



Ordinary Council Meeting Minutes 26 November 2015

CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on 17 December 2015 as a true and accurate record of the Ordinary Council Meeting held on 26 November 2015.

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

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

DISCLAIMER

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Signed at Exmouth



(B Price), Chief Executive Officer Shire of Exmouth

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ORDINARY COUNCIL MEETING MINUTES

Our Vision

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

Our Purpose

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

Our Strategic

Objectives

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

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President welcomed everyone present and declared the meeting open at 5.00pm.

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

Councillor C (Turk) Shales	Shire President
Councillor M Hood	Deputy Shire President
Councillor R (Bob) Todd	
Councillor S McHutchison	
Councillor J Roscic	
Mr B Price	Chief Executive Officer
Mrs S O'Toole	Executive Manager Corporate Services
Mr R Manning	Executive Manager Health & Building
Mr R Mhasho	Executive Manager Town Planning

GALLERY

Visitors: 3

APOLOGIES

Mrs J Kox	Executive Manager Aviation Services
Mr K Woodward	Executive Manager Engineering Services
Mr R Kempe	Executive Manager Community Engagement

LEAVE OF ABSENCE

Councillor S Coote

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTIONS TIME

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

Council Consideration Towards Public

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

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

Nil

5. DECLARATIONS OF INTEREST

Item/Description	Name	Detail of Interest	Extent of Interest

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

COUNCIL DECISION – 01-1115 - ITEM 7
--

Moved Councillor Hood, Seconded Councillor Todd.

That the Minutes of the Ordinary Meeting of the Shire of Exmouth held on the 29 October 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 expressed his appreciation to Cr Todd for standing in for him at the recent Remembrance Day commemoration and to Cr Roscic for officiating at the Gascoyne Swimming carnival.

The Shire President also congratulated the numerous local businesses who won awards at the recent Airport Association Tourism Awards. The local winners are as follows:

Category 5 – Ecotourism

- **Gold** – Sail Ningaloo - Overnight Sailing, Snorkelling & Diving Tours (CORAL BAY);
- **Bronze** – Charter 1 (EXMOUTH).

Category 8 – Specialised Tourism Services

- **Silver** – Exmouth Holidays (EXMOUTH).

Category 9 – Visitor Information Services

- **Gold** – Exmouth Visitor Centre (EXMOUTH).

Category 13 – Adventure Tourism

- **Silver** – Three Islands Whale Shark Dive (EXMOUTH);
- **Bronze** – Sail Ningaloo - Overnight Sailing, Snorkeling & Diving Tours (CORAL BAY).

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:

- 4/11/15 Welcome meeting with Minister Redman and Stakeholders Deepwater Port Vision
- 4/11/15 Thank you meet and greet with Minister and Major Stakeholders to do with Securing the Ningaloo Centre go ahead
- 4/11/15 Attended Turning of the sod for the Ningaloo Centre

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

- 23/11/15 Regional Development Commission Meet and Greet

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

- 4/11/15 Meet and greet with the Minister Proponents of the Ningaloo Centre
- 4/11/15 Attended the Turning of the sod for the Ningaloo Centre
- 5, 6/11/15 Attended CEDA Future of the Gascoyne Conference in Carnarvon
- 11/11/15 Opened Remembrance Day Service
- 18/11/15 Attended an Oil and Gas CRG meeting
- 20/11/15 Attended Regional Road group meeting
- 20/11/15 Attended WALGA meeting
- 20/11/15 Attended a meet and greet with the members & visitors of the Regional Road Group and WALGA
- 23/11/15 After hours meet and greet with members from the Development Commission
- 24/11/15 Met with David Bradley from Exmouth Energy

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

- 4/11/15 Meeting in Chambers regarding Deep Water Wharf
- 4/11/15 Attended Turning of the sod for the Ningaloo Centre
- 4/11/15 CCI Meeting
- 7/11/15 Welcome on behalf of the Shire of Exmouth for the Gascoyne Open swim meet
- 10/11/15 CCG Meeting
- 12/11/15 BEV meeting with Jenny Kox, Cr Shane Coote and Gavin Penfold
- 16/11/15 Meeting with Bill Price to address some issues raised by residents

10.1 Shire Presidents Report

Location:	Exmouth
Applicant:	Cr C (Turk) Shales
File Reference:	GV.CM.0
Disclosure of Interest:	Nil
Date:	19 November 2015

SUMMARY

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

BACKGROUND

- 30/10/15 Interview with Northern Guardian in regards to the Deep Water Port vision.
- 3/11/15 RAAF Russell Cox, Meet and Greet with Paul and Belinda Freedendal future base commanders.
- 4/11/15 Welcome meeting with Minister Redman and Stakeholders Deepwater Port Vision.
- 4/11/15 Thank you meet and greet with Minister and Major Stakeholders to do with securing the Ningaloo Centre go ahead.
- 4/11/15 Turning of the sod for the Ningaloo Centre.
- 5/11/15 CEDA Carnarvon Conference.
- 6/11/15 Gascoyne Economic Forum.
- 9/11/15 Meeting with DOT- Steve Jenkins and Jo Bruyn regarding Exmouth Marina and other issues.
- 17/11/15 Gascoyne Tourism Board Meeting.
- 18/11/15 Meeting with BHP Billiton Clair Hall, Tim Cooper and CEO.
- 20/11/15 Attended as observer the GRRG Meeting and Zone Meeting.
- 18/11/15 Meeting with the Regional Development Commission Officers in Exmouth.

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 November 2015.

COUNCIL DECISION –02– 1115– 10.1

Moved Councillor Hood, Seconded Councillor Todd.

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

SUMMARY

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

BACKGROUND

Ningaloo Centre Update

Turning of the Sod Event

In what is a significant milestone for the Council and the community, the official '*Turning of the First Sod*' event for the Ningaloo Centre was held on 4 November 2015. An estimated 300 people attended the event emphasising the general community support for the project.



Not only was the first sod turned with 2 original shovels with historical significance to Exmouth's history, the construction also started with a *Big Bang!!*

West Coast fireworks set up just enough dynamite to get people's attention and the Honourable Terry Redman MLA, Minister for Regional Development pressed the button and coloured the sky with our Pilbara red dirt to officially start the works on the Ningaloo Centre.



Councillor Turk Shales acknowledged the funding partners in his speech:

- Government of Western Australia, Department of Regional Development - \$22 million Royalties for Regions;
- Australian Government, Federal Department of Infrastructure and Regional Development – \$7 million Community Development Grant; and
- Lotterywest – \$3.5 million Building Grant.

The Ningaloo Centre is scheduled to be opened in April 2017.

I would like to acknowledge the excellent efforts of the Community Engagement department for coordinating the successful event.

Recording the Construction of the Ningaloo Centre

The Shire has engaged Haiden Mumby from *HRM Productions* to document the construction of the Ningaloo Centre. Haiden is a 13 year old Exmouth local and has already assisted the Shire with some excellent video footage of the Big Bang event.

Haiden will use his drone to fly over the building site and record the construction progress over the coming months. He will then get into the editing process to produce a so-called ‘time-lapse’ video which compresses the whole construction into a movie of a few minutes.

It’s a big time commitment from Haiden but he is very keen to do this and has already lots of ideas for this project which he will also use for a school project.



Ningaloo Alliance

EMCE, Strategic Project Officer and myself will be attending the next Ningaloo Alliance committee meeting to be held at the Durack Batavia TAFE in Geraldton on Wednesday 2 December 2015. Mr Chris Mitchell, Managing Director of Seafarms, the Black Prawn project that has purchased the Aquaculture Farm South of the Exmouth townsite has been invited and subsequently accepted membership to the Ningaloo Alliance.

NOERC

As advised previously, a meeting of the Ningaloo Ocean and Earth Research Centre (NOERC) committee was held on Friday 14 August 2015 in an attempt to wind up the committee which now has no carriage or purpose.

Some members resolved to not support the recommendation, requesting additional information to be provided by the GDC.

Attached is a copy of that correspondence that addresses the issues raised by the committee members (refer **Attachment I**).

It is the intention of the GDC and Council to wind up this committee.

Northern Australia Infrastructure Facility (NAIF)

The Australian Government recognises the enormous economic potential of northern Australia, and is committed to its development. The White Paper on Developing Northern Australia (White Paper), released in June 2015, articulates an ambitious vision for the north and sets out our plan to develop its vast untapped economic potential.

The White Paper acknowledges that governments cannot do this alone, and that their role is primarily as facilitators: to help communities and businesses to prosper by creating the right conditions for investment and innovation.

The NAIF is an integral part of the Government's strategy for northern Australia. Commencing from 2016-17, it will offer up to \$5 billion in concessional loans to encourage and complement private sector investment in economic infrastructure that otherwise would not be built. The NAIF will also bring forward the construction of infrastructure that would otherwise not be built for some time.

Through the NAIF, the Commonwealth will partner with the private sector and the governments of the Northern Territory, Queensland and Western Australia, to provide loans on concessional terms for the construction of major projects such as airports, ports, roads, rail, energy, water, and communications infrastructure. These are the types of economic infrastructure needed to further open the north for business and to deliver wider public benefit for the rest of Australia. Attached is a consultation paper on the NAIF for Councillor Information (refer Attachment 2).

Western Australian Regional Development Trust's (Trust) 2014-15 Annual Report.

The Western Australian Regional Development Trust's (Trust) 2014-15 Annual Report has been made available.

The Trust is an independent statutory advisory body to the Minister for Regional Development on the Royalties for Regions Fund (the Fund). The Trust performs an oversight role and provides independent and impartial advice and recommendations on the policy, allocation and management of expenditure of the Fund.

As a key stakeholder the document provides a useful reference and a concise summary of advice for the 2014-15 year and I attach a copy for your information.

http://www.drd.wa.gov.au/Publications/Documents/WARDT_Annual_Report_2014_15.pdf

Exmouth Multi-purpose Deep Water Wharf

Representatives from the Gascoyne Development Commission, Regional Development Australia Midwest/Gascoyne Region, Exmouth Limestone and Council met with the Minister for Regional Development, Hon. Terry Redman MLA, and Vince Catania MLA, Member for Northwest Central, in Exmouth on Wednesday 4 November 2015 to discuss the opportunity for the establishment of a Multi-purpose Deep Water Wharf in the Exmouth Gulf.

Exmouth Boat Harbour Upgrade Steering Committee

The members of the Exmouth Boat Harbour Upgrade Steering Committee held a meeting in Exmouth on Tuesday 10 November 2015. Issues of significance are as follows:-

Project Program

Department of Transport (DoT) tabled the Project Progress Notes, the Revised Program based on the approved budget, and the Chair outlined the key components in the latest Concept Plan. The key progress updates include:

- **Design Update** - Detailed design now complete with the exception of the cyclone mooring system. Current design includes option for 4 new cyclone rated pens at the entrance of the harbour and 6 - 7 new 25 metre cyclone moorings (chains) along new wharf.
- **Project Timelines** - Revised program was tabled.
- **Early Works** – Tenders close 10 November 2015 and contract award expected to be late December 2015 with completion by April 2016. Dredging to be undertaken in conjunction with maintenance dredging scheduled for Feb/Mar 2016.
- **Main Works – Marine Structures & Civil Works** - The EOI had a strong response and is being evaluated and shortlisted. Requests for Tenders are expected to be sent out in late November 2015. The award of contract is likely to be February 2016, and it is anticipated that on-site commencement will be May 2016.

The Shire has identified that the Mortiss St access road into the Harbour needs upgrading and planning for this work should be undertaken as a priority. DoT has been in discussions with the Shire and it has been agreed that a Working Group will be established to progress road planning.

Action: DoT to commence discussions with Main Roads, Shire of Exmouth, and Landcorp on Mortiss Street road design.

The Shire reconfirmed that they would like to formalise design guidelines for the Harbour to provide consistent standards for development.

The Shire raised an operational issue regarding passenger transfers from cruise ships to the Harbour. It was suggested that an upgrade to the northern precinct of the Harbour to provide shade shelter and improved general amenity is required. It was agreed that further discussion on concepts design and costings to upgrade this area would be held between DoT, Shire of Exmouth and GDC.

Action: DoT to review and update planning and design for northern side of the harbour incorporating improvements for passenger transfers.

Christmas Function

The Annual Council Christmas Party will be held behind the Administration Building on Friday 11 December 2015 commencing at 5pm. It is intended that a traditional cold meat and salad meal be provided. Santa will be visiting and there will be slippery slide, small pools and activities available for children. Invitations are currently being arranged.

Staff

There are no staff issues to report during the month at hand.

Other Meetings & Functions attended by the CEO

- Shire President, Cr Todd, EMAS, EMCE, EMHB, EMTP and myself attended the 'Future of the Gascoyne' and 'Gascoyne Economic Forum' seminars being held in Carnarvon on Thursday 5 and Friday 6 November 2015.
- Shire President, EMTP and myself met with Steve Jenkins, Manager of Coastal Assets and Jo Bruyn, DOT in Exmouth on Monday 9 November 2015 to discuss coastal transport issues affecting Exmouth.
- I met with Jo McCabe, Regional Superintendent of Police Pilbara District, in Exmouth on Tuesday 10 November 2015 to discuss Policing matters affecting Exmouth and the region.
- EMHB & myself met with Darryl Abbott Regional Manager, Department of Water and Steve Greeves, Regional Manager Water Corporation in Exmouth on Wednesday 11 November 2015 to discuss Strategic Outlook for Future Water Supplies in Exmouth.
- EMTP and myself attended final briefing meeting with representatives of DOH, held in Perth on Thursday 12 November 2015 for the initiation of the Affordable Accommodation project for Exmouth.
- Shire President and myself met with respective representatives from Woodside, Quadrant Energy and BHP in Exmouth on Wednesday 18 November 2015 to discuss their companies projects in the region.
- Cr Todd and myself attended the Gascoyne RRG & Zone meetings being held in Exmouth on Friday 20 November 2015, which was attended by Minister Tony Simpson, Minister Dean Nalder, Melissa Price, Member for Durack and Vince Catania, Member for North West Central. The President and CEO of WALGA were also in attendance.

Meetings Scheduled for Next Month

- EMCE, SPO and myself will be attending the next Ningaloo Alliance committee meeting to be held at the Durack Batavia TAFE in Geraldton on Wednesday 2 December 2015.
- I will be representing Council at the Awards Ceremony of the Children's Environment & Health Local Government Report Card Project 2015 to be held in Perth on Tuesday 8 December 2015.
- I will be attending the next Cruise WA committee meeting being held in Perth on Thursday 10 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

OFFICER'S RECOMMENDATION – 11.1.1
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That Council receive the Chief Executive Officers Report for the month of November 2015.

COUNCIL DECISION –03–1115– 11.1 .1

Moved Councillor Todd, Seconded Councillor McHutchison.

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

CARRIED 5/0

11. REPORTS OF OFFICER

11.1 Chief Executive Officer

11.1.2 Exmouth Volunteer Fire & Rescue Service – Shed Purchase

Location:	Exmouth
Applicant:	EVFRS
File Reference:	CM.TE.04.2015
Disclosure of Interest:	Nil
Date:	18 November 2015
Author:	Chief Executive Officer, Mr B Price

SUMMARY

This report recommends that Council make a contribution of \$55,000 (inc. GST) to the Exmouth Volunteer Fire & Rescue Service (EVFRS) towards the assets retained by Council as part of the Ningaloo Centre precinct.

BACKGROUND

Council are aware that with the establishment of the new Ningaloo Centre project on existing Reserve No. R50807 (Purpose - Recreation & Research Centre), has encroached on the area that has previously been utilised by the (EVFRS) for the purposes of running track and storage of equipment.

Negotiations have been held with the committee and it has been requested that Council pay a sum of \$55,000 (inc. GST) in recognition of the loss of the storage facility and running track assets.

As the organisation is not currently active in this particular activity and are negotiating a new premise for the future it is recommended that the funds be placed in the Council Trust Fund to be available to the (EVFRS) upon request when a relevant project has been identified. It is intended that a formal agreement be arranged for this purpose.

COMMENT

The existing storage shed being a concrete stand up panel is intended to be retained as storage shed for equipment associated with the upkeep of the Ningaloo Centre building and surrounds. The shed also contains water tank that can be utilised in the grounds reticulation system. Headwork connections such as water and power will be sited within this area.

CONSULTATION

Exmouth Volunteer Fire & Rescue Services.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The purchase price of \$55,000 (inc. GST) for the (EVFRS) assets has been allowed for in the overall budget for the construction of the Ningaloo Centre being \$32.22m.

STRATEGIC IMPLICATIONS

Economic

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

- Outcome 1.3: Diverse Tourism opportunities
- Outcome 1.5: Maintain & Improve Shire Infrastructure

Environment

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

- Outcome 2.2: Our pristine natural environment and biodiversity will be understood, maintained and protected
- Outcome 2.3: To have a town and community that takes pride in its world heritage

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

Social

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.1.2
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That Council make a contribution of \$55,000 (inc. GST) to the Exmouth Volunteer Fire & Rescue Service (EVFRS) towards the assets retained by Council as part of the Ningaloo Centre precinct.

COUNCIL DECISION –04–1115– 11.1 .2

Moved Councillor McHutchison, Seconded Councillor Hood.

That Council make a contribution of \$55,000 (inc. GST) to the Exmouth Volunteer Fire & Rescue Service (EVFRS) towards the assets retained by Council as part of the Ningaloo Centre precinct.

CARRIED 5/0

11. REPORTS OF OFFICERS

11.1 Chief Executive Officer

11.1.3 Review of Policy No. 6.12 – Holiday Accommodation

Location:	Shire of Exmouth
Applicant:	Rhassel Mhasho
File Reference:	CM.PO.4
Disclosure of Interest:	Nil
Date:	10 September 2015
Author:	Chief Executive Officer, Bill Price

SUMMARY

This report recommends that Council resolve to amend *Policy No. 6.12 – Holiday Accommodation* and advertise the amendments in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*.

BACKGROUND

Council Officers are seeking the review of *Policy No. 6.12 – Holiday Accommodation*. There have been issues with the complaints procedure in regard to the operation of Holiday Accommodation within the Shire of Exmouth. Therefore, amendments to the Policy have been put forward for Council's consideration (refer *Attachment 3*).

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

The objectives of the Council's Policy Manual are:

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

The proposed amendments can be summarised as follows:

- Further clarification regarding how a complaint should be lodged and the content required with a complaint to make it a 'substantiated complaint'.
- Further clarification regarding the compliance process that will be followed based on complaints and any evidence identifying non-compliance with conditions of Development Approval.
- Implementation of a 'three substantiated complaints policy' for Holiday Accommodation continually not complying with Development Approval.
- Upon three substantiated complaints being applied to a Holiday Accommodation within three (3) years Council Officers may put a recommendation to Council for the cancellation of Development Approval for the Holiday Accommodation, for a period of not less than 12 months where the Holiday Accommodation use cannot occur at the conclusion of the Annual Term.
- Inclusion of the Skipjack Circle Estate plan.
- Ensure Management Plans and emergency response plans make reference to the Exmouth Marina Village Canal Boat Mooring Management Plan and Standard Operating Procedures, where applicable.
- General spelling and grammar edits in line with the terminology use in the new *Planning and Development (Local Planning Scheme) Regulations 2015*.
- Removal of sections/text considered unnecessary as the content of this text is covered by other legislation and policies.

COMMENT**Procedure for Amending a Local Planning Policy**

Clause 4 and 5 of 'Schedule 2 - Deemed provisions for local planning schemes' of the *Planning and Development (Local Planning Scheme) Regulations 2015* outline the process for making and amending a local planning policy. Council must resolve to amend a local planning policy. Those amendments are required to be advertised in accordance with the Regulations with a subsequent submission period (refer to Consultation section below). At the conclusion of the submission period Council must review the proposed policy in light of any submissions and resolve whether to proceed with the policy with or without modification or not proceed with the policy. Should Council resolve to proceed with the Policy publication of a notice of the resolution in a newspaper circulating the district will give the Policy effect.

Substantiated Complaint

Currently *Policy No. 12 – Holiday Accommodation* requires complaints to be lodged with the Shire of Exmouth in writing with evidence showing proof that compliance with the conditions of development approval is not occurring. Council Officers have received a number of complaints that have not been provided with evidence. Therefore, it can't be substantiated that the conditions of development approval have not been complied with. This has resulted in a lot of wasted time for Council Officers investigating matters where the result of the investigation was either that non-compliance could not be proven or it did not occur.

Therefore, Section '3.2 Substantiated Complaints' is proposed to be included in the Policy. The purpose of this section is to outline what is expected for the lodgement of complaints. Complaints must be lodged in writing and provided with evidence to justify that there has been non-compliance with conditions of Development Approval. A list of the types of evidence that can be provided has been included so that complainants know what is expected. Through this evidence Council Officers may determine that a complaint is 'substantiated' and further investigation is warranted. It has also been clarified that complaints must relate to matters occurring within the premises as incidents off the premises are separate from the operation of approved Holiday Accommodation.

Compliance Procedure

Section '3.1. Compliance and Enforcement' of *Policy No. 12 – Holiday Accommodation* has been amended to focus more on the procedure for dealing with complaints and non-compliance with conditions of Development Approval. The procedure outlines how Council will deal with the lodgement of a complaint, the investigation procedure and the compliance procedure regarding the 'three substantiated complaints policy' (refer to section below). The procedure also clarifies that complaints not lodged correctly may be dismissed. For such complaints the complainant shall be advised of the correct procedure. This is to allow Council Officers to more effectively deal with issues of multiple complaints being lodged which have not been in accordance with the Policy. Such complaints shall not be acknowledged if they continue to occur after the complainant has been advised of the correct procedure.

Three Substantiated Complaints Policy

Currently *Policy No. 12 – Holiday Accommodation* requires Council to determine the renewal of Holiday Accommodation through the lodgement of a new application after one (1) complaint being received with evidence. The Policy also outlines that Council may renew or refuse to renew the application. One incident is not considered sufficient to determine ongoing non-compliance with conditions of Development Approval for Holiday Accommodation.

It is considered reasonable that Council should adopt a 'three substantiated complaints policy' for Holiday Accommodation not complying with Development Approval. The amended Policy proposes a 'substantiated complaint' to be applied to a Holiday Accommodation for every proven incident of non-compliance with conditions of Development Approval which would generally occur from the investigation of a 'substantiated complaint'. However, substantiated complaints could also be applied from general compliance undertakings. Measures for the application of substantial complaints have also been included where the Manager or person responsible for a Holiday Accommodation fails to respond to compliance investigation or requests to rectify ongoing non-compliance.

Upon three substantiated complaints being applied to a Holiday Accommodation Council Officers may put a recommendation to Council for the revocation of the Development Approval where three such complaints have been made within a period of not less than three (3) years. The three substantiated complaints will allow Holiday Accommodation that is generally doing the right thing and operating within the conditions of Development

Approval to continue operation after rare one-off incidents.

CONSULTATION

The amendment of a local planning policy requires advertising in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015* as follows:

- (a) *publish a notice of the proposed policy in a newspaper circulating in the Scheme area, giving details of —*
 - (i) *the subject and nature of the proposed policy; and*
 - (ii) *the objectives of the proposed policy; and*
 - (iii) *where the proposed policy may be inspected; and*
 - (iv) *to whom, in what form and during what period submissions in relation to the proposed policy may be made;*
- (b) *if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the Commission;*
- (c) *give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.*

The period for making submissions must not be less than 21 days from the date of any of the above notices. The proposed Policy is not considered to be inconsistent with any State planning policy, therefore notice is not required to be given to the Western Australian Planning Commission.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Planning and Development (Local Planning Scheme) Regulations 2015

Town Planning Scheme No. 3

POLICY IMPLICATIONS

Policy No. 12 – Holiday Accommodation

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 – 11.1.3
--

That Council:

1. *Resolve to amend Policy No. 12 – Holiday Accommodation in accordance with Attachment7;*
2. *Advertise the proposed Policy in accordance with ‘Schedule 2 - Deemed provisions for Local PlanningSchemes’ of the Planning and Development (Local Planning Scheme) Regulations 2015;*
3. *Upon conclusion of the submission period review the proposed Policy in light of any submissions and determine whether to:*
 - (i) *proceed with the policy without modification; or*
 - (ii) *proceed with the policy with modification; or*
 - (iii) *not to proceed with the policy.*

COUNCIL DECISION –05–1115– 11.1.3
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Moved Councillor Hood, Seconded Councillor Todd.

That Council:

1. *Resolve to amend Policy No. 12 – Holiday Accommodation in accordance with Attachment7;*
2. *Advertise the proposed Policy in accordance with ‘Schedule 2 - Deemed provisions for Local PlanningSchemes’ of the Planning and Development (Local Planning Scheme) Regulations 2015;*
3. *Upon conclusion of the submission period review the proposed Policy in light of any submissions and determine whether to:*
 - (i) *proceed with the policy without modification; or*
 - (ii) *proceed with the policy with modification; or*
 - (iii) *not to proceed with the policy.*

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:	4 November 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 October 2015.

BACKGROUND

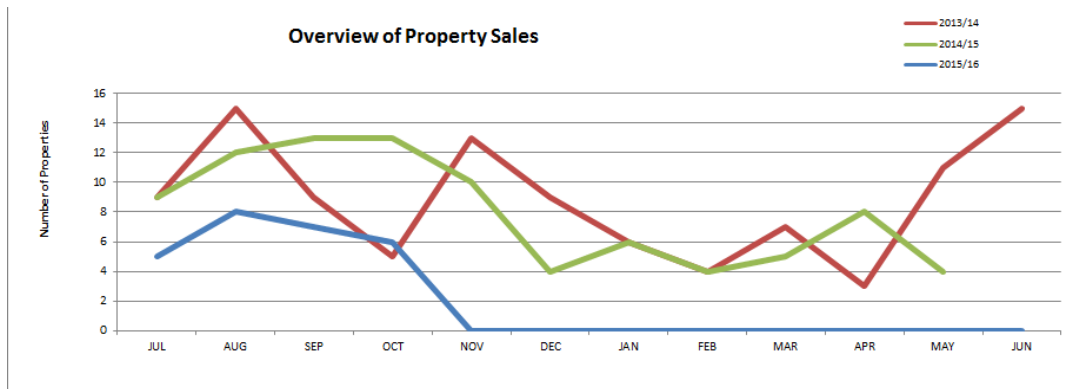
Rating

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
9	Residential	\$4,525,000	\$502,778
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
26		\$8,092,500	

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		10	13
DEC		4	9
JAN		6	6
FEB		4	4
MAR		5	7
APR		8	3
MAY		4	11
JUN		2	15
	26	90	106

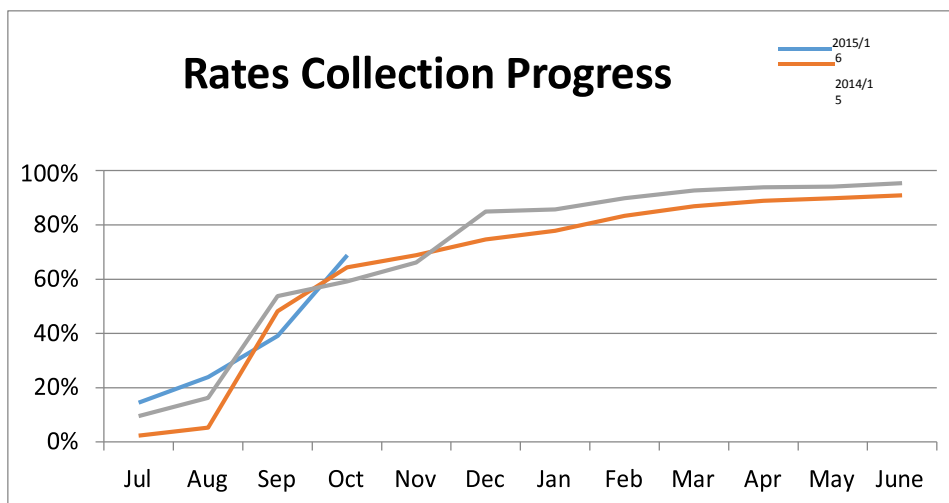
Property Sales Cont.**Rates Collection**

Summary of Rates and Charges Collection			
Rates Collection Analysis			
			\$
Rates & Charges Levied 2015/16			4,052,725
Arrears 1 July 2015			395,588
Less Collections			(3,027,971)
Total Rates & Charges Outstanding			1,420,342
Less Pensioner Deferred Rates			(30,189)
Total Rates Collectable			1,390,153
% Collected to Date			68.7%
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	15%	3%	10%
Aug	24%	5%	16%
Sep	39%	48%	54%
Oct	69%	65%	59%
Nov		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

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 November 2015.

COUNCIL DECISION –06–1115– 11.2.1

Moved Councillor Roscic, Seconded Councillor Todd.

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

CARRIED 5/0

12. 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:	4 November 2015
Author:	Executive Manager Corporate Services, Sue O'Toole
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY

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

BACKGROUND

Financial report for the period ended 31 October 2015 has been prepared and a copy of the Report is attached (refer *Attachment 1*) and a complete list of accounts for payment is attached as (refer *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.

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.2.2
--

That Council:

1. *Accept the monthly financial reports for period ended 31 October 2015;*
2. *The accounts as listed in the monthly financial report be received for;*
Municipal Fund – October 2015 \$1,696,422.86 incorporating of cheques 13185 - 13198 and direct debits
3. *Trust Fund – October 2015 \$5,138.13 incorporating of cheques 400828 - 400833 and direct debits*
Outstanding Creditors as at October 2015 - \$406,013.51.

COUNCIL DECISION –07–1115– 11.2.2
--

Moved Councillor Hood, Seconded Councillor Todd.

That Council:

- 1. Accept the monthly financial reports for period ended 31 October 2015;*
- 2. The accounts as listed in the monthly financial report be received for;
Municipal Fund – October 2015 \$1,696,422.86 incorporating of cheques 13185 - 13198 and direct debits*
- 3. Trust Fund – October 2015 \$5,138.13 incorporating of cheques 400828 - 400833 and direct debits
Outstanding Creditors as at October 2015 - \$406,013.51.*

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

SUMMARY

BACKGROUND

Defence

Officers met with the new base site manager for RAAF Learmonth FLTSGT Paul Freedendal on 4 November 2015 at the monthly Defence meeting prior to his commencement of position in January 2016. FLTSGT Shane Cheney finishes up in the role on 30 November 2015 and we wish him and his family all the best in their next move to New South Wales.

Regulatory

Consideration is being given to extending the departures lounge to include the café area which will result in all people accessing the café being required to be screened. The advantages of changing the departures layout will be access to additional seating and the disabled toilet and baby change room post screening. This, along with the changes to security screening equipment which is likely to occur in January 2016, requires that the airports Transport Security Program (TSP) be amended. Recent changes by the Office of Transport Security to TSP requirements nationally will be included at the time of amendment.

A bi-annual Airport Security Committee meeting will be held on 1 December 2015 with representative of the Office of Transport Security in attendance.

Airlines/Air Operators/Industry

Qantas held a stakeholders meeting on 4 November 2015 in conjunction with the Department of Transport's Exmouth Community Consultation Group (CCG) meeting. As the Department of Transport (DoT) has announced that Learmonth Airport will be fully deregulated from 17 February 2016, this was the final formal meeting of the CCG which is a requirement of the regulated airports contracts. DoT advised that after this date that, whilst there is one airline operating into Learmonth that airline will be required to report to DoT on fares and fare charges, however there will be no accountability to DoT to keep the fare prices from rising. Applications to change fares is made on the maximum Y class fare (currently \$667 one way).

Qantas announced at the meeting that they will be operating one service for the following days albeit a B717 in lieu of an F100 due to historically low numbers on these days over previous years:

Friday 25 December 2015
 Friday 1 January 2016
 Wednesday 6 January 2016
 Friday 15 January 2016
 Wednesday 20 January 2016
 Tuesday 26 January 2016

Overall, passenger numbers for October 2015 were down slightly on the previous year (9% less) with the year to date passenger numbers down 3% than for the same period in 2014/15.

Learmonth Airport



Airport workers participated in a FOD (foreign object debris) walk of the apron and runway on 28 October 2015 as part of Airport Safety Week. A number of presentations prepared by the Australian Airports Association in conjunction with the Civil Aviation Safety Authority and their New Zealand counterparts were also shown to airport staff to further improve their knowledge of airside safety. Topics covered airside safety, wildlife management, fatigue, runway safety, drug & alcohol management and noise.



A live exercise of Learmonth Airport's Emergency Plan will be undertaken on 28 November 2015 from 7-10am. Local volunteers have been sourced to play the role of passengers on board the aircraft. The bi-annual live exercise involves all responding agencies and provides an opportunity to test the overall as well as agency-specific response plans to an aircraft accident as well as familiarising responders with the airside area of the airport.

The air route connectivity survey concluded on 15 November 2015 with 434 responses received for the Exmouth region and 3376 responses across all 15 contributing airports. The responses are in the process of being collated and assessed with a view to meet with airlines to discuss potential new air routes in the future.

Exmouth Aerodrome

Fencing of the new apron and lot areas within the general aviation precinct is underway to create a new airside/landside barrier and defined parking areas to benefit tenants and their visitors.

Discussions are taking place with a company who would like to conduct a trial of a product to help bind and slightly strengthen the runway surface with little cost to Council to be included in the trial. Further information will be provided if the project proceeds.

Leasing

The two applicants for the sublease of the kiosk and bar at Learmonth Airport have met with the Executive Manager Aviation Services on their proposals for the sublease space. Both applicants have since been invited to make a presentation to Councillors at the December 2015 Council Briefing Session pending a decision at the December 2015 Ordinary Council Meeting.

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 November 2015.

COUNCIL DECISION –08–1115– 11.3.1
--

Moved Councillor Todd, Seconded Councillor Roscic.

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

CARRIED 5/0

11. REPORTS OF OFFICERS**COUNCIL DECISION –09–1115– 11.3.2**

Moved Councillor Todd, Seconded Councillor McHutchison.

That Council lay the following matter (Agenda Report 11.3.2) on the table to enable the EMAS to hold further negotiations with Birds Eye View Pty Ltd and that if no satisfactory resolution is achieved the item is to be re-presented to the next Ordinary Council meeting.

CARRIED 5/0

11.3 Executive Manager Aviation Services**11.3.2 Lease of Lot 11 – Exmouth Aerodrome**

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 onsold 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 2015. 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-Minilya 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

OFFICER'S RECOMMENDATION – 11.3.2
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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).*

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:	16 November 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 Cruise Ship Committee

The Exmouth Cruise Ship Committee held its inaugural meeting on 13 November 2015. This new committee consists of representatives from the following organisations:

Exmouth Visitor Centre
 Shire of Exmouth
 Exmouth Game Fishing Club
 Cruise WA Exmouth delegate
 Department of Transport
 Councillor Shire of Exmouth
 Exmouth Bus Charter
 Exmouth Chamber of Commerce and Industry
 Exmouth Community Markets

The goals of the Committee are:

- To provide strategic direction in the development of Exmouth/Ningaloo as a desirable cruise destination; and
- To identify and develop programs and projects that improve the experience of cruise ship passengers and crew.

The first meeting focussed on finalising the *Terms of Reference*, electing a Chair and Secretary and a general discussion on the current and future role of the member organisations. The next meeting will be held in December and will focus on grant opportunities and the development of a site plan for the passenger disembarking area near the game fishing clubhouse.

Exmouth Visitor Centre (EVC)

This tourism season has been very successful for the Ningaloo Region, and it was recently topped off with some winners and medallists in the *2015 Perth Airport Western Australian Tourism Awards*.

Category 5 – Ecotourism

Gold – Sail Ningaloo - Overnight Sailing, Snorkelling & Diving Tours (Coral Bay)

Bronze - Charter 1 – Whaleshark tours (Exmouth)

Category 8 – Specialised Tourism Services

Silver – Exmouth Holidays (Exmouth)

Category 9 – Visitor Information Services



Gold – Exmouth Visitor Centre (Exmouth)

Category 13 – Adventure Tourism

Silver – Three Islands Whale Shark Dive (Exmouth)

Bronze – Sail Ningaloo - Overnight Sailing, Snorkelling & Diving Tours (Coral Bay)

Exmouth Visitor Centre – AGM

The Exmouth Visitor Centre held their AGM on 28 October 2015. Noteworthy outcomes of the meeting include:

1. Acceptance of the proposed change of the trading name to: Ningaloo Visitor Centre

*‘The committee is proposing the Exmouth Visitor Centre change its trading name / rebrand to **Ningaloo Visitor Centre** in recognition of the fact the EVC represents both Coral Bay and Exmouth members; and in an ongoing effort to align with international and national marketing activities for the Ningaloo region. This will further complement the introduction of the Visit Ningaloo brand currently used in EVC destination marketing activities and the relocation to the Ningaloo Centre’.*

2. A change in the minimum number of meetings (from 6 annually) because it has been difficult at times to reach a quorum (especially during tourist season):

“The Committee must meet together for the dispatch of business not less than five (5) times in each year”.

3. Election of new Committee members, as follows:

Name	Business
James Small	Ocean Eco Adventures
Gina Nowak	Ningaloo Ecology Cruises
Peta Walker	Ningaloo Marine Interactions
Matt Oakley	Charter 1
Debbie Ferguson	Exmouth Diving Centre
Karen Lay	Coastal Adventure Tours
Shire of Exmouth Representatives	
Rogé Kempe	Executive Manager Community Engagement
Mick Hood	Councillor - Shire of Exmouth
Co-opted members	
Jackie Brooks	Aust. Coral Coast / Ningaloo Lodge/ECCI

Library Services

About 1500 people made use of the library facilities for the month of October and 1157 items were issued to patrons; an increase of 80 items for the same period in 2014.

Electronic resource borrowing is steadily increasing with 63 items being borrowed this month, the highest amount borrowed since the introduction of Ebooks in September 2014.

School Visit

Exmouth’s kindergarten students, parents, teacher Mrs Sue Sherwin and Principal Mr Ray Denholm visited the library this month to read stories, enjoy activities and receive their Better Beginnings resource bag. The bag contained reading books, activities and literature for parents encouraging them to read to their children to help build early literacy skills.



Community Development

Seniors Week

Seniors Week is an opportunity for all ages to join together and celebrate the valuable contributions of older people and improve community attitudes towards older people and ageing.

To celebrate Seniors Week 2015 a high tea was held at 5 Kennedy for 27 seniors who enjoyed a morning of quizzes & games, but more serious matters were also discussed. Information on how to stay hydrated in summer was given out by hospital staff; other useful information was provided by the HACC coordinator, social worker and the Shire's community development staff. It was also a great opportunity to hear directly from seniors what ideas or concerns they had.

Remembrance Day

Remembrance Day was held on 11 November with approximately 40 people attending. Councillor Bob Todd represented the Shire of Exmouth during the ceremony and lay a wreath on behalf of Council and the Exmouth Community.

Trails Masterplan

The Community Engagement team is continuing to progress the Trails Masterplan project. The CDO met with Steve Bennet from the Department of Sport and Recreation to discuss the project and a request for quote is being compiled. Once a quote is received the Shire will apply for grant funding to develop an Exmouth trails masterplan.

Club Development

The CDO attended a three day conference run by the Department of Sport and Recreation with Club Development Officers from around the State.

The conference provided a number of key meetings and professional development opportunities including:

- Information sharing and Q&A with Minister for Sport and Recreation Mia Davies MLA;
- Meetings with State Sporting Associations including Swimming WA, Basketball WA, Cricket; Gymnastics and Football WA (Soccer);
- Seminar on club governance and sessions on Kidsport, Clubs Online and Sport4All;
- Update on club development initiatives from across the State;
- Tour of State sporting facilities including State Netball Centre, Rugby WA and Charles Riley Memorial Reserve;
- Training session on Difficult Conversations; and
- RAC presentation on its latest road safety campaign and how regional clubs are being engaged to improve road safety outcomes.

The meeting provided a number of key learnings that can now be applied to the Exmouth Club environment.

Youth Action Exmouth (YAE)

Shire planning for 2016 has now been completed and this will be discussed with YAE members once the 2016 recruitment drive is completed.

YAE are currently working on a project to collect donations for Christmas Food Hampers. Collection points will be located in local Churches, the Shire Office and at Carols by Starlight. The hampers will be donated to Exmouth Community Support Group and distributed to Exmouth families in need this Christmas.

Grants Updates

Officers have applied for the following grants:

- *Stronger Communities Programme* grant for a new hard cover shade structure over Falls Street Playground. Requested grant amount is \$20,000 with a \$29,094 contribution from the Shire.
- *Equipment & Furniture* grant (\$49,826) from Lotterywest for a new hard cover shade structure for the Exmouth Playgroup outdoor area with a \$10,000 contribution from Exmouth Playgroup.
- Officers received a *Social Investment Grant* from Woodside (\$4,500) for the 'Catch the Wind' programme, which aims to raise awareness about extreme weather conditions at the Northwest Cape.

Media and Community Information

- Media release on first Sod Ningaloo Centre
- Media release on finalisation Reid Street flood mitigation
- Media information about Remembrance Day

Facebook overview

The Shire Facebook page was launched on 14 October 2015 and has been used and monitored on a daily basis.

Some observations so far, include:

- Although there are only 140+ 'Likes', the information on the page is seen by many more people.
- Out of 140 Likes, only 32 are from Exmouth, 82 are from Perth!
- More women (76%) than men (22%) like our page (unknown where the missing 2% is).
- Interaction is higher, via sharing, liking and commenting; top posts so far are as follows:

		Reach: Organic/Paid		Post Clicks		Likes, Comments & Shares	
Published	Post	Type	Targeting	Reach	Engagement		
05/11/2015 10:30	10, 9, 8, 7, 6, 5, 4, 3, 2, 1..... NINGALOO CENTRE: STARTING WITH A BANG!	Video	Global	3.2K	895 74		
02/11/2015 10:42	NINGALOO CENTRE: STARTING WITH A BANG....! The Exmouth Community is invited to celebrate the 'turni	Image	Global	2.1K	730 63		
30/10/2015 12:11	THE TOWN POOL IS CLOSED UNTIL FURTHER NOTICE On Thursday early indications were that water quality	Image	Global	1.8K	328 14		
11/11/2015 13:40	2015/16 TROPICAL CYCLONE SEASON OUTLOOK Yep, that's right, the 2015-16 Cyclone Season is here and	Image	Global	1K	260 24		
09/11/2015 12:45	Because we can't get enough of it, we like to share some more footage of the Ningaloo Centre Big Bang. Thank	Video	Global	846	195 17		
05/11/2015 10:09	UPDATE The Spraypark is now open! SPRAYPARK CLOSURE NOTICE The Shire of Exmouth would like to ad	Image	Global	553	34 1		
03/11/2015 16:52	SPECIAL SHOVEL READY FOR FIRST SOD NINGALOO CENTRE This shovel was used to turn the first sod	Image	Global	530	52 17		
15/10/2015 09:00	There are so many Emus and their cute little chicks in town this year! It is one of the things locals and visitors enj	Image	Global	372	58 21		

Officers need to be aware that posting on the Shire Facebook page does not yet reach many Exmouth community members. Therefore, it remains important to utilise other means of communications like the Shire's website, noticeboards and Exmouth Info until the Facebook page has attracted more followers.

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 November 2015.

COUNCIL DECISION –10–1115– 11.4.1
--

Moved Councillor McHutchison, Seconded Councillor Todd.

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

CARRIED 5/0

11. REPORTS OF OFFICERS

11.4 Executive Manager Community Engagement

11.4.2 Exmouth Visitor Centre Reporting on KPIs

Location:	Exmouth
Applicant:	R Kempe
File Reference:	CS.SP.29
Disclosure of Interest:	Nil
Date:	17 November 2015
Author:	Executive Manager Community Engagement, Rogé Kempe
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY

The Council of the Shire of Exmouth supports the Exmouth Visitor Centre operations with a cash contribution and in return requires from the Exmouth Visitor Centre Marketing Committee (EVCMC) bi-annual review reports regarding their achievements against Key Performance Indicators (KPIs).

Officers recommend that Council accepts the November 2015 KPI Review Report from the EVCMC as presented with this Council Report.

BACKGROUND

The Shire of Exmouth has entered into a formal Funding Agreement with the EVCMC outlining the support provided by the Shire of Exmouth and the conditions for this support.

The EVCMC is required to develop Key Performance Indicators to guide their deliverables and to provide specific reporting requirements to Council.

Reporting requirements on Key Performance Areas/Indicators are embedded in the Funding Agreement between the two parties as follows:

Evaluation and reporting

- *EVCMC shall conduct evaluations of its performance in relation to the **Key Performance Indicators** and its implementation of the Strategic Plan on a biannual basis in March and September of each year during the Term.*
- *EVCMC shall provide a report to the Shire detailing the results and outcome of each bi-annual evaluation by 1 April and 1 November of each year during the Term, unless otherwise agreed by the Shire.*
- *EVCMC shall additionally provide to the Shire:*
 - *a copy of its audited annual statement of accounts for each preceding financial year by no later than 1 November in each year of the Term;*
 - *advice of any changes in its office holders or its rules of association; and*
 - *any information on EVCMC's membership or other information in relation to the management or activities of EVCMC requested by the Shire to determine EVCMC's compliance with the Key Performance Indicators.*

This Council item and attachment provides the November 2015 Report to Council on the achievements of the EVCMC in Key Performance Areas identified in the Centre's Strategic Plan 2013-2017.

COMMENT

A Report outlining the achievements against Key Performance Indicators was submitted with the Shire by the EVCMC (refer **Attachment 1**).

Regarding the KPI reporting, officers bring to Council's attention the following:

- Audited Financial Report for the year ended June 2015; this is the first time an audited report has been finalised by the October month and highlights the improvements made in administration and

- financial reporting processes.
- A surplus for the Financial Year (\$6,003) was made, compared to a deficit in 2014 of \$38,301.
- One of the KPI's set 3 years ago was for the EVC to reach a projected net profit of \$110,000 for the year 2014/15. The EVC has made substantial turn-around from a loss in the previous financial year to a small profit last financial year. It is understood that the EVC is identifying opportunities for increased income and cost reduction. It remains unclear at this stage if a net profit of \$110,000 is realistic.
- Various surveys have been conducted and they provide a good benchmark for the performance of the EVC as seen by: staff, EVC members and visitors to the region, including cruise ships.
- A Risk Assessment Plan has been developed for the first time and is being implemented and updated.
- The Exmouth Visitor Centre has won 3 State awards in the past 12 months which indicates that they excel in their field of work.

Overall, officers commend the EVCMC and staff of the Visitor Centre on the progress made over the past period.

Future Reporting Requirements

Officers recommend to review the current KPI's in line with the EVC's Strategic Plan which is under review in the coming months and report to Council on these new KPI's in April 2016.

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.

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 – 11.4.2
--

That Council:

1. *accepts the November 2015 bi-annual Review Report from the Exmouth Visitor Centre Marketing Committee; and*
2. *requests the Exmouth Visitor Centre Marketing Committee to work with the Shire in the development of reviewed KPI's in line with the Funding Agreement and the review of the Visitor Centre's Strategic Plan.*

COUNCIL DECISION –11–1115– 11.4.2
--

Moved Councillor Todd, Seconded Councillor Roscic.

That Council:

- 1. accepts the November 2015 bi-annual Review Report from the Exmouth Visitor Centre Marketing Committee; and***
- 2. requests the Exmouth Visitor Centre Marketing Committee to work with the Shire in the development of reviewed KPI's in line with the Funding Agreement and the review of the Visitor Centre's Strategic Plan.***

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:	17 November 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 31 October 2015.

Appl i c	Date Received	Lot	Property Address	Description	Decision	Decisio n 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	
15/122	08/10/15	4	7b Campbell Way	Patio	Approved	16/10/15
15/123	07/10/15	63	6 Fyfe Street	Verandah	Approved	29/10/15
15/124	09/10/15	320	24 Maidstone Crescent	Gazebo	Approved	12/10/15
15/126	15/10/15	1097	16 Campbell Way	Garage	Approved	23/10/15
15/127	21/10/15	380	32 Corella Court	Dwelling	Approved	03/11/15
15/128	22/10/15	624	18 Fletcher Street	Outbuilding	Approved	26/10/15
15/129	26/10/15	152	23 Hunt Street	Industrial Shed	Approved	29/10/15
15/130	26/10/15	131	42 Young Street	Verandah & Balcony	Approved	27/10/15
15/131	28/10/15	203	26 Kennedy Street	Verandah	Approved	03/11/15
15/133	30/10/15	35	6 Searaven Crescent	Dwelling	Awaiting information from applicant	

Summary of Building Licence/Permit Applications 2008 to Year to date 31 October 2015

Year	No. Applications	Total Value of Works	No. Applications to 31 October	Value to 31 October
2008- 2009	132	\$26,600,941.00	47	\$11,344,479.00
2009 - 2010	198	\$26,916,869.00	50	\$4,880,594.00
2010 - 2011	188	\$24,816,605.00	51	\$9,439,053.00
2011-2012	144	\$23,057,154.00	55	\$11,372,825.00
2012- 2013	150	\$19,931,790.00	58	\$10,135,072.00
2013-2014	159	\$23,404,990.00	62	\$8,361,827.00
2014-2015	155	\$21,321,521.00	56	\$5,716,333.00
2015-2016			38	\$3,494,764.00

COMMENT

Nil

BUILDING**WALGA Update on Instant Start**

The Policy Manager for WALGA's Planning and Improvement Department was very pleased that the Shire had made a formal submission opposing the above proposal by the Building Commission and has advised that the final version of the WALGA submission (refer ***Attachment 1***) will be tabled at the next round of State Council Zone meetings before it goes to the full WALGA Council meeting of 2 December 2015 for final endorsement. The final submission features numerous case examples from many local governments of how this proposal is fraught with danger.

The above WALGA Officer has also provided the following update on their actions:-

WALGA has met with the Green's Lynne MacLaren yesterday and will be meeting with Kate Doust (11 Nov) Rob Johnson (13 Nov) and Rita Scaffioti (16 Nov), while Mandurah has already met with Kim Hames and David Templeman. I also met with an Exec Manager from BankWest yesterday, who hadn't heard anything about 'Instant Start'. He advised that their current requirement to only release finance when a Building Permit is obtained will not be changing, and that they will be looking into their internal processes to make sure that they cover any potential loopholes if this is introduced.

Bush Fire Attack Level Assessor Course

Council's Building Surveyor attended a Bush Fire Attack Level Assessor Course in Perth from 16 to 20 November 2015. The course provides participants with the required skills, knowledge and ability to determine a Bushfire Attack Level and provide advice on the required construction provisions. The course addressed the full set of competency requirements for a Level 1 – Bushfire Attack Level (BAL) Assessor detailed in the Western Australian Bushfire Accreditation Framework.

The above training was necessary due to the State-wide designation of bushfire prone areas and the pending changes that effect the role of Building Surveyors in certifying bushfire construction. An 'Industry Bulletin' from the Building Commission is provided at ***Attachment 2*** to further explain the above.

Local government employees attending the course are eligible for a substantial subsidy from the WA state government.

ENVIRONMENTAL HEALTH

Environmental Health tasks continue as normal with food premise inspections, lodging house inspections and public building inspections.

Public Health Bill 2014

The Public Health Bill 2014 has reached another important and exciting milestone with the Bill being referred by the Western Australian Parliament to a Legislative Committee. This is great news as it continues the passage of the Bill in Parliament. Anyone interested in watching the committee debate live online can visit the Parliament of WA website www.parliament.wa.gov.au.

WA Country Health Service

The Public Health Nurse for the WA Country Health Service set up a stall in Ross Street Mall on the afternoon 19 November 2015 for education and awareness in relation to gastroenteritis. The aim of the stall is to share knowledge in hand and food hygiene and provide information and pamphlets to try and reduce the occurrences of gastroenteritis in the community this time of year.

Waste Management and Recycling**Gascoyne Regional Group Waste & Recycling Infrastructure Project**

Earlier this month Ask Waste Management (AWM) were appointed to project manage, give guidance and recommendations to the three participating Gascoyne Shire Councils with regard to the above project. Two consultants from AWM visited Exmouth, Shark Bay and Carnarvon on 16, 17 & 18 November 2015 respectively. During the visits they met with Council Officers from the respective Shires to discuss details of the project specific to each location and a full meeting of the Council Officers and AWM was held in Carnarvon on Wednesday 18 November 2015 to formally kick the project off and set the preliminary direction.

AWM will be giving the Council Officers recommendations and guidance on how to set-up the respective recycling Bring Centres and what type of plant and equipment will best service the needs and requirements of the centres.

AWM is also responsible for delivering communication and education strategies to gain support from the general community and commercial sector to separate waste as required for the new recycling centre.

Rural Landfill Working Group

The Executive Manager Health & Building couldn't attend the full day meeting of the above Working Group on 6 November 2015 due to prior commitments in attending the CEDA and Gascoyne Economic Forums in Carnarvon earlier this month. Instead, the two North West local government representatives participated in a separate phone conference on 4 November 2015 with their contributions being tabled at the meeting on 6 November 2015. The minutes from the above meeting are attached (refer **Attachment 3**).

The EMHB will be attending the next meeting later this month in person.

Sentinel Chickens & Mosquito Borne Diseases

The University of Western Australia's Sentinel Chicken Bleeding Program is continuing with bi-monthly bleeding of chicken flocks. There were no new positive blood tests to report of for Murray Valley Encephalitis, Kunjin Virus or other flaviviruses for Exmouth from the rounds of testing up to 26 October 2015.

Paltridge Memorial Swimming Pool

October	2015	2014	2013
Pool Users	2353	3025	3183

The user statistics were down a bit for October 2015 due to the precautionary pool closure due to some suspect water sample results. The pool was very well patronised during the earlier part of October 2015, particularly the second week of the school holidays which included a number of school holiday's activities such as the Wipe Out Night coordinated by Youth Action Exmouth.

Defibrillator and Oxy-Sok

The pool was very fortunate to receive a new Defibrillator and Oxy-Sok as part of its rescue equipment. The offer went out through Leisure Institute Western Australia who were active in passing out the funding for the equipment from the West Australian State Government's Royalties for Regions program. The equipment is valued at \$3,150.



Gascoyne Open

On the 7 and 8 November 2015 the Exmouth Amateur Swimming Club hosted the Gascoyne Open. The competition was a great success with 130 participants from as far south as Geraldton and as far north as Broome competing and 808 pool entries were recorded over the weekend.

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 November 2015.

COUNCIL DECISION –12–1115– 11.5.1
--

Moved Councillor McHutchison, Seconded Councillor Hood.

That Council receive the Executive Manager Health & Building Report for the month of 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:	17 November 2015
Author:	Executive Manager Town Planning, Rhassel Mhasho
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY

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

BACKGROUND

Planning Applications and Approvals

Below is a summary of planning applications and approvals up to 31 October 2015.

Applic No.	Date	Lot	Property	Description	Decision	Date
PA135/15	16/09/15	146	10 Hunt Street	Extension to existing shed	Approved	26/10/15
PA136/15	16/09/15	326	11 Falls Street	Outbuilding extension	Approved	09/11/15
PA141/15	23/09/15	181	16 Snapper Loop	Outbuilding	Approved	27/10/15
PA145/15	08/10/15	447	41 Madaffari Drive	Second hand transportable	Approved	13/10/15
PA147/15	13/10/15	4	7b Campbell Way	Campbell Way	Approved	14/10/15
PA148/15	16/10/15	52	16 Crevalle Way	Re-Assessment Holiday Accommodation	Nov OCM	
PA150/15	23/10/15	179	18 Ningaloo Street	Amendment to planning approval PA76/06	Nov OCM	
PA151/15	26/10/15	393	13 Corella Court	Dwelling	Approved	04/11/2015

Summary of Total Planning Application/Codes Variations	
Year	No. Applications
2011-2012	163
2012-2013	175
2013-2014	149
2014-2015	118
2015-2016	31

Permits issued for an Activity on Local Government Property	
Month	No. Applications
June	7
July	6
August	10
September	4
October	3

Lefroy Street Housing

Council is informed that the Housing Authority (formerly Department of Housing) will be commencing the construction of 20 affordable service workers dwellings along Lefroy Street soon. Tenders are currently advertised on the Tender WA website for Site Earthworks (including power, water, sewer, access roads and retaining walls) and will be closing on the 3 December 2015.

Town Planning Scheme No. 4 and Local Planning Strategy

Council Officers have submitted the draft Local Planning Scheme No. 4 and Local Planning Strategy for review by the Western Australian Planning Commission. As the documents contain variations that do not align with the Regulations 2015, Council Officers have invited Department of Planning officials to come to Exmouth for a site visit. The site visit will allow various outstanding planning matters and variations to the Regulations 2015 to be discussed in detail.

Ranger Services

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

	Dogs	Camping	Parking	Litter	Fire	Off road	Other
Warning/caution	1	0	2	0	96	0	0
Infringement	0	3	2	0	0	0	0
Court	0	0	0	0	0	0	0
October Total	1	3	4	0	96	0	0
2015-2016 Totals	10	52	17	2	96	9	14

Firebreak inspections were conducted around the region during October. On initial observations, a large number of properties are not complying with Council's Firebreak Notice. Those properties that have not installed the appropriate firebreaks will be issued a final warning with a 21 day period of compliance. A total of 96 final warning notices were issued to property owners in October.

Emergency Management**Exmouth Local Emergency Management Committee**

The Exmouth Local Emergency Management Committee meeting was held on 21 October 2015. The minutes of the previous meeting have been attached for Council's reference (refer *Attachment 1*). Key topics discussed during the meeting include:

- Bureau of Meteorology 2015/16 Tropical Cyclone Season Presentation. As part of this presentation, the Bureau provided:
 - A review the 2014/15 Tropical Cyclone Season, including Tropical Cyclone's Olwyn and Quang;
 - 2015/16 WA Tropical Cyclone Seasonal Outlook which reports that
 - 'an 85% chance of a below average number (15% chance of an above average number) of tropical cyclones in waters off the northwest coast (average number is five)
 - First cyclone near the coast likely to be later than usual, probably in early to mid-January. (In most years the first cyclone is seen near the coast late December to early January) and;
 - The chance of a coastal impact remains the same.
 - History of cyclones in Exmouth
 - New Bureau of Meteorology Products/Services including social media
- Exmouth Local Tropical Cyclone Plan;
- Shire of Exmouth Local Welfare Plan; and
- Resignation of Chair; Councillor Ross Winzer.

A copy of the presentation provided by the Bureau has been made available to the community on the Shire's website at the following link

http://www.exmouth.wa.gov.au/Assets/2015_BoM_Cyclone_Season_Presentation.pdf

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 November 2015.

COUNCIL DECISION –13–1115– 11.6.1
--

Moved Councillor Hood, Seconded Councillor Roscic.

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

CARRIED 5/0

11. REPORTS OF OFFICERS

11.6 Executive Manager Town Planning

11.6.2 Removal of Notification on Certificate of Title – Lot 179 (18) Ningaloo Street, Exmouth

Location:	Lot 179 (18) Ningaloo Street, Exmouth
Applicant:	Susan Marie T'Hart
File Reference:	A843; PA150/15; 2/2/1790
Disclosure of Interest:	Nil
Date:	10 September 2015
Author:	Executive Manager Town Planning, Rhassel Mhasho
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY

This report recommends that Council remove condition 4 of Development Approval PA73/06 for an Ancillary Dwelling and support the removal of an associated notification on the Certificate of Title for Lot 179 (18) Ningaloo Street, Exmouth.

BACKGROUND



At the Ordinary Meeting of Council held on the 18 January 2007 Council resolved to grant development approval for an Ancillary Accommodation subject to conditions as follows:

That the Council of the Shire of Exmouth grant planning approval for Ancillary Accommodation upon Lot 179 (#18) Ningaloo Street, Exmouth (Planning Reference PA73/06) subject to the following conditions:

- 1. The development is to be carried out in accordance with the approved plans to the satisfaction of Council Officers.***
- 2. Prior to any construction, the applicant is required to obtain a building licence approval from the Shire of Exmouth.***
- 3. The development is to have external colours consistent with Council's Colour Palette.***
- 4. A Section 70a Notification pursuant of the Transfer of Land Act 1893 being placed on the certificate of title outlining that all occupiers of the ancillary accommodation are to be members of the family of the occupiers of the main dwelling.***
- 5. The provision of an additional parking bay.***

6. *All storm water runoff from roofed and paved areas is to be retained on site in accordance with the Council's Storm water Drainage Guidelines and to the satisfaction of Council Officers.*

Condition 4 was imposed in accordance with Council's Policy No. 6.3 - Ancillary Accommodation. The requirement was included in the Policy due to State Planning Policy 3.1 Residential Design Codes (R-Codes) requiring that Ancillary Dwellings being occupied by a family member of the occupants of the main dwelling. The R-Codes have since been amended allowing anyone to reside within Ancillary Dwellings. Therefore, the applicant is seeking to amend approval PA73/06 to remove condition 4 and subsequently remove the Section 70A Notification from the Certificate of Title.

COMMENT

Amendment to Development Approval PA73/06

The *Planning and Development (Local Planning Schemes) Regulations 2015* outline the procedure for amending a development approval. The Regulations provide the following:

77. *Amending or cancelling development approval*

(1) An owner of land in respect of which development approval has been granted by the local government may make an application to the local government requesting the local government to do any or all of the following —

(b) to amend or delete any condition to which the approval is subject;

An application under sub clause (1) is to be made as a new application with the required documents, such as a site, elevation and floor plans unless the local government considers the amendment minor. The proposed amendment is considered minor and will not affect the way the Ancillary Dwelling has been developed. Refer **Attachment 2** to view approved plans PA73/06.

The Regulations provide the following for determine an application to amend a development approval:

(4) The local government may determine an application made under subclause (1) by —

(a) approving the application without conditions; or

(b) approving the application with conditions; or

(c) refusing the application.

Given the amendment to the R-Codes outlined in the background section above, it is considered reasonable to support the amendment of development approval PA73/06 in removing condition 4. The same remaining conditions of approval are recommended to ensure the development complies Council's planning framework, except that the subject development approval will supersede the previous approval.

Removal of Section 70A Notification on Certificate of Title

As a result of condition 4 above a Section 70A Notification, pursuant to the *Transfer of Land Act 1893*, was placed on the Certificate of Title outlining the following:

"All occupiers of the ancillary accommodation are to be members of the family of the occupiers of the main dwelling"

The removal of condition 4 above will cause the above Notification to become superfluous. Therefore, it is recommended that Council support its removal.

In order to remove the Notification the Applicant is required to lodge an application for the 'Removal or Modification of Notification under Section 70A' with Landgate. The form requires attestation from the Local Government which, as prescribed by the *Local Government Act 1995*, is the affixing of the Shire of Exmouth Common Seal and signing by the President and Chief Executive Officer. It is recommended that Council delegates authority to the President and Chief Executive Officer to sign and affix the Common Seal to the appropriate documents to execute the removal of the Notification.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015 State

Planning Policy 3.1 Residential Design Codes

Town Planning Scheme No. 3

Transfer of Land Act 1893 Local

Government Act 1995

POLICY IMPLICATIONS

Policy No. 6.2 - Colour Palette for Developments Policy

No. 6.3 - Ancillary Accommodation

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

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.6.2
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That Council;

- 1. Grants development approval for an Ancillary Dwelling at Lot 179 (18) Ningaloo Street, Exmouth subject to the following conditions:*
 - i) This approval supersedes development approval PA73/06;*
 - ii) The development shall be in accordance with the approved plans (PA73/06) to the satisfaction of Council Officers;*
 - iii) Prior to any construction, the applicant is required to obtain a building licence approval from the Shire of Exmouth;*
 - iv) The development is to have external colours consistent with Council's Colour Palette;*
 - v) The provision of an additional parking bay; and*
 - vi) All storm water runoff from roofed and paved areas is to be retained on site in accordance with the Council's Storm water Drainage Guidelines and to the satisfaction of Council Officers.*
- 2. Delegates authority to the Shire President and Chief Executive Officer to sign and affix the Shire of Exmouth common seal to any documents necessary to execute the removal of the Section 70A Notification on the Certificate of Title regarding the use of the Ancillary Dwelling on Lot 179 (18) Ningaloo Street, Exmouth.*

Advice Notes

- i) *The approval granted is not to be construed as approval granted under the Building Act 2011, Building Regulations 2012 or any other relevant statutory approval.*
- 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) *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 a new planning approval is granted.*
- iv) *An applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with the rules and regulations made pursuant to the Planning and Development Act 2005 (as amended). Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306017).*
- v) *This approval is not an authority to ignore any constraint to development on the land, which may exist through any contract or on the Certificate of Title, such as an easement or restrictive covenant. It is the responsibility of the applicant and not the Shire to investigate any such constraints prior to commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been brought to the Shire's attention.*

COUNCIL DECISION –14–1115– 11.6.2

Moved Councillor Hood, Seconded Councillor Todd.

That Council;

- 1. Grants development approval for an Ancillary Dwelling at Lot 179 (18) Ningaloo Street, Exmouth subject to the following conditions:***
 - i) This approval supersedes development approval PA73/06;***
 - ii) The development shall be in accordance with the approved plans (PA73/06) to the satisfaction of Council Officers;***
 - iii) Prior to any construction, the applicant is required to obtain a building licence approval from the Shire of Exmouth;***
 - iv) The development is to have external colours consistent with Council's Colour Palette;***
 - v) The provision of an additional parking bay; and***
 - vi) All storm water runoff from roofed and paved areas is to be retained on site in accordance with the Council's Storm water Drainage Guidelines and to the satisfaction of Council Officers.***
- 2. Delegates authority to the Shire President and Chief Executive Officer to sign and affix the Shire of Exmouth common seal to any documents necessary to execute the removal of the Section 70A Notification on the Certificate of Title regarding the use of the Ancillary Dwelling on Lot 179 (18) Ningaloo Street, Exmouth.***

Advice Notes

- i) The approval granted is not to be construed as approval granted under the Building Act 2011, Building Regulations 2012 or any other relevant statutory approval.*
- 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) 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 a new planning approval is granted.*
- iv) An applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with the rules and regulations made pursuant to the Planning and Development Act 2005 (as amended). Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306017).*
- v) This approval is not an authority to ignore any constraint to development on the land, which may exist through any contract or on the Certificate of Title, such as an easement or restrictive covenant. It is the responsibility of the applicant and not the Shire to investigate any such constraints prior to commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been brought to the Shire's attention.*

CARRIED 5/0

11. REPORTS OF OFFICERS

11.6 Executive Manager Town Planning

11.6.3 Proposed Road Closure – Portion of Neale Cove, Exmouth

Location:	Portion of Neale Cove, Exmouth (Exmouth Boat Harbour)
Applicant:	Department of Transport
File Reference:	RD.RO.0
Disclosure of Interest:	Nil
Date:	10 September 2015
Author:	Executive Manager Town Planning, Rhassel Mhasho
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY

This report recommends that Council resolve to initiate the road closure process in accordance with the *Land Administration Act 1997* to close a portion of Neale Cove Road Reserve within the Southern side of the Exmouth Boat Harbour.

BACKGROUND

The Department of Transport (DoT) have previously forwarded correspondence to Council requesting the relinquishment of land in the management of the Shire of Exmouth for the expansion of the Exmouth Boat Harbour (refer *Attachment 3*). This included relinquishing Management Orders for a number of Crown reserves and the proposed Road Closure of a portion of Neal Cove Road Reserve (refer *Attachment 4*).

Council has since determined the relinquishment of the Crown Reserves of which matters are currently with the Department of Lands (DoL), the state authority responsible for administering crown land. However, the matter of Neale Cove is still outstanding.

At the Ordinary Meeting of Council held on the 20 November 2014 Council resolved to initiate the subject Road Closure as requested by DoT. This resolution was then rescinded at the Ordinary meeting held on the 19 February 2015 in attempt to simply amalgamate the subject portion of Neale Cove into the adjoining Crown Reserve (R47981) managed by DoT instead of undertaking the formal road closure process. However, through correspondence with the DoL it was advised that the subject amalgamation cannot take place until the road has been formally closed in accordance with the *Land Administration Act 1997*. Therefore, Council is requested to revoke its resolution on the 19 February 2015 and adopt a new resolution consistent with the decision made on 20 November 2014 for the formal road closure.

COMMENT

Statutory Process

Section 58 of the *Land Administration Act 1997* and Regulation 9 of the *Land Administration Regulations 1998* outline the statutory process and required documents for the permanent closure of a public road reserve. Council must first resolve to initiate the permanent closure of the subject portion of road reserve. The proposed road closure must then be advertised in accordance with the Act (see Consultation Section below).

Following the advertising process Council may determine, in light of any submissions, either to proceed with the road closure or not to proceed. Should Council determine to proceed with the road closure a request may be sent to the Minister for Lands to permanently close the road. The Minister may then grant the request, direct the Local Government to reconsider the request or refuse to grant the request.

Should the request for the proposed road closure be granted by the Minister for Lands the subject land will become unallocated Crown land. Thereby, a Crown subdivision will allow the amalgamation of the subject land into the adjoining Crown reserve as requested by the DoT.

Extent of Road Closure

The portion of Neale Cove Road reserve requested to be permanently closed by DoT extends in front of a freehold property. It is recommended that access to the full frontage of the freehold lot is maintained. The remainder of the road provides access to land solely under the management of DoT.

Therefore, it is recommended that the permanent road closure is supported subject to the proposal being amended in line with **Attachment 5**.

Public Access

Currently Neal Cove provides access to the beach immediately south of the Boat harbour (refer **Attachment 6**). This is seen as an important means of access to this beach for the community. Therefore, it is recommended that Council only support the road closure subject to the creation of an easement, encumbrance or any other legal agreement which would provide access for the public at large.

CONSULTATION

The *Land Administration Act 1997* outlines that a local government must not make a request to the Minister for Lands to permanently close a road reserve until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.

Although not required by the Act, generally Council Officers also refer a notice through a letter to landowners directly affected by the road closure, affording the opportunity to provide comments within 35 days from the date of the letter.

STATUTORY ENVIRONMENT

Land Administration Act 1997

Land Administration Regulations 1998

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Permanently closing the portion of Neal Cove road reserve would mean there is less road reserve that the Shire of Exmouth is responsible for. This would result in maintenance cost savings for Council.

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

Absolute/Simple Majority

OFFICER'S RECOMMENDATION – 11.6.3

That Council revoke Item 1 of Council Decision – 23-1114 – 11.6.8 from the February 2015 Ordinary Council Meeting being:

Supports the amalgamation of a portion of Neale Cove Road into the boat harbour as shown on Attachment 18 subject to the Department of Transport not closing the road and prohibiting access to the public.

OFFICER'S RECOMMENDATION – 11.6.3

That Council:

- 1. Pursuant to Section 58 of the Land Administration Act 1997, support the permanent closure of a portion of Neal Cove Road Reserve in accordance with Attachment 5 subject to the creation of an easement, encumbrance or any other legal agreement which would provide access for the public at large to the beach access on the Southern side of the Exmouth Boat Harbour shown in Attachment 6;*
- 2. Give notice of the proposed road closure in accordance with Land Administration Act allowing a minimum period of 35 days for people to lodge submissions from the date of the notice;*
- 3. At the conclusion of the submission period determine whether to proceed or not to proceed with the proposed road closure in light of any submissions;*

COUNCIL DECISION –15–1115– 11.6.3

Moved Councillor Todd, Seconded Councillor Roscic.

That Council revoke Item 1 of Council Decision – 23-1114 – 11.6.8 from the February 2015 Ordinary Council Meeting being:

Supports the amalgamation of a portion of Neale Cove Road into the boat harbour as shown on Attachment 18 subject to the Department of Transport not closing the road and prohibiting access to the public.

CARRIED by ABSOLUTE MAJORITY 5/0

COUNCIL DECISION –16–1115– 11.6.3

Moved Councillor McHutchison, Seconded Councillor Hood.

That Council:

- 1. Pursuant to Section 58 of the Land Administration Act 1997, support the permanent closure of a portion of Neal Cove Road Reserve in accordance with Attachment 5 subject to the creation of an easement, encumbrance or any other legal agreement which would provide access for the public at large to the beach access on the Southern side of the Exmouth Boat Harbour shown in Attachment 6;*
- 2. Give notice of the proposed road closure in accordance with Land Administration Act allowing a minimum period of 35 days for people to lodge submissions from the date of the notice;*
- 3. At the conclusion of the submission period determine whether to proceed or not to proceed with the proposed road closure in light of any submissions;*

CARRIED 5/0

11. REPORTS OF OFFICERS

11.6 Executive Manager Town Planning

11.6.4 Holiday Accommodation Renewal – Lot 52 (16) Crevalle Way, Exmouth

Location:	Lot 52 (16) Crevalle Way, Exmouth
Applicant:	Cheryl Stinson
File Reference:	A1938; PA148/15
Disclosure of Interest:	Nil
Date:	9 November 2015
Author:	Executive Manager Town Planning, Rhassel Mhasho
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY

This report recommends that Council determine a development application for the renewal of a Holiday Accommodation at Lot 52 (16) Crevalle Way, Exmouth (Refer to *Attachment 7*).

BACKGROUND

At the Ordinary Meeting held on the 23 October 2014 Council resolved to granted approval for a new Holiday Accommodation at the premises. The resolution was as follows:

That Council grant planning approval for holiday accommodation upon Lot 52 (16) Crevalle Way, Exmouth subject to the following conditions:

- 1. The approved use shall accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA150/14) and Local Planning Policy No. 6.12: Holiday Accommodation;*
- 2. The maximum number of overnight occupants allowed within the dwelling at the same time shall be twelve (12) persons. This includes no more than twelve (12) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Local Planning Policy 6.12: Holiday Accommodation;*
- 3. The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be three (3) and two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
- 4. The property shall provide at least three (3) 240 litre rubbish bins prior to the use commencing;*
- 5. The House Rules for Guests and Visitors shall be clearly displayed in the premises in accordance with Council's Holiday Accommodation Policy;*
- 6. An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*
 - a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - no fires are to be lit outside with the exception of a gas or electric barbeque.*
- 7. The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
- 8. 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. If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighbouring properties, or causes a nuisance to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;*

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;*
11. *This approval is valid until 30 September 2015. Following planning approval an annual permit will be issued after paying the prescribed fee. Upon this period lapsing, Council will notify owners about the date of expiry and that a new permit is required should the property continue to be used for holiday accommodation.*

Advice

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

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of twelve (12) persons. This includes no more than twelve (12) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

Schedule 1: Allowable Occupants: Lot 52 (16) Crevalle Way, Exmouth

Bedroom 1: Total floor space: 21.51m², Approximate Air Space: 58.26m³
Allowable occupants: 4 adults **OR** 1 adult and 5 children **OR** 2 adult and 3 children **OR** 3 adult and 2 children

Bedroom 2: Total floor space: 11.02m², Approximate Air Space: 29.87m³
Allowable occupants: 2 adults **OR** 1 adult and 1 children **OR** 3 children

Bedroom 3: Total floor space: 16.5m², Approximate Air Space: 44.71m³
Allowable occupants: 3 adults **OR** 2 adult and 2 children **OR** 1 adult and 3 children **OR** 5 children

Bedroom 4: Total floor space: 11.02m², Approximate Air Space: 29.87m³
Allowable occupants: 2 adults **OR** 1 adult and 1 children **OR** 3 children

Bedroom 5: Total floor space: 19.8m², Approximate Air Space: 53.66m³
Allowable occupants: 3 adults **OR** 2 adult and 3 children **OR** 1 adult and 4 children

Bedroom 6: Total floor space: 19.8m², Approximate Air Space: 53.66m³
Allowable occupants: 3 adults **OR** 2 adult and 3 children **OR** 1 adult and 4 children

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

- ii) *Should the holiday accommodation be viewed as a 'Lodging House' at any time under the Health Act 1911, a permit pursuant to the Shire of Exmouth Health Local Laws will be required. For further Information, please contact the Shire of Exmouth's Health Services on 9949 3000.*
- iii) *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) An applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with the rules and regulations made pursuant to the Planning and Development Act 2005 (as amended). Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).

Pursuant to Condition 12 above and the approval was valid until the 30 September 2015 at which point an approved annual Permit is required for the operation of the Holiday Accommodation. Due to a substantiated complaint being received Council is required to determine the renewal as if it were a new application.

The renewal application does not propose any changes to the existing approval except that the area of Bedroom 3 has decreased. The proposal is as follows:

- Maximum number of overnight occupants: twelve (12) persons within six (6) bedrooms.
- A maximum of three (3) vehicles and two (2) trailers (includes boats on trailers).
- The Holiday Accommodation is within the existing six (6) bedroom dwelling at the site. No changes to buildings or the site are proposed.
- Local caretaker to be Ray White Real Estate.
- A Management Statement outlining tenant code of conduct, rule and information and a Fire Evacuation Plan and Parking Plan has been provided (refer **Attachment 8**).

COMMENT

Requirement for Renewal

Council's *Policy 6.12 - Holiday Accommodation* requires the annual renewal of approved Holiday Accommodation within the Shire of Exmouth. Where a complaint substantiated with evidence of non-compliance with a condition of planning approval has been received regarding an existing Holiday Accommodation, the Policy outlines the following:

"If changes to existing holiday accommodation is proposed, and/or a complaint regarding the use of the dwelling for holiday accommodation has been received by Council, a new planning application is required. The application will be advertised and assessed as a new application."

A complaint was received which was subsequently substantiated through a letter from the managing agent confirming that there was an incident regarding noise which was not in accordance with Condition 9 of the existing approval (refer to background section of this report). Therefore, a new application is required for the renewal of the Holiday Accommodation, with the Application to be treated as a new application.

The proposal has been assessed against the *Town Planning Scheme No. 3 (Scheme)*, *Policy 6.12 - Holiday Accommodation* and *Policy 6.17 - Design Guidelines for Lot 11 and 12 Market Street*. The subject property is zoned 'Residential Development' by the Scheme and falls within the Seaside Estate (the Lot 11 & 12 Market Street subdivision – now Mortiss Street). Through the subdivision process an Outline Development Plan and Policy 6.17 were adopted by Council which classify the subject lot as 'Residential R20' for the purpose of development.

Therefore, land use permissibility shall be in accordance with the Residential zone as prescribed by 'Table 1 – Zoning Table' of the Scheme. Table 1 prescribes Holiday Accommodation as an 'SA' use meaning the use is not permitted unless the Council has granted planning approval after giving notice in accordance with clause 9.3.

Furthermore the following Policy objectives are applicable: Policy

6.17 objective seeks to

- *To facilitate a harmonious and attractive environment between residential lots and lots that are permissible to operate a business*

Policy 6.12 objectives seek to:

- *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 application accords with Policy 6.12 should the conditions of planning approval be adhered to. There have been numerous complaints in regard to the operation of the premises as a Holiday Accommodation. However, only one (1) of these complaints has been substantiated with evidence justifying that there was an incident of non-compliance regarding noise at the property. As the other complaints were not provided with evidence justifying that there was an actual incident of non-compliance with the conditions of planning approval at the premises these complaints should not be considered in the determination of the renewal application. Shire Officers continually ensure complainants are made aware of the correct procedure for lodging a complaint.

Number of Occupants

The number of allowable occupants is restricted by the ventilation requirements under the Health Act 1911, which defines 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.
- Officers have calculated the permissible number of occupants per bedroom of the submitted floor layout as follows (Schedule 1):

Schedule 1: Allowable Occupants: Lot 52 (16) Crevalle Way, Exmouth

Bedroom 1: Total floor space: 21.15m², Approximate Air Space: 57.32m³
Allowable occupants: 4 adults **OR** 1 adult and 5 children **OR** 2 adult and 3 children **OR** 3 adult and 1 children

Bedroom 2: Total floor space: 11.02m², Approximate Air Space: 29.88m³
Allowable occupants: 2 adults **OR** 1 adult and 1 children **OR** 3 children

Bedroom 3: Total floor space: 11.55m², Approximate Air Space: 31.30m³
Allowable occupants: 2 adults **OR** 1 adult and 2 children **OR** 3 children

Bedroom 4: Total floor space: 11.02m², Approximate Air Space: 29.88m³
Allowable occupants: 2 adults **OR** 1 adult and 1 children **OR** 3 children

Bedroom 5: Total floor space: 19.8m², Approximate Air Space: 53.66m³
Allowable occupants: 3 adults **OR** 2 adult and 3 children **OR** 1 adult and 4 children

Bedroom 6: Total floor space: 19.8m², Approximate Air Space: 53.66m³
Allowable occupants: 3 adults **OR** 2 adult and 3 children **OR** 1 adult and 4 children

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

Occupancy Levels

Following the assessment by officers to calculate the number of guests permissible, the maximum number of overnight occupants allowed within the dwelling at the same time shall be twelve (12) persons. This includes no more than twelve (12) 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.

Number of Vehicles

The application states the number of vehicles to be accommodated on site is three (3) vehicles and two (2) trailers which is the maximum permissible number allowed under the Holiday Accommodation Policy. Policy states that car parking shall be calculated on the basis of four persons per vehicle. The property has a double garage with space to accommodate two (2) vehicles. Officer recommends a maximum of three (3) vehicles and two (2) trailers to reduce traffic issues as stated in the application.

Management Plan and Code of Conduct

The applicant has submitted a copy of the House Rules for Guests and visitors in accordance with the requirements of Policy 6.12.

Recommendation

One substantiated complaint is not considered sufficient to provide evidence of ongoing non-compliance with the conditions of planning approval which would warrant the revocation of the subject approval. In addition, Holiday Accommodation is seen as an important asset to Exmouth's predominant Tourism Industry in providing a diverse range of accommodation into the future.

However, Council does have the ability to refuse the application for the renewal of the Holiday Accommodation if it is considered that the approval would inconsistent with the objectives of the surrounding residential area. Council has two options to consider:

That Council grant planning approval for Holiday Accommodation upon Lot 52 (16) Crevalle Way, Exmouth subject to the same conditions as the previous approval (refer to Background Section of this report and the Officers Recommendation).

OR

That Council refuse to grant planning approval for Holiday Accommodation upon Lot 52 (16) Crevalle Way, Exmouth in that the operation of the Holiday Accommodation has been inconsistent with Section '1.1 Policy Objectives' of Council's Policy 6.12 - Holiday Accommodation and condition 9 of the previous approval thereby it undermines the amenity of the residential neighbourhood.

CONSULTATION

In accordance with the requirements of the Scheme adjoining impacted neighbours were invited to comment on the proposal from Thursday 28 August 2014 to Thursday 18 September 2014 for a period of 21 days. A summary is tabled below:

Address	Received	Officer Comment
Lot 51 (14) Crevalle Way	<p>I refer to the recent application for holiday accommodation use at 16 Crevalle Way, Exmouth and I trust you are aware that I have recently submitted complaints in relation to use of this property.</p> <p>The types of behaviour I have witnessed by temporary tenants of the neighbouring property include:</p> <ul style="list-style-type: none"> Physical fighting and verbal arguments Loud explosions The use of illegally obtained tasers Vulgar profanity Indecent exposure Urinating from balcony and Excessive noise <p>I have also submitted several complaints to the Managing Agent and provided videos to Councillors showing nearby detrimental acts to nearby environmental and the use of unregistered vehicles on the main roads.</p>	<p>Noted. The Shire of Exmouth has received numerous complaints regarding this property and its use for Holiday Accommodation. However, only one (1) complaint has been substantiated with evidence provided by the managing Agent in regard to noise as outlined by <i>Policy 6.12 - Holiday Accommodation</i>.</p> <p>Noted. Actions off the premises are not a consideration in determining the subject application or acknowledging a complaint in regard to the operation of holiday accommodation.</p> <p>Noted. For complaints to be considered in the assessments of renewal applications and</p>

	<p>As I am the only directly adjoining estate with the subject property I wish not to submit complaints to any authority which would lead to the prosecution of temporary tenants. I choose not to take such action because I do not want to create a negative stigma with guests that could lead to further harmful acts towards my family or home.</p> <p>In the last twelve months I have submitted six complaints in accordance with proper planning procedures. The complaints are as follows:</p> <ol style="list-style-type: none"> 1. Vulgar Profanity 2. Intoxicated behaviour 3. Damage cause to sand dunes 4. Unlawful use of property for 16 guests. 5. Unlicensed “Esky scooter” vehicle on main roads. 6. Excessive noise. <p>The use of the neighbouring property for holiday accommodation purposes has had an adverse effect on local amenities including my residential home. The temporary tenants have shown an extremely low level of care for the surrounding sand dunes and nearby beach. The residential property has been exploited for commercial means and the use of dangerous unlicensed vehicles on the main roads poses a threat to the safety of my two young daughters.</p> <p>The predominant objective of the residential area is of a residential use for permanent families. I would be thankful if Council would reserve this purpose and reject any further holiday accommodation planning approvals because the current use of 16 Crevalle Way, Exmouth is having a detrimental effect on the residential characteristic of the area.</p>	<p>compliance actions they are required to be substantiated with evidence as required by <i>Policy 6.12 - Holiday Accommodation</i>. One of the best avenues of providing such credible evidence is through contacting authorities such as the police. Without the provision of credible evidence, such as a police report, Council is unable to undertake any action in response to a complaint. The procedure for complaints is outlined in <i>Policy 6.12 - Holiday Accommodation</i>.</p> <p>Noted. Numerous complaints have been lodged. To the date of this report only one complaint has been lodged with substantiated evidence. Lodging a complaint without the appropriate evidence is not in accordance with <i>Policy 6.12 - Holiday Accommodation</i> and as such cannot be dealt with under the Policy. Furthermore, some of the matters listed are outside the jurisdiction of the subject planning approval for the Holiday Accommodation as they relate to matters off the premises. These matters are to be treated separately to the use of the subject property as a holiday accommodation. It has also been advised that some of these complaints are police matters.</p> <p>Noted. There are conditions in place to control noise, code of conduct and impact on amenity from the use of the premises as a holiday accommodation. Without following the correct complaint procedure in providing evidence of non-compliance with these conditions the Shire of Exmouth is unable to undertake any compliance action or consider the complaint in the assessment of a renewal application. Therefore, to date we have only had one substantiated complaint that can be considered in the renewal of this application. In addition, unlicensed vehicles on the road is a police matter.</p> <p>Noted. ‘Table 1 – Zoning Table’ of the Shire of Exmouth <i>Town planning Scheme No. 3</i> prescribes permissible land uses which are considered consistent with the objectives of the ‘Residential Development’ zone and Outline Development Plan for the Seaside Estate when conditions of approval are adhered to.</p>
Lot 53 (27) Searavenn	Nil	Nil
Lot 65 (18) Crevalle	Nil	Nil
Resident – Lot 65 (18) Crevalle	Nil	Nil

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Town Planning Scheme No. 3

POLICY IMPLICATIONS

Policy 6.12 - Holiday Accommodation

Policy 6.17 - Design Guidelines for Lot 11 and 12 Market Street

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
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That Council grant planning approval for holiday accommodation upon Lot 52 (16) Crevalle Way, Exmouth subject to the following conditions:

1. *The approved use shall accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA150/14) and Local Planning Policy No. 6.12: Holiday Accommodation;*
2. *The maximum number of overnight occupants allowed within the dwelling at the same time shall be twelve (12) persons. This includes no more than twelve (12) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Local Planning Policy 6.12: Holiday Accommodation;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be three (3) and two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
4. *The property shall provide at least three (3) 240 litre rubbish bins prior to the use commencing;*
5. *The House Rules for Guests and Visitors shall be clearly displayed in the premises in accordance with Council's Holiday Accommodation Policy;*
6. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*

- *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - *no fires are to be lit outside with the exception of a gas or electric barbeque.*
7. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
 8. *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. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighboring properties, or causes a nuisance to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;*
 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;*
 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; and*
 - *For every person between the ages of 1 & 10 years, there is to be a minimum of 8 cubic metres of air space per person.*

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of twelve (12) persons. This includes no more than twelve (12) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

Schedule 1: Allowable Occupants: Lot 52 (16) Crevalle Way, Exmouth

Bedroom 1: Total floor space: 21.15m², Approximate Air Space: 57.32m³
Allowable occupants: 4 adults **OR** 1 adult and 5 children **OR** 2 adult and 3 children **OR** 3 adult and 1 children

Bedroom 2: Total floor space: 11.02m², Approximate Air Space: 29.88m³
Allowable occupants: 2 adults **OR** 1 adult and 1 children **OR** 3 children

Bedroom 3: Total floor space: 11.55m², Approximate Air Space: 31.30m³
Allowable occupants: 2 adults **OR** 1 adult and 2 children **OR** 3 children

Bedroom 4: Total floor space: 11.02m², Approximate Air Space: 29.88m³
Allowable occupants: 2 adults **OR** 1 adult and 1 children **OR** 3 children

Bedroom 5: Total floor space: 19.8m², Approximate Air Space: 53.66m³
Allowable occupants: 3 adults **OR** 2 adult and 3 children **OR** 1 adult and 4 children

Bedroom 6: Total floor space: 19.8m², Approximate Air Space: 53.66m³
Allowable occupants: 3 adults **OR** 2 adult and 3 children **OR** 1 adult and 4 children

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

- ii) *Should the holiday accommodation be viewed as a 'Lodging House' at any time under the Health Act 1911, a permit pursuant to the Shire of Exmouth Health Local Laws will be required. For further Information, please contact the Shire of Exmouth's Health Services on 9949 3000.*
- iii) *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) *An applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with the rules and regulations made pursuant to the Planning and Development Act 2005 (as amended). Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).*

OR

That Council refuse to grant planning approval for Holiday Accommodation upon Lot 52 (16) Crevalle Way, Exmouth for the following reasons the operation of the Holiday Accommodation has been inconsistent with Section '1.1 Policy Objectives' of Council's Policy 6.12 - Holiday Accommodation and condition 9 of the previous approval thereby it undermines the amenity of the residential neighbourhood;

Advice

- i) *An applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with the rules and regulations made pursuant to the Planning and Development Act 2005 (as amended). Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).*

COUNCIL DECISION –17–1115– 11.6.4
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Moved Councillor Todd, Seconded Councillor Hood.

That Council grant planning approval for holiday accommodation upon Lot 52 (16) Crevalle Way, Exmouth subject to the following conditions:

- 1. The approved use shall accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA150/14) and Local Planning Policy No. 6.12: Holiday Accommodation;***
- 2. The maximum number of overnight occupants allowed within the dwelling at the same time shall be twelve (12) persons. This includes no more than twelve (12) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Local Planning Policy 6.12: Holiday Accommodation;***
- 3. The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be three (3) and two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;***
- 4. The property shall provide at least three (3) 240 litre rubbish bins prior to the use commencing;***
- 5. The House Rules for Guests and Visitors shall be clearly displayed in the premises in accordance with Council's Holiday Accommodation Policy;***

6. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*
 - *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - *no fires are to be lit outside with the exception of a gas or electric barbeque.*
7. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
8. *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. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighboring properties, or causes a nuisance to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;*
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;*
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; and*
 - *For every person between the ages of 1 & 10 years, there is to be a minimum of 8 cubic metres of air space per person.*

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of twelve (12) persons. This includes no more than twelve (12) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

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

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

- i) *Should the holiday accommodation be viewed as a 'Lodging House' at any time under the Health Act 1911, a permit pursuant to the Shire of Exmouth Health Local Laws will be required. For further Information, please contact the Shire of Exmouth's Health Services on 9949 3000.*
- ii) *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*
- iii) *An applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with the rules and regulations made pursuant to the Planning and Development Act 2005 (as amended). Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).*

CARRIED 4/1

Councillor McHutchison voted against.

11. REPORTS OF OFFICERS

11.6 Executive Manager Town Planning

11.6.5 Designation of Dog Prohibited Areas and Dog Exercise Areas

Location:	Exmouth
Applicant:	Nil
File Reference:	LE.LO.4
Disclosure of Interest:	Nil
Date:	12 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 specify dog prohibited areas and dog exercise areas in accordance with *Section 31 of the Dog Act 1976* (refer **Attachment 9**).

BACKGROUND

Prior to 1 November 2013, dog exercise areas and places where dogs are prohibited absolutely or restricted (permitted on a leash only), were specified in the *Shire of Exmouth Dogs Local Law* and required a change in the local law to enable new areas to be specified or other areas amended or removed.

The *Dog Act 1976* was amended effective 1 November 2013 with sections 51(b), (ba) and (bb) which gave the power to specify prohibited, restricted and dog exercise areas through a local law, being deleted and section 31 being amended to provide the ability for Council to specify prohibited, restricted and dog exercise areas by way of an absolute majority decision of Council.

The Dog Regulations specifies 31 July 2014 was a sunset clause for dog exercise areas and prohibited or restricted areas established under local laws. It further requires Local Governments to establish these areas by way of a resolution, made by absolute majority and giving 28 days' notice of its intention in accordance with the Local Government Act 1995.

The Joint Standing Committee also requested that allowance be made for assistance dogs in any resolution to ensure that the resolution is consistent with the Disability Discrimination Act 1992.

The adoption of the *Shire of Exmouth Dogs Amendment Local Law* during the December 2014 Ordinary Council Meeting repealed provisions regarding places where dogs were prohibited absolutely and places which were dog exercise areas which were as follows:

Places where dogs are prohibited absolutely

- (1) *Dogs are prohibited absolutely from entering or being in any of the following places –*
- (a) *a public building, unless permitted by a sign; &*
 - (b) *a theatre or picture gardens;*
 - (c) *all premises or vehicles classified as food premises or food vehicles under the Health (Food Hygiene) Regulations 1993;*
 - (d) *a public swimming pool; and*
 - (e) *and the following beaches, reserves and freehold land-*
 - (i) *Talanjee Oval and surrounding area;*
 - (ii) *Koobooroo Oval and surrounding area;*
 - (iii) *Tennis Courts and associated area;*
 - (iv) *Netball Courts and associated area;*
 - (v) *Town Beach and surrounding area;*
 - (vi) *Ross Street Mall; &*
 - (vii) *Driftwood Centre Veranda.*

Places which are dog exercise areas

- (i) *Exmouth Townsite Pt. Reserve No. 29066 Willersdorf Road situated on the immediate west side of the Willersdorf Road thoroughfare commencing at a point located 206 metres east thence 300 metres north of the north eastern corner of the intersection of Willersdorf Road and Murat Road thence west for 80 metres thence north for 50 metres then east for 80 metres then south for 50 metres returning to the*

commencing point.

- (ii) *The area of beach starting from the low water mark (located at S 21.93964 / E 114.14065) then generally north along the low water mark to the boundary of the Commonwealth controlled land (HFT) then generally west along that boundary to the base of the dunes then generally south along the base of the dunes to generally west of the starting point then generally east to the low water mark starting point.*

This does not apply to –

- (a) land which has been set apart as a children's playground;*
- (b) an area being used for sporting or other activities, as permitted by the local government, during the times of such use; or*
- (c) a car park.*

In accordance with the *Dog Act 1976*, a dog does not need to be on a leash in places outside the town site, unless the area is under the care and control of the local government and it has been declared as prohibited or the land it is managed by other agencies in accordance with their particular legislation.

COMMENT

Section 31 of the *Dog Act 1976* outlines the statutory process associated with specifying areas in which dogs are prohibited from or to be a dog exercise area. Council must, by absolute majority, resolve to specify areas of land in which is under the care and control of the Local Government that are to be dog exercise areas or are to be prohibited. Following this, Council must advertise, by way of public notice, for a period of at least 28 days of its intention to specify a place to be a dog prohibited area or dog exercise area.

To ensure good governance, a community survey was available for residents, including both dog owners and non-dog owners, to complete and provide feedback on preferred locations Council should or should not declare as a prohibited area or establish as an exercise area. The surveys closed on Friday 13 February 2015 and a total of 66 surveys were completed. A full summary of the responses received is provided in **Attachment 10**.

Following the completion of this survey, Council Officers reviewed the responses provided and made an assessment on the information. **Attachment 10** provide a report noting the recommendations and detailing the pros and cons for specifying an area as either prohibited or dog exercise. In summary it is recommended that Council:

Specify that the following areas are designated Dog Exercise Areas pursuant to section 31(3A) of the *Dog Act 1976* (refer **Attachment 9**):

- Mcleods Beach (a portion off Lot 360 and Unallocated Crown Land);
- Niblett Oval (a portion of Lot 1431);
- Bush track: (a portion of Lot 550, Lot 555, Lot 500);
- Portion of Reserve 50807; and
- Unallocated Crown Land and a portion of Reserve 40678.

Specify that dogs are prohibited in the following areas at all times pursuant to section 31(2B)(a) of the *Dog Act 1976* (refer **Attachment 9**):

- a public building, unless permitted by a sign;
- all premises or vehicles classified as food businesses in the Food Regulations 2009;
- Portion of Reserve 27647 (Paltridge Memorial Swimming Pool and a portion of Federation Park);
- Recreation Precinct (Portion of Reserve 50807, including Skate Park, Talanjee Oval, Koobooroo Oval, Tennis Courts and associated area);
- Portion of Reserve 47801 (Yacht Club Beach, Town Beach and surrounding area);
- Ross Street Mall (including the verandah in front of Lot 2, Lot 37 and Lot 39 Maidstone Crescent);
- Portion of Kennedy Street (Kennedy Street Mall);
- Driftwood Centre verandah;
- Ningaloo Centre and associated area;
- Thew Street verandah and associated area;
- All children's playgrounds; and
- Portion of Reserve 28827 (Federation Park and Water Spray Park).

In recognition of the specified areas, it is worthwhile to note that, in accordance with the *Dog Act 1976*, a dog does not have to be held on a leash outside the town site, unless under the care and control of the local government and it has been declared as a rural leashing area. As such, it is not necessary for Council to designate any exercise areas outside the Exmouth town site, such as Bundegi Beach or Pebble Beach. It should also be

noted that a number of the respondents proposed areas are state or commonwealth government managed lands which users must comply with any laws managing these lands.

CONSULTATION

The surveys closed on Friday 13 February 2015 and a total of 66 surveys were completed. A summary of the responses received is provided in ***Attachment 10***.

STATUTORY ENVIRONMENT

WA Dog Act 1976 – Section
31 Dog Local Law 2015

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

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

Absolute Majority

OFFICER'S RECOMMENDATION – 11.6.5
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That Council:

- 1) *Specify that the following areas are designated Dog Exercise Areas pursuant to section 31(3A) of the Dog Act 1976 (refer Attachment 10):*
 - *McLeods Beach (a portion off Lot 360 and Unallocated Crown Land);*
 - *Niblett Oval (a portion of Lot 1431);*
 - *Bush track: (a portion of Lot 550, Lot 555, Lot 500);*
 - *Portion of Reserve 50807; and*
 - *Unallocated Crown Land and a portion of Reserve 40678.*
- 2) *Specify that dogs are prohibited in the following areas at all times pursuant to section 31(2B)(a) of the Dog Act 1976 (refer Attachment 10):*
 - *a public building, unless permitted by a sign;*
 - *all premises or vehicles classified as food businesses in the Food Regulations 2009;*
 - *Portion of Reserve 27647 (Paltridge Memorial Swimming Pool and a portion of Federation Park);*
 - *Recreation Precinct (Portion of Reserve 50807, including Skate Park, Talanjee Oval, Koobooroo Oval, Tennis Courts and associated area;*
 - *Portion of Reserve 47801 (Yacht Club Beach, Town Beach and surrounding area);*
 - *Ross Street Mall (including the verandah in front of Lot 2, Lot 37 and Lot 39 Maidstone Crescent);*
 - *Portion of Kennedy Street (Kennedy Street Mall);*
 - *Driftwood Centre verandah;*
 - *Ningaloo Centre and associated area;*
 - *Thew Street verandah and associated area;*
 - *all children's playgrounds; and*
 - *Portion of Reserve 28827 (Federation Park and Water Spray Park).*

- 3) *Provide local public notice for at least 28 days advising that it intends to specify a place to be:*
 - (a) *A place in which dogs are prohibited at all times; and*
 - (b) *A dog Exercise area,*
in accordance with the Local Government Act 1995, section 1.7.

COUNCIL DECISION –18–1115– 11.6.5
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Moved Councillor Todd, Seconded Councillor Roscic.

That Council:

- 1) *Specify that the following areas are designated Dog Exercise Areas pursuant to section 31(3A) of the Dog Act 1976 (refer Attachment 10):*
 - *Mcleods Beach (a portion off Lot 360 and Unallocated Crown Land);*
 - *Niblett Oval (a portion of Lot 1431);*
 - *Bush track: (a portion of Lot 550, Lot 555, Lot 500);*
 - *Portion of Reserve 50807; and*
 - *Unallocated Crown Land and a portion of Reserve 40678.*
- 2) *Specify that dogs are prohibited in the following areas at all times pursuant to section 31(2B)(a) of the Dog Act 1976 (refer Attachment 10):*
 - *a public building, unless permitted by a sign;*
 - *all premises or vehicles classified as food businesses in the Food Regulations 2009;*
 - *Portion of Reserve 27647 (Paltridge Memorial Swimming Pool and a portion of Federation Park);*
 - *Recreation Precinct (Portion of Reserve 50807, including Skate Park, Talanjee Oval, Kooboaroo Oval, Tennis Courts and associated area;*
 - *Portion of Reserve 47801 (Yacht Club Beach, Town Beach and surrounding area);*
 - *Ross Street Mall (including the verandah in front of Lot 2, Lot 37 and Lot 39 Maidstone Crescent);*
 - *Portion of Kennedy Street (Kennedy Street Mall);*
 - *Driftwood Centre verandah;*
 - *Ningaloo Centre and associated area;*
 - *Thew Street verandah and associated area;*
 - *all children's playgrounds; and*
 - *Portion of Reserve 28827 (Federation Park and Water Spray Park).*
- 3) *Seek relevant authority and endorsement from the Department of Lands and the Department of Transport on the designated areas within their respective jurisdiction;*
- 4) *Provide local public notice for at least 28 days advising that it intends to specify a place to be:*
 - (a) *A place in which dogs are prohibited at all times; and*
 - (b) *A dog Exercise area,*
in accordance with the Local Government Act 1995, section 1.7.

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:	19 November 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

Murat Road Asphalt

Road works will be commencing on Murat Road in December 2015. There will be three components to this project; asphalt surfacing, road shoulders and gridremoval.

This project accords with the Main Roads/Shire of Exmouth ROADS 2030 development strategy and 2015/2016 Shire budget allocation.

The asphalt road surfacing will be applied in early December 2015. The locations will be Murat Road and Nimitz Street intersection and Murat Road from Welch Street intersection to south of Reid Street. The road shoulder and grid removal will be in January 2016 (refer *Attachment 1*).

The community will be advised through the Shire notice board, Shire Facebook and Shire website. These road works accord with the Main Roads Shire of Exmouth *ROADS 2030* Development Strategy.

Road / Route Name:	Murat Road				
Road Name	Road Number	Start SLK	Finish SLK	Length (km)	Is this road currently in the <i>Roads 2030</i> document
Murat Road (Local Road Regional Distributor)	8060066	00	16.45	16.45	Yes
Murat Road (Rural Local Road Local Distributor)	8060066	16.45	21.00	4.55	Yes

Road Hierarchy Category: Regional Distributer 0.00 to 16.45 Local Distributer 16.45 to 21.00

NAV Network Number: PERMIT NETWORK 4 ROAD TABLE ADDENDUM FROM 26/05/2010
Murat Road is included in the RAV Network system (conditional).

Comment:

Murat Road is the only entrance road into the Exmouth town site. The road was originally designed and constructed in 1966. Murat Road is defined as a Regional Distributor which services a significant tourist destination and the Exmouth community. Murat Road links the town site with the Naval Communication Base 'Harold E Holt'. The road extends north to Yardie Creek Road in close proximity to the coastline providing visitor access to the Ningaloo shore and reef and Cape Range National Park which is encapsulated within the Ningaloo Coast World Heritage Area. The Road Hierarchy Category should change SLK 16.45-21.00 to a regional distributor.

Economic Social/Wellbeing:

With Exmouth being claimed as the “Northern Gateway” to the Ningaloo Reef; development increasing in the town site; an increased usage of the World Heritage coastline between Exmouth and Carnarvon, it is critical that an appropriate entrance road into Exmouth is appropriately designed improving vehicle and pedestrian safety.

One of the main benefits to be derived from the reconstruction of Murat Road relates to the significant indirect economic benefit opportunity associated with the project. It is envisaged that Exmouth’s new and improved infrastructure associated with air, sea and road transport, land development, building construction, tourism facilities and World Heritage recognition will inevitably attract increased investment from both existing and prospective owners.

Road Development Need:

Increased traffic to the Exmouth region is placing high demands on the existing road which was designed in 1966. The road is under engineered and design does not meet current standards. It is expected that traffic volumes will increase on Murat Road as the Shire of Exmouth continues to develop.

Development Strategy:

The redesign/construct will focus on upgrading the existing Type 4 Road to a Type 5 Road building up the residual gravel pavement to full thickness, increase width, compacted, sealed, street lighting and landscaping.

Outcomes:

The benefits of this proposal are asset preservation, pedestrian and traffic safety taking into account increases in development and tourism

Shire Pindan Pit

At the October 2014 Council passed the following resolutions:

- 1. The acquisition of a formal Mining Tenement over Reserve 41975;***
- 2. The correspondence sent to the Department of Lands on the 8 October 2014 requesting clarification on what are the permitted purpose for the Council under the existing Management Order for the Exmouth Pindan Pit (Reserve No. 41975) and seeking direction on what options are available to the Shire under the Land Legislation;***
- 3. In the interim and until direction is provided by the Departments of Lands and the Department of Mines & Petroleum, the Pindan Pit operations will continue as normal; and***
- 4. Inform the Pindan Action Group that the Shire Pindan Pit is a strategic Shire asset and will not be considered for divesting to the private sector.***

In response the mining tenement application was submitted to the Department of Mines & Petroleum (DoMP) which consisted of the following processes:

1. Marked out a Mining Lease in accordance with the *Western Australian Mining Act 1978* (Sec. 105 Reg.59) and submitted Form 20 within the prescribed time.
2. Paid the DoMP a security in the sum of \$5,000 with the lodgement of the application.
3. Provided the Shire’s Mining Proposal and Mine Closure Plan in accordance with *Western Australian Mining Act 1978* Part IV Division 3 s.74 section (1AA) within the prescribed time.

The Shire and the DoMP are continuing to finalise the management plans. At this current time the costs associated with developing the Mining Tenement cannot be quantified until the DoMP have approved in principle the Mining Tenement and ordered additional conditions. Once DoMP approves the application an

agenda report will be presented to Council for consideration. For further background information (*refer Attachment 2*).

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.

Project	Notes	Start	Finish	Status
Engineering Services		Thu 2/07/15	Fri 1/07/16	
Town Street Maintenance		Thu 2/07/15	Mon 3/08/15	100%
Learmonth Airport		Tue 4/08/15	Tue 11/08/15	100%
Exmouth Aerodrome		Mon 24/08/15	Wed 7/10/15	100%
Town Street Maintenance		Thu 8/10/15	Fri 23/10/15	100%
Sewage dump roads and verge sales area		Mon 12/10/15	Tue 13/10/15	100%
Rock CollectSCR/Maidstone		Wed 14/10/15	Thu 15/10/15	100%
Oval fence		Mon 2/11/15	Mon 9/11/15	95%
Rock CollectSCR/Maidstone		Wed 21/10/15	Thu 22/10/15	100%
Yardie Creek Road		Mon 26/10/15	Fri 4/12/15	75%
Town Street Maintenance & Drainage		Mon 7/12/15	Tue 12/01/16	
Murat Road Asphalt		Mon 7/12/15	Tue 15/12/15	
Murat Road Shire		Wed 13/01/16	Mon 22/02/16	
Ningaloo Access Road		Tue 23/02/16	Mon 14/03/16	
Tantabiddi Excavation		Mon 14/03/16	Tue 29/03/16	
Exmouth Aerodrome Apron Interface		Tue 29/03/16	Fri 8/04/16	
Light House		Mon 11/04/16	Mon 18/04/16	
Beach Access		Tue 19/04/16	Mon 2/05/16	
Drainage		Tue 3/05/16	Tue 24/05/16	
Learmonth		Wed 25/05/16	Wed 1/06/16	
Exmouth Aerodrome		Thu 2/06/16	Wed 8/06/16	
Waste Site		Thu 9/06/16	Thu 16/06/16	
Town Street Maintenance		Fri 17/06/16	Fri 1/07/16	
TC Olwyn WANDRRA Road Works	Road reconstruction	June-15	Sep-15	100%
Tantabiddi Dredging	Dredging sand	Sept -15	Sep-15	100%
Cyclone Olwyn LGIS	Building repairs	June-15	Nov-15	95%
LIA Reid Street Flood	Construction of levees and roads	Aug-15	Oct-15	100%
Maidstone Crescent	Landscape	Nov-15	Dec-15	10%
Bundegi Beach Toilet	Public toilet renovation and fencing		May-15	
Hard Shade Structure	Park	Oct-15	Dec-15	
CBD Furniture	Kennedy St Mall furniture		May-15	
Hunters Beach Building	Replacement of Toilet Block	Jun-15	Sep-15	100%
Seniors Citizens	Shade	Oct-15	Nov-15	100%
Recreation Precinct	Fencing	Oct-15	Nov-15	95%

Oval Lighting Towers

A recent service and inspection of the lighting towers at Talanjee Oval resulted in achieving an interesting perspective of town. The lights have now been realigned and are all fully operational after movement during cyclonic winds.

**COMMENT**

Nil

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

As per Shire 2014-2015 Budget

STRATEGIC IMPLICATIONS**Economic**

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

- Outcome 1.5: Maintain & Improve Shire Infrastructure

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 October 2015.

COUNCIL DECISION –19–1115– 11.7.1

Moved Councillor Hood, Seconded Councillor Todd.

That Council receive the Executive Manager Engineering Services Report for the month of October 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 5:48pm.