

SHIRE OF EXMOUTH



ORDINARY COUNCIL MEETING

MINUTES

21 JUNE 2012

CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on 19th July 2012 as a true and accurate record of the Ordinary Council Meeting held on 21 June, 2012.

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

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

DISCLAIMER

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

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

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Signed at Exmouth



(B Price), Chief Executive Officer Shire of Exmouth

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ORDINARY COUNCIL MEETING MINUTES

Our Vision

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

Our Purpose

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

Our Strategic Objectives

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

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 3.01pm and welcomed retired Councillor Peter Green to the meeting.

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

Councillor C (Turk) Shales	Shire President
Councillor S Fitzgerald	Deputy Shire President
Councillor R Winzer	
Councillor M Hood	
Councillor G Thompson	
Mr B Price	Chief Executive Officer
Mrs Sue O'Toole	Executive Manager Corporate Services
Mr R Kempe	Executive Manager Community Engagement
Mr R Manning	Executive Manager Health & Building
Mr R Mhasho	Executive Manager Town Planning
Ms J Gordon	Works Coordinator
Mr A Forte	Executive Manager Aviation Services

GALLERY

Visitors 6

APOLOGIES

Councillor J Warren
Mr K Woodward Executive Manager Engineering Services

LEAVE

Nil

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTIONS TIME

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

Council Consideration Towards Public

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

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

Nil

5 APPLICATIONS FOR LEAVE OF ABSENCE

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

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

Nil

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

That the Minutes of the Ordinary Meeting of the Shire of Exmouth held on the 17 May 2012 be confirmed as a true and correct record of proceedings.

COUNCIL DECISION – 01-0612 - ITEM 6

Moved Councillor Winzer, Seconded Councillor Hood.

That the Minutes of the Ordinary Meeting of the Shire of Exmouth held on the 17 May 2012 be confirmed as a true and correct record of proceedings.

CARRIED 5/0

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

The Shire President informed the Council and gallery of a number of complaints he had received regarding the telephone reception at the light industrial area and the light aircraft strip. He explained that there was a repeater down at Charles Knife Canyon and that the issue will be rectified in the near future.

The Shire President informed the Council of his attendance to Melinda and Tim Lymon's send off at Chelsea Jade's on Tuesday evening 19 June and wished them well for their future down south.

The Shire President informed Council of various meetings he had attended within the month including Hess Exploration Australia, US Consul General's visit, GRSC meeting held in Carnarvon, GDC meeting held at Warroora Station and meetings with Branwen Smith, local reporter for the Northern Guardian.

8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

9. REPORT OF COUNCILLORS

Councillor Winzer informed Council of the Minister's response received regarding the Fish Waste Management issue. He also explained that it was not a very satisfactory result and that he would be further investigating the issue via teleconference later this month.


Councillor Hood informed Council and the gallery of his appointment and involvement in the Exmouth Visitor's Centre Marketing Committee.

Councillor Graeme Thompson made a formal apology resulting from the Council Briefing. He informed Council of an issue raised by a number of community members regarding Rio Tinto workers proposal and that he had informed them to attend the next Council meeting to voice their concerns to Council.

10. REPORTS OF OFFICER

10.1 Chief Executive Officer

10.1.1 Chief Executive Officers Report

Location:	Exmouth
Applicant:	Chief Executive Officer
File Reference:	
Disclosure of Interest:	Nil
Date:	11 June 2012
Author:	Chief Executive Officer, Mr B Price
Signature of Author:	

SUMMARY

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

BACKGROUND

Ningaloo Centre Project

As approved at the April ordinary meeting, Council called an Expression of Interest (EOI) for the design and construction of the Ningaloo Centre. The EOI closes on the 12 July 2012. Council has had an extraordinary amount of interest from potential contractors with 56 packages having been forwarded to date.

The CEO has been fielding many enquiries and has conducted numerous on-site meetings with potential builders.

At the October Special meeting, Council elected various representatives to the Ningaloo Centre Management Committee, currently consisting of
 Councillors - Shales, Fitzgerald and Warren
 Staff - CEO and EMCE
 GDC Representative

It is recommended that Council also consider co-opting the Chairperson of the NOERC, a representative from the Durack Institute and possibly an additional 'professional advisor' with building expertise to assist in the selection process for the shortlisting of the preferred builder/s from the EOI process. It is intended that this will be carried out in during the second week of August following Local Government Week.

It is also proposed that Council advertise requesting applications from interested persons and/or organisations to fill the position of Project Manager with the primary role being the Ningaloo Centre Project for an initial period of 12 months with an option to extend for a further 12 months, subject to qualifications. This position is funded from the initial portion of funding from the Royalties for Regions Revitalisation Program which also will assist in the compilation of final design and structural drawings.

Royalties for Regions – 2012/13 Regional Grants Scheme

The GDC will soon request applications from community groups for funding assistance under the Royalties for Regions – Regional Grants Scheme.

Council officers have discussed various project opportunities that may be successful under the scheme. It is recommended that Council apply for funding assistance towards a proposed Bundegi Foreshore Redevelopment Project. It is proposed to upgrade facilities including new fencing, signage, shade structures, swimming pontoon and other cosmetic improvements that will improve the visitor experience at the beach.

An upgrade of the Bundegi site will be complimentary to the Town Beach Foreshore redevelopment being undertaken under the revitalisation program.

Visitation from the US Consul General

The U.S. Consul General, Aleisha Woodward visited Exmouth for the Whale Shark Festival and participated in a meeting with the Council in the Council Chambers on Thursday 24 May. Council provided a power point presentation on the Strategic Projects that currently is a focus for the Council and the community. Discussion was held on the following items

- History and the American Connection
- Exmouth CBD/Foreshore Revitalisation Project,
- Ningaloo Centre Project
- Defence Hub Potential
- Future Land Developments and Population growth strategies,

The Shire President, on behalf of the Council, presented Aleisha with a local Whaleshark pendant recognising her official visit to the region.

Staff

I will be taking annual leave from Monday 9 July until Friday 20 July. In my absence I will be recommending that Keith Woodward be appointed as Acting Chief Executive Officer. Council policy No 2.5 allows for the CEO to appoint an Acting CEO for a period up to 6 weeks. A time exceeding 6 weeks requires a resolution of the Council.

With the recent resignation of Tim Lymon as Airport Manager will also see the resignation of Melinda Lymon as Projects/Grants Officer. I intend to advertise this position vacancy in the near future. As mentioned above a newly created Project Manager position will also be advertised. Both these positions will report directly to the CEO.

Other Meetings & Functions attended by the CEO

1. The EMTP and myself conducted a teleconference on Monday 21 May with Mr Roger Dean, Department of State Development, making enquiries regarding the proposed scheme amendment for Kailis. The Department falls under the responsibility of the Premier's office.
2. EMES and myself met with representatives from Landmark Products on Thursday 24 May to discuss the opportunity of providing Public Open Space furniture and structures described in the CBD/Foreshore Revitalisation Project.
3. EMES & myself met with Dave Shelton, Horizon Power, on Thursday 24 May to discuss the requirement of undergrounding the power network identified within the CBD Revitalisation project.
4. Meeting with Paul Hannah, GDC, on Friday 25 May to discuss regional projects.
5. EMCE and myself attended the BHP CRG meeting held at the Novotel on Monday 28 May.
6. I met with Jennifer Shelton, Labor candidate for the North West region, on Tuesday 29 May to discuss local issues facing Exmouth.
7. EMCE and myself met with Salvatore Siciliano, Department of Sport & Recreation, on Thursday 31 May to discuss community sporting projects and opportunities.
8. EMCE and myself met with the committee members of the Exmouth Arts Group on Tuesday 5 June to discuss accommodation options for the organisation.
9. The Shire President, Cr Hood and myself met with representatives of HESS Exploration on Wednesday 6 June to discuss their proposed Equus Gas project.
10. EMCE and myself met with Alan Waddingham and Glen Passmore on Wednesday 6 June to discuss the future of the Exmouth Cart Club.
11. The Shire President and myself attended the GRSG meeting held in Carnarvon on Tuesday 12 June.
12. The Shire President and myself attended the GDC meeting held at Warroora Station on Wednesday 13 June. A meeting of Station owners from the region was also conducted following the GDC meeting.

Scheduled meetings for the next month include:

1. Cr Hood, EMCE and myself to attend Woodside CRG meeting scheduled to be held at the Novotel on Monday 18 June.
2. Councillors, EMCE and myself to attend a meeting with CEO of Tourism WA, on Wednesday 28 June to be followed by Tourism Industry forum held at the Novotel.

COMMENT

Nil

CONSULTATION

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.1.1

That the Shire of Exmouth receive the Chief Executive Officers Report for the month of June 2012.

COUNCIL DECISION – 02-0612 – 10.1.1

Moved Councillor Winzer, Seconded Councillor Fitzgerald.


That the Shire of Exmouth receive the Chief Executive Officers Report for the month of June 2012.

CARRIED 5/0

10. REPORTS OF OFFICER

10.1 Chief Executive Officer

10.1.2 Council Policy Manual Review

Location:	Exmouth
Applicant:	Chief Executive Officer
File Reference:	
Disclosure of Interest:	Nil
Date:	11 June 2012
Author:	Chief Executive Officer, Mr B Price
Signature of Author:	

SUMMARY

This report recommends the adoption of the new and reviewed Policies under the Governance sphere of the Council Policy Manual.

BACKGROUND

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

The objectives of the Council's Policy Manual are:

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

Executive staff have been conducting a major review of the existing Shire of Exmouth Policy Manual, with a number of changes recommended in line with industry standards and guidelines. The format for the document has also been updated for improved presentation.

Due to the volume and complexities of the existing Policy Manual, it is intended that over the next few ordinary Council meetings, the Executive will present sections of the revised Manual based on the following departmental headings

- Governance
- Corporate Services
- Aviation Services
- Community Engagement
- Health & Building
- Town Planning & Emergency Management
- Engineering

This agenda item specifically relates to policies reviewed under the Governance section.

COMMENT

The following policies have been reviewed by the Chief Executive Officer with suggested changes as duly marked for consideration (**refer Attachment 1**).

The majority of changes are self-explanatory but the following additional comments are provided for further clarification.

Item 1.1 – Code of Conduct – Is obviously an important document for the Council and is required by legislation but is not considered an administrative policy required within the contents of the Policy Manual.

Item 1.16 – Code of Conduct – Local Government Elections is also a requirement under Local Government Election regulations with no need to be contained within the Policy Manual.

Item 1.23 – Elected Members relationship with Developers is a Local Government Guideline (No 12) provided by the Department of Local Government and does not need replicating within the Policy Manual.

Item 1.28 – Native Title & Aboriginal heritage – is contained within the regulation of the Native Title & Aboriginal Heritage Act and does not require a replicating Council policy.

Items 2.4, 2.8, 2.9, 2.13 – 17, 2.19, 2.20 2.30, 2.32 & 2.33 are all superfluous as they are now contained within the new All of Workplace Agreement

CONSULTATION

The policies have been considered by the Executive Managers and developed by the Chief Executive Officer.

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Civic Leadership

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

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

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION – 10.1.2
--

That the Shire of Exmouth formally adopt the reviewed Policies numbered 1.1 – 1.43 contained within the Governance section of the Council Policy Manual and delegate authority to the Chief Executive Officer to implement the adopted Council Policies where appropriate.

COUNCIL DECISION – 03-0612 – 10.1.2
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Moved Councillor Fitzgerald, Seconded Councillor Hood.


That the Shire of Exmouth formally adopt the reviewed Policies numbered 1.1 – 1.43 contained within the Governance section of the Council Policy Manual and delegate authority to the Chief Executive Officer to implement the adopted Council Policies where appropriate.

CARRIED by ABSOLUTE MAJORITY 5/0

10. REPORTS OF OFFICERS

10.2 Executive Manager Corporate Services

10.2.1 General Report

Location:	Exmouth
Applicant:	S O'Toole
File Reference:	CM.RE.0/LS.CM.0
Disclosure of Interest:	Nil
Date:	13 June 2012
Author:	Executive Manager Corporate Services, Sue O'Toole
Signature of Author:	
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY

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

BACKGROUND

Interim Audit

An interim Audit was conducted by Anderson, Munro & Wylie on 29, 30 & 31 May 2012 to review the accounting and internal control procedures in operation as well as testing transactions in the following areas:

- Tender Register
- Delegations Register
- Register of Financial Interest
- Local Government Compliance Audit Return
- Valuer Generals Rate Rolls
- Payroll
- Payments and Creditors
- Bank Reconciliations
- Grant information

During their visit, no matters were raised as requiring attention.

Financial Reporting Workshop

The Executive Manager Corporate Services attended two Financial Workshops held in Perth on 24 & 25 May 2012 conducted by UHY Haines Norton. These workshops focused on changes to local government regulations and accounting standards impacting the preparation of Monthly Financial Reports, Annual Budgets and Annual Financial Reports.

RATES

2011/12 Non Compliance with Differential Rating

Council received notification from the Department of Local Government (DOLG) on 28 November 2011 advising we were non-compliant when imposing UV based rates that were more than twice the lowest rate without first obtaining Ministerial approval, as required by S 6.33 (3) of the Local Government Act.

UV Rates adopted for 2011/12 were:

Aquaculture	\$0.1331	
Mining	\$0.1355	
Special Use	\$0.1331	
Pastoral	\$0.0547	This rate is less than twice the lowest rate, affecting a total of 4 properties, with rates totalling \$12,140, which represents 4.26% of total rates levied. However if the rate in the \$ was exactly 50%, this would've been \$0.0677, and rates levied would've increased to \$15,025 – a variation of \$2,885.

The Department advised the most appropriate mechanism for dealing with the imposed rate was to instruct the State Solicitors Office to commence proceedings in the State Administrative Tribunal (SAT) to quash the invalid rates.

Administration engaged the services of McLeod and Co to represent Council in the SAT mediation held on 30 May 2012, and were instructed on how to correct this irregularity by Council writing to the Minister seeking his approval to impose the Pastoral rate of \$0.0547. When approval is received, an agenda item will be prepared asking for council endorsement to reimpose rates under S 6.32 (3) (b) of the LG Act.

The latest correspondence received on 7 June 2012 from McLeod & Co advising Council will shortly receive a pro forma letter issued by DOLG that is to be used to seek the Minister’s approval.

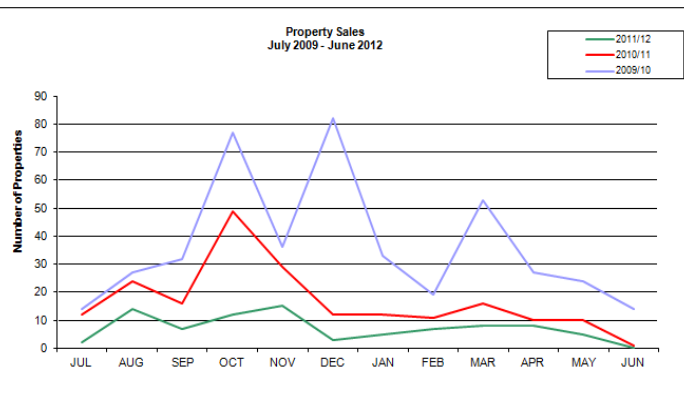
Property Sales

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

2011/12 Summary of Property Sales

Number Sold	Land Usage	Total Sales	Average Sale
16	Vacant Land	\$5,392,500	\$337,031
64	Residential	\$32,981,000	\$515,328
4	Industrial	\$3,045,000	\$761,250
0	Composite Devel	\$0	\$0
0	Mixed Use	\$0	\$0
0	Special Use	\$0	\$0
2	Tourism	\$2,000,000	\$1,000,000
86		\$43,418,500	

Property Sales	2011/12	2010/11	2009/10
JUL	2	10	2
AUG	14	10	3
SEP	7	9	16
OCT	12	37	28
NOV	15	14	7
DEC	3	9	70
JAN	5	7	21
FEB	7	4	8
MAR	8	8	37
APR	8	2	17
MAY	5	5	14
JUN		1	13
	86	116	236



2011/12 Rates Collection Analysis

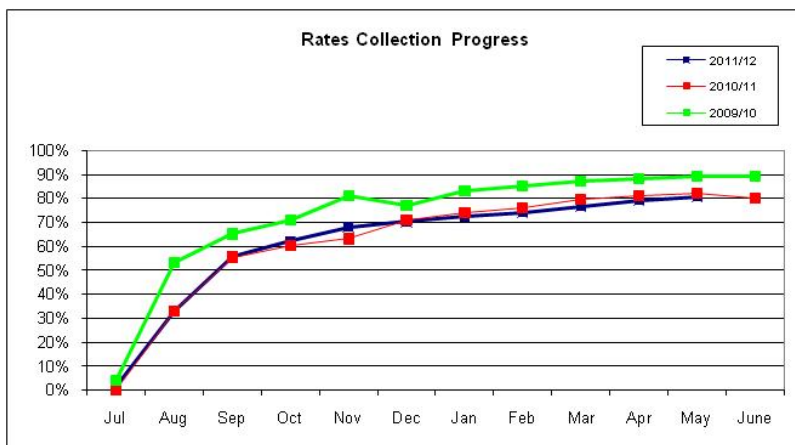
	\$
Rates & Charges Levied 2011/12	3,492,061
Arrears 1 July 2011	768,603
Less Collections	(3,433,454)
Total Rates & Charges Outstanding	827,210
Less Pensioner Deferred Rates	(10,502)
Total Rates Collectable	816,708
% Collected to Date	80.8%

Recovery of outstanding rates through a debt collection agency has commenced with the issuing of summons being served in the first week of June 2012 to those owners who had not made any attempt to pay their rates, totalling \$745,626.

Rating Information (cont)

Comparative percentage of rates collected monthly			
	2011/12	2010/11	2009/10
Rates Due Date	2/09/2011	2/09/2010	28/08/2009
Jul	1%	0%	4%
Aug	33%	33%	53%
Sep	56%	55%	65%
Oct	62%	60%	71%
Nov	68%	63%	81%
Dec	70%	71%	77%
Jan	72%	74%	83%
Feb	74%	76%	85%
Mar	77%	80%	87%
Apr	79%	81%	88%
May	81%	82%	89%
June		80%	89%

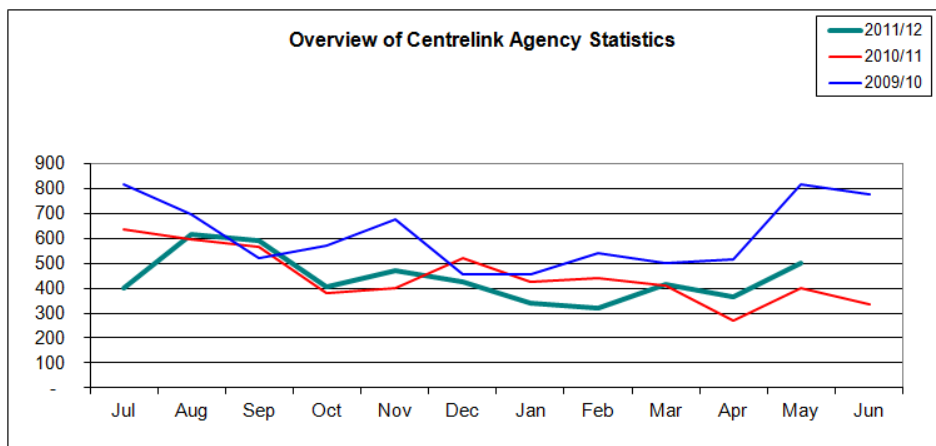
Graphical overview of Rates Collection



Centrelink Agency

Below is a summary of activities performed by Centrelink Agency during this financial year and when compared against year to date processes for the same period last year, there has been an overall reduction of 4%.

	Lodgement of Forms/Assist with Completion	Referrals to Call Centre & CSC	Assist with use of Equipment & Computer	Respond to General Enquiries	TOTAL		2011/12	2010/11	2009/10
Jul	119	85	35	164	403	Jul	403	637	819
Aug	202	125	18	270	615	Aug	615	595	695
Sep	183	113	37	257	590	Sep	590	567	522
Oct	133	84	22	167	406	Oct	406	383	570
Nov	170	97	14	188	469	Nov	469	402	677
Dec	139	99	23	166	427	Dec	427	521	454
Jan	121	70	23	126	340	Jan	340	424	454
Feb	110	68	20	122	320	Feb	320	441	543
Mar	150	76	31	159	416	Mar	416	409	501
Apr	115	73	26	150	364	Apr	364	271	517
May	184	93	30	193	500	May	500	400	820
Jun						Jun		334	779
TOTAL	1,626	983	279	1,962	4,850		4,850	5,384	7351



CONSULTATION

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Local Government Act 1995 s.6.32(3)(b)

POLICY IMPLICATIONS

Policy 1.25 - Communication and Consultation.
 Policy 3.33 - Debt Recovery

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER’S RECOMMENDATION – 10.2.1

That the Council of the Shire of Exmouth receive the Executive Manager Corporate Services Report for the month of June 2012.


COUNCIL DECISION – 04-0612 – 10.2.1

Moved Councillor Fitzgerald, Seconded Councillor Thompson.

That the Council of the Shire of Exmouth receive the Executive Manager Corporate Services Report for the month of June 2012.

CARRIED 5/0

10. REPORTS OF OFFICERS**10.2 Executive Manager Corporate Services****10.2.2 Monthly Financial Statements and Report**

Location:	Exmouth
Applicant:	S O'Toole
File Reference:	FM.FI.0
Disclosure of Interest:	Nil
Date:	13 June 2012
Author:	Executive Manager Corporate Services, Sue O'Toole
Signature of Author:	
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY

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

BACKGROUND

Financial report for the period ended 31 May 2012 has been prepared and a copy of the Report is attached as *Attachment Item 1* and a complete list of accounts for payment is attached as *Attachment Item 2*.

COMMENT

Nil

CONSULTATION

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.2.2

1. *The monthly financial report for period ended 31 May 2012 be accepted; and*
2. *The accounts as listed in the monthly financial report be received:*
 - a. *Municipal Fund ~ May 2012 \$1,555,379.47 incorporating cheque numbers 11743 to 11817 inclusive and direct debits*
 - b. *Trust Fund ~ \$17,213.22 incorporating cheque numbers 400733 to 400735 inclusive and direct debits.*

Outstanding Creditors totalling ~ \$34,264.10

COUNCIL DECISION – 05-0612 – 10.2.2

Moved Councillor Fitzgerald, Seconded Councillor Thompson.

- 1. The monthly financial report for period ended 31 May 2012 be accepted; and**
- 2. The accounts as listed in the monthly financial report be received:**
 - a. Municipal Fund ~ May 2012 \$1,555,379.47 incorporating cheque numbers 11743 to 11817 inclusive and direct debits**
 - b. Trust Fund ~ \$17,213.22 incorporating cheque numbers 400733 to 400735 inclusive and direct debits.**


Outstanding Creditors totalling ~ \$34,264.10

CARRIED 5/0

10. REPORTS OF OFFICERS

10.3 Executive Manager Aviation Services

10.3.1 General Report

Location:	Exmouth
Applicant:	Andrew Forte
File Reference:	
Disclosure of Interest:	Nil
Date:	13 June 2012
Author:	Executive Manager Aviation Services, Andrew Forte
Signature of Author:	
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY

The following Aviation Services Department report contains a brief summary of significant activities and issues arising since the May 2012 agenda report.

BACKGROUND

Defence

WEF 5 June Defence sanctioned self management of movement approvals, with monthly activity reporting for the period when Learmonth is in 'Dormant' mode. Exceptions to arrangement are approvals for RPT, regular charter and Alternate use. These must still be first presented to Defence for approval.

Recognition of the cooperative and professional approach adopted by the Shire of Exmouth in working with the Department of Defence and managing and reporting in accordance with the Deed of Operations was the express basis for delegation of authority.

Monthly consultative meetings are now occurring with RAAF to share thoughts, issues and flying activity program.

Alternate airport nomination and use by Domestic and International Airlines is currently a subject of debate following RAAF NOTAM for Defence prior approval via civil operator. This follows Air Asia X diversion to Learmonth due fog Perth unannounced. Learmonth and Adelaide are the only two airports suitable for wide body alternate flight planning. It is anticipated status quo on nomination and use will remain albeit with requirement for administrative agreements between parties. Civil apron capacity and pavement strength necessitates contingent arrangements with RAAF for use of military areas.

Regulatory

The 2012 Annual Technical Inspection and takeoff survey report has been completed, as required by CASA, with facilities and published information in order. A recent amendment to the AIP ERSAs to more accurately reflect operational requirements at Learmonth was jointly prepared by Shire and RAAF.

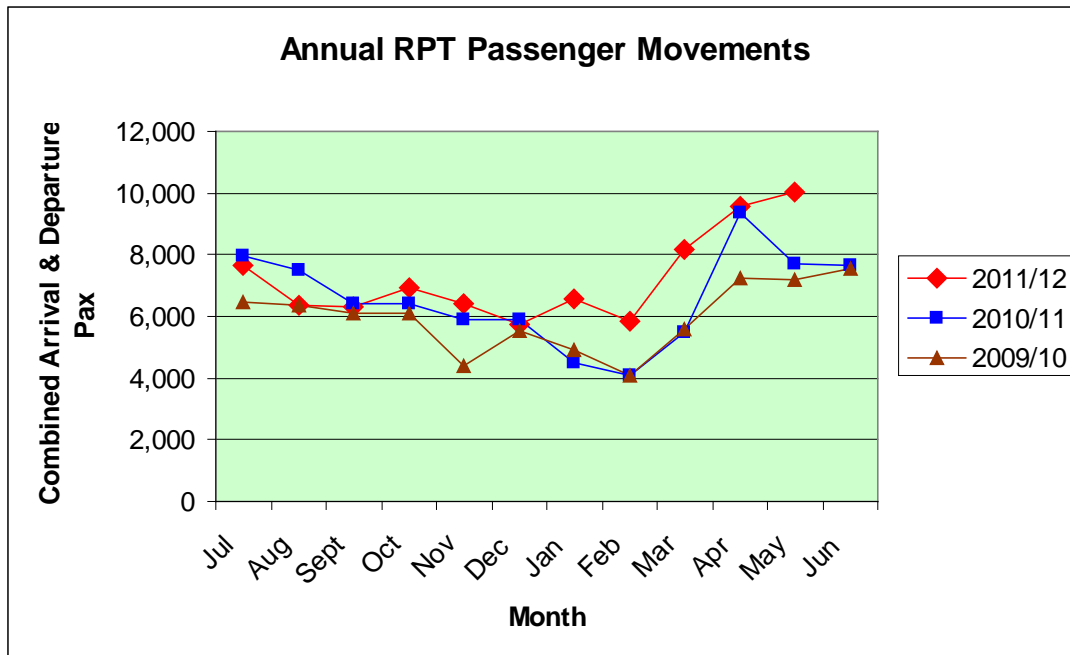
Midwest Community Drug Service Team (Carnarvon Regional Hospital) will conduct an Alcohol and Other Drug (AOD) awareness presentation to all staff on 27 June. This training is to ensure all staff who are employed and working in safety sensitive areas of the workplace have a comprehensive understanding of the requirements as detailed by the Shire's Drug and Alcohol Management Plan (DAMP) for Learmonth Airport and are informed of the effects of AOD. All staff are subject to random AOD testing.

Airlines/Air Operators/Industry

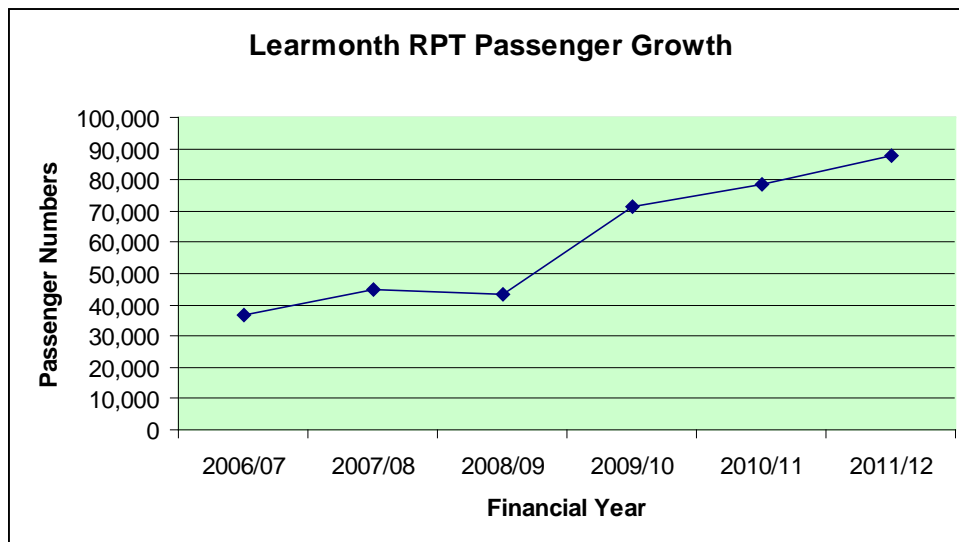
RPT passenger movements are depicted by the graph below.

A first has been achieved with the 10,000/month passenger barrier being exceeded. Arriving and departing RPT (combined Qantas and Skywest) passengers for May 2012 totalled 10,043.

RPT passenger numbers for 11/12 months now aggregate 79,600 and exceed last financial years total of 78,821.

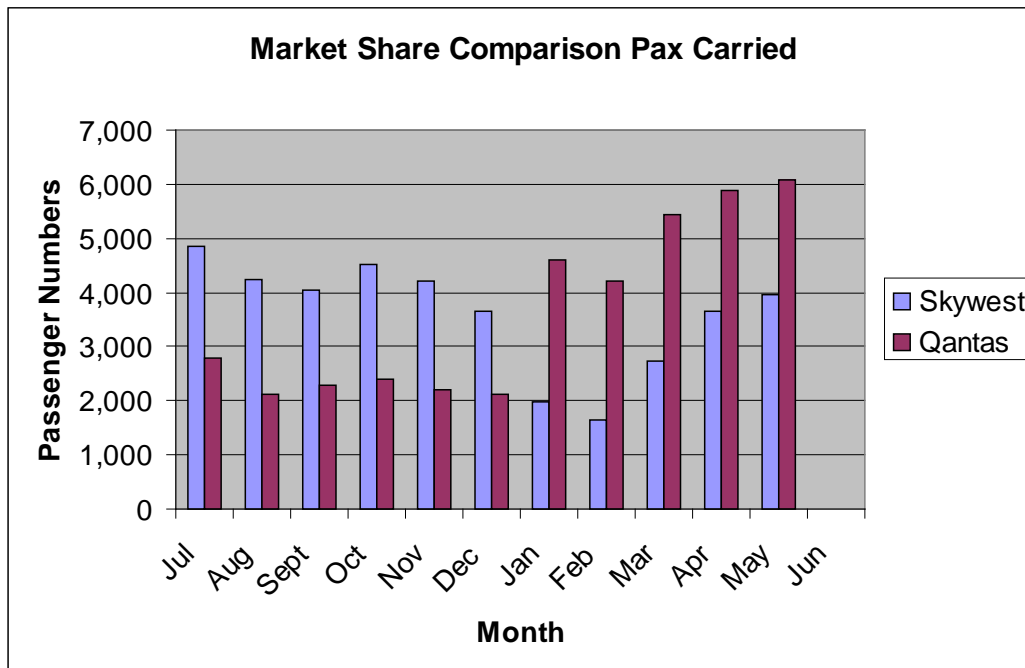


Note: The RPT passengers carried by Skywest on the Paraburdoo route are not included. The LMO-PBO return flight aggregated ~250 passengers in its 6/12 of operation. Skywest have just applied for and extension of the Paraburdoo service to December 2012.



Note: Estimate suggests 90,000 RPT passengers this financial year or 11% growth on 2010/11. Projected growth suggest 100,000 RPT passengers in 2012/13.

Skywest have hauled back their market share of passengers carried from around 25% in January and February to around 40% of total market in April and May. Qantas and Skywest are both exhibiting good growth in numbers, which is very pleasing for the sustainability of the two airlines.



Airport

A new apron marking plan has been prepared for industry consultation. Apron construction works are progressing.

A response has been provided to the Department of Transport on the 'State Aviation Strategy' Issues paper.

Key points made included the importance of infrastructure development at Exmouth aerodrome for medium aircraft type and the constraints presented at Learmonth by lease term and Defence operations. This is a 30 year vision by the State.

Further, the case was put for the State to act or encourage the resource sector to utilise the regional community airports (eg Exmouth and Learmonth) that are identified as hubs to the maximum degree possible. Given the aviation industry is of vital economic importance to the Shire of Exmouth we made note of the desire to grow this business.

Heliport

The Australian flag flies freely at Heliport.

Helideck fire fighting training (ERG Training) is to be conducted locally for up to 16 persons using our own response equipment. This course and competency acquittal will satisfy Woodside/Apache and BHPB audit compliance and allow our trained persons to train further staff in emergency response methods.

Over the past month Woodside (their initiative) conducted two separate Safety Culture Awareness presentations for the Heliport staff.

Bristow's provided a scenic flight for Heliport staff that was enjoyed and appreciated by all that flew on it. This initiative followed the suggestion by a staff member to senior Bristow's management during a Heliport observation occasion. A good relationship effort.

Advice from HESS (Project Information Sheet 2) on the use of Learmonth Heliport for their workforce transport for their Equuss project (Sub-sea gas field) is welcomed.

Staffing

Tim Lymon has resigned as Airport Manager effective 22 June.

Clif O'Toole is acting Airport Manager.

Amanda Burbury is acting Heliport Coordinator.

Leasing

Meeting held with Exmouth Freight Services (Toll agent) to clarify proposed leasing arrangements and site.

Tenders closed for Airport shuttle services. Refer to 10.3.2 report.

Projects

Detailed drawings have been prepared by Sandover Pinder Architects for alterations to the passenger screening, office area and amenity following agreement on concept layout. Builder quotes to install the office partitioning are now being sought.

Delivery of the new Passenger X-ray is schedule for end of June. Until partitioning is completed status quo with processing passengers into the departure hall will occur.

Maintenance projects completed include a repaint of columns on landside, replacement and paint of various skirting boards and fire hose reel box modifications in arrivals area. Also repair of northern airside remote sliding gate with new electrics.

A quotation has been sought for ceiling mount permanent fix ladder and ceiling bracing to catwalk. The safety of contractors accessing terminal loft for service work has been highlighted and is essential rectify under workplace safety obligations.

A quotation for the provision of extension to the Heliport building for second freight office has been obtained and will form 2012/13 budget item. This is to allow Toll to work alongside AAE in leased premises.

A weekly contract waste collection service using two skip bins (equivalent capacity to previous twice weekly volume collect in 240L domestic bins) has been implemented. This not only improves aesthetics but enables the commercial packaging and café waste to be handled appropriately. Qantas have established a separate skip for their airline waste collection at airport's direction.

'Welcome to Exmouth' for arrivals area and 'Learmonth Heliport' signs are under production.

Other Items

A meeting held with BHPB Petroleum to discuss airport facilitation arrangements for an emergency spill response event. Airlift and dispense of dispersant and the logistics associated with load out were discussed. BHPB Petroleum are acting for the collective of O&G operators working in the offshore areas of Exmouth.

A very successful three days of filming occurred for the 'Wonder Airport' documentary film.

Every aspect of the terminal and heliport operations from a travellers perspective was captured. Also the touchdown, taxiing and apron parking of the Q400 operation. Ramp services and passenger movement through to arrivals, baggage collection and bus travel were included. Café and general public as well as individual interviews were conducted.

A special thanks is to be extended to Shire employees Maryann and Scotty Smidt for their participation of family life in Exmouth when they welcomed the film crew and program Director into their home and put on a barbeque meal.

Other features of the filming covered the Whaleshark and townscape. A DVD will be sent after the documentary is aired on Japanese television.

Exmouth Airstrip

Bristow's have acknowledged receipt of the Shire's proposal for joint funding of solar lights at the Exmouth aerodrome. We await their client's response.

COMMENT

Nil

CONSULTATION

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Economic

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

- Outcome 1.4: Maintain and increase defence presence
- Outcome 1.5: Maintain & Improve Shire Infrastructure

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.3.1

That the Council of the Shire of Exmouth receive the Executive Manager Aviation Services Report for the month of June, 2012.

COUNCIL DECISION – 06-0612 – 10.3.1

Moved Councillor Hood, Seconded Councillor Winzer.

That the Council of the Shire of Exmouth receive the Executive Manager Aviation Services Report for the month of June, 2012.

CARRIED 5/0

Councillor Winzer declared an interest in the following report, being an employee of the Tenderer, and left the Chambers at 3.29pm.

10. REPORTS OF OFFICERS

10.3 Executive Manager Aviation Services

10.3.2 Airport Shuttle Services Contract

Location:	Exmouth
Applicant:	Andrew Forte
File Reference:	
Disclosure of Interest:	Nil
Date:	13 June 2012
Author:	Executive Manager Aviation Services, Andrew Forte

Signature of Author:	
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY

It is recommended that the Learmonth Airport Shuttle Bus Service RFT 05/2012 (tender) be awarded to Exmouth Bus Charter by formally executing the Instrument of Agreement for a period of 3 years commencing 1 July 2012.

BACKGROUND

RFT 05/2012 'Airport Shuttle Bus Service' established the specifications and general condition of contract for the provision of a 3 year fixed term public transport service from Learmonth Airport to Exmouth and surrounds in accordance with Local Government procurement policy.

One tender was received when it closed on 9 May 2012 from Exmouth Bus Charter, who is the incumbent service provider whose current 3 year contract with the Shire is at end on 30 June 2012.

The pricing schedule specified a fixed rate for each Bus Shuttle return service on a Principal pay or Principal receive quarterly basis. The Principal pay option was tendered.

The tendered schedule pricing for each passenger category (adult, child and infant) to/from four destinations is at current (2012) charge prices.

COMMENT

The tender was compliant.

All required insurances have been evidenced.

There are no adverse considerations from the material information provided and assessed against the qualitative criteria, comprising 55% of the selection criteria, and pricing criteria comprising 45% of the selection criteria.

Pricing tendered for the passenger fares may only change after 12 months from commencement and then by CPI (Perth) annually. If any other pricing change is proposed it is to be referred to the Shire (Principal) for approval by Council.

Payment by the Principal is to be quarterly, based on the certified number of return trips completed from Learmonth Airport, at \$39.50 plus GST. At an estimated 1200 return bus trips per annum (current RPT schedule and past claims) this equates to \$47,400 plus GST.

CONSULTATION

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

Award of this service contract represents an expense to the Shire of around 50 cents per RPT traveller, not with-standing a very small percentage of the current 90,000 annual RPT passengers who will utilise the service.

A budget allocation of \$50,000 plus GST to cater for a possible 5% increase in services is appropriate.

The budget allocation represents an approximate \$12,000 escalation on the past financial year.

STRATEGIC IMPLICATIONS

Strategic Objective 1: Maintain and Improve Shire Infrastructure.
Key Airport Actions Lobby to become the hub for regional air services.
Adopt and implement a plan for expansion of the airports and their operations.
Comply with Commonwealth regulatory and Defence operating requirements.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.3.2

That the Council of the Shire of Exmouth authorise the CEO to execute the tendered Instrument of Agreement with Mounsey Pty Ltd, trading as Exmouth Bus Charter, to formally contract for the provision of a 3 year fixed fee public transport bus service from Learmonth Airport effective 1 July 2012.

COUNCIL DECISION – 07-0612 – 10.3.2

Moved Councillor Fitzgerald, Seconded Councillor Thompson.

That the Council of the Shire of Exmouth authorise the CEO to execute the tendered Instrument of Agreement with Mounsey Pty Ltd, trading as Exmouth Bus Charter, to formally contract for the provision of a 3 year fixed fee public transport bus service from Learmonth Airport effective 1 July 2012.

CARRIED 4/0

Councillor Winzer re-entered the Chambers at 3.31pm.

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

Location: Exmouth
 Applicant: R Kempe
 File Reference:
 Disclosure of Interest: Nil
 Date: 8 June 2012
 Author: Executive Manager Community Engagement, Rogé Kempe
 Signature of Author: 
 Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

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

BACKGROUND**Visitor Centre****Annual Door Statistics**

	2010/11	2011/12	Compared to last year
JUL	19833	16175	-3658
AUG	15165	15147	-18
SEP	12309	10901	-1408
OCT	10890	9474	-1416
NOV	6255	6119	-136
DEC	5272	5029	-243
JAN	5355	4874	-481
FEB	3200	3073	-127
MAR	6740	5124	-1616
APR	13062	11565	-1497
MAY	13243	12130	-1113
JUN	13956		
TOTAL	125,280	99,611	

Door count May 2011

Total visitor numbers 13,243

The average visitor number per day in May was 427.

Door count May 2012

Total visitor numbers 12,130

The average visitor number per day in May was 391

Book easy statistics

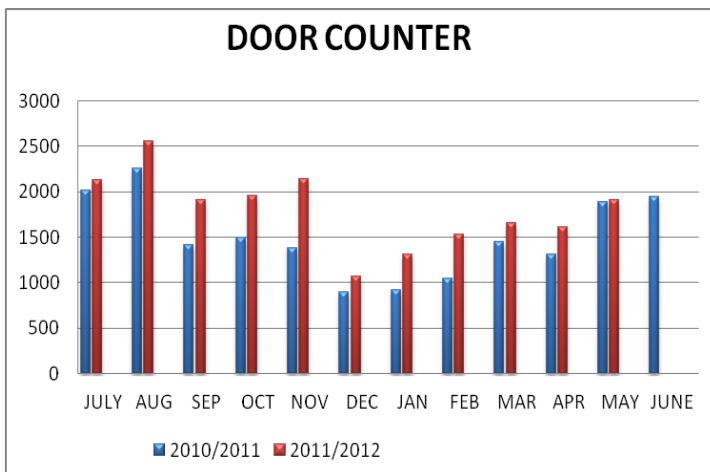
Accommodation	May 12	April 12	May 11
Online Accommodation Bookings	179	146	181
Average Spend per booking	\$300	\$358	\$288
Tours			
Online Tour Bookings	469	486	443
Average Spend per booking	\$349	\$378	\$344

Summary

- Average spends and the number of online accommodation bookings sold in May 2012 remains consistent with the previous year 2011.
- May 2012 had a total of 440 room nights booked compared with 459 room nights booked in May 2011.
- Tour booking numbers have increased slightly this year by 5%.
- The average tour spend is consistent.

EVC Members Meeting regarding marketing opportunities and future directions

The EVC Marketing Committee held a meeting for EVC Members on 11 June 2012 at the Escape Resort. The meeting provided an overview of future marketing ideas and also a presentation about the consultancies report on the future directions and structure of the EVC, including the “Preferred Option” from the Consultancy Report.

Library & Community Resource Centre (CRC)

The door count for May was 1915 compared to 1885 for the same period last year. To date patron visits are 19,799 compared 16,082 for the same period last year, an increase of 3,717 visitors this year.

Upcoming events

The Library Coordinator will visit the School in Term 2 for a “Reading Party” and present Kindergarten and Pre Primary students with Better Beginnings reading packs.

For Children’s Book Week, Carnarvon Regional Librarian Mihn Henderson and Library co-ordinator will visit the school on 17 August in the company of Children’s Author Dianne Wolfer for reading sessions with years 4 to 5. Dianne is a West Australian children’s author and an advisor for the Society of Children’s Book Writers and Illustrators WA. More information can be found on Dianne’s website www.diannewolfer.com.

Community DevelopmentVlamingh Head Lighthouse – Centenary Celebrations

Officers are preparing for the Vlamingh Head celebrations to be held around the birthday of the lighthouse on 10 December 2012. As Council is aware, on this day it will be 100 years since the lighthouse shone its light over the Northwest Cape for the first time.

The programme of Celebrations is currently proposed to include: Lighthouse Ball, opening of the Lighthouse for visitation, lighting up the lighthouse, lantern making and parade, documentary making/showing, songs and music and possibly a laser show. All activities are pending sufficient funding but officers recently secured the first grant funds. Please refer ***Attachment 1*** for the draft programme.

Whaleshark Festival

The annual Whaleshark Festival turned out to be highly successful again this year. The Shire assisted with the various events, including making staff available on the day and organising a Photo Exhibition. The Shire also organised a professional entertainer for our Exmouth toddlers to come to Exmouth.

Float Parade – Whaleshark Festival

The Shire had an entry in the Whaleshark Festival Float Parade using the life-size clown creations of the kids from their School Holiday program activities earlier this year. The clowns were made from recycled materials and were arranged on the back of a truck and driven in the parade. The School library will now use the clowns for a display during the upcoming book fair which makes the clowns and the project a true recycling project.

Tri-Dance

Students from the EDHS have worked with Shire officers and now been notified they successfully applied for a grant from Y-Culture. This will enable them to organise an artist in residence program to teach them choreography. They then hope to start a performing dance group in town, organised for teens and by teens. So far they have undertaken a lot of work in writing grants, making flyers, designing T-shirts and writing letters for assistance. This is a partnership with Partnership Broker-Exmouth, PCYC, LDAG, ECAC and the Shire of Exmouth.

Banner's in Maidstone Terrace

An Exhibition of the photos was held at the Whaleshark Festival with the public able to vote on People's choice, more than 70 people voted and the winner was Violeta Jahnel. Officers received assistance from community volunteers and would specifically like to thank Sandra Albin for her assistance with the photo competition display for the Whaleshark Festival.

Media and Community Information

The Shire provided the following community information:

- Provide media information about new Lights at the Skate Park.
- Radio interview regarding Whaleshark Festival (Radio RedFM).
- Radio interview regarding 100 Vlamingh Head Lighthouse (Radio RedFM).
- TV interview (Channel 10) regarding 100 Vlamingh Head Lighthouse.

Grant Applications and opportunities

- Officers were successful with a Federal grant application under the “*Your Community Heritage Fund*” to the value of **\$17,620**. The project includes lantern and film making for the Lighthouse Centenary.
- Officers were successful with a Federal grant application under the “*Your Community Heritage Fund*” to the value of **\$21,200**. The project includes interpretive signage about our community's relation with water; to be placed on a future Kailis ship.

COMMENT

Nil

CONSULTATION

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Economic

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

Outcome 1.3 – Diverse Tourism opportunities.

Social

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

Outcome 3.3 –An inclusive, responsible and cohesive community.

Outcome 3.5 –Maintain and increase participation levels in local community organisations and clubs.

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.4.1

That the Council of the Shire of Exmouth receive the Executive Manager Community Engagement Report for the month of June 2012.

COUNCIL DECISION – 08-0612 – 10.4.1

Moved Councillor Winzer, Seconded Councillor Fitzgerald.

That the Council of the Shire of Exmouth receive the Executive Manager Community Engagement Report for the month of June 2012.

CARRIED 5/0

10. REPORTS OF OFFICERS**10.5 Executive Manager Health & Building****10.5.1 General Report**

Location: Exmouth
 Applicant: R M Manning
 File Reference: GV.CM.0
 Disclosure of Interest: Nil
 Date: 11 June 2012
 Author: Executive Manager Health & Building, R M Manning

Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

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

BACKGROUND**Building Licence and Building Certificate Applications and Approvals**

Below is a summary of building licence and building certificate applications and approvals up to 11th June 2012.

Building Applications				
Application No.	Date received	Property Address	Description	Decision Decision Date
20120047	29/03/2012	1377 (30) Preston Street	Single Dwelling & Patio	Awaiting on information from applicant
20120049	03/04/2012	Lot 663 (11) Stewart Street	Solar Panels	A 19/04/2012
20120050	05/04/2012	Lot 7 Dugong Close	Dwelling	A 03/05/2012
20120053	12/04/2012	Lot 800 (21) King Street	Patio	A 03/05/2012
20120055	23/04/2012	Lot 285 (27) Lefroy Street	Fence	Awaiting on information from applicant
20120056	20/04/2012	Lot 60 (9) Lockwood Street	Decking	A 10/05/2012
20120057	23/04/2012	Lot 414 (15) Krait Street	Extension to dwelling	A 11/05/2012
20120058	24/04/2012	Lot 999 (1) Griffiths Way	Retaining Wall	A 03/05/2012
20120059	26/04/2012	Lot 1007 (5) Warren Way	Fence & Bedroom Conversion	A 08/05/2012
20120062	30/04/2012	Lot 1378 (19) Preston Street	Outbuilding	A 11/05/2012
20120063	30/04/2012	Lot 774 (31) Ingleton Street	Fence	A 03/05/2012
20120064	01/05/2012	Lot 1280 (8) Seawolf Place	Swimming Pool	A 11/05/2012
20120065	03/05/2012	Lot 1280 (8) Seawolf Place	Retaining Wall	Awaiting on information from applicant
20120066	09/05/2012	Lot 107 (13) SNAPPER LOOP	Fence	A 23/05/2012
20120067	18/05/2012	Lot 458 (15) Lyon Street	Outbuilding	A 23/05/2012
20120068	22/05/2012	Lot 107 (13) Snapper Loop	Carport	A 23/05/2012
20120069	22/05/2012	Lot 127 (49) Skipjack Circle	Single Dwelling	Awaiting on information from applicant
20120070	08/06/2012	Lot 122 (12) Grenadier Street	Outbuilding	P 08/06/2012
20120071	08/06/2012	Lot 70 (8) Bennett Street	Outbuilding	P 08/06/2012
20120072	08/06/2012	Lot 986 (9) Walters Way	Additions to dwelling	P 11/06/2012

Summary of Building Licence Applications
2005 to Year to date 11th June 2012

Year	No. Applications	Total Value of Works	No. Applications until 11th June	Value up to 11th June
2007	138	\$19,487,319.01	61	\$6,164,348.00
2008	140	\$23,065,372.40	63	\$5,675,049.40
2009	140	\$24,780,872.94	49	\$7,645,494.00
2010	202	\$25,165,355.12	110	\$13,355,653.00
2011	186	\$26,904,715.11	88	\$11,241,600.00
2012			60	\$5,533,318.00

COMMENT

ENVIRONMENTAL HEALTH

During the absence of Rob Manning, John Randall has been acting in the position of Environmental Health Officer. He has been undertaking duties of this position as required and conducting routine food premises inspections giving particular attention to ensuring that correct food storage temperatures are monitored and maintained.

In a number of premises incorrect storage temperatures were detected, issues with some refrigeration units identified, and instruction for appropriate corrective action given. In certain cases this resulted in the withdrawal of food from sale and its disposal in consultation with premises management.

Further, instruction was provided on the limitations of certain refrigerated display cabinets with assistance being provided in identifying issues and guidance being given on suitable management practice.

Where appropriate suitable information documents were also forwarded to staff and management to improve their knowledge in good food management practices.

Paltridge Memorial Swimming Pool

May	<u>2012</u>	<u>2011</u>	<u>2010</u>
Pool users	351	445	452

CONSULTATION

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Environment

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

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

Social

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

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

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.5.1

That the Council of the Shire of Exmouth receive the Executive Manager Health & Building Report for the month of June 2012.

COUNCIL DECISION – 09-0612 – 10.5.1

Moved Councillor Fitzgerald, Seconded Councillor Thompson.

That the Council of the Shire of Exmouth receive the Executive Manager Health & Building Report for the month of June 2012.

CARRIED 5/0

10. REPORTS OF OFFICERS

10.6 Executive Manager Town Planning

10.6.1 General Report

Location: Exmouth
 Applicant: N/A
 File Reference: LP.PL.0
 Disclosure of Interest: Nil
 Date: 8th June 2012
 Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

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

BACKGROUND

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

COMMENT

Below is a summary of planning applications and approvals up to 11th June 2012.

Applic No	Lodgement Date	Lot	Property Address	Description.	Decision	Date Determined
PA16/12	16/02/2012	429	21 Fitzhardinge Street	Holiday Accommodation	JUNE OCM	
PA24/12	16/02/2012	57	Inggarda Lane	Holiday Accommodation	Approved	03/05/2012
PA25/12	17/02/2012	174	Cobia Close	Holiday Accommodation	Approved	03/05/2012
PA27/12	04/04/2012	233	30 Carpenter Street	Oversized Outbuilding	Approved	30/04/2012
PA28/12	10/04/2012	187	6 Snapper Loop	Oversized Outbuilding	JUNE OCM	
PA30/12	10/04/2012	38	Murat Road	Signage	Approved	19/04/2012
PA33/12	11/04/2012	1112	1 Nimitz Street	Signage	Processing	17/04/2012
PA34/12	13/04/2012	162	Dugong Close	Single Dwelling	Approved	24/04/2012
PA36/12	20/04/2012	1112	(Site 222) 1 Nimitz Street	Caravan annexe	Approved	24/04/2012
PA37/12	26/04/2012	313	Pebble Beach Road	Dwelling & Oversized Outbuilding	JUNE OCM	
PA39/12	04/05/2012	70	8 Bennett Street	Outbuilding	Approved	30/05/2012
PA40/12	07/05/2012	15	30 Dugong Close	Holiday Accommodation	Approved	08/06/2012
PA41/12	07/05/2012	358	11 Kestrel Place	Holiday Accommodation	JUNE OCM	
PA42/12	07/05/2012	1	30 Dugong Close	Holiday Accommodation	Approved	08/06/2012
PA43/12	07/05/2012	2	30 Dugong Close	Holiday Accommodation	Approved	08/06/2012
PA45/12	10/05/2012	203	Cobia Close	Single Dwelling	Approved	08/06/2012
PA46/12	14/05/2012	6	30 Dugong Close	Holiday Accommodation	Approved	06/06/2012
PA47/12	14/05/2012	1280	8 Seawolf Place	Retaining Wall	Processing	
PA48/12	14/05/2012	1137	9 Koolinda Way	Warehouse	Approved	12/06/2012
PA49/12	14/05/2012	17	30 Dugong Close	Holiday Accommodation	Approved	08/06/2012
PA50/12	14/05/2012	3	30 Dugong Close	Holiday Accommodation	Approved	08/06/2012
PA51/12	16/05/2012	23	1 Kennedy Street	Signage	Processing	

PA52/12	28/05/2012	316	Minilya-Exmouth Rd	Dwelling	Approved	08/06/2012
PA53/12	01/06/2012	50	Murat Road	Expanded Stockpile Area And Services Compound	Processing	
PA54/12	06/06/2012	357	13 Kestrel Place	Retaining Walls	Processing	
PA55/12	07/06/2012	361	27 Pellew Street	Change Of Use	Processing	

Relief Planning Officer

Karen Parrington has been appointed on a casual basis for a 2 month period in the position of Planning Officer and commenced duties on 11 June 2012. Permanent employment options are currently being explored for the Planning Officer role.

Scheme Amendment 27 Update

Council on the 22nd May received correspondence from the Department of Planning, on behalf of the Hon John Day MLA, Minister for Planning, requesting comment from the Shire of Exmouth as to any additional reasons, clarification or explanation it may wish to make as to why the amendment was not adopted. The response was required to be submitted by Friday 8th June.

The request was to inform the Minister prior to him making a decision on whether to exercise his discretion in issuing a formal Section 76 order, which would direct the Council to initiate the proposed amendment.

Council provided a submission detailing the process undertaken and the grounds in which the Council refused the proposal.

Exmouth South Structure Plan

The Exmouth South Structure Plan preparation is progressing well with the results of stage 1 presented to Council during the April Council meeting. The Executive Manager Town Planning submitted the acquittals for stage 1 of the project to the Department of Planning.

District Water Management Strategy

The District Water Management Strategy was presented to Council during the April Council meeting for the purposes of formal advertising for public comments in accordance with clause 9.6 of the Shire of Exmouth Town Planning Scheme No. 3. The Strategy was advertised with public comments closing on the 31st May 2012. The strategy will be presented to Council during the July Council meeting.

Development on Lot 304 Minilya –Exmouth Road -Cape Wilderness Estate

Council was notified of 4 written complaints from neighbouring properties of Lot 304 Minilya-Exmouth Road regarding the Council approval of a shed /house outside the building envelope. Council was asked to provide comments to the Minister of Local Government on the issue. A written submission was provided to the Minister. *Attachment 1* is a response to neighbouring property owners from the Minister.

Grant Application

Council has recently lodged a grant application with Department of Transport for the construction of sea walls as part of the Foreshore Revitalisation Project.

Affordable Housing

Questus have been successful in transferring 40 National Rental Affordability Scheme entitlements to locations in Exmouth. A copy of the Departments Letter of Offer and Extract from the Schedule of Entitlements is attached. (refer *Attachment 2*) Twenty (20) of these entitlements will be used for the Lefroy Street Development.

Questus would be eager to participate in this project from a Development perspective as well as providing the NRAS services.

Lot 701 Falls Street, Exmouth: Freehold Subdivision

Council is notified that the Western Australian Planning Commission is currently processing an application for the freehold subdivision on the above lot. The subdivision will yield 1 (one) lot of which RDL has agreed to handover the lot to Council. (refer *Attachment 3*).

Ranger Services

A summary of the Rangers activities performed during May 2012.

	Dogs	Camping	Parking	Litter	Fire	Off Road	Other
Warning/caution	2	6	7	0	0	0	5
Infringement	0	34	0	0	0	0	0
Court	0	0	0	0	0	0	0
May Total	2	40	7	0	0	0	5
July-April Total	72	236	45	5	41	6	32
2011-2012 Totals	74	276	52	5	41	6	37

Emergency Services

On Monday 21st May, a community workshop was held at the Exmouth State Emergency Service building by LGIS to discuss the Exmouth Community Emergency Risk Management Project which identifies and rates hazards such as a cyclone, marine searches or marine oil pollution that could be likely to impact the Shire of Exmouth. Throughout this workshop, participants discussed the likelihood of a hazard to occur and the consequences of these hazards against risk statements which discussed the impact the hazard may have against people, the environment, the economy, public administration, the social setting and the local infrastructure.

The information collected during this workshop will be used to provide treatment options against all the hazards at a later date.

CONSULTATION

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Shire of Exmouth Town Planning Scheme No 3.

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Economic

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

- Outcome 1.2 - Planned and balanced economic growth.

Environment

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

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

Social

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

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

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.6.1

That the Council of the Shire of Exmouth receive the Executive Manager Town Planning Report for the month of June 2012.

COUNCIL DECISION – 10-0612 – 10.6.1

Moved Councillor Fitzgerald, Seconded Councillor Hood.

That the Council of the Shire of Exmouth receive the Executive Manager Town Planning Report for the month of June 2012.

CARRIED 5/0

10. REPORTS OF OFFICERS

10.6 Executive Manager Town Planning

10.6.2 Single Dwelling and Oversized Outbuilding - Lot 313 Pebble Beach Road

Location: Lot 313 Pebble Beach Rd ,Exmouth 6707
 Applicant: Pebble Beach Constructions
 File Reference: A1163
 Disclosure of Interest: Nil
 Date: 11 July 2012
 Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends that the Council of the Shire of Exmouth grant conditional planning approval for a single dwelling and oversized outbuilding upon Lot 313 Pebble Beach Road, Exmouth.

BACKGROUND

The subject land is located within Cape Wilderness Estate - Special Use zone. Currently the land is vacant with an area of 3.69ha adjacent to Pebble Beach foreshore and has moderate native vegetation coverage. This application seeks planning approval for a single dwelling and oversized outbuilding (refer **Attachment 4**): Justification by the applicant states:

- outbuilding is for the storage of personal vehicles, boats, trailers and equipment in a secure cyclone rated building.
- 4.5m wall height allows for a higher roller door opening for the entry of taller vehicles.
- mezzanine storage area required sufficient height to be very useful for storage.
- building height [6.5m] will be significantly lower than the dwelling [8m] and as such will not seem out of proportion.

Dwelling summary

- Ground floor: 4 bedrooms, 4 bathrooms, library, laundry and family room. Total floor area 176sqm.
- Upper floor: open planned living, dining, kitchen and balcony. Total floor area 82sqm.
- Other: Queenslander style, curved roof design, dune Colorbond orb, 5m and 8m wall and apex height, total floor area 258sqm.

Outbuilding summary

- 4.5m wall height in lieu of 3.6m.
- 6.5m apex height in lieu of 4.5m.
- 60sqm mezzanine floor.
- Other: Gable roof design (63 and 17 degree), Colorbond orb, total floor area 119.52sqm.

COMMENT

The single dwelling and outbuilding can be assessed under the Shire of Exmouth Town Planning Scheme No. 3 and various local planning policies. These instruments outline the permissibility for this proposal within the Scheme Area. In accordance with the Scheme, a dwelling and ancillary outbuilding is an 'AA' use meaning the use is not permitted unless Council has granted planning approval.

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

Siting requirements

The proposed developments are located within a nominated 4000sqm building envelope. These developments are located on land that is greater than RL3.0m measured from the natural ground level with a finished floor level of 5.25m and 40m rear/side setback compliant with the Scheme provisions and a 210m coastal setback is consistent with State Coastal Planning Policy 2.6.

Planning for bushfire guidelines (WAPC) recommends a minimum setback of 9m for any development from open scrub vegetation type. It is recommended that the building envelope be increased to accord with the minimum 9m setback. Clearing outside the building envelope is prohibited and shall be conditioned to accord with the Scheme with the exception of any requirements under the *Bushfire Act 1954*.

Building Character, Design and Materials

Council has previously approved Queenslander dwelling style within the Estate. The dwelling elevations depict a wide verandah addressing the foreshore and a primary entry fronting Minilya-Exmouth Road. The design balances vertical/horizontal profile of the external 'dune' Colorbond. No colour or material changes are proposed and it is recommended that 'monotone' facades provide a visual break by these means. A condition shall be applied to ensure the colours comply with Council's colour palette.

An oversized outbuilding addresses the primary frontage promoting a strong visual contrast with the proposed dwelling roof design. Surrounding developments that are visual from site have similar pitches and roof designs to the outbuilding and the design can be supported. The location is supported by the overall visual amenity objectives below:

- *retain remnant vegetation throughout the landscape; and*
- *ensure that structures are not located on the skyline as seen from important viewing locations [Minilya-Exmouth Road and Pebble Beach Road].*

However, it is recommended as advice that the outbuilding be located behind the dwelling setback line from Pebble Beach Road and designed to blend in with the surrounding natural landscape by means of appropriate external colours and screening considering the following merits:

- *vicinity of remnant vegetation, providing screening when viewed from public road and adjoining properties; and*
- *low position in the landscape adjacent to the foredune and screened by open scrub vegetation from Minilya-Exmouth Road and idgeline to Murat Road.*

Building height

The two storey dwelling has a wall and apex height of 7.3m and 8.5m respectively measured from natural ground level. This accords with the prescribed maximum 10m building height by the Scheme. An oversized outbuilding has a wall and apex height of 4.5m and 6.5m respectively and the merits can be assessed against the aforementioned visual amenity objectives and the prescribed standard, a maximum wall height of 3.6m and a maximum gable roof height (or apex) of 4.5m measured from natural ground level.

Surrounding developments do not exceed two stories and maintain a maximum apex height of 9m. The Scheme is silent on the maximum building height, other than a dwelling, and such development guided by policy standards. Justification by the applicant highlights the development will have a consistent scale to that of the dwelling, however the proposed 4.5m and 6.5m wall and apex height though not consistent with the accepted standard and nor any other outbuilding approved within the Estate. Council officers recommend that the building be approved as the approval will not adversely affect the established character.

Access/servicing

Legal access is proposed via Pebble Beach Road. A 3m wide meandering gravel driveway complies with the Scheme and ensures all weather access. No crossover details have been provided and shall be conditioned to accord with policy.

No access other than the primary access is proposed and to ensure compliance with the foreshore management plan a condition shall be applied.

No service details have been provided and shall be conditioned to accord with the Scheme.

Stormwater

Limited details have been provided, and no provision for water harvesting or reuse has been identified. The development will be conditioned to ensure stormwater is managed on-site or directed to Pebble Beach.

Consultation

Adjacent properties were invited to provide comment on the development closing on 10th May 2012 (14 days). No objections were received, a summary is tabled below:

Properties	Response	Comment
Lot 311 Pebble Beach Rd	No objection	The height of the proposed oversized outbuilding is recommended to be consistent with policy to ensure the existing character of the Estate is maintained.
Lot 310 Minilya-Exmouth Rd	No response	
Lot 312 Minilya-Exmouth Rd	No response	
Lot 314 Minilya-Exmouth Rd	No response	

Council officers recommend that the Council of the Shire of Exmouth grant conditional planning approval for a single dwelling and oversized outbuilding.

CONSULTATION

Policy 1.25 – Communication and Consultation.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Shire of Exmouth Town Planning Scheme No.3

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation

Policy 6.7 - Outbuildings

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Economic

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

- Outcome 1.2 - Planned and balanced economic growth.

Environment

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

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

Social

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

- Outcome 3.2: Excellent lifestyle, recreational and cultural facilities.
- Outcome 3.4: A community that is well informed and educated about our natural, cultural and built environment.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.6.2
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That the Council of the Shire of Exmouth grant conditional planning approval for a single dwelling and oversized outbuilding upon Lot 313 Pebble Beach Road, Exmouth subject to the following conditions:-

- 1. The development hereby approved shall be carried out generally in accordance with the Shire of Exmouth Town Planning Scheme No.3 and the approved plans (PA37/12) to the satisfaction of Council officers;*
- 2. The oversized outbuilding shall have a maximum wall and apex height of 4.5 metres and 6.5 metres respectively measured from Natural Ground Level. As a guide the roof pitch of the development should be within 5 degrees of visible surrounding developments;*
- 3. A landscape plan shall be submitted and approved in writing by the Shire of Exmouth prior to the commencement of works. This plan shall demonstrate how the oversized outbuilding is screened or sited to minimise the visual impact upon Pebble Beach Road and Minilya-Exmouth Road. Where vegetative screening is necessary, only the planting of local Western Australian Species is permitted;*
- 4. No development or clearing occurring outside the approved building envelope other than the construction of a driveway, firebreak and installation of underground services;*
- 5. Fire breaks shall be installed of not less than three (3) meters in width, constructed around and within the perimeter of the lot, and on such lands so to completely enclose thereof with such firebreak to the satisfaction of Council officers and required by Bushfire Act 1954 - Fire Breaks Notice (LG501);*
- 6. The driveway shall not exceed three (3) metres in width and be constructed so as to follow the natural contours of the land, utilising natural materials that are consistent in colour to the natural landscape;*
- 7. External colours consistent with Council's Policy (6.2) Colour Palette for Developments (attached);*
- 8. The property being connected to the reticulated water supply;*
- 9. An approved effluent disposal system to the satisfaction of Council Officers and/or the Department of Health shall be installed and contained within the building envelope prior to the occupation of any habitable building erected on the land;*
- 10. Stormwater being managed on-site, in accordance with Council Policy, the Building Code of Australia and to satisfaction of Council Officers;*
- 11. Any future fencing is to be located within the approved building envelope being of open style (visually permeable) only. Solid fencing is prohibited;*
- 12. Property boundary fencing shall be constructed using star pickets (with minimum spacing of 12m) and four strands of wire;*
- 13. Any filling or exaction of the site being retained by embankments or walls shall be to the satisfaction of Council officers;*
- 14. The outbuilding hereby approved shall be non-habitable;*
- 15. All activities and structures on the land are to comply with the relevant conditions for the Cape Wilderness Estate, as outlined in the Shire of Exmouth Town Planning Scheme No. 3;*
- 16. No stock, including horses being kept on the property;*
- 17. Cats are not allowed to be kept on any lot within the estate. A maximum of 1 dog per lot is permitted. Where a dog is kept, suitable fencing being erected within the building envelope to confine the animal to that portion of the lot;*

18. *Owners and occupiers of the land shall ensure that vehicular access to the foreshore is prohibited and any other type of access is compliant with the Foreshore Management Plan to the satisfaction of Council officers; and*
19. *The approval granted is valid for a period of two (2) years from the date of this approval. Should the development approved not substantially commence within this time, the approval will lapse.*

Advice

- i) *Prior to any construction, the applicant is required to obtain a building permit from the Shire of Exmouth.*
- ii) *The location of the oversized outbuilding is recommended to be behind the dwelling setout line from Pebble Beach Road and may include vegetation screening to Minilya-Exmouth Road. This will enhance visual interest and the wilderness value when viewed from public road and adjoining properties.*
- iii) *The approval granted is not to be construed as approval granted under the Local Government (Miscellaneous Provisions) Act 1960, Building Regulations 1989 or any other relevant statutory approval.*
- iv) *Should the applicant be aggrieved by this decision, a right of review may exist pursuant to the State Administrative Tribunal Act 2004. A request for review should be made within 28 days of notice of this decision to the State Administrative Tribunal.*

COUNCIL DECISION – 11-0612 – 10.6.2
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Moved Councillor Fitzgerald, Seconded Councillor Hood.

That the Council of the Shire of Exmouth grant conditional planning approval for a single dwelling and oversized outbuilding upon Lot 313 Pebble Beach Road, Exmouth subject to the following conditions:-

1. ***The development hereby approved shall be carried out generally in accordance with the Shire of Exmouth Town Planning Scheme No.3 and the approved plans (PA37/12) to the satisfaction of Council officers;***
2. ***The oversized outbuilding shall have a maximum wall and apex height of 4.5 metres and 6.5 metres respectively measured from Natural Ground Level. As a guide the roof pitch of the development should be within 5 degrees of visible surrounding developments;***
3. ***A landscape plan shall be submitted and approved in writing by the Shire of Exmouth prior to the commencement of works. This plan shall demonstrate how the oversized outbuilding is screened or sited to minimise the visual impact upon Pebble Beach Road and Minilya-Exmouth Road. Where vegetative screening is necessary, only the planting of local Western Australian Species is permitted;***
4. ***No development or clearing occurring outside the approved building envelope other than the construction of a driveway, firebreak and installation of underground services;***
5. ***Fire breaks shall be installed of not less than three (3) meters in width, constructed around and within the perimeter of the lot, and on such lands so to completely enclose thereof with such firebreak to the satisfaction of Council officers and required by Bushfire Act 1954 - Fire Breaks Notice (LG501);***
6. ***The driveway shall not exceed three (3) metres in width and be constructed so as to follow the natural contours of the land, utilising natural materials that are consistent in colour to the natural landscape;***
7. ***External colours consistent with Council's Policy (6.2) Colour Palette for Developments (attached);***
8. ***The property being connected to the reticulated water supply;***
9. ***An approved effluent disposal system to the satisfaction of Council Officers and/or the Department of Health shall be installed and contained within the building envelope prior to the occupation of any habitable building erected on the land;***

10. *Stormwater being managed on-site, in accordance with Council Policy, the Building Code of Australia and to satisfaction of Council Officers;*
11. *Any future fencing is to be located within the approved building envelope being of open style (visually permeable) only. Solid fencing is prohibited;*
12. *Property boundary fencing shall be constructed using star pickets (with minimum spacing of 12m) and four strands of wire;*
13. *Any filling or exaction of the site being retained by embankments or walls shall be to the satisfaction of Council officers;*
14. *The outbuilding hereby approved shall be non-habitable;*
15. *All activities and structures on the land are to comply with the relevant conditions for the Cape Wilderness Estate, as outlined in the Shire of Exmouth Town Planning Scheme No. 3;*
16. *No stock, including horses being kept on the property;*
17. *Cats are not allowed to be kept on any lot within the estate. A maximum of 1 dog per lot is permitted. Where a dog is kept, suitable fencing being erected within the building envelope to confine the animal to that portion of the lot;*
18. *Owners and occupiers of the land shall ensure that vehicular access to the foreshore is prohibited and any other type of access is compliant with the Foreshore Management Plan to the satisfaction of Council officers; and*
19. *The approval granted is valid for a period of two (2) years from the date of this approval. Should the development approved not substantially commence within this time, the approval will lapse.*

Advice

- i) *Prior to any construction, the applicant is required to obtain a building permit from the Shire of Exmouth.*
- ii) *The location of the oversized outbuilding is recommended to be behind the dwelling setback line from Pebble Beach Road and may include vegetation screening to Minilya-Exmouth Road. This will enhance visual interest and the wilderness value when viewed from public road and adjoining properties.*
- iii) *The approval granted is not to be construed as approval granted under the Local Government (Miscellaneous Provisions) Act 1960, Building Regulations 1989 or any other relevant statutory approval.*
- iv) *Should the applicant be aggrieved by this decision, a right of review may exist pursuant to the State Administrative Tribunal Act 2004. A request for review should be made within 28 days of notice of this decision to the State Administrative Tribunal.*

CARRIED 5/0

10. REPORTS OF OFFICERS

10.6 Executive Manager Town Planning

10.6.3 Oversized Outbuilding - Lot 187 (6) Snapper Loop, Exmouth

Location: Lot 187 (6) Snapper Loop, Exmouth
Applicant: Mark Manuel
File Reference: 187
Disclosure of Interest: Nil
Date: 8 June 2012
Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends that the Council of the Shire of Exmouth grant conditional planning approval for an oversized outbuilding upon Lot 187 (6) Snapper Loop, Exmouth.

BACKGROUND

The land is in the Residential zone with an area of 600sqm. Vehicle access is proposed by a crossover to Snapper Loop. This application seeks Council's planning approval for an oversized outbuilding fronting the intersection of Snapper Loop. (refer **Attachment 5**). No justification has been provided by applicant for the requested variations:

Dispensations:

- 3m wall height in lieu of 2.4m
- 3.2m front setback in lieu of 4.5m
- 21sqm average front setback in lieu of 31sqm

Proposal summary:

- Total floor area: 60sqm; wall height 3m
- Gable roof design pitched 11 degrees
- 1m rear setback, 3.5m front setback and 4m side setback

COMMENT

The oversized outbuilding can be assessed against the Shire of Exmouth Town Planning Scheme No. 3 and R-Codes. These instruments outline the permissibility for this proposal within the Scheme Area. To accord with the Scheme, a garage within the Residential zone is classified as a 'P' use meaning the use is permitted. Residential objectives sought to:

- *“Provide for the predominant form of residential development to be single houses whilst providing for diversity with some higher density close to the town centre.*
- *Provide for diversity of lifestyle choice with a range of residential densities.*
- *Achieve a high standard of residential development having regard to the economic importance of tourism to the town.*
- *Allow for the establishment of non-residential uses which are compatible with the predominant residential use and which will not adversely affect local amenities.”*

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

Built form

The locality does not have a desired urban character and any proposed development should focus on the established urban character. As a guide this may include certain details, patterns or forms with emphasis on: building height, roof pitch, articulation, detailing/form, materials, colours, textures and identity.

- Roof design: The existing dwelling utilises a 22.5 degree hip and valley roof design. Visible developments within the immediate area have a similar pitch and conventional roof forms. The outbuilding is sited in a predominate location and is recommended that the pitch be increased to be within 5 degrees of the existing dwelling (minimum 17.5 degrees).
- Scale: Existing dwelling averaged setback is impeded by the development. An additional 11.19sqm is required as proposed or 5.81sqm with a rear setback. It is recommended that the wall length be 10m to achieve an acceptable nil setback and the averaged setback requirement.
- Setback: Enclosed structures are required to be sited outside 6m front setback, the proposal is sited within the front setback area and adversely impacts upon the streetscape. Considering that the dwelling is existing, it is recommended that the development:-
 1. be sited outside the front setback area; or
 2. part of the development converted to an open structure; or
 3. sited a minimum 0.5m behind the dwelling set out line (4.5m front setback).

A 3m wall height is proposed which may have a nil rear setback. In light of the above recommendations it is considered appropriate for the development to be sited with a nil rear setback and the length of the outbuilding reduced to achieve the required 6m front setback due to the dominance of the development.

- External colour: No details have been provided. A condition shall be applied to ensure the development is consistent with the existing dwelling's colour scheme. Further the development shall be conditioned to ensure no light reflections or glare occurs.

Access/Parking

Legal access is proposed via 5m wide crossover to Snapper Loop. Part of the crossover is located within the truncation area which is generally a prohibited location for access driveways. However AS2890.1 provides an exemption for domestic driveways which would otherwise be denied access due to the physical impossibilities of achieving the standard 6m truncation requirement. The proposed layout is considered acceptable subject to maintaining a truncation or reduced height for any fencing along the secondary frontage and a maximum crossover width of 4.5 metres.

Line of sight is impeded by the development and shall be conditioned for a minimum truncation of 1.5m on the rear boundary access. Any obstruction within this area shall be conditioned to have a maximum height of 1.2m upon private property and parking of vehicles prohibited on local government property to maintain line of sight under the *Town Planning (height of Obstructions at Corners) General By-laws 1975*. Should the applicant wish to park vehicles upon hardstand driveway than a side setback of 5.2 metres is required.

Stormwater

Limited storm water details have been provided and shall be conditioned to ensure roof and impermeable surfaces are retained on-site or directed to the kerb and gutter in Snapper Loop.

Consultation

Adjacent properties were invited to provide comment on the development closing on Wednesday 2 May 2012 (14 days). No objections were received, a summary is tabled below:

Properties	Response	Comment
5 Snapper Loop	No response	The development will be a dominant feature addressing two street frontages and adversely impacts upon the streetscape. To reduce the scale of the development a minimum 4.5m front setback will be conditioned
7 Snapper Loop	No response	
63 Snapper Loop	No response	
8 Snapper Loop	No objection	

8 Rimau Way	No response	advising a nil rear setback is permissible under the R-codes. Further the roof pitch shall be conditioned to accord with the existing development to reduce the visual contrast.
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Council officers recommend that the Council of the Shire of Exmouth grant conditional planning approval for an oversized outbuilding upon Lot 187 (6) Snapper Loop, Exmouth.

CONSULTATION

Consult - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Planning and Development Act 2005
Shire of Exmouth Town Planning Scheme No.3
Residential Design Codes Western Australia

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.
Local Planning Policy 6.2: Colour Palette for Developments
Local Planning Policy 6.7: Outbuilding

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Economic

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

- Outcome 1.2 - Planned and balanced economic growth.

Environment

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

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

Social

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

- Outcome 3.2: Excellent lifestyle, recreational and cultural facilities.
- Outcome 3.3: An inclusive, responsible and cohesive community.
- Outcome 3.4: A community that is well informed and educated about our natural, cultural and built environment.

VOTING

Simple majority

OFFICER'S RECOMMENDATION -10.6.3

That the Council of the Shire of Exmouth grant conditional planning approval for an oversized outbuilding upon lot 187 (6) Snapper Loop, Exmouth subject to the following conditions:-

- 1. The development hereby approved shall be carried out generally in accordance with the Shire of Exmouth Town Planning Scheme No.3 and the approved plans (PA28/12) to the satisfaction of Council officers;*
- 2. The development shall have a maximum nine (9) metre wall length and a 1m side setback to achieve the averaged front setback requirement for the existing dwelling. Further a minimum 5.2 metre side setback shall be maintained to ensure the formed driveway caters for vehicular parking wholly upon private property;*

3. *The development shall have a maximum wall and apex height of 3 metres and 4.5 metres respectively measured from natural ground level; and the gable roof design shall be similar to the existing dwelling. As a guide, the roof pitch of the outbuilding should be within 5 degrees of the existing dwelling;*
4. *The vehicle access point shall maintain a minimum 1.5metre by 1.5 metre truncation adjacent upon the lot with a maximum obstruction height of 0.75 metre measured from the height of the adjacent road kerb to provide adequate line of sight to pedestrians and vehicular traffic. Any obstruction above this height shall be visually permeable to the satisfaction of Council officers;*
5. *Vehicle crossover layout between the road carriageway and the property boundary shall maintain the 1.5 metre truncation and thereafter a maximum width of 4.5 metres, excluding any splays and constructed in accordance with Council Policy;*
6. *The formed driveway shall have a minimum 0.5 metre rear lot boundary setback;*
7. *Owners and occupiers shall not have, erect or permit within the lot truncation area upon local government property a wall, fence, vehicle, boat, hedge, shrub or other obstruction of a greater height than 0.75 metres measured from the level of the road adjoining the obstruction. No vehicles shall be parked within these areas to maintain adequate line of sight for vehicular traffic using the adjacent intersection;*
8. *External colours shall be consistent with the existing dwelling colour scheme. If in the opinion of Council, following the completion of the development, it is considered that external appearance adversely affects the amenity of adjoining or nearby neighbours or local road users by means of light reflections that owner shall treat the external surface to reduce glare;*
9. *Any auditable construction works shall be limited from 7am to 7pm, Monday to Sunday and at all times the activities shall fully comply with the Environmental (Noise) Regulations 1997;*
10. *Storm water being managed on-site and/or discharged into the Shire's road drainage system, in accordance with Council Policy, the Building Code of Australia and to satisfaction of Council officers;*
11. *The outbuilding shall be non-habitable; and*
12. *The approval hereby granted shall be valid for a period of two (2) years from the date of this approval. Should the development approved not substantially commence within this time, the approval will lapse.*

Advice

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

COUNCIL DECISION – 12-0612 – 10.6.3
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Moved Councillor Fitzgerald, Seconded Councillor Thompson.

That the Council of the Shire of Exmouth grant conditional planning approval for an oversized outbuilding upon lot 187 (6) Snapper Loop, Exmouth subject to the following conditions:-

1. ***The development hereby approved shall be carried out generally in accordance with the Shire of Exmouth Town Planning Scheme No.3 and the approved plans (PA28/12) to the satisfaction of Council officers;***

2. *The development shall have a maximum nine (9) metre wall length and a 1m side setback to achieve the averaged front setback requirement for the existing dwelling. Further a minimum 5.2 metre side setback shall be maintained to ensure the formed driveway caters for vehicular parking wholly upon private property;*
3. *The development shall have a maximum wall and apex height of 3 metres and 4.5 metres respectively measured from natural ground level; and the gable roof design shall be similar to the existing dwelling. As a guide, the roof pitch of the outbuilding should be within 5 degrees of the existing dwelling;*
4. *The vehicle access point shall maintain a minimum 1.5metre by 1.5 metre truncation adjacent upon the lot with a maximum obstruction height of 0.75 metre measured from the height of the adjacent road kerb to provide adequate line of sight to pedestrians and vehicular traffic. Any obstruction above this height shall be visually permeable to the satisfaction of Council officers;*
5. *Vehicle crossover layout between the road carriageway and the property boundary shall maintain the 1.5 metre truncation and thereafter a maximum width of 4.5 metres, excluding any splays and constructed in accordance with Council Policy;*
6. *The formed driveway shall have a minimum 0.5 metre rear lot boundary setback;*
7. *Owners and occupiers shall not have, erect or permit within the lot truncation area upon local government property a wall, fence, vehicle, boat, hedge, shrub or other obstruction of a greater height than 0.75 metres measured from the level of the road adjoining the obstruction. No vehicles shall be parked within these areas to maintain adequate line of sight for vehicular traffic using the adjacent intersection;*
8. *External colours shall be consistent with the existing dwelling colour scheme. If in the opinion of Council, following the completion of the development, it is considered that external appearance adversely affects the amenity of adjoining or nearby neighbours or local road users by means of light reflections that owner shall treat the external surface to reduce glare;*
9. *Any auditable construction works shall be limited from 7am to 7pm, Monday to Sunday and at all times the activities shall fully comply with the Environmental (Noise) Regulations 1997;*
10. *Storm water being managed on-site and/or discharged into the Shire's road drainage system, in accordance with Council Policy, the Building Code of Australia and to satisfaction of Council officers;*
11. *The outbuilding shall be non-habitable; and*
12. *The approval hereby granted shall be valid for a period of two (2) years from the date of this approval. Should the development approved not substantially commence within this time, the approval will lapse.*

Advice

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

CARRIED 5/0

10. REPORTS OF OFFICERS**10.6 Executive Manager Town Planning****10.6.4 Change of Use - Holiday Accommodation (PA41/12) – Lot 358 (11) Kestrel Place Exmouth**

Location: Lot 358(11) Kestrel Place, Exmouth.
 Applicant: Ray White Exmouth
 File Reference: 358(11)
 Date: 11 July 2012
 Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends that the Council of the Shire of Exmouth grant conditional planning approval for the change of use - holiday accommodation upon Lot 358(11) Kestrel Place Exmouth.

BACKGROUND

The subject property is zoned Marina and is provided with a private mooring in canal arm 2. In 2010, Council granted planning approval for a 4 bedroom dwelling. This application seeks Council's planning approval for a change of use - holiday accommodation upon Lot 358(11) Kestrel Place, Exmouth. (refer *Attachment 6*).

Proposal summary:

- Maximum number of occupants: 8 persons (no more than 8 adults)
- Maximum number of vehicles: 3 vehicles and 2 trailers (inc. boats on trailers)
- No changes to existing development
- No pets
- Property to be managed by Ray White Exmouth
- Code of Conduct and Management Statement for occupants
- Emergency Escape Plan for occupants

COMMENT

The change of use can be assessed against the Shire of Exmouth Town Planning Scheme No. 3 and local planning policy 6.27 and 6.30. These instruments outline the permissibility and development standards for holiday accommodation (defined below) within the Marina zone. Relevant holiday accommodation design objectives sought to:

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

Definitions:

- **Holiday accommodation** means: *any land or buildings used for accommodation and recreation for holiday purposes but does not include a hotel or a motel; and*
- **Short term stay** means: *where the room or bed is occupied for not more than 90days in any 12 month period by the same guest.*

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

Amenity

The tenant Code of Conduct and Management Statement will be provided to tenants as part of the contract and a copy will be suitably located in a predominant location within the dwelling.

Key issues are covered by the Code of Conduct which includes: no noise after 10pm, no pets, no fish cleaning, parking location and maximum vehicles, occupancy, bin collection and emergency contacts. Areas of the management framework require amendments to address parking and occupancy issues. To maintain the residential amenity, a condition shall be applied to ensure the use can be rescinded if in the opinion of Council the holiday accommodation use adversely affects the neighbourhood amenity and/or reduces the reasonable enjoyment of owners/occupiers of land.

Further, it is recommended that the management framework include a provision to state that the tenant is responsible for removing bins after collection noting bins can only remain on the verge for a maximum of one day and is a finable offence under the local law.

Occupancy

Occupancy numbers exceed the desired residential scale meaning occupancy by "*a single person, a single family or no more than 6 unrelated persons.*" The application seeks the maximum occupancy of 8 persons and the planning controls permit a higher occupancy subject to compliance with *Health Act 1911* and relevant planning instruments. The number of allowable occupants is restricted by the ventilation requirements under the Act, which defines the following:

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

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

Schedule 1: Allowable Occupants: Lot 358 (11) Kestrel Place, Exmouth

Bedroom 1: Total floor space: 19.64m², Approximate Air Space: 53.13m³
Allowable occupants: 3 adult **OR** 6 children **OR** 2 adult and 3 children **OR** 1 adult and 4 children

Bedroom 2: Total floor space: 16m², Approximate Air Space: 43.28m³
Allowable occupants: 3 adult **OR** 5 children **OR** 2 adult and 2 children **OR** 1 adult and 3 children

Bedroom 3: Total floor space: 16.16m², Approximate Air Space: 47.72m³
Allowable occupants: 3adult **OR** 6 children **OR** 2 adult and 2 children **OR** 1 adult and 3 children

Bedroom 4: Total floor space: 9.98m², Approximate Air Space: 26.99m³
Allowable occupants: 2 adult **OR** 3 children **OR** 1 adult and 1 child

*The air space is calculated with an AVERAGE 2.7m ceiling height

A total of 8 persons are proposed. To accord with the schedule above, occupancy shall be limited to 12 persons; and not more than 11 occupants over the age of 10 at any one time. Alternative occupancy combinations can be accommodated as per Schedule 1 above. This limitation shall be conditioned to accord with local laws and holiday accommodation policy.

Access/parking

Legal access is provided via an existing crossover [6m width] to Kestrel Place. A double garage caters for two vehicles and tandem parking for two small vehicles can be achieved wholly upon the land. To preserve the streetscape the number of vehicles shall be limited to 3 and 1 trailer (including boats).

Canal/jetty

Safety barriers or similar method shall be applied in appropriate locations to provide a 'child safe' outdoor living area. This will assist in alleviating the safety issues that the canal poses to unfamiliar tenants and the canal access easement shall not be impeded at any time.

Management framework

The supporting documentation is considered sufficient to achieve an effective management framework. Although various amendments are required as per the issues outlined above and shall be conditioned to be revised and approved by Council prior to the use commencing.

Neighbour Consultation

Adjoining property owners were invited to comment on the proposal, with the consultation period closing 6 March 2012 (21 days) and no comments were received.

Property	Response	Officers comments
359 Kestrel Place	No response	The proposal seeks the maximum occupancy rate permissible (8 unrelated persons) and is similar to a guest/boarding house.
357 Kestrel Place	No response	
333 Kestrel Place	No response	
334 Kestrel Place	No response	
335 Kestrel Place	No response	
332 Kestrel Place	No response	

Council officers recommend that the Council of the Shire of Exmouth grant conditional planning approval for the change of use – holiday accommodation.

CONSULTATION

Consult - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Planning and Development Act 2005
Shire of Exmouth Town Planning Scheme No.3
Health Act 1911

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.
Policy 6.27 - Holiday Accommodation

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Economic

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

- Outcome 1.2 - Planned and balanced economic growth.

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.6.4

That the Council of the Shire of Exmouth grant conditional planning approval for the change of use - holiday accommodation upon Lot 358 (11) Kestrel Place, Exmouth subject to the following conditions:-

1. *The development shall be carried out at all times in accordance with the Local Planning Scheme, the approved plans (PA41/12) and Local Planning Policy 6.27: Holiday Accommodation;*
2. *The maximum number of overnight occupants allowed (children and adults) within the dwelling at the same time shall be twelve (12) persons and no more than eleven (11) occupants over the age of 10 at any one time. Furthermore, the maximum occupancy for each room being in accordance with the Shire of Exmouth Health Local Law and Council Policy. This Potential occupants being advised of this prior to booking;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that is permitted on the property, limited to the driveway hardstand, is three (3) and one (1) respectively OR two (2) and two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land, parking in these areas is prohibited. Potential occupants shall be advised of this prior to booking;*
4. *The property providing at least three (3) 240 litre rubbish bins prior to the use commencing;*
5. *The jetty shall not be used for the mooring of any tenant vessel without written approval by the Shire of Exmouth. Any approval will require a revised Management Statement and Tenant Code of Conduct;*
6. *The owner shall submit a revised Management Statement and Tenant Code of Conduct to the Shire of Exmouth for written approval prior to the use commencing. The revisions shall clarify:-*
 - i. *The number of allowable occupants to accord with Schedule 1 below (Total allowable is 12 and no more than 11 persons over 10 years of age at one time);*
 - ii. *Add maximum number of vehicles and trailers (including boats on trailers) is four (4);*
 - iii. *Add the approved parking location to be limited to the driveway hardstand; and parking on Council road verge or adjoining/nearby vacant land is prohibited;*
 - iv. *Add tenant's responsibly to remove bins after collection; bins can only remain on the verge for a maximum (1) one day and is a finable offence under the local law;*
 - v. *Add canal access easement shall not be impeded at any time; and*
 - vi. *Include reference to canal safety and detailed use/location of 'childsafes' barriers.*
7. *The occupants Code of Conduct shall be clearly displayed in the premises at all times;*
8. *Prior to the property being used for holiday accommodation, an approved smoke alarm must be installed on or near the ceiling in each guest bedroom (including Kid's Dorm and Games Room); and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms and the remainder of the building. The smoke alarms must be installed in accordance with AS 3786 and be connected to the consumer mains power;*
9. *A system of lighting must be installed to assist with the evacuation of occupants in the event of a fire and be activated by the smoke alarm required by Condition 8 above; and consist of a light incorporated within the smoke alarm or the lighting located in the corridor, hallway or areas served by the smoke alarm. Where the evacuation lighting is not of the type incorporated in the smoke alarm, it shall be provided with emergency backup power supply;*
10. *An emergency response plan (i.e. fire escape route maps etc.) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*

- i. a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and
 - ii. no fires are to be lit outside with the exception of a gas barbeque.
11. The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;
12. If in the opinion of Council the use hereby approved adversely affects the local amenity or causes a nuisance or annoyance or reduces the enjoyment to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity, Council may vary or rescind the approval in accordance with Policy;
13. The use hereby approved shall not commence until a final inspection has been undertaken by Council officers to ensure all conditions of planning approval have been fully complied with; and
14. The approval hereby granted shall be valid for a period of two (2) years (30 September 2014) from the date of this approval. Should the development approved not substantially commence within this time, the approval will lapse.

Advice

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

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of twelve (12) guests and no more than eleven (11) occupants over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

Schedule 1: Allowable Occupants: Lot 358 (11) Kestrel Place, Exmouth

Bedroom 1: Total floor space: 19.64m², Approximate Air Space: 53.13m³
Allowable occupants: 3 adult OR 6 children OR 2 adult and 3 children OR 1 adult and 4 children

Bedroom 2: Total floor space: 16m², Approximate Air Space: 43.28m³
Allowable occupants: 3 adults OR 5 children OR 2 adult and 2 children OR 1 adult and 3 children

Bedroom 3: Total floor space: 16.16m², Approximate Air Space: 47.72m³
Allowable occupants: 3adult OR 6 children OR 2 adult and 2 children OR 1 adult and 3 children

Bedroom 4: Total floor space: 9.98m², Approximate Air Space: 26.99m³
Allowable occupants: 2 adult OR 3 children OR 1 adult and 1 child

*The air space is calculated with an AVERAGE 2.7m ceiling height

- ii) Should the holiday accommodation be viewed as a 'Lodging House' at any time under the Health Act 1911, a permit pursuant to the Shire of Exmouth Health Local Laws will be required. For further Information, please contact the Shire of Exmouth's Health Services on 9949 3000.
- iii) Should the applicant be aggrieved by this decision, a right of review may exist pursuant to the State Administrative Tribunal Act 2004. A request for review should be made within 28 days of notice of this decision to the State Administrative Tribunal.

COUNCIL DECISION – 13-0612 – 10.6.4
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Moved Councillor Hood, Seconded Councillor Fitzgerald.

That the Council of the Shire of Exmouth grant conditional planning approval for the change of use - holiday accommodation upon Lot 358 (11) Kestrel Place, Exmouth subject to the following conditions:-

1. *The development shall be carried out at all times in accordance with the Local Planning Scheme, the approved plans (PA41/12) and Local Planning Policy 6.27: Holiday Accommodation;*
2. *The maximum number of overnight occupants allowed (children and adults) within the dwelling at the same time shall be twelve (12) persons and no more than eleven (11) occupants over the age of 10 at any one time. Furthermore, the maximum occupancy for each room being in accordance with the Shire of Exmouth Health Local Law and Council Policy. This Potential occupants being advised of this prior to booking;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that is permitted on the property, limited to the driveway hardstand, is three (3) and one (1) respectively OR two (2) and two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land, parking in these areas is prohibited. Potential occupants shall be advised of this prior to booking;*
4. *The property providing at least three (3) 240 litre rubbish bins prior to the use commencing;*
5. *The jetty shall not be used for the mooring of any tenant vessel without written approval by the Shire of Exmouth. Any approval will require a revised Management Statement and Tenant Code of Conduct;*
6. *The owner shall submit a revised Management Statement and Tenant Code of Conduct to the Shire of Exmouth for written approval prior to the use commencing. The revisions shall clarify:-*
 - i. *The number of allowable occupants to accord with Schedule 1 below (Total allowable is 12 and no more than 11 persons over 10 years of age at one time);*
 - ii. *Add maximum number of vehicles and trailers (including boats on trailers) is four (4);*
 - iii. *Add the approved parking location to be limited to the driveway hardstand; and parking on Council road verge or adjoining/nearby vacant land is prohibited;*
 - iv. *Add tenant's responsibly to remove bins after collection; bins can only remain on the verge for a maximum (1) one day and is a finable offence under the local law;*
 - v. *Add canal access easement shall not be impeded at any time; and*
 - vi. *Include reference to canal safety and detailed use/location of 'childsafes' barriers.*
7. *The occupants Code of Conduct shall be clearly displayed in the premises at all times;*
8. *Prior to the property being used for holiday accommodation, an approved smoke alarm must be installed on or near the ceiling in each guest bedroom (including Kid's Dorm and Games Room); and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms and the remainder of the building. The smoke alarms must be installed in accordance with AS 3786 and be connected to the consumer mains power;*
9. *A system of lighting must be installed to assist with the evacuation of occupants in the event of a fire and be activated by the smoke alarm required by Condition 8 above; and consist of a light incorporated within the smoke alarm or the lighting located in the corridor, hallway or areas served by the smoke alarm. Where the evacuation lighting is not of the type incorporated in the smoke alarm, it shall be provided with emergency backup power supply;*
10. *An emergency response plan (i.e. fire escape route maps etc.) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*

- i. a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and
- ii. no fires are to be lit outside with the exception of a gas barbeque.

11. The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;
12. If in the opinion of Council the use hereby approved adversely affects the local amenity or causes a nuisance or annoyance or reduces the enjoyment to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity, Council may vary or rescind the approval in accordance with Policy;
13. The use hereby approved shall not commence until a final inspection has been undertaken by Council officers to ensure all conditions of planning approval have been fully complied with; and
14. The approval hereby granted shall be valid for a period of two (2) years (30 September 2014) from the date of this approval. Should the development approved not substantially commence within this time, the approval will lapse.

Advice

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

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of twelve (12) guests and no more than eleven (11) occupants over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

Schedule 1: Allowable Occupants: Lot 358 (11) Kestrel Place, Exmouth

Bedroom 1: Total floor space: 19.64m², Approximate Air Space: 53.13m³

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Bedroom 2: Total floor space: 16m², Approximate Air Space: 43.28m³

Allowable occupants: 3 adults OR 5 children OR 2 adult and 2 children OR 1 adult and 3 children

Bedroom 3: Total floor space: 16.16m², Approximate Air Space: 47.72m³

Allowable occupants: 3adult OR 6 children OR 2 adult and 2 children OR 1 adult and 3 children

Bedroom 4: Total floor space: 9.98m², Approximate Air Space: 26.99m³

Allowable occupants: 2 adult OR 3 children OR 1 adult and 1 child

**The air space is calculated with an AVERAGE 2.7m ceiling height*

- ii) Should the holiday accommodation be viewed as a 'Lodging House' at any time under the Health Act 1911, a permit pursuant to the Shire of Exmouth Health Local Laws will be required. For further Information, please contact the Shire of Exmouth's Health Services on 9949 3000.
- iii) Should the applicant be aggrieved by this decision, a right of review may exist pursuant to the State Administrative Tribunal Act 2004. A request for review should be made within 28 days of notice of this decision to the State Administrative Tribunal.

CARRIED 3/2
Councillor Thompson and Winzer voted against.

10. REPORTS OF OFFICERS**10.6 Executive Manager Town Planning****10.6.5 Proposed Residential Subdivision- Lot 500, 5001,609,847 Reid Street, Exmouth**

Location: Lot 500, 5001,609,847 Reid Street, Exmouth
 Applicant: RPS on behalf of Landcorp
 File Reference: LP.PL.0
 Disclosure of Interest: Nil
 Date: 11 June 2012
 Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends that the Council of the Shire of Exmouth support the subdivision application with appropriate conditions for freehold subdivision upon Lot 500, 5001,609,847 Reid Street, Exmouth. (refer *Attachment 7*).

BACKGROUND

Council is in receipt of a subdivision application from the Western Australian Planning Commission regarding the proposed freehold subdivision upon Lot 500, 5001,609,847 Reid Street, Exmouth. The Commission request Council to provide comments regarding the subdivision.

The application proposes the creation of 35 residential lots suitable for single houses, 1 duplex site and a reserve for recreation. The subdivision design is consistent with the Nimitz Street Outline Development Plan approved by Council during the May 2012 Ordinary Council meeting.

COMMENT

This subdivision application has been prepared in accordance with the proposed Nimitz Street Outline Development Plan which was approved by Council during the May OCM, and will facilitate the first stage of the of development. The WAPC requires Local Government, should it support the subdivision, to provide any recommendations or conditions pertinent to the application.

Council officers have provided conditions to regulate the uses in the area, engineering conditions and dust management. It is recommended that the proposed subdivision be supported with appropriate conditions and advice notes.

CONSULTATION

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Planning and Development Act 2005
 Shire of Exmouth Town Planning Scheme No.

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Economic

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

- Outcome 1.2 - Planned and balanced economic growth.

Environment

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

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

Social

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.6.5
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That the Council of the Shire of Exmouth advise the Western Australian Planning Commission that it supports the application for Subdivision No145973 for Proposed Residential subdivision- Lot 500, 5001,609,847 Reid Street , Exmouth subject to the following conditions and advice being applied:

1. *Those lots not fronting an existing road being provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) being constructed and drained at the applicant/owner's cost;*
2. *All roads, kerbing, footpaths and earthworks being designed and constructed to the satisfaction of the local government.*
3. *The developer will formulate a landscaping plan to the satisfaction of the local government.*
4. *The finished ground levels at the boundaries of the lot(s) the subject of this approval are to match or otherwise co-ordinate with the existing and/or proposed finished ground levels of the land abutting;*
5. *The applicant/owner is to provide a geotechnical report certifying that the land is physically capable of development prior to the commencement of subdivision works;*
6. *An urban water management plan is to be prepared prior to the commencement of subdivision works, consistent with the local water management strategy/drainage and water management plan. The approved urban water management plan being implemented by the applicant/owner, including construction of identified wastewater, stormwater and groundwater management systems;*
7. *Street lighting to be installed on all new subdivisional roads to the satisfaction of the local government.*
8. *Street corners within the subdivision are to be truncated to the standard truncation of 8.5 metres or more;*
9. *The land is to be provided with an adequate outlet drainage system at the applicant/owner's cost;*

10. *The area marked ' POS' on the approved plan of subdivision is to be shown on the Deposited Plan as such and is to be vested in the Crown under section 152 of the Planning and Development Act, such land to be ceded free of cost and without any payment of compensation by the Crown;*
11. *The land being graded and stabilised at the subdivider's cost, to the satisfaction of the Shire of Exmouth;*
12. *The applicant providing a geotechnical report and evidence certifying that any necessary compaction including filling or backfilling has been adequately achieved;*
13. *Storm water management is to include the establishment of an ongoing monitoring program to the satisfaction of the Local Government in accordance with the Local Water Management Strategy;*
14. *The design and construction of stormwater treatments and infrastructure in accordance with the Local Water Management Strategy endorsed by WAPC and the Local Government;*
15. *Prior to the commencement of subdivision works a dust and noise management plan for area is to be prepared and implemented to the satisfaction of Council;*
16. *A Notification under S70A of the Transfer of Land Act 1893 be recorded on the property titles as follows " Holiday accommodation is not permitted within this area"; and*
17. *A notification, pursuant to section 165 of the Planning and Development Act is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a hazard or other factor. Notice of this notification to be included on the deposited plan. The notification to state as follows: "This lot is in close proximity to the Exmouth Power station plant and may be adversely affect by virtue of noise and fumes emissions from that facility".*

Footnote

1. *The applicant is advised to refer to the Institute of Public Works Engineering Australia Local Government Guidelines for Subdivisional Development. The guidelines set out the minimum requirements recommended to be accepted by a local authority in granting clearance of engineering conditions imposed. The guidelines prescribe the use of best practice to set minimum standards applicable to the design and construction of roads, drainage, pathways, earthworks and public open space and do not restrict or prevent innovative solutions.*
2. *The applicant/owner is advised that the Department of Environment and Conservation has prepared dust control guidelines for development sites, which inter alia, outline the procedures for the preparation of dust management plans for development sites. Further information on the guidelines can be obtained from the Department of Environment and Conservation.*
3. *With regard to condition 2, Road network shall be asphalt sealed and footpaths shall be constructed on every road within the subdivision. The footpath network shall conform to the West Australian Department of Transport Cycling Infrastructure Standards;*
4. *With regards to condition 9, the Street lighting is to be highly energy efficient, economically attractive, and environmentally friendly and Utility approved LED street lights;*
5. *All road works and drainage are to be designed and supervised by a qualified and experienced Civil Engineer and NO work is to start on site until the drawings and specifications have been approved by the Executive Manager Engineering Services*
6. *The WAPC's approval to subdivision should not be construed as approval to development on any of the lot(s) proposed.*

COUNCIL DECISION – 14-0612 – 10.6.5

Moved Councillor Winzer, Seconded Councillor Thompson.

That the Council of the Shire of Exmouth advise the Western Australian Planning Commission that it supports the application for Subdivision No145973 for Proposed Residential subdivision- Lot 500, 5001,609,847 Reid Street , Exmouth subject to the following conditions and advice being applied:

- 1. Those lots not fronting an existing road being provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) being constructed and drained at the applicant/owner's cost;*
- 2. All roads, kerbing, footpaths and earthworks being designed and constructed to the satisfaction of the local government.*
- 3. The developer will formulate a landscaping plan to the satisfaction of the local government.*
- 4. The finished ground levels at the boundaries of the lot(s) the subject of this approval are to match or otherwise co-ordinate with the existing and/or proposed finished ground levels of the land abutting;*
- 5. The applicant/owner is to provide a geotechnical report certifying that the land is physically capable of development prior to the commencement of subdivision works;*
- 6. An urban water management plan is to be prepared prior to the commencement of subdivision works, consistent with the local water management strategy/drainage and water management plan. The approved urban water management plan being implemented by the applicant/owner, including construction of identified wastewater, stormwater and groundwater management systems;*
- 7. Street lighting to be installed on all new subdivisional roads to the satisfaction of the local government.*
- 8. Street corners within the subdivision are to be truncated to the standard truncation of 8.5 metres or more;*
- 9. The land is to be provided with an adequate outlet drainage system at the applicant/owner's cost;*
- 10. The area marked ' POS'' on the approved plan of subdivision is to be shown on the Deposited Plan as such and is to be vested in the Crown under section 152 of the Planning and Development Act, such land to be ceded free of cost and without any payment of compensation by the Crown;*
- 11. The land being graded and stabilised at the subdivider's cost, to the satisfaction of the Shire of Exmouth;*
- 12. The applicant providing a geotechnical report and evidence certifying that any necessary compaction including filling or backfilling has been adequately achieved;*
- 13. Storm water management is to include the establishment of an ongoing monitoring program to the satisfaction of the Local Government in accordance with the Local Water Management Strategy;*
- 14. The design and construction of stormwater treatments and infrastructure in accordance with the Local Water Management Strategy endorsed by WAPC and the Local Government;*
- 15. Prior to the commencement of subdivision works a dust and noise management plan for area is to be prepared and implemented to the satisfaction of Council;*
- 16. A Notification under S70A of the Transfer of Land Act 1893 be recorded on the property titles as follows " Holiday accommodation is not permitted within this area"; and*

17. *A notification, pursuant to section 165 of the Planning and Development Act is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a hazard or other factor. Notice of this notification to be included on the deposited plan. The notification to state as follows: "This lot is in close proximity to the Exmouth Power station plant and may be adversely affect by virtue of noise and fumes emissions from that facility".*

Footnote

1. *The applicant is advised to refer to the Institute of Public Works Engineering Australia Local Government Guidelines for Subdivisional Development. The guidelines set out the minimum requirements recommended to be accepted by a local authority in granting clearance of engineering conditions imposed. The guidelines prescribe the use of best practice to set minimum standards applicable to the design and construction of roads, drainage, pathways, earthworks and public open space and do not restrict or prevent innovative solutions.*
2. *The applicant/owner is advised that the Department of Environment and Conservation has prepared dust control guidelines for development sites, which inter alia, outline the procedures for the preparation of dust management plans for development sites. Further information on the guidelines can be obtained from the Department of Environment and Conservation.*
3. *With regard to condition 2, Road network shall be asphalt sealed and footpaths shall be constructed on every road within the subdivision. The footpath network shall conform to the West Australian Department of Transport Cycling Infrastructure Standards;*
4. *With regards to condition 9, the Street lighting is to be highly energy efficient, economically attractive, and environmentally friendly and Utility approved LED street lights;*
5. *All road works and drainage are to be designed and supervised by a qualified and experienced Civil Engineer and NO work is to start on site until the drawings and specifications have been approved by the Executive Manager Engineering Services*
6. *The WAPC's approval to subdivision should not be construed as approval to development on any of the lot(s) proposed.*

CARRIED 5/0

10. REPORTS OF OFFICERS**10.6 Executive Manager Town Planning****10.6.6 Proposed Shire of Exmouth Jetties, Boat Ramps and Waterways Local Law**

Location: Shire of Exmouth
 Applicant: N/A
 File Reference:
 Disclosure of Interest: Nil
 Date: 8 June 2012
 Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends that the Council of the Shire of Exmouth adopt the proposed Shire of Exmouth Jetties, Boat Ramps and Waterways Local Law for advertising and public notice. (refer *Attachment 8*).

BACKGROUND

An agreement was made between the Western Australia Land Authority, the Shire of Exmouth and the Minister for Transport on 30th September 2003 with the Shire of Exmouth accepting a management order which notes the areas in which the Shire will be responsible.

The Shire of Exmouth has a number of waterways and waterways facilities which are either on or over water under its management, care and control, including Tantabiddi boat ramp, Bundegi boat ramp and Learmonth Jetty.

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

COMMENT

The proposed Shire of Exmouth Jetties, Boat ramps and Waterways Local Law provides for regulation, control and management of all waterways under the care and control of the Shire of Exmouth.

The purpose of the proposed Shire of Exmouth Jetties, Boat Ramps and Waterways Local Law is to regulate the care, control and management of all waterways and facilities on, over or around waterways under the care and control of the Shire of Exmouth.

The effect of the proposed Local Law is to control activities on jetties (both private and public), boat ramps, and other public facilities (including swimmer pontoons) in waterways; the mooring of vessels including the mooring lines, equipment and requirements during cyclone season; responsibility for canal wall maintenance; offences, penalties and cost of repair. Some activities are permitted under a permit and some activities are restricted or prohibited. Offences are created for inappropriate behaviour in, on, over or around waterways under the care and control of the Shire of Exmouth.

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

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

CONSULTATION

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Economic

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

- Outcome 1.2 - Planned and balanced economic growth.

Environment

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

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

Social

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

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

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION – 10.6.6

That Council of the Shire of Exmouth:

- 1. Adopt the proposed Shire of Exmouth Jetties, Boat Ramps and Waterways Local Law for advertising.*
- 2. Give State-wide and local public notice stating that: the Shire of Exmouth proposed to draft a Jetties, Boat Ramps and Waterways Local Law, for which the purpose is to regulate the care, control and use of jetties, boat ramps and waterways under the care and control of the Shire of Exmouth and the effect of which is to control activities on jetties (both private and public), boat ramps, other public facilities (including swimmer pontoons) and in waterways; the mooring of vessels including the mooring lines, equipment and requirements during cyclone season; responsibility for canal wall maintenance; offences, penalties and cost of repair.*
- 3. Advertise the proposed Shire of Exmouth Jetties, Boat Ramps and Waterways Local Law. This is to include notifying in writing all owners of land and such public authorities as the Council nominates, within an area determined by the Council as likely to be affected by the Local law, and inviting each owner and nominated public authority to make a submission to the Council within than 6 weeks after the notice is given; and*
- 4 The period of advertising is to be not less than six (6) weeks from the date of the publishing of notices and newspaper advertisements, and shall be in the form of:-*
 - a. Placing an electronic copy of the draft document on (Council's website) the internet;*

- b. *Making a copy of the draft document available for public viewing and comment at Council's Offices;*
- c. *Publishing a notice in the 'Northern Guardian' newspaper; and*
- d. *Placing a notice on Council's notice board for a period of not less than 6 weeks after the notice is given.*

COUNCIL DECISION – 15-0612 – 10.6.6

Moved Councillor Fitzgerald, Seconded Councillor Winzer.

That Council of the Shire of Exmouth:

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

CARRIED by ABSOLUTE MAJORITY 5/0

10. REPORTS OF OFFICERS**10.6 Executive Manager Town Planning****10.6.7 Change of Use - Holiday Accommodation upon Lot 429(21) Fitzhardinge Street, Exmouth**

Location: Lot 429 (21) Fitzhardinge Street, Exmouth
 Applicant: Nichola Wilkins
 File Reference: A817
 Disclosure of Interest: Nil
 Date: 11 June 2012
 Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends that the Council of the Shire of Exmouth grant planning approval for the use of holiday accommodation upon Lot 429 (21) Fitzhardinge Street, Exmouth. (refer **Attachment 9**)

BACKGROUND

The subject property is zoned Residential permitting the establishment of non-residential uses which are compatible, and will not adversely affect local amenities. The applicant seeks Council's planning approval for the use of holiday accommodation upon Lot 429(21) Fitzhardinge Street, Exmouth.

Proposal summary:

- Maximum number of occupants: 6 persons (no more than 6 persons over the age of 10)
- Maximum number of vehicles: 2 vehicles and 2 trailers (inc. boats on trailers)
- Property to be managed by Ningaloo Reef Holidays
- Tenant Code of Conduct and Management Statement for occupants
- Fire Escape plan for occupants

COMMENT

The Shire of Exmouth Town Planning Scheme No. 3 and Local Planning Policy No. 6.27: Holiday Accommodation outlines the permissibility and development requirements for holiday accommodation use within the Residential zone. Policy 6.27 objectives sought to:

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

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

Amenity

Tenant Code of Conduct framework clearly outlines: minimal noise after 10pm, no fish cleaning, no pets without the owner's permission, parking and occupancy requirements, bin collection and emergency contacts. While sufficient, a condition shall be applied to ensure the use can be rescinded if, in the opinion of Council, any activities associated with the use affects amenity (enjoyment) or causes nuisance or annoyance to owners/occupiers of land in the vicinity.

Number of Occupants

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

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

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

Schedule 1: Allowable Occupants: Lot 429 (21) Fitzhardinge Street, Exmouth

Bedroom 1: Total floor space: 13.6m², Approximate Air Space: 36m³
Allowable occupants: 2 adults **OR** 4 children **OR** 2 adults and 1 child **OR** 1 adult and 2 children

Bedroom 2: Total floor space: 10.8m², Approximate Air Space: 29m³
Allowable occupants: 2 adults **OR** 3 children **OR** 1 adult and 1 child

Bedroom 3: Total floor space: 10.4m², Approximate Air Space: 28m³
Allowable occupants: 2 adults **OR** 3 children **OR** 1 adult and 1 child

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

**The air space is calculated with a 2.675m ceiling height.

Occupancy Levels

The application states the maximum number of overnight occupants to be 6 persons. The Shire's Holiday Accommodation Policy (6.27) allows up to 12 persons to be considered in a holiday home, which complies with the ventilation/overcrowding requirements of the *Health Act 1911*.

Alternative combinations of adults and children can be accommodated as per Schedule 1 above. Further, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy.

Number of Vehicles

The application states that the property can accommodate a **maximum** of two cars and two boats (including trailers) on site. The Holiday Accommodation Policy (6.27) states that car parking shall be calculated on the basis of four persons per vehicle. Given the recommendation to limit the occupancy rate to six people, the number of vehicles and trailers (including boats on trailers) shall be restricted to 2 to 2 respectively.

Access

Legal access is provided by one sealed crossover to Fitzhardinge Street. The Scheme permits the use of the front setback areas for a means of access and daily parking of vehicles. However, Council may impose conditions concerning:-

- the proportion of parking spaces to be roofed or covered;
- the location of the parking spaces on-site and its effect on the amenity of adjoining properties; and
- the suitability and adequacy of proposed screening or landscaping.

Management Statement and Code of Conduct

The applicant has submitted a copy of the Tenant Code of Conduct and Fire Evacuation Plan. The documentation is considered sufficient to achieve the desired management framework. A condition shall be applied to ensure the occupancy numbers are written clearly to reflect the relevant Scheme provisions and approval by Council.

Consultation Undertaken

All holiday accommodation applications are required to be referred to adjoining owners and occupiers of land for comment on the proposal. Council must consider any submissions received during the advertising period.

Adjoining property owners were invited to comment on the proposal, with the consultation period closing Friday 11 May 2012. No comments were received from neighbours. A list of notified properties is tabled below:

Property	Response	Officers comments
12 Stokes-Hughes Street	No comment	The proposed change of use is compatible within the precinct. A condition shall be applied to ensure parking is consistent to the residential scale.
14 Stokes-Hughes Street	No comment	
16 Stokes-Hughes Street	No comment	
19 Fitzhardinge Street	No comment	
22 Fitzhardinge Street	No comment	
23 Fitzhardinge Street	No comment	
24 Fitzhardinge Street	No comment	

Council officers recommend Council grant planning approval for the use of holiday accommodation subject to conditions.

CONSULTATION

The application was referred to adjoining landowners and tenants for comment as per Clause 8.3.3 of Town Planning Scheme No. 3.

STATUTORY ENVIRONMENT

Planning and Development Act 2005
Town Planning Scheme No. 3
Health Act 1911

POLICY IMPLICATIONS

Policy No. 6.27: Holiday Accommodation

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Economic

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

- Outcome 1.2 - Planned and balanced economic growth.

Environment

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

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

Social

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

- Outcome 3.2: Excellent lifestyle, recreational and cultural facilities.
- Outcome 3.3: An inclusive, responsible and cohesive community.
- Outcome 3.4: A community that is well informed and educated about our natural, cultural and built environment

VOTING

Simple majority

OFFICER'S RECOMMENDATION - 10.6.7

That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 429 (21) Fitzhardinge Street, Exmouth subject to the following conditions:-

1. *Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA16/12) and Local Planning Policy No. 6.27: Holiday Accommodation (as amended) to the satisfaction of Council officers;*
2. *The maximum number of overnight occupants allowed (adults and children) within the dwelling at the same time shall be nine (9) persons and no more than six (6) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be two (2) and two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
4. *The property shall provide at least two (2) 240 litre rubbish bins prior to the use commencing;*
5. *The Tenants Code of Conduct and Management Statement shall be rewritten, and approved by Council prior to the use commencing. This includes and is not limited to the following issues:*
 - *The maximum number of occupants being persons, this includes a maximum of 6 persons over the age of ten at any one time;*
 - *The maximum number of vehicles and trailers (including boats on trailers) is two (2) and two (2).*
6. *The Tenants Code of Conduct shall be clearly displayed in the premises in accordance with Council Policy;*
7. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*
 - *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - *no fires are to be lit outside with the exception of a gas barbeque.*
8. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
9. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighboring properties, or causes a nuisance to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;*
10. *The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with; and*
11. *The approval is valid for a period of two (2) years (30 September 2014). Upon this period lapsing, the re-application for approval shall be required should the property continue to be used for holiday accommodation.*

Advice

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

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of nine (9) persons and no more than six (6) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

Schedule 1: Allowable Occupants: Lot 429 (21) Fitzhardinge Street, Exmouth

Bedroom 1: Total floor space: 13.6m², Approximate Air Space: 36m³
 Allowable occupants: 2 adults **OR** 4 children **OR** 2 adults and 1 child **OR** 1 adult and 2 children

Bedroom 2: Total floor space: 10.8m², Approximate Air Space: 29m³
 Allowable occupants: 2 adults **OR** 3 children **OR** 1 adult and 1 child

Bedroom 3: Total floor space: 10.4m², Approximate Air Space: 28m³
 Allowable occupants: 2 adults **OR** 3 children **OR** 1 adult and 1 child

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

**The air space is calculated with a 2.675m ceiling height.

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

- ii) *Should the holiday accommodation be viewed as a 'Lodging House' at any time under the Health Act 1911, a permit pursuant to the Shire of Exmouth Health Local Laws will be required. For further Information, please contact the Shire of Exmouth's Health Services on 9949 3000.*
- iii) *Should the applicant be aggrieved by this decision, a right of review may exist pursuant to the State Administrative Tribunal Act 2004. A request for review should be made within 28 days of notice of this decision to the State Administrative Tribunal.*

COUNCIL DECISION – 16-0612 – 10.6.7

Moved Councillor Fitzgerald, Seconded Councillor Hood.

That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 429 (21) Fitzhardinge Street, Exmouth subject to the following conditions:-

- 1. Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA16/12) and Local Planning Policy No. 6.27: Holiday Accommodation (as amended) to the satisfaction of Council officers;***
- 2. The maximum number of overnight occupants allowed (adults and children) within the dwelling at the same time shall be nine (9) persons and no more than six (6) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy;***
- 3. The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be two (2) and two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;***

4. *The property shall provide at least two (2) 240 litre rubbish bins prior to the use commencing;*
5. *The Tenants Code of Conduct and Management Statement shall be rewritten, and approved by Council prior to the use commencing. This includes and is not limited to the following issues:*
 - *The maximum number of occupants being persons, this includes a maximum of 6 persons over the age of ten at any one time;*
 - *The maximum number of vehicles and trailers (including boats on trailers) is two (2) and two (2).*
6. *The Tenants Code of Conduct shall be clearly displayed in the premises in accordance with Council Policy;*
7. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*
 - *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - *no fires are to be lit outside with the exception of a gas barbeque.*
8. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
9. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighboring properties, or causes a nuisance to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;*
10. *The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with; and*
11. *The approval is valid for a period of two (2) years (30 September 2014). Upon this period lapsing, the re-application for approval shall be required should the property continue to be used for holiday accommodation.*

Advice

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

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of nine (9) persons and no more than six (6) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

Schedule 1: Allowable Occupants: Lot 429 (21) Fitzhardinge Street, Exmouth

Bedroom 1: Total floor space: 13.6m², Approximate Air Space: 36m³
Allowable occupants: 2 adults **OR** 4 children **OR** 2 adults and 1 child **OR** 1 adult and 2 children

Bedroom 2: Total floor space: 10.8m², Approximate Air Space: 29m³
Allowable occupants: 2 adults **OR** 3 children **OR** 1 adult and 1 child

Bedroom 3: Total floor space: 10.4m², Approximate Air Space: 28m³
Allowable occupants: 2 adults **OR** 3 children **OR** 1 adult and 1 child

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

**The air space is calculated with a 2.675m ceiling height.

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

- ii) *Should the holiday accommodation be viewed as a 'Lodging House' at any time under the Health Act 1911, a permit pursuant to the Shire of Exmouth Health Local Laws will be required. For further Information, please contact the Shire of Exmouth's Health Services on 9949 3000.*
- iii) *Should the applicant be aggrieved by this decision, a right of review may exist pursuant to the State Administrative Tribunal Act 2004. A request for review should be made within 28 days of notice of this decision to the State Administrative Tribunal.*

CARRIED 3/2
Councillor Winzer and Thompson voted against.

10. REPORTS OF OFFICERS

10.6 Executive Manager Town Planning

10.6.8 Proposed Shire of Exmouth Bush Fire Brigades Local Law

Location: Shire of Exmouth
 Applicant: N/A
 File Reference:
 Disclosure of Interest: Nil
 Date: 8 June 2012
 Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends that the Council of the Shire of Exmouth adopt the proposed Shire of Exmouth Bush Fire Brigades Local Law for advertising and public notice. (refer *Attachment 10*).

BACKGROUND

On 21 April 2011, Council decision 2053 – 10.5.2 approved the establishment and registration of the Exmouth Volunteer Bush Fire Brigade.

On establishing and registering the Exmouth Volunteer Bush Fire Brigades, Council officers researched how other local governments in the Pilbara region and also the rest of the state managed bush fire brigades they have elected. The majority of local governments with established bush fire brigades have created a Bush Fire Brigades Local Law which makes provisions about the organisation, establishment, maintenance and equipment of bush fire brigades.

Section 62 of the Bush Fires Act 1954 also states that a local government may make local laws in relation to

- a) the appointment, employment, payment, dismissal and duties of bush fire control officers;
- b) the organisation, establishment, maintenance and equipment with appliances and apparatus of bush fire brigades to be established and maintained by the local government; and
- c) any other matters affecting the exercise of powers or authorities conferred and the performance of any duties imposed upon the local government by the Act.

COMMENT

The proposed Shire of Exmouth Bush Fire Brigades Local Law has been drafted to provide guidance to the local government and bush fire brigades as to the management of brigades and its officers. It also allows for the Shire of Exmouth to be consistent with other local governments throughout the state of Western Australia.

The purpose of the proposed Shire of Exmouth Bush Fire Brigades Local Law is to make provisions about the organisation, establishment, maintenance and equipment of bush fire brigades.

The effect of the proposed Local Law is to align existing local laws with changes in the law and operational practice.

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

- the above purpose and effect of the proposed local law, the proposed local law for inspection
- where a copy of the proposed local law may be inspected or obtained

- allow for submissions about the proposed local law to be made to the Shire before a specified day, being not less than 6 weeks.

CONSULTATION

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Local Government Act 1995

Bush Fires Act 1954

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Economic

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

- Outcome 1.2 - Planned and balanced economic growth.

Social

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

- Outcome 3.5 - Maintain and increase the participation levels in local community organisations and clubs.

Civic Leadership

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

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

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION – 10.6.8

That Council of the Shire of Exmouth:

- 1. Adopt the proposed Shire of Exmouth Bush Fire Brigades Local Law for advertising.*
- 2. Give State-wide and local public notice stating that the Shire of Exmouth propose to make a Bush Fire Brigades Local Law, for which the purpose is to make provisions about the organisation, establishment, maintenance and equipment of bush fire brigades and the effect of which is to align existing local laws with changes in the law and operational practice.*
- 3. Advertise the proposed Shire of Exmouth Bush Fire Brigades Local Law. This is to include notifying public authorities as the Council nominates, within an area determined by the Council as likely to be affected by the Local law, and inviting nominated public authority to make a submission to the Council within than 6 weeks after the notice is given; and*
- 4 The period of advertising is to be not less than six (6) weeks from the date of the publishing of notices and newspaper advertisements, and shall be in the form of:-*
 - a. Placing an electronic copy of the draft document on (Council's website) the internet;*
 - b. Making a copy of the draft document available for public viewing and comment at Council's Offices;*
 - c. Publishing a notice in the 'Northern Guardian' newspaper; and*
 - d. Placing a notice on Council's notice board for a period of not less than t than 6 weeks after the notice is given*

COUNCIL DECISION – 17-0612 – 10.6.8

Moved Councillor Fitzgerald, Seconded Councillor Thompson.

That Council of the Shire of Exmouth:

1. *Adopt the proposed Shire of Exmouth Bush Fire Brigades Local Law for advertising.*
2. *Give State-wide and local public notice stating that the Shire of Exmouth propose to make a Bush Fire Brigades Local Law, for which the purpose is to make provisions about the organisation, establishment, maintenance and equipment of bush fire brigades and the effect of which is to align existing local laws with changes in the law and operational practice.*
3. *Advertise the proposed Shire of Exmouth Bush Fire Brigades Local Law. This is to include notifying public authorities as the Council nominates, within an area determined by the Council as likely to be affected by the Local law, and inviting nominated public authority to make a submission to the Council within than 6 weeks after the notice is given; and*
- 4 *The period of advertising is to be not less than six (6) weeks from the date of the publishing of notices and newspaper advertisements, and shall be in the form of:-*
 - a. *Placing an electronic copy of the draft document on (Council’s website) the internet;*
 - b. *Making a copy of the draft document available for public viewing and comment at Council’s Offices;*
 - c. *Publishing a notice in the ‘Northern Guardian’ newspaper; and*
 - d. *Placing a notice on Council’s notice board for a period of not less than t than 6 weeks after the notice is given*

CARRIED by ABSOLUTE MAJORITY 5/0

10. REPORTS OF OFFICERS

10.6 Executive Manager Town Planning

10.6.9 Scheme Amendment 19 – Developer Contributions

Location: Exmouth
 Applicant: Shire of Exmouth
 File Reference: LP.PL.2.19
 Disclosure of Interest: Nil
 Date: 13th June 2012
 Author: Executive Manager Town Planning, Rhassel Mhasho
 Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends that the Council of the Shire of Exmouth adopt Scheme Amendment 19 without modification and execute the Amendment in accordance with section 22 of the *Town Planning Regulations 1967*. (refer *Attachment 11*).

BACKGROUND

In June, 2011 Council resolved to adopt Scheme Amendment 19 to amend Local Planning Scheme No.3 for the purpose of initiating formal advertising pursuant to section 75 of the *Planning and Development Act 2005* for the purposes of:

1. *“Insert a new Part 6 Special Control Areas into the Scheme and renumber the Scheme accordingly;*
2. *Insert the Development Contribution provisions in the Scheme under Part 6 Special Control Areas;*
3. *Insert new provisions for Structure Plans into Part 5 of the Scheme;*
4. *Insert Schedule 11 - Development Contribution Areas and Schedule 12 - Statutory Static Feasibility Assessment Model in order to be consistent with SPP3.6;*
5. *Amend Part 5 clause 5.2.3 and 5.5.2 to require the preparation of a Structure Plan in accordance with clause 5.11; and*
6. *Amend Part 5 clause 5.5.3 to read “all development shall be in accordance with the relevant Exmouth Marina Village Precinct Design Guidelines (as amended).”*

The scheme amendment was presented to Council during the October 2011 Council meeting for adoption after the advertising period and following resolution was adopted;

That the Council of the Shire of Exmouth adopt Scheme Amendment 19 without modification and execute the Amendment in accordance with section 22 of the Town Planning Regulations 1967.

- The amendment was forwarded to Western Australian Planning Commission for recommendation for the Minister to adopt. The Commission returned the amendment for further advertisement as the scheme amendment included a minor amendment to the scheme text on the Marina Zone to facilitate the legal interpretation of development requirements. The further advertisement was to give notice to residents in the Marina zones who were going to be affected by the amendment. The Western Australian Planning Commission agreed to Council’s request for an extension of time and a reduced advertising period of 21 days.

COMMENT

Council advertised Scheme Amendment 19 for one week in the Northern Guardian and community notice boards inviting public comment for a period of 21 days. Submissions were accepted on or before the 7th June 2012 and 3 submissions were received. The schedule of submission is shown below.

Amendment No. 19 – Schedule of Submissions

N ^o	SUBMISSION FROM	REMARKS	RECOMMENDATION	
			SHIRE OF EXMOUTH	WAPC
1	Department of Regional Development and Lands	No further action is required by this Department	Noted	-
2	Department of Health	It is suggested that a clear statement is made to incorporate Public health issues under the planning principles in the planning scheme end associated strategies. Your planning strategy provides local government the opportunity to minimize the land use conflicts and incompatible activities which is the most common issue in land use and development. Health impacts draw many attentions in those issues and should be appropriately and adequately addressed. Health concerns about buffer are not limited to the industries and infrastructures. Consideration must be given to the need to adequate buffers to protect residents from lifestyle and public health impacts such as from mosquitoes or pesticide spray drift from agricultural activities. You should consider incorporating Health Impact Assessment and;'/or Public Health Assessment principles in your decision making process.	Noted	
3	Department of Water	No comment.	Noted	

No major issues were raised during the advertisement period. Council officers recommend that the Shire of Exmouth adopt Scheme Amendment 19 without modification and execute the Amendment in accordance with section 22 of the *Town Planning Regulations 1967*.

CONSULTATION

Consultation was undertaken for 21 days in accordance with Section 15 of the *Town Planning Regulations 1967*.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Town Planning Regulations 1967

Shire of Exmouth Town Planning Scheme No. 3

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Economic

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

- Outcome 1.2 - Planned and balanced economic growth.

Environment

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.6.9

That the Council of the Shire of Exmouth adopt Scheme Amendment 19 without modification and execute the Amendment in accordance with section 22 of the Town Planning Regulations 1967.

COUNCIL DECISION – 18-0612 – 10.6.9

Moved Councillor Fitzgerald, Seconded Councillor Winzer.

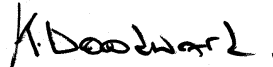
That the Council of the Shire of Exmouth adopt Scheme Amendment 19 without modification and execute the Amendment in accordance with section 22 of the Town Planning Regulations 1967.

CARRIED 5/0

10. REPORTS OF OFFICERS**10.7 Executive Manager Engineering Services**

10.7.1 General Report

Location: Exmouth
 Applicant: Keith Woodward
 File Reference: Nil
 Disclosure of Interest: Nil
 Date: 17 June 2012
 Author: Executive Manager Engineering Services, Keith Woodward
 Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

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

BACKGROUND**1. Project Status Schedule**

The Engineering Services Project Status Schedule 2011/2012 provides an overview of the project start, progress and completion dates.

It is important to note that staffing levels, contractor availability, private works and environmental conditions such as cyclone/floods influence the project timeframes.

- 2011/2012 Engineering Services Project Status Schedule.

Attachment 1

2. Murat Road Palm Trees

The Shire has purchased another 120 Kurrajong and Poinciana trees to continue the landscaping theme along Murat Road. Considerations are advertising the 120 Palms for sale or; free subject to applicants removal and transportation in a time frame that fits the planting program.

3. Black Spot Funding Murat Road

The Shire has been advised that our 2011/2012 Murat Road Black Spot submission was successful. These project funds are assigned to street lighting and bitumen/aggregate road seal. The value of the grant is \$115,387 BS2/3 and \$62,437 SOE1/3, total \$177,824.

The street lighting and pavement surfaces works are supported by the Murat Road, Road Safety Audit May 15th 2008. The Murat Road lighting will be extended to the south from Welch Street to Madaffari Drive and extended to north Maidstone Crescent.

4. Works Planning and Projects Officer

Major Projects:	
Reid St Flood Mitigation Project	Flood mitigation Stage 1 due for completion July 2012.
Learmonth Airport	Works continue on the apron extension at Learmonth Airport. Works have been delayed (approx four weeks) due to rain, airside service disrupting construction on the southern apron and the discovery of Asbestos on the site. Due for completion July 2012.
Shire homes (Snapper Loop)	Both homes on Snapper Loop are nearing completion ahead of time, estimated 3 weeks early.
Formulate tender Specs for Talanjee Oval Lighting	Consulting electrical engineer has been engaged to formulate the technical specification for the Talanjee Oval lighting.
Minor Projects:	
West side access repairs	Fill, back blade and tyre roll beach access road potholes/bogs.
Vehicle barrier Lyon & Learmonth St	Quotes being sought for design and installation of vehicle/motorcycle deterrent for bike path opposite cnr of Lyon and Learmonth Streets. A new barrier will be installed within the next 3 weeks.
Driver reviver	Conduct of Driver Reviver over July school holidays in vicinity of Burkett, Exmouth Minilya Rd. Dates to be confirmed during attendance at next Roadwise committee meeting. Participants Shire crew, Police, SES and other Agencies.
Completed Projects:	
Signage for Town	Federation Park, Ningaloo Centre & Town Beach development signs installed
Vandalism Murat Rd tree replacement	All destroyed trees have now been replaced on Murat Rd, total damage estimates come to >\$17K.
Reactive tasks:	Illegal campers identified and infringed outside of Exmouth town limits More than thirty infringements handed out by depot staff in the last month
Cleanliness of toilet blocks	Town toilets will remain locked between the hours of 7pm and 7am due to acts of vandalism and improper use of toileting facilities. This has been conducted over the last month and has seen an improvement in the cleanliness of facilities and decrease in vandalism.

COMMENT

Nil

CONSULTATION

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

As per Shire 2011/2012 Budget

STRATEGIC IMPLICATIONS

Strategic Community Plan 2011-Outcome 1.5 Maintain and Improve Shire Infrastructure

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.7.1

That the Council of the Shire of Exmouth receive the Executive Manager Engineering Services Report for the month of June 2012.

COUNCIL DECISION – 19-0612 – 10.7.1

Moved Councillor Fitzgerald, Seconded Councillor Winzer.

That the Council of the Shire of Exmouth receive the Executive Manager Engineering Services Report for the month of June 2012.

CARRIED 5/0

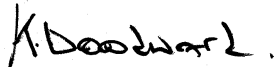
The Shire President declared an interest in the following report, as he has family connections to one of the tenderers, and left the Chambers at 4.12pm. The Deputy Shire President assumed the chair.

10. REPORTS OF OFFICERS

10.7 Executive Manager Engineering Services

10.7.2 Tender 06/2012 Reconstruction Shot Hole Canyon Road Exmouth

Location:	Exmouth
Applicant:	Keith Woodward
File Reference:	Nil
Disclosure of Interest:	Nil
Date:	17 June 2012
Author:	Executive Manager Engineering Services, Keith Woodward
Signature of Author:	



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends that the Exmouth Shire Council:

Award Tender 06/2012 to Exmouth Civil for \$219,275.00 and authorise the Executive Manager of Engineering Services to make minor changes to the scope of works and consequently the price of works during the course of construction.

On the proviso that financial support via written agreement between the Shire and Government of Western Australia Main Roads or the Natural Disaster Relief and Recovery Arrangements (WANDRRA) Australia Fire and Emergency Services.

BACKGROUND

This report relates to the Tender 06/2012 Assessment Process, the associated selection criteria assessment and the recommended Business to be awarded tender 06/2012 Reconstruction Shot Hole Canyon Road, Exmouth.

In February 2012 storm water associated with Cyclone Carlos damaged Shot Hole Canyon Road. The storm water scoured 200mm of gravel sheeting for a distance of 1.5 kilometres. Since February 2012 Shot Hole Canyon Road has been accessed by 4x4 only and service/emergency management vehicles.

The road reinstatement costs have been secured from the Government of Western Australia, Natural Disaster Relief and Recovery Arrangements (WANDRRA), Australia Fire and Emergency Services. The WANDRRA scheme financial arrangements are based on 2/3, 1/3 Shire contribution. The WANDRRA scheme is not focused on betterment principles but limited to pre-existing restatement conditions. The tendered scope was limited to 200mm gravel re-sheeting road works and guide posts replacements to pre-cyclone conditions. On behalf of FESA, Main Roads Western Australia manages the Local Government claims.

The last advice which was received from Main Roads 15 February 2012 is as follows:

“Could you please (if possible) advise if the SoEx will be claiming WANDRRA funding for AGRN434 (Tropical Cyclone Carlos and associated flooding from February 2011) in this financial year or in 2012/13. I have received your cost estimate of \$372,800.00 however no claims have been submitted this financial year. As a reminder, all claims must be processed by June 2013. If you could respond by COB tomorrow it would be greatly appreciated - this information will be used to assist FESA with an enquiry to Dept of Treasury.”

The Shire responded confirming project details as requested and associated project rollout dates.

The Shire advertised Tender 06/2012 through our nominated engineering consultant/superintendents representative KC Traffic and Transport for the Reconstruction of Shothole Canyon Road in the West Australian Newspaper on Saturday 5th May, Wednesday 9th May and Saturday 12th May, 2012. The Shot Hole Canyon Road tendered reinstatement works have been priced from \$219,275.00 to \$1,055,879.00.

To be included as part of this report is the Tender 06/2012 Recommendation Report; this report is Commercial in Confidence and provided to Council. Public information will include the tenderers business names and tendered price rates.

Nine (9) tenders were received by the nominated closing time. A list of tenders received and a summary of tendered rates is detailed below:

Tenderer	Tendered GST Exclusive Price \$
Exmouth Civil	\$219,275.00
4M Civil	\$251,800.00
JMC Truck and Loader Hire	\$286,000.00
Exmouth Hire	\$300,000.00
Bim's Earthmoving	\$397,499.00
DeGrey Civil	\$444,487.70
Tremor Earthmoving	\$448,000.00
Tasman Civil	\$615,297.40
Allearth Group	\$1,055,879.00

Late Tenders/Tenders Withdrawn

One tender (JMC Truck and Loader Hire) was received at 2:02pm on the tender submission date (i.e. 2 minutes late). No requests were received to withdraw tenders.

Given the proximity of the time to the nominated closing time, we have assessed this tender as if it were complying; however the final decision on whether this tender is accepted as complying is with the Exmouth Council.

CONSULTATION

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

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

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

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

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

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

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

General Conditions of Contract for the supply of goods and the provision of services.

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

The road reinstatement costs have been secured from the Government of Western Australia, Natural Disaster Relief and Recovery Arrangements (WANDRRA), Australia Fire and Emergency Services. The WANDRRA scheme financial arrangements are based on 2/3, 1/3 Shire contribution up to a maximum Shire contribution of \$109,100. The WANDRRA scheme is not focused on betterment principles but limited to pre-existing reinstatement conditions. The tendered scope was limited to 200mm gravel re-sheeting road works and guide posts replacements to pre-cyclone conditions. The Local Government submissions and funding processes is managed by Main Roads Western Australia on behalf of FESA.

Project Costs***2011 Project Cost Estimate:***

Opening up	\$30,000	Fully funded
Reconstruction	<u>\$342,800</u>	Shire 1/3 contribution to a maximum of \$109,100
Total	\$372,800	

2012 Actual Tendered Rates:

Tender No. 06/2012 Reconstruction of Shothole Canyon Road Exmouth	\$219,275	
Design Engineer /Superintendents Representative	<u>\$23,610</u>	
Total	\$242,885	Excluding GST

Cost To Council:

WANDRA 2/3	\$182,164	Excluding GST
Shire of Exmouth 1/3	<u>\$60,721</u>	
Total	\$242,885	
WANDRA 100% Reimbursement Opening Up Costs	\$30,000	Reimbursement to the Shire

STRATEGIC IMPLICATIONS

Strategic Community Plan 2011-Outcome 1.5 Maintain and Improve Shire Infrastructure

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION – 10.7.2

That the Exmouth Shire Council award Tender 06/2012, subject to financial support via written agreement between the Shire and Government of Western Australia Main Roads or the Natural Disaster Relief and Recovery Arrangements (WANDRRA) Australia Fire and Emergency Services, to Exmouth Civil for \$219,275.00 authorising the Executive Manager of Engineering Services to make minor changes to the scope of works and consequently the price of works during the course of construction.

COUNCIL DECISION – 20-0612 – 10.7.2

Moved Councillor Hood, Seconded Councillor Fitzgerald.

That the Exmouth Shire Council award Tender 06/2012, subject to financial support via written agreement between the Shire and Government of Western Australia Main Roads or the Natural Disaster Relief and Recovery Arrangements (WANDRRA) Australia Fire and Emergency Services, to Exmouth Civil for \$219,275.00 authorising the Executive Manager of Engineering Services to make minor changes to the scope of works and consequently the price of works during the course of construction.

CARRIED 4/0

The Shire President re-entered the Chambers at 4.15pm and resumed the chair.

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

Nil

12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**COUNCIL DECISION – 21-0612 – ITEM 12**

Moved Councillor Winzer, Seconded Councillor Fitzgerald.

*That the Council of the Shire of Exmouth accept the New Business of an Urgent Nature 12.1-Qantas Request for support of New RPT Route and 12.2 Adopt Budget and Reimpose Rates for 2011/12.***CARRIED 4/1
Councillor Thompson voted against.****12.1 Qantas Request for Support of New RPT Route**

Location: Exmouth
 Applicant: Andrew Forte
 File Reference:
 Disclosure of Interest: Nil
 Date: 19 June 2012
 Author: Executive Manager Aviation Services, Andrew Forte

Signature of Author:



Senior Officer:

Chief Executive Officer, Bill Price

SUMMARY

It is recommended that Council provide an undertaking to commit to a 50% waiver of airport charges comprising Passenger Levy and Security Levy for RPT pax travelling Learmonth to Karratha for a start up period of twelve months as a means of promotional support to the new route.

Qantas formal correspondence with request forms is provided at *Attachment 1*.

BACKGROUND

- Discussion on route development Learmonth to Karratha return has been instigated between respective Chamber of Commerce at Exmouth and Karratha over past three months.
- Qantas are keen to trial the new RPT route have strong regard for the Exmouth market and its growth potential.
- The Q400 service will be an open RPT service and it is subject to obtaining resource company support for the service, which is being sought at present.
- An early indication of Council support by way of discount of fees will assist Qantas with its route development strategy.

COMMENT

Any discount or waiver or subsidy - terminology used that in essence is a promotional contribution to the start up operation must be considered in a couple of ways.

It is reasonable to support an operator where there is no competition.

It is reasonable to support an operator where the proposal has wider community benefit.

It is reasonable to support an operator when the financial order of promotional support is clearly measurable and presents a low risk to the business operation otherwise.

A reasonable response to the Qantas request, given it is presented as an RPT service, is commitment to a 50% waiver of costs associated with provision of security services and passenger facility service charges for a start up period.

A period of 6 months is considered appropriate, with a review.

At current fee levels a 50 % reduction represents a total ticket price saving of \$18/person (incl. GST)

CONSULTATION

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Nil Airport Regulation.

Australian Competition and Consumer Commission (ACCC) promotes competition and fair trade and may be approached to investigate airport pricing when parties are unable to resolve a complaint.

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

This is new RPT route and although a reduction in revenue will arise the fact is that the additional passenger movement through the terminal will still generate new income for the airport.

STRATEGIC IMPLICATIONS

Ensures business growth at Learmonth Airport

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 12.1

That the Council of the Shire of Exmouth authorise the CEO to commit to a 50% waiver on the promulgated Schedule of Learmonth User Charges for Security Levy and Passenger Levy, effective for a six month period, with review, from the commencement of a new Qantas RPT service Learmonth to Karratha return.

COUNCIL DECISION – 22-0612 – 12.1

Moved Councillor Winzer, Seconded Councillor Fitzgerald.

That the Council of the Shire of Exmouth authorise the CEO to commit to a 50% waiver on the promulgated Schedule of Learmonth User Charges for Security Levy and Passenger Levy, effective for a six month period, with review, from the commencement of a new Qantas RPT service Learmonth to Karratha return.

CARRIED 4/1
Councillor Thompson voted against.


COUNCIL DECISION – 23-0612 – Meeting Adjournment

Moved Councillor Winzer, Seconded Councillor Fitzgerald.

That the Council of the Shire of Exmouth adjourn the meeting at 4.33pm. The meeting was reopened at 4.45pm.

CARRIED 5/0

12.2 Adopt Budget and Reimpose Rates for 2011/12

Location: Exmouth
 Applicant: S O'Toole
 File Reference: LS.CM.O & FM.BU.11.12
 Disclosure of Interest: Nil
 Date: 21 June 2012
 Author: Executive Manager Corporate Services, Sue O'Toole
 Signature of Author: 
 Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends that Council adopts a budget for 2011/12 and reimpose rates under s6.32(3)(b) of the Local Government Act.

BACKGROUND

The general rate was quashed by SAT under s 6.82 as the Shire of Exmouth had not obtained the required Ministerial approval under s 6.33(3) for a general rate more than twice the lowest general rate.

COMMENT

An application was made to the Minister to seek his approval to impose the Pastoral rate of \$0.0547 for 2011/12. In our submission, we advised that during the setting of our 2011/12 Budget, we were attempting to accommodate the concerns of pastoralists for their rating costs and had inadvertently overlooked the requirements of the Act ensuring that a differential rate was not more than twice the lowest differential rate.

The Minister of Local Government has provided his approval today, 21 June 2012 to impose the Pastoral rate of \$0.0547 for 2011/12.

Council now needs to adopt the budget for 2011/12 in the same form and manner as the annual budget previously adopted on 21 July 2011, and in addition also need to reimpose rates under S 6.32 (3) (b) of the LG Act, included as *Attachment 1*.

CONSULTATION

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Local Government Act 1995 S6.33(3) & s 6.32(3)(b)

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Civic Leadership

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

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

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION – 12.2
--

That the Council of the Shire of Exmouth:

1. *Notes that the State Administrative Tribunal has quashed the general rate imposed on 21 July 2011 in accordance with the s 6.82 of the Local Government Act 1995, as the Shire of Exmouth had not obtained Ministerial approval for the 'Pastoral' general rate under s 6.33(3) of the Act which was more than twice the lowest general rate.*
2. *Adopts a budget for 2011/12 in accordance with the section 6.3 of the Act, in the same form and manner as the annual budget adopted at the council meeting held on 21 July 2011 (Recorded as Item 10-0711 – 10.2.4 and included as Attachment 3 to the minutes of that meeting and tabled herewith).*
3. *Notes that the Ministerial approval required for the 'Pastoral' general rate has now been obtained and in accordance with s 6.32(3)(b) of the Act imposes the following UV Rates:*

<i>Aquaculture</i>	<i>\$0.1331</i>
<i>Rural</i>	<i>\$0.1331</i>
<i>Special Use</i>	<i>\$0.1331</i>
<i>Mining</i>	<i>\$0.1355</i>
<i>Pastoral</i>	<i>\$0.0547</i>
4. *Notes that resolutions 2 and 3 above validate the general rate and minimum payments imposed for 2011/12 and as the amount yielded by the general rate to cover the budget deficiency of \$2,901,504 is unaltered, there is no effect on ratepayers.*

COUNCIL DECISION – 24-0612 – 12.2

Moved Councillor Winzer, Seconded Councillor Hood.

That the Council of the Shire of Exmouth:

1. *Notes that the State Administrative Tribunal has quashed the general rate imposed on 21 July 2011 in accordance with the s 6.82 of the Local Government Act 1995, as the Shire of Exmouth had not obtained Ministerial approval for the 'Pastoral' general rate under s 6.33(3) of the Act which was more than twice the lowest general rate.*
2. *Adopts a budget for 2011/12 in accordance with the section 6.3 of the Act, in the same form and manner as the annual budget adopted at the council meeting held on 21 July 2011 (Recorded as Item 10-0711 – 10.2.4 and included as Attachment 3 to the minutes of that meeting and tabled herewith).*
3. *Notes that the Ministerial approval required for the 'Pastoral' general rate has now been obtained and in accordance with s 6.32(3)(b) of the Act imposes the following UV Rates:*

<i>Aquaculture</i>	<i>\$0.1331</i>
<i>Rural</i>	<i>\$0.1331</i>
<i>Special Use</i>	<i>\$0.1331</i>
<i>Mining</i>	<i>\$0.1355</i>
<i>Pastoral</i>	<i>\$0.0547</i>
4. *Notes that resolutions 2 and 3 above validate the general rate and minimum payments imposed for 2011/12 and as the amount yielded by the general rate to cover the budget deficiency of \$2,901,504 is unaltered, there is no effect on ratepayers.*

CARRIED by ABSOLUTE MAJORITY 5/0

13. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS

Nil

14. CLOSURE OF MEETING

The Shire President declared the meeting closed at 4.48pm.