



Ordinary Council Meeting Minutes 17 December 2015

CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on 27 January 2016 as a true and accurate record of the Ordinary Council Meeting held on 17 December 2015.

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

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

DISCLAIMER

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

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Signed at Exmouth



(B Price), Chief Executive Officer Shire of Exmouth

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ORDINARY COUNCIL MEETING 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 Shire President declared the meeting open at 5:06pm.

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

| | |
|----------------------------|--|
| Councillor C (Turk) Shales | Shire President |
| Councillor R (Bob) Todd | |
| Councillor S McHutchison | |
| Councillor S Coote | |
| Councillor J Roscic | |
| Mr B Price | Chief Executive Officer |
| Mrs S O'Toole | Executive Manager Corporate Services |
| Mrs J Kox | Executive Manager Aviation Services |
| Mr R Kempe | Executive Manager Community Engagement |
| Mr R Manning | Executive Manager Health & Building |
| Mr R Mhasho | Executive Manager Town Planning |
| Mr K Woodward | Executive Manager Engineering Services |

GALLERY

Visitors: 14

APOLOGIES

Nil

LEAVE OF ABSENCE

Councillor M Hood Deputy Shire President distributed

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTIONS TIME

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

Council Consideration Towards Public

When public questions necessitate resolutions of Council, out of courtesy and at the President's 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).

One question was submitted by Melanie Lake.

Q1. At the March 2011 Ordinary Council Meeting, Turk Shales was the only Councillor who requested that his vote be recorded for the application for Bird's Eye View to sublet to CHC Helicopters. Turk Shales, can you please explain why you requested your no vote be recorded, and hence your objection for this particular application which injected over \$1,000,000 into the local economy?

A1. The Shire President responded that this particular item was during his time as a Councillor only, not Shire President, and that even though this decision was made a long time ago without remembering all of the specifics, he advised that he bases his decision making on the information provided and what he considers to be in the best interests of the Council and the community of the day. Once a decision is made and regardless of his own opinion he respects the final decision of the Council.

Ms Lake was advised that any Councillor who votes against a particular Council motion is invited to have their name recorded if they so wish.

One Question was submitted by Gavin Penfold.

Q2. Pursuant to Section 5.60 of the *Local Government Act 1995*:

- ...relevant person has an interest in a matter if either –
- a) the relevant person; or
 - b) a person with whom the relevant person is closely associated, has –
 - c) a direct or indirect financial interest in the matter; or
 - d) a proximity interest in the matter.

In accordance with Section 5.61 of the *Local Government Act 1995*:

...an indirect financial interest of a person in a matter includes a reference to a financial relationship between that person and another person who requires a local government decision in relation to the matter.

I submit that Turk Shales is closely associated with Jasper Spiers and Jasper Spiers has an indirect financial interest with matters concerning Bird's Eye View.

'I hereby declare Turk Shales a conflict of interest for any matters relating to Bird's Eye View.

Pursuant to Section 5.65 of the *Local Government Act 1995*:

1. A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by the matter must disclose the nature of interest –
- In a written notice given to the CEO before the meeting; or
 - At the meeting immediately before the matter discussed.
- Penalty : \$10, 000 or imprisonment for 2 years.

Turk Shales, have you already, or do you intend to give written notice to the CEO disclosing the nature of your conflicting interest with Bird's Eye View prior to today's Council Meeting?

A2. The Shire President responded advising that on this particular matter he did not consider that he had a Financial Interest and that he would be participating in the decision making process.

5. DECLARATIONS OF INTEREST

| Item/Description | Name | Detail of Interest | Extent of Interest |
|------------------|---------------------------|------------------------|--------------------|
| 11.6.2 | Cr James Roscic | Proximity/Impartiality | Land owner- Canals |
| 11.6.2 | Rob Manning | Proximity/Impartiality | Land owner- Canals |
| 11.6.6 | Cr Suzanne McHutchison | Impartiality | Member |

6. APPLICATIONS FOR LEAVE OF ABSENCE

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

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

Nil.

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

That the Minutes of the Ordinary Meeting of the Shire of Exmouth held on the 19 November 2015 be confirmed as a true and correct record of proceedings.

COUNCIL DECISION – 01-1215 - ITEM 7

Moved Councillor Todd, Seconded Councillor McHutchison.

That the Minutes of the Ordinary Meeting of the Shire of Exmouth held on the 26 November 2015 be confirmed as a true and correct record of proceedings.

CARRIED 5/0

8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

The Shire President started by thanking Councillor Todd for standing in for him at the School Presentations night for Secondary Students.

The Shire President advised Council of the Certificate of appreciation that was received from Exmouth Senior Citizens for all the help that the Exmouth Shire has given them in the last year.

The Shire President declared that the Shire Christmas party was a great success. He commented on how proud he was of all the Shire workers and their efforts throughout the year, in particular their role in the clean-up of the town after TC Olwyn which was greatly appreciated by members of the community.

9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil.

10. REPORT OF COUNCILLORS

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

- 27/11/15 Airport Emergency Exercise;
- 11/12/15 Cruise Ship Committee Meeting;
- 11/12/15 Shire Christmas Event; and
- 14/12/15 Cruise Ship Committee Meeting.

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

- 8/12/15 Red Cross Handover;
- 8/12/15 Exmouth Cultural Arts Centre Inc Committee Meeting;
- 9/12/15 Meeting with Peter Tinley Shadow Minister for Gascoyne discussing Exmouth's progress and the proposed Deep Water Wharf and lack of Aged Care facility;
- 11/12/15 Shire Christmas Event;
- 12/12/15 Farewell for Karen Famlonga where, on behalf of the Shire I presented her with a memento of Exmouth for her volunteering contribution to the Exmouth community; and
- 15/12/15 Final School Assembly for Primary students for 2015.

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

- 17/11 Meeting with Matthew Coomber & Ashlee Crabbe – Quadrant Energy regarding Implications of the change from Apache to Quadrant/ Deep Water Load out facility;
- 17/11/15 Meeting with Dianna Russell Coote – Woodside Energy regarding Greater Enfield Area Development, how Exmouth businesses can via for work;
- 18/11/15 CRG Meeting – Woodside, BHP, Quadrant regarding Community Engagement about nearby activities;
- 27/11/15 Fielded calls Jakhaul: regarding the installation of technical infrastructure on the power poles in Ingram Street;
- 30/11/15 Meeting with Katheryn Trowbridge – Organisation of the first 'Ningaloo Foto Frenzy' workshop/ Humpback whale diving Exmouth;
- 10/12/15 Meeting with Amy Munday of The Bean Gypsea – Regarding problems with her mobile operating permit;
- 11/12/15 Shire Christmas Event;
- 15/12/15 Meeting with Bill and Rhassel – To discuss the resolution of Bean Gypsea operating permit;
- 15/12/15 Meeting with Amy Munday 'Bean Gypsea' regarding new operating permit that will suit her business and meet the requirements of the Shire; and
- 17/12/15 Boating Guide Meeting chaired by D.o.T at Marine Rescue building.

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

- 9/12/15 Meeting with Peter Tinley MLA Shadow Minister for trade and Asian Engagement;
- 10/12/15 Represented the Shire at the School Graduation; and
- 11/12/15 Shire Christmas Event.

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

- 9/12/15 Meeting with Peter Tinley MLA Shadow Minister for trade and Asian Engagement;
- 9/12/15 Meeting with Arvid at DePAW regarding environment portfolio and proposed changes to Muiron Island management; and
- 11/12/15 Shire Christmas Event.

10.1 Shire Presidents Report

Location: Exmouth
Applicant: Cr C (Turk) Shales
File Reference: GV.CM.0
Disclosure of Interest: Nil
Date: 10 December 2015

SUMMARY

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

BACKGROUND

24/11/15 RDCO In town – Bus Tour to showcase town and future developments
1/12/15 Gascoyne Development Commission Meeting
2/2/15 Gascoyne Development Commission Meeting
7/12/15 Phone conference from Vince Catania regarding possible extra funding for Exmouth Pool (informed manager Rob Manning of this)
9/12/15 Meeting with Peter Tinley MLA Shadow Minister for Trade and Asian Engagement, discussed issues in Exmouth and future growth including Prospect of Deep Water Wharf
10/12/15 Teleconference with GDC, Audit and Risk Committee
11/12/15 Shire of Exmouth Christmas Event

COMMENT

Nil

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

COUNCILLOR'S RECOMMENDATION – 10.1

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

COUNCIL DECISION – 02 – 1215– 10.1

Moved Councillor McHutchison, Seconded Councillor Coote.

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

CARRIED 5/0

11. REPORTS OF OFFICER

11.1 Chief Executive Officer

11.1.1 Chief Executive Officers Report

| | |
|-------------------------|-------------------------------------|
| Location: | Exmouth |
| Applicant: | Chief Executive Officer |
| File Reference: | GV.CM.0 |
| Disclosure of Interest: | Nil |
| Date: | 2014 |
| Author: | Chief Executive Officer, Mr B Price |

SUMMARY

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

BACKGROUND

Ningaloo Centre Update

Construction and Fitout of the Ningaloo Centre

Partnering with appointed contractor FIRM Construction, Site Architecture Studio and the Shire is working very well. FIRM Construction have accommodated all matters put to them in what has been a very intense start up time frame. It bodes well for the project having a company that is well organised and has the quality management systems and documentation to support their activities together with an experienced project team. An article has been written in the business section of the West Australian Newspaper regarding the project and partners which is attached for Councillor information (refer ***Attachment 1***).

Site Architecture also have been very diligent in their actioning of Issued for Construction (IFC) drawings and associated architectural model with locked mechanical and structural 3D overlays to enable commencement of shop drawings. Amendments to the Aquarium building space have been made to allow a post construction installation of tank and plumbing. The amended design drawings are with FIRM Construction and DCWC for update of the Bill of Quantities.

A project sign board is being designed that will have the 3D perspective image as background. Names of all grant funders and the design and construction team will be listed.

All consultants, including Freeman Ryan Design (FRD) are now appointed for the project management roles to be fulfilled. FRD are progressing Design Development with refinement of the concept of July 2015 now including multi-media in the marine and terrestrial spaces.

Department of Regional Development (DRD)

Stage 1 Ningaloo Centre Planning is now complete and an acquittal report is requested and will be completed for submit in early 2016.

Community Development Grant (CDG)

The next report covers progress to the end of November. This will report on the project activity and project cost overall with a submit date end of January 2016. The first claim on the Commonwealth will then follow.

Ningaloo Alliance

A meeting of the Ningaloo Alliance research organisations was convened on 2 December 2015 at the Durack Batavia Coast Maritime Institute (BCMI) Geraldton. It was a very well attended meeting with FRD presenting their concept for exhibition and proposed interpretive means of the research activities. The proposal is a combination of static and digital displays that will enable the Ningaloo Alliance members to upload research results for public viewing.

WA Museum (WAM)

Site Architecture sourced a 'back of house' tour of the WAM Welshpool collection. It provided the Shire, FRD and Site an excellent opportunity to network with WAM representatives on the Ningaloo Centre project.

Site Meeting Items

To date site meetings have occurred on 28/10/15 and 26/11/15 with 10/12/15 scheduled next. These have been attended by representatives from FIRM Construction, Site Architecture Studio, Donald Cant Watt & Corke (DCWC) and the Shire of Exmouth with specialised consultants attending as required. A fortnightly meeting schedule for the duration of the project has been established. From January 2017 every second meeting will be convened in Exmouth, with the other in Perth.

FIRM Construction have submitted their first (November) progress claim, which has been reviewed by DCWC and a covering Progress Claim Certificate issued by the Superintendent. Their subsequent tax invoice was raised on 7 December 2015 and is with the Principal for payment. December's progress Claim will be submitted 10 December 2015 as agreed by all parties. Normal timing is 25th of each month.

Annual Children's Environment and Health Awards

Local governments across WA are encouraged to submit applications at the beginning of each year for Local Government Children's Environment and Health awards sponsored by the Public Health Advocacy Institute of WA, Healthway, WALGA and CCYP.

The Shire of Exmouth were recognised for creating environments that protect and support the health of children and were announced the winner in the Stimulating Learning Environments category. The award was presented by President of WALGA Cr Lynne Craigie, Acting Healthway Executive Director Maree DeLacey and Commissioner for CCYP Colin Pettit and accepted by the Shire's CEO Bill Price.



The Shire was recognised for the Water Spray Park that incorporates multiple areas of development to support children in the community. Specifically the promotion of the important Ningaloo Coast Heritage Area. It was highlighted as a commendable strategy to engage children to actively learn through play while being physically active. (refer *Attachment 2*)

Cruise WA Committee Meeting

I attended the Cruise WA Committee meeting held on board the Ship ASTOR (by invitation of Cruise & Maritime Voyages) docked in Fremantle Harbour on Thursday 10 December 2015.

The committee were very impressed with the progress of the proposed Exmouth Deep Water Wharf project, particularly with the interest being shown by various members of government.

Attached is a copy of the WA Cruise Shipping Strategic Plan 2012-2020 – 2014/15 Achievements for Councillor information. (refer *Attachment 3*)

Gascoyne Country Zone Meeting

Exmouth recently hosted the Gascoyne Country Zone Meeting held on Friday 20 November 2015 at the Exmouth Volunteer Marine Rescue Building.

There was a large contingent of attendees with representatives from the:-

- 4 Gascoyne Councils,
- Wiluna & Meekatharra Councils,
- Hon. Tony Simpson, Minister for Local Government,
- Hon. Dean Nalder, Minister for Transport,
- Melissa Price, Member for Durack,
- Vince Catania, Member for North West Central,
- Lynne Craigie, President of WALGA,

- Ricky Burges, CEO of WALGA,

Retired Councillor Winzer welcomed everyone present and provided an overview of the developments occurring in the Gascoyne.

Attached is a copy of the Minutes of the meeting for Councillor information (refer *Attachment 4*).

Staff

A reminder that the Council Administration Offices will be closed over the Christmas/New Year period Between 25/12/15 to 3/1/16 inclusive.

Other Meetings & Functions attended by the CEO

- I met with representatives from DPAW in Exmouth on Thursday 4 December 2015 to discuss the future Management of Exmouth Gulf Island Reserves.
- EMTP & myself met with representatives from Base Marine in Exmouth on Monday 14 December 2015 to discuss development issues.

Meetings Scheduled for Next Month

- EMAS & myself to attend the Heliport Consultative Committee meeting being hosted by the Council in Exmouth on Wednesday 16 December 2015.
- CEO to represent the Council at the Exmouth PCYC, Thank a Sponsor event in Exmouth on Wednesday 16 December 2015.

COMMENT

Nil

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Civic Leadership

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VOTING REQUIREMENTS

Simple Majority

| |
|--|
| OFFICER'S RECOMMENDATION – 11.1.1 |
|--|

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

| |
|--|
| COUNCIL DECISION – 03– 1215– 11.1.1 |
|--|

Moved Councillor Todd, Seconded Councillor McHutchison.

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

CARRIED 5/0

11. REPORTS OF OFFICERS

11.2 Executive Manager Corporate Services

11.2.1 General Report

Location: Exmouth
 Applicant: S O'Toole
 File Reference: CM.RE.0
 Disclosure of Interest: Nil
 Date: 7 December 2015
 Author: Executive Manager Corporate Services
 Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

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

BACKGROUND

Rating

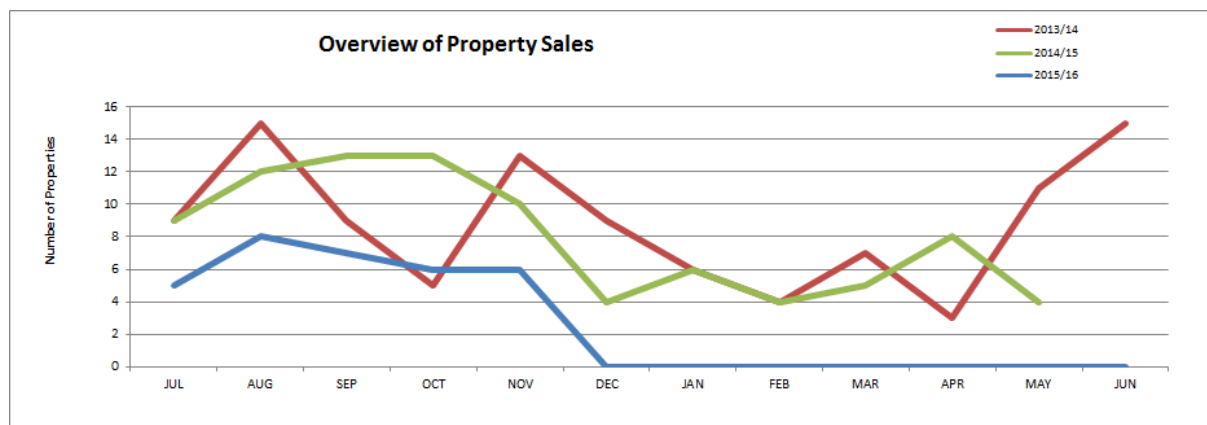
Property Sales

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

| 2015/16 Summary of Property Sales | | | |
|--|-----------------|---------------------|--------------|
| Number Sold | Land Usage | Total Sales | Average Sale |
| 14 | Vacant Land | \$1,937,500 | \$138,393 |
| 15 | Residential | \$7,879,000 | \$525,267 |
| 0 | Industrial | \$0 | \$0 |
| 1 | Mixed Use | \$580,000 | \$0 |
| 1 | Composite Devel | \$1,050,000 | \$1,050,000 |
| 0 | Special Use | \$0 | \$0 |
| 1 | Tourism | \$0 | \$0 |
| 32 | | \$11,446,500 | |

| Property Sales | 2015/16 | 2014/15 | 2013/14 |
|----------------|-----------|-----------|------------|
| JUL | 5 | 9 | 9 |
| AUG | 8 | 12 | 15 |
| SEP | 7 | 13 | 9 |
| OCT | 6 | 13 | 5 |
| NOV | 6 | 10 | 13 |
| DEC | | 4 | 9 |
| JAN | | 6 | 6 |
| FEB | | 4 | 4 |
| MAR | | 5 | 7 |
| APR | | 8 | 3 |
| MAY | | 4 | 11 |
| JUN | | 2 | 15 |
| | 32 | 90 | 106 |

Property Sales Cont.



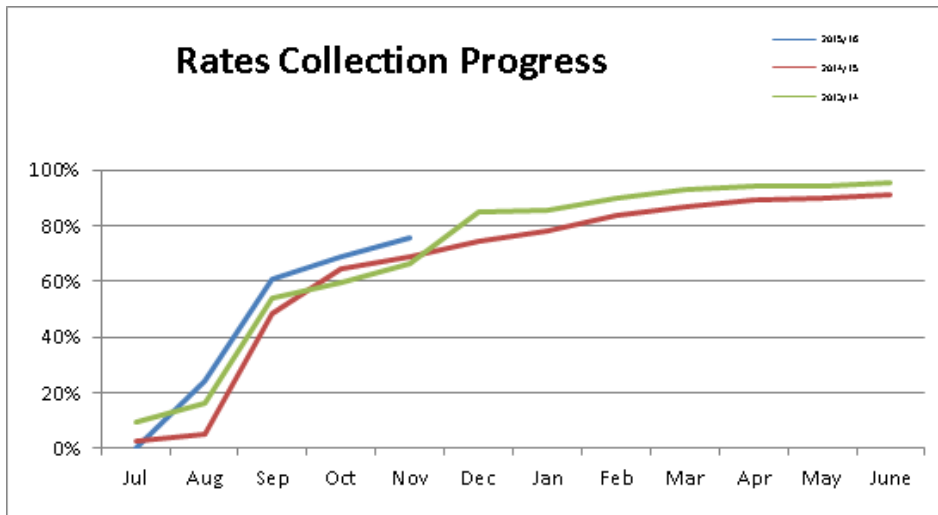
Rates Collection

| Rates Collection Analysis | | |
|--|--|------------------|
| | | \$ |
| Rates & Charges Levied 2015/16 | | 4,009,114 |
| Arrears 1 July 2015 | | 395,588 |
| Less Collections | | (3,290,240) |
| Total Rates & Charges Outstanding | | 1,114,461 |
| Less Pensioner Deferred Rates | | (30,189) |
| Total Rates Collectable | | 1,084,273 |
| % Collected to Date | | 75.4% |
| Notices Sent | | 4/08/2015 |
| Due Date | | 8/09/2015 |
| Reminder Notice Sent | | 21/10/2015 |
| Final Notice Sent | | 4/11/2015 |
| Notice of Intention to Summons Sent | | |
| Summons Issued | | |

Comparative percentage of rates collected monthly

| | 2015/16 | 2014/15 | 2013/14 |
|----------------|-----------|------------|------------|
| Rates Due Date | 8/09/2015 | 30/09/2014 | 11/09/2013 |
| Jul | 0% | 3% | 10% |
| Aug | 24% | 5% | 16% |
| Sep | 61% | 48% | 54% |
| Oct | 69% | 65% | 59% |
| Nov | 75% | 69% | 66% |
| Dec | | 75% | 85% |
| Jan | | 78% | 86% |
| Feb | | 84% | 90% |
| Mar | | 87% | 93% |
| Apr | | 89% | 94% |
| May | | 90% | 94% |
| June | | 91% | 96% |

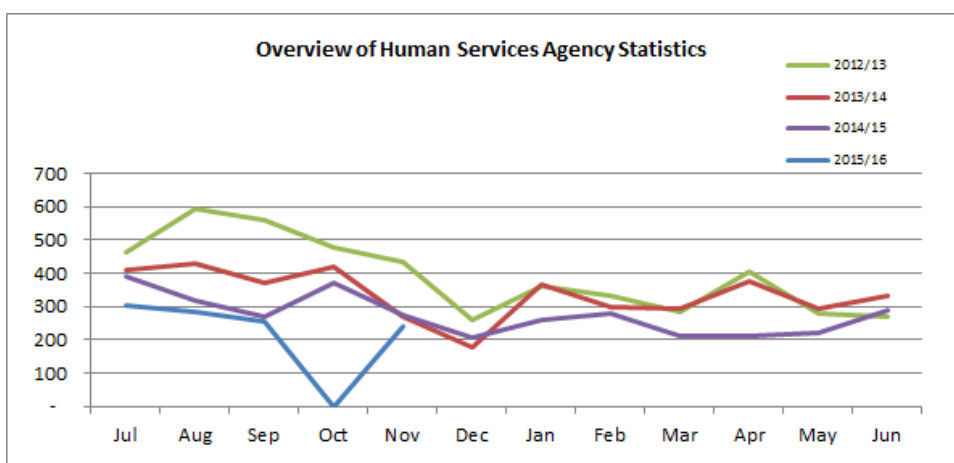
Rates Collection Cont.



Human Services Agency (formerly Centrelink)

Summary of Agent Statistics for 2015/16

| | Lodgement of Forms/Assist with Completion | Referrals to Call Centre & CSC | Assist with use of Equipment & Computer | Respond to General Enquiries | TOTAL | Hours of Operation/week | | |
|--------------|---|--------------------------------|---|------------------------------|--------------|-------------------------|--------------|--------------|
| | | | | | | 12.5 | 12.5 | 15 |
| | | | | | | 2015/16 | 2014/15 | 2013/14 |
| Jul | 59 | 44 | 59 | 141 | 303 | 303 | 390 | 411 |
| Aug | 51 | 41 | 58 | 135 | 285 | 285 | 317 | 427 |
| Sep | 50 | 39 | 51 | 115 | 255 | 255 | 272 | 373 |
| Oct | | | | | TBA | TBA | 369 | 422 |
| Nov | 48 | 38 | 39 | 116 | 241 | 241 | 273 | 268 |
| Dec | | | | | - | | 208 | 178 |
| Jan | | | | | - | | 261 | 367 |
| Feb | | | | | - | | 278 | 299 |
| Mar | | | | | - | | 210 | 296 |
| Apr | | | | | - | | 212 | 377 |
| May | | | | | - | | 219 | 296 |
| Jun | | | | | - | | | 331 |
| TOTAL | 208 | 162 | 207 | 507 | 1,084 | 1,084 | 3,009 | 4,045 |



CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.2.1

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

COUNCIL DECISION – 04- 1215- 11.2.1

Moved Councillor Todd, Seconded Councillor McHutchison.

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

CARRIED 5/0

11. REPORTS OF OFFICERS

11.2 Executive Manager Corporate Services

11.2.2 Monthly Financial Statements and Report

| | |
|-------------------------|---|
| Location: | Exmouth |
| Applicant: | S O'Toole |
| File Reference: | FM.FI.0 |
| Disclosure of Interest: | Nil |
| Date: | 7 December 2015 |
| Author: | Executive Manager Corporate Services, Sue O'Toole |
| Senior Officer: | Chief Executive Officer, Bill Price |

SUMMARY

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

BACKGROUND

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

COMMENT

Nil

CONSULTATION

Nil

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

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| OFFICER'S RECOMMENDATION – 11.2.2 |
|--|

That Council:

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

Municipal Fund – November 2015 \$2,412,878.18 incorporating of cheques 13199 - 13219 and direct debits

Trust Fund – November 2015 \$7,722.41 incorporating of cheques 400834 - 400836 and direct debits

Outstanding Creditors as at 30 November 2015 - \$368,371.53

| |
|--|
| COUNCIL DECISION –05–1215– 11.2.2 |
|--|

Moved Councillor Todd, Seconded Councillor McHutchison.

That Council:

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

Municipal Fund – November 2015 \$2,412,878.18 incorporating of cheques 13199 - 13219 and direct debits

Trust Fund – November 2015 \$7,722.41 incorporating of cheques 400834 - 400836 and direct debits

Outstanding Creditors as at 30 November 2015 - \$368,371.53

CARRIED 5/0

11. REPORTS OF OFFICERS

11.3 Executive Manager Aviation Services

11.3.1 General Report

Location: Exmouth
Applicant: J Kox
File Reference: TT.SP.0
Disclosure of Interest: Nil
Date: 10 December 2015
Author: Executive Manager Aviation Services, Jenny Kox
Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

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

BACKGROUND

Regulatory

The Office of Transport Security (OTS) conducted an audit of security at Learmonth Airport on 9 & 10 December 2015 with nil issue identified.

OTS has commence development of a new Regional Aviation Security Awareness Training Package. EMAS will be involved in an industry focus group to provide input to inform the training content and validate the proposed learning outcomes and objectives of the package.

Airlines/Air Operators/Industry

The final Learmonth Heliport Consultative Meeting for 2015 will be held on 16 December 2015 where an update on expected activity during 2016 should be provided.

November saw more passengers than for the same period in 2014 across all operations (up 7%) although the usual reduction of passenger numbers outside of the traditional tourist/visitor season continues.

Learmonth Airport

The bi-annual live emergency exercise was held at Learmonth Airport on 28 November 2015. 'Exercise Cloud Burn' simulated a small aircraft being destroyed due to the carriage of dangerous goods, sending a noxious cloud & debris over the area as well as a small grass fire. The exercise also focussed on the recovery aspects of an emergency with a few improvements noted.



A number of locals volunteered to be passengers and very enthusiastically got involved in their role. Thanks to all of the volunteers, observers, coordinators and emergency services personnel on a job well done.

COMMENT

Nil

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Economic

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

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

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.3.1

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

COUNCIL DECISION – 06– 1215– 11.3.1

Moved Councillor Roscic, Seconded Councillor Coote.

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

CARRIED 5/0

11. REPORTS OF OFFICERS

11.3 Executive Manager Aviation Services

11.3.2 Lease of Lot 11 – Exmouth Aerodrome

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|-------------------------|--|
| Location: | Exmouth |
| Applicant: | Birds Eye View Pty Ltd |
| File Reference: | TT.SP.0 |
| Disclosure of Interest: | Nil |
| Date: | 19 October 2015 |
| Author: | Executive Manager Aviation Services, Jenny Kox |
| Senior Officer: | Chief Executive Officer, Bill Price |

SUMMARY

The following report recommends that Council:

1. Not endorse or grant the alternative lease proposal provided by Birds Eye View Pty Ltd for the current lease area at Exmouth Aerodrome;
2. Retain the existing lease of land with Birds Eye View at Exmouth Aerodrome being a portion of land located within Lot 73/Reserve 32867; and
3. Endorse that approval for the Further Term, being 10 years from 31 October 2018 at the Lessors discretion, not be granted due to the redevelopment of lease areas at Exmouth Aerodrome.

BACKGROUND

At the 18 September 2008 Ordinary Council Meeting (OCM), Council resolved:

That the Council of the Shire of Exmouth provide in-principle agreement to the establishment of a lease between the Shire of Exmouth and Bird's Eye View for the portion of land as shown on Attachment 2 to the south of the existing lease area held by Ningaloo High (inclusive of shared user rights to taxiways, runways and other common areas) subject to:-

- 1. Any building approved on a leased area for Bird's Eye View is to be either on sold to any future leaseholder or removed entirely and the site returned to its original condition;*
- 2. That all lease agreements include requirements relating to the shared use of certain areas of the site, and exclusive use of other areas of the site, stating the required security and access arrangements, flying circuits and usage/ landing/ rates fees;*
- 3. All lessees are to provide Council with current CASA / Hang Gliding Federation of Australia/ and / or other relevant agency membership certificates, insurance certificates and letters demonstrating adequate insurance coverage to undertake their flying activities, and any required flying / instructing qualifications;*
- 4. All utility and operations costs are shared on a pro-rata basis unless separate meters are installed;*
- 5. All costs relating to the establishment or amending of lease agreements are to be borne by the lessee;*
- 6. Support the offering of lease terms in-principle to Bird's Eye View at the Exmouth Light Aircraft Strip based on a 10 year lease with a 10 year option (at Council's*

discretion) where infrastructure associated with the lessees business is constructed at the LAS;

- 7. A new lease (or amended lease) is to be negotiated and arranged with Ningaloo High to accompany the request as contained within this report; and*
- 8. Allow Mr Gavin Penfold to operate as a joint user within the Ningaloo High facility as requested until Bird's Eye View can commence operating from the separate lease area if approval is granted.*

AND

That Council commence formal investigations for the future use and expansion of the LAS (inc. contributions, and possible runway and operational areas expansion) incorporating future need and capacity of users within the context of the Exmouth Structure Plan.

This enabled Council to negotiate to lease land to Birds Eye View Pty Ltd (hereby known as BEV) for a portion being 2,871m² at Exmouth Light Aircraft Strip (renamed Exmouth Aerodrome in September 2012).

At the 16 October 2008 Ordinary Council Meeting, Council authorised the Shire of Exmouth to lease BEV that portion of reserve land for a term of ten (10) years with the option of a further ten (10) year term at a rent of \$1,500 p.a. plus GST (Decision 1266-10.5.2). The lease was executed with a commencement date of 31 October 2008.

Work commenced in 2010 to establish planned operational areas and lease allocations at the then Exmouth Light Aircraft Strip. This work was further supported when Council resolved at the 18 October 2012 OCM that a Master Plan for Exmouth Aerodrome be prepared (Decision 12-1012 -10.3.3).

In preparing the plans, a survey of each lease area was undertaken using the lease plans and known features to determine current lease areas. Consultation with leaseholders was also undertaken to take into consideration, where possible, their future development needs.

Further, at the 21 March 2013 OCM, Council resolved by Decision 09-0313 – 10.3.2:

That the Council of the Shire of Exmouth:

- 1. Formally adopt the Lease Allocation Plan (EXM-004);*
- 2. Endorse the preparation of Design Guidelines specific to Exmouth Aerodrome as part of the Town Planning Scheme review; and*
- 3. Delegate authority to the Chief Executive Officer to negotiate variations to leased areas with lessees to reallocate land to the new plan.*

The Exmouth Aerodrome Lease Allocation Plans provide for planned development of land and operational areas and improved access and will form part of the Master Plan.

COMMENT

The Exmouth Aerodrome is Reserved Land on which a Management Order exists for the purpose of aviation related activities managed by the Shire of Exmouth.

With the endorsement of the Lease Allocation Plans, Birds Eye View were provided the following options with respect to their lease:

1. Retain their current lease 'as is' which expires on 30 October 2018 (completion of initial term) but execute a Deed of Variation to include the scaled, detailed lease area plan will be required.

OR

2. Rescind their current lease and enter into a new lease for Lot 11 on Lease Allocation Plan with a term up to 10 years with a 10 year option as the 'time clock' starts again.

The current lease has a number of inconsistencies with standard commercial leases primarily in the areas of market rent review, subleasing and lack of a detailed lease area plan but notes that any Further Term is at the Lessors (Councils) discretion. The standard lease for all Lots at Exmouth Aerodrome now includes the provisions for market rent review, sublease rent provisions and detailed lease plans.

A rental rate proposal for executing a lease for Lot 11 was provided to BEV on 16 May 2013. The proposal saw retention of the current rental rate until the completion of the initial term of the current lease (ie. 30 October 2018), with only CPI being applied annually. The proposed rental rate then increased over the first ten years of the lease in two incremental steps (with no annual CPI increase) so that at the commencement of the Further Term, a rental rate of 1/3rd the valuation was achieved. The Further Term rental rate would then have CPI applied annually and allows for market rent review every 3 years. The indicative rates to be applied are summarised in the attached (refer *Confidential Attachment 1*).

BEV rejected the offer made by Council due to a hearing being raised by BEV through the State Administrative Tribunal (SAT) on a deemed refusal of a planning application on the existing lease area with a preliminary issue to determine the size of the lease area. The outcome of the SAT hearings on the preliminary issue was that it was not within the Tribunal's jurisdiction to determine on.

A further offer was made to BEV by Officers to enter into a lease for Lot 11 Exmouth Aerodrome on 11 September 2009. There were no changes to the proposed lease terms or rental rates to those provided in 2013. In verbal discussions, consideration of a reduced land area had been raised by BEV and was included in the offer. The rental pricing structure and negotiation on the size of the lease area was offered subject to execution of the new lease by 1 January 2016 (refer *Confidential Attachment 2*). An independent valuer/SAT sitting member was engaged to negotiate the terms on behalf of Council.

By email correspondence dated 24 September 2015, BEV again rejected the offer and proposed an alternative offer being retention of the existing lease with the geographical boundaries to that depicted as Lot 11 and rephrasing of the Further Term option to be at the Lessee's not the Lessor's discretion (refer *Confidential Attachment 2*). The proposal to use an independent party to negotiate terms was also rejected.

Legal advice was sought on the alternative offer and understanding Councils position in regards to the Further Term. Legal recommends that, as an agreement for Lot 11 cannot be reached, that Council remain with the existing lease for the initial term. A copy of the advice is provided in *Confidential Attachment 3*.

CONSULTATION

Birds Eye View Pty Ltd
McLeods Barristers and Solicitors

STATUTORY ENVIRONMENT

Reserve 32867 (the Light Aircraft Strip) is currently vested with the Shire of Exmouth for the purpose of "Aerial Landing Ground". It consists of an area of 494.8598 hectares and is located adjacent to the Exmouth-Miniliya Road approximately 1-15 kms south of the Exmouth townsite. Council has been provided the power to lease for this site up to 21 years, subject to the approval of the Minister.

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.
Policy 3.7 – Leasing

FINANCIAL IMPLICATIONS

A valuation was undertaken on 8 February 2013 recommended a rate of \$6.00 per m² for the current leased area.

The annual lease fee proposed would have been the equivalent to that currently received until the end of 2018/19 financial year after which there will be an increase in rental fee to achieve a rent more in line with the valued rate. This amount is exclusive to all outgoing costs and connections to utilities.

STRATEGIC IMPLICATIONS

Economic

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

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

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

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|--|
| OFFICER'S RECOMMENDATION – 11.3.2 |
|--|

That Council:

1. *Not endorse or grant the alternative lease proposal provided by Birds Eye View Pty Ltd for the current lease area at Exmouth Aerodrome;*
2. *Retain the existing lease of land with Birds Eye View at Exmouth Aerodrome being a portion of land located within Lot 73/Reserve 32867; and*
3. *Endorse that approval for the Further Term, being 10 years from 31 October 2018 at the Lessors discretion, not be granted due to the redevelopment of lease areas at Exmouth Aerodrome as endorsed by Council at the 21 March 2013 Ordinary Council Meeting (Council Decision 09-0313-10.3.2).*

| |
|--|
| COUNCIL DECISION – 07– 1215– 11.3.2 |
|--|

Moved Councillor Todd, Seconded Councillor Shales.

That Council:

1. *Not endorse or grant the alternative lease proposal provided by Birds Eye View Pty Ltd for the current lease area at Exmouth Aerodrome;*
2. *Retain the existing lease of land with Birds Eye View at Exmouth Aerodrome being a portion of land located within Lot 73/Reserve 32867; and*
3. *Endorse that approval for the Further Term, being 10 years from 31 October 2018 at the Lessors discretion, not be granted due to the redevelopment of lease areas at Exmouth Aerodrome as endorsed by Council at the 21 March 2013 Ordinary Council Meeting (Council Decision 09-0313-10.3.2).*

CARRIED 3/2

Councillor Coote and Councillor Roscic voted against.

11. REPORTS OF OFFICERS

11.3 Executive Manager Aviation Services

11.3.3 Request to Sub-let Hangar – Exmouth Aerodrome

| | |
|-------------------------|--|
| Location: | Exmouth |
| Applicant: | Birds Eye View Pty Ltd |
| File Reference: | CP.OP.2 |
| Disclosure of Interest: | Nil |
| Date: | 11 December 2015 |
| Author: | Executive Manager Aviation Services, Jenny Kox |
| Senior Officer: | Chief Executive Officer, Bill Price |

SUMMARY

The following report recommends that Council does not endorse an application to sub-let the Birds Eye View hangar at Exmouth Aerodrome to CHC Helicopters and to rescind a previous decision of Council to sub-let to Bristow Helicopters.

BACKGROUND

There are two issues to be considered by Council.

Firstly, CHC Helicopters are currently tendering for the provision of helicopter services to one of the resource companies operating off-shore of Exmouth.

By email dated 20 November 2015, a request from Bird's Eye View (BEV) was made to sub-let their hangar facility at Exmouth Aerodrome to CHC Helicopters (CHC) (refer ***Attachment 4***).

The CHC sub-lease approval in March 2011 (Council Decision 2019 -10.2.6) for a term of 1 year + 1 year was as follows:

That the Council authorise Birds Eye View:

- 1. To sublet their Premises located at the Exmouth Light Aircraft Strip for a term of 1 + 1 to CHC Helicopters following approval from the Minister for Lands and a Sub-lease document.***
- 2. Ensure that the Shire of Exmouth is known in the CHC sub-lease as the Head Lessor and the conditions are in accordance with Birds Eye View Lease conditions, stipulations and same required approvals.***
- 3. To provide the Shire of Exmouth a draft sub-lease document for Shire approval before commencing any sub-lease operations or activities with CHC.***
- 4. To commence plans to carry out improvements to the BEV leased area and apron in compliance with lease stipulations, Council planning approvals and on approval of sub-lease document.***

Within the agenda the following was also noted:

CHC have approached BEV with an intention of using the BEV premises to conduct helicopter operations for an interim period (approximately 1 year) or until such time that CHC are enabled to build and operate from Learmonth Airport which was endorsed by Council, subject to Department of Defence approval at 18 December 2008 OCM. BEV intends to sublet their premises in whole to CHC.

An extension to the CHC sublease was endorsed at the 16 May 2013 Ordinary Council Meeting. Within the agenda report the following was noted:

When the original one year term concluded in 2012, the Shire received seven (7) days notice direct from BEV sublessee Graham Bowles, Business Operations Manager of CHC. The sublease further term was authorised and expired on 30 April 2013. A condition was placed on the further term by the Shire that during the further time and no later than six (6) months from the conclusion of the further term the Shire must be informed about CHC arrangements to dismantle the site and/or to develop at Learmonth Airport.

Council's Decision on the extension of sub-lease (Council Decision 06-0513-10.2.3) was as follows:

That the Council of the Shire of Exmouth extend further term for CHC Helicopters sublease with Birds Eye View for premises at Exmouth Aerodrome to 30 June 2013 on the understanding that the sublease arrangement will end at this date.

This sub-lease agreement is now completed with no outstanding obligations or arrangements in place.

Secondly, BEV have previously been approved sub-leases to Bristow Helicopters Australia in November 2009 (refer **Attachment 5**) and CHC Helicopters in March 2011.

The November 2009 Council decision (1634-10.2.1) permits BEV to sublet hangar space to Bristow Helicopters to park helicopters if needed and for the term of the BEV's lease which commenced on 31 October 2008 for a term of 10 years (until 30 October 2018) as below:

That the Council of the Shire of Exmouth:

- 1. Receive the Executive Manager Corporate Servicers Report for the month of November 2009;***
- 2. Authorise Birds Eye View to sublet their hangar space located at Light Aircraft Strip for the term of their current lease to Bristow Helicopters.***

To date this agreement has not been initiated.

COMMENT

The executed lease currently held with BEV states the following on subletting:

- 24 *ASSIGNMENT, SUBLETTING AND CHARGING***
(1) *No assignment, sub-letting or charging without Consent*

The lessee must not assign, mortgage or charge the leaseholder estate in the Premises nor sub-let, part with possession, or dispose of the Premises or any part of the Premises without the prior written consent of the Lessor which consent the Lessor may in its absolute discretion refuse without assigning any reason.

Item 8 of the Schedule being Permitted Purpose states:

The Lessee occupies the Premises primarily for the purpose of a base for the operation of commercial microlight flying activities and associated functions including the storage of microlight aircraft and all parts relating to their operation, maintenance, repair, fuelling and radio communication facilities.

Request to sublet to CHC

When considering the current sub-lease request regarding CHC Helicopters (refer **Attachment 4**), the term of the sublease; commencement date; and letter of request to sublet from the proposed sub-lessee were not provided. Further discussions with the applicant on 11 December 2015 (and provided by email of the same date) is that the sub-lease term proposed is for 1 + 1 years with a commencement date of around March or April 2016. There has been no advice received on where the existing aircraft using the hangar will be located for the duration of the proposed sublease.

Council Officers have also been in discussion with CHC Helicopters around lease of land with a number of options being considered including the lease of land within the helicopter precinct at Exmouth Aerodrome

and lease of land at Learmonth Airport. CHC have also advised Officers they have been in discussion with other leaseholders at Exmouth Aerodrome to sub-let their premises.

When assessing the request from BEV, Officers have taken the following into consideration:

- With the adoption of the Exmouth Aerodrome Lease Allocation Plan in March 2013, a dedicated Helicopter Precinct has now been determined with vacant unimproved Lots 13 & 14 being available for lease by helicopter companies.
- Sound aerodrome design principles have been used in the development of the precincts at Exmouth Aerodrome to ensure that different aircraft types are not operating in a conflicting manner eg. Rotary aircraft and fixed wing aircraft are in operationally distinct areas.
- The General Aviation (GA) Precinct is limited to operations of a general aviation nature with the taxiway and aprons designed to accommodate aircraft below 5,700kg.
- Two lots are available at Learmonth Airport for the purpose of hangar facilities.
- The proposed sub-lease is for activities not within the Permitted Purpose of the BEV executed lease.

Council therefore has two options to consider:

Option 1: Provide in-principle agreement to sublet the Birds Eye View Premises at Exmouth Aerodrome to CHC Helicopters noting that a further Council Decision is required on the sublease prior to initiating any sublease arrangements.

Option 2: Not endorse Birds Eye View to sublease their Premises at Exmouth Aerodrome to CHC Helicopters.

It is the Officers recommendation that Option 2 be endorsed by Council at this time as CHC have advised they are considering a number of options regarding proposed future operations at Learmonth/Exmouth, and the award of contract for helicopter service provision will not be determined until the end of the first quarter of 2016. Also, a sublease for helicopter operations is not recommended at this time due to the safety issues around operating a rotary aircraft in the GA precinct which is not designed for such. Finally, alternative and specific locations for helicopter hangars are available in line with Council's long term visions for Learmonth Airport and Exmouth Aerodrome.

Existing Bristow Helicopters Sublease Agreement

Council Officers have been in negotiations with BEV to lease Lot 11 Exmouth Aerodrome since March 2013. How the option to sub-let their hangar to Bristow Helicopters for the remainder of their current Term (that is, until 30 October 2018) is viewed by Council in the new lease needs to be considered (refer *Attachment 5*).

Council has 3 options to consider on this issue:

Option 1: Should the existing lease remain in place or a new lease be executed with BEV for Lot 11 Exmouth Aerodrome, Council honour its decision of November 2009 and allow Bristow Helicopters to park their aircraft in the BEV Hangar until 30 October 2018. Therefore the current Council decision remains and no further action is required.

Option 2: Should the existing lease remain in place or a new lease be executed with BEV for Lot 11 Exmouth Aerodrome, Council extend its decision of November 2009 and provide in-principle agreement for Bristow Helicopters to park their aircraft in the BEV Hangar for the term of the lease (old or new) including further terms. It is recommended that if this approval is given that it be conditional on a formal application to sub-let being made to Council prior to initiating these arrangements.

Option 3: Should the existing lease remain in place or a new lease be executed with BEV for Lot 11 Exmouth Aerodrome and given the operational requirements of the General Aviation Precinct and Permitted Purpose of the Premises, Council revoke its decision of November 2009. Any application to sub-let to any party would be required to be bought to Council for consideration.

It is the Officers recommendation that Option 3 be endorsed by Council as it requires a decision of an application of the day rather than in-principle agreement that might not be in Council's best interest in future years. Also, the GA Precinct is designed for small fixed wing aircraft, not rotary aircraft operations.

Council may consider any of the above options if not in agreeance with the Officers recommendation. The recommendations are such to protect Council's interests; be in line with the long term vision and planning for both Learmonth Airport and Exmouth Aerodrome; and reduce Council's risk (especially around safety) in operations at Exmouth Aerodrome.

CONSULTATION

Birds Eye View Pty Ltd
CHC Helicopters
McLeods Barristers and Solicitors

STATUTORY ENVIRONMENT

Reserve 32867 (the Light Aircraft Strip) is currently vested with the Shire of Exmouth for the purpose of "Aerial Landing Ground". It consists of an area of 494.8598 hectares and is located adjacent to the Exmouth-Minilya Road approximately 1-15kms south of the Exmouth townsite. Council has been provided the power to lease (and therefore sub-lease) for this site up to 21 years, subject to the approval of the Minister.

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.
Policy 3.7 – Leasing

FINANCIAL IMPLICATIONS

Should BEV remain on the current lease there is no provision for the sub-let rental fee to be received in part by Council.

The new lease for Lot 11 (currently under negotiation) includes a subclause that provides Council with up to 20% of the sub-let amount.

STRATEGIC IMPLICATIONS

Economic

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

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

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.3.3

That Council not endorse a sublease of the Birds Eye View Premises at Exmouth Aerodrome to CHC Helicopters.

COUNCIL DECISION –8–1215– 11.3.3

Moved Councillor Todd, Seconded Councillor Shales.

That Council not endorse a sublease of the Birds Eye View Premises at Exmouth Aerodrome to CHC Helicopters.

CARRIED 3/2

Councillor Coote and Councillor Roscic voted against

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION – 11.3.3

That Council resolve to rescind item 2 of Council Decision 1634-10.2.1 of the 26 November 2009 Ordinary Council Meeting being:

2. *Authorise Birds Eye View to sublet their hangar space located at Light Aircraft Strip for the term of their current lease to Bristow Helicopters.*

COUNCIL DECISION –9– 1215– 11.3.3

No Motion was transacted due to lack of a Mover and Seconder.

11. REPORTS OF OFFICERS

11.3 Executive Manager Aviation Services

11.3.4 Learmonth Airport Bar & Kiosk Sublease

| | |
|-------------------------|--|
| Location: | Exmouth |
| Applicant: | J Kox |
| File Reference: | TT.LR.0 |
| Disclosure of Interest: | Nil |
| Date: | 3 December 2015 |
| Author: | Executive Manager Aviation Services, Jenny Kox |
| Senior Officer: | Chief Executive Officer, Bill Price |

SUMMARY

That Council, after considering presentations by both parties, resolve to sublease the Learmonth Airport Bar and Kiosk to the appropriate party.

BACKGROUND

At the 27 August 2015 Ordinary Council Meeting, Council resolved the following:

That Council:

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

The 'Intention to Sublease Local Government Property' was advertised on 4 September 2015 and closed at 3pm on 21 September 2015 with one (1) submission being received.

COMMENT

Following the close of submissions, the incumbent sublessee was advised of an application being received. The applicant was then required to provide a business case by 19 October 2015 for consideration which was provided.

On 29 October 2015, EMAS met with both parties independently to seek their plans for the kiosk over the sublease periods on the type of service to be provided by the sub-lessee and any improvements to be made as well as providing to both the incumbent and the applicant the draft Learmonth Airport Customer Care Standards and the results of the first round of Learmonth Airport Departure Survey responses. In line with Learmonth Airport's brand 'Where your extraordinary Ningaloo experience begins' and survey comments, it is an expectation of Council that the level of food product on offer be improved during this sub-lease term to provide more variety and health choice options and that the functionality of the sub-lease space and condition of display equipment also be improved.

Both the incumbent and the applicant provided similar verbal proposals for consideration. Both parties have been invited to inform Councillors of their proposal on Tuesday 15 December 2015 to assist Council in their decision.

Council has two options for consideration:

Uphold the existing Council decision 10-0815 to sublease the Learmonth Airport Bar & Kiosk to Exmouth Airport Bar & Kiosk Pty Ltd ((ABN 090 659 939) under the terms provided in that decision.

OR

1. Resolve to revoke Council decision 10-0815;
2. Endorse to enter into a sublease with Learmonth Airport Café (ABN 35 571 745 448) for the Learmonth Airport Bar & Kiosk being 53m² for a term of 5 years at an initial rate of \$472.50/m² plus GST & outgoings, subject to approval from Department of Defence; and
3. Delegate Authority to the Chief Executive Officer to execute a sublease document upon leasing conditions being to the satisfaction of the Chief Executive Officer.

CONSULTATION

Sub lease applicants

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Policy 2.4 - Leases

FINANCIAL IMPLICATIONS

The square meter rental rate proposed by the applicant would provide an increase in rental income of \$1192.50 excluding GST to that currently negotiated with the incumbent.

STRATEGIC IMPLICATIONS

Economic

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

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

Civic Leadership

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

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

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION – 11.3.4

That Council consider the following options:

Uphold the existing Council decision 10-0815 to sublease the Learmonth Airport Bar & Kiosk to Exmouth Airport Bar & Kiosk Pty Ltd (ABN 090 659 939) under the terms provided in that decision.

OR

- 1. Resolve to revoke Council decision 10-0815;*
- 2. Endorse to enter into a sublease with Learmonth Airport Café (ABN 35 571 745 448) for the Learmonth Airport Bar & Kiosk being 53m² for a term of 5 years at an initial rate of \$472.50/m² plus GST & outgoings, subject to approval from Department of Defence; and*
- 3. Delegate Authority to the Chief Executive Officer to execute a sublease document upon leasing conditions being to the satisfaction of the Chief Executive Officer.*

COUNCIL DECISION – 10- 1215– 11.3.4

Moved Councillor McHutchison, Seconded Councillor Todd.

That Council resolve to uphold the existing Council decision 10-0815 to sublease the Learmonth Airport Bar & Kiosk to Exmouth Airport Bar & Kiosk Pty Ltd (ABN 090 659 939) under the terms provided in that decision, with a minor variation being that the original 5 year term being replaced with a 2 + 3 year term, the further term being subjected to satisfactory complying with the performance requirements as established within the lease and associated documents.

CARRIED by ABSOLUTE MAJORITY 5/0

11. REPORTS OF OFFICERS

11.4 Executive Manager Community Engagement

11.4.1 General Report

| | |
|-------------------------|--|
| Location: | Exmouth |
| Applicant: | R Kempe |
| File Reference: | GV.CM.0 |
| Disclosure of Interest: | Nil |
| Date: | 4 December 2015 |
| Author: | Executive Manager Community Engagement, Rogé Kempe |
| Senior Officer: | Chief Executive Officer, Bill Price |

SUMMARY

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

BACKGROUND

Tourism

Exmouth Visitor Centre (EVC)

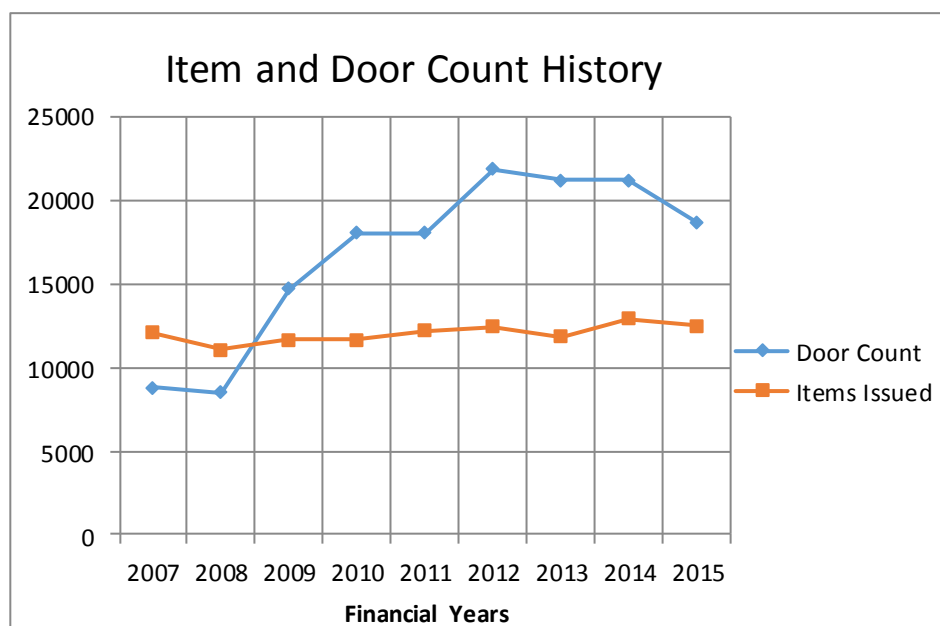
A Ningaloo Visitor Centre Committee meeting was held on Wednesday 3 December 2015. This was the first meeting after the AGM with new committee members in attendance.

A vice-chair and a treasurer were elected, with the chair and secretary positions left open for the time being. These vacancies are expected to be fulfilled by committee members who were not in attendance and Council will be informed about progress at a later date.

The Committee agreed that the current KPI's as part of the funding agreement with the Shire of Exmouth are to be reviewed and updated in the coming months. A proposal will be presented to Council in due course.

Library Services

About 1330 people made use of the library facilities for the month of November. Nearly 1140 items were issued to patrons, an increase of 276 items compared to the same month last year. Electronic resources see a steady increase, with 66 being borrowed this month, the highest amount borrowed since the introduction of Ebooks in September 2014.



Community Development

Youth Action Exmouth (YAE)

Youth Action Exmouth undertook a Christmas Hamper drive this month to support Exmouth families in need. The idea was born after a visit with local volunteer Pat Eves. Mrs Eves met with the group in November and spoke about the rewards of volunteering and the significant needs within the local community, particularly at Christmas.

YAE formed a number of partnerships to make the hamper project a success; Exmouth Community Support Group agreed to distribute the hampers and local churches were approached and agreed to act as drop-off points. In addition, the YAE people manned a stall at Carols by Starlight to collect donations from the general community.

The drive was a great success and the students were able to make a dozen hampers which will be distributed to local families and individuals in need this Christmas.

Clubs Development

The CDO had a quarterly meeting with Richard Malacari, Regional Manager Midwest & Gascoyne to update on Club Development issues.

Community Development

The first in a series of newsletters about the Ningaloo Centre was distributed last month. The newsletter included information on contractors FIRM and its local personnel; the economic benefits of the construction phase; dust suppression issues; and complaint contact points.

The CDO attended an Exmouth Early Years network meeting with representatives from a number of community groups and organisations working with young children in Exmouth. This included Exmouth District High School, Child Health Nurse, Playgroup and Exmouth Centacare. Discussions at the meeting centred on Australian Early Development Census (AEDC) data for Exmouth and strategies to improve these outcomes for local children.

The CDO in conjunction with the PCYC is hosting a meeting of organisations working with youth in Exmouth with a view to setting up an informal Youth Alliance. The Alliance will be a point of reference on youth issues and provide a hub for information and resource sharing.

Trails Masterplan

A Request for Quotation has been prepared for the development of a Trails Masterplan and will be distributed shortly. Interest in the project is growing locally with a number of groups and organisations contacting the Shire to express an interest in the project. A community consultation and information meeting is currently being planned for February with specialists from the Department of Sport and Recreation and representatives of DPaW and the Shire presenting.

Triple 0 Ball

The Exmouth Ambulance sub centre approached the Shire for support in organising a 'Triple 0 Ball' for volunteers of the Exmouth emergency services and those directly involved, like the hospital and Exmouth police. This event would replace the 'Thank you volunteers night' that the Shire puts on each year for emergency service volunteers.

All emergency service volunteer groups are keen to explore this idea and after initial talks it was decided that each volunteer group take on an area to organise and that the Shire's Event Coordinator helps to bring it all together. The ball is planned for Friday 26 February 2016 and will be only for emergency services agencies.

World Heritage 5 year Celebration

Officers met with DPaW officers for initial talks regarding the celebrations of the 5 year anniversary of the Ningaloo World Heritage status. The celebrations are planned for 24 June 2016.

Exmouth 50 year Celebrations

An expression of interest has gone out for those interested to meet with staff to discuss plans to celebrate 50 years since the official opening of Exmouth Town and the Naval Communication Station Harold E Holt. The Celebrations are planned to occur in September 2017.

Exmouth Men Shed

Investigations are progressing to find a space for the Exmouth Men Shed to operate from. The past year, officers have worked towards making available the old Power Station building at Nimitz Street. However, it turned out that there are too many issues to overcome which make it cost prohibitive for it to become a viable project.

An alternative location, the current Whaleshark Festival storage shed near the dog pound, is now being considered for the Men Shed.

Grants Updates

Unsuccessful grant application of \$20,000 with Country Arts WA to support a future regional Youth Music Festival. The project is now being reviewed.

Media and Community Information

- Media statement about Spray Park award.
- Newsletter about Ningaloo Centre and contractors.
- Media Statement about young person filming progress on Ningaloo Centre.
- Various posts on Facebook during the month, including Cyclone Ready, Grant Workshops and Call for ideas regarding 50 Years Exmouth.

COMMENT

Nil

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Economic

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

- Outcome 1.3 – Diverse Tourism opportunities.

Social

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

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

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.4.1

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

COUNCIL DECISION – 11- 1215– 11.4.1

Moved Councillor Coote, Seconded Councillor Roscic.

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

CARRIED 5/0

11. REPORTS OF OFFICERS

11.5 Executive Manager Health & Building

11.5.1 General Report

Location: Exmouth
 Applicant: R M Manning
 File Reference: GV.CM.0
 Disclosure of Interest: Nil
 Date: 7 December 2015
 Author: Executive Manager Health & Building, R M Manning
 Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

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

BACKGROUND

Applications for Permits and Certificates Pursuant to the Building Act 2011

Below is a summary of building licence and building certificate applications and approvals up to 30 November 2015.

| Applic No. | Date Received | Lot | Property Address | Description | Decision | Decision Date |
|---------------|-----------------|---------------|----------------------------|---------------------------------------|-------------------------------------|-----------------|
| 15/89 | 26/06/15 | 1381 | 45 Preston Street | Lean-To | Awaiting information from applicant | |
| 15/90 | 26/06/15 | 159 | 26 Dugong Close | Dwelling | Awaiting information from applicant | |
| 15/133 | 30/10/15 | 35 | 6 Searaven Crescent | Dwelling | Approved | 10/11/15 |
| 15/136 | 09/11/15 | R50807 | Willersdorf Road | Ningaloo Centre | Approved | 11/11/15 |
| 15/137 | 02/11/15 | 331 | 1 Falls Street | Outbuilding | Approved | 10/11/15 |
| 15/139 | 19/11/15 | 458 | 15 Lyon Street | Bedroom Addition & Carport | Approved | 07/12/15 |
| 15/140 | 19/11/15 | 181 | 16 Snapper Loop | Outbuilding | Approved | 30/11/15 |
| 15/141 | 20/11/15 | 180 | 21 Cobia Close | Steel Framed Dwelling | Approved | 04/12/15 |
| 15/142 | 20/11/15 | 164 | 16 Dugong Close | Dwelling | Approved | 04/12/15 |
| 15/143 | 30/11/15 | 14 | Unit 30 2 Murat Road | Short Stay Accommodation | Processing | |
| 15/144 | 23/11/15 | 1208 | 19 Skipjack Circle | Carport | Approved | 30/11/15 |
| 15/145 | 30/11/15 | 23 | Unit 39 2 Murat Road | Short Stay Accommodation | Processing | |
| 15/146 | 30/11/15 | 38 | Unit 37 2 Murat Road | Short Stay Accommodation | Processing | |
| 15/148 | 25/11/15 | 621 | 1 Reymond Street | Patio | Approved | 30/11/15 |
| 15/149 | 27/11/15 | 410 | 34 Madaffari Drive | Gazebo | Awaiting information from applicant | |

Summary of Building Licence/Permit Applications
2008 to Year to date 30 November 2015

| Year | No. Applications for the Year | Total Value of Works for the Year | No. Applications up to 30 November | Value up to 30 November |
|-------------|-------------------------------|-----------------------------------|------------------------------------|-------------------------|
| 2008- 2009 | 132 | \$26,600,941 | 67 | \$16,579,473 |
| 2009 - 2010 | 198 | \$26,916,869 | 75 | \$12,413,656 |
| 2010 - 2011 | 188 | \$24,816,605 | 72 | \$11,746,359 |
| 2011-2012 | 144 | \$23,057,154 | 74 | \$13,051,255 |
| 2012- 2013 | 150 | \$19,931,790 | 65 | \$10,854,853 |
| 2013-2014 | 159 | \$23,404,990 | 79 | \$12,927,999 |
| 2014-2015 | 155 | \$21,321,521 | 65 | \$7,290,773 |
| | | | 50 | \$30,696,542 |

COMMENT

BUILDING

The state government has announced building legislation reforms for new homes in bushfire areas of Western Australia. The Department of Fire and Emergency Services (DFES) has prepared a map which identifies the bushfire-prone areas across the state. An extract of the Map of Bush Fire Prone Areas (2015) for Exmouth is attached (refer *Attachment 1*).

A four month transition period will apply to bushfire building and planning requirements in new bushfire prone areas. The new reforms will apply to Building Permits from 8 April 2016. A bushfire hazard assessment (BAL) will be required for new homes in areas identified as bushfire-prone on the map.

The BAL assessment will determine the level of construction standards for bushfire resistance to be applied, as identified in the Building Code of Australia and the Australian Standards AS 3959. A flow chart explaining the process of obtaining a Building Permit under these new requirements is provided at *Attachment 2*.

DFES have released an FAQ on the application of the Map of Bush Fire Prone Areas (refer *Attachment 3*).

ENVIRONMENTAL HEALTH

Environmental Health duties continue as per normal with food premise inspections, public building inspections and waste management.

Public Health Bill 2014

The progress of the new Public Health Bill 2014 has passed another milestone stage with the first and second reading taking place on the 3 December 2015. This means the Bill will now be debated in the Legislative Council. If both Houses agree on the final form of the Bill, it will be sent to the Governor for Royal Assent.

Once the Bill has passed both Houses of Parliament it is presented to Her Excellency the Governor who, as the representative of the third part of the Parliament, is authorised to grant the Royal Assent on behalf of her Majesty the Queen. The Bill will then be an Act of Parliament.

Health Local Laws Review

Council officers will review the Shire of Exmouth Health Local Laws 1998 over the next 12 months. The review of the Health Local Laws (HLL) wasn't completed with the range of other local laws recently reviewed as it was thought appropriate to hold-off until the gazettal of the new Public Health Act. However, recent advice from the WA Department of Health (DoH) is that the new Public Health Regulations will still be a long time away so if a Council's HLLs are in need of review this should be done as needed.

The Shire of Exmouth HLLs 1998 was gazetted in October 1998 and have only had a few very minor amendments since that time. There are many areas of the local law that could be enhanced, removed and areas/issues that aren't currently addressed that could be considered in a new HLL.

Swimming Pool Sampling to no longer test for Acanthamoebae

A senior officer from DoH has advised that the Code of Practice for Aquatic Facilities will soon be amended to remove the requirement to analyse public swimming pool water samples for the presence of Acanthamoebae. DoH has received recent advice down playing the risk posed by Acanthamoebae in swimming pools.

Acanthamoebae was one of the organisms that caused the disruption to the opening times of the Paltridge Memorial Swimming Pool in October this year.

A formal communique will be released from the DoH in the coming weeks. In the mean time they have advised that no remedial action is necessary should Acanthamoebae be detected in any of the public swimming pools that the Shire's Environmental Health Services team monitor.

Waste Management and Recycling

Gascoyne Regional Group Waste & Recycling Infrastructure Project

As was reported at the November 2015 Ordinary Council Meeting, the above project officially commenced in November 2015. The principal consultant, ASK Waste Management will be providing monthly project status reports throughout the project, the first of which is provided at **Attachment 4**. Also attached is the project schedule which was updated following the site visits and group meeting of last month (refer **Attachment 5**).

The consultant is currently reviewing the business case for the project as well as up-to-date waste and recycling materials data. A revised business case based on new wastes, market values and capital expenditure is due to be completed by early February 2016.

Rural Landfill Working Group Meeting – 25 November 2015

The Executive Manager Health & Building (EMHB) attended the above meeting which in addition to WALGA and other rural local government representatives also included several officers from the Department of Environmental Regulation (DER) and a representative from the Waste Management Association of Aust. (WA). Minutes of the meeting are attached (refer **Attachment 6**).

The EMHB found the meeting very constructive and a good opportunity to highlight short-comings and impractical aspects in the current legislative framework. The DER officers seemed to not only take on-board the comments from the representatives of rural local governments but also acknowledged that the new regulations and Code of Practice would be structured to provide a much more flexible performance based framework.

Scrap Metal Stockpiles at Remote Landfill Sites

Although not officially a part of the Agenda for the recent Rural Landfill Working Group meeting, the current issue of the fall in value of scrap metal resulting in the collection of the same from remote rural landfills for recycling as no longer viable or affordable, was also discussed. In the week that followed the above meeting a survey of local governments was issued by WALGA. The survey was titled *Problematic Materials for Waste Management* and whilst it sought to obtain feedback on a range of materials that are possibly problematic for the management of landfill sites, it was clearly evident that the survey brought about by the recent fall in the value of scrap metal and the issue that many rural and remote landfills are currently facing.

The closing date for the above survey is not until 16 December 2015 however, the EMHB completed and returned the survey upon receipt.

Whilst it is encouraging to see WALGA initiating such surveys, the EMHB regards the matter of significant importance given the situation at the Qualing Scarp Landfill Site and the current cyclone season. If the landfill staff are left with the last resort of burying the current scrap metal pile, not only will this render the material less likely to be recycled due to the amount of contamination by dirt, but the space occupied by the buried steel would take an estimated 6 to 9 months off the life of the landfill.

Owing to the above, the EMHB has written to the Chairman of the Waste Authority Unit – DER requesting that they assist remote local governments in the northwest both financially and with the coordination of mobilising a scrap metal company/companies to service local government landfills and transfer stations in

the northwest of Western Australia. The above letter has been shared with other local government officers in the northwest for them to use as a template and also write to the Waste Authority should they feel so inclined.

Sentinel Chickens & Mosquito Borne Diseases

The University of Western Australia's Sentinel Chicken Bleeding Program is continuing with bi-monthly bleeding of chicken flocks. There were no new positives blood tests to report of for Murray Valley Encephalitis, Kunjin Virus or other flaviviruses for Exmouth from the rounds of testing up to 23 November 2015.

Paltridge Memorial Swimming Pool

| November | <u>2015</u> | <u>2014</u> | <u>2013</u> |
|-------------------|--------------------|--------------------|--------------------|
| Pool Users | 6003 | 5426 | 4461 |

There was increased activity at the pool in November compared to recent years. This was mainly due to the Exmouth Amateur Swimming Club hosting the Sun Smart Gascoyne Open 2015 swimming competition at the Paltridge Memorial Swimming Pool on 7 & 8 November 2015. The event attracted 130 competitors from as far north as Broome and Geraldton in the south.

A delayed start to in-term swimming lessons also aided in boosting the monthly pool entry statistics.

In-term Swimming Lessons

In-term swimming lessons were completed finally after delays due to the cyclones and unplanned pool closures. One hundred and sixteen children from the lower primary and one hundred and twenty three from the upper primary completed learn to swim classes.

Aqua Physiotherapy

Aqua physiotherapy has returned to the pool on Thursdays 12-1pm. Anyone can attend the classes after receiving a referral from the hospital.

Austswim Swimming Instructor Course

Austswim conducted a Swimming and Water safety course at the pool on the 14 and 15 November 2015. Four people attended the course ranging in ages from 16 to 20 ensuring the future of swimming lessons in Exmouth.

Scripture Union School Leavers

Scripture Union ran its annual school leavers camp in the Shire of Exmouth again this year and booked the pool on the 25 November 2015. One hundred leavers had a great night of pool games and volleyball.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Environment

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

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

Social

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

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

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.5.1

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

OFFICER'S RECOMMENDATION – 12-1215- 11.5.1

Moved Councillor McHutchison, Seconded Councillor Todd.

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

CARRIED 5/0

11. REPORTS OF OFFICERS

11.5 Executive Manager Health & Building

11.5.2 Demolition of Council Buildings: Lot 1416 Learmonth St Cnr Maidstone Crescent.

| | |
|-------------------------|--|
| Location: | Exmouth |
| Applicant: | R M Manning |
| File Reference: | CP.AD.0 |
| Disclosure of Interest: | Nil |
| Date: | 8 December 2015 |
| Author: | Executive Manager Health & Building, R M Manning |
| Senior Officer: | Chief Executive Officer, Bill Price |

SUMMARY

This report recommends that the Council advertise for quotations for the demolition of the buildings upon Lot 1416 Learmonth Street, Exmouth.

BACKGROUND

There are two significant buildings on Lot 1416, both of which are surplus to the Council's needs and in various degrees of disrepair. The main building on the corner of Learmonth Street and Maidstone Crescent comprises of two sections connected by a covered walkway under the main roof and were previously used by the Senior Citizens and the Exmouth Sub-Branch of the RSL. There is also a minor structure (shade gazebo) located at the rear of the above buildings.



Top Left: Previous Senior Citizen's Club

Top Right: Previous RSL Club

Left: Previous RSL Club Gazebo

The RSL relocated to the Truscott Club approximately 12 months ago and the Senior Citizen's club relocated to the old Durack premises (behind the Shire's Admin Office) a few months ago.

The other significant building on the west side of the lot addressing Learmonth Street was previously occupied by Centacare who moved out several years ago. This building was originally a Caretaker's house for the Australian Inland Mission built/located on the property in 1966. More recently it was used by the Mrs Mac's Op Shop group as an interim space for the sorting of goods. The building has been vacant for the past month or two.



Above: Photographs of the front and rear of the building previously used by Centacare and more recently for a short while by Mrs Macs Op Shop.

COMMENT

The buildings were planned for demolition in 2014. However, the Mrs Mac's Op Shop group found themselves in a bind with restrictions being placed on the footprint that they were occupying at their retail premises at Lot 167 Maidstone Crescent previous Centacare building. To provide a temporary solution to the above issue, Mrs Mac's Op Shop were granted permission to use the above building as a drop-off and sorting premises until alternative arrangements could be found. The previous restrictions on how much of the Maidstone Crescent site they occupy have now been lifted.

With all the buildings now vacant and looking a little worse for wear after the two cyclones earlier this year, Council Officers are seeking direction from the Council whether to proceed with the previously planned clearing of the site.

The buildings currently do very little for the aesthetics of the town centre, especially now that they are all unoccupied.

Request for Quotations (RFQs) have been prepared in relation to the demolition of the buildings. The RFQ for the old Centacare building acknowledges the potential for this building to be removed from the site for relocation and re-use.

In the short term, following the clearing of the buildings from the lot it is proposed to apply a gravel/road base type seal to the land whereby it could be used as overflow car parking for the town centre shopping precinct.

Officers from the Council's Town Planning Department have provided the following comment in relation to the potential longer term use of the site:-

Reserve 28046, No. 1 Learmonth Street, Exmouth and Lot 38, No. 1 Bennett Street, Exmouth is located in a prime position within the Exmouth Town Centre and is suitable for a commercial development. The site has a total area of 1997sqm. Reserve 28046 has an existing Seniors Centre building, Caretakers building and RSL Building with courtyard and gazebo. The site is zoned Town Centre in the current Town Planning Scheme Number 3. Development within the Town Centre zone is required to have a maximum height of two (2) storeys, and have the façade and side walls to a minimum depth of 3 metres constructed in masonry. Landscaping is required to complement the development. The following land uses may be supported on the site based on the current scheme 3: consulting rooms, hotel, liquor store, motel, office, restaurant, showroom, takeaway food, and tavern.

Draft Local Planning Scheme Number 4 proposes to zone the land Commercial – Mixed Use – C2, which allows for mixed development (ground floor commercial and upper floor residential use), with the built form interface providing activation and articulation to Maidstone Crescent and

Learmonth Street via the use of entries, windows, glazing, projections and shade awnings. Additional land uses which may be supported include: Convenience Store, Health Centre, Laundromat, Medical Centre, Civic Use, Betting Agency, Child Care Premises, Cinema/Theatre, Exhibition Centre, Fast Food Outlet, and Small Bar.

Should the Council adopt the recommendation to proceed with the demolition of the above mentioned buildings, it is intended to release the RFQs in mid-January 2016 for the works to be commenced in February and completed before the Easter 2016 and the commencement of the 2016 tourist season.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

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

Advertising as prescribed by above S.3.58 (3) of the Local Government Act 1995 is deemed appropriate in case of the old Centacare building as it could be said that there is some value in the building. If there is interest to relocate the building rather than demolish the same, it is best to advertise the RFQ in accordance with the above to ensure that there aren't any potential compliance issues that may arise.

The demolition of the previous Senior Citizens Club and RSL buildings are regarded as a simple RFQ for contractor services the process for which is determined by the Council's Purchasing Policy 2.10.

Occupational Safety & Health Regulations 1996

Pursuant to Regulation 3.117 of the above legislation, a contractor engaged to demolish the previous Senior Citizens Club and RSL buildings must be a contractor holding a valid Demolition Licence (Class 2).

The above legislation does not apply to the total or partial demolition of a single storey dwelling (ref reg.3.144). Owing to the above, as the previous Centacare building was originally located to the site as a dwelling and could still be used for this purpose at another more appropriate location, Council Officer's may consider any submissions to remove and relocate this building by persons other than licenced demolition contractors. However, all demolition work is required to be carried out properly using safe work procedures and systems of work.

POLICY IMPLICATIONS

Policy 2.10 – Purchasing Policy

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.5.2

That Council approve the release of request for quotations (RFQs) for the demolition/removal of buildings from Lot 1416 Learmonth Street cnr Maidstone Crescent, Exmouth. The advertising of the RFQs shall among other means, be via local public notice in accordance with the Local Government Act 1995 S.3.58 (3).

COUNCIL DECISION –13–1215– 11.5.2

Moved Councillor Todd, Seconded Councillor McHutchison.

That Council approve the release of request for quotations (RFQs) for the demolition/removal of buildings from Lot 1416 Learmonth Street cnr Maidstone Crescent, Exmouth. The advertising of the RFQs shall among other means, be via local public notice in accordance with the Local Government Act 1995 S.3.58 (3).

CARRIED 5/0

11. REPORTS OF OFFICERS

11.5 Executive Manager Health & Building

11.5.3 Council Endorsement of Comments on the Proposed New Holiday Parks and Camping Grounds Act

| | |
|-------------------------|--|
| Location: | Exmouth |
| Applicant: | R M Manning |
| File Reference: | GR.SL.14 |
| Disclosure of Interest: | Nil |
| Date: | 9 December 2015 |
| Author: | Executive Manager Health & Building, R M Manning |
| Senior Officer: | Chief Executive Officer, Bill Price |

SUMMARY

This report recommends that the Council endorse the comments prepared by the Executive Manager Health & Building on the proposed new Holiday Parks and Camping Grounds Act and that the Department of Local Government and Communities (DLGC) be advised of the said endorsement.

BACKGROUND

In August this years the DLGC released the second consultation paper and feedback form on the development of new holiday parks and camping grounds legislation. The DLGC advice that the objectives to be achieved from developing new legislation are as follows:-

- Clarity in the interpretation of the legislation
- Consistency in the application of the legislation by local governments and state government agencies, and
- Flexibility of prescribed requirements for existing and new developments.

The closing date for completed Feedback Forms was 30 November 2015.

COMMENT

As the Council will recall, in the week prior to the closing date for submissions the Executive Manager Health & Building circulated to all Councillors (via email) the Consultation Paper and a Draft completed Feedback Form seeking the Councils informal endorsement of the same or any comments on the prepared Draft submission. A copy of the Draft submission/completed Feed Back Form is attached (refer *Attachment 7*).

Councillor's Roscic and Todd provided brief responses to the Draft submission advising that they were satisfied with the same.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Caravan & Camping Grounds Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Environment

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

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

Social

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

- Outcome 3.2: Excellent lifestyle, recreational and cultural facilities.
- Outcome 3.3: An inclusive, responsible and cohesive community.

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.5.3

That Council advise the Department of Local Government and Communities of its formal endorsement of the Feedback Form prepared in consultation with the Council regarding the Proposed New Holiday Parks and Camping Grounds Act (refer to Attachment 7) and submitted by the Executive Manager of Health and Building on the Council's behalf on 30 November 2015.

COUNCIL DECISION – 14- 1215- 11.5.3

Moved Councillor Roscic, Seconded Councillor Todd.

That Council advise the Department of Local Government and Communities of its formal endorsement of the Feedback Form prepared in consultation with the Council regarding the Proposed New Holiday Parks and Camping Grounds Act (refer to Attachment 7) and submitted by the Executive Manager of Health and Building on the Council's behalf on 30 November 2015.

CARRIED 5/0

11. REPORTS OF OFFICERS

11.6 Executive Manager Town Planning

11.6.1 General Report

| | |
|-------------------------|---|
| Location: | Exmouth |
| Applicant: | Nil |
| File Reference: | LP.PL.0 |
| Disclosure of Interest: | Nil |
| Date: | 7 December 2015 |
| Author: | Executive Manager Town Planning, Rhassel Mhasho |
| Senior Officer: | Chief Executive Officer, Bill Price |

SUMMARY

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

BACKGROUND

Planning Applications and Approvals

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

| Applic No. | Date | Lot | Property | Description | Decision | Date |
|------------|------------|-----|------------------------------|--------------------------|----------|------------|
| PA153/15 | 06/11/2015 | 121 | 10 Grenadier Street | Enclose Existing Carport | Approved | 11/12/2015 |
| PA154/15 | 12/11/2015 | 471 | 16 Fitzhardinge Street | Patio | Approved | 30/11/2015 |
| PA155/15 | 13/11/2015 | 410 | 34 Madaffari Drive | Holiday Accommodation | Dec OCM | |
| PA159/15 | 26/11/2015 | 319 | Lot 319 Minglya-Exmouth Road | Outbuilding | Approved | 30/11/2015 |

| Summary of Total Planning Application/Codes Variations | |
|--|------------------|
| Year | No. Applications |
| 2011-2012 | 163 |
| 2012-2013 | 175 |
| 2013-2014 | 149 |
| 2014-2015 | 118 |
| 2015-2016 | 36 |

| Permits issued for an Activity on Local Government Property | |
|---|------------------|
| Month | No. Applications |
| July | 6 |
| August | 10 |
| September | 4 |
| October | 3 |
| November | 2 |

COMMENT

Ranger Services

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

| | Dogs | Camping | Parking | Litter | Fire | Off road | Other |
|-------------------------|-----------|-----------|-----------|----------|------------|----------|-----------|
| Warning/caution | 1 | 0 | 0 | 0 | 24 | 0 | 0 |
| Infringement | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Court | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| November Total | 1 | 0 | 0 | 0 | 24 | 0 | 0 |
| 2015-2016 Totals | 11 | 52 | 17 | 2 | 120 | 9 | 14 |

CONSULTATION

Nil

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Economic

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

- Outcome 1.2 - Planned and balanced economic growth.

Environment

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

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

Social

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

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

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.6.1

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

COUNCIL DECISION – 15– 1215– 11.6.1

Moved Councillor Todd, Seconded Councillor McHutchison.

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

CARRIED 5/0

Cr Roscic and EMHB Rob Manning declared an impartiality interest in the following report and made the following statement:

‘With regard to Proposed Exmouth Marina Village Local Law, the matter in item 11.6.2, being landowners of a Canal Lot within the Marina Precinct and as a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.’

11. REPORTS OF OFFICERS

11.6 Executive Manager Town Planning

11.6.2 Proposed Shire of Exmouth, Exmouth Marina Village Local Law

| | |
|-------------------------|---|
| Location: | Shire of Exmouth |
| Applicant: | N/A |
| File Reference: | LE.LO.0 |
| Disclosure of Interest: | Nil |
| Date: | 27 November 2015 |
| Author: | Executive Manager Town Planning, Rhassel Mhasho |
| Senior Officer: | Chief Executive Officer, Bill Price |

SUMMARY

This report recommends that the Council of the Shire of Exmouth adopt the proposed Shire of Exmouth, Exmouth Marina Village Local Law for advertising and public notice (refer *Attachment 1*).

BACKGROUND

An agreement was made between the Western Australia Land Authority, the Shire of Exmouth and the Minister for Transport on 30 September 2003 with the Shire of Exmouth accepting a management order for the management of the canal.

At present, the canal waterways and facilities are not specifically regulated to ensure that the care and control is managed and that all users of these waterways and facilities can do so in a safe and responsible manner.

At the June 2012 Ordinary Council Meeting, Council decided (15-612-10.6.6) to adopt the Shire of Exmouth Jetties, Boat Ramps and Waterways Local Law for advertising. As part of this decision, the local law was advertised for a period of not less than six (6) weeks through various means including town notice boards, Council’s website and the ‘Northern Guardian’ in accordance with the Local Government Act 1995. Property owners within the Exmouth Marina Village and the relevant public authorities were also notified in writing about the proposal. Through the advertisements, the public was invited to make submissions to Council regarding the proposed local law.

At the end of the advertising period, Council received 103 public submissions (refer *Attachment 2*). The Shire of Exmouth, Exmouth Marina Village Canals Local Law has been re-drafted from the Jetties, Boat Ramps and Waterways Local Law to ensure that the care and control is managed and that all users of these waterways and facilities within the Marina Village can do so in a safe and responsible manner.

COMMENT

The proposed Shire of Exmouth, Exmouth Marina Village Local Law provides for regulation, control and use of jetties, mooring and waterways within the Exmouth Marina Village.

The purpose of the proposed Shire of Exmouth, Exmouth Marina Village Local Law is to regulate the care, control and use of jetties, moorings and waterways within the Exmouth Marina Village.

The effect of the proposed Shire of Exmouth, Exmouth Marina Village Local Law is to control activities on jetties and waterways; the mooring of vessels including the mooring lines, equipment and requirements during cyclone season; responsibility for canal wall maintenance; offences, penalties and cost of repair.

Some activities are permitted under a permit and some activities are restricted or prohibited. Offences are created for inappropriate behaviour in, on, over or around waterways under the care and control of the Shire of Exmouth.

The redrafted local law takes into account comments received from the public and stakeholders when the local law was advertised in 2012. It should be noted that the local law specifically deals with the management of Exmouth marina canal unlike the previous 2012 local law which covered Jetties and boat ramps. It should be noted that the Shire of Exmouth, Exmouth Marina Village Local Law is not meant to replace the Exmouth Marina Boat Mooring Management Plan but it is meant to compliment the plan.

Council approval is sought to adopt the proposed Shire of Exmouth, Exmouth Marina Village Local Law for advertising. Upon adopting the proposed local law for advertising, Council is to provide a copy of the proposed local law to the Minister for Local Government and other State Government Departments and give state-wide and local public notice stating:

- the above purpose and effect of the proposed local law, the proposed local law for inspection;
- where a copy of the proposed local law may be inspected or obtained; and
- allow for submissions about the proposed local law to be made to the Shire before a specified day, being not less than 6 weeks.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Environment

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

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

Social

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

- Outcome 3.2: Excellent lifestyle, recreational and cultural facilities.
- Outcome 3.3: An inclusive, responsible and cohesive community.

Civic Leadership

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

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

VOTING REQUIREMENTS

Absolute Majority

| |
|--|
| OFFICER'S RECOMMENDATION – 11.6.2 |
|--|

That Council of the Shire of Exmouth:

1. *Adopt the proposed Shire of Exmouth, Exmouth Marina Village Local Law for advertising.*

2. *Give State-wide and local public notice stating that: the Shire of Exmouth proposed to draft an Exmouth Marina Village Local Law, for which the purpose is to regulate the care, control and use of jetties, moorings and waterways within the Exmouth Marina Village and the effect of which is to control activities on jetties and waterways; the mooring of vessels including the mooring lines, equipment and requirements during cyclone season; responsibility for canal wall maintenance; offences, penalties and cost of repair.*
3. *Advertise the proposed Shire of Exmouth, Exmouth Marina Village Local Law. This is to include notifying in writing to all owners of land within the Exmouth Marina Precinct, all individuals that provided comments during the advertising of the proposed Jetties, Boat Ramps and Public Places Local Law and such public authorities as the Council nominates, within an area determined by the Council as likely to be affected by the Local law, and inviting each owner, individual and nominated public authority to make a submission to the Council within than 6 weeks after the notice is given; and*
4. *The period of advertising is to be not less than six (6) weeks from the date of the publishing of notices and newspaper advertisements, and shall be in the form of:-*
 - a) *Placing an electronic copy of the draft document on (Council's website) the internet;*
 - b) *Making a copy of the draft document available for public viewing and comment at Council's Offices;*
 - c) *Publishing a notice in the 'Pilbara News' and 'West Australian' newspapers; and*
 - d) *Placing a notice on Council's notice board for a period of not less than 6 weeks after the notice is given.*

| |
|--|
| COUNCIL DECISION – 16– 1215– 11.6.2 |
|--|

Moved Councillor McHutchison, Seconded Councillor Coote.

That Council of the Shire of Exmouth:

1. ***Adopt the proposed Shire of Exmouth, Exmouth Marina Village Local Law for advertising.***
2. ***Give State-wide and local public notice stating that: the Shire of Exmouth proposed to draft an Exmouth Marina Village Local Law, for which the purpose is to regulate the care, control and use of jetties, moorings and waterways within the Exmouth Marina Village and the effect of which is to control activities on jetties and waterways; the mooring of vessels including the mooring lines, equipment and requirements during cyclone season; responsibility for canal wall maintenance; offences, penalties and cost of repair.***
3. ***Advertise the proposed Shire of Exmouth, Exmouth Marina Village Local Law. This is to include notifying in writing to all owners of land within the Exmouth Marina Precinct, all individuals that provided comments during the advertising of the proposed Jetties, Boat Ramps and Public Places Local Law and such public authorities as the Council nominates, within an area determined by the Council as likely to be affected by the Local law, and inviting each owner, individual and nominated public authority to make a submission to the Council within than 6 weeks after the notice is given; and***
4. ***The period of advertising is to be not less than six (6) weeks from the date of the publishing of notices and newspaper advertisements, and shall be in the form of:-***
 - a) ***Placing an electronic copy of the draft document on (Council's website) the internet;***
 - b) ***Making a copy of the draft document available for public viewing and comment at Council's Offices;***
 - c) ***Publishing a notice in the 'Pilbara News' and 'West Australian' newspapers; and***
 - d) ***Placing a notice on Council's notice board for a period of not less than 6 weeks after the notice is given.***

CARRIED by ABSOLUTE MAJORITY 5/0

11. REPORTS OF OFFICERS

11.6 Executive Manager Town Planning

11.6.3 Proposed Creation of Easements for Access - Bay of Rest and Sandy Bay 4WD Track

| | |
|-------------------------|---|
| Location: | Bay of Rest, Exmouth Gulf Pastoral Station Lot 1586 |
| Applicant: | Shire of Exmouth |
| File Reference: | A512, RD.AG.0 |
| Disclosure of Interest: | Nil |
| Date: | 30 November 2015 |
| Author: | Executive Manager Town Planning, Rhassel Mhasho |
| Senior Officer: | Chief Executive Officer, Bill Price |

SUMMARY

This report recommends that Council request the Department of Lands for the creation of easements held by the Shire for the purpose of access between the edge of the proposed extension of the Cape Range National Park being the eastern boundary of unallocated Crown land lot 984 Learmonth and Minilya-Exmouth Road, and between Bay of Rest and Minilya-Exmouth Road in accordance with the provisions of the Land Administration Act 1997 (refer *Attachment 3*).

BACKGROUND

At the 19 September 2013 Ordinary Council Meeting (OCM), Council resolved:

That the Council of the Shire of Exmouth send a request to the Department of Lands for the creation of two (2) public access routes between Sandy Bay and Minilya-Exmouth Road, and between Minilya-Exmouth Road and the Bay of Rest in accordance with the provisions of the Land Administration Act 1997 as indicated in Attachment 10.

Council Officers subsequently sent a letter to the Department of Lands (DoL) as per the Council resolution. DoL sent a response letter to the Shire on 3 April 2014 advising that the following options should be considered rather than the requested Public Access Routes.

1. Dedicated road;
2. Easement held by the Shire for the purpose of access;
3. A reserve for the purpose of 'Access' with a management order issued to the Shire;
4. Lease or licence granted to the Shire.

Council Officers sought additional information from DoL requesting information regarding the implications on the Shire for each of the four (4) options provided. DoL provided a written response on 24 November 2015 (refer *Attachment 4*). On-going discussions with DoL has identified that they favour the creation of dedicated 'road/s'.

COMMENT

The provision of formal access for locals and tourists to the coastal areas was highlighted as an important issue in the Exmouth South Structure Plan and the Local Planning Strategy Community Workshop Outcomes Report. There are existing informal tracks providing access to the Bay of Rest and Sandy Bay from Minilya-Exmouth Road. The tracks cut through the Exmouth Gulf Pastoral Station and the Cape Range National Park. These informal tracks provide access to significant natural tourist attractions for recreational activities. Since these informal tracks pass through leased pastoral land there is concern that the tracks could be blocked. The following options with advice were provided by DoL as a way of providing legal access across Crown land to remote sites of recreational or tourist interest.

Option 1 – Dedicated Road

The important principles of dedicated road/s are:

- Care, control and management of the land would be the responsibility of the Shire;
- The land would be entirely open to the public;
- The Native Title 'future act' process would apply;

- If dedicated across a mining tenement, the mining tenement is “suspended” for so long as the land is a road;
- The land is to be clearly constructed and maintained as a street in the traditional sense; and
- All parties have to agree to the dedication of the land as a road and the proposal is non-contentious.

Option 2 – Easement held by the Shire for the purpose of access

The important principles of an easement for access are:

- Consent of the pastoral lessee is required for the creation of the easements;
- Shire control and responsibility over the land with ability to control the type of vehicles using the easement and time of day that the land could be used;
- Likely that no Native Title ‘future act’ process would be involved;
- The Shire is to be adequately protected against claims for damages arising out of negligence;
- Adequate provision is to be made for the ongoing maintenance; and
- The Shire must provide the Crown with an indemnity against all claims for compensation.

Option 3 – Reserve for the purpose of ‘Access’ with a management order issued to the Shire

The important principles of a reserve for the purpose of ‘Access’ with a management order issued to the Shire are:

- Shire control and responsibility to manage the land; and
- The Native Title ‘future act’ process may apply.

Option 4 – Lease or licence granted to the Shire

DoL does not consider this option a practical solution under the circumstances.

In relation to access through the Cape Range National Park R27288, DoL advised that as a national park reserve, public access is permitted. However, the management of access is the matter that requires resolution. DoL may support the creation of access along the existing track from the bitumen up to the boundary of the national park, subject to the Department of Parks and Wildlife (DPaW) comments. Ongoing discussions with DPaW have indicated that the Cape Range National Park is proposed to be expanded to include unallocated Crown land lot 984 Learmonth, immediately east of the existing national park boundary.

Considering the above, the Officer recommends that Council request DoL initiate option 2 being the creation of easements between the edge of the proposed extension of the Cape Range National Park being the eastern boundary of unallocated Crown land lot 984 Learmonth and Minilya-Exmouth Road, and between Bay of Rest and Minilya-Exmouth Road for the following reasons:

1. The Shire will have control over the land with ability to control the type of vehicles using the easement and time of day that the land could be used. The intent is for the tracks to remain 4WD only which could be enforced by the Shire. The ability to close the tracks may be useful in the imminent event of a cyclone or bushfire, or following significant damage to the track/s.
2. It is likely that no Native Title ‘future act’ process would be involved. The Native Title process is a costly and time consuming process which may make the proposal unviable.
3. The Department of Lands not supporting the creation of Public Access Routes.

As advised by DoL easements may be granted under section 196 of the Land Administration 1997 (refer *Attachment 5*).

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Land Administration Act 1997

Native Title Act 1993

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Economic

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

- Outcome 1.2 - Planned and balanced economic growth.

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.6.3

That Council request the Department of Lands for the creation of easements as indicated in Attachment 3 to be held by the Shire for the purpose of access:

- 1. between the edge of the proposed extension of the Cape Range National Park being the eastern boundary of unallocated Crown land lot 984 Learmonth and Minilya-Exmouth Road; and*
- 2. between Bay of Rest and Minilya-Exmouth Road in accordance with the provisions of the Land Administration Act 1997.*

COUNCIL DECISION – 17– 1215– 11.6.3

Moved Councillor McHutchison, Seconded Councillor Todd.

That Council request the Department of Lands for the creation of easements as indicated in Attachment 3 to be held by the Shire for the purpose of access:

- 1. between the edge of the proposed extension of the Cape Range National Park being the eastern boundary of unallocated Crown land lot 984 Learmonth and Minilya-Exmouth Road; and*
- 2. between Bay of Rest and Minilya-Exmouth Road in accordance with the provisions of the Land Administration Act 1997.*

CARRIED 5/0

11. REPORTS OF OFFICERS

11.6 Executive Manager Town Planning

11.6.4 Relinquishment of a Portion of Reserve 47803

| | |
|-------------------------|---|
| Location: | Reserve 47803 being Lot 1477 Madaffari Drive, Exmouth on Deposited Plan 38636 |
| Applicant: | Department of Transport |
| File Reference: | R47803 |
| Disclosure of Interest: | Nil |
| Date: | 2 December 2015 |
| Author: | Executive Manager Town Planning, Rhassel Mhasho |
| Senior Officer: | Chief Executive Officer, Bill Price |

SUMMARY

This report recommends that Council resolve to formally agree to relinquish a Portion of Reserve 47803 being Lot 1477 Madaffari Drive, Exmouth on Deposited Plan 38636 (refer *Attachment 6*).

BACKGROUND

Council is in receipt of a letter from the Department of Transport (DoT) expressing interest in acquiring a portion of Reserve 47803 to be vested in the Minister for Transport for the purpose of expanding the Exmouth Boat Harbour (refer *Attachment 7*). At the Ordinary Meeting held on the 20 November 2014, Council resolved to formally agree the relinquishment of surrounding Reserves for the Harbour expansion. Through miscommunication at the time DoT missed the subject portion of Reserve 47803 in their request. The Reserves that were included in the Request are now with the Department of Lands (DoL) to be relinquished and re-vested in the Minister for Transport.

COMMENT

The *Land Administration Act 1997* provides the statutory environment for the care, control and management of Reserves. The Minister for Lands may by order reserve crown land for one or more purposes in the public interest. The Minister may then by order place one or more persons in the care, control and management of the Reserve through a 'Management Order'.

Currently Reserve 47803 is under a 'Management Order' to the Shire of Exmouth for the purpose of 'Recreation and Drainage' (refer *Attachment 8*). The subject portion of the Reserve is predominantly the canal wall and edge of the canal water directly south of the boat ramp within the Harbour. Therefore, this land is not seen as essential for the provision of a public purpose by the Shire of Exmouth. The land is predominantly for the maintenance of the canal wall and is not considered to impact the public at large. Council Officers support the relinquishment of the subject portion of the Reserve for it to be re-vested in the Minister for Transport.

Once relinquished the subject land will be vested in the Minister for Transport under the *Marine and Harbours Act 1981* which will formally recognise DoT's responsibility for the care, control and management of the land.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Land Administration Act 1997
Marine and Harbours Act 1981

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Economic

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

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

Environment

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

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

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.6.4

That Council agree to relinquish a portion of Reserve 47803 being Lot 1477 Madaffari Drive, Exmouth on Deposited Plan 38636, as shown at Attachment 6, to be re-vested in the Minister for Transport in accordance with the Marine and Harbours Act 1981, recognising the Department of Transport's responsibility for the care, control and management of the land.

COUNCIL DECISION –18–1215– 11.6.4

Moved Councillor Todd, Seconded Councillor McHutchison.

That Council agree to relinquish a portion of Reserve 47803 being Lot 1477 Madaffari Drive, Exmouth on Deposited Plan 38636, as shown at Attachment 6, to be re-vested in the Minister for Transport in accordance with the Marine and Harbours Act 1981, recognising the Department of Transport's responsibility for the care, control and management of the land.

CARRIED 5/0

11. REPORTS OF OFFICERS

11.6 Executive Manager Town Planning

11.6.5 Holiday Accommodation – Lot 410 (34) Madaffari Drive, Exmouth

| | |
|-------------------------|---|
| Location: | Lot 410 (34) Madaffari Drive, Exmouth |
| Applicant: | I & A Sanders |
| File Reference: | A1539; PA155/15 |
| Disclosure of Interest: | Nil |
| Date: | 15 September 2015 |
| Author: | Executive Manager Town Planning, Rhassel Mhasho |
| Senior Officer: | Chief Executive Officer, Bill Price |

SUMMARY

This report recommends that Council grant conditional planning approval for Holiday Accommodation at Lot 410 (34) Madaffari Drive, Exmouth (refer *Attachment 9*).

BACKGROUND

The Applicant is seeking approval for a Holiday Accommodation within an approved Dwelling currently under construction at the premises for short term accommodation. The proposal is as follows:

- Maximum number of overnight occupants: ten (10) persons.
- A maximum of two (2) vehicles and two (2) trailers (includes boats on trailers).
- No changes to buildings or the site are proposed.
- Local caretaker/Managing Agent is Ray White.
- A Management Statement, Tenant Code of Conduct and Fire Evacuation Plan have been provided.



Lot 410 (34) Madaffari Drive, Exmouth

COMMENT

The proposal has been assessed against the *Town Planning Scheme No. 3* (Scheme), *Policy No. 6.12 - Holiday Accommodation* and *Policy No. 6.16 – Design Guidelines for Exmouth Marina Village Precinct 'A'*. Policy 6.16 states that the land use permissibility of the subject property shall be considered as if the property was zoned 'Residential' given the Scheme is silent for the marina Zone. 'Table 1 – Zoning Table' of the Scheme classifies 'Holiday Accommodation' as an 'SA' land use within the Residential zone meaning the use is not permitted unless the Council has granted development approval after giving notice in accordance with clause 9.3.

In addition, Council has adopted *Policy No. 6.12 – Holiday Accommodation* to provide guidance on the development of Holiday Accommodation within the Shire of Exmouth. The objectives of the Policy are as follows:

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

This proposal is in accordance with the Policy. Therefore, conditional approval is recommended and conditions have been included in the Officers Recommendation to maintain future compliance. The following matters are the major areas of consideration:

Number of Occupants

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

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

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

| Schedule 1: Allowable Occupants: Lot 410 (34) Madaffari Drive, Exmouth | |
|---|---|
| Bedroom 1: | Total floor space: 31.19m ² , Approximate Air Space: 81.10m ³ |
| Allowable occupants: | 5 adults OR 5 adults and 1 children OR 4 adults and 3 children OR 3 adults and 4 children OR 2 adults and 6 children OR 1 adult and 8 children OR 10 children |
| Bedroom 2: | Total floor space: 12.57m ² , Approximate Air Space: 33.93m ³ |
| Allowable occupants: | 2 adults OR 1 adult and 2 children OR 4 children |
| Bedroom 3: | Total floor space: 10.72m ² , Approximate Air Space: 28.95m ³ |
| Allowable occupants: | 2 adults OR 1 adult and 1 child OR 3 children |
| Bedroom 4: | Total floor space: 11.12m ² , Approximate Air Space: 30.01m ³ |
| Allowable occupants: | 2 adults OR 1 adult and 2 children OR 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 with a 2.7m ceiling height. | |

Occupancy Levels

Pursuant to the calculations above, the maximum number of overnight occupants allowed within the dwelling at the same time shall be twelve (12) persons. This includes no more than eleven (11) occupants over the age of 10 at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy. Potential occupants shall be advised of this prior to booking. The Applicants proposal of a maximum of ten (10) occupants complies.

Number of Vehicles

The application states the number of vehicles to be accommodated on site is two (2) vehicles and two (2) trailers. This complies with the Holiday Accommodation Policy which allows a maximum of three (3) vehicles and two (2) trailers. The Policy states that car parking shall be calculated on the basis of four persons per vehicle meaning that three (3) vehicles may be present if ten (10) persons were staying at the premises. The property has a double garage with a relatively long driveway easily providing enough space to accommodate the maximum number of vehicles and trailers. Officer recommends a maximum of three (3) vehicles and two (2) trailers to reduce traffic issues to achieve compliance with the Policy.

Management Plan and Code of Conduct

Holiday Accommodation Policy 6.12 requires that the Applicant submit a copy of the management plan, code of conduct and emergency response plan. The information has been provided in accordance with the Policy (refer *Attachment 10*). A condition shall be applied to ensure the occupancy numbers are written clearly to reflect the relevant Scheme provisions and approval by Council.

CONSULTATION

Land uses classified as 'SA' are required to be referred in accordance with Clause 9.3 of the Scheme. Clause 9.3 requires notice of the application to be given in one or a combination of the following:

- A letter referred to surrounding affected landowners.
- A sign placed at the property giving notice.
- A notice in a newspaper circulating the district.

A minimum of 21 days from the date of any notice is required to allow those referred the proposal to lodge submissions with the Shire. Adjoining property owners and occupants were invited to comment on the proposal, with the consultation period closing **Wednesday 9 December 2015**. No comments were received.

STATUTORY ENVIRONMENT

Planning and Development Act
Town Planning Scheme No. 3
Health Act 1911

POLICY IMPLICATIONS

Policy No. 6.12 – Holiday Accommodation
Policy No. 6.16 – Design Guidelines for Exmouth Marina Village Precinct 'A'

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Social

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

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

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.6.5

That the Council of the Shire of Exmouth grant conditional planning approval for the use of Holiday Accommodation at Lot 410 (34) Madaffari Drive, Exmouth subject to the following conditions: -

- 1. Development shall be generally in accordance with the Shire of Exmouth Town Planning Scheme No. 3, approved plans (PA155/15) and Policy No. 6.12 – Holiday Accommodation to the satisfaction of Council officers;*
- 2. The maximum number of overnight occupants allowed within the dwelling at the same time shall be twelve (12) persons. This includes no more than eleven (11) occupants over the age of 10 at any one time. The maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy;*
- 3. The maximum number of vehicles and trailers (including boats on trailers) that can be accommodated on the property shall be three (3) and two (2) respectively, in accordance with Council Policy. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
- 4. The property shall be provided with at least two (2) 240 litre rubbish bins prior to the use commencing. Where there is a more than ten (10) occupants staying within the Dwelling, in accordance with condition 2 above, a minimum of three (3) 240 litre rubbish bins shall be provided;*
- 5. The Tenant Code of Conduct, Management Statement, and Emergency Response Plan, being Attachment 10, shall be clearly displayed in a conspicuous location within the dwelling and complied with by all occupants at all times;*
- 6. An Emergency Response Plan (i.e. fire escape route maps etc.) is required to be clearly displayed in a conspicuous location within the dwelling, plus:
 - a. a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order;*
 - b. outside barbeques are to be gas or electric; and*
 - c. no fires are to be lit outside.**
- 7. The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
- 8. An approved smoke alarm must be installed on or near the ceiling in each guest bedroom and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms and the remainder of the building. Where the building is more than one storey, approved smoke alarms must be installed on each storey. The smoke alarms must be installed in accordance with Australian Standards and be connected to the consumer mains power;*
- 9. Noise generated from the premises shall comply with the Environmental Protection (Noise) Regulations 1997 to the satisfaction of Council Officers. If in the opinion of Council the approved use causes a nuisance or annoyance to owner/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;*
- 10. The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with; and*
- 11. This approval is valid until 30 September 2016. Following planning approval an annual permit will be issued after paying the prescribed fee. Upon this period lapsing, Council will notify owners about the date of expiry and that a new permit is required should the property continue to be used for holiday accommodation.*

ADVICE

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

Below Schedule 1 outlines the permitted number of occupants per room, identifying alternative combinations of guests – not to exceed a total of twelve (12) guests. This Schedule shall be appropriately displayed in the house.

| Schedule 1: Allowable Occupants: Lot 410 (34) Madaffari Drive, Exmouth | |
|--|---|
| Bedroom 1: | Total floor space: 31.19m ² , Approximate Air Space: 81.10m ³ |
| Allowable occupants: | 5 adults OR 5 adults and 1 children OR 4 adults and 3 children OR 3 adults and 4 children OR 2 adults and 6 children OR 1 adult and 8 children OR 10 children |
| Bedroom 2: | Total floor space: 12.57m ² , Approximate Air Space: 33.93m ³ |
| Allowable occupants: | 2 adults OR 1 adult and 2 children OR 4 children |
| Bedroom 3: | Total floor space: 10.72m ² , Approximate Air Space: 28.95m ³ |
| Allowable occupants: | 2 adults OR 1 adult and 1 child OR 3 children |
| Bedroom 4: | Total floor space: 11.12m ² , Approximate Air Space: 30.01m ³ |
| Allowable occupants: | 2 adults OR 1 adult and 2 children OR 3 children |
| <i>*Note: All persons over the age of 10 years require a minimum of 14 cubic metres of air space per person. Children aged up to 10 years require a minimum of 8 cubic metres of air space each. As such, the term 'adult' has been used for persons over the age of 10 years.</i> | |
| <i>**The air space is calculated with a 2.7m ceiling height.</i> | |

- ii) *Any additional development not being in accordance with the original application or conditions of approval, as outlined above will require further approval by the Shire of Exmouth. Any commencement of development not subject of a current approval is an offence under the Shire of Exmouth Town Planning Scheme No.3;*
- iii) *Should this residential premises be used for Holiday Accommodation purposes and provide a swimming pool/spa pool for the use of guests or should the owners intend to install a swimming pool/spa pool in the future, the owners are hereby advised of the following:-*
- *The Health (Aquatic Facilities) Regulations 2007 require that a Certificate of Compliance and a Permit to Operate from the Executive Director, Public Health (EDPH) for the 'aquatic facility' be obtained i.e. the Department of Health (WA) is the approving authority, not the Shire of Exmouth;*
 - *Whether an aquatic facility is approved by the EDPH or not, regulation 21 prescribes that an Environmental Health Officer, or a person under the direction of an Environmental Health Officer, collects 2 water samples (one for bacteria, one for amoeba) from each water body of each aquatic facility in the district at least once per month. The owner/property manager must therefore make suitable arrangements for the Shire's Water Sampling Officer to access the property to obtain the water samples.*
- iv) *Any substantial variation from the approved plans contained herein requires a separate planning approval. Should your plans for a building permit differ from these plans, a building permit may not be issued until such time as fresh planning approval is granted;*
- v) *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– 1215–11.6.5

Moved Councillor Coote, Seconded Councillor McHutchison.

That the Council of the Shire of Exmouth grant conditional planning approval for the use of Holiday Accommodation at Lot 410 (34) Madaffari Drive, Exmouth subject to the following conditions: -

- 12. Development shall be generally in accordance with the Shire of Exmouth Town Planning Scheme No. 3, approved plans (PA155/15) and Policy No. 6.12 – Holiday Accommodation to the satisfaction of Council officers;*
- 13. The maximum number of overnight occupants allowed within the dwelling at the same time shall be twelve (12) persons. This includes no more than eleven (11) occupants over the age of 10 at any one time. The maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy;*
- 14. The maximum number of vehicles and trailers (including boats on trailers) that can be accommodated on the property shall be three (3) and two (2) respectively, in accordance with Council Policy. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
- 15. The property shall be provided with at least two (2) 240 litre rubbish bins prior to the use commencing. Where there is a more than ten (10) occupants staying within the Dwelling, in accordance with condition 2 above, a minimum of three (3) 240 litre rubbish bins shall be provided;*
- 16. The Tenant Code of Conduct, Management Statement, and Emergency Response Plan, being Attachment 10, shall be clearly displayed in a conspicuous location within the dwelling and complied with by all occupants at all times;*
- 17. 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. a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order;*
 - b. outside barbeques are to be gas or electric; and*
 - c. no fires are to be lit outside.**
- 18. The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
- 19. An approved smoke alarm must be installed on or near the ceiling in each guest bedroom and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms and the remainder of the building. Where the building is more than one storey, approved smoke alarms must be installed on each storey. The smoke alarms must be installed in accordance with Australian Standards and be connected to the consumer mains power;*
- 20. Noise generated from the premises shall comply with the Environmental Protection (Noise) Regulations 1997 to the satisfaction of Council Officers. If in the opinion of Council the approved use causes a nuisance or annoyance to owner/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;*
- 21. The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with; and*
- 22. This approval is valid until 30 September 2016. Following planning approval an annual permit will be issued after paying the prescribed fee. Upon this period lapsing, Council will notify owners about*

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

ADVICE

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

Below Schedule 1 outlines the permitted number of occupants per room, identifying alternative combinations of guests – not to exceed a total of twelve (12) guests. This Schedule shall be appropriately displayed in the house.

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| Bedroom 2: | Total floor space: 12.57m ² , Approximate Air Space: 33.93m ³ |
| Allowable occupants: | 2 adults OR 1 adult and 2 children OR 4 children |
| Bedroom 3: | Total floor space: 10.72m ² , Approximate Air Space: 28.95m ³ |
| Allowable occupants: | 2 adults OR 1 adult and 1 child OR 3 children |
| Bedroom 4: | Total floor space: 11.12m ² , Approximate Air Space: 30.01m ³ |
| Allowable occupants: | 2 adults OR 1 adult and 2 children OR 3 children |
| <i>*Note: All persons over the age of 10 years require a minimum of 14 cubic metres of air space per person. Children aged up to 10 years require a minimum of 8 cubic metres of air space each. As such, the term 'adult' has been used for persons over the age of 10 years.</i> | |
| <i>**The air space is calculated with a 2.7m ceiling height.</i> | |

- vii) *Any additional development not being in accordance with the original application or conditions of approval, as outlined above will require further approval by the Shire of Exmouth. Any commencement of development not subject of a current approval is an offence under the Shire of Exmouth Town Planning Scheme No.3;*
- viii) *Should this residential premises be used for Holiday Accommodation purposes and provide a swimming pool/spa pool for the use of guests or should the owners intend to install a swimming pool/spa pool in the future, the owners are hereby advised of the following:-*
- *The Health (Aquatic Facilities) Regulations 2007 require that a Certificate of Compliance and a Permit to Operate from the Executive Director, Public Health (EDPH) for the 'aquatic facility' be obtained i.e. the Department of Health (WA) is the approving authority, not the Shire of Exmouth;*
 - *Whether an aquatic facility is approved by the EDPH or not, regulation 21 prescribes that an Environmental Health Officer, or a person under the direction of an Environmental Health Officer, collects 2 water samples (one for bacteria, one for amoeba) from each water body of each aquatic facility in the district at least once per month. The owner/property manager must therefore make suitable arrangements for the Shire's Water Sampling Officer to access the property to obtain the water samples.*
- ix) *Any substantial variation from the approved plans contained herein requires a separate planning approval. Should your plans for a building permit differ from these plans, a building permit may not be issued until such time as fresh planning approval is granted;*
- x) *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 5/0

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

‘With regard to Exmouth Yacht Club Lease Area Amendment, the matter in item 11.6.6, being a member of the Exmouth Yacht Club and as a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.’

11. REPORTS OF OFFICERS

11.6 Executive Manager Town Planning

11.6.6 Exmouth Yacht Club Lease Area Amendment

| | |
|-------------------------|--|
| Location: | Reserve 31006 being Lot 837 Friedman way, Exmouth on Deposited Plan 175029 |
| Applicant: | Exmouth Yacht Club |
| File Reference: | R31006; R47801 |
| Disclosure of Interest: | Nil |
| Date: | 7 December 2015 |
| Author: | Executive Manager Town Planning, Rhassel Mhasho |
| Senior Officer: | Chief Executive Officer, Bill Price |

SUMMARY

This report recommends that Council resolve to support proposed amendments to the Exmouth Yacht Club lease area being the whole of Reserve 31006 which is Lot 837 Friedman way, Exmouth on Deposited Plan 175029 (refer *Attachment 11*) subject to conditions.

BACKGROUND

On 26 September 2015 a letter was received from the Exmouth Yacht Club (refer *Attachment 12*) requesting the extension/amendment of their current lease area being the whole of Reserve 31006. This is due to part of the fenced grass area that the Exmouth Yacht Club currently uses extending outside the current lease area to the East. Council resolved to renew the current lease area for 10 + 10 year term, at Councils discretion to extend, at the Ordinary meeting held on the 21 August 2014. The subject land outside of the lease area is currently used through the Permits for Activities on Local Government Property being issued.

The proposal put forward is to extend the lease area to the east to the adjacent rock wall if possible so that they can close access to the access way along this wall for security purposes. However, as a minimum they have requested the lease area to be extend to the fence on the edge of the grassed area being a distance of approximately 10.7m as this is the area they currently use through the Permit system. They have also proposed the expansion of the lease area south to include a larger hardstand area for the parking of yachts. This hardstand area already exists and does not require the removal of any more of the sand dunes.

The proposed new lease area is contained within Reserve 47801 being Lot 3002 on Deposited Plan 54796 (foreshore Reserve between Madaffari Drive and the Exmouth Gulf).

The Exmouth Yacht Club has advised that they are willing offset the new lease area through reducing the current lease area on the Western side of the existing lot which is currently comprised of the Exmouth Gulf sand dune system.

COMMENT

Reserves 31006 and 47801 are both Crown reserves owned by the State Government of Western Australia. Both have been vested in the Shire of Exmouth through Management Orders allowing Council to lease Reserve 31006 to the Exmouth Yacht Club on approval of the Minister for Lands. Pursuant to the *Land Administration Act 1997*, Reserve 31006 has been reserved for the public interest of ‘Yacht Club Site’, hence the support for the land to be leased. Reserve 47801 has been reserved for the purpose of ‘Foreshore Management’ allowing the Shire to maintain the dune system separating the Exmouth Gulf and Exmouth Town site.

Reserve 47801 includes the sand dunes, beach and rock wall east, south and north of the Exmouth Yacht Club. It is important to leave the access track south of the Exmouth Yacht Club open for the maintenance of the rock wall. Therefore, it is recommended that Council do not extend the lease over this access way to maintain access. Consequently the proposed lease area would extend east only as far as the fence described above, requested as the minimum extension (refer to background Section). In addition, this does not prevent the Exmouth Yacht Club from fencing their lease area for security purposes.

Given that the proposed lease area is already used by the Exmouth Yacht Club and is not used for the purpose of foreshore management it is not considered an issue to amend the lease area. However, the proposed area being leased for the purpose of a Yacht Club would not be consistent with the purpose of Reserve 47801 for foreshore management. Therefore, it is recommended that a crown subdivision is undertaken to realign the property boundaries of Reserve 31006 in line with the area that will be used for the purpose of the Exmouth Yacht Club so that the land tenure, Reserve purpose and Management Order are consistent with the use of the land prior to amending the lease. Furthermore, the crown subdivision allows Council to clearly define the new lease area to the realigned property boundaries of Reserve 31006. Council has had issues in the past with disputes of lease areas when they weren't defined to a property boundary or properly surveyed.

To execute a crown subdivision surveyed drawings showing the proposed lot need to be provided to the Department of Lands. Therefore, there would be a cost associated with acquiring these drawings. It is recommended that all costs of the process are borne by the Exmouth Yacht Club. Upon conclusion of this process it is recommended that Council delegate authority to the Chief Executive Officer to execute a new lease for Reserve 31006 with the same terms as the current lease.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Land Administration Act 1997

Local Government Act

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

Local Government Property Local Law

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Economic

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

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

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.6.6

That Council:

1. *Endorse the proposed amendment to the Exmouth Yacht Club lease area subject to the following conditions:*
 - a. *The site being surveyed to identify the proposed new lease area generally in accordance with Attachment 11 to the satisfaction of the Chief Executive Officer showing the following:*
 - i. *The existing lease area over Reserve 31006.*
 - ii. *The proposed area the Exmouth Yacht Club is seeking to use within Reserve 47801.*
 - b. *The undertaking of a Crown subdivision of Reserves 31006 and 47801 for the purpose of realigning the property boundaries of Reserve 31006 to the area identified in Condition 1(a) above;*
 - c. *All costs associated with the crown subdivision being borne by the Exmouth Yacht Club;*
 - d. *Access being maintained for Shire Officers to the beach south of the Exmouth Yacht Club;*
2. *Upon completion of Condition 1 above, seek approval from the Minister for Lands for the proposed crown subdivision and the execution of the new lease over Reserve 31006;*
3. *Upon completion of conditions Condition 2 above, delegate authority to the Chief Executive Officer to execute a new lease for Reserve 31006 with the same terms as the current lease.*

COUNCIL DECISION– 20–1215–11.6.6

Moved Councillor Todd, Seconded Councillor McHutchison.

That Council:

1. *Endorse the proposed amendment to the Exmouth Yacht Club lease area subject to the following conditions:*
 - a. *The site being surveyed to identify the proposed new lease area generally in accordance with Attachment 11 to the satisfaction of the Chief Executive Officer showing the following:*
 - i. *The existing lease area over Reserve 31006.*
 - ii. *The proposed area the Exmouth Yacht Club is seeking to use within Reserve 47801.*
 - b. *The undertaking of a Crown subdivision of Reserves 31006 and 47801 for the purpose of realigning the property boundaries of Reserve 31006 to the area identified in Condition 1(a) above;*
 - c. *All costs associated with the crown subdivision being borne by the Exmouth Yacht Club;*
 - d. *Access being maintained for Shire Officers to the beach south of the Exmouth Yacht Club;*
2. *Upon completion of Condition 1 above, seek approval from the Minister for Lands for the proposed crown subdivision and the execution of the new lease over Reserve 31006;*
3. *Upon completion of conditions Condition 2 above, delegate authority to the Chief Executive Officer to execute a new lease for Reserve 31006 with the same terms as the current lease.*

CARRIED 5/0

11. REPORTS OF OFFICERS

11.7 Executive Manager Engineering Services

11.7.1 General Report

| | |
|-------------------------|--|
| Location: | Exmouth |
| Applicant: | Keith Woodward |
| File Reference: | GV.CM.0 |
| Disclosure of Interest: | Nil |
| Date: | 17 December 2015 |
| Author: | Executive Manager Engineering Services, Keith Woodward |
| Senior Officer: | Chief Executive Officer, Bill Price |

SUMMARY

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

BACKGROUND

Grants

Recreational Boating Facility Scheme

The Recreational Boating Facilities Scheme (RBFS) grants are awarded to state, local and other government authorities for development of public recreational boating facilities in Western Australia, including:

- Planning new public recreational boating facilities.
- Building new public recreational boating facilities.
- Upgrading existing public recreational boating facilities.

The Department of Transport Recreational Boating Facility Scheme Round 21 is open for submissions. In this report the officer is suggesting works at Bundegei and Tantabiddi Boat ramps. Council's perspective on these projects would be appreciated so the RBFS application can be developed and submitted. The works suggest for Bundegei are the re-engineering of chafers/extruded fender and rust treatments; for Tantabiddi safety and carpark construction.

The construction of the Tantabiddi carpark with the implementation of a user pays system has been discussed previously. *"There are many examples within the State where users contribute to maintaining a facility. A fee for parking, commercial operations, etc. is income used by Local Government or the State to fund management of these facilities."* Minister for Transport as per communication dated 11 June 2015. The recovery of fees to offset maintenance cost needs to be achieved.

However, even with the best land based facilities and the implication of a user pays system, the commercial operations issues remain unresolved.

1. Tantabiddi boat ramp was designed as a recreational facility.
2. The recreational and commercial use of the boat ramp during school holidays which represent the core tourism period is terrible. The number of people, vehicles, and vessels overwhelm the boat ramps, carpark and facilities.
3. The cost of maintaining and developing Tantabiddi and Bundegei Boat Ramps is creating a negative influence on Council finances which requires attention.
4. An additional boat ramp and jetty for commercial use at Tantabiddi. The implementation of a management structure whereby commercial and recreational use is regulated.

Proposed Project 1- Upgrade Bundegi and Tantabiddi Boat Ramps

Bundegi Boat Ramp

Scope: Remove boat ramp walkway and refit with vertical and horizontal D rubber and steel chafers. Strengthen the chafer beam to improve durability against vessel impact. Rust treatment as required.

The chafer fenders at Bundegi boat ramp are hard plastic. Vessels typically overpower approaching the boat ramp because of high wind and fast currents. The skipper of the vessel has to lasso the boat ramp on approach. If they miss the winds and tides push you away from the boat ramp. As a result hard vessel impact is typical. The chafer steel channels break weld and both the vessel and boat ramp are damaged.

The soft vertical and horizontal D fenders fitted to Tantabiddi are far superior. The redesign of the chafer channels and the installation of D fenders will reduce vessel impact damage and structural damage to the boat ramp structure. Many inexperienced recreational boaters use the Bundegi boat ramp. The hard collisions has seen vessels lodged over the walkway and people knocked off the boat ramp after being struck by the vessel.

Tantabiddi Boat Ramp

Scope: To install anti-slip grating to the boat ramp. To stabilise the sea floor boat ramp interface with Flex-mat concrete block mattresses.

1. Install anti-slip grating. There are invisible danger zones at exact points on the ramp where it is vital to have sufficient grip for safety. Slips are dangerous because of fall impact, moving trailers, vessels and water.
2. Due to sand movement and prop wash the toe of the boat ramp become exposed and hazardous. Trailers reverse over the edge of the boat ramp trailer and axels become lodged. Recovery is dangerous to other boat ramp user and occasionally results in damage to persons, vessels, car and trailer.
3. In combination the making safe the slip danger zones and the ramp edge drop is a good outcome for the recreational user.

Proposed Project 2- Upgrade Tantabiddi Boat Ramp

Scope: Develop the Tantabiddi recreation boating carpark to better manage vehicles and people.

This project was approved by the Department of Transport Recreational Boating Facility Scheme in 2014/15 and included in the Shire budget. However the Shire contribution had to be transferred towards dredging and the carpark project was cancelled.

The development of the Tantabiddi precinct will service the boating needs of local residents, the tourism industry and visitors to the region by providing formal access to the ocean waters for all classes of trailered vessels.

The construction of the recreational boating facilities at the Tantabiddi precinct commenced in 2012 building a new boat ramp and in 2013 new public toilets. The construction of car park and associated assets would complete the Tantabiddi precinct redevelopment.

Cost Estimates

| Bundegi Boat ramp chafers and rust treatment | | |
|---|--|-----------------------|
| Completion Year | Description of proposed completed activities. | Estimated Cost |
| 2016/2017 | Remove the walkway | \$20,000 |
| | Mobilisation/Freight | \$25,000 |
| | Steel works | \$55,000 |
| | D Rubbers and fittings | \$50,000 |
| | Rust Treatment | \$20,000 |
| | Re-installation of walkway | <u>\$20,000</u> |
| | | \$190,000 |
| | RBFS contribution | \$142,500 |
| | Shire contribution | \$47,500 |

| Tantabiddi Boat Ramp anti-slip and Flexmat | | |
|---|---|-----------------------|
| Completion Year | Description of proposed completed activities. | Estimated Cost |
| 2016/2017 | Purchase Flex-mat and freight to Exmouth | \$36,000 |
| | Purchase anti-slip surface and freight to Exmouth. | \$8,000 |
| | Remove boat ramp end panels tie-in and install Flex-mat and overlay seafloor. | \$50,400 |
| | Install anti-slip surface | \$5,000 |
| | Materials | <u>\$5,000</u> |
| | | \$104,400 |
| | RBFS contribution | \$78,300 |
| | Shire contribution | \$26,100 |

| Tantabiddi Boat Ramp carpark | | |
|-------------------------------------|--|-----------------------|
| Completion Year | Description of proposed completed activities. | Estimated Cost |
| 2016/2017 | Construction materials | \$704,340 |
| | Plant and equipment | \$112,945 |
| | Staff and labour costs | \$95,358 |
| | Fish Cleaning tables/parking meters | \$35,000 |
| | Signage | <u>\$25,000</u> |
| | | \$972,643 |
| | RBFS contribution | \$729,482 |
| | Shire contribution | \$243,160.75 |

General boat ramp product information and drawings are available at **Attachment 1**.

Main Roads Blackspot

The 2016/2017 Main Roads Blackspot grant application has been submitted nominating Maidstone Crescent from the Exmouth District High School to Learmonth Street. Maidstone Crescent is aligned through the Exmouth Town Centre. From SLK 370 to SLK 650 there is conflicting activity between pedestrians and transport vehicles up to 18m length. The interfacing built environment can be classified as high density business development, parking, tourism, recreational facilities such as public amenities, water playgrounds and swimming pool. SLK 370 and SLK 650 interface the Exmouth District High School, Department of Transport, Police and the Post Office.

The construction works encapsulate:

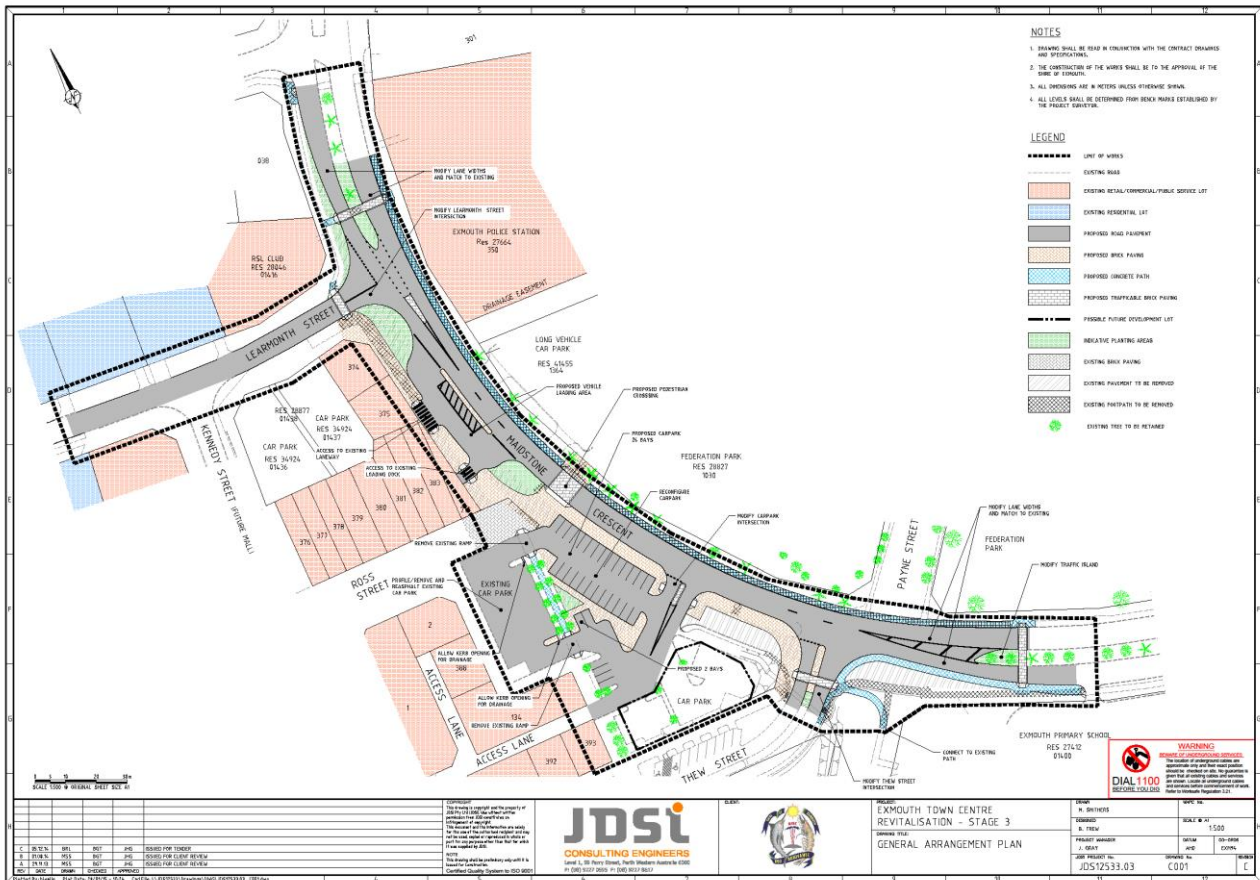
1. Modify road alignment and improve traffic and pedestrian movement.
2. Reconstruct the road and parking surface, brick paving, kerbing, intersection lighting, signage and footpaths.

Project Budget:

| | |
|---------------------------------|------------------|
| Black Spot Program contribution | \$200,000 |
| Shire contribution | <u>\$100,000</u> |
| Total | \$300,000 |

The Maidstone Crescent Black Spot project is associated with the Exmouth Town Centre and Foreshore Revitalisation Stage 3 project which is planned to commence in the 2016-2017 financial year.

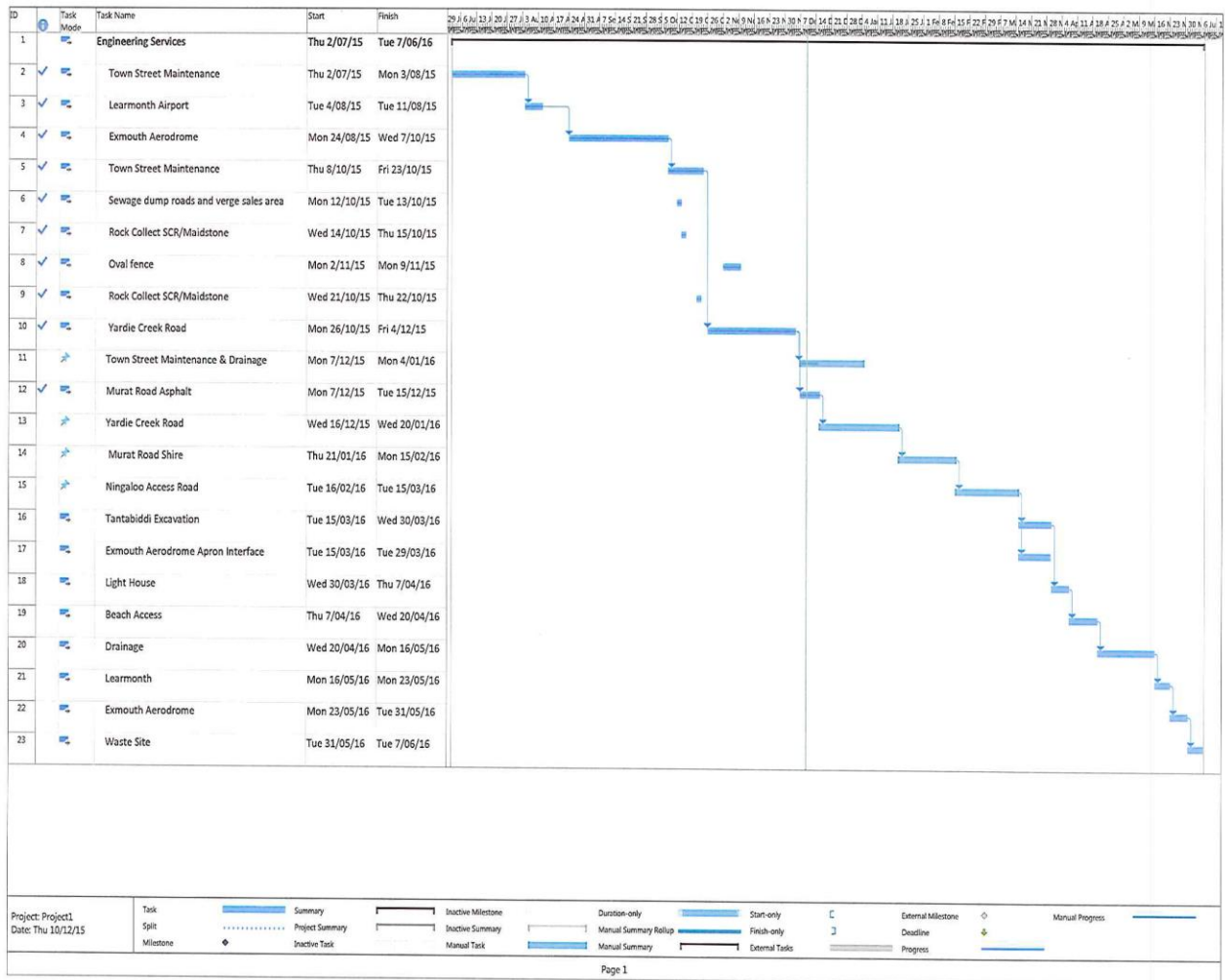
Exmouth Town Centre and Foreshore Revitalisation Stage 3 General Arrangement Plan:



Works Program Schedule of Works

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

2015-2016 Engineering Services Project Schedule.



COMMENT

Nil

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Economic

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

- Outcome 1.5: Maintain & Improve Shire Infrastructure

Environment

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

- Outcome 2.5: To make Exmouth an attractive town that is a comfortable and welcoming place to live and visit, and reflects the lifestyle values and unique natural environment.

Social

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.7.1

That Council receive the Executive Manager Engineering Services Report for the month of December 2015

COUNCIL DECISION – 21– 2015– 11.7.1

Moved Councillor Roscic, Seconded Councillor McHutchison.

That Council receive the Executive Manager Engineering Services Report for the month of December 2015

CARRIED 5/0

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

Nil

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

Nil

14. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS

Nil

15. CLOSURE OF MEETING

The Shire President declared the meeting closed at 6:17pm.