <p>So having an unruly neighbour who owns his house or is renting long term – there is not difference. The Police records for WA will show that Police are called out to many houses for many reasons – from drugs to alcohol, to noise from music or parties or even children practicing their music, or someone using a chainsaw too early on a Sunday.</p> <p>Let’s not single out holiday makers – many of whom are in bed by 9pm after a long day fishing or beaching. In fact many holiday homes are vacant for much of each day while holiday makers are out exploring the area – and at night, as they are at dinner at a restaurant.</p> <ul style="list-style-type: none"> • Item 3 POLICY – states “Holiday Accomodation requires Council 	
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		<p>Approval” What procedures are in place to ensure compliance – there should be a level playing field. It is unfair and unreasonable for only those people who do comply to be bearing the considerable costs of compliance, whilst many ignore the rules. The Compliance and enforcement section later in the document seems to rely on Council receiving a complaint from someone else. I would have thought a more proactive approach was better.</p> <ul style="list-style-type: none"> • Item 11 SIGNAGE – this is unacceptable. There is no need to “label” a house as to its usage. It serves no purpose, and has a real downside in being a clear indication to burglars that the house is probably unattended and an easy target. <p>Why is it necessary?</p> <ul style="list-style-type: none"> • Council knows the contact details already – from Approval forms • Neighbours can seek that information from Council – or ask us. When we have neighbours we will of course give them our contact details – as is normal in the community. • If there is a noise or other problem then neighbours should take the same action they would take if it was a noisy resident – go and have a chat – or if necessary call the police. • Why should there be a sign for passer-by to gain information they do not need. <p>If there are to be signs identifying houses as holiday homes then there should be signs for all houses – and publicly have their names and phone numbers displayed – a ridiculous idea, and a breach of privacy. Street canvassers and door to door salespeople would be the winners. I do not want to be forced to have by house branded.</p>	
17	Robert Chapman	<p>Point 1 - The maximum number of overnight occupants should be limited 10 and it should be checked. All too often there are more than the allowed persons staying overnight. We own a Holiday rental property and have one next door as well, on occasions people have had tents erected in the back yard to accommodate more people. Once the payment is received there is little or not follow up. The maximum number of persons staying overnight should be reduced so as to not encourage large groups occupying 1 house.</p> <p>Point 11 - With regards to signage I believe this would be unsightly, add cost and advertise that the home is only seldom occupied, however if ratified it should apply to all Holiday Accommodation with exception.</p> <p>Footnote 2 - There should be no processing of fish at Holiday Homes at all. Generally most people comply however some people just don't care and can be regularly seen processing fish in the back yard till all hours.</p>	Noted
18	Mrs and Mrs L & I Wang	<p>This seems like a very good idea that would give the neighbours to a rental property the opportunity to indicate early any inappropriate behaviour or other troubling issues. We have the greatest of sympathy for our neighbours in Exmouth and nobody is more devastated than us when we are made aware that guests have cause our neighbours grief.</p> <p>We agree that the surrounding neighbours must be aware of any rental property real estate agent/manager and that everything must be done to minimize the impact of visitor's inappropriate and noisy behaviour on the surrounding neighbours. Part of this proactive approach is to supply the contact details of the real estate agent/manager in hours as well as after house. However, in line with the real estate agent Ray White Exmouth we feel that the proposed requirements may provide a long list of addresses that are periodically inhabited.</p> <p>We cannot accept the current proposal to place a sign in front of the house for this reason. We do support a mechanism whereby the neighbours are informed directly by the agent/manager/owner of the agents/managers contact details. We could see this happen by providing written information to the relevant neighbours about manager, contact numbers etc. This information could be compulsory and the information could be renewed or updated as part of the biannual renegotiation of the contract. A copy of the information must also be submitted to the council along with a list of recipients/addresses.</p>	Noted

19	Perkets Pty Ltd Jeffrey & Kerry Moore	<p>As a holiday accommodation owner we are not supportive of the Councils proposal of the requirement to erect signage at the front of the property nominating the property as holiday accommodation.</p> <p>Whilst not stated it would appear that the intent of this proposal is to provide neighbours information to lodge a complaint should they perceive conflict with the holiday accommodation. Such signage is unnecessary as all details being requested on the signage are already available from the Shire. Furthermore, we have excellent neighbour relationships and they have our details at hand should a problem arise.</p> <p>We also believe that the potential conflict between holiday clients and neighbours specified in the policy preamble can be properly managed through other means including the application of appropriate conditions to rental agreements. This would reduce the risk of conflict arising between the two parties.</p> <p>However, more importantly, the erection of signage places the safety of the property at risk. Identifying a property as holiday accommodation will invariably attract unwanted interest, including theft and vandalism, particularly over periods when the property may be visibly unoccupied.</p> <p>Some holiday accommodation owners also reside at their properties for periods of the year at which time the properties are private residences. The erection of a sign at a private residence over such times is inequitable to owners as it does not afford them the same rights as other permanent residences to live privately in the town. This singling out of particular properties does not encourage the development of community spirit.</p> <p>Further, standard condition 5 application to Holiday Accommodation land use specifies that the accommodation land use shall not prejudice the amenity of the local neighbourhood. The erection of a sign indicating such land use would clearly contravene this condition; a contradiction of policy and administrative requirements</p>	
20	Murray McEwan	No I don't believe a sign is needed. I don't want to advertise that my unit may be vacant.	Noted
21	Helen Turner Ningaloo Reef Holidays	<p>I would like to lend my support to my clients the holiday home owners, who I take bookings for.</p> <p>The response I have received is a resounding 'No' to the additional bureaucratic signage to be attached to their properties. Collectively we see no purpose or justification for this installation.</p>	Noted

The main issue raised in almost all the submission is signage. After extensive consultation with other staff members it was agreed that the Policy should not be altered to include the need for all holiday homes to have one on site signage located on the front boundary with names of the management agents, Council approval number, number of people allowed and contact details due to a number of reasons stated in the submissions.

Council should consider alternatives like displaying a list of all approved holiday homes on the Council website.

It is recommended that Council adopt the policy with only 2 amendments being the resultant modifications to the Policy are as follows:

- Section 3 Residential – incorporate Policy 6.10 which prohibits holiday accommodation in Skipjack circle.
- Renewal – To have 30th September as the anniversary date for renewal of all holiday accommodation homes.

CONSULTATION

Inform & Consult - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Planning & Development Act 2005

Shire of Exmouth Town Planning Scheme No.3

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Objective: 2 - To consistently apply the Principles of Good Governance

- Key Actions 1.To continue ethical and responsible decision making

Strategic Objective: 3 - To communicate effectively

- Key Actions 1. To convey relevant information using appropriate communication channels

Strategic Objective 4: To promote socioeconomic development

- Key Actions 1. Manage land use development
2. Promote culture, arts and recreation
3. Support and manage tourism

VOTING REQUIREMENTS

Simple Majority

OFFICER’S RECOMMENDATION – 10.6.4

1. That the Council of the Shire of Exmouth adopt amendment to the

Section 6-TOWN PLANNING & BUILDING

Policy 6.27 Holiday accommodation, the resultant modifications to the Policy are as follows:

- *Section 3 Residential – incorporate Policy 6.10 which prohibits holiday accommodation in Skipjack circle.*
- *Renewal – To have 30 September as anniversary date for renewal of all holiday accommodation*

COUNCIL DECISION – 16-1211 - 10.6.4

Moved Councillor Winzer, Seconded Councillor Fitzgerald.

1. That the Council of the Shire of Exmouth adopt amendment to the

Section 6-TOWN PLANNING & BUILDING

Policy 6.27 Holiday accommodation, the resultant modifications to the Policy are as follows:

- *Section 3 Residential – incorporate Policy 6.10 which prohibits holiday accommodation in Skipjack circle.*
- *Renewal – To have 30 September as anniversary date for renewal of all holiday accommodation*

CARRIED 6/0

During the above report 10.6.4 the Executive Manager Corporate Services left Chambers at 4.00pm and returned at 4.04pm.

10. REPORTS OF OFFICERS**10.6 Executive Manager Town Planning****10.6.5 Proposed Scheme Amendment 27- Lots 1,101,112 and 220 Minilya Exmouth Road**

Location: Lots 1,101,112 and 220 Minilya Exmouth Road
 Applicant: RPS
 File Reference: 27
 Disclosure of Interest: Nil
 Date: 5 November 2011
 Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer:

Chief Executive Officer, Bill Price

SUMMARY

This report recommends that Council initiate amendment 27 for the purpose of commencing public advertising (refer **Attachment 4**). The Amendment seeks to:

1. *Modify clause 5.82 to include Lot 220,112,101 and lot 1.*
2. *Modify Schedule 3 (Special Use Zone) SU1 by deleting special uses fish processing, fish shop, café caravan park residential, aquaculture and inserting strategic industrial and a portion of Lot 1 being used workers accommodation as follows;*

	NO	PARTICULAR OF LAND	SPECIAL USE	CONDITIONS
SU1	1	Lot 220,112,101 and lot 1	Strategic industrial with a portion of lot 1 being used for workers accommodation	<ol style="list-style-type: none"> 1. A Foreshore Management Plan shall be prepared by the proponent to the satisfaction of the Western Australian Planning Commission. 2. A Landscape Plan shall be prepared by the proponent to the satisfaction of the Local Authority addressing visual impact as viewed from Murat Road. 3. Development of the temporary workers accommodation shall be carried out generally in accordance with the Shire of Exmouths workers accommodation Policy.

3. *Insert the Temporary Workers Accommodation definition*

Or

That the Council of the Shire of Exmouth set aside the amendment and carryout a comprehensive study/risk analysis that engages the community and industry to fully understand the demand and impact of any potential supply base(s).

BACKGROUND

In October 2011, Council received an application (Scheme Amendment 27) from MG Kailis proposing a Marine Supply Base upon Lots 1, 101, 112 and 220 Minilya-Exmouth Road, Learmonth. The Amendment is proposed by the owners of the land and seeks Council's consideration to initiate for public advertising. The proposed site has a total land area of 27ha; located approx. 22km south of the Exmouth Townsite, 12km south of the existing Strategic Industrial Area and 13km north of Learmonth Airport

Existing provisions:

- *Current zoning: Special Use – SU1*
- *Current use: fish processing, fish shop, café, Caravan Park, residential and aquaculture*

Proposal summary:

- *Proposed zoning: Special Use – SU1; Strategic Industrial Area*
- *Proposed use: Supply base to support the fishing and oil and gas industry, including marine engineering, maintenance and repair, and fabrication and assembly of related components; Storage Facility / Depot / Laydown Area; and Transient Workforce Accommodation.*

COMMENT

Scheme amendments are controlled by the *Planning and Development Act 2005* and the *Town Planning Regulations 1967*. These outline the processes to be undertaken in scheme amendment, Town Planning Scheme No 3, and the Ningaloo Coast Regional Strategy Carnarvon to Exmouth can be used to provide guidance on the assessing of this amendment.

It should be noted that only the Council can initiate/refuse an amendment. Council is to have due regard to the purpose and objectives outlined in regional and local planning strategies in determining whether to initiate Scheme Amendment 27 for the purpose of public advertising.

At the conclusion of public advertising, any submissions received will be tabled to Council to resolve whether to adopt, with or without modifications, or refuse the Amendment. The final approval is to be granted by the Minister for Planning and Infrastructure having regard to advice from the Western Australian Planning Commission.

Should Council decide to set aside/ refuse the amendment the applicant can seek a review of Council's decision through the Minister for Planning pursuant to section 76 as amendment in 2010 of the Planning and Development Act 2005.

There are two components to this amendment which are discussed separately below;

1. Allowing Exmouth to service the oil and gas sector

There are a number of State and Regional Planning Strategic documents that pointed the need for Exmouth to diversify its economic base and provide employment opportunities to the existing population by encouraging an industry mix. Some of the strategic document includes;

2. The Gascoyne Regional Strategy 1996

The *Gascoyne Regional Strategy 1996* identified other economic development opportunities for the region including providing shore support facilities at Exmouth for the oil and gas exploration industry and acknowledges that should production occur in the region;

“supporting infrastructure would be required both on-site and within local centres such as Exmouth... These facilities could include servicing of support craft, transfer sites for fly-in fly-out staff and engineering and maintenance facilities... [However], production would utilise existing facilities in Dampier or Onslow.”

The State Planning Strategy, prepared by the Western Australian Planning Commission in December 1997, provides the basis for long-term State and regional land use planning and coordinates a whole-of-government approach to planning. For the Gascoyne Region, the State Planning Strategy sets a vision being:

“In the next three decades, the Gascoyne Region will expand through increased development of tourism, horticulture, mining, fishing and aquaculture

3. The Exmouth-Learmonth (North West Cape) Structure Plan 1998

The Exmouth-Learmonth (North West Cape) Structure Plan 1998 provides a planning framework for the whole of the North West Cape. The primary focus of the Structure Plan is to promote sustainable uses that enable diversification of the economy while protecting the fragile environment of the North West Cape.

The Structure Plan highlights potential areas of economic growth within the study area, identifying oil and gas as a potential mining industry capable of producing demand for onshore servicing and storage. The Structure Plan identifies two locations for potential hydrocarbon industry onshore storage requirements at Point Murat and the strategic industrial site south of the townsite (Lyndon Location 221 – Lots 50 & 51 Murat Road).

4. The Exmouth Townsite Structure Plan 2011

The Structure Plan focuses on future land use within the boundaries of the Townsite. The Structure Plan however does provide some commentary on additional uses proposed outside of the Townsite boundary. The Structure Plan acknowledges the potential expansion of the oil and gas industry, noting that industrial land requirements and harbour expansion will need to be determined.

5. The Gascoyne Regional Development Plan 2010/20

The Gascoyne Regional Development Plan has been prepared by the Gascoyne’s four local governments and the Gascoyne Development Commission to provide a plan for the future growth of the region between 2010 and 2020.

A priority for supporting a diversified and expanded mining industry is to promote Gascoyne communities as sources of labour and services for new mining and as bases for fly in fly out operations. Additionally, the Development Plan recognises that the Gascoyne businesses are geographically well placed to support and service the Pilbara mining industry to the north and the offshore oil and gas industries.

6. Economic Development Opportunities for the Gascoyne & Pilbara Regions November 2011- (SGS –Economics and Planning)

Industry support for Exmouth as a logistics hub is relatively similar to that expressed for the harbour expansion. Should a commercially viable and attractive marine supply base be developed, there would be the opportunity for Exmouth to play a greater role in off-shore oil and gas FPSOs.

Broader concern around potential environmental impact of increased marine traffic through the Exmouth Gulf was raised by several industry representatives.

7. Shire of Exmouth Strategic Community Plan 2011

Example of quotes from the community

“Development and growth is necessary and unavoidable however it must be balanced and well managed to be sustainable & acceptable to all the stakeholders that have made commitments to the area.”

“It’s important to look after our economy obviously, but not to the detriment of our town’s character. We don’t want to turn into another mining town.”

The Exmouth Town Planning Scheme No 3 only identifies land; lots 50 and 51 as the strategic industrial for oil and gas expansion and the Structure Plan 2011 only covers land within the town site. With due regard to the above strategic documents, it is inevitable for Council to reject the proposal to have oil and gas in Exmouth.

However there has not been comprehensive/ forward planning with regarding to the location, number of supply bases and views of the community regarding the introduction of a new industry into a predominantly single industry economy.

The problem is complicated further by the range of existing community sentiments which vary from:

- Environmental/lifestyle sector that do not support any type of industrial development
- Commerce sector that are totally pro- development
- Sections of the community who wish for a balanced option

With this, Council staff is faced with a difficult task due to these differing community views.

The location of the supply bases.

Council staff is aware of 5 potential supply bases in Exmouth outlined in the Marine Based Common Use Facilities Report (Department of Commerce April 2011). Council staff are not keen for these type of developments to be solely proponent (market) driven and are trying to guide the decision making process in a holistic approach that considers all of the long term intergenerational impacts that this type of industry will have on the local community, economy and the environment.

Council staff believes should all these five supply bases develop along the Exmouth Gulf, it will effectively amount to ad hoc Planning encouraging fragmentation of strategic industrial land (heavy industrial) by the private sector who want to benefit from the burgeoning oil and gas developments in the region. This type of spot re-zoning is generally not supported, given it sets an undesirable precedent for further fragmented development along Exmouth Gulf which would otherwise require comprehensive and coordinated planning by engaging key stakeholders like your Department, EPA and Department of State Development.

From the above discussion, two options are put forward for Council to consider. Firstly is to initiate the amendment for advertisement and try and gather the community views on the new form of economic activity within the 42 day period. Or

Council set aside the amendment and carryout a comprehensive study/risk analysis that engages the community and industry to fully understand the demand and impact of any potential supply base(s).

CONSULTATION

All amendments are required to be referred to the Environmental Protection Authority for advice on whether any environmental assessment is required. The amendment will be formally advertised for a minimum of 42 days once EPA advice is received.

STATUTORY ENVIRONMENT

Planning and Development Act 2005
Town Planning Scheme No.3
Town Planning Regulations 1967.

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Objective: 2 - To consistently apply the Principles of Good Governance

- Key Actions 1.To continue ethical and responsible decision making

Strategic Objective: 3 - To communicate effectively

- Key Actions 1. To convey relevant information using appropriate communication channels

Strategic Objective 4: To promote socioeconomic development

- Key Actions 1. Manage land use development
2. Promote culture, arts and recreation
3. Support and manage tourism

Strategic Objective 5: To value our environment and heritage

- Key Actions 1. To develop and implement policies and statutory processes that ensure balanced decision making

VOTING REQUIREMENTS

Simple Majority

OFFICER’S RECOMMENDATION – 10.6.5

That the Council of the Shire of Exmouth set aside the amendment and carryout a comprehensive study/risk analysis with the assistance of the WAPC that engages the community and industry to fully understand the demand and impact of any potential supply base(s).

Or

That the Council of the Shire of Exmouth initiate Amendment 27 to Local Planning Scheme No. 3 for the purpose of initiating formal advertising pursuant to Section 75 of the Planning and Development Act 2005 for the purposes of:

1. *Modify clause 5.8.2 to include Lot 220,112,101 and lot 1.*
2. *Modify Schedule 3 (Special Use Zone) SU1 by deleting special uses fish processing, fish shop, café caravan park residential, aquaculture and inserting strategic industrial and a portion of Lot 1 being used workers accommodation as per table below;*
3. *Insert the Temporary Workers Accommodation definition;*
4. *Refer the proposed amendment No.27 to the Environmental Protection Authority and on receipt of EPA advice, proceed to formally advertise the amendment for a minimum of 42 days; and*
5. *Council to reconsider Scheme Amendment 27 in light of any submissions received following the advertising process.*

	NO	PARTICULAR OF LAND	SPECIAL USE	CONDITIONS
SU1	1	Lot 220,112,101 and lot 1	Strategic industrial with a portion of lot 1 being used for workers accommodation	<p>1) A Foreshore Management Plan shall be prepared by the proponent to the satisfaction of the Western Australian Planning Commission.</p> <p>2) A Landscape Plan shall be prepared by the proponent to the satisfaction of the Local Authority addressing visual impact as viewed from Murat Road.</p> <p>3) Development of the temporary workers accommodation shall be carried out generally in accordance with the Shire of Exmouths workers accommodation Policy.</p>

Meeting Adjournment

The meeting was adjourned at 4.56pm for a break and recommenced at 5.01pm.

COUNCIL MOTION –10.6.5

Moved Councillor Warren, Seconded Councillor Fitzgerald.

That the Council of the Shire of Exmouth initiate Amendment 27 to Local Planning Scheme No. 3 for the purpose of initiating formal advertising pursuant to Section 75 of the Planning and Development Act 2005 for the purposes of:

- 1. Modify clause 5.8.2 to include Lot 220,112,101 and lot 1.***
- 2. Modify Schedule 3 (Special Use Zone) SUI by deleting special uses fish processing, fish shop, café caravan park residential, aquaculture and inserting strategic industrial and a portion of Lot 1 being used for workers accommodation as per table below;***
- 3. Insert the Temporary Workers Accommodation definition;***
- 4. Refer the proposed amendment No.27 to the Environmental Protection Authority and on receipt of EPA advice, proceed to formally advertise the amendment for a minimum of 42 days; and***
- 5. Council to reconsider Scheme Amendment 27 in light of any submissions received following the advertising process.***
- 6. Endorse WAPC to concurrently conduct a strategic review of locations for a Marine Supply Base in Exmouth Gulf and that any scheme amendment comply with the outcome of that review.***

	NO	PARTICULAR OF LAND	SPECIAL USE	CONDITIONS
SUI	1	Lot 220,112,101 and lot 1	Strategic industrial with a portion of lot 1 being used for workers accommodation	<p><i>1) A Foreshore Management Plan shall be prepared by the proponent to the satisfaction of the Western Australian Planning Commission.</i></p> <p><i>2) A Landscape Plan shall be prepared by the proponent to the satisfaction of the Local Authority addressing visual impact as viewed from Murat Road.</i></p> <p><i>3) Development of the temporary workers accommodation shall be carried out generally in accordance with the Shire of Exmouths workers accommodation Policy.</i></p>

MOTION LOST 2/4

Crs Shales, Hood, Thompson & Winzer requested their no vote be recorded.

COUNCIL DECISION – 17-1211 - 10.6.5

Moved Councillor Thompson, Seconded Councillor Hood.

That the Council of the Shire of Exmouth set aside the amendment and carryout a comprehensive study/risk analysis with the assistance of the WAPC that engages the community and industry to fully understand the demand and impact of any potential supply base(s).

CARRIED 4/2

Crs Fitzgerald & Warren requested that their no vote be recorded.

10. REPORTS OF OFFICERS**10.6 Executive Manager Town Planning****10.6.6 Helicopter Operations upon Reserve 50807**

Location: Reserve 50807
 Applicant: Esperance Helitours Helicopters
 File Reference: Reserve 50807
 Disclosure of Interest: Nil
 Date: 3 December 2011
 Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer:

Chief Executive Officer, Bill Price

SUMMARY

This report recommends that the Shire of Exmouth grant approval to Esperance Helitours Helicopters to conduct recreational helicopter operations upon Reserve 50807 subject conditions. (refer *Attachment 5*)

BACKGROUND

In February 2011, Council received a proposal to use local government property for the purpose of conducting tourism orientated helicopter operations within the townsite, which identified strong support for exploring strategic alliances with local tourism operators and accommodation providers.

In October 2011, Council received a proposal from 'Esperance Helitours Helicopters' to conduct similar activities to the February proposal. The applicant seeks Council's approval to investigate the possibility of conducting (and potential relocation) the business operations in Exmouth.

The helicopter would be flown from the light aircraft strip to the HLS and remain stationary to attract attention and bookings. At the end of the day, the aircraft would be flown back to the light airfield and any strips/bunting would be removed until the next day of operations.

Proposed Lease

The proposal alludes to a lease arrangement including housing for the pilot and hanger space for the helicopter. At this stage, the applicant is investigating the market opportunities and envisions formal discussions following a trial of the helicopter operations.

Proposal summary:

- Commence operations Easter (April) 2012 and willing to negotiate a trial period;
- Employment opportunity for local ground crew; and
- Flight paths designed to avoid residential areas.

COMMENT

The development and activity can be assessed under the Shire of Exmouth Town Planning Scheme No. 3, Local Laws and CASA guidelines. To accord with the Scheme the use is consistent with the ultimate purpose of the reserve for 'recreation and open space' however, the activity is Council's determination under the *Local Government Property Local Law*.

Appropriateness of Location

Three landing sites have been identified by the applicant's Chief Pilot as suitable for helicopter operations adjacent to Niblett Oval and these sites are approximately 100m from an old Helicopter Landing Site (HLS). Tabled below is a summary of each site:-

Site	Distance to noise sensitive use	Comment
1	210m	Mature eucalyptus trees (approx. height 8m) in the immediate area impede 2m into the height obstruction layer. The area contains moderate grassed vegetation coverage. This site is not recommended.
2	185m	The area of land is void of vegetation and is utilised for legal access to Niblett Oval catering for overflow car parking during the Sunday Market. This site is not recommended.
3	188m	Limited vegetation coverage consisting of native grasses. The site will not require any vegetation clearing and caters for height obstruction layer. This site is suitable for the proposed operations.
4	80m	Moderate vegetation coverage consisting of native grasses and shrubs. Clearing is required to achieve the height obstruction layer. The site was previously used as a HLS and has existing infrastructure – open style fencing and signage. The existing infrastructure provided a 30m radius which exceeds the minimum 24m radius height obstruction layer required for the proposed aircraft. This site is recommended site catering for long term operations.

Appropriateness of Use

The site is adjacent to Niblett Oval which is approved for occasional dog exercise classes, Sunday markets and an emergency overflow caravan park. The preferred site is 80 metres from the Oval and 200 metres from tourism accommodation.

Noise emission will be approximately 60Db for the aircraft and up to 65Db from source can be supported for day use to comply with the *Environmental Noise Regulations 1997*. A condition shall be applied to ensure Council can vary or rescind the activity should the use cause a nuisance or alike.

Tracking

The arrival and take off tracks east of the location over vacant land constrained by a natural floodway with limited development potential. This track ensures helicopters do not overfly residential areas. Airservices Australia suggests 1,000ft as the minimum acceptable altitude for overflying residential areas for a single engine helicopter and recommends that operators adopt ‘fly Neighbourly’ principles (*Environmental Principles and Procedures for Minimising the Impact of Aircraft Noise 2002*). A condition shall be applied to ensure these principles are adopted and all aircraft tracks used by the operator are approved by Council.

Access/Parking

Legal access to the site is provided via an informal unsealed crossover to Truscott Crescent. The Exmouth Visitor’s Centre (EMC) car parking should be used for the activity as the existing parking is sealed and safe access to Murat Road is provided. Further the preferred site is closer to EVC. A summary of the required parking is tabled below:-

Development	Required	Comment
Exmouth Visitor Centre (200sqm)	12 car parking spaces	32+ car parking spaces are provided at the EMC which is local government property. The proposed activity is expected to have a minor impact upon the existing vehicular movements and 3 spaces are required.

A recommendation shall be applied to encourage the applicant to become a member of the EMC.

Consultation

CASA advised Civil Aviation Advisory Publication 92-2(1) - *Guidelines for the Establishment and use of Helicopter Landing Sites (HLS)*. The Guidelines allude to the *Civil Aviation Regulation 92(1)* that states:-

“An aircraft shall not land at, or take-off from, any place unless: ... (d) the place...is suitable for use as an aerodrome for the purposes of the landing and taking-off of aircraft; and, having regard to all the

circumstances of the proposed landing or take-off (including the prevailing weather conditions), the aircraft can land at, or take-off from, the place in safety.”

HLS Guidelines

The proposed HLS will require an obstacle limitation area with a minimum radius of 24 metres marked in accordance with the standards. This may require removal bunting and markers for the operation. The preferred site does not require clearing to achieve the required height limitation; in comparison the old HLS provides a radius of 30 metres with vegetation height approx. 1 metre.

HLS Access

Any proposed HLS should be accessible by separate primary and emergency access routes located as far apart as possible. All identified sites provide alternative access routes.

Council officers recommend that Council of the Shire of Exmouth grant approval to Esperance Helitours Helicopters to conduct recreational helicopter operations subject to conditions.

CONSULTATION

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Civil Aviation Act 1988

Local Government Act 2005

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Objective: 3 - To communicate effectively

- Key Actions 1. To convey relevant information using appropriate communication channels

Strategic Objective 4: To promote socioeconomic development

- Key Actions 1. Manage land use development
2. Promote culture, arts and recreation
3. Support and manage tourism

VOTING REQUIREMENTS

Simple Majority

OFFICER’S RECOMMENDATION – 10.6.6

That the Council of the Shire of Exmouth grant approval to Esperance Helitours Helicopters to conduct recreational helicopter operations upon Reserve 50807 subject to the following conditions:-

- 1. The activity hereby approved shall fully comply with all aspects of the Civil Aviation Act 1988, Civil Aviation Safety Regulations 1998 and Civil Aviation Regulations 1988 to the satisfaction of the Executive Manager Airport Services;*
- 2. The approval shall be limited to a period of twelve (4) months commencing April 2012 pending a review and determination of the activity by Council;*
- 3. All vehicular parking associated with the activity shall be limited to a maximum of three (3) car parking spaces wholly located within the existing car parking area upon the Exmouth Visitor Centre reserve;*
- 4. The aircraft shall not be parked outside business and daylight hours upon the subject land; at the end of the day, the aircraft and any strips/bunting shall be removed until the next day of operations;*

5. *All night helicopter operations are prohibited;*
6. *The applicant shall submit a management plan to be approved by Council Officers addressing issues including but not limited to dust, on-ground public & operational safety;*
7. *If in the opinion of Council the activity hereby approved causes a nuisance or annoyance to owner/occupiers of the land in the vicinity, or to persons or traffic using roads or local government property in the vicinity of the approved activity, Council may vary or rescind its approval;*
8. *A clear path for pedestrian and vehicular access shall be maintained at all times;*
9. *The applicant shall indemnify the Shire of Exmouth in respect of any injury to any person or damage to any property that may occur in connection with the use of the Public Place;*
10. *Prior to the commencement of any helicopter operations, the proponent shall prepare and submit for the Shire's approval an operational document outlining standard departure and arrival procedures depicting the radar headings and procedural tracks that complies with the following (refer advice note):*
 - a. *Do not overfly residential areas; or*
 - b. *Helicopter operations may overfly residential areas provided they are designed to be greater than 1,500ft AGL for twin engine helicopters and 1,000ft AGL for single engine helicopters; and*
11. *The local government property shall not be used for the use hereby granted until an inspection has been carried out by the Executive Manager Airport Services and that authorised person is satisfied that the activity fully complies with the conditions of approval.*

Advice

It is recommended that the helicopter operators adopt "Fly Neighbourly" piloting techniques such as those set out in the Helicopter Association International (HAI) "Fly Neighbourly Guide". Notably near residential areas this includes varying the route, reducing speed, maintaining a hover/circling altitude of 2,000ft and maintain a flyover altitude of 1,500ft for twin engine helicopters.

COUNCIL DECISION – 18-1211 - 10.6.6
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Moved Councillor Fitzgerald, Seconded Councillor Thompson.

That the Council of the Shire of Exmouth grant approval to Esperance Helitours Helicopters to conduct recreational helicopter operations upon Reserve 50807 subject to the following conditions:-

1. ***The activity hereby approved shall fully comply with all aspects of the Civil Aviation Act 1988, Civil Aviation Safety Regulations 1998 and Civil Aviation Regulations 1988 to the satisfaction of the Executive Manager Airport Services;***
2. ***The approval shall be limited to a period of twelve (4) months commencing April 2012 pending a review and determination of the activity by Council;***
3. ***All vehicular parking associated with the activity shall be limited to a maximum of three (3) car parking spaces wholly located within the existing car parking area upon the Exmouth Visitor Centre reserve;***
4. ***The aircraft shall not be parked outside business and daylight hours upon the subject land; at the end of the day, the aircraft and any strips/bunting shall be removed until the next day of operations;***
5. ***All night helicopter operations are prohibited;***
6. ***The applicant shall submit a management plan to be approved by Council Officers addressing issues including but not limited to dust, on-ground public & operational safety;***

7. *If in the opinion of Council the activity hereby approved causes a nuisance or annoyance to owner/occupiers of the land in the vicinity, or to persons or traffic using roads or local government property in the vicinity of the approved activity, Council may vary or rescind its approval;*
8. *A clear path for pedestrian and vehicular access shall be maintained at all times;*
9. *The applicant shall indemnify the Shire of Exmouth in respect of any injury to any person or damage to any property that may occur in connection with the use of the Public Place;*
10. *Prior to the commencement of any helicopter operations, the proponent shall prepare and submit for the Shire's approval an operational document outlining standard departure and arrival procedures depicting the radar headings and procedural tracks that complies with the following (refer advice note):*
 - a. *Do not overfly residential areas; or*
 - b. *Helicopter operations may overfly residential areas provided they are designed to be greater than 1,500ft AGL for twin engine helicopters and 1,000ft AGL for single engine helicopters; and*
11. *The local government property shall not be used for the use hereby granted until an inspection has been carried out by the Executive Manager Airport Services and that authorised person is satisfied that the activity fully complies with the conditions of approval.*

Advice

It is recommended that the helicopter operators adopt "Fly Neighbourly" piloting techniques such as those set out in the Helicopter Association International (HAI) "Fly Neighbourly Guide". Notably near residential areas this includes varying the route, reducing speed, maintaining a hover/circling altitude of 2,000ft and maintain a flyover altitude of 1,500ft for twin engine helicopters.

CARRIED 6/0

10. REPORTS OF OFFICERS

10.6 Executive Manager Town Planning

10.6.7 9x Serviced Apartments – Strata Lot 38 (78) Maidstone Crescent

Location: Strata Lot 38 (78) Maidstone Crescent, Exmouth
 Applicant: David Rees
 File Reference: 2(606)
 Disclosure of Interest: Nil
 Date: 28 November 2011
 Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends that the Shire of Exmouth grant planning approval for nine (9) serviced apartments (holiday accommodation) and a storeroom upon Lot 606 unit 38 Maidstone Crescent, Exmouth. (refer *Attachment 6*).

BACKGROUND

The land is zoned Tourist with a lot area of 492sqm, managed by Platinum Strata Management on behalf of the Council of Owners, and contains limited vegetation coverage with the majority of coverage consisting of hardscape.

The applicant seeks Council's planning approval to redevelop unit 38 to provide 9x serviced apartments (holiday accommodation) and a storeroom as a staged development. Currently the existing development is used for storage and laundry servicing the Potshot Resort. Proposal summary:

Stage 1

- 6x serviced apartments (inc. 1x disabled); each unit containing an open planned kitchen/living and dining, bedroom and bathroom.
- Maintain existing laundry for 5 years (lease back) including existing 5 car parking spaces.
- 20 car parking spaces adjacent to existing boundary fence (11m wide communal street).

Stage 2

- 3x serviced apartments; removing lease back laundry.
- Storeroom for servicing apartments.

COMMENT

The serviced apartments (holiday accommodation) and a storeroom can be assessed under the Shire of Exmouth Town Planning Scheme No. 3 and various local planning policies. These instruments outline the permissibility for this proposal within the Scheme Area. To accord with the Scheme, serviced apartments (holiday accommodation) within the Tourist zone is a 'P' use meaning the use is permitted. The relevant Scheme objectives sought to:-

- *“Provide for a wide range of tourist facilities and holiday accommodation.*
- *Protect and wherever possible enhance the special characteristics which attract tourists to the District.*
- *Ensure the town of Exmouth remains the principle place in the District for tourist services and facilities, including holiday accommodation.*
- *Facilitate access, especially within the town, for buses and caravans including provision of suitably located stopping places.*
- *Ensure the Council's facilities for tourists, and related services offered by the Council, are maintained at a high standard.”*

Generally, the development complies with the Scheme however, there are issues which require modifications, as discussed herein:-

Appropriateness of Use

Serviced apartments are defined to be 'self-contained' meaning a unit with a kitchen, bathroom, laundry, clothes drying area and separate bedroom and living areas. Each unit has an approx. total floor area of 48qm. It is recommended that an internal drying area is provided or external drying areas for each unit to comply with the definition.

The development is located 300m from the Town Centre and 100m to recreational facilities. The location is appropriate which adds to the tourism product, complementing surrounding tourism developments.

Number of Occupants

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

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

Officers have calculated the permissible number of occupants per bedroom of the submitted floor layout as follows (Schedule 1): -

Schedule 1: Allowable Occupants: Service Apartment Lot 606(38/78) Maidstone Crescent, Exmouth

Each bedroom: Total floor space: 12m², approximate Air Space: 34.8m³
Allowable occupants: 2 adults **OR** 1 adult and 3 children

Note:

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

**The air space is calculated on the assumption of an average of 2.9m ceiling height

Management Statement

The owner shall prepare a tenant code of conduct, management statement and emergency response plan in accordance with local planning policy holiday accommodation for approval by Council officers and the use shall be conditioned not to commence until a final inspection has been undertaken and all conditions of approval have been met.

Access/Parking

Legal access to the site is provided via an existing 9m wide crossover to Maidstone Crescent which is sufficient to cater for large vehicles. An internal two way communal street provides access to 6 communal parking areas. All existing on-site developments require a total 152 car parking spaces for 76 villas and 3 service bays. A summary of these areas and potential yield is tabled below:

Communal Location	Parking Spaces	Comment
Western Bays	34	The proposal is for one bedroom serviced apartments which would require a minimum of 1 parking space per unit. A total of 9 bays are required and 2 visitor bays are recommended.
Northwestern Bays	11	
Central Bays	11	
Eastern Bays	60	
Northeastern Bays	11	
Total	127	These spaces can be provided adjacent to the development in the proposed northern communal parking bay.
Proposed Northern Bays	35	
Total	162	

* 2.6m bay width assumed

The existing communal bays are strategically located throughout the development in central cluster locations. It is recommended that this form of parking be continued and all parking bays conditioned to

ensure bays are adequately constructed and permanently marked abutting the rear property boundary. This will require 30 degree parking.

External lighting

No details have been provided on external lighting and a condition shall be applied to ensure each unit is provided with angle or shade lighting to illuminate the premises, so the light does not cause any environmental nuisance (i.e. glare) to adjoining premises.

Stormwater

The development is adequately drained via an internal communal street to Murat Road/Maidstone Crescent and western drainage achieving overland flow into a Council reserve for the purpose of recreation and drainage. Redevelopment of the site will not increase the amount of runoff; however, a condition of approval shall be applied to ensure the development is designed to retain stormwater on-site or directed to Council's road drainage system as appropriate.

Landscaping

The existing complex provides landscaping to the primary and secondary frontage, and the communal open space and frontage is maintained by a local caretaker. The applicant does not propose any changes to existing landscaping however, a condition shall be applied for the provision of communal open space and landscaping to address the communal street.

Open Space

The development does not provide for private open space however, each unit may include 41sqm open space of which 15-24sqm is private open space, a summary is tabled below:-

Location	Open space	Comment
South west wing	96sqm	Private open space is recommended to be provided adjacent to each unit, within the exclusive use area with a minimum of 10sqm per unit.
South east wing	68.78sqm	
Northern frontage	208sqm	
Total	373sqm 41.4sqm per unit	The development provides a mix of 24sqm and 15sqm for private open space.

A condition shall be applied to ensure that the area is maintained for communal open space with the approval of the Strata body.

Amenity

Limited details have been provided on any proposed structural changes to the development. Based on the applicant's supporting justification, external changes to the building are planned. The development conforms to the surrounding development, and is design with major opening addressing the communal street frontage.

Council Officers recommend that the Council of the Shire of Exmouth grant planning approval for 9x serviced apartments (holiday accommodation) and a storeroom subject to conditions.

CONSULTATION

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Shire of Exmouth Town Planning Scheme No. 3

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

Local Planning Policy 6.27

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Objective: 2 - To consistently apply the Principles of Good Governance

- Key Actions 1.To continue ethical and responsible decision making

Strategic Objective: 3 - To communicate effectively

- Key Actions 1. To convey relevant information using appropriate communication channels

Strategic Objective 4: To promote socioeconomic development

- Key Actions 1. Manage land use development
- 2. Promote culture, arts and recreation
- 3. Support and manage tourism

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.6.7
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That the Council of the Shire of Exmouth grant planning approval for nine (9) serviced apartments (holiday accommodation) and a storeroom upon Lot 606 unit 38 Maidstone Crescent, Exmouth subject to the following conditions:-

1. *The development being carried out generally in accordance with the Shire of Exmouth Town Planning Scheme No. 3, Policy 6.27: Holiday Accommodation, the approved plans (PA106/11) to the satisfaction of Council officers;*
2. *No works shall be commenced without first obtaining valid approval from the Strata management body for the approved development;*
3. *The development shall provide clothes drying area which may be a line in each bathroom or a communal use area;*
4. *All future advertising signs according with Council's Town Planning Scheme 3, Schedule 5 –'exempted advertisements' and/or Council Policy;*
5. *A minimum of fourteen (14) parking bays being provided and maintained, with six (6) of these having dimensions of 2.7 x 5.5 metres in accordance with Council Policy. This is in recognition of the relatively high use of large 4x4 vehicles in Exmouth;*
6. *One (1) parking bay having a minimum width of 3.2 metres, preferably 3.8 metres, to comply with the Australian Standards (AS 2890.1) for disabled parking;*
7. *All vehicle parking areas being sealed, kerbed, drained and line marked in accordance with the approved plans and Council's Policy to the satisfaction of Council officers;*
8. *The owner shall upgrade the existing landscaping to provide an attractive frontage to the communal street and the landscaped areas shall be maintained to a high standard at all time. The landscaping including planting shall be carried out within two (2) months of any occupation of the development hereby approved;*
9. *Storm water being managed on site and/or discharged into the Shire's road drainage system, in accordance with the Building Code of Australia;*
10. *All services and refuse storage areas shall be screened from view from public view;*
11. *The owner shall treat the any external surface to reduce glare if, in the opinion of Council, the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development;*
12. *External light shall be provided to each service apartment to illuminate the premise. The lighting shall be angle or shade light so the light does not cause any environmental nuisance (i.e. glare) to adjoining premise;*
13. *The development hereby approved shall only be used for short term stay limiting any tenant period to no more than 90 days in any 12 month period by the same guest;*

14. *The maximum number of overnight occupants allowed within each unit at the same time shall be four (4) persons subject to the maximum occupancy for each room being in accordance with the Shire of Exmouth Health Local Law and Council Policy. This includes no more than two (2) occupants over the age of 10 at any one time. Potential occupants being advised of this prior to booking;*
15. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property for each service apartment shall be one (1). Potential occupants shall be advised of this prior to booking;*
16. *The owner shall prepare and submit the following operational documents for Council approval prior to the use commencing:- Tenant Code of Conduct, Management Statement and Emergency Response Plan; clarifying*
 - i) the number of allowable occupants to accord with Schedule 1 below (Total allowable is four (4) but no more than two (2) persons over 10 years of age);*
 - ii) the maximum number of vehicles and trailers (including boats) allowed per an apartment is one (1);*
 - iii) the location of the 'exclusive use area' for communal open space;*
 - iv) noise to be restricted after 10pm;*
 - v) car parking is located immediately north of the apartment only. No parking shall occur outside this area and includes kerb mounting or access via neighbouring properties;*
 - vi) No pets and*
 - vii) suitable contact details including relevant emergency services (Hospital, Police, Fire Station, SES etc) and appropriate Cyclone procedures and information, particularly relevant to the property.*
17. *The occupants Code of Conduct shall be clearly displayed in each apartment in accordance with Council Policy;*
18. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*
 - *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - *no fires are to be lit outside.*
19. *The property is to be managed by a local caretaker/manager living and readily contactable within 10 minutes of the property;*
20. *The areas defined in the Strata Agreement as 'exclusive use area' for unit 38 shall be maintained as communal open space areas for the exclusive use by service apartments tenants;*
21. *No site clearance, preparation or construction work shall take place on-site between 7am and 7pm, Monday to Friday and not at all on weekends;*
22. *The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of Planning Consent have been complied with; and*
23. *The approval granted is valid up to two (2) years of the date of this approval or such other time as approved in writing by the Shire of Exmouth. Should the use approved not substantially commence within this time, the approval will lapse.*

Advice

- i) Prior to any construction, the applicant being required to obtain a building licence approval from the Shire of Exmouth.*
- ii) In regards to Condition (9) above, the number of persons per room shall accord with the following:-*

- a. *For every person over the age of 10 years, there is to be a minimum of 14 cubic metres of air space per person; and*
 - b. *For every person between the ages of 1 & 10 years, there is to be a minimum of 8 cubic metres of air space per person.*
- iii) *Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of four (4) guests. This includes no more than two (2) occupants over the age of 10 at any one time. This Schedule shall be appropriately displayed in each unit.*

Schedule 1: Allowable Occupants: Service Apartment Lot 606(38/78) Maidstone Crescent, Exmouth

Each bedroom: Total floor space: 12m², approximate Air Space: 34.8m³
Allowable occupants: 2 adults OR 1 adult and 3 children

Note:

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

**The air space is calculated on the assumption of an average of 2.9m ceiling height.

- iv) *Owners and/or Managers of holiday accommodation are encouraged to direct guests to use the fish offal bins provided at the boat ramp fish cleaning stations and not to use the household bins for fish waste;*
- v) *Owners of all forms of holiday accommodation are encouraged to support the Exmouth Visitor Centre by becoming a member;*
- vi) *The approval granted is not to be construed as approval granted under the Local Government (Miscellaneous Provisions) Act 1960, Building Regulations 1989 or any other relevant statutory approval.*

Should the applicant be aggrieved by this decision, a right of review may exist pursuant to the State Administrative Tribunal Act 2004. A request for review should be made within 28 days of notice of this decision to the State Administrative Tribunal.

COUNCIL DECISION – 19-1211 - 10.6.7

Moved Councillor Fitzgerald, Seconded Councillor Warren.

That the Council of the Shire of Exmouth grant planning approval for nine (9) serviced apartments (holiday accommodation) and a storeroom upon Lot 606 unit 38 Maidstone Crescent, Exmouth subject to the following conditions:-

1. ***The development being carried out generally in accordance with the Shire of Exmouth Town Planning Scheme No. 3, Policy 6.27: Holiday Accommodation, the approved plans (PA106/11) to the satisfaction of Council officers;***
2. ***No works shall be commenced without first obtaining valid approval from the Strata management body for the approved development;***
3. ***The development shall provide clothes drying area which may be a line in each bathroom or a communal use area;***
4. ***All future advertising signs according with Council's Town Planning Scheme 3, Schedule 5 – 'exempted advertisements' and/or Council Policy;***
5. ***A minimum of fourteen (14) parking bays being provided and maintained, with six (6) of these having dimensions of 2.7 x 5.5 metres in accordance with Council Policy. This is in recognition of the relatively high use of large 4x4 vehicles in Exmouth;***

6. *One (1) parking bay having a minimum width of 3.2 metres, preferably 3.8 metres, to comply with the Australian Standards (AS 2890.1) for disabled parking;*
7. *All vehicle parking areas being sealed, kerbed, drained and line marked in accordance with the approved plans and Council's Policy to the satisfaction of Council officers;*
8. *The owner shall upgrade the existing landscaping to provide an attractive frontage to the communal street and the landscaped areas shall be maintained to a high standard at all time. The landscaping including planting shall be carried out within two (2) months of any occupation of the development hereby approved;*
9. *Storm water being managed on site and/or discharged into the Shire's road drainage system, in accordance with the Building Code of Australia;*
10. *All services and refuse storage areas shall be screened from view from public view;*
11. *The owner shall treat the any external surface to reduce glare if, in the opinion of Council, the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development;*
12. *External light shall be provided to each service apartment to illuminate the premise. The lighting shall be angle or shade light so the light does not cause any environmental nuisance (i.e. glare) to adjoining premise;*
13. *The development hereby approved shall only be used for short term stay limiting any tenant period to no more than 90 days in any 12 month period by the same guest;*
14. *The maximum number of overnight occupants allowed within each unit at the same time shall be four (4) persons subject to the maximum occupancy for each room being in accordance with the Shire of Exmouth Health Local Law and Council Policy. This includes no more than two (2) occupants over the age of 10 at any one time. Potential occupants being advised of this prior to booking;*
15. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property for each service apartment shall be one (1). Potential occupants shall be advised of this prior to booking;*
16. *The owner shall prepare and submit the following operational documents for Council approval prior to the use commencing:- Tenant Code of Conduct, Management Statement and Emergency Response Plan; clarifying*
 - viii) *the number of allowable occupants to accord with Schedule 1 below (Total allowable is four (4) but no more than two (2) persons over 10 years of age);*
 - ix) *the maximum number of vehicles and trailers (including boats) allowed per an apartment is one (1);*
 - x) *the location of the 'exclusive use area' for communal open space;*
 - xi) *noise to be restricted after 10pm;*
 - xii) *car parking is located immediately north of the apartment only. No parking shall occur outside this area and includes kerb mounting or access via neighbouring properties;*
 - xiii) *No pets and*
 - xiv) *suitable contact details including relevant emergency services (Hospital, Police, Fire Station, SES etc) and appropriate Cyclone procedures and information, particularly relevant to the property.*
17. *The occupants Code of Conduct shall be clearly displayed in each apartment in accordance with Council Policy;*
18. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*

- *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - *no fires are to be lit outside.*
19. *The property is to be managed by a local caretaker/manager living and readily contactable within 10 minutes of the property;*
 20. *The areas defined in the Strata Agreement as ‘exclusive use area’ for unit 38 shall be maintained as communal open space areas for the exclusive use by service apartments tenants;*
 21. *No site clearance, preparation or construction work shall take place on-site between 7am and 7pm, Monday to Friday and not at all on weekends;*
 22. *The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of Planning Consent have been complied with; and*
 23. *The approval granted is valid up to two (2) years of the date of this approval or such other time as approved in writing by the Shire of Exmouth. Should the use approved not substantially commence within this time, the approval will lapse.*

Advice

- vii) *Prior to any construction, the applicant being required to obtain a building licence approval from the Shire of Exmouth.*
- viii) *In regards to Condition (9) above, the number of persons per room shall accord with the following:-*
 - a. *For every person over the age of 10 years, there is to be a minimum of 14 cubic metres of air space per person; and*
 - b. *For every person between the ages of 1 & 10 years, there is to be a minimum of 8 cubic metres of air space per person.*
- ix) *Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of four (4) guests. This includes no more than two (2) occupants over the age of 10 at any one time. This Schedule shall be appropriately displayed in each unit.*

Schedule 1: Allowable Occupants: Service Apartment Lot 606(38/78) Maidstone Crescent, Exmouth

Each bedroom: Total floor space: 12m², approximate Air Space: 34.8m³
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Note:

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**The air space is calculated on the assumption of an average of 2.9m ceiling height.

- x) *Owners and/or Managers of holiday accommodation are encouraged to direct guests to use the fish offal bins provided at the boat ramp fish cleaning stations and not to use the household bins for fish waste;*
- xi) *Owners of all forms of holiday accommodation are encouraged to support the Exmouth Visitor Centre by becoming a member;*
- xii) *The approval granted is not to be construed as approval granted under the Local Government (Miscellaneous Provisions) Act 1960, Building Regulations 1989 or any other relevant statutory approval.*

Should the applicant be aggrieved by this decision, a right of review may exist pursuant to the State Administrative Tribunal Act 2004. A request for review should be made within 28 days of notice of this decision to the State Administrative Tribunal.

CARRIED 6/0

10. REPORTS OF OFFICERS**10.6 Executive Manager Town Planning****10.6.8 Reserves Acceptance – Reserve 39505**

Location: Reserve 39505
 Applicant: State Land Services
 File Reference: 46/22/1
 Disclosure of Interest: Nil
 Date: 5 December 2011
 Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer:

Chief Executive Officer, Bill Price

SUMMARY

This report recommends that the Council of the Shire of Exmouth takes over management of Reserve 39505 and the purpose be determined in future (refer *Attachment 7*).

BACKGROUND

The following report is presented to Council regarding a request received from State Land Services to accept management orders for reserve 39505. Council received a letter on the 9th November 2011 from State Land Services to find out whether the Council is willing to accept a Management Order for reserve 39505 and Council is required to nominate the use.

COMMENT

Reserve 39505 was created by State Land service in 1986 for the purposes of pumping station site with a management order being issued in favour of the Water and Rivers commission. Department of water has written to State Land services request the cancellation of the management order and to have the reserve amalgamated into the adjoin UCL. State land service does not agree with the proposal as native title rights and interest would resurrect upon the cancellation of the reserve.

Council Officers conducted a site visit and recommends that Council takes over management of Reserve 39505 and the purpose will be determined in future.

STATUTORY ENVIRONMENT

Local Government Act 1995, Land Administration Act, State Government processes

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Objective: 3 - To communicate effectively

- Key Actions 1. To convey relevant information using appropriate communication channels

Strategic Objective 4: To promote socioeconomic development

- Key Actions 1. Manage land use development
- 2. Promote culture, arts and recreation
- 3. Support and manage tourism

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.6.8

That the Council of the Shire of Exmouth resolve to respond to the Department of Regional Development and Lands and that the Council is interested in taking over management of Reserve 39505 and the purpose will be determined in future.

COUNCIL DECISION – 20-1211 - 10.6.8

Moved Councillor Fitzgerald, Seconded Councillor Hood.

That the Council of the Shire of Exmouth resolve to respond to the Department of Regional Development and Lands and that the Council is interested in taking over management of Reserve 39505 and the purpose will be determined in future.

CARRIED 6/0

10. REPORTS OF OFFICERS**10.6 Executive Manager Town Planning****10.6.9 Planning Application Fees Waiver for Exmouth Tennis Club**

Location: Lot 1419 Murat Road, Exmouth
 Applicant: Exmouth Tennis Club
 File Reference: Lot 1419
 Disclosure of Interest: Nil
 Date: 4 December 2011
 Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer:

Chief Executive Officer, Bill Price

SUMMARY

This report recommends that the Council of the Shire of Exmouth grant the Exmouth Tennis Club a \$139 fee waiver for planning application (PA111/11); or advise the Exmouth Tennis Club that the minimum planning application fee apply. (Refer: *Attachment 8*)

BACKGROUND

In November 2011, Council granted planning approval under delegation for an outbuilding, storeroom extension & hit up wall upon Lot 1419 (Exmouth Tennis Club) Murat Road, Exmouth. The total value of works is estimated to be \$10,000 and the minimum planning application fee of \$139 applies to the development.

The Exmouth Tennis Club requests Council to consider granting a 100% fee waiver for the planning application on the basis that the Club is a non-profit organisation.

COMMENT

The fee waiver can be accessed under Council Policy 6.39 – Town Planning Fees. The Policy objectives sought to support and facilitate development by non-profit organisations (including sporting clubs) within the Scheme Area.

Council is to determine whether the minimum planning application fee of \$139 for development less than \$50,000 should be waived for the Exmouth Tennis Club.

CONSULTATION

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Planning and Development Act 2005
 Town Planning Scheme No.3

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.
 Policy 6.39 - Town Planning fees

FINANCIAL IMPLICATIONS

\$139 fee waiver

STRATEGIC IMPLICATIONS

Strategic Objective: 2 - To consistently apply the Principles of Good Governance

- Key Actions 1.To continue ethical and responsible decision making

Strategic Objective: 3 - To communicate effectively

- Key Actions 1. To convey relevant information using appropriate communication channels

Strategic Objective 4: To promote socioeconomic development

- Key Actions 1. Manage land use development
 2. Promote culture, arts and recreation
 3. Support and manage tourism

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION – 10.6.9

That the Council of the Shire of Exmouth:-

- 1. Grant the Exmouth Tennis Club a \$139 fee waiver for planning application (PA111/11); or*
- 2. Advise the Exmouth Tennis Club that the minimum planning application fee apply.*

COUNCIL DECISION – 21-1211 - 10.6.9

Moved Councillor Fitzgerald, Seconded Councillor Thompson.

That the Council of the Shire of Exmouth grant the Exmouth Tennis Club a \$139 fee waiver for planning application (PA111/11).

CARRIED BY ABSOLUTE MAJORITY 6/0

10. REPORTS OF OFFICERS**10.6 Executive Manager Town Planning****10.6.10 Retrospective Approval for Retaining Wall and Over Height Fence**

Location: Lot 805 (11) King Place
 Applicant: Scott Barrington Baines
 File Reference: 805 (11)
 Disclosure of Interest: Nil
 Date: 2 December 2011
 Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends that the Council of the Shire of Exmouth grant planning approval for site works and an overheight fence upon Lot 805 (11) King Place, Exmouth. (refer **Attachment 9**)

BACKGROUND

The subject property is zoned 'Residential' and an existing dwelling and second dwelling is sited upon the land. The applicant seeks Council's planning approval for a 2.4m overheight fence and 600mm fill.

In May 2011, Council granted planning approval for holiday accommodation upon the land restricting the use of the second dwelling (ancillary accommodation) conditioning the second dwelling to be occupied by family members of the occupiers of the main dwelling until such time the land is subdivide into two separate legal titles

COMMENT

The overheight fence and site fill can be assessed under the Shire of Exmouth Town Planning Scheme No. 3, Western Australian Residential Design Codes and Fencing Local Law. To accord with the Scheme, these developments are 'IP' uses meaning the use is not permitted unless such use is incidental to the predominant use as decided and approved by Council. The relevant Scheme objectives sought to:-

Preserve the sense of the natural topography of the site and locality with a view to the protection of streetscape and the amenity of adjoining properties.

Generally the development complies with the Scheme however, there are issues which require modifications, as discussed herein:-

Site works

Development is required to maintain the natural topology of the site. The R-Codes deemed to comply provisions permit a maximum of 500mm fill within 1m of a common boundary. However, this can be varied under the following performance objective:-

[Whether the] development retains the visual impression of the natural level of a site, as seen from the street or other public place, or from an adjoining property.

No objections from adjoining neighbours were received and the site has retained the natural topology of the site. The filling is in the immediate area of the second dwelling only.

Privacy

The Fencing Local Law restricts the erection of a dividing fence greater than 1.8m in the Residential zone without Council approval. It is desirable to restrict the fencing height to promote uniform fencing heights subject to reasonable privacy.

The filled area adjacent to the second dwelling is not usable as an active outdoor habitable area and does not warrant privacy screening. However, three habitable rooms have major openings overlooking the adjoining property requiring screening.

A maximum fencing height of 2.1m is recommended adjacent to the second dwelling and truncated to 1.8m before and after. This will ensure that the major openings do not have an area greater than 1sqm which is subject to privacy screening.

Stormwater

Limited details have been provided and a condition shall be applied to ensure stormwater is retained on-site or directed to the kerb and gutter in King Place.

Consultation

Adjacent properties were invited to comment on the proposed variation prior to Wednesday 7 December 2011 (14 days). No comments were received, a summary is tabled below:

Property	Received	Comment
Lot 804 King Place	Objection	The fencing height shall be condition to be uniform with surrounding fencing pattern. This will ensure only 13.5m is raised 300mm to achieve reasonable visual privacy. One objection was received relating to stormwater from the existing dwelling. A condition shall be applied as discussed in the report.
Lot 806 King Place	No comment	
Lot 796 King Place	No comment	
Lot 758 Learmonth Street	No comment	
Lot 757 Learmonth Street	No comment	
Lot 756 Learmonth Street	No comment	
Lot 755 Learmonth Street	No comment	

Council officers recommend that the Council of the Shire of Exmouth approve the development subject to conditions.

CONSULTATION

Consult - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Planning and Development Act 2005
Shire of Exmouth Town Planning Scheme No. 3
Fencing Local Law

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Objective: 2 - To consistently apply the Principles of Good Governance

- Key Actions 1.To continue ethical and responsible decision making

Strategic Objective: 3 - To communicate effectively

- Key Actions 1. To convey relevant information using appropriate communication channels

Strategic Objective 4: To promote socioeconomic development

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.6.10

That the Council of the Shire of Exmouth grant planning approval for site works and an overheight fence upon Lot 805 (11) King Place, Exmouth subject to the following conditions:-

1. *The development being carried out generally in accordance with the Shire of Exmouth Town Planning Scheme No. 3 and the approved plans (PA113/11) to the satisfaction of Council officers;*
2. *The site works hereby approved shall be limited to 600mm fill in the immediate area of the second dwelling as depicted on the approved plans;*
3. *Side fencing immediately adjacent to the second dwelling shall have a height of 2.1 metres to achieve visual privacy and the balance shall be 1.8 metres in height as depicted on the approved plans and excludes any minor truncation and fencing within the front setback area;*
4. *The fencing shall have external colours consistent with Council's Colour Palette and the owner shall consult with the affected property owner on the appropriate colour;*
5. *Storm water being managed on-site and/or discharged into the Shire's road drainage system, in accordance with Council Policy, the Building Code of Australia and to satisfaction of Council officers;*
6. *No site clearance, preparation or construction work shall take place on-site between 7am and 7pm, Monday to Saturday; and*
7. *The approval granted is valid up to two (2) years of the date of this approval. Should the use approved not substantially commence within this time, the approval will lapse.*

Advice

- i) *Prior to any construction, the applicant being required to obtain a building licence approval from the Shire of Exmouth.*
- ii) *The approval granted is not to be construed as approval granted under the Local Government (Miscellaneous Provisions) Act 1960, Building Regulations 1989 or any other relevant statutory approval.*
- iii) *Should the applicant be aggrieved by this decision, a right of review may exist pursuant to the State Administrative Tribunal Act 2004. A request for review should be made within 28 days of notice of this decision to the State Administrative Tribunal.*

COUNCIL DECISION – 22-1211 - 10.6.10

Moved Councillor Winzer, Seconded Councillor Fitzgerald.

That the Council of the Shire of Exmouth grant planning approval for site works and an overheight fence upon Lot 805 (11) King Place, Exmouth subject to the following conditions:-

8. *The development being carried out generally in accordance with the Shire of Exmouth Town Planning Scheme No. 3 and the approved plans (PA113/11) to the satisfaction of Council officers;*
9. *The site works hereby approved shall be limited to 600mm fill in the immediate area of the second dwelling as depicted on the approved plans;*
10. *Side fencing immediately adjacent to the second dwelling shall have a height of 2.1 metres to achieve visual privacy and the balance shall be 1.8 metres in height as depicted on the approved plans and excludes any minor truncation and fencing within the front setback area;*
11. *The fencing shall have external colours consistent with Council's Colour Palette and the owner shall consult with the affected property owner on the appropriate colour;*

12. *Storm water being managed on-site and/or discharged into the Shire's road drainage system, in accordance with Council Policy, the Building Code of Australia and to satisfaction of Council officers;*
13. *No site clearance, preparation or construction work shall take place on-site between 7am and 7pm, Monday to Saturday; and*
14. *The approval granted is valid up to two (2) years of the date of this approval. Should the use approved not substantially commence within this time, the approval will lapse.*

Advice

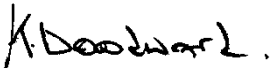
- iv) *Prior to any construction, the applicant being required to obtain a building licence approval from the Shire of Exmouth.*
- v) *The approval granted is not to be construed as approval granted under the Local Government (Miscellaneous Provisions) Act 1960, Building Regulations 1989 or any other relevant statutory approval.*
- vi) *Should the applicant be aggrieved by this decision, a right of review may exist pursuant to the State Administrative Tribunal Act 2004. A request for review should be made within 28 days of notice of this decision to the State Administrative Tribunal.*

CARRIED 6/0

10. REPORTS OF OFFICERS

10.7 Executive Manager Engineering Services

10.7.1 General Report

Location:	Exmouth
Applicant:	
File Reference:	
Disclosure of Interest:	Nil
Date:	December 2011
Author:	Executive Manager Engineering Services, Keith Woodward
Signature of Author:	
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY

The following report provides a summary of the Engineering Services 2011/2012 Construction Program and information.

BACKGROUND

Nil

COMMENT

1. Engineering Services Project Schedule

The Engineering Services Project Schedule 2011/2012 provides an overview of the project start and completion dates. It is important to note that staffing levels, contractor availability, private works and environmental conditions such as cyclone/floods influence the project timeframes.

2011/2012 Engineering Services Project Schedule included as Attachment 1.

CONSULTATION

Inform - in accordance with Council Policy 1.25

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation

FINANCIAL IMPLICATIONS

As per 2011-2012 Shire Budget

STRATEGIC IMPLICATIONS

Strategic Objectives: 1 - To provide Sustainable Management of the Organisation

Strategic Objectives: 2 - To consistently apply the Principles of Good Governance

VOTING REQUIREMENTS

Simple Majority

OFFICER’S RECOMMENDATION – 10.7.1

That the Council of the Shire of Exmouth receive the Executive Manager Engineering Services Report for the month of December 2011.

COUNCIL DECISION – 23-1211 - 10.7.1

Moved Councillor Fitzgerald, Seconded Councillor Thompson.

That the Council of the Shire of Exmouth receive the Executive Manager Engineering Services Report for the month of December 2011.

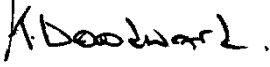
CARRIED 6/0

Councillor Warren declared a Financial Interest in the following officer's report 10.7.2 and left the chamber at 5.10pm.

10. REPORTS OF OFFICERS

10.7 Executive Manager Engineering Services

10.7.2 Tender 10/2011- Construct Two New 4x2 Residences

Location:	Exmouth
Applicant:	Shire of Exmouth
File Reference:	
Disclosure of Interest:	Nil
Date:	December 2011
Author:	Executive Manager Engineering Services, Keith Woodward
Signature of Author:	
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY

This report recommends that the Exmouth Shire Council award Tender 10/2011 to and authorise the Executive Manager of Engineering Services to make minor changes to the scope of works and consequently the price of works during the course of construction.

BACKGROUND

The Shire purchased Lots 115 and 116 Skipjack Circle and included \$1,000,000 in the 2011/12 Shire Budget to construct two 4x2 residents.

The Shire advertised tender 10/2011 "*Construct Two New 4x2 Residents*" in the West Australian Newspaper on the 24 September 2011. In addition the Shire advertised on the local notice board and on EELIS. No addendums were issued. The Shire received 11 tender submissions.

Tender 10/2011 was opened in accordance with the tender closing date and time in the presence of Barry Hughes Building and Pebble Beach Construction.

Section 3 of the tender specification stated, "*All tenders lodged before closing time will be opened and registered at the closing date and time as listed. Any tenderer may be present at the opening and record the prices submitted only*". It is speculated that whilst tenders were being opened in addition to tender prices being recorded so was the associated business names.

Tender Submissions Received:

1. Barry Hughes Building
2. Cape Building
3. Exmouth Building Company
4. Fleetwood
5. Haven Designs
6. McGrath Homes
7. Northern Aspect Construction
8. Parnell
9. Pebble Beach Construction
10. Quality Builders
11. Transportable Kit Homes

COMMENT

Tender submissions were assessed by the Shire's, Works Coordinator, Executive Manager of Health and Building Services and the Executive Manager of Engineering Services. All tenders were assessed against the compliance criteria and ranked according. The assessment panel then adopted best value for money approach.

The confidential evaluation report will be tabled to Councillors and provides details of the tender process and evaluation of the tenders.

CONSULTATION

Inform - in accordance with Council Policy 1.25

STATUTORY ENVIRONMENT

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

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

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

It is recommended all tenders be evaluated on selection criteria by which each tender is assigned a score based on the tenderers capacity to meet tender objectives.

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

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

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation

FINANCIAL IMPLICATIONS

As per 2011-2012 Shire Budget

STRATEGIC IMPLICATIONS

Strategic Objectives: 1 - To provide Sustainable Management of the Organisation

Strategic Objectives: 2 - To consistently apply the Principles of Good Governance

VOTING REQUIREMENTS

Absolute Majority

OFFICER’S RECOMMENDATION – 10.7.2

The Executive Manager for Engineering Services requested an addendum to his earlier recommendation as highlighted in bold below.

The Exmouth Shire Council, after careful consideration of the House Design Drawings, Project Cost and Tender Compliance Report award Tender 10/2011 to for \$..... and authorise the Executive Manager of Engineering Services to make minor changes to the scope of works and consequently the price of works during the course of construction.

COUNCIL DECISION – 24-1211 - 10.7.2

Moved Councillor Fitzgerald, Seconded Councillor Thompson

The Exmouth Shire Council, after careful consideration of the House Design Drawings, Project Cost and Tender Compliance Report award Tender 10/2011 to Pebble Beach Constructions for \$1,040,200.00 and authorise the Executive Manager of Engineering Services to make minor changes to the scope of works and consequently the price of works during the course of construction.

CARRIED BY ABSOLUTE MAJORITY 5/0

Councillor Warren returned to the Chamber at 5.12pm.

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

Nil

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

Nil

13. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS

Nil

14. CLOSURE OF MEETING

The President wished everyone a Merry Christmas and Happy New Year and declared the meeting closed at 5.13pm.