

Ordinary Council Meeting Minutes 24 November 2016

CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on 15 December 2016 as a true and accurate record of the Ordinary Council Meeting held on 24 November 2016.

A handwritten signature in black ink, appearing to read "Shales".

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

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

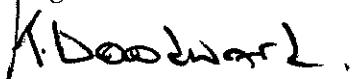
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Signed at Exmouth



(Keith Woodward), Acting 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 the gallery and declared the meeting open at 5.00pm.

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

Councillor C (Turk) Shales	Shire President
Councillor J Roscic	
Councillor G Jones	
Mr K Woodward	Acting Chief Executive Officer
Mrs S O'Toole	Executive Manager Corporate Services
Mr Roge Kempe	Executive Manager Community Engagement
Mr R Manning	Executive Manager Health & Building
Mr R Mhasho	Executive Manager Town Planning
Miss H Faxon	Minute Clerk

GALLERY

Visitors 18

APOLOGIES

Mr B Price	Chief Executive Officer
Councillor M Hood	Deputy Shire President
Councillor S McHutchison	
Mrs J Kox	Executive Manager Aviation Services

LEAVE OF ABSENCE

Nil

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

A question was taken on notice from Ken Downes at the Special Council Meeting held on the 18 November 2016

Question

Why did the Councillors that knew about the signing of the contract do nothing? They should step down. There is now broken trust issues.

Response

The Acting Chief Executive Officer advised that we still do not have an answer to this question at this time and will respond in due course.

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).

In accordance with section 11 of the *Local Government (Administration) Regulations 1996*:

11. Minutes, content of (Act s. 5.25(1)(f))

The content of minutes of a meeting of a council or a committee is to include —

- (e) a summary of each question raised by members of the public at the meeting and a summary of the response to the question;**

Question 1 by Ronnie Michajlow

Why can't we put small items for example garden chairs with three legs, small items that won't go in wheelie bins out on the verge for the Cyclone clean-up, no large items of course?

The cyclone clean-up is mainly associated with the collection of green waste at no charge. If the Shire were to collect a variety of objects it would create issues with sorting of the waste, for example batteries which can cause problems.

Ronnie responded,

As a pensioner we do not have the resources to be able to take these small items to the tip so where are we supposed to put these things. We used to have this service but no longer do.

The Acting Chief Executive Officer responded to Ronnie advising that the Shire is about providing good service and that he takes her comments on board however is unable to make any commitments at this stage.

Question 2 - by Bob Todd

Please read my resignation out as it has been written.

To the Exmouth Shire President and councillors

Please accept my resignation from the Shire of Exmouth as a councillor as from the 24th November 2016. I have served this council with honesty and dignity to the best of my ability for eleven and a half years. I believe I cannot be effective as a councillor under the outside regime. I refuse to be dragged into the gutter by lawyers, dishonest business people and other faceless criminals. So it is with a sad heart to see the good people of Exmouth having to suffer such indignities I leave. I wish you and the team all the very best in the future.

The Shire President expressed his sadness on the receipt of the resignation and wished him all the best for the future.

5. DECLARATIONS OF INTEREST

Item/Description	Name	Detail of Interest	Extent of Interest
Nil			

6. APPLICATIONS FOR LEAVE OF ABSENCE

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

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

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

That the Minutes of the Ordinary Meeting of the Shire of Exmouth held on the 27 October 2016 and the Special Council Meeting held on the 18 November 2016 be confirmed as a true and correct record of proceedings.

Council advised that the minutes of the previous meeting have not been confirmed as Council have ten days to accept and confirm them.

8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

The Shire President Welcomed Ron Murphy from the Department of Local Government and Communities. The Shire President reiterated his sadness on the resignation of Bob Todd.

9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Presentation by Planning Solutions, Urban and Regional Planning in relation to Report 16.2- Proposed Dwelling Lot 311 (30 Gnulli Court, Exmouth).

10. REPORT OF COUNCILLORS

Date	Activity	Councillor					
		Cr Shales	Cr Hood	Cr McHutchison	Cr Roscic	Cr Todd	Cr Jones
	Nil						

11. EXECUTIVE SERVICES

11.1 COUNCIL MEETING DATES DECEMBER 2016

File Reference: GV.CM.0
Responsible Officer: Acting Chief Executive officer
Date of Report: 17 November 2016
Applicant/Proponent: Nil
Disclosure of Interest: Nil
Attachment(s): Nil

PURPOSE

That Council consider changing the date of the December Ordinary Council meeting from Thursday 22 December 2016 to Thursday 15 December 2016 at the same time and location.

BACKGROUND

The December Ordinary Council meeting is required to be changed to avoid holding a Special Council meeting to meet officer's statutory deadlines. It is therefore recommended that the ordinary meeting date be brought forward from Thursday 22 December to Thursday 15 December 2016.

COMMENT

Nil

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government (Administration) Regulations 1996

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2016-2020.

- Civic Leadership: 4 To work together as custodians of now and the future.
4.1 *To be a collaborative community with the capacity to manage the current and future direction of Exmouth.*
4.2 *A local government that is respected, professional, trustworthy and accountable.*
4.3 *To be strong advocates representing the region's interests.*
-

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION**ITEM 11.1**

That Council:

1. Change the December 2016 Ordinary Council Meeting date from Thursday 22 December to Thursday 15 December 2016, commencing at 5.00pm; and
 2. Advertise the change of meeting date in accordance with the *Local Government (Administration) Regulations 1996*.
-

COUNCIL RESOLUTION**ITEM 11.1****Res No:** **05-1116****MOVED:** **Cr Jones****SECONDED:** **Cr Roscic**

That Council:

- 1. Change the December 2016 Ordinary Council Meeting date from Thursday 22 December to Thursday 15 December 2016, commencing at 5.00pm; and**
- 2. Advertise the change of meeting date in accordance with the *Local Government (Administration) Regulations 1996*.**

CARRIED 3/0

12 CORPORATE SERVICES

12.1 FINANCIAL STATEMENT FOR PERIOD ENDING 31 OCTOBER 2016

File Reference: FM.FL.0
 Responsible Officer: Executive Manager Corporate Services
 Date of Report: 16 November 2016
 Applicant/Proponent: Nil
 Disclosure of Interest: Nil
 Attachment(s): 1. Financial Report as at 31 October 2016

PURPOSE

That Council consider accepting the financial report for the financial period ending 31 October 2016.

BACKGROUND

The provisions of the Local Government Act 1995 and associated Regulations require a monthly financial report for presentation to the Council. A financial report for the period ended 31 October 2016 has been prepared and a copy of the Report is attached.

The following table displays the Council's year to date position to 31 October 2016 including the projected closing position for 2016/17 financial year. The 2016/17 Budget estimated to deliver a budget with a small surplus of \$1,515, however the current projected forecast closing position to 30 June 2017 is estimated a deficit of (\$9,520).

2016/17	Year to Date Actual	Year to Date Budget	Amended Budget	On Target with YTD Budget	Forecast to 30/6/17	Forecast Impact on Surplus
	\$	\$	\$	%		
Operating Revenue	6,854,010	6,403,827	11,927,194	112.9%	12,002,903	▲
Operating Expenditure	(4,923,969)	(5,308,253)	(15,865,496)	92.8%	(15,950,609)	▼
Non Operating Revenue	10,248,242	12,284,272	27,974,025	110.0%	27,782,684	▼
Non Operating Expenditure	(7,074,550)	(8,509,609)	(28,450,490)	98.1%	(28,256,521)	▲
Non cash Items Included	1,416,133	2,668	4,286,478	-6.3%	4,286,478	
Surplus C/Fwd June 2016	125,545	129,804	129,804	96.7%	125,545	▼
Surplus/(Deficit)	6,645,409	5,002,709	1,515	132.8%	(9,520)	▼

Monitoring of the financial statements will occur each month until the end of the financial year and the forecast result may change each month as future expenditure and revenue expectations are refined and additional information is received.

COMMENT

Statement of Financial Position

Total Current Assets have decreased by 9.26% from September to October 2016 which reflects rates and charges first instalment including payments made after the due date of 16 September 2016. Sundry Debtor accounts have reduced owing to invoices that were outstanding within the range of current to 60 days being paid. Current Liabilities have seen an increase of 21.3% from September to October 2016 resulting in Creditors invoices for the Ningaloo Centre being processed prior to end of month. Non-Current Assets have increased slightly by 1.49% to recognise capital acquisitions purchased to date. Non-Current Liabilities remain unchanged from September 2016.

	31/10/16	30/9/16	% Change
Current			
Assets	14,642,301	16,135,760	(9.26%)
Liabilities	(1,927,146)	(1,588,702)	21.30%
Non Current			
Assets	96,290,285	94,880,665	1.49%
Liabilities	(1,288,504)	(1,288,504)	0.00%
NET ASSETS	107,716,937	108,139,219	

Capital Expenditure

The Council's 2016/17 Capital Expenditure budget is \$26,691,801, the majority of which is associated with the construction and fitout of the Ningaloo Centre and other infrastructure improvements. The following table shows that Council is currently 84% on target with capital expenditure year to date.

Asset Class	Year to Date Actual	Year to Date Budget	On Target with YTD Budget	Annual Budget
	\$	\$	%	\$
Land & Buildings	6,114,068	7,084,648	86%	21,745,904
Furniture & Equipment	5,870	0		371,000
Land Held for Resale	430,000	430,000	100%	430,000
Plant & Equipment	9,401	0		1,106,510
Infrastructure Roads	327,232	755,784	43%	2,267,441
Infrastructure Other	54,443	0		770,946
TOTAL	6,941,014	8,270,432	84%	26,691,801

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996*.

In accordance with Regulation 34 (5), a report must be compiled on variances greater than the materiality threshold adopted by Council of \$10,000 or 10% whichever is the greater. As this report is composed at a program level, variance commentary considers the most significant items that comprise the variance.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This item is relevant to the Council's approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2016-2020.

- Civic Leadership:
- 4 To work together as custodians of now and the future.
 - 4.2 *A local government that is respected, professional, trustworthy and accountable.*

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION**ITEM 12.1**

That Council resolves to receive the Financial Report for the financial period ending 31 October 2016.

COUNCIL RESOLUTION**ITEM 12.1**

Res No: **06-1116**

MOVED: **Cr Jones**
SECONDED: **Cr Roscic**

That Council resolves to receive the Financial Report for the financial period ending 31 October 2016.

CARRIED 3/0

12.2 LIST OF ACCOUNTS FOR PERIOD ENDING 31 OCTOBER 2016

File Reference:	FM.FI.0
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	16 November 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. List of Accounts for period ending 31 October 2016.

PURPOSE

To advise Council of payments made since the previous Ordinary Council Meeting.

BACKGROUND

Council continue to meet our terms of credit as established between suppliers and aspire to obtain discounts where practicable. Payments have been approved by authorised officers in accordance with agreed delegations and policy frameworks.

COMMENT

Council has given delegated authority that allows the Chief Executive Officer to approve payments from Council's bank accounts either via cheque or through electronic lodgement.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Payments are to be made in accordance with Part 6, Division 4 of the *Local Government Act 1995* and as per the *Local Government (Financial Management) Regulations 1996*. Payments are to be made through the municipal fund, trust fund or reserve funds. Payments are to be in accordance with approved systems as authorised by the CEO.

POLICY IMPLICATIONS

Policy 2.10 – Purchasing Policy and
Policy 2.17 - Regional Price Preference Policy (where applicable)

FINANCIAL IMPLICATIONS

Payments are made under delegated authority and are within defined and approved budgets. Payment is made within agreed trade terms and in a timely manner.

STRATEGIC IMPLICATIONS

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2016-2020.

Civic Leadership: 4 To work together as custodians of now and the future.
 4.2 *A local government that is respected, professional, trustworthy and accountable*

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION**ITEM 12.2**

That Council resolves to accept accepts payments from 1 October to 31 October 2016 being made up of:

1. Municipal Fund – \$2,419,072.98 incorporating of cheques 13343 - 13356 and direct debits; and
2. Trust Fund – \$32,868.00 incorporating cheque 400852 and direct debits.

Outstanding Creditors as at 31 October 2016 being \$503,220.71

COUNCIL RESOLUTION**ITEM 12.2**

Res No: **07-1116**

MOVED: **Cr Jones**
SECONDED: **Cr Roscic**

That Council resolves to accept accepts payments from 1 October to 31 October 2016 being made up of:

1. **Municipal Fund – \$2,419,072.98 incorporating of cheques 13343 - 13356 and direct debits; and**
2. **Trust Fund – \$32,868.00 incorporating cheque 400852 and direct debits.**

Outstanding Creditors as at 31 October 2016 being \$503,220.71

CARRIED 3/0

13 AVIATION SERVICES

Nil.

14 COMMUNITY ENGAGEMENT

14.1 NINGALOO VISITOR CENTRE REPORTING; KEY PERFORMANCE INDICATORS

File Reference:	CS.SP.29
Responsible Officer:	Executive Manager Community Engagement
Date of Report:	15 November 2016
Applicant/Proponent:	Ningaloo Visitor Centre Marketing Committee
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none">1 Bi-Annual Review of the Shire of Exmouth Funding Agreement KPIs (1 November 2016)2 Ningaloo Visitor Centre- Financial Report for the Year ended 30 June 2016 (CONFIDENTIAL REPORT).

PURPOSE

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

This report seeks Council consideration to accept the November 2016 KPI Review Report from the NVCMC as presented with this Council Report.

BACKGROUND

The Shire of Exmouth entered into a formal Funding Agreement in 2013 with the Exmouth Visitor Centre Management Committee - EVCMD (now called Ningaloo Visitor Centre Management Committee – NVCMC) outlining the support provided by the Shire of Exmouth and the conditions for this support.

The NVCMC 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

- EVCMD 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.
- EVCMD 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 attachments provide the November 2016 report to Council on the achievements of the NVCNC 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 NVCNC (refer Attachments 1 and 2).

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

- Various surveys were conducted and they provide a good benchmark for the performance of the NVC as seen by: staff, NVC members and visitors to the region.
- The Ningaloo Visitor Centre was instrumental in winning the Top Tourism Town Award for communities of less than 5000 people. Considering the various criteria used to assess the achievements made by the Visitor Centre in areas like marketing, customer service, governance and stakeholder engagement, this is a great accolade for the Visitor Centre and the wider community of Exmouth.
- In November 2016, the Ningaloo Visitor Centre received the Silver Award in the Perth Airport Tourism Awards (category Visitor Centres), indicating that the NVC is the second best run centre in the State, after Margaret River who took out the gold award.
- The Ningaloo Visitor Centre made a loss of (\$9,999) for the 2015/16 financial year, after making a net surplus of \$6,003 in the previous financial year.

In accordance with the Funding Agreement between the Shire of Exmouth and the Visitor Centre, the Shire contribution for the 2016/17 financial year will be calculated as follows:

"The contribution paid in the preceding financial year less 50% of the annual net profit of the EVCMC for the preceding financial year, to be paid in quarterly instalments commencing on 1 July 2016".

Based on the financial results of the previous financial year (a loss of nearly \$10,000), the contribution for this financial year remains the same as last year, being \$216,998.50.

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

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Funding Agreement between the Shire and the NVC manages the contributions by the Shire of Exmouth towards the operations of the Visitor Centre.

STRATEGIC IMPLICATIONS

This item is relevant to the Council's approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2016-2020.

- Economic: 1 To be a diverse and innovative economy with a range of local employment opportunities.
 1.3 *Diverse tourism opportunities.*

- Civic Leadership: 4 To work together as custodians of now and the future.
 4.1 *To be a collaborative community with the capacity to manage the current and future direction of Exmouth.*
 4.2 *A local government that is respected, professional, trustworthy and accountable.*

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION**ITEM 14.1**

That Council accepts the Bi-Annual Review of the Shire of Exmouth Funding Agreement KPI'S report (November 2016) from the Ningaloo Visitor Centre Marketing Committee.

Councillor Roscic asked how Council could discuss the attachment if it was confidential. Council agreed if it was to be discussed this would be behind closed doors. It was noted that there was an item to be considered behind closed doors later on the agenda and there would be an opportunity to raise this issue.

15 **HEALTH & BUILDING SERVICES**

15.1 UNBUDGETED EXPENDITURE – TWIN AXEL TRAILER

File Reference:	WM.SP.2
Responsible Officer:	Executive Manager Health & Building Services
Date of Report:	15 November 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Nil

PURPOSE

That Council consider approving a request for unbudgeted expenditure from account A101014 Waste Site Plant and Equipment (New) to the value of \$3,000 for the purchase of a second hand twin axle trailer to be used to transport recyclables from the recycling Bring Centre to the Qualing Scarp Waste Management Facility for processing.

BACKGROUND

The development of the recycling Bring Centre has commenced with a contractor recently appointed to complete preliminary site works. The construction of the Bring Centre is expected to be completed by about April 2017 and the construction of the processing facility at the Qualing Scarp Waste Disposal Site (the tip) will be constructed and commissioned by the end of the 2016/17 financial year. In light of these timeframes, the purchase of some plant and equipment for the Waste and Recycling Infrastructure Project (the Project), not funded by the Country Local Government Fund RfR Grant, was to be recommended for the 2017/18 budget. The main item being a trailer for the transport of recyclables from the Bring Centre to the tip for processing.

COMMENT

In the forward planning budget for the Project the Executive Manager Health & Building (EMHB) had planned on recommending drawing \$10,000 from the Waste Management Reserve in 2017/18 for the purchase of a new custom made twin axle trailer for the transportation of the materials from the Bring Centre to the tip. The trailer would have other uses for the tip and be available for general use by the Shire.

In late October, a second hand trailer meeting the needs for the Project was identified for sale privately at the used vehicle area on the corner of Murat Road and Welch Street. The trailer is caged, has a twin axle and dropped down gate/ramp for easy loading. This trailer is very close to the specifications of what the Shire would have been seeking to have made but at less than one third the cost of buying new. The owner of the trailer has agreed to sell the trailer to the Shire of \$2,800.

The Shire's mechanic has inspected the trailer and advises that it is in very good condition and in sound working order.

Given this opportunity the EMHB hereby seeks Council support for the unbudgeted expenditure of \$3,000 for the purchase of the trailer and cost of transfer. The funds to be drawn down from the Waste Management Reserve (Account L019140) and transferred to expense account A101014 Waste Site Plant and Equipment (New).

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Section 6.8 of the *Local Government Act 1995* states:

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure -
 - a. is incurred in a financial year before the adoption of the annual budget by the local government; or
 - b. is authorised in advance by resolution*; or
 - c. is authorised in advance by the mayor or president in an emergency.

*Absolute majority required.

- (1a) In subsection (1) –

Additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.

POLICY IMPLICATIONS

Policy 2.10 – Purchasing Policy

FINANCIAL IMPLICATIONS

The proposed unbudgeted expenditure of \$3,000 has a nil effect on the operating budget as (subject to Council approval) the funds are to be drawn down from the Waste Management Reserve account and transferred to expense account A101014 Waste Site Plant and Equipment (New).

STRATEGIC IMPLICATIONS

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2016-2020.

- | | | |
|-------------------|-----|---|
| Economic: | 1 | <u>To be a diverse and innovative economy with a range of local employment opportunities.</u> |
| | 1.2 | <i>Planned and balanced economic growth.</i> |
| | 1.5 | <i>Maintain and improve Shire infrastructure.</i> |
| Environment: | 2 | <u>To have a balanced respect for our environment and heritage, both natural and built.</u> |
| | 2.4 | <i>To be a leader in eco-friendly initiatives and innovations.</i> |
| | 2.6 | <i>Incorporate Climate Change impacts onto current and future planning and policy of Land Developments.</i> |
| Civic Leadership: | 4 | <u>To work together as custodians of now and the future.</u> |
| | 4.1 | <i>To be a collaborative community with the capacity to manage the current and future direction of Exmouth.</i> |
| | 4.2 | <i>A local government that is respected, professional, trustworthy and accountable.</i> |

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION**ITEM 15.1**

That Council, in accordance with Section 6.8(1)(b) of the *Local Government Act 1995*, approve the transfer of \$3,000 from the Waste Management Reserve (Account L019140) to expense account A101014 Waste Site Plant and Equipment (New), for unbudgeted expenditure being the purchase of a second hand twin axle trailer to transport recyclable materials from the recycling Bring Centre to the Qualing Scarp Waste Management Facility.

ITEM 15.1

The Acting Chief Executive Officer advised the Shire President that this report requires an Absolute Majority and due to the lack of quorum suggested that the report be withdrawn. The Executive Manager Health Building, Rob Manning agreed to withdraw the report.

Report was withdrawn.

16 TOWN PLANNING SERVICES

16.1 PROPOSED ENVIRONMENTAL AND LAND MANAGEMENT LICENCE OVER PORTIONS OF UNALLOCATED CROWN LAND ADJACENT TO EXMOUTH GULF PASTORAL STATION

File Reference: A512

Responsible Officer: Executive Manager Town Planning Services

Date of Report: 14 November 2016

Applicant/Proponent: Department of Lands

Disclosure of Interest: Nil

Attachment(s):
1. Locations of proposed licence
2. Department of Lands referral letter

PURPOSE

That Council consider objecting to the issuing of a licence over portions of Unallocated Crown Land (UCL) located adjacent to the Exmouth Gulf Pastoral Station (refer Attachment 1), to the lessees of the Exmouth Gulf Pastoral Station, for the purpose of Environmental and Land Management.

BACKGROUND

At the 27 July 2016 Ordinary Council Meeting, Council resolved (Decision 09-0716) to object to the issuing of a licence over a portion of UCL located adjacent to the Exmouth Gulf Pastoral Station, to the lessees of the Exmouth Gulf Pastoral Station, for the management of coastal camping.

The Department of Lands (DoL) are now requesting comment from the Shire regarding a new application licence proposal for Environmental and Land Management over portions of UCL adjacent to the Exmouth Gulf Pastoral Station to lessees of the Exmouth Gulf Pastoral Station (refer Attachment 2).

COMMENT

The proposal has been assessed against the provisions of the: Shire of Exmouth Town Planning Scheme Number 3; (Draft) Local Planning Scheme Number 4; (Draft) Local Planning Strategy Number 1; Exmouth South Structure Plan; Ningaloo Coast Regional Strategy Carnarvon to Exmouth; and State Planning Policy 6.3: Ningaloo Coast.

Shire of Exmouth Town Planning Scheme Number 3 (Scheme)

The Scheme classifies the portion of UCL located adjacent to the Exmouth Gulf Pastoral Station, indicated as proposed licence area 'A' to 'B' on attachment 1 as 'Recreation and Open Space' reserve. Although not technically a development (planning) application the Scheme states '*where an application is made with respect to land within a Reserve, the Council shall have regard to the ultimate purpose intended for the Reserve*'. The proposal may meet the ultimate purpose intended for the reserve as it relates to a recreation and open space purpose, however the ultimate purpose is further clarified through other statutory and strategic planning documents, as discussed below.

The Scheme classifies the portions of UCL located adjacent to the Exmouth Gulf Pastoral Station, indicated as proposed licence area 'C' to 'D' and 'E' to 'F' on attachment 1 as 'Pastoral' zone and waterways. The proposal is generally consistent with the objectives of the Pastoral zone which include:

- a) *to support the continuation of the pastoral industry in the District.*
- b) *to protect the pastoral industry from landuse conflicts by location of high intensity uses.*
- c) *to allow for diversification of uses as may be endorsed by the Pastoral Board.*

The proposal is generally consistent with the Scheme.

Draft Local Planning Scheme Number 4 (Draft Scheme)

The Draft Scheme classifies the portions of UCL located adjacent to the Exmouth Gulf Pastoral Station 'Environmental Conservation' reserve and 'waterways'. Relevant objectives of the Environmental Conservation reserve include:

- *To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision.*
- *To set aside land with conservation value within the Exmouth Gulf that reflects the 40 metre setback landward of the high water mark.*
- *Provide for development that contributes towards increased safety, security, enhancement or ongoing management of an area, place, land parcel or reserve.*

The proposal is generally consistent with the Draft Scheme.

Draft Local Planning Strategy Number 1 (Draft Strategy)

The Draft Strategy identifies the portions of UCL located adjacent to the Exmouth Gulf Pastoral Station 'Conservation and Landscape Protection' and 'Waterways'. Conservation objective 8.1 states '*Protect and enhance the natural characteristics of the Shire that are of local, regional, national and international significance.*' The proposal is generally consistent with the conservation objective. Relevant conservation strategies in 8.2 state:

- 1) *Adopt a co-operative management approach with relevant government agencies and community groups to promote sustainable land management and protection of terrestrial and marine based conservation areas throughout the Shire.*
- 6) *Manage public access and visitor numbers to recreational areas where increased human activity may potentially impact on conservation values.*
- 8) *Acknowledge the ecological values of Exmouth Gulf for habitat and as breeding grounds noting the importance of the recommended marine protected areas south of Wapet Creek.*
- 12) *Ensure a 40m setback (landward of the high water mark) is implemented where land abuts the Ningaloo Marine Park and/or Exmouth Gulf.*

The proposal is inconsistent with the Draft Strategy as the applicant being the lessees of the Exmouth Gulf Pastoral Station have not approached the Shire, and have not provided evidence of consulting with any other government department, such as the Department of Parks and Wildlife, Main Roads WA and Department of Fisheries for a co-operative management approach failing to comply with strategy 8.2 1.).

Exmouth South Structure Plan

The Exmouth South Structure Plan identifies the portions of UCL located adjacent to the Exmouth Gulf Pastoral Station as:

- Park, recreation and conservation opportunities;
- Proposed licence area 'C' to 'D' including a day use site for recreation and tourism purposes at Wapet Creek and Bay of Rest; and
- Proposed licence area 'E' to 'F' including an Aboriginal site and heritage place

The proposal is inconsistent with the Exmouth South Structure Plan as it does not allow for the identified day use sites to be developed and used by the general public.

WAPC Ningaloo Coast Regional Strategy Carnarvon to Exmouth (WAPC Strategy)

The WAPC Strategy identifies the portions of UCL located adjacent to the Exmouth Gulf Pastoral Station as including day use only sites which are to be designated and managed for day use only. It may include parking facilities, shade shelters, barbeques, toilets and picnic areas but does not cater for, or permit overnight stays. The proposal is inconsistent with the WAPC Strategy, as it does not allow for the identified day use sites to be developed and used by the general public.

State Planning Policy 6.3: Ningaloo Coast (State Policy)

Relevant objectives include:

- *Preserve and protect the natural environment and enhance and rehabilitate degraded areas within the environment.*
- *Consolidate future residential, commercial, higher-impact tourism and industrial development in the towns of Carnarvon and Exmouth and provide strategic directions for their future growth.*

The proposal is generally consistent with the objectives of the State Policy.

Further Issues

On the 1 September 2016 the Shire received a letter from the Department of Lands advising that the proposed reserves for access and grounds for recreation or place for bathing at the Bay of Rest could not be created due to the pastoral lessee objecting to the proposal. The applicant being the Exmouth Gulf Station Pastoral lessee is preventing the creation of day use only sites for use by the general public, and therefore restricting implementation of the Exmouth South Structure Plan and the WAPC Ningaloo Coast Regional Strategy Carnarvon to Exmouth.

The proposal is inconsistent with development application 112/16 signed by the lessees of the Exmouth Gulf Pastoral Station which proposes nature based camping in proposed licence area 'E' to 'F'. Therefore the intended use of this area is unknown.

Proposed licence area 'E' to 'F' includes lot 200 which has a separate lease for purposes other than Environmental and Land Management.

Considering the above Officer recommends that Council object to the issuing of a licence over portions of UCL located adjacent to the Exmouth Gulf Pastoral Station, to the lessees of Exmouth Gulf Pastoral Station, for the purpose of Environmental and Land Management.

CONSULTATION

Department of Lands

Department of Parks and Wildlife

STATUTORY ENVIRONMENT

Town Planning Scheme Number 3
(Draft) Local Planning Scheme Number 4
(Draft) Local Planning Strategy Number 1
Planning and Development Act 2005
Land Administration Act 1997
Exmouth South Structure Plan
WAPC Ningaloo Coast Regional Strategy Carnarvon to Exmouth

POLICY IMPLICATIONS

State Planning Policy 6.3: Ningaloo Coast

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This item is relevant to the Council's approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2016-2020.

- Environment: 2 To have a balanced respect for our environment and heritage, both natural and built.
2.2 *Our pristine natural environment and biodiversity will be understood, maintained and protected.*
- Civic Leadership: 4 To work together as custodians of now and the future.
4.1 *To be a collaborative community with the capacity to manage the current and future direction of Exmouth.*
4.2 *A local government that is respected, professional, trustworthy and accountable.*

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 16.1

That Council advise the Department of Lands that it objects to the issuing of a licence over portions of Unallocated Crown Land (UCL) located adjacent to the Exmouth Gulf Pastoral Station shown on attachment 1, to the lessees of the Exmouth Gulf Pastoral Station, for the purpose of Environmental and Land Management for the following reasons:

1. The proposal is inconsistent with the Shire of Exmouth (Draft) Local Planning Strategy Number 1 as the applicant being the lessee of the Exmouth Gulf Pastoral Station has not approached the Shire, and no evidence has been provided that the applicant has consulted with any other government department, such as the Department of Parks and Wildlife, Main Roads WA and Department of Fisheries for a co-operative management approach failing to comply with Strategy 8.2 1.);
2. The proposal is inconsistent with the Exmouth South Structure Plan and WAPC Ningaloo Coast Regional Strategy Carnarvon to Exmouth as it does not allow for the identified day use only sites

to be developed and used by the general public. The applicant being the lessee of the Exmouth Gulf Pastoral Station has previously refused the creation of a day use only site in the Bay of Rest;

3. The proposal is inconsistent with Development Application 112/16 signed by the lessees of the Exmouth Gulf Pastoral Station which proposes nature based camping in proposed licence area 'E' to 'F'. The above application is still under consideration by Council officers who are currently awaiting further information from the applicant. Therefore the intended use of this area is unknown;
4. Proposed licence area 'E' to 'F' includes lot 200 which has a separate existing lease for purposes other than Environmental and Land Management; and
5. The proposal will exclude the public and tourists from the whole coastline thereby depriving the general public opportunities for recreation.

COUNCIL RESOLUTION**ITEM 16.1**

Res No: **08-1116**

MOVED: **Cr Roscic**
SECONDED: **Cr Jones**

That Council advise the Department of Lands that it objects to the issuing of a licence over portions of Unallocated Crown Land (UCL) located adjacent to the Exmouth Gulf Pastoral Station shown on attachment 1, to the lessees of the Exmouth Gulf Pastoral Station, for the purpose of Environmental and Land Management for the following reasons:

- 1. The proposal is inconsistent with the Shire of Exmouth (Draft) Local Planning Strategy Number 1 as the applicant being the lessee of the Exmouth Gulf Pastoral Station has not approached the Shire, and no evidence has been provided that the applicant has consulted with any other government department, such as the Department of Parks and Wildlife, Main Roads WA and Department of Fisheries for a co-operative management approach failing to comply with Strategy 8.2 1.);**
- 2. The proposal is inconsistent with the Exmouth South Structure Plan and WAPC Ningaloo Coast Regional Strategy Carnarvon to Exmouth as it does not allow for the identified day use only sites to be developed and used by the general public. The applicant being the lessee of the Exmouth Gulf Pastoral Station has previously refused the creation of a day use only site in the Bay of Rest;**
- 3. The proposal is inconsistent with Development Application 112/16 signed by the lessees of the Exmouth Gulf Pastoral Station which proposes nature based camping in proposed licence area 'E' to 'F'. The above application is still under consideration by Council officers who are currently awaiting further information from the applicant. Therefore the intended use of this area is unknown;**

- 4. Proposed licence area 'E' to 'F' includes lot 200 which has a separate existing lease for purposes other than Environmental and Land Management; and**
- 5. The proposal will exclude the public and tourists from the whole coastline thereby depriving the general public opportunities for recreation.**

CARRIED 3/0

16.2 PROPOSED DWELLING, RETAINING WALL, JETTY AND SWIMMING POOL - LOT 311 (30) GNULLI COURT, EXMOUTH

File Reference:	PA127/16; A1425
Responsible Officer:	Executive Manager Town Planning Services
Date of Report:	15 November 2016
Applicant/Proponent:	DMG Australia (Architecture)
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none">1. Proposal Plans2. Cover Letter and Attachments3. Further Justification Letter4. Net Developable Area and Conditional Developable Area Plan5. Figure 5, 6, 7 and 8 of Council's 6.16 – Design Guidelines for Exmouth Marina Village Precinct 'A'

PURPOSE

That Council consider a development application for a proposed dwelling, retaining wall, jetty and swimming pool at Lot 311 (30) Gnnulli Court, Exmouth.

BACKGROUND

The property is currently a vacant canal fronting lot within the Exmouth Marina Village Estate. The applicant is seeking approval for the development of a dwelling, retaining wall, jetty and swimming pool (refer Attachment 1). The application substantially varies Council's Policy No. 6.16 – Design Guidelines for Exmouth Marina Village Precinct 'A' and cannot be determined under delegated authority. Please see the following list of all the proposed variations:

- Proposed 1.5m front boundary setback to the garage in lieu of the prescribed 5.5m setback.
- Proposed 1.792m northern side boundary setback to the play room in lieu of the prescribed 2m setback based on the 6.35m wall length and average 4.5m wall height from natural ground level.
- A nil western side boundary setback to the garage in lieu of the prescribed 1.5m setback based on the 14.5m wall length and average 3.76m wall height from natural ground level.
- A nil northern side boundary setback to the patio wall adjacent the pool in lieu of the 1.5m prescribed setback based on the 11.85m wall length and average 3.54m wall height above natural ground level.
- Walls, enclosed rooms and screening substantially protrude into the Conditional Development Area which are not open structures. The Guidelines only permit open structures with no walls within the Condition Development Area.
- Open structures within the Conditional Development Area with a finished floor level of 5.00AHD or less protrude into the prescribed 4m setback from canal side of the upper existing retaining wall to a minimum setback of 1.16m.
- Open structures within the Conditional Development Area with a finished floor level above 5.00AHD protrude into the prescribed 6m setback from canal side of upper existing retaining wall with a minimum setback of 3.23m.

- Retaining walls within the Conditional Development Area with a finished floor level of 4.75AHD setback 2.6m from the canal side of the upper existing retaining wall in lieu of 3.33m.
- Retaining walls within the Conditional Development Area with a finished floor level of 5.25AHD setback 3.35m from the canal side of the upper existing retaining wall in lieu of 4.66m.
- Retaining walls within the Conditional Development Area with a finished floor level of 5.507AHD setback 3.4m from the canal side of the upper existing retaining wall in lieu of 5.35m.
- The proposed Jetty is not fully contained within the existing Jetty Envelope.



COMMENT

The subject property is zoned 'Marina' by Town Planning Scheme No. 4. The objectives of the Marina zone are as follows:

5.5.1 Objectives

- (a) to provide for residential, tourist, commercial, and marine industrial development with waterfront access adjacent to the Exmouth small-boat harbour.*
- (b) to integrate with other land uses, particularly tourist and town centre related, to benefit the whole community.*
- (c) to complement and not compete with the town centre for civic, cultural, and commercial uses.*
- (d) to provide for marine research educational facilities to an appropriate scale and character.*
- (e) to provide for visitors and pedestrian movements.*
- (f) to create an attractive and viable project.*
- (g) promote and safeguard health, safety, convenience, environmental quality and the general welfare and amenity of the locality.*
- (h) to encourage a high standard of development within the zone.*

- (i) *to promote a high standard of maintenance of artificial waterways and other waterways through cooperation with the Waterways Manager and the Department for Planning and Infrastructure.*

The proposal is not considered to undermine the objectives of the zone. However, as stated above, the proposal substantially varies Council's Policy No. 6.16 – Design Guidelines for Exmouth Marina Village Precinct 'A' which Council has adopted to guide the development of the area. Any variations to the Guidelines should be consistent with the objectives and setback considerations contained within the document. These are as follows:

5.1 Objectives

- *To ensure a consistently high standard of development is maintained within the Marina Village with quality dwelling elevations that highlight and provide visual interest to the detail and scale of the design, and positively contribute to the streetscape and canal environment.*
- *To facilitate a harmonious and attractive living environment which can be appreciated by both residents of the Precinct and the wider community.*
- *To promote high quality and attractive dwellings with a consistency of more uniformed setbacks while allowing flexibility for innovative design.*

6.2 Setbacks

The Guidelines seek to apply consistent setbacks to both the street frontage and the rear canal frontage to:

- *Provide some uniformity and continuity of the streetscape and view of lots from public areas, such as the canal.*
- *Encourage dwellings to actively address available street, canal and open space frontages.*
- *Provide a visual setting whilst allowing a transition zone between public areas and the private dwelling.*
- *Provide a buffer to the street and canal with sufficient space for landscaping, privacy, parking and outdoor living areas.*
- *Maximise views of the canal, residential amenity and avoid extensive solid walls within the Conditional Development Area (CDA) to maintain an open and pleasant environment.*
- *Ensure that any significant works being undertaken in the CDA does not adversely affect the ability of the Waterways to sufficiently accommodate a 1:100 year flood event for the functional life of the structure.*
- *Ensure that any significant works being undertaken in the CDA does not adversely affect the stability and structural integrity of the lot in a 1:100 year flood event for the functional life of the structure.*
- *To provide for a positive interface between the CDA of adjacent residential lots.*
- *To prevent pollution/contamination of the Exmouth Marina waterways.*
- *To ensure a reasonable level of visual privacy for adjoining residents by consistently applying side setbacks within the CDA.*

6.2.5 General Setback Considerations

In considering setback to allow development in the CDA, Council will have regard that;

- *It is desirable to maintain an open 'waterway/coastal' environment adjacent to the canals to prevent the 'boxing' in of neighbours dwellings and allow for casual surveillance / interaction between the dwelling and the canal.*
- *Any development within the CDA should be open sided and visually permeable to provide a scenic environment and high level of amenity without significantly interrupting the open vista.*
- *Consistent setbacks along the canal are encouraged for the main dwelling – refer Figure 6 (refer Attachment 5).*

The following provides the Officer's assessment and recommendation regarding the different variations proposed.

Lot Boundary Setbacks within Net Developable Area (NDA)

A 1.5m front boundary setback to the garage is proposed in lieu of the prescribed 5.5m setback within the NDA (refer Attachment 4). The lot has a very peculiar access arrangement with the road reserve being similar to a battle-axe type access. In addition, the property frontage is very small, being 8.6m long, the width of the battle-axe road reserve. The access arrangement makes it difficult to achieve the appropriate front setback in designing the Dwelling given the layout and orientation of the NDA. Therefore, it is considered acceptable to assess the frontage as part of the northern side boundary. The Guidelines outline that side setbacks in the NDA are to be in accordance with State Planning Policy 3.1 Residential Design Codes (R-Codes) for the R20 density code. The proposal complies with the prescribed minimum 1.1m setback given the 8m long wall and 4.65m average wall height. The wall has no major openings.

A 1.792m northern side boundary setback to the play room in lieu of the prescribed 2m setback based on the 6.35m wall length and average 4.5m wall height from natural ground level. A play room is within the definition of a habitable room, therefore the subject wall possesses a major opening. Where development does not comply with the deemed-to-comply provisions of the R-Codes, which prescribes the nominal site and development requirements, it can still be in accordance with the R-Codes if Council considers the development consistent with all the relevant design principles which are as follows:

5.1.3 Lot boundary setback

P3.1 Buildings set back from lot boundaries so as to:

- *reduce impacts of building bulk on adjoining properties;*
- *provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and*
- *minimise the extent of overlooking and resultant loss of privacy on adjoining properties.*

The proposed setback variation is considered negligible. It is not considered to increase the impact of building bulk on the adjoining property. The orientation of the sun is considered from directly north of proposed buildings for the purpose of the R-Codes, therefore the variation will not overshadow the affected property. There is a sufficient setback for ventilation. Furthermore, the proposal complies with the overlooking requirements of the R-Codes.

Boundary Walls

Two walls are proposed to be built up side boundaries with a nil setback within the NDA. One wall is the western side of the garage which is 14.5m long with an average height of 3.76m from natural ground level. The prescribed setback is 1.5m as the wall has no major openings. The second wall is the northern side of the patio proposed over the pool which is 11.85m long and has an average height of 3.54m above natural ground level. The prescribed setback is 1.5m as the wall has no major openings.

The R-Codes does contain deemed-to-comply provision 5.1.3(C3.2) which allows certain walls to be built up to property boundaries, other than street boundaries. This provision prescribes a maximum wall length of 9m with a maximum height of 3.5m and average height of 3m above natural ground level, which may be built to one side boundary only. The proposal also does not comply with this provision, therefore the following design principles apply:

5.1.3 Lot boundary setback

P3.2 Buildings built up to boundaries (other than the street boundary) where this:

- makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;*
- does not compromise the design principle contained in clause 5.1.3 P3.1 (see above);*
- does not have any adverse impact on the amenity of the adjoining property;*
- ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and*
- positively contributes to the prevailing development context and streetscape.*

The proposal is considered to result in building bulk on adjoining properties which adversely impacts the amenity of those properties. The proposed walls are substantially larger than other walls which have been built up to boundaries within 'Precinct A'. Therefore, they are not consistent with the prevailing development context. Given that it is not consistent with all the design principles it is not considered consistent with the R-Codes and should not be supported. As a precedent, currently there are no boundary walls within Precinct 'A' on multiple boundaries within the NDA which exceed the criteria set out by 5.1.3(C3.2). Given the ability of boundary walls to impact existing and future adjoining landowners and out of consistent decision making, it is considered that any boundary walls should be consistent with the previous development in order to be consistent with the design principles regarding bulk and prevailing development context.

Given the proposed boundary walls are considered too bulky the proposal is not considered compatible with the surrounding development. Therefore, pursuant to deemed provision 67(m) of the *Planning and Development (Local Planning Scheme) Regulations 2015* it is recommended that the walls should not be supported. Deemed provision 67(m) is a matter to be considered as follows:

- (m) *the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*

Enclosed Structures and Walls within Conditional Development Area (CDA)

Walls, enclosed rooms and screening substantially protrude into the CDA (refer Attachment 4) which are not open structures. The Guidelines only permit open structures with no walls within the CDA through the setback requirements contained in provisions '6.2.4', '6.2.5.1(i)' and '6.2.5.1(ii)' as follows:

- 6.2.4 Rear (Dwelling setback to C.D.A):

May have a nil setback to the Conditionally Developable Area (CDA) for the main dwelling (including building pad, enclosing walls of the dwelling etc) from the rear Nett Developable Area (NDA) as depicted in Appendix C. This does not include detached open structures such as pergolas, patios or gazebo – refer Figure 5) (refer Attachment 5).

- 6.2.5.1 Specific Setback Requirements for all Development within the CDA

Notwithstanding the above, Council may allow development within the Conditional Developable Area (CDA) where reasonable privacy and view lines to the canal from neighbouring properties are maintained and the development maintains protection of the 1.6 metre wide Nutrient Retention Area (NRA) at all times;

(i) Open structures, such as verandahs, balconies, decks, porticos, and outdoor living areas attached to the main dwelling which are open on all sides shall have a minimum setback of 6 metres from the canal side of the secondary retaining wall. An example plan is included in Figure 7 (refer Attachment 5).

OR

(ii) The setback for open structures attached or detached to the main dwelling (such as verandahs, alfresco areas, pergolas, decks, patios and gazebos) can be reduced to 4 metres from the canal side of the secondary retaining wall if the maximum FFL is 5.00m AHD. An example plan is included in Figure 8 (refer Attachment 5).

The proposed protrusion of walls and screening into the CDA is not considered consistent with the setback considerations of the Guidelines. The considerations are primarily to provide uniformity and continuity of the view from the canal, a buffer between the canal and the building, an open canal waterway, consistent setbacks to the canal, open side and visually permeable structures, prevent the boxing out of adjoining property owners and to avoid solid obstructions, such as walls and screening within the CDA.

Based on the above it is considered that the proposal should not be supported as there is ample space within the NDA which has been used for landscaping and open structures instead of the enclosed portions of the Dwelling.

Rear Setbacks in the CDA

The following open structures are proposed within the CDA which do not comply with the rear setback requirements.

- Open structures within the Conditional Development Area with a finished floor level of 5.00AHD or less protrude into the prescribed 4m setback from canal side of the upper existing retaining wall to a minimum setback of 1.16m.
- Open structures within the Conditional Development Area with a finished floor level above 5.00AHD protrude into the prescribed 6m setback from canal side of upper existing retaining wall with a minimum setback of 3.23m.

Similar to the enclosed structures outlined above, it is consider that the rear setback variations for the open structures within the CDA should not be supported. The variations are not considered to be consistent with the setback considerations in that they result in the adjoining properties being boxed out by rooflines, inconsistent canal setbacks and no development uniformity and continuity. In addition, where the protrusion is as little as 1.16m from the canal side of the upper existing retaining wall the transition zone is almost removed completely.

There is ample room within the NDA which has been used for landscaping which could be used for the proposed enclosed structures. Resultantly, moving the entire structure further back into the NDA would increase the rear setbacks within the CDA. Therefore, it is recommended that the proposed rear setback is not supported.

Retaining Walls within CDA

The Guidelines require that retaining within the CDA is a maximum of 0.75m above natural ground level. On average this results in the retaining wall being 0.75m high above the height of the upper existing retaining wall (3.50AHD) when setback 2m from the canal side of this wall and an additional 0.75m high for every 2m increase in this setback. A retaining wall has been proposed within the Conditional Development Area with a finished floor level of 5.507AHD setback 3.4m from the canal side of the upper existing retaining wall in lieu of 5.35m. The proposal is not considered consistent with the setback considerations of the Guidelines as it does not provide uniformity and continuity as viewed from the canal and consistent setbacks with retaining walls developed in the area under the current Guidelines considering its height. Therefore, it is recommended that this retaining wall is not supported.

In addition the applicant has proposed the following unroofed decking within the CDA:

- with a finished floor level of 4.75AHD setback 2.6m from the canal side of the upper existing retaining wall in lieu of 3.33m.
- with a finished floor level of 5.25AHD setback 3.35m from the canal side of the upper existing retaining wall in lieu of 4.66m.

The decking is technically subject to the 4m and 6m prescribed setbacks above based on its finished floor level. However, the decking has been considered under the above retaining wall provisions. This does allow a slightly smaller setback than the prescribed 4m and 6m. Given that it is unroofed it is considered more reasonable to treat the decking as a retaining wall as it effectively has the same visual impact.

The proposed decking is still not consistent with the prescribed retaining wall setback for its height. Furthermore, it is not considered consistent with the setback considerations of the Guidelines for the reasons outlined for the retaining wall above. Therefore, it is recommended that this decking wall is not supported.

Proposed Jetty

The jetty structure protrudes 3.6m outside of the Jetty Envelope to the east. The Guidelines require the jetty structure to be fully contained within the Jetty Envelope. Only detached mooring pylons are permitted to be located within the Mooring Envelope. These requirements have been put in place in conjunction with the Department of Transport who share the same requirement through their license requirement process. Therefore, it is recommended that the proposed Jetty should not be supported.

Draft Local Planning Scheme No. 4 (LPS4)

Council is currently in the process of adopting draft Local Planning Scheme No. 4 (LPS4) to replace Town Planning Scheme No. 3. Council has completed the advertisement of this document and it is therefore a seriously entertained planning instrument. Pursuant to deemed provision 67(b) of the *Planning and Development (Local Planning Scheme) Regulations 2015* Council is required to have due regard to orderly and proper planning which includes any proposed local planning scheme

which Council is seriously considering adopting. Draft LPS4 includes all of the same provisions provided in the Guidelines. Therefore, the proposal is not consistent with LPS4 and should not be supported out of orderly and proper planning.

Applicant's Justification

A cover letter was provided with the application in support of the proposal (refer Attachment 2).

The Officer provides the following comments in regard to the cover letter:

- The matter of predominant wind is not considered sufficient justification to depart from the Guidelines. This is something that should have been considered prior to purchasing the property as there are numerous corner properties which result in the dwelling blocking wind coming from the south east when built in the NDA. If the pool must remain in the current location the Dwelling can still be designed in a manner which still complies with the Guidelines. In addition, developing the house into the CDA to position landscaping within the NDA is not considered sufficient justification to vary the setback requirements when such landscaping can easily be contained in the CDA.
- The nominal area of the NDA and CDA is larger than almost all other properties within Precinct A of the Exmouth Marina Village. The only thing unique about the property is the property frontage and it being a corner canal lot. The front setback variation is supported for this reason. The property being a corner canal lot provides a larger CDA frontage where nil setbacks are permitted to enclosed rooms at the rear of the NDA. Therefore, the unique aspects of this property actually make compliance with the Guidelines easier than other properties which are subject to the Guidelines as the development potential is much greater within the NDA. The percentage of the total property area that the NDA and CDA comprise is not considered relevant as this is something that could have been considered prior to purchasing the property.
- The storage of an oversized boat is not a justification to develop an oversized garage. The onus is on landowners to develop residential properties in a manner that meets the site and development requirements which allows the lawful storage of their belongings and achieves the necessary privacy. There is ample opportunity to do this at the subject property without substantial variation to the Guidelines, especially considering the increased development potential of the NDA.

The Applicant has engaged a planning consultant to provide further justification for the proposal based on preliminary discussion with Council Officers (refer Attachment 3). The Officer provides the following comments in regard to the letter:

- It is considered that the on boundary walls are consistent with some of the design principles, hence they have not been discussed above. However, to be determined as being consistent with the R-Codes development needs to be considered consistent with *all* the applicable design principles. The applicant's justification is not considered sufficient to determine that adjoining properties will not be impacted by building bulk on shared property boundaries. It cannot be assumed that there is a guarantee that adjoining Dwellings will be developed in a manner that will not be impacted by the bulk of the proposed boundary walls. The walls are considered too bulky.

- The applicant has failed to note setback requirements 6.2.5.1(i) and 6.2.5.1(ii) which are provisions of the Guidelines clearly stating that structures are to be open sided. These setback requirements are based on general setback considerations within the Guidelines, some of which the applicant has identified. However the applicant has failed to identify the following consideration which outline that development should be open sided:
 - Provide some uniformity and continuity of the streetscape and view of lots from public areas, such as the canal.
 - Maximise views of the canal, residential amenity and avoid extensive solid walls within the Conditional Development Area (CDA) to maintain an open and pleasant environment.
 - Any development within the CDA should be open sided and visually permeable to provide a scenic environment and high level of amenity without significantly interrupting the open vista.
 - Consistent setbacks along the canal are encouraged for the main dwelling.
- Although the proposed CDA development is consistent with some of the setback considerations of the Guidelines it is not consistent with all of the considerations. If the property was developed in accordance with the site and development requirements of the Guidelines it is considered that the development would achieve consistency with all the setback considerations. Therefore, based on the merits and outcome performance of the proposal it is considered that proposal should not be supported as it still undermines some of the setback considerations.
- Local planning policies are not afforded the statutory powers of a local planning scheme to maintain their flexibility. Resultantly, Council does have the ability to approve the application considering the referral process has been conducted. However, the adoption of a local planning policy results in Council adopting a position on a matter, such as the development of Dwelling's within 'Precinct A' of the Exmouth Marina Village Estate. Consequently, subsequent development approvals are determined in accordance with that position. Therefore, there should be an exceptional circumstance to warrant the significant variation of a local planning policy as this would result in a departure from consistent decision making and precedence. The subject property is not considered to pose an exceptional circumstance which would warrant the proposed variations. The outcomes of the subject proposal that the applicant has used as justification for the proposed variations can be achieved through a development which complies with Council's Guidelines.
- The proposal does set a precedent for similar development in the future. Boundary walls have been proposed on normal side boundaries possessed by every property within 'Precinct A'. In addition, every canal fronting property possesses a Nett Developable Area and CDA. The only unique aspects of this property is the access and street frontage and it being a corner canal lot. As outlined above these aspects actually increases development potential which is justification that the significant variations should not be supported.

Conclusion

Given the substantial variations outlined in this Comment section it is considered that the application cannot be approved in a manner which would achieve an acceptable outcome outlined by Policy No. 6.16 – Design Guidelines for Exmouth Marina Village Precinct 'A', even through the application

of conditions. The proposal requires substantial amendment to achieve an acceptable outcome. Therefore, it is recommended that Council refuse to grant development approval for the proposal for the reasons outlined in the Officer's Recommendation.

CONSULTATION

Given the proposal varies Council's Policy No. 6.16 – Design Guidelines for Exmouth Marina Village Precinct 'A' it was referred to the affected surrounding landowners to provide comment in accordance with the Policy and the *Planning and Development (Local Planning Scheme) Regulations 2015*. The proposal was referred with a minimum 14 day submission period from the 3 November 2016 to the 18 November 2016. One submission was received as follows:

Property Referred	Submitters Response	Officer Comments
Lot 310 (28) Gnulli Court, Exmouth	I am the western neighbour. The intrusions into the Conditional Development Area are seriously obstructive. The garage wall is too high. There needs to be normal setbacks on the western boundary and southern CDA.	Noted. The protrusions in the CDA are considered to undermine the setback considerations of <i>Policy No. 6.16 – Design Guidelines for Exmouth Marina Village Precinct 'A'</i> . In addition, the proposed garage wall is considered too bulky which is not consistent with all the applicable design principles of the R-Codes. Therefore, it is recommended that the proposal is not supported.

The applicant has provided a letter of support from the owners of Lot 312 (32) Gnulli Court, Exmouth with the cover letter (refer Attachment 2). Support from the adjoining landowner is still not considered sufficient justification for the proposed variations given the reasons outlined in the comment section above and the precedence that approval of the application would result in.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Planning and Development (Local Planning Scheme) Regulations 2015

Town Planning Scheme No. 3

POLICY IMPLICATIONS

Policy 6.2 – Colour Palette for Developments

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

State Planning Policy 3.1 Residential Design Codes

Draft Local Planning Scheme No. 4

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This item is relevant to the Council's approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2016-2020.

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

- 1.1 *To increase the number of local businesses, industries and services that will provide a range of employment opportunities for the people of Exmouth.*

- Civic Leadership: 4 *To work together as custodians of now and the future.*
 4.1 *To be a collaborative community with the capacity to manage the current and future direction of Exmouth.*
 4.2 *A local government that is respected, professional, trustworthy and accountable.*

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 16.2

That Council refuse to grant development approval for a proposed dwelling, retaining wall, jetty and swimming pool at lot 311 (30) Gnulli Court, Exmouth for the following reasons:

1. The proposal does not comply with Council's Policy No. 6.16 – Design Guidelines for Exmouth Marina Village Precinct 'A' as follows:
 - a. The proposal is not consistent with the design principles of State Planning Policy 3.1 Residential Design Codes regarding lot boundary setbacks within the Net Developable Area;
 - b. Walls, enclosed rooms and screening substantially protrude into the Condition Development Area;
 - c. Open structures within the Conditional Development Area do not meet the rear setbacks;
 - d. Retaining walls within the Conditional Development Area do not meet the maximum height and/or setback requirements;
 - e. The Jetty is not fully contained within the Jetty Envelope;
 - f. The proposal is not considered consistent with all the setback considerations outlined in the Policy; and
2. Pursuant to deemed provision 67(b) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, approval of the proposal would not be orderly and proper planning as it is not consistent with draft Local Planning Scheme No. 4;
3. Pursuant to deemed provision 67(m) of the Planning and Development (Local Planning Scheme) Regulations 2015, the proposed boundary walls within the Net Development Area are not compatible to development on adjoining land given their height, bulk and scale; and
4. Approval of the application would set an undesirable precedence for similar development in the future.

Advice

- i. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within twenty eight (28) days of the determination.

COUNCIL RESOLUTION**ITEM 16.2**

That Council refuse to grant development approval for a proposed dwelling, retaining wall, jetty and swimming pool at lot 311 (30) Gnulli Court, Exmouth for the following reasons:

- 1. The proposal does not comply with Council's Policy No. 6.16 – Design Guidelines for Exmouth Marina Village Precinct 'A' as follows:**
 - a. The proposal is not consistent with the design principles of State Planning Policy 3.1 Residential Design Codes regarding lot boundary setbacks within the Net Developable Area;**
 - b. Walls, enclosed rooms and screening substantially protrude into the Condition Development Area;**
 - c. Open structures within the Conditional Development Area do not meet the rear setbacks;**
 - d. Retaining walls within the Conditional Development Area do not meet the maximum height and/or setback requirements;**
 - e. The Jetty is not fully contained within the Jetty Envelope;**
 - f. The proposal is not considered consistent with all the setback considerations outlined in the Policy; and**
- 2. Pursuant to deemed provision 67(b) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, approval of the proposal would not be orderly and proper planning as it is not consistent with draft Local Planning Scheme No. 4;**
- 3. Pursuant to deemed provision 67(m) of the Planning and Development (Local Planning Scheme) Regulations 2015, the proposed boundary walls within the Net Development Area are not compatible to development on adjoining land given their height, bulk and scale; and**
- 4. Approval of the application would set an undesirable precedence for similar development in the future.**

Advice

- i. **If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within twenty eight (28) days of the determination.**

SUBSTANTIVE MOTION

Res No: **09-1116**

MOVED: **Cr Roscic**
SECONDED: **Nil**

To accept the alternative proposal from the proponent including the relocation of the boat mooring.

The motion lapsed for want of a seconder.

17 ENGINEERING SERVICES

17.1 RFQ PANEL OF CONSULTANTS TO PROVIDE PROJECT MANAGEMENT SERVICES FOR THE RECOVERY AND REINSTATEMENT OF ESSENTIAL ASSETS AND INFRASTRUCTURE (WANDRRA).

File Reference:	GS.PR.2
Responsible Officer:	Executive Manager Engineering Services
Date of Report:	16 November 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none">1. Confidential Evaluation Report RFQ 25/162. Request for Quotation

PURPOSE

That Council award contracts to Greenfield Technical Services and WML Consultants for the provision of project management services associated with the recovery and reinstatement of essential asset and infrastructure under the provisions of the Western Australian Natural Disaster Relief and Recovery Arrangements (WANDRRA).

This contract/procedure will apply to future natural disaster impacts and future WANDRRA claims.

BACKGROUND

In September 2016 Council was advised that the Shires of Carnarvon, Shark Bay and Exmouth are looking to engage suitably qualified engineering firms to manage the WANDRRA arrangements through the WALGA.

The WALGA preferred supply contracts are C001_13 Engineering Consultancy Services and C13_15 Asset Management Consultancy Services.

The associated contract period is for 12 months and the Shire may, at its discretion, extend the contract by giving notice in writing to the consultant before expiry of the initial period or extended period as the case may be, for an additional period up to a maximum of 3 years to commence on the day after the end of the initial period and ending after the period of time notified to the consultant by the Shire.

There is no retainer paid in this contract. The payment arrangement is fee for service subject to WANDRRA approved activity.

COMMENT

Suppliers from WALGA's preferred supplier contract C001_13 Engineering Consultancy Services and C13_15 Asset Management Consultancy Services were invited to respond to the RFQ.

The list of interested parties included:

- Greenfield Technical Services
- JACOBS
- Lycopodium
- Lycopodium Asset Management
- NS Projects & Integral PC & Integral Valuations
- Talis Consultants
- WML Consultants Pty Ltd

The RFQ was lodged through WALGA's eQuotes on Wednesday 21 September 2016. The initial closing date and time for the RFQ was Thursday, 29 September, 3.00PM. A request to extend the closing date was received. On the basis that there could be a real benefit and value to the participating parties' of this process the RFQ was extended to Tuesday 11 October 2016 3:00 PM.

The following WALGA officers attended the close of the RFQ:

Name	Title	Organisation
Brian Ging	Procurement Specialist	WALGA
Craig Grant	Procurement Specialist	WALGA

Responses were received from the following organisations:

- Greenfield Technical Services
- Talis Consultants
- WML Consultants Pty Ltd

An evaluation panel assessed each response. The evaluating officers were:

Name	Organisation	Title	Basis of Participation
Keith Woodward	Shire of Exmouth	Executive Manager Engineering Services	Voting
Craig Grant	WALGA	Procurement Specialist	Voting

The tenders were assessed for compliance with the RFQ document and against the qualitative criteria that were weighted as follows:

- Organisation Ability 35%
- Personnel 30%
- Performance 25%
- Value 10%

The confidential RFQ evaluation report is available as Attachment 1. The Request for Quotation document is available as Attachment 2.

The Department of Premier and Cabinet (DPC) has provided the following advice:

"One of the basic views of WANDRRA is that the measures should reflect that the State has exhausted its own resources before accessing this assistance. Therefore, it follows that duties are beyond the capability of the current staff. In order to be able to employ additional staff, the Shire must provide details to justify the appointment(s) and set out the terms and conditions of employment plus a list of the tasks that will be undertaken."

Table 1 provides an overview of the questions which will be asked by the DPC prior to the DPC approving the Shires engagement of consultants for the provision of project management services associated with the recovery and reinstatement of essential asset and infrastructure under the provisions of the Western Australian Natural Disaster Relief and Recovery Arrangements (WANDRRA). Once the DPC approves the proposal the Local Government can engage from the panel of consultants to provide project management services for the recovery and reinstatement of essential assets and infrastructure (WANDRRA).

Table 1: Detail	Explanation
<i>The appointment needs to be a fixed term.</i>	<i>It is generally accepted that tasks that are required following an event do not continue for any major length of time.</i>
<i>Outline the tasks that additional staff will undertake</i>	<i>Illustrate that as a direct result of the event the tasks are required to be undertaken.</i>
<i>The reason current staff cannot undertake the tasks.</i>	<i>This needs to show that the current staff is not, due to their current duties, able to undertake these issues. A lack of relevant knowledge (if applicable) may also be mentioned.</i>
<i>Acceptance that there will be no purchase of capital equipment (e.g. laptop) for these positions.</i>	<i>After these appointments have ceased capital items will be used and therefore the cost cannot directly be attributed to the event.</i>
<i>No 'on costs' to be included in claims.</i>	<i>Items such as stationery, 'office costs' are seen as normal expenditure for the Shire and cannot be seen as 'additional' costs.</i>

CONSULTATION

Shire of Carnarvon

Shire of Shark Bay

Western Australian Local Government Association (WALGA)

Main Roads Western Australia

Department of Premier and Cabinet

STATUTORY ENVIRONMENT

Section 3.57 of the *Local Government Act 1995* and the *Local Government Regulation 1996 (Function and General)* Part 4, Division 2 section 11 (2) (b).

The RFQ was not publically advertised but managed through the WALGA Preferred Supply Program as referenced in the *Local Government Regulation 1996 (Function and General)* Part 4, Division 2 section 11 (2) (b) negating the requirements of *Local Government Regulation 1996* Part 4, Division 2 section 14.

The contracts between the Shire and Greenfield Technical Services and WML Consultants will be managed by the jurisdiction of AS 4122-2010 General Conditions of Contract for Consultants.

POLICY IMPLICATIONS

- Policy 2.3 Common Seal
- Policy 2.10 Purchasing Policy
- Policy 2.17 Regional Price Preference

FINANCIAL IMPLICATIONS

The Western Australia Natural Disaster and Recovery Arrangements (WANDRRA) is jointly funded by the State and Commonwealth Governments and administered by the Department of the Premier and Cabinet (DPC), with assistance from other agencies. Through WANDRRA, the Western Australian and Commonwealth Governments provide help to Local Government who have suffered the direct impact of a proclaimed natural disaster event. Assistance is provided via a range of relief measures to assist communities to recover from an eligible natural disaster event including: bushfire; cyclone; earthquake; flood; landslide; meteorite strike; storm; storm surge; tornado or tsunami.

The Department of the Premier and Cabinet will activate WANDRRA if;

- it is one of the ten events mentioned above; and
- the anticipated cost of eligible measures will exceed \$240,000.

WANDRRA may fund up to 100 per cent of counter disaster operations provided that these costs are additional costs incurred directly as a result of the eligible natural disaster event. This may include expenses such as overtime, operational expenses, contractor expenses and clean-up costs. However, this does not include the notional costs of staff wages, or of using equipment/machinery owned by the local government claimant. Once the WANDRRA arrangement are approved by the DPC the Shire is obligated to contribute of its own funds \$141,100. This is the Shire's contribution and its value is set even if the value of the anticipated reinstatement costs exceed \$141,100.

Engagements through contract RFQ 25/16 Panel of consultants to provide project management services for the recovery and reinstatement of essential assets and infrastructure will be funded by the WANDRRA arrangements subject to approval by the DPC as referenced in the comment section of this report.

STRATEGIC IMPLICATIONS

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2016-2020.

- Economic:
- 1 To be a diverse and innovative economy with a range of local employment opportunities.
 - 1.5 *Maintain and improve Shire infrastructure.*

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION**ITEM 17.1**

That Council:

1. Award RFQ 25/16 Panel of consultants to provide project management services for the recovery and reinstatement of essential assets and infrastructure to Greenfield Technical Services as per the recommendations in the confidential RFQ evaluation report; and
2. Award RFQ 25/16 Panel of consultants to provide project management services for the recovery and reinstatement of essential assets and infrastructure to WML Consultants as per the recommendations in the confidential RFQ evaluation report.
3. The associated contract period is for 12 months and the Shire may, at its discretion, extend the contract by giving notice in writing to the consultant before expiry of the initial period or extended period as the case may be, for an additional period up to a maximum of 3 years to commence on the day after the end of the initial period and ending after the period of time notified to the consultant by the Shire.

COUNCIL RESOLUTION**ITEM 17.1**

Res No: **10-1116**

MOVED: **Cr Roscic**
SECONDED: **Cr Jones**

That Council:

- 1. Award RFQ 25/16 Panel of consultants to provide project management services for the recovery and reinstatement of essential assets and infrastructure to Greenfield Technical Services as per the recommendations in the confidential RFQ evaluation report; and**
- 2. Award RFQ 25/16 Panel of consultants to provide project management services for the recovery and reinstatement of essential assets and infrastructure to WML Consultants as per the recommendations in the confidential RFQ evaluation report.**
- 3. The associated contract period is for 12 months and the Shire may, at its discretion, extend the contract by giving notice in writing to the consultant before expiry of the initial period or extended period as the case may be, for an additional period up to a maximum of 3 years to commence on the day after the end of the initial period and ending after the period of time notified to the consultant by the Shire.**

CARRIED 3/0

18. ITEMS FOR INFORMATION ONLY

Responsible Officer: Chief Executive Officer

Disclosure of Interest: Nil

PURPOSE

To advise Council of the information items for October 2016.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

ITEM 18

That Council note the following information items:

- 18.1 Register of Documents Stamped with the Shire of Exmouth Common Seal
 - 18.2 Concessions on Fees for Council Facilities for October 2016
 - 18.3 Building Decisions Issued up to 31 October 2016
 - 18.4 Planning Decisions Issued up to 31 October 2016
-

COUNCIL RESOLUTION

ITEM 18

Res No: 11-1116

MOVED: Cr Jones
SECONDED: Cr Roscic

That Council note the following information items:

- 18.1 Register of Documents Stamped with the Shire of Exmouth Common Seal
- 18.2 Concessions on Fees for Council Facilities for October 2016
- 18.3 Building Decisions Issued up to 31 October 2016
- 18.4 Planning Decisions Issued up to 31 October 2016

CARRIED 3/0

18.1 REGISTER OF DOCUMENTS STAMPED WITH THE SHIRE OF EXMOUTH COMMON SEAL

Responsible Officer: Chief Executive Officer

Disclosure of Interest: Nil

PURPOSE

To advise Council of documents, as listed below, that have been stamped with the Common Seal of the Shire of Exmouth since the last meeting.

DATE	DOCUMENT
Nil	

18.2 CONCESSIONS ON FEES FOR COUNCIL FACILITIES FOR OCTOBER 2016

File Reference: CP.US.0

Responsible Officer: Executive Manager Community Engagement

Date of Report: 2 November 2016

Disclosure of Interest: Nil

PURPOSE

To provide Council with a summary of all concessions on fees for Council's facilities and services under Section 4.1 of the *Register of Delegations of Authority from Council to the CEO and Other Officers* since the last Ordinary Council Meeting.

NAME	REASON	AMOUNT (exc GST)
Exmouth Christian Fellowship	Music event at Federation Park 2 October 2016, fee waiver for Local Government Property Permit.	30.00
Exmouth Tennis Club	Advertising on Community Noticeboard for Exmouth Tennis club AGM 2 x weeks.	6.00
Exmouth Christian Fellowship	Hire of EDHS Hard courts for Exmouth Christian Fellowship Basketball 3 on 3 event for youth.	42.00

18.3 BUILDING DECISIONS ISSUED UP TO 31 OCTOBER 2016

File Reference: DB.BD.0

Responsible Officer: Executive Manager Health & Building Services

Date of Report: 16 November 2016

Disclosure of Interest: Nil

Attachment(s): Nil

PURPOSE

To provide Council with the building permit and building certificate applications assessed under Delegation pursuant to the Building Act 2011 up to 31 October 2016.

App	Date Received	Lot	Street	Description	Status	Decision Date
16/21	22/02/16	146	10 Hunt Street	Outbuilding Extension	Awaiting information from applicant	
16/85	21/07/16	1481	Neale Cove	Boat Lifting Facility	Cancelled	
16/87	22/07/16	334	19 Ningaloo Street	Dwelling, Additions & Swimming Pool	Awaiting information from applicant	
16/103	16/09/16	3	38 Pelias Street	Addition / Alteration to Dwelling	Approved	04/10/2016
16/107	16/09/16	141	Yardie Creek Road (Reserve 40354)	Two Steel Shade Shelters (Hunters Beach Carpark)	Approved	13/10/2016
16/111	28/09/16	165	13 Maidstone Crescent	Roof Structure	Approved	10/10/2016
16/112	19/09/16	182	18 Rimau Way	Steel Framed Single Dwelling	Approved	04/10/2016
16/113	10/10/16	332	6 Kestrel Place	Block Retaining Wall	Approved	13/10/2016
16/114	13/10/16		2 Willersdorf Road (Reserve 50807)	Steel Framed Office Addition	Approved	17/10/2016
16/115	13/10/16	117	33 Snapper Loop	Timber Framed Gazebo	TBA	
16/116	24/10/16	508	7 Carey Street	Steel Framed Carport	Approved	2/11/2016
16/117	25/10/16	21	5 Kennedy Street	Steel Framed Shed	Approved	1/11/2016
16/118	26/10/16	107	15 Page Street	Steel Framed Boundary Fence	Approved	27/10/2016
16/119	27/10/16	329	5 Falls Street	Steel Framed Shed	Approved	04/11/2016
16/120	27/10/16	1314	32 Tambor Drive	Fence & Retaining Walls	Approved	02/11/2016

18.4 PLANNING DECISIONS ISSUED UP TO 31 OCTOBER 2016

File Reference: LP.PL.0.2016

Responsible Officer: Executive Manager Town Planning

Date of Report: 16 November 2016

Disclosure of Interest: Nil

PURPOSE

To advise Council of the following planning decisions issued under delegation for the period up to 31 October 2016.

App #	Date Received	Lot	Property Address	Description	Decision	Decision Date
PA70/16	13/06/2016	2	Yardie Creek Road	Additional Camping Sites	ON HOLD - Pending information from Applicant	
PA107/16	15/08/2016	50	Murat Road	Barge Loading Facility	ON HOLD - Pending information from Applicant	
PA112/16	25/08/2016	1586 & 1587	164 Lyndon Location	Nature Based Park - Exmouth Gulf Pastoral Station	ON HOLD - Pending information from Applicant	
PA119/16	14/09/2016	310	Minilya-Exmouth Road	Dwelling Addition	ON HOLD - Pending information from Applicant	
PA121/16	15/09/2016	332	6 Kestrel Place	Retaining Wall	Approved	03/10/2016
PA122/16	19/09/2016	62	27 Inggarda Lane	Deck Area & Storage Addition	Approved	12/10/2016
PA124/16	22/09/2016	100	4 Pellew Street	Mezzanine Floor & Roof Alterations	Approved	21/10/2016
PA127/16	28/09/2016	311	30 Gnulli Court	Dwelling	Going to November OCM	
PA128/16	29/09/2016	464	27 Osprey Way	Holiday Accommodation	Approved	27/10/2016
PA129/16	03/10/2016	434	88 Madaffari Drive	Dwelling, Swimming Pool & Retaining Wall	Processing	
PA130/16	04/10/2016	21	5 Kennedy Street	Addition	Approved	18/10/2016
PA132/16	07/10/2016	152	23 Hunt Street	Transportable Ablution Block	Approved	10/11/2016
PA138/16	18/10/2016	353	21 Kestrel Place	Mooring Piles	Approved	10/11/2016
PA139/16	21/10/2016	1374	58 Preston Street	Holiday Accommodation	WITHDRAWN	
PA141/16	25/10/2016	1419	Willersdorf Road (Men's Shed)	Enclose Patio & Fencing	Processing	
PA142/16	27/10/2016	183	27 Cobia Close	Dwelling	Processing	

Permits Issued Under the Local Government Act 1995, Local Government Property Local Law.

App	Date Received	Description	Date Issued
PA125/16	22/09/2016	Cabs on Call Banner Sign – Talanjee Oval	03/10/2016
PA126/16	23/09/2016	Wedding – Yacht Club Beach (05/11/2016)	11/10/2016
PA131/16	04/10/2016	Cyclone Awareness – Ross Street Mall (13/10/2016)	06/10/2016
PA133/16	07/10/2016	Wedding – Lighthouse (05/11/2016)	14/10/2016
PA134/16	14/10/2016	Wedding – Town Beach (15/10/2016)	14/10/2016
PA136/16	14/10/2016	Rio Tinto Emergency Response Skills Challenge – Talanjee Oval	17/10/2016
PA137/16	18/10/2016	Teddy Bears Picnic – Federation Park (25/10/2016)	24/10/2016
PA143/16	31/10/2016	Filming – Various Locations (13-19 November)	09/11/2016

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

Nil.

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

Nil.

21. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS

As the following report was a matter to be considered behind closed doors the Shire President asked the gallery and the Executive Managers to please leave the Chambers at 5.30 pm to discuss a confidential financial attachment and an employee matter.

COUNCIL RESOLUTION**ITEM 21**

Res No: **12-1116**

MOVED: **Cr Roscic**

SECONDED: **Cr Jones**

That Council move Behind Closed Doors at 5.30pm in accordance with the Local Government Act 1995 section 5.23 (2) (A) (C) and (D).

CARRIED 3/0

21.1 NINGALOO VISITOR CENTRE REPORTING; KEY PERFORMANCE INDICATORS

COUNCIL RESOLUTION**ITEM 21.1**

Res No: **13-1116**

MOVED: **Cr Jones**

SECONDED: **Cr Roscic**

That Council accepts the Bi-Annual Review of the Shire of Exmouth Funding Agreement KPI'S report (November 2016) from the Ningaloo Visitor Centre Marketing Committee.

CARRIED 3/0

21.2 THE ENGAGEMENT OF MC LEODS FOR LEGAL OPINION REGARDING THE CCC TRANSCRIPT, SHIRE POLICY AND CONTRACTS OF EMPLOYMENT.

COUNCIL RESOLUTION**ITEM 21.2**

Res No: **14-1116**

MOVED: **Cr Roscic**

SECONDED: **Cr Jones**

The Council directs Mr Bill Price, during the period of his current leave –

- 1. Not to undertake any of the functions of the Chief Executive Officer of the Shire without the prior written consent of the Shire President or the Acting Chief Executive Officer; and**

2. **Not to communicate with any of the Shire's contractors or stakeholders in relation to any matter in connection with the performance of the Shire's functions.'**
-

SUBSTANTIVE MOTION

The Council directs Mr Bill Price, during the period of his current leave –

1. **Not to undertake any of the functions of the Chief Executive Officer of the Shire without the prior written consent of the Cr Jones, Cr Roscic or the Acting Chief Executive Officer; and**
2. **Not to communicate with any of the Shire's contractors or stakeholders in relation to any matter in connection with the performance of the Shire's functions.'**

CARRIED 3/0

COUNCIL RESOLUTION

Res No: **15-1116**

MOVED: **Cr Roscic**
SECONDED: **Cr Jones**

That Council return from Behind Closed Doors at 5.58pm.

CARRIED 3/0

22. CLOSURE OF MEETING

The Shire President declared the meeting closed at 6.00 pm.