



Shire of
Exmouth

Ordinary Council Meeting
Minutes
19 December 2013

CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on 20th February 2014 as a true and accurate record of the Ordinary Council Meeting held on 19th December, 2013.

.....
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.

No responsibility whatsoever is implied or accepted by the Shire of Exmouth for any act, omission, statement or intimation occurring during the Council/Committee meetings or during formal/informal conversations with staff. The Shire of Exmouth disclaims any liability for any loss whatsoever and however caused arising out of reliance by any person or legal entity on any such act, omission, statement or intimation. Any person or legal entity who acts or fails to act in reliance upon any statement does so at the person's or legal entity's own risk.

In particular and without derogating in any way from the broader disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Exmouth during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Exmouth. The Shire of Exmouth warns that anyone who has an application lodged with the Shire of Exmouth must obtain and should only rely on written confirmation of the outcome of the application.

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

INDEX OF MINUTES

1.	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS.....	4
2.	RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE.....	4
3.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	4
4.	PUBLIC QUESTIONS TIME	5
5	APPLICATIONS FOR LEAVE OF ABSENCE	5
6.	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS	5
7.	ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION.....	6
8.	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS	6
9.	REPORT OF COUNCILLORS.....	6
10.	REPORTS OF OFFICER	7
10.1	CHIEF EXECUTIVE OFFICER	7
10.1.1	CHIEF EXECUTIVE OFFICERS REPORT	7
10.1.2	NINGALOO CENTRE	10
10.1.3	COUNCIL POLICY REVIEW – POLICY 1.26 COUNCIL EMPLOYEE HOUSING	12
10.1.4	NEW EXMOUTH COUNCIL LOGO & BRAND DEVELOPMENT	14
10.2	EXECUTIVE MANAGER CORPORATE SERVICES	16
10.2.1	GENERAL REPORT.....	16
10.2.2	MONTHLY FINANCIAL STATEMENTS AND REPORT.....	21
10.3	EXECUTIVE MANAGER AVIATION SERVICES.....	23
10.3.1	GENERAL REPORT.....	23
10.4	EXECUTIVE MANAGER COMMUNITY ENGAGEMENT.....	27
10.4.1	GENERAL REPORT.....	27
10.5	EXECUTIVE MANAGER HEALTH & BUILDING	31
10.5.1	GENERAL REPORT.....	31
10.5.2	AMENDMENTS TO COUNCIL’S FEES & CHARGES - SANITATION.....	36
10.6	EXECUTIVE MANAGER TOWN PLANNING	41
10.6.1	GENERAL REPORT.....	41
10.6.2	DECKING - LOT 422 (64) MADAFFARI DRIVE, EXMOUTH.....	46
10.6.3	NON-CYCLONIC CANAL JETTY - LOT 403 (20) MADAFFARI DRIVE, EXMOUTH.....	51
10.6.4	SWIMMING POOL - LOT 164 (11) MAIDSTONE CRESCENT, EXMOUTH.....	56
10.6.5	CANCELLATION OF A DOG REGISTRATION	61
10.6.6	PROPOSED SPECIAL RURAL SUBDIVISION - LOT 300 HERON WAY, EXMOUTH.....	64
10.6.7	EXTENSIONS EXMOUTH VOLUNTEER MARINE RESCUE GROUP – RESERVE 46571, LOT 500 MADAFFARI DRIVE, EXMOUTH	69
10.6.8	COMMUNITY MARKET PROPOSAL – FEDERATION PARK, EXMOUTH.....	76
10.7	EXECUTIVE MANAGER ENGINEERING SERVICES	80
10.7.1	GENERAL REPORT.....	80
11.	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	82
12.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	82
13.	MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS	82
14.	CLOSURE OF MEETING.....	82

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 3.00pm.

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

Councillor C (Turk) Shales
Councillor M Hood
Councillor G Thompson
Councillor R Winzer
Councillor R (Bob) Todd
Councillor S McHutchison

Shire President
Deputy Shire President

Mr B Price
Mrs S O'Toole
Mrs J Kox
Mr R Manning
Mr R Mhasho
Mr K Woodward

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

GALLERY

Visitors:

4

APOLOGIES

Mr R Kempe

Executive Manager Community Engagement

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).

1 Question was submitted to Council by Teresa Mongan:

Q1. Lot 164 Maidstone Crescent meets the objectives of town centre as it is a place of commercial and administrative function. Can the Council please explain why houses on either side of Lot 164 Maidstone Crescent are permitted to not meet any of the objectives of the Town Centre Zone.

Houses on either side of Lot 164 have non-conforming prior use rights in accordance with the Town Planning Scheme No 3. When the Town Planning Scheme No 3 was gazetted in 1999 dwellings along Maidstone Crescent were rezoned to a town centre zone. Houses along that street continued to have non-conforming use rights where they would continue to be residential use until the residential use is discontinued for a period of six months or more. Thereafter the houses shall be used in conformity with the provisions of the Scheme (Town centre zone).

The new town centre zoning would also come into effect if the existing owner of the properties began to use the property for business/commercial in accordance with the Town Planning Scheme No 3 as is the case in Lot 164.

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.

Councillor Todd requested a leave of absence for the Ordinary Council Meeting to be held 20 February 2014.

COUNCIL DECISION – 01-1213 - ITEM 5

Moved Councillor Thompson, Seconded Councillor Winzer.

That the Council of the Shire of Exmouth accept Councillor Todd's request for a leave of absence for the Ordinary Council Meeting to be held 20 February 2014.

CARRIED 6/0

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

That the Minutes of the Ordinary Meeting of the Shire of Exmouth held on the 21st November 2013 be confirmed as a true and correct record of proceedings.

COUNCIL DECISION – 02-1213 - ITEM 6

Moved Councillor Hood, Seconded Councillor Winzer.

That the Minutes of the Ordinary Meeting of the Shire of Exmouth held on the 21st November 2013 be confirmed as a true and correct record of proceedings.

CARRIED 6/0

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

The Shire President informed Council of the latest issue of the LG Focus National Publication of which the Exmouth Water Spray Ground had been advertised on the back page.

He also informed Council of the State Government's decision to designate the whale shark as the State Marine Emblem and the benefits that will flow on from this decision such as the promotion of the town as a tourist destination and promotion of the Ningaloo Coast World Heritage area.

8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

A petition was received and will be discussed in Report 10.6.8 – Community Market Proposal – Federation Park.

9. REPORT OF COUNCILLORS

Councillor Hood informed Council of the recent Exmouth Visitor Centre AGM which was unfortunately poorly attended. He continued to say now that the Exmouth Visitor Centre is industry managed it requires a lot more industry involvement and effort for its management to be a success.

He also informed Council of a Race Club Working Party meeting held on 25 November 2013 and the visit from Mr Terry Ilich, race course design consultant. Mr Ilich took a tour of the location for the course and has since been working to produce some draft designs and possible layouts for the area with input from Exmouth Horse and Pony Club, the primary stakeholder.


Councillor Thompson informed Council of his attendance to the Cape Conservation Group meeting and informed that everything seems to be going well for the group and that they are looking at partnering with SAFE for future funding opportunities.

Councillor McHutchison informed Council of her attendance to the Australia Day Awards meeting. She also informed that in the new year she will endeavour to be available to attend community groups and associations meetings so that their perspective can be brought to the 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:	GV.CM.0
Disclosure of Interest:	Nil
Date:	11 December 2013
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 Officer Report – 12 December 2013

1. Contract 04/2013 'Design and Construction of the Ningaloo Centre' Activity

Site Architecture Studio delivered their Stage 1 report (1 of 4) 'Brief Finalisation' addressing the completed activities of the Design Services on 4 December. They seek Council endorsement and approval to commence Stage 2 'Schematic Design'. This is the subject of a separate Council agenda item.

Approval for sub-consultants Freeman Ryan Design (FRD) and Blue Sea Australia to be engaged under the contract Provisional Sum allocations has been given to Matera and during the November/December period each company undertook their initial consultations.

FRD Director (Susan Freeman) and curator/writer (Michael Davis) were introduced to the multiple Exmouth themes, places and contacts by the CEO and EMCS during FRD site visit on 26/27 November. The content is to be distilled and then target elements pursued for exhibition and display. The duration of the research, leading to graphic design and content development necessitates a program activity aligned with Design Services.

Susan met separately with SPO in Perth on 27 November and discussed the Ningaloo Centre spaces, concept uses and potential fit out considerations. Matera advised at the 2 December PRG meeting that FRD would be reverting on their proposed scope with commentary and budget implications for the scope of work.

On 5 December Matera, Site and SPO convened with Blue Sea Australia (Dean Lee) a specialist tourism consultant. The brief requires commentary on the Stage 1 Concept Plans regarding the proposed spatial arrangement for optimum commercial opportunities. The brief will also provide indicative cost guidance associated with travelling exhibition procurement and price models for the 'reef to range' journey.

Council's Project Management Committee held a teleconference meeting on 12 December to review the Stage 1 'Brief Finalisation' report. All members and Durack TAFE are very satisfied with the Contractor's output and level of consultation and design intent expressed by the latest Concept.

Stage 2 'Schematic Design' has a two month duration and will commence 6 January 2014.

2. Department of Regional Development (DRD)

The Business Case for the 'Ningaloo Centre Stage 2 - Construction and Fit Out' funds release has been submitted to the Department of Regional Development (DRD). This allows DRD to review and have ready a formal cabinet consideration for a March 2014 sitting. Stage 1 outputs have all been completed, except for the delivery of the plans and specifications.

3. Regional Development Australia Funding (RDAF) Grant Funding

The Federal Government has confirmed it will honour all RDAF projects on the condition the contracts are finalised within six months. Shire of Exmouth is contract ready and was thwarted by the election freeze placed on the Department preventing signing the \$7 million grant contract.

It is envisaged that the contract will now be represented to the Shire of Exmouth as a Community Infrastructure Grants (CIG) program versus a Regional Development Australia Fund (RDAF) program.

Leading up to Minister (Hon. Warren Truss) for Infrastructure and Regional Development announcement (4 December) significant CEO and SPO lobby work was undertaken through Parliamentarians Vince Catania's office, Mellissa Price's office, the Department of Infrastructure and Regional Development, the RDA Mid-West office and the Australian Airport's Association (lobbying for several airport projects that achieved RDAF offers and its other affected members) as a reminder of the critical importance of the Government's 17 June 2013 advice to the Shire of Exmouth that the Ningaloo Centre project will be funded to the value of \$7 million.

4. Other Grant Applications

No further information or supplementary requests have been sought from Lotterywest for the funding support grant request for the construction and fit out of the Ningaloo Centre (focus elements are community centre with performing arts, visitor centre and interpretive experience).

It is anticipated to engage further and learn of the outcome in February 2014.

Approaches to the resource sector will be appropriately advanced once FRD have established the priority focus of exhibition themes and costs.

Exmouth Health Campus Upgrades

The Shire President and myself met with Margaret Denton, Regional Director Health Department, Gerry Burns and Tina Godden, Carnarvon DoH, in Exmouth on Friday 22 November to discuss the final plans for the Exmouth Health Campus upgrades being funded by the Royalties for Regions Gascoyne Revitalisation Fund. Extensive planning was undertaken over the last couple of years with a high level of acceptance and satisfaction of the final designs based on the financial allocation for the project.

Concept and architectural drawings were tabled for Councillor information.

Staffing Issues

The administration office will be closed for the Christmas New Year period between the dates of 21 December to 29 December 2013. The following leave periods will be taken by respective Executive Staff.

- CEO – LSL from 2 January 2014 – 9 February 2014.
- EMCS – Annual Leave 23 December 2013 – 13 January 2014.
- EMCE – Annual Leave 16 December 2013 – 2 February 2014.
- EMHB – Annual Leave 20 January 2014 – 4 February 2014
- EMES – LSL 20 December 2013 – 19 January 2014.

EMTP will be acting CEO for the period 2 January 2014 – 19 January 2014 with EMCE assuming the role from 20 January 2014 – 9 February 2014.

Anne Lake, HR Consultant, will be visiting Exmouth in mid-February to assist the Council in reviewing the 'All of Staff' Collective Agreement, which will include interviews with staff. The existing agreement would have run its initial three year term expiring 30 June 2014.

Other Meetings & Functions attended by the CEO

1. Shire President and myself met with the Shire President, EMAS and CEO attended the WA Country Health Service meeting held at the Novotel on Friday 22 November 2013, with general discussion on Health Services to the region.
2. Cr Hood and myself met with Terry Ilich, Consultant Engineer, in Exmouth on Monday 25 November 2013 to investigate the options of designing the new Race Track.

3. Shire President, Cr Winzer, EMES, EMTP and myself attended the Gascoyne RRG & Zone meetings held in Gascoyne Junction on Thursday 28 November 2013.
4. EMES and myself met with representatives from Western Power in Exmouth on Tuesday 3 December 2013 to discuss the underground power project.
5. Shire President, Crs Todd & Winzer, EMAS and myself attended the Heliport Consultative Committee meeting held at the Novotel on Monday 9 December 2013.
6. EMHB, EMES and myself met with Chris Neretlis, Water Corporation, in Exmouth on Tuesday 10 December 2013 to discuss the WWTP relocation project and future growth expectations for Exmouth.
7. Cr Hood and myself attended the Exmouth District High School Upper School Presentation Night held in the Town Hall on Wednesday 11 December 2014, where I on behalf of Council presented the Year 11 & 12 Scholarships.

Other Meetings Scheduled for next Month

1. EMAS and myself to attend the Heliport Consultative Committee meeting to be held in Exmouth on Monday 10 February 2014.

COMMENT

Nil

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.1.1

That the Council of the Shire of Exmouth receive the Chief Executive Officers Report for the month of December 2013.

COUNCIL DECISION – 03-1213 – 10.1.1

Moved Councillor Todd, Seconded Councillor Thompson.


That the Council of the Shire of Exmouth receive the Chief Executive Officers Report for the month of December 2013.

CARRIED 6/0

10. REPORTS OF OFFICER

10.1 Chief Executive Officer

10.1.2 Ningaloo Centre

Location:	Exmouth
Applicant:	Ningaloo Centre Project Management Committee
File Reference:	ED.PJ.1
Disclosure of Interest:	Nil
Date:	13 December 2013
Author:	Chief Executive Officer, Mr B Price
Signature of Author:	

SUMMARY

This report recommends that the Council endorse the Ningaloo Centre Project Management Committees recommendation to accept the Stage 1 Brief Finalisation Report as presented by the contractor.

BACKGROUND

The Ningaloo Centre has two overarching committees to assist the Council in the overall management of the project, being:-

(a) Project Steering Committee

The Shire President will chair a Project Steering Committee which has the objective of information sharing between members regarding the Project's status (progress, financial, activity) and obtaining member feedback that may be shared with Council.

The Project Steering Committee will comprise representation from;

- Exmouth Shire President and Councillors
- Gascoyne Development Commission
- Durack TAFE
- Ningaloo Alliance
- The Department
- Regional Development Australia (Gascoyne Mid-West RDA)
- Exmouth Shire Chief Executive Officer
- Shire Project Manager

(b) Project Management Committee

The Shire President will chair the Project Management Committee which has the responsibility to successfully deliver the Project. This is a Council operational and decision making committee that operates independently to the Steering Committee.

The Project Management Committee will comprise representation from;

- Exmouth Shire President and Councillors
- Exmouth Shire Chief Executive Officer
- Shire Project Manager
- Executive Manager Community Engagement
- Executive Manager Corporate Services
- With co-opted attendance, as required by Contractor, Ningaloo Alliance and DURACK

Other agencies such as the State Library of Western Australia, Art Gallery of Western Australia and Museum of Western Australia are included as key stakeholders to be consulted during the design phase for the purpose of providing expert direction on specific components of the project.

The phase 1 contract with Builder Matera Construction involves a 4 stage component of

1. Stage 1 – Design Brief Finalisation
2. Stage 2 – Schematic Design
3. Stage 3 – Design Development
4. Stage 4 – Final Construction Documentation

Stage 1 'Design Brief Finalisation' has now been completed with the results being considered by the Project Management Committee meeting held on Thursday 12 December. The committee were satisfied with work completed to date and recommended that the Stage 1 be accepted so that the Contractor can proceed with stage 2 'Schematic Design'. Attached are the minutes of the meeting including the Stage 1 Brief Finalisation Report for Councillor consideration. (Refer **Attachment 1**).

COMMENT

Nil

CONSULTATION

Ningaloo Centre Project Management Committee and key stakeholders involved in the project.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Economic

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

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

Environment

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

- Outcome 2.2: Our pristine natural environment and biodiversity will be understood, maintained and protected
- Outcome 2.3: To have a town and community that takes pride in its world heritage
- Outcome 2.5: To make Exmouth an attractive town that is a comfortable and welcoming place to live and visit, and reflects the lifestyle values and unique natural environment

Social

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.1.2

That the Council of the Shire of Exmouth endorse the Ningaloo Centre Project Management Committees recommendation to accept the Stage 1 Brief Finalisation Report as presented by the contractor.

COUNCIL DECISION – 04-1213 – 10.1.2

Moved Councillor Todd, Seconded Councillor Thompson.

That the Council of the Shire of Exmouth endorse the Ningaloo Centre Project Management Committees recommendation to accept the Stage 1 Brief Finalisation Report as presented by the contractor.

CARRIED 6/0

10. REPORTS OF OFFICERS

10.1 Chief Executive Officer

10.1.3 Council Policy Review – Policy 1.26 Council Employee Housing

Location: Exmouth
Applicant: Chief Executive Officer
File Reference: CM.PO.1
Disclosure of Interest: Nil
Date: 2 December 2013
Author: Chief Executive Officer, Bill Price
Signature of Author:



SUMMARY

This report recommends the adoption of an amended Policy under the Governance sphere of the Council Policy Manual.

BACKGROUND

As the Shire of Exmouth has recently purchased new housing for the Chief Executive Officer, Policy 1.26 Council Employee Housing must be updated to reflect the new property. Also as the Exmouth Visitor Centre is now under new management the Shire no longer provides housing for the Visitor Centre Manager as previously provided.

COMMENT

Policy 1.26 Council Employee Housing has been updated to reflect the above changes. (Refer *Attachment 2*)

CONSULTATION

EMCS

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 1.26 Council Employee Housing

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 – 10.1.3

That the Council of the Shire of Exmouth adopts amended Policy 1.26 as detailed in Attachment 2.

COUNCIL DECISION – 05-1213 – 10.1.3

Moved Councillor Thompson, Seconded Councillor Hood.


That the Council of the Shire of Exmouth adopts amended Policy 1.26 as detailed in Attachment 2.

CARRIED by ABSOLUTE MAJORITY 6/0

10. REPORTS OF OFFICERS

10.1 Chief Executive Officer

10.1.4 New Exmouth Council Logo & Brand Development

Location:	Exmouth
Applicant:	R Kempe
File Reference:	ED.PJ.0
Disclosure of Interest:	Nil
Date:	5 November 2013
Author:	Chief Executive Officer, Bill Price
Signature of Author:	

SUMMARY

This report recommends that Council select a Logo for the Shire of Exmouth.

BACKGROUND

In the past the Shire has produced a range of corporate communication tools, like Shire sponsorship banners, Banners in Maidstone, presentation folders, the Exmouth Brochure and the Shire's new website. Although they are all good products, they are still very ad hoc in their presentation and took a lot of time to produce due to a lack of established design guidance.

Officers were advised that a total new Logo & Branding for the Shire would be the best way forward for all other design elements to flow from. This is an accepted approach to branding.

At the February 2013 Ordinary Council meeting Council endorsed Shire Officers to engage consultants to produce a new logo and branding for the Shire of Exmouth.

Steps undertaken:

Officers have:

1. Requested quotes from 5 companies in WA
2. Selected and engaged 2 consultants namely Tony Howard Designs and Market Creations, to design (a series of) a possible new logo;
3. Selection of Tony Howard Designs by Shire staff to proceed to the next level of design;
4. Series of logos presented were narrowed down to 4 designs for staff perusal and comment.

COMMENT

Officers aim to achieve a clear, consistent visual identity for the organisation that resonates with stakeholders by reflecting the organisation's mission and core values. This requires a rejuvenated identity which is more powerful and easily recognisable. Key benefits of the new logo and branding include:

- Build a positive and unified perception of Council
- Create a common vision for the future of Council as an organization and its community
- Provide a modern and consistent visual representation of the region
- Enhance the position of the Council within its local, regional and global communities
- Attract investment to the region, be it from tourists, trade, industry or other levels of government.

Officers provide to the Council 4 different designs for review and selection of a preferred logo to be finalised as the future logo for the Shire of Exmouth.

Future Steps:

1. Consultant to finalise design preferred logo;
2. Consultant to carry out branding development;

3. Consultant to complete style guide document outlining future use of logo and branding; and
4. Presentation to Council for adoption of new branding including final logo design.

CONSULTATION

Council Officers produced a survey of the 4 logo designs for staff review, a copy of the survey along with a summary of the results is provided for Council information as **Attachment 3**.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Policy 1.2 Logo

Policy 1.3 Fauna/Floral Emblems

FINANCIAL IMPLICATIONS

Council has budgeted \$15,000 for promotional items for this financial year which is sufficient to cover the rebranding costs. Implementation of future branding can occur gradually and over future financial years, for example when existing stationary supplies run out and Council can budget for this accordingly.

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 – 10.1.4

That the Council of the Shire of Exmouth selects logo XX to proceed to final design stage and for the CEO to determine minor amendments as required without changing the impression and intent of this logo.

COUNCIL MOTION – 10.1.4

Moved Councillor Todd, Seconded Councillor McHutchison.

That the Council of the Shire of Exmouth selects logo Option C to proceed to final design stage and for the CEO to determine minor amendments as required without changing the impression and intent of this logo.

ALTERNATIVE COUNCIL MOTION — 10.1.4

Moved Councillor Thompson.

That the Council of the Shire of Exmouth not proceed with the new logo and branding project as it is considered a waste of funds that could be spent on other projects.

The motion lapsed due to the lack of a seconder. The original motion was put.

COUNCIL DECISION – 06-1213 – 10.1.4

Moved Councillor Todd, Seconded Councillor McHutchison.

That the Council of the Shire of Exmouth selects logo Option C to proceed to final design stage and for the CEO to determine minor amendments as required without changing the impression and intent of this logo.

CARRIED 5/1
Councillor Thompson voted against.

10. REPORTS OF OFFICERS

10.2 Executive Manager Corporate Services

10.2.1 General Report

Location:	Exmouth
Applicant:	S O'Toole
File Reference:	CM.RE.0
Disclosure of Interest:	Nil
Date:	3 December 2013
Author:	Executive Manager Corporate Services

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

Staff Movements

Our new Administration Officer, Alexander Donnelly commenced on 18 November 2013 as a replacement for Sharlene Williams who has now commenced her new role as Ranger/Swimming Pool Duty Manager.

IT Vision Training

During late November 2013, IT Vision conducted training sessions on site to our staff supporting the records, health, building and administration software. The sessions provided staff the opportunity to see the benefits of the high level of integration between the modules as well as reviewing our data and highlighting any issues identified through the process.

Laurence Retirement Home Annual Christmas Morning Tea

The Executive Manager Corporate Services together with the Finance Officer held the APH Christmas Morning Tea on 29 November 2013 at the Laurence Retirement Homes. This is the second annual morning tea held at the units and is an opportunity for residents to discuss any maintenance and/or invoicing issues. The Executive Manager Engineering Services, Keith Woodward and APH Caretaker were invited to the morning tea where residents were able to discuss directly any concerns they had with outstanding maintenance issues. Unfortunately representatives from Home and Community Care were unable to attend. The morning tea was a great success and the Corporate Services Team hope to hold this event each year due to the positive feedback received from the APH residents.

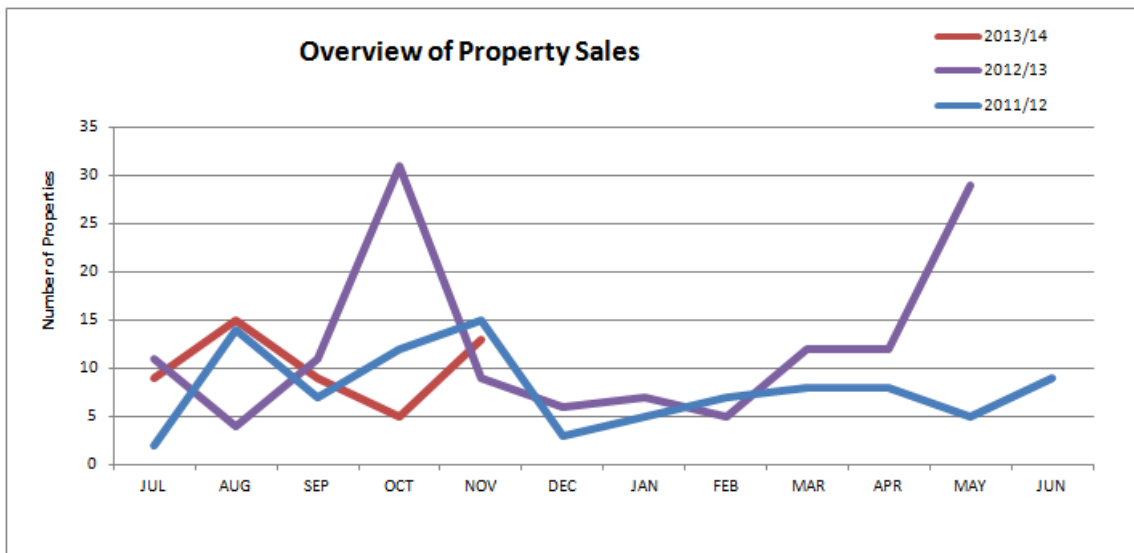


Rating
Property Sales

Below is a summary of properties sold during 2013/14:

2013/14 Summary of Property Sales			
Number Sold	Land Usage	Total Sales	Average Sale
26	Vacant Land	\$8,673,000	\$333,577
22	Residential	\$11,587,500	\$526,705
3	Industrial	\$3,737,000	\$1,245,667
0	Mixed Use	\$0	\$0
0	Composite Devel	\$0	\$0
0	Special Use	\$0	\$0
0	Tourism	\$0	\$0
51		\$23,997,500	

Property Sales	2013/14	2012/13	2011/12
JUL	9	11	2
AUG	15	4	14
SEP	9	11	7
OCT	5	31	12
NOV	13	9	15
DEC		6	3
JAN		7	5
FEB		5	7
MAR		12	8
APR		12	8
MAY		29	5
JUN		20	9
	51	157	95



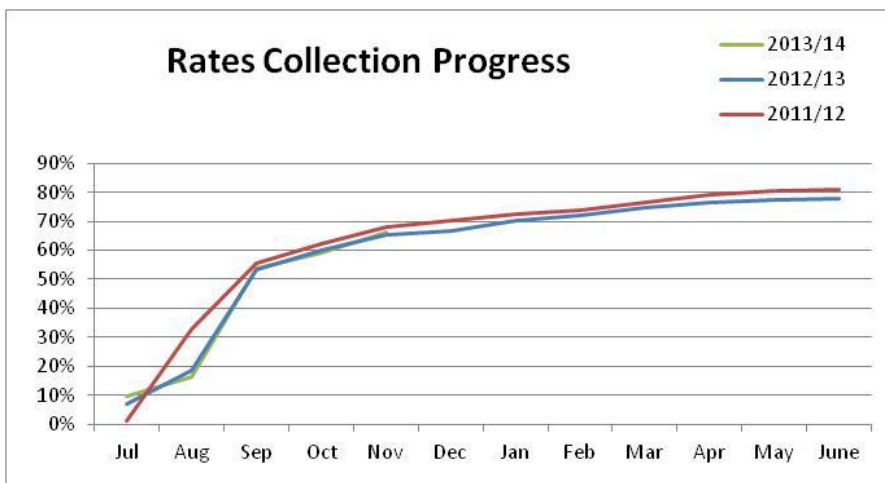
Rates Collection

Summary of Rates and Charges Collection			
2013/14 Rates Collection Analysis			
			\$
Rates & Charges Levied 2013/14			3,717,494
Arrears 1 July 2012			995,039
Less Collections			(3,107,081)
Total Rates & Charges Outstanding			1,605,451
Less Pensioner Deferred Rates			(18,210)
Total Rates Collectable			1,587,241
% Collected to Date			66.3%
Notices Sent			7/08/2013
Due Date			11/09/2013
Reminder Notice Sent			19/09/2013
Final Notice Sent			18/10/2013
Notice of Intention to Summons Sent			20/11/2013

Comparative percentage of rates collected monthly

	2013/14	2012/13	2011/12
Rates Due Date	11/09/2013	10/09/2012	2/09/2011
Jul	10%	7%	1%
Aug	16%	19%	33%
Sep	54%	54%	56%
Oct	59%	60%	62%
Nov	66%	65%	68%
Dec		67%	70%
Jan		70%	72%
Feb		72%	74%
Mar		75%	77%
Apr		77%	79%
May		78%	81%
June		78%	81%

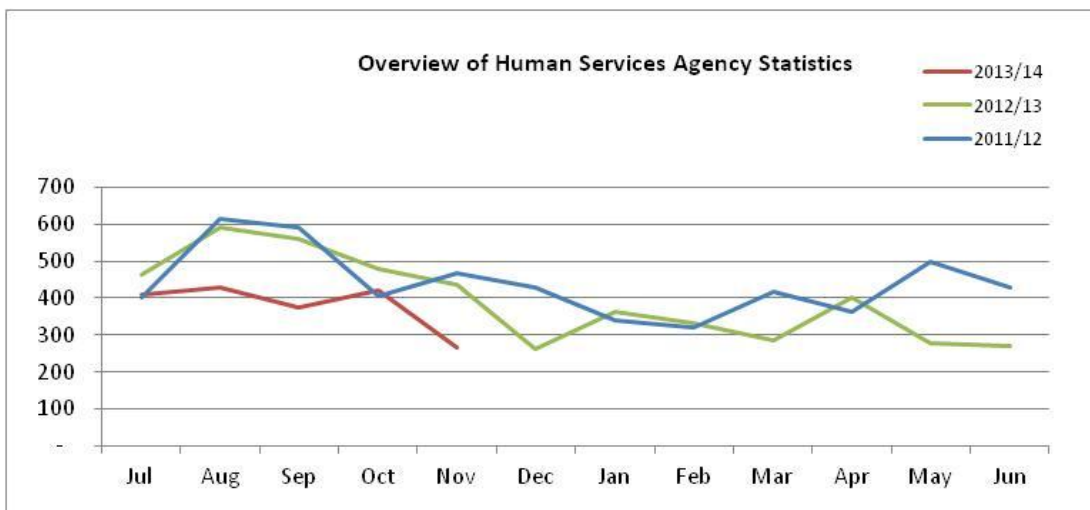
Graphical Overview of Rates Collection



Human Services Agency (formerly Centrelink)

Summary of Agent Statistics for 2013/14:

	Lodgement of Forms/Assist with Completion	Referrals to Call Centre & CSC	Assist with use of Equipment & Computer	Respond to General Enquiries	TOTAL	Hours of Operation/week			
						12.5	12.5	15	15
						2013/14	2012/13	2011/12	2010/11
Jul	118	81	13	199	411	464	403	637	
Aug	149	68	21	189	427	592	615	595	
Sep	129	79	19	146	373	560	590	567	
Oct	142	57	40	183	422	478	406	383	
Nov	90	34	36	108	268	436	469	402	
Dec	-	-	-	-	-	262	427	521	
Jan	-	-	-	-	-	364	340	424	
Feb	-	-	-	-	-	332	320	441	
Mar	-	-	-	-	-	285	416	409	
Apr	-	-	-	-	-	403	364	271	
May	-	-	-	-	-	278	500	400	
Jun	-	-	-	-	-	272	428	334	
TOTAL	628	319	129	825	1,901	4,726	5,278	5,384	



CONSULTATION

Laurence Retirement Village Residents
IT Vision

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Civic Leadership

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

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

Social

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

- Outcome: 3.7: Residents and visitors have access to appropriate services and facilities to enhance their health and wellbeing.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.2.1

That the Council of the Shire of Exmouth receive the Executive Manager Corporate Services Report for the month of December 2013.


COUNCIL DECISION – 07-1213 – 10.2.1

Moved Councillor Thompson, Seconded Councillor Winzer.

That the Council of the Shire of Exmouth receive the Executive Manager Corporate Services Report for the month of December 2013.

CARRIED 6/0

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

Location:	Exmouth
Applicant:	S O'Toole
File Reference:	FM.FI.0
Disclosure of Interest:	Nil
Date:	3 December 2013
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 30 November 2013 has been prepared and a copy of the Report is attached as *Attachment 1* and a complete list of accounts for payment is attached as *Attachment 2*.

COMMENT

Nil

CONSULTATION

Nil

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS**Civic Leadership**

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.2.2

That the Council of the Shire of Exmouth:

- 1. The monthly financial report for period ended November 2013 be accepted; and*
- 2. The accounts as listed in the monthly financial report be received:*
 - a. Municipal Fund ~ November 2013 \$1,417,345.77 incorporating cheque numbers 12484 to 12536 inclusive and direct debits*
 - b. Trust Fund ~ \$2,780.00 incorporating cheques numbers 400777 to 400782 and direct debits.*

Outstanding Creditors totaling ~ \$65,424.14

COUNCIL DECISION – 08-1213 – 10.2.2

Moved Councillor Hood, Seconded Councillor Winzer.

That the Council of the Shire of Exmouth:


- 1. The monthly financial report for period ended November 2013 be accepted; and*
 - 2. The accounts as listed in the monthly financial report be received:*
 - a. Municipal Fund ~ November 2013 \$1,417,345.77 incorporating cheque numbers 12484 to 12536 inclusive and direct debits*
 - b. Trust Fund ~ \$2,780.00 incorporating cheques numbers 400777 to 400782 and direct debits.*
- Outstanding Creditors totaling ~ \$65,424.14*

CARRIED 6/0

10. REPORTS OF OFFICERS

10.3 Executive Manager Aviation Services

10.3.1 General Report

Location:	Exmouth
Applicant:	J Kox
File Reference:	TT.SP.0
Disclosure of Interest:	Nil
Date:	11 December 2013
Author:	Executive Manager Aviation Services, Jenny Kox
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 November 2013 Council Meeting agenda report.

BACKGROUND

Defence

The proposed relocation of the fuel facility is still with Defence's full citing committee for consideration. Development proposals for a new shed to be located near the heliport and the back-up water tank will be forwarded to Defence shortly for their consideration.

There are no issues arising out of the monthly meetings with Defence.

Regulatory

The Airport Security Committee met on 26 November 2013 for its 6-monthly meeting with no major outcomes identified. Inspectors from the Office of Transport Security undertook a security screening and ASIC audit whilst on site with a couple of readily resolved issues identified, one involving security access breach by a medical flight crew.

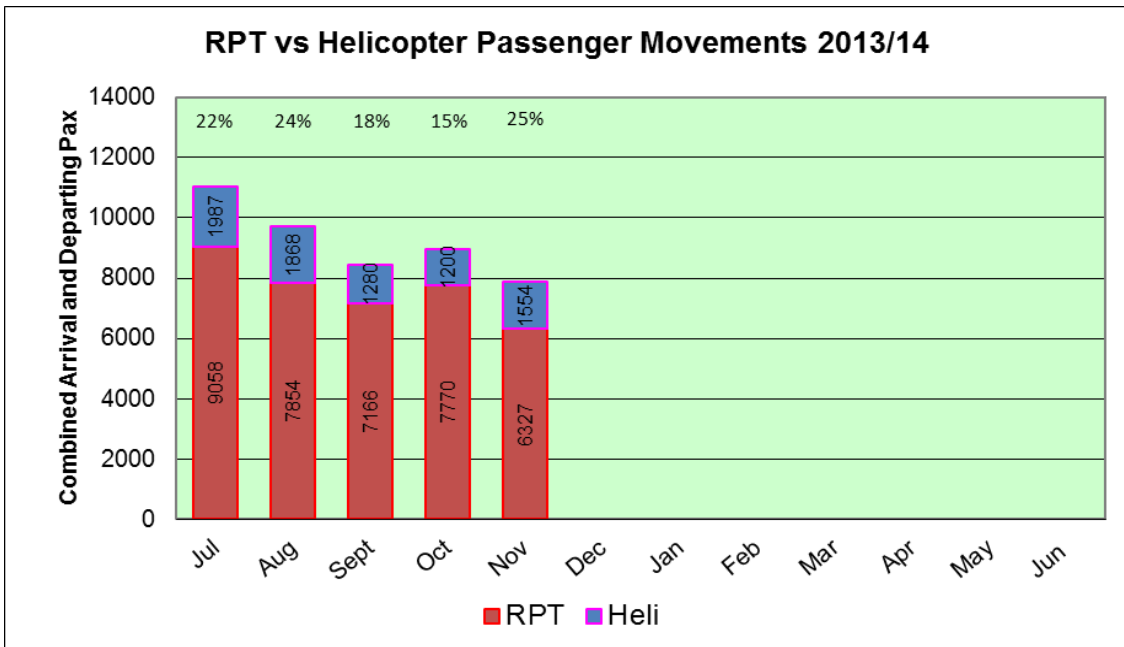
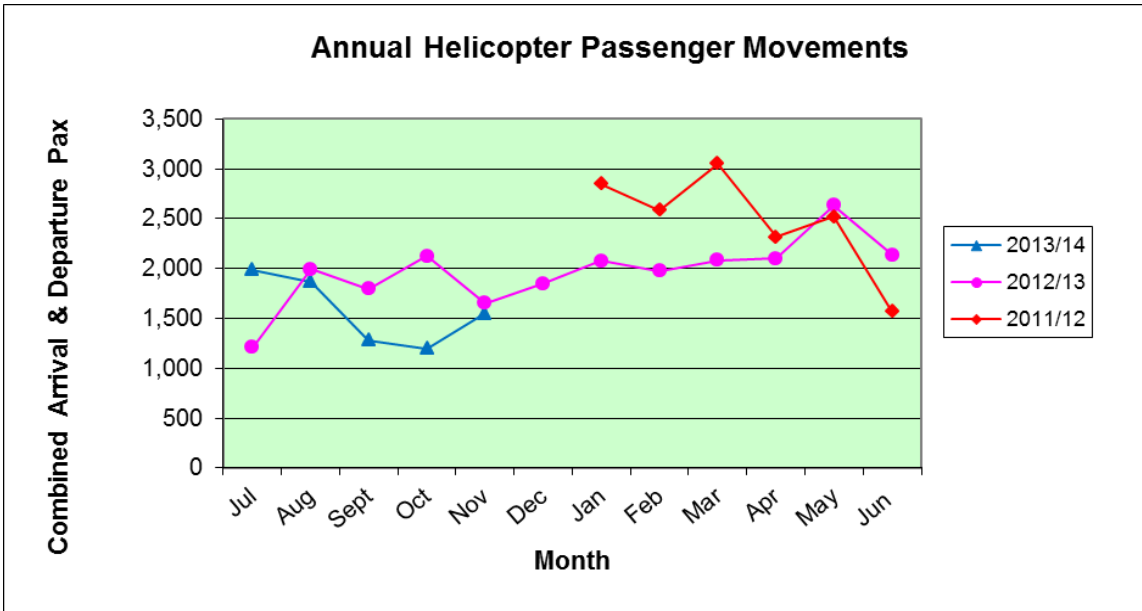
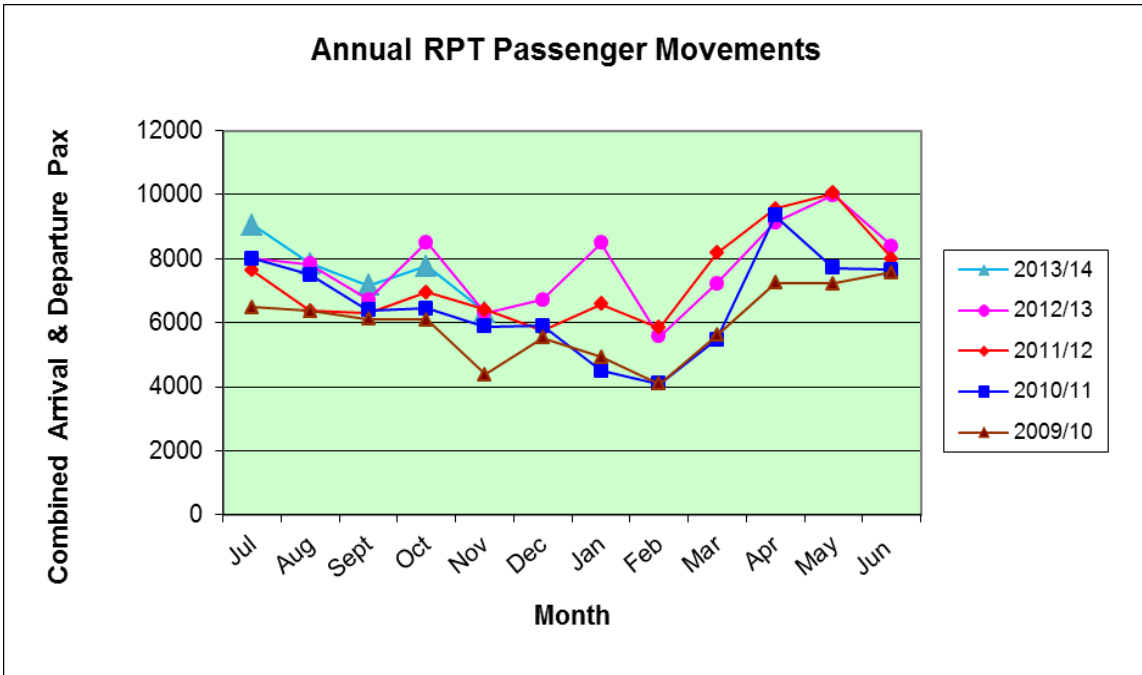
Councils' response to the State Aviation Strategy was submitted on 3 December 2013. Thanks to Cr Winzer for his role in seeking additional comments be added to the WALGA response via the State Council.

Airlines/Air Operators/Industry

Qantas have advised that the afternoon service has been cancelled for Christmas Day and New Years' Day. It is anticipated that the morning service will remain as is on these days due to Oil & Gas industry operational requirements.

RPT passenger numbers were 29 more than the same period in 2012 and 830 up on the equivalent months when comparing 2012 to 2013. The return to normal oil and gas activity in November contributed to the increase in passenger numbers from October and a further increase should be seen in December with the commencement of one drilling campaign on 10 December 2013. VARA passenger numbers have been steadily decreasing since July 2013 with November passengers almost half of the previous month (740 versus 1,360 in October 2013).

See the graphical presentation of statistics below.



Airport

A meeting was held with Airservices Australia & Defence to commence planning for navigational aid upgrade works due to be undertaken in mid 2014.

Heliport

It was business as usual at the Heliport with the return to baseline operations. The Jack Bates commenced drilling operations for BHP Billiton on 10 December 2013 with the campaign expected to continue through to November 2014. The heliport is also providing breathalyser testing support to off-shore workers of Sapura Clough who are transported to their ship via boat for approximately 4 months.

The 10th Learmonth Heliport Consultative Meeting was held on Monday 9 December 2013 and was attended by Councillors Shales, Winzer & Todd. Bristow Helicopters advised of their thanks to Bhagwan K for their assistance in extended winch training and it was noted by the acting Chief Pilot that Exmouth provides the best training opportunities for their pilots across Australia. Also of note, a Supa Puma helicopter will be returning to Exmouth to support BHPB operations, and cyclone deman/upman capabilities appear to be well supported out of Exmouth for the current season.

Staffing

The Executive Manager Aviation Services attended a number of security-related meetings in Melbourne on 11 & 12 December 2013.

Leasing

A number of draft lease reviews have been completed in the last month with Exmouth Aviation Services and Bristow Helicopters moving closer to completion.

Projects

The new Airline Crew Room is nearing completion with only electrical connectivity and the installation of blinds to be completed. Discussions have commenced with VARA and Qantas as to a relocation date from the existing room which is expected to be around mid-January 2014.

Toilet refurbishment works at the heliport are due to commence on 6 January 2013.

Security screening equipment will be repositioned in the coming month to look at achieving improved passenger flow through the screening point. The proposed layout was discussed with OTS during their recent visit and requires no additional regulatory approval to undertake.

Other Items

Nil to update.

Exmouth Aerodrome

Nil to update.

COMMENT

Nil

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Economic

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

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

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.3.1
--

That the Council of the Shire of Exmouth receive the Executive Manager Aviation Services Report for the month of December 2013.

COUNCIL DECISION – 09-1213 – 10.3.1
--

Moved Councillor Todd, Seconded Councillor Winzer.

That the Council of the Shire of Exmouth receive the Executive Manager Aviation Services Report for the month of December 2013.

CARRIED 6/0

10. REPORTS OF OFFICERS

10.4 Executive Manager Community Engagement

10.4.1 General Report

Location: Exmouth
 Applicant: R Kempe
 File Reference: GV.ME.0
 Disclosure of Interest: Nil
 Date: 9 December 2013
 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

Tourism

Ningaloo-Shark Bay National Landscape

Officers are progressing with the Experience Development Strategy, a document being developed as part of the National Landscapes programme. Consultants have commenced and will be visiting the region in the week from 19 January 2014 onwards. Additional consultation will take place in February and March with the final report presented by the end of April 2014.

Exmouth Visitor Centre

The Exmouth Visitor Centre has held their AGM on 11 December 2013 and the following people now make up the Management Committee:

Roge Kempe	Exmouth Shire
Mick Hood	Exmouth Shire Councillor
Craig Adams	Pearl charters
Lannie Riley	Sail Ningaloo
Peta Walker	Ningaloo Marine Interactions
Matt Winter	Ningaloo Whaleshark and Swim
Gina Nowak	Ningaloo Ecology Cruises
Sheila Beer	Ningaloo Bed & Breakfast
Chelsea Godson	DpaW Representative

Gascoyne Tourism Strategy (GDC)

Council is informed that the GDC has issued a Request for Quote to seek consultancy services for the development of a Gascoyne Tourism Strategy.

The purpose of the Gascoyne Tourism Strategy is to recognise the broad tourism product offered in the Gascoyne, identify the main gaps and opportunities to determine the Gascoyne's realistic tourism potential, and develop strategies for a coordinated approach to identifying what enhancements, actions and messages are required to promote and facilitate continuing tourism growth.

The Strategy will provide a strategic framework and action plan to enable the Gascoyne region to broaden focus and deliver achievements beyond destination marketing and localised products through a coordinated and collaborative intra-regional approach. It is anticipated the Strategy will be implemented over a two year period through a centralised coordinator with continued input, support and direction from the four local government areas.

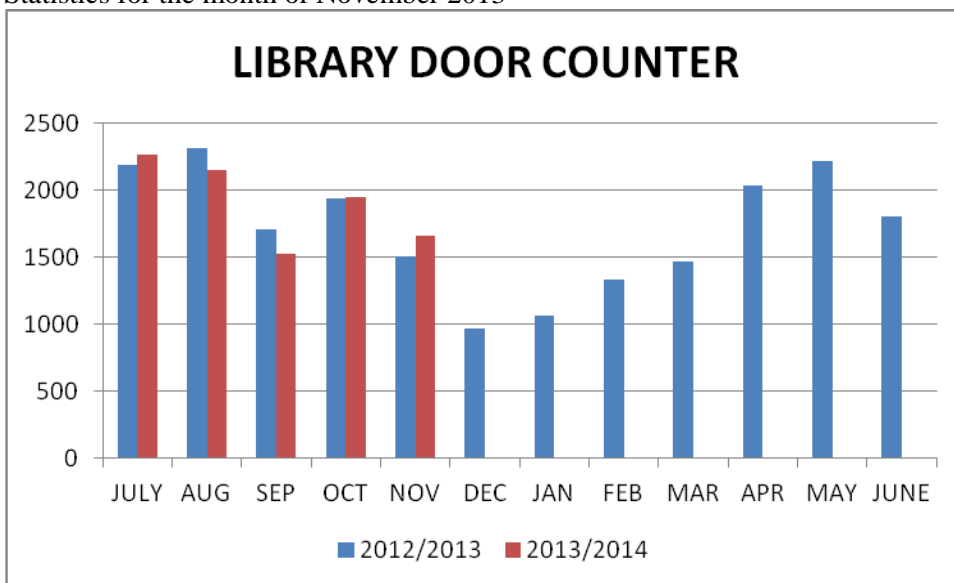
The objective of the consultancy is to provide a detailed report into establishing the Gascoyne as a tourist destination of choice, which encompasses a collaborative approach to developing existing opportunities and experiences, creating a broader range of visitor infrastructure and experiences and conveying a message that the Gascoyne is a unique holiday destination.

The Shire of Exmouth is one of the key stakeholders identified for inclusion into the consultation process in the new year.

Library services

A total of 1658 people made use of the Library facilities this November, compared to 1503 for the same period last year, an increase of 155 people for the month.

Statistics for the month of November 2013



With the tourist season over and other internet access providers in town closed for the season, the Library is the sole provider of internet access to visitors in town.

Sara Dunny Fox commenced in the library as our new Casual Library Officer.

Community Development

Events

Preparations continue for the 50 Years Celebrations and invitations and Programmes have been sent out and made available for the public.

Officers have commenced preparations for Australia Day (26 January 2014) and the upcoming Whaleshark Festival in May 2014.

Health Matters - Movember

Movember is an awareness and fundraising campaign for men’s health, specifically for prostate and testicular cancer and mental health.

On 28 November about 55 people attended a Mo-Party at the Potshot to judge the best grown Mo for the year. This was won by Rowan Smith, but the efforts of all Mo Bros were celebrated on the night.

The Regional Men’s Health Initiative supported the event with guest speaker Owen Catto, the senior community educator/executive officer.



He made an inspiring talk and organised free health checks on site which was taken up by 23 men. Three nurses from the Exmouth Hospital assisted with the health checks and did the judging for the best Mo in town. The event was a joint partnership with Potshot Hotel, Exmouth Hospital & the Shire of Exmouth. Thank you to all Shire Councillors and Shire staff for their support and participation in November 2013.

Youth Matters

Handbook – One of the young people from the Youth Action Exmouth (YAE) group is working with shire staff on further developing the Events Management handbook. The current draft will be tested during an upcoming event and then finalised with the additional information gained.

PCYC – Officers continue to be on the Advisory Committee for the Exmouth PCYC. If there are any Councillors that would like to join the Committee please contact Lorella Crugnale or the CDO. There have been a number of recent changes to how PCYCs are managed and a lot of the work is now handled by PCYC head office in Perth.

The current Committee is developing a real sense of focus and better policies and procedures. It is hoped that this renewed purpose will attract new volunteers and committee members.

Men's Shed

There has been some interest from the community in getting involved in setting up a Men's Shed in Exmouth. A first meeting will be held early in the new year to discuss options and how to proceed from here.

Crime and Community Safety Plan

Staff commenced a desktop review of the Shire's *Crime and Community Safety Plan*. Local crime statistics are being analysed, but as in the past, crime rates are relatively low in Exmouth compared to other areas.

Therefore discussions will take place with local stakeholders to gauge if a new plan is needed and how it would assist organisations like the Shire, Exmouth Police and the PCYC in their activities.

First discussions will take place in February and any Councillor interested in taking part in this can contact the Community Development Officer.

Disability, Access and Inclusion

An action from the Shire's Disability Access & Inclusion Plan was to provide a small access ramp on a local footpath regularly used by a local person with mobility issues. The CDO would like to thank Engineering Services for completing the works and pass on the resident's thanks that this issue has now been resolved.

Facilities Planning

The Big Prawn Project

New interpretive signage, of the same design and manufacture as the Vlaming Head signage, has been installed near the Visitor Centre. This interpretation outlines the history of fisheries in the Exmouth Gulf and the Kailis family in Exmouth, the influence of cyclones on the Gulf and some information about the Big Prawn.

The Big Prawn itself will be re-installed after the cyclone season, but in time for tourism season, as was the practice with its previous location in front of the Kailis site.

Media and Community Information

- Press release 50 Year Celebrations
- Media information regarding November 2013
- Press release regarding landscaping along Murat Road
- Shire Newsletter November 2013

COMMENT

Nil

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Economic

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

- Outcome 1.3 – Diverse Tourism opportunities.

Social

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

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

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.4.1

That the Council of the Shire of Exmouth receive the Executive Manager Community Engagement Report for the month of December 2013.

COUNCIL DECISION – 10-1213 – 10.4.1

Moved Councillor Hood, Seconded Councillor Todd.

That the Council of the Shire of Exmouth receive the Executive Manager Community Engagement Report for the month of December 2013.

CARRIED 6/0

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

Location: Exmouth
 Applicant: R M Manning
 File Reference: GV.CM.0
 Disclosure of Interest: Nil
 Date: 9 December 2013
 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**Applications for Permits and Certificates Pursuant to the Building Act 2011**

Below is a summary of building licence and building certificate applications and approvals up to 30 November 2013.

Building Applications						
Application No	Date Received	Lot No	Development Location	Description	Decision	Decision Date
13/140	02/10/2013	333	Kestrel Place	Swimming Pool	Approved	11/12/2013
13/144	11/10/2013	394	11 Corella Court	Jetty	Approved	15/11/2013
13/146	14/10/2013	20	16 Nimitz Street	Carport	Awaiting planning approval	
13/150	23/10/2013	143	Hunt Street	Sea Container	Approved	25/11/2013
13/152	24/10/2013	335	12 Kestrel Place	Single Dwelling	Awaiting information from applicant	
13/157	29/10/2013	973	18 Schmidt Way	Verandah and Spa Pool	Cancelled	
13/159	31/10/2013	128	Thresher Street	Retaining Walls	Approved	08/11/2013
13/160	05/11/2013	13	13 Learmonth Street	Addition / Alterations	Approved	14/11/2013
13/161	05/11/2013	462	16 Osprey Way	Fencing / Retaining Wall	Approved	08/11/2013
13/162	06/11/2013	763	9 Ingleton Street	Garage Conversion To Habitable Room	Approved	15/11/2013
13/163	07/11/2013	63	26 Searaven Crescent	Single Dwelling	Awaiting information from applicant	
13/164	12/11/2013	392	15 Corella Court	Jetty	Approved	19/11/2013
13/165	12/11/2013	395	9 Corella Court	Jetty	Approved	03/12/2013
13/166	12/11/2013	344	30 Kestrel Place	Single Dwelling	Approved	21/11/2013
13/167	14/11/2013	353	21 Kestrel Place	Single Dwelling	Awaiting information from applicant	
13/168	15/11/2013	1349	40 Tambor Drive	Verandah	Approved	19/11/2013
13/169	15/11/2013	790	3 Jones Place	Double Story Extension	Approved	04/12/2013
13/172	21/11/2013	33	8 Crevalle Way	Fence	Approved	26/11/2013
13/173	21/11/2013	104	35 Bluefin Cove	Single Dwelling	Approved	13/12/2013
13/174	22/11/2013	1481	Neale Cove	Office	Approved	04/12/2013
13/175	22/11/2013	1216	3 Skipjack Circle	Single Dwelling	Approved	13/12/2013
13/177	27/11/2013	422	64 Madaffari Drive	Single Dwelling	Processing	04/12/2013

Summary of Building Licence/Permit Applications
2007 to Year to date 30 November 2013

Year	No. Applications for the Year	Total Value of Works for the Year	No. Applications up to 30 November 2013	Value up to 30 November 2013
2007- 2008	114	\$13,465,725.00	54	\$6,847,676
2008- 2009	132	\$26,600,941.00	67	\$16,579,473
2009 - 2010	198	\$26,916,869.00	75	\$12,413,656
2010 - 2011	188	\$24,816,605.00	72	\$11,746,359
2011-2012	144	\$23,057,154.00	74	\$13,051,255
2012- 2013	150	\$19,931,790.00	65	\$10,854,853
2013-2014			79	\$12,927,999

COMMENT

BUILDING

In relation to the number of Building Permits processed, the closing of the first half of the financial year looks like being one of the busiest in recent years.

Notices of Intent to Serve Building Orders

At the November 2013 OCM the Council was advised that six separate notices of intention to serve a Building Order had been issued for works in contravention of the conditions of six respective Building Permits. All six letters related failure of the builder to reinstate the canal revetment wall to the original condition following the construction of jetties within the Exmouth Marina Village – Precinct A water ways.

The Project Manager from Superior Jetties provided written confirmation that they would have a team in Exmouth to commence work on resolving the above issues by 10 December 2013. The Council will be updated at the meeting in relation to progress relating to these works.

Unauthorised Works

At the November 2013 OCM the Council was advised that formal correspondence was issued to Superior Jetties in relation to two separate instances of building works commencing without a Building Permit. The letters requested that an Application for a Building Certificate be submitted within 14 days or Council would pursue prosecution for building without a permit. The above applications have since been received.

ENVIRONMENTAL HEALTH

General Duties

General environmental health functions have been ongoing with Officers paying particular attention to Public Buildings this month. The Shire owned Public Buildings have been inspected for compliance under the Health (Public Buildings) Regulations 1992. These inspections are extremely important to ensure the health and safety of all patrons who access the shire owned Public Buildings.

Living Smart Program 2014

A number of the 2013-14 KPA's set for the Executive Manager Health & Building (EMHB) relate to recycling, sustainability and energy efficiency initiatives. When researching what the EMHB could do to contribute towards achieving some of the KPA's, the Living Smart Program was considered to be a very valuable program that ticked not just a lot of boxes relating to the KPA's.

The following information is an extract from the Living Smart (LS) website to briefly explain the program:-

"Living Smart is an award winning program that helps you live a more sustainable lifestyle. Our courses give you knowledge, skills and practical tools which are shared over 6-8 wks for you to take action in your own home and community to improve both your quality of life and reduce your environmental impact. In each course, we cover 10 sustainability topics:- Simple Living; Water; Power; Waste; Gardening for Biodiversity; Gardening for Food Production; Transport; Healthy You; Healthy Home; and Community."

Further information on LS is provided at **Attachment 1** and additional information may be found via the LS website - <http://livingsmart.org.au/>

The topics covered in LS program and the very way in which the program is delivered e.g. training of local facilitators and the on-going support to LS participants is very consistent with many of the Objectives and Outcomes detailed by the Exmouth community in the Strategic Community Plan.

As the Shire of Exmouth is not in the business of delivering training and Durack Institute of Technology (Durack) is, this seemed like a good opportunity for the Shire and Durack to work together to deliver a training program that addresses community aspirations.

To kick the program off involves running LS Facilitator Training which is proposed to be run in Exmouth, late March 2014 and Durack have kindly offered to waive the venue and equipment hire fees to help keep participant fees to a minimum.

The LS program is then delivered to the broader community by the trained local facilitators. The program leaves a legacy in the communities in which it is delivered of capacity building and creating networks of like minded individuals that can continue to support each other in their quest for a better, 'smarter' way of living.

The benefit for Durack sponsoring the Facilitator Training will be the venue/equipment hire and admin fees etc that will follow with the on-going roll out of the LS Program to the broader community. Part of the commitment to hosting the Facilitator Training is that at least two LS Programs be delivered within 12 months. To assist with the roll-out of the LS Program, the EMHB was recently successful in securing a Woodside Community Grant of \$4,500.

The Shire of Exmouth & Durack will soon be seeking enrolments/EOI's for individuals that think they have the right stuff to participate in the Facilitator Training.

Waste Management & Recycling

As was reported at the November 2013 OCM, the day to day running of the Qualing Scarp Landfill Site has been taken over by Environmental Health Services as from 14 November 2013. A number of improvements have been implemented and further changes are planned for the future including a realignment of how vehicles enter the site.

Sims Metal has arrived on site and has so far bundled and pressed 207 blocks of approximately 600kg each. The operator is taking a short break over the festive season and will be back on site early January to complete his work which will be the small remainder of light and heavy gauge steel and approximately 30 car bodies.

The sale of the scrap metal will bring in a substantial amount of revenue for the landfill site and ticks off the concerns of the current cyclone season.

Regional Waste Management Infrastructure Grant CLGF Group Funding

Thanks to the persistence of the Shire of Exmouth Chief Executive Officer, the Shire's of Carnarvon, Shark Bay and Exmouth have finally received the Draft Financial Assistance Agreement (FAA) for the above project. This was a Royalties for Regions: Country Local Government 2011-2012 Regional Group Project that was pushed back to 2013-2014.

Subject to the State Government holding true, the Regional Collaborative Group will receive over \$1.7M towards waste management and recycling infrastructure.

The objective of the project is to preserve the capacity of existing landfill sites within the region. This will reduce the need to develop new landfill sites that are expected to become more costly to own and operate as landfill standards and regulations become more burdensome.

The project aims to increase the diversion of waste from landfill in the Gascoyne, which is consistent with the desired outcomes of the West Australian Waste Strategy. Specifically, the project aims to divert approximately 21% of the regions waste from landfill (Waste Management Infrastructure Cost Benefit Analysis Jan 2012) The Baler is expected to divert approximately 6% of the region's waste from landfill, the glass crusher 1% and the shredder 14% waste diversion.

The purpose of the project is to enable the Gascoyne to manage the regions waste in a more sustainable and resource efficient way. The project will allow recycled materials to be sold [e.g. plastic, aluminium, paper] or re-used rather than buying raw materials [e.g. road base, aggregate].

Improved waste management practices will bring environmental benefits to the region [e.g. less smell, leaching, vermin, and unsightliness] and help ensure the unique natural environment of the Gascoyne region is protected for future generations.

A copy of the CLGF Business Case is attached for further details on the specifics of the project (Refer to *Attachment 2*).

The Regional Collaborative Group was also successful in securing a grant from the Waste Authority of WA for approximately \$95,000 for the appointment of a specialist consultant in the waste and recycling field to project manage and make recommendations to the group on the type of infrastructure best suited to our needs.

Sentinel Chickens & Mosquito Borne Diseases

The University of Western Australia's Sentinel Chicken Bleeding Program is continuing with monthly bleeding of chicken flocks. There are no new positives blood tests to report of Murray Valley Encephalitis, Kunjin Virus or other flaviviruses from the Exmouth flock.

Paltridge Memorial Swimming Pool

	<u>2013</u>	<u>2012</u>	<u>2011</u>
Pool Users	4461	5440	6770

The only changes to the pool hours over the Christmas – New Year period will be closed on Christmas day and no early morning swimming on the 27 & 30 December 2013 and 1 January 2014. The current pool hours are Monday to Friday 11am to 6pm, Saturday 12pm to 6pm and closed Sunday, plus early morning swimming 6.00am to 7.30am Monday, Wednesday and Friday. The pool will also be opening Sundays around mid-late February next year when adequate staff is available. To keep the kids entertained over the Christmas Holidays Aqua Run Fun Days will be happening every Monday and Wednesday plus there will be three Dive In Movies taking place on Saturday evenings.

Australia Day planning is now underway for Sunday the 26th where the pool will open for the usual big breakfast, presentation of the awards and family fun and games.

Hancock Family Medical Foundation Pilbara Swimming Championships 2013

The Pilbara Championships were held at the pool from 22-24 November 2013. The set up for the Championships started on Friday 22 November 6am at the early morning swimming session and went through to 5pm. The swimmers then raced from 5pm to 9pm with 467 people coming through the gate that evening. The Saturday warm-ups ran from 6am to 7am and races commenced from 7am through to 5pm with 484 people coming through the gate that day. Again on the Sunday the warm-ups ran from 6am to 7am and racing from 7am to 2pm with 481 people through the gate on this day. The event ran smoothly and Exmouth won both the handicap division and the out-right points division.

Interim Swimming

After many difficulties in finding available swimming teachers, Interim Swimming commenced on 2 December 2013 and continues to the 13 December 2013. To hopefully ease the burden on the regular swimming teachers an Austswim course for Swimming and Water Safety was organised to run the weekend of 7 & 8 December 2013. Hopefully this will attract some of our local school leavers to give them an opportunity to obtain a valued qualification and secure the future of swimming lessons in Exmouth.

Vac Swim

Vac Swim swimming lessons will be running over the School Holidays from 13 to 24 January 2014.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Environment

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

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

Social

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

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

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.5.1

That the Council of the Shire of Exmouth receive the Executive Manager Health & Building Report for the month of December 2013.

COUNCIL DECISION – 11-1213 – 10.5.1

Moved Councillor Todd, Seconded Councillor Thompson.

That the Council of the Shire of Exmouth receive the Executive Manager Health & Building Report for the month of December 2013.

CARRIED 6/0

10. REPORTS OF OFFICERS**10.5 Executive Manager Health & Building****10.5.2 Amendments to Council's Fees & Charges - Sanitation**

Location: Exmouth
 Applicant: R M Manning
 File Reference: RV.FE.0; WM.SP.2
 Disclosure of Interest: Nil
 Date: 9 December 2013
 Author: Executive Manager Health & Building, R M Manning

Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends that the Council of the Shire of Exmouth adopt amendments to the 2013/2014 Fees & Charges relating to Sanitation (i.e. Tip Fees):-

1. introducing a charge for the disposal of refrigerators, freezers and air conditioners that require de-gassing;
2. introducing a charge for the disposal of steel drums that have not had the lids removed or been cleaned to the satisfaction of Shire officers;
3. increasing the fee for disposal of liquid waste in response to the cost of the future redevelopment of the facility required by the Department of Environment & Regulation (DER); and
4. including provision for the Department of Parks and Wildlife (DPaW) and Yardie Homestead Caravan Park (YHCP) compactor trucks to be charged at half a load outside tourist season.

BACKGROUND

One of the primary changes that the Councils Environmental Health Services is committed to bring about at the waste site is accountability of what the actual costs are to Council to operate the different functions of the waste site. By breaking these costs down across the various activities at the site the Council will have the necessary data to be able to set fees and charges that more accurately reflect the cost of that particular service e.g. General Waste v's Food Pit (Putrescible waste) v's Green Waste etc.

Council Officers engage scrap metal contractors to remove/purchase scrap metal from the Qualing Scarp Waste Disposal Site. Such metals include old car bodies, white goods and heavy & light gauge metal. The removal/sale of these materials is normally coordinated to occur at the beginning of cyclone season (subject to the availability of a suitable contractor). The scrap metal contractors have specific conditions/requirements for what they can and cannot take and/or the condition of certain items before they can take them e.g. refrigerators/air conditioners to be degassed, steel drums (e.g. 44Gal etc) to be thoroughly cleaned out and lids removed, etc.

Earlier this year the Council received a notice from DER that the current septage ponds were not approved by that agency and couldn't be given the current design. A new septage waste facility is planned for construction in the 2014-2015 year (subject to Council approval of the project). If a new facility is not constructed DER will force the closure of the existing one at the tip and the liquid waste contractors will have to cart their loads to Carnarvon or Karratha.

The introduction of rate for compacted putrescibles waste (v's non-compacted) has raised some concerns from the local waste truck operators. Investigations by Shire officers have found the concerns to be justified and a solution is recommended for Council consideration.

COMMENT**Steel Drums**

Shire Officers recently engaged ToxFree from Karratha to take about 50 44Gal drums from the Shire Depot that had been deposited at the waste site. None of these drums met the specified requirements for them to be

recycled via the scrap metal contractor. As many of the drums had small quantities of waste oil in them it was not appropriate to landfill the drums, hence the need for them to be removed by ToxFree for treatment off-site. The total (ToxFree) cost of above process worked out to approximately \$58/drum. This did not include the cost of Shire staff and equipment to relocate the drums from the waste site to the Shire Depot (Nb: DER officers required the drums to be removed from the waste site).

Since the previous backlog of steel drums was cleared, the Waste Site Attendants have not accepted steel drums unless the drums meet the requirements of the steel recycling contractors. For the larger commercial operators this is not such an issue as they are able to engage a company like ToxFree to pick up the drums. However, there is a risk that smaller operators, without such industry contacts may be tempted to illegally dump such drums or attempt to clean/rinse out the drums and dispose of the liquid waste via inappropriate means. Owing to the above it is considered appropriate for the Council to adopt a fee for the disposal of untreated steel drums that would meet cost recovery for the Shire disposing of the same via an appropriate means.

Fridges, Freezers & Air Conditioners

This year (as with previous years) Shire Officers engaged a suitably qualified person to reclaim the refrigerant gasses from fridges, freezers and air conditioners prior to the scrap metal contractor arriving. In the past the Council has borne the cost of the above as a cost of recycling. However, with the cost of the gas reclaiming services increasing significantly and sale price for scrap metals being significantly lower than recent years; it is recommended that Council charge a fee for the acceptance of these items at the waste site to help cover the cost of gas reclaiming.

During the most recent gas reclaiming exercise the average cost per item was over \$30.00. A fee similar to this cost is recommended. Should the person disposing of the item be able to show documented evidence that the item has already been degassed, it is proposed that the gas reclaiming fee would not apply.

Should the Council adopt the above new fee Shire Officer's would communicate this information to the local refrigeration mechanics and air conditioning contractors.

Liquid Waste

The current fees to dispose of liquid waste in the existing septage ponds are:-

- Residents - Free
- Non-Domestic, Contractors & Commercial - \$33/KL; and
- Non rateable properties - \$49/KL

The above fees are minimal in comparison to other Councils but they reflect the minimal capital expense by Council in constructing the facility and the minimal maintenance carried out on the facility since construction. The construction of new liquid waste ponds will need to be a formal pond system with interconnecting ponds in series facilitating anaerobic and aerobic treatment processes and efficient evaporation. The new pond will require a DER Works Approval and must meet DER requirements. The pond compound will need to be larger than it currently is and the ponds will need to be lined with an impervious membrane. The cost of constructing new liquid waste ponds is estimated to be somewhere between \$70,000 to \$100,000.

Council Officers have had discussions with Water Corporation (WC) management about putting in place a temporary arrangement for the local liquid waste to be discharged into Water Corporation's waste water treatment ponds while the new Shire ponds are under construction. During this time the WC will be charging the liquid waste contractors approximately \$100/KL.

The Shire of Broome currently charge \$230/KL, Shire of Roebourne \$84/Tonne, Wyndham/East Kimberley \$165/KL and Derby/West Kimberley \$50/KL.

In recent years both Broome and Wyndham/East Kimberley were subject to similar scrutiny by DER as the Shire of Exmouth experienced several months ago, hence the higher fees to recover costs for the development of industry best practice infrastructure at their respective sites.

To increase the liquid waste disposal fee to the full market rate would be a big impost for local businesses (e.g. restaurants, remote caravan parks etc). Given that the WC will be charging \$100/KL and that in 2014/15

it is likely that the Shire of Exmouth will need to set the fee at \$100 or more/KL, it would be timely to raise the fee in stages. The difference between the current Shire fee and the WC fee would be an appropriate starting point e.g. from \$33 to \$66/KL (\$99/KL for non-rateable properties). It would also be appropriate to give at least one month notice of the fee increase to the local liquid waste contractors prior to implementing the fee.

The listing of ‘Resident – Free’ is recommended to be deleted as liquid waste can only be transported by a licensed liquid waste carrier, therefore this listing is superfluous.

Putrescible Waste – Compacted V’s Non-compacted

When the Council adopted the 2013-14 Fees and Charges, in addition to the usual distinction between rateable and non-rateable properties, the waste type of Putrescible Waste also included separate rates for compacted (i.e. waste delivered by a compacting rubbish truck) and non-compacted putrescibles waste. The volume of waste being calculated based on the volume of waste compacted in a rubbish truck. Most compactor trucks run at a compaction rate of at least 3:1 but when the waste is emptied from the compaction chamber it is no longer in a compacted state. Hence the fee for waste calculated on compacted volume is approx 2.5 x the rate for non-compacted. The fee accounts for the volume of space the waste upon disposal.

The use of a higher fee for compacted waste is common practise at waste sites. However, the implementation of this new rate has raised some concern amongst the local compactor truck operators, particularly outside the tourist season when DPaW & YHCP may be emptying a weeks worth of rubbish from their respective trucks with the truck being less than half full. After much discussion on this issue between local waste truck operators, Shire Officers and the Waste Site Supervisor, it is acknowledged that a compactor truck with a half load (or less) will not be achieving full compaction. The distinction between charging for a compacted load or non-compacted is something that the waste site attendant has the discretion to decide.

Explanatory notes on the Fees & Charges specify that “*When loads/load levels are not visible at ground level, volume to be calculated on the maximum carrying capacity of the vehicle/bin*”. However, it has become apparent that for many months of the year, the compactor trucks operating in the Shire of Exmouth cannot wait until they have a full load to dispose of the waste at the waste site as to do so would mean holding the waste in the truck for extended periods therefore breaching provisions of the Health Local Laws. In consideration of the above it is recommended to introduce an additional footnote to allow the waste site attendant the discretion to charge for a half load of putrescible waste (i.e. one half of the max capacity of the compactor truck).

CONSULTATION

Shire officers have consulted extensively with the local compactor truck operators and the Shire’s waste site attendants in preparing the recommendations of this report.

STATUTORY ENVIRONMENT

Subdivision 2 — Fees and charges

6.16. Imposition of fees and charges

- (1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

* *Absolute majority required.*

- (2) A fee or charge may be imposed for the following —
 - (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
 - (b) supplying a service or carrying out work at the request of a person;
 - (c) subject to section 5.94, providing information from local government records;
 - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
 - (e) supplying goods;
 - (f) such other service as may be prescribed.

- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
 - (a) imposed* during a financial year; and
 - (b) amended* from time to time during a financial year.

* Absolute majority required.

6.17. Setting level of fees and charges

- (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —
 - (a) the cost to the local government of providing the service or goods; and
 - (b) the importance of the service or goods to the community; and
 - (c) the price at which the service or goods could be provided by an alternative provider.
- (2) A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.
- (3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —
 - (a) under section 5.96; or
 - (b) under section 6.16(2)(d); or
 - (c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.
- (4) Regulations may —
 - (a) prohibit the imposition of a fee or charge in prescribed circumstances; or
 - (b) limit the amount of a fee or charge in prescribed circumstances.

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Environment

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

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

Social

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

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

Civic Leadership

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

- Outcome 4.1: To be a collaborative community with the capacity to manage the current and future direction of Exmouth.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION – 10.5.2*That the Council of the Shire of Exmouth:-*

1. *Amend the 2013-2014 Fees and Charges for Sanitation by:-*
 - i) *Introducing a new disposal fee of \$22.00 (incl GST) per item for items from residential and any rateable premises that require refrigerant gasses to be reclaimed prior to recycling (e.g. refrigerators, freezers and air conditioners) and \$33.00 (incl GST) per such item from non-rateable premises;*
 - ii) *Introducing a charge of \$44.00 (incl GST) for the disposal of steel drums from residential and any rateable premises that have not had the lids removed and/or been cleaned to the satisfaction of Shire Officers and \$66 (incl GST) for such drums from non-rateable premises;*
 - iii) *Amending the fees for disposal of liquid waste from “Residential: Free; Non-domestic, contractors and commercial: \$33.00; Non Rateable Properties: \$49.00”, to “Rateable Properties \$66.00 and Non Rateable Properties: \$99.00”; and*
 - iv) *Adding the following wording to the existing “Note” under the heading of “Putrescible Waste”, “However, in relation to compactor trucks operating with loads at half of the maximum capacity of the vehicle or less (e.g. outside tourist season – Oct to March), the waste site attendant has the discretion to charge for a half load.”*
2. *In accordance with Section 6.19 of the Local Government Act 1995, give local public notice of the intent to introduce the above changes to the 2013-2014 Fees and Charges effective from 1 February 2014.*

COUNCIL DECISION – 12-1213 – 10.5.2

Moved Councillor Hood, Seconded Councillor Thompson.

That the Council of the Shire of Exmouth:-

1. *Amend the 2013-2014 Fees and Charges for Sanitation by:-*
 - i) *Introducing a new disposal fee of \$22.00 (incl GST) per item for items from residential and any rateable premises that require refrigerant gasses to be reclaimed prior to recycling (e.g. refrigerators, freezers and air conditioners) and \$33.00 (incl GST) per such item from non-rateable premises;*
 - ii) *Introducing a charge of \$44.00 (incl GST) for the disposal of steel drums from residential and any rateable premises that have not had the lids removed and/or been cleaned to the satisfaction of Shire Officers and \$66 (incl GST) for such drums from non-rateable premises;*
 - iii) *Amending the fees for disposal of liquid waste from “Residential: Free; Non-domestic, contractors and commercial: \$33.00; Non Rateable Properties: \$49.00”, to “Rateable Properties \$66.00 and Non Rateable Properties: \$99.00”; and*
 - iv) *Adding the following wording to the existing “Note” under the heading of “Putrescible Waste”, “However, in relation to compactor trucks operating with loads at half of the maximum capacity of the vehicle or less (e.g. outside tourist season – Oct to March), the waste site attendant has the discretion to charge for a half load.”*
2. *In accordance with Section 6.19 of the Local Government Act 1995, give local public notice of the intent to introduce the above changes to the 2013-2014 Fees and Charges effective from 1 February 2014.*

CARRIED by ABSOLUTE MAJORITY 6/0

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

Location: Exmouth
 Applicant: Nil
 File Reference: LP.PL.0
 Disclosure of Interest: Nil
 Date: 7 December 2013
 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**Planning Applications and Approvals**

Below is a summary of planning applications and approvals up to 12 December 2013.

Applic No	Lodgement Date	Lot	Property Address	Description.	Decision	Date Determined
PA122/13	23/09/2013	304	Minilya-Exmouth Road	Single Dwelling & Garage & Pool Pavilion & Ancillary Accommodation Unit	On Hold	
PA133/13	24/10/2013	143	Hunt Street	Stacked Sea Container	Approved	13/11/2013
PA136/13	28/10/2013	164	11 Maidstone Crescent	Swimming Pool	DECEMBER OCM	
PA137/13	30/10/2013	735	30 Carr Way	Home Occupation - Portable Dog Wash	Approved	12/11/2013
PA138/13	31/10/2013	32	5 Pellew Street	Outbuilding - Storage Shed	Approved	13/11/2013
PA139/13	01/11/2013	215	17 Carpenter Street	Shed Extension	Approved	06/12/2013
PA140/13	01/11/2013	111	Bluefin Cove	Single Dwelling	Approved	12/11/2013
PA141/13	01/11/2013	35	5 Learmonth Street	Carport	Approved	03/12/2013
PA142/13	04/11/2013	422	64 Madaffari Drive	Decking	DECEMBER OCM	
PA144/13	15/11/2013	333	Kestrel Place	Swimming Pool	Approved	02/12/2013
PA146/13	19/11/2013	145	Dugong Close	Two Story Dwelling	Approved	03/12/2013
PA148/13	25/11/2013	269	29 Christie Street	New Holiday Accommodation	Processing	
PA150/13	26/11/2013	20	16 Nimitz Street	Carport	Approved	13/12/2013
PA151/13	27/11/2013	198	Yardie Creek Road	Underground Fuel Storage	Processing	

PA152/13	28/11/2013	843	30 Pellew Street	Patio	Approved	02/12/2013
PA155/13	03/12/2013	310	561 Murat Road	Fencing	Approved	06/12/2013
PA156/13	03/12/2013	73	Murat Road	Sea Containers, Transportable for Accommodation and Office and Fuel Storage	Processing	
PA157/13	03/12/2013	403	Madaffari Drive	Jetty	DECEMBER OCM	
PA158/13	04/12/2013	145	41 Snapper Loop	Home Occupation - Mobile Mechanic	Processing	
PA160/13	06/12/2013	500	Madaffari Drive (R46571)	Commercial Premises - Marine Rescue Building	DECEMBER OCM	
PA162/13	09/12/2013	351	25 Kestrel Place	Single Dwelling and Swimming Pool	Processing	

Summary of Total Planning Applications/Codes Variations

Year	No. Applications
2009-2010	131
2010-2011	149
2011-2012	163
2012-2013	175
2013-2014	67

Review of Local Laws

Council during the November 2013 Ordinary Council Meeting resolved to commence the review of the Local Laws in accordance with the provisions of the Local Government Act 1995. The review is currently being advertised with the public comment period closing on the 31 January 2014.

Also, a Request for Quote (RFQ) advertisement for the preparation and review of the Local Laws was advertised in the Northern Guardian and The West Australian newspaper. Expressions of interest close on 20 December 2013. To date six information packs have been forward to various consulting firms.

Amendment to the Nimitz Street Outline Development Plan

Council is notified that WAPC has resolved to approve the variation to the Nimitz Street Outline Development Plan subject to a number of minor modifications. (Refer to *Attachment 1*)

Disposal of Reserves

Council resolved in November 2013 to dispose of portions of Reserve 47803 (Lot 1477) Madaffari Drive, Exmouth for sale and amalgamation with adjoining lots. The disposal will be advertised next year after the Christmas and New Year holidays.

State Administrative Tribunal – Mediation DR 103/2013 Penfold v Shire of Exmouth

Council is currently still waiting for the SAT determination on the preliminary issue.

Local Planning Scheme and Strategy

Below is a summary of activities and actions undertaken by the consultant for the preparation of the Local Planning Strategy and Scheme;

LSP Mapping

The first Draft of the Local Planning Strategy Mapping (Spatial Plans 1 to 6) was circulated by TBB seeking Shire feedback in November 2013. An all day workshop session at the offices of TBB followed on the 7 November. The workshop process enabled direct feedback from the Executive Manager of Town Planning which proved to be most beneficial to the process and enabled a number of issues to be resolved.

The LSP mapping and corresponding draft reporting was updated to include the decisions made during the workshop session where no further clarification was required, noting there were still outstanding items requiring further consideration.

Subsequently, a detailed TBB Memo dated 22 November was prepared to summarise the outstanding items that did require further input from the Shire. A half day teleconference with Council Officers has enabled TBB to progress with the Final Draft version of the Spatial Plans to a point where the Spatial Plans 1 - 6 were received on the 9 December 2013.

There are elements of the LSP Mapping and recommendations that require site investigation which is proposed for Thursday 19 and Friday 20 December, namely confirmation of Tourist Sites on the West Coast, Vlaming Head Master Plan, Proposed Rural Residential Node, and the Coastal setback – industrial land. The site visit will coincide with the Meeting of Council enabling an update of elected members to take place.

Strategic Plans (A3 size) for Future Residential, Future Tourism, Town Centre, Future Industrial, Conservation Values, and Public Realm are being finalised to support the LPS mapping at a more detailed level. Corresponding *Strategic Objectives* for each Land Use and *Action Statements* will be referenced on the Strategic Plans, which will appear as Figures within the LPS Report.

Issues Paper

- The outcomes of the Issues Paper were discussed with the Executive Manager during the November 2013 workshop session, and will be circulated as a FINAL version (incorporating updated comment) with the LPS Mapping. **Table 2 – Issues Raised During Stakeholder Consultation** of the Issues Paper will form the basis of discussion with the Elected Members on the 19 December.

Land Tenure

- The documentation of Land Tenure for the whole of Shire is complete and will be referenced as a separate figure within the report. Input by Council Officers during October 2013 has been fully incorporated. Copies will be circulated with the Draft LPS Mapping.

Hyd2o Flood Mapping

- Floodplain Mapping/Hydraulic modelling – Hyd2o have completed the mapping of the estimated 1 in 100 year floodplain and shape files have been provided to TBB for incorporation as a layer within the LPS. The Legend has incorporated separate notations for the ‘Estimated 1 in 100 year floodplain’ given that the methodology adopted by Hyd2o is not as complex as the SKM/DoW Modelling (2007) informing the Town site Floodplain mapping. TBB have conferred with Hyd2o (Sasha Martens) and confirm that the Final version of the Hyd2o Report will be issued the Week Beginning 9 December 2013.

Waste Water Treatment Plant and Department of Defence Consultation

- Separate Mapping was prepared by TBB to assist Council’s coming discussions with the Minister and Department of Defence (DoD) personnel in regard to the relocation of the Waste Water Treatment Plant to Commonwealth Land.
- Jim Ghaswala (Water Corporation) has confirmed the buffers and infrastructure shown on the LPS plans are correct and form the basis of WC negotiations with the DoD. It was also discussed whether it was appropriate to define the proposed ‘lease area’ (currently subject to negotiations between the WC and Department of Defence), particularly relevant to the contemplated ‘reservation’ of the site under LPS 4. WC indicated that it would be relevant for the WC’s ‘package’ of information forward to the DoD Canberra to also be made available to the Shire.

Other

- Terra Rosa has provided updated advice to TBB in regard to the European Heritage in an acceptable format for discussion with the LPS Report and ultimately the proposed Scheme 4. Site work on the 19 and 20 December 2013 will include the checking of the site descriptions against the Heritage Inventory documentation.

Ranger Services

Sharlene Williams has been promoted from the Administration team to Ranger Services to assist David with the enforcement of the relevant legislations, especially illegal camping and dog offences. David and Sharlene will be working closely at the beginning of the year to prepare for the forthcoming tourist season.

A summary of the activities performed by Ranger Services during November 2013.

	Dogs	Camping	Parking	Litter	Fire	Off road	Other
Warning/caution	8	0	5	0	145	0	1
Infringement	6	0	2	0	0	0	0
Court	0	0	0	0	0	0	0
November Total	15	0	7	0	145	0	1
2013-2014 Totals	31	54	23	1	145	0	12

Emergency Management

Firebreak Notices

Final Warning notices were issued to 145 property owners in the district for non-compliance with Council's firebreak requirements.

Cyclone Preparedness

The cyclone clean-up was completed in November with a number of properties taking the steps to prepare their properties for this cyclone season.

The Exmouth Local Emergency Management Committee Cyclone Booklet was distributed out into the community for all to use now and when a cyclone develops.

Inspections will continue through December and public notices will be distributed to continue to remind residents to be prepared for cyclones.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Shire of Exmouth Town Planning Scheme No 3

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Economic

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

- Outcome 1.2 - Planned and balanced economic growth.

Environment

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

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

Social

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

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

Civic Leadership

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

- Outcome 4.1: To be a collaborative community with the capacity to manage the current and future direction of Exmouth.

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.6.1

That the Council of the Shire of Exmouth receive the Executive Manager Town Planning Report for the month of December 2013.

COUNCIL DECISION – 13-1213 – 10.6.1

Moved Councillor Todd, Seconded Councillor Winzer.

That the Council of the Shire of Exmouth receive the Executive Manager Town Planning Report for the month of December 2013.

CARRIED 6/0

10. REPORTS OF OFFICERS

10.6 Executive Manager Town Planning

10.6.2 Decking - Lot 422 (64) Madaffari Drive, Exmouth

Location: Lot 422 (64) Madaffari Drive, Exmouth
Applicant: Pebble Beach Constructions
File Reference: A1476 (PA142/13)
Disclosure of Interest: Nil
Date: 29 November 2013
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 decking upon Lot 422 (64) Madaffari Drive, Exmouth. (Refer to *Attachment 2*)

BACKGROUND

- The subject land is currently vacant with no vegetation coverage.
- This proposal seeks Council’s planning approval for an extended lower and upper floor balcony within the Conditional Development Area.
- The lot received conditional planning approval for a dwelling by Council on 17 October 2013.
- The lot received conditional planning approval for a jetty by Council on 17 October 2013.



COMMENT

The development has been assessed against the Shire of Exmouth Town Planning Scheme No. 3, Residential Design Codes of Western Australia and the Exmouth Marina Precinct A detailed design guidelines adopted by Council as Policy.

The application varies the provisions of Local Planning Policy 6.16 with:

- 1.6m side setback in lieu of 3.75m to maintain privacy and view lines to the canal from neighbouring properties.

ISSUES

Privacy Screens on Upper Floor Balcony

The application includes 1.6 metre high privacy screening on the upper floor balcony. This screening will reduce casual surveillance of the canals from neighbouring properties and restricts view corridors. In accordance with the provisions of the Building Code a minimum 1 metre high balustrade is required. A condition has been included which states 1.6 metre high privacy screening on the upper floor decking is not permitted.

Reduced Side Setback

The reduced side setback will have minimal visual impact of the canals from adjoining properties as the decking is an entirely open structure with a maximum 1m high balustrade on both the upper and lower floor decking. The upper floor decking is not covered by a roof and a condition has been included which states 1.6m high screening on the upper floor deck is not permitted. Further no objections have been received from adjoining neighbours following consultation. Officer recommends approval of the reduced side setback.

Stormwater

The applicant has not provided details regarding stormwater. A standard condition has been applied to ensure all stormwater is retained on site or discharged into the Shire road drainage system.

Colour Palette

The applicant has not provided details regarding colour. A standard condition has been applied to ensure compliance with the Shire's adopted colour palette.

Officer recommends that the Council of the Shire of Exmouth grant conditional planning approval for decking upon Lot 422 (64) Madaffari Drive, Exmouth.

CONSULTATION

In accordance with the provisions of Local Planning Policy 6.16 the variations have been notified to adjoining neighbours to provide comment for a period of 14 days from 8 November 2013 to 22 November 2013.

Address	Received	Officer Comment
Lot 421 (62) Madaffari Drive	Do not object. I would prefer not to lose any of our views. I hope this structure still allows us a view to the bridge.	View corridors will be maintained as the structure is entirely open, setback 6m from the canal side of the second retaining wall and balustrades have been conditioned to be a maximum height of 1m.

STATUTORY ENVIRONMENT

Town Planning Scheme No.3
Planning and Development Act 2005

POLICY IMPLICATIONS

Local Planning Policy 6.2: Colour Palette for Developments
Local Planning Policy 6.16: Exmouth Marina Precinct A –Modified Outlined Development Guidelines

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.

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.

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 – 10.6.2

That the Council of the Shire of Exmouth grant planning approval for decking upon Lot 422 (64) Madaffari Drive, Exmouth subject to the following conditions:-

- 1. The development being carried out generally in accordance with the approved plans (PA142/13) (as amended) and the Exmouth Marina Village Precinct 'A' Design Guidelines to the satisfaction of Council Officers;*
- 2. 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;*
- 3. 1.6 metre high privacy screening on the upper level decking is not permitted. All balustrades shall be a maximum height of 1m;*
- 4. Development within 2m of the Conditional Development Area shall be certified by a structural engineer;*
- 5. No structural loading being placed on canal walls;*
- 6. The decking shall have a minimum side setback of 1.6m from adjoining Lot 421 Madaffari Drive;*
- 7. Any additional development not being in accordance with the original application or conditions of approval, as outlined above will require further approval by the Shire of Exmouth. Any commencement of development not subject of a current approval is an offence under the Shire of Exmouth Town Planning Scheme No.3;*
- 8. Any substantial variation from the approved plans contained herein requires a separate planning approval. Should your plans for a building permit differ from these plans, a building permit may not be issued until such time as fresh planning approval is granted; and*
- 9. The approval granted being valid for a period of two (2) years from the date of this approval. Should the use approved not substantially commence within this time, the approval will lapse.*

Advice

- i. *Prior to any construction, the applicant being required to obtain a building permit approval from the Shire of Exmouth.*
- ii. *Due to proximity of the development to the Exmouth Gulf and the possible exposure to high salt laden winds, it is recommended that all structural steel members and external steel cladding be of a type suitable for high saline environments in accordance with the BCA Volume 2.*
- iii. *The approval granted is not to be construed as approval granted under the Building Act 2011, Building Regulations 2012 or any other relevant statutory approval.*
- iv. *An applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with the rules and regulations made pursuant to the Planning and Development Act 2005 (as amended). Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).*

COUNCIL DECISION – 14-1213 – 10.6.2

Moved Councillor Thompson, Seconded Councillor Todd.

That the Council of the Shire of Exmouth grant planning approval for decking upon Lot 422 (64) Madaffari Drive, Exmouth subject to the following conditions:-

1. *The development being carried out generally in accordance with the approved plans (PA142/13) (as amended) and the Exmouth Marina Village Precinct 'A' Design Guidelines to the satisfaction of Council Officers;*
2. *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;*
3. *1.6 metre high privacy screening on the upper level decking is not permitted. All balustrades shall be a maximum height of 1m;*
4. *Development within 2m of the Conditional Development Area shall be certified by a structural engineer;*
5. *No structural loading being placed on canal walls;*
6. *The decking shall have a minimum side setback of 1.6m from adjoining Lot 421 Madaffari Drive;*
7. *Any additional development not being in accordance with the original application or conditions of approval, as outlined above will require further approval by the Shire of Exmouth. Any commencement of development not subject of a current approval is an offence under the Shire of Exmouth Town Planning Scheme No.3;*
8. *Any substantial variation from the approved plans contained herein requires a separate planning approval. Should your plans for a building permit differ from these plans, a building permit may not be issued until such time as fresh planning approval is granted; and*
9. *The approval granted being valid for a period of two (2) years from the date of this approval. Should the use approved not substantially commence within this time, the approval will lapse.*

Advice

- i. *Prior to any construction, the applicant being required to obtain a building permit approval from the Shire of Exmouth.*
- ii. *Due to proximity of the development to the Exmouth Gulf and the possible exposure to high salt laden winds, it is recommended that all structural steel members and external steel cladding be of a type suitable for high saline environments in accordance with the BCA Volume 2.*

- iii. *The approval granted is not to be construed as approval granted under the Building Act 2011, Building Regulations 2012 or any other relevant statutory approval.*
- iv. *An applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with the rules and regulations made pursuant to the Planning and Development Act 2005 (as amended). Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).*

CARRIED 6/0

10. REPORTS OF OFFICERS

10.6 Executive Manager Town Planning

10.6.3 Non-Cyclonic Canal Jetty - Lot 403 (20) Madaffari Drive, Exmouth

Location: Lot 403 (20) Madaffari Drive, Exmouth
 Applicant: Engineered Water Systems
 File Reference: A1588 (PA157/13)
 Disclosure of Interest: Nil
 Date: 4 December 2013
 Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends Council of the Shire of Exmouth grant conditional planning approval for the development of a jetty and mooring posts upon Lot 403 (20) Madaffari Drive in the Exmouth Marina Village Precinct A, prior to development of a dwelling. (Refer to **Attachment 3**)

BACKGROUND

The applicant proposes to construct a jetty and mooring posts upon Lot 403 (20) Madaffari Drive, Exmouth.

The Department of Transport (DoT) gave Council powers to approve “broad development approval” for jetty applications which have been lodged with Council. The term ‘broad approval’ is used; on the basis that no plans that are submitted (other than general location / site plans) will be endorsed.

It has been discussed and agreed upon by Council’s Town Planning Department, Environmental Health and Building Department, and DoT that the basic principles of the Exmouth Marina Village Boat Mooring Management Plan, Standard Operating Procedures and Local Laws should form the basis of any approval, with the technical details regarding design and engineering of the proposed jetties being assessed by the DoT at Jetty license application stage.

- i) Development of a ‘jetty’ is ancillary to a dwelling.
- ii) The proposed jetty will be within the designated mooring envelope.



PROPOSAL

1. Jetty and pontoon structure protruding 8.84m into the canal from the canal setout line.
2. Jetty and Pontoon structure located in the middle of the jetty envelope.
3. Floating pontoon with two mooring posts.
4. Pile cut off level 4.5m AHD.

COMMENT

The proposal for a jetty has been assessed under the Shire of Exmouth Town Planning Scheme No. 3, Local Laws and various Local Planning Policies. These instruments outline the permissibility for this proposal within the Scheme Area. In accordance with the Scheme, a jetty within the Marina zone is classified as an 'IP' use meaning the use is not permitted unless such use is incidental to the predominant use as approved by Council.

Exmouth Marina Village Canal Boat Mooring Management Plan

The jetty proposed is located in Canal 1. Canal 1 is a main floodway. Advice sought from the Department of Transport confirmed that an 8m mooring system with two (2) mooring piles is acceptable in the floodway as the loads on structures from a flood is less than a cyclone. *"In the unlikely event that an 8m boat gets caught on the canal during a flood the loads from a flood should not exceed what the jetty has been designed for."*

ISSUES

Jetty Prior to Dwelling

The applicant seeks Council to consider a variation to approve a jetty prior to the construction of a dwelling. Under Council's Policy the proposal is considered to be an 'IP' use meaning the use is incidental to the predominant use. The Exmouth Marina Precinct A Design Guidelines states:

"It is considered that development ancillary to the main dwelling including gazebos, pergolas, decks, retaining walls, and jetties should be dealt with as if they were listed as a 'permitted' use as long as they comply with any relevant site requirements under these guidelines."

The clause is intended to limit a jetty to be ancillary to a dwelling, encouraging infill residential development to prevent vacant land within the Marina. Generally it is considered that the owner has provided sufficient justification to support approval.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Town Planning Scheme No.3
Planning and Development Act 2005

POLICY IMPLICATIONS

Local Planning Policy 6.16: Design Guidelines for Exmouth Marina Village Precinct A

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.

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 – 10.6.3

That the Council of the Shire of Exmouth grant planning approval for a jetty and mooring posts upon Lot 403 (20) Madaffari Drive, Exmouth subject to the following conditions:-

- 1. The development being carried out in accordance with Local Planning Policy 6.16: Design Guidelines for the Exmouth Marina Village Precinct 'A' to the satisfaction of Council Officers;*
- 2. The development being carried out generally in accordance with the Shire of Exmouth Town Planning Scheme No. 3 and the approved plans (PA157/13) to the satisfaction of Council Officers;*
- 3. The boat mooring and jetty being constructed wholly within the jetty and mooring envelopes for the subject lot;*
- 4. The gangway and pontoon shall be wholly constructed within the jetty envelope being 10.09m from the edge of canal paving and 8.84m from the canal setout line;*
- 5. No boat is permitted to be moored in a manner that allows any part of the boat to extend outside the approved mooring envelope, being 13.8m from the canal setout line;*
- 6. The jetty structure not putting a horizontal surcharge load on the canal wall;*
- 7. No gangway or pontoon structure is permitted to extend beyond the cadastral boundaries of the subject lot;*
- 8. Mooring piles and associated envelope areas not being roofed or having structures built on, around, adjacent to, or within the approved jetty area;*
- 9. The applicant shall obtain a permit for a barge vessel to enter Local Government Property, to carry out construction works in the waterway;*
- 10. All proposed jetty designs are to be approved by the Department of Transport - Coastal Facilities Branch, with engineering plans and detail being in accordance with the Exmouth Marina Village Canal Boat Mooring Management Plan;*
- 11. Any additional development not being in accordance with the original application or conditions of approval, as outlined above will require further approval by the Shire of Exmouth. Any commencement of development not subject of a current approval is an offence under the Shire of Exmouth Town Planning Scheme No.3;*
- 12. Any substantial variation from the approved plans contained herein requires a separate planning approval. Should your plans for a building permit differ from these plans, a building permit may not be issued until such time as fresh planning approval is granted; and*
- 13. The approval granted is valid up to two (2) years from the date of this approval. Should the use approved not substantially commence within this time, the approval will lapse.*

Advice

- i) Prior to any construction, the applicant being required to obtain a building permit approval from the Shire of Exmouth.*
- ii) Enclosed is a copy of the Exmouth Marina Village Canal Boat Mooring Management Plan and Standard Operating Procedures.*
- iii) The maximum powerboat permissible is 8 metres in length in accordance with the Canal Boat Mooring Management Plan.*
- iv) The maximum sail boat permissible is 8 metres in length in accordance with the Canal Boat Mooring Management Plan.*
- v) The mooring of boats shall accord with the Exmouth Cyclone Contingency and Vessel Management Plan.*

- vi) *Council Officers may enter uninvited onto your property, including your vessel or jetty provided the provisions of the Local Government Act are adhered to.*
- vii) *The approval granted is not to be construed as approval granted under The Building Act 2011, Building Regulations 2012 or any other relevant statutory approval.*
- viii) *An applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with the rules and regulations made pursuant to the Planning and Development Act 2005 (as amended). Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).*

COUNCIL DECISION – 15-1213 – 10.6.3
--

Moved Councillor McHutchison, Seconded Councillor Winzer.

That the Council of the Shire of Exmouth grant planning approval for a jetty and mooring posts upon Lot 403 (20) Madaffari Drive, Exmouth subject to the following conditions:-

1. *The development being carried out in accordance with Local Planning Policy 6.16: Design Guidelines for the Exmouth Marina Village Precinct 'A' to the satisfaction of Council Officers;*
2. *The development being carried out generally in accordance with the Shire of Exmouth Town Planning Scheme No. 3 and the approved plans (PA157/13) to the satisfaction of Council Officers;*
3. *The boat mooring and jetty being constructed wholly within the jetty and mooring envelopes for the subject lot;*
4. *The gangway and pontoon shall be wholly constructed within the jetty envelope being 10.09m from the edge of canal paving and 8.84m from the canal setout line;*
5. *No boat is permitted to be moored in a manner that allows any part of the boat to extend outside the approved mooring envelope, being 13.8m from the canal setout line;*
6. *The jetty structure not putting a horizontal surcharge load on the canal wall;*
7. *No gangway or pontoon structure is permitted to extend beyond the cadastral boundaries of the subject lot;*
8. *Mooring piles and associated envelope areas not being roofed or having structures built on, around, adjacent to, or within the approved jetty area;*
9. *The applicant shall obtain a permit for a barge vessel to enter Local Government Property, to carry out construction works in the waterway;*
10. *All proposed jetty designs are to be approved by the Department of Transport - Coastal Facilities Branch, with engineering plans and detail being in accordance with the Exmouth Marina Village Canal Boat Mooring Management Plan;*
11. *Any additional development not being in accordance with the original application or conditions of approval, as outlined above will require further approval by the Shire of Exmouth. Any commencement of development not subject of a current approval is an offence under the Shire of Exmouth Town Planning Scheme No.3;*
12. *Any substantial variation from the approved plans contained herein requires a separate planning approval. Should your plans for a building permit differ from these plans, a building permit may not be issued until such time as fresh planning approval is granted; and*
13. *The approval granted is valid up to two (2) years from the date of this approval. Should the use approved not substantially commence within this time, the approval will lapse.*

Advice

- i) *Prior to any construction, the applicant being required to obtain a building permit approval from the Shire of Exmouth.*
- ii) *Enclosed is a copy of the Exmouth Marina Village Canal Boat Mooring Management Plan and Standard Operating Procedures.*
- iii) *The maximum powerboat permissible is 8 metres in length in accordance with the Canal Boat Mooring Management Plan.*

- iv) *The maximum sail boat permissible is 8 metres in length in accordance with the Canal Boat Mooring Management Plan.*
- v) *The mooring of boats shall accord with the Exmouth Cyclone Contingency and Vessel Management Plan.*
- vi) *Council Officers may enter uninvited onto your property, including your vessel or jetty provided the provisions of the Local Government Act are adhered to.*
- vii) *The approval granted is not to be construed as approval granted under The Building Act 2011, Building Regulations 2012 or any other relevant statutory approval.*
- viii) *An applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with the rules and regulations made pursuant to the Planning and Development Act 2005 (as amended). Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).*

CARRIED 6/0

10. REPORTS OF OFFICERS

10.6 Executive Manager Town Planning

10.6.4 Swimming Pool - Lot 164 (11) Maidstone Crescent, Exmouth

Location: Lot 164 (11) Maidstone Crescent, Exmouth
 Applicant: Designed for Leisure
 File Reference: A523 (PA136/13)
 Disclosure of Interest: Nil
 Date: 4 December 2013
 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 refuse planning approval for a swimming pool upon Lot 164 (11) Maidstone Crescent, Exmouth. (Refer to **Attachment 4**)

BACKGROUND

Ningaloo Safari Tours currently operate from an office as part of an existing building and have a 22 seat bus at the property. The applicant is seeking planning approval for a swimming pool to enhance the facilities of an approved existing caretaker’s dwelling.

Planning Approvals:

- PA79/11 – Planning Approval for portable A Frame sign for Ningaloo Safari Tours.
- CV16/09 – Planning Approval for overheight outbuilding with reduced setbacks. The application was for the expansion of an existing shed to be used for storing goods of the business. The officer considered the shed ancillary development to the approved caretaker’s dwelling on the lot. The Scheme is silent on sheds in the town centre. The oversized outbuilding was approved in December 2009 and has an area of 81m².
- PA67/09 – Planning Approval for a patio and decking at the rear of the caretaker’s dwelling. The decking was approved in September 2009 and has an area of 24.48m².
- PA54/05 – Planning Approval for Office and caretakers’ dwelling. A front room (16m²) is approved for use as an office. The balance of the dwelling is approved as a caretaker’s dwelling (118.48m²). A 22 seat bus will be kept at the rear of the property. Approval was granted in December 2005.



PROPOSAL

- Below ground plunge pool
- 5.5m x 3.5m = 19.25m² swimming pool
- 1.65m deep flat bottom
- 1.2m high pool fence
- Total area used 9m x 6m = 54m². Area surrounding pool to be paved.

Setbacks:

- Rear: 4.5m
- Sides: 3.5m (lot 165), 5.2m (lot 163)
- 3m from existing development

COMMENT

The swimming pool has been assessed under the Shire of Exmouth Town Planning Scheme Number 3, Local Planning Policy 6.4: Caretaker's Dwelling and WAPC Bulletin Number 70: Caretakers Dwellings in Industrial Areas.

Shire of Exmouth Town Planning Scheme Number 3

The subject lot is zoned Town Centre. Swimming Pool is not listed as a permissible use in the Scheme. The swimming pool is considered ancillary development to the approved caretaker's dwelling as the business operating from the lot does not require a swimming pool, and no justification has been provided that the swimming pool is required for the current business operations.

A caretaker's dwelling is listed as an 'IP' use in the Town Centre zone meaning it can only be permitted if it is incidental to the predominant use.

The objectives of the Town Centre zone are:

- a) *To ensure the established town centre remains the principal place for retail, commercial, civic, and administrative functions in the district.*
- b) *To ensure development will not adversely affect local amenities, and will enhance the character of the town centre.*
- c) *To provide for the efficient and safe movement of vehicles (including trucks, buses and caravans) and pedestrians in and around the town centre.*
- d) *To provide sufficient parking spaces for cars, caravans, and buses, without compromising pedestrian movements through the town centre.*
- e) *To provide an increased level of public amenities including public toilets shaded areas, and street furniture.*
- f) *To provide for expansion of the town centre to meet future demands.*

In accordance with the objectives of the Town Centre zone the predominant use of the lot is to be the operations of the Ningaloo Safari Tours, providing a commercial function. As the office and 22 seat bus only comprise a small portion of the lot the predominant use is the caretaker's dwelling. Further expansion of the caretaker's dwelling land use with a swimming pool is considered not to comply with objective a) of the Town Planning Scheme.

5.3.3 Development Requirements states that in considering an application for planning approval for a proposed development (including additions) the Council shall have regard to the following: function of the building and relationship to surrounding development. The function of the proposed swimming pool is an extended use of the approved caretaker's dwelling for private recreational use. The lot at the rear of the subject lot is zoned Residential R17.5 and the lots on both sides are zoned Town Centre.

Caretaker's Dwelling is defined in the Scheme as '*a building used as a dwelling by a person having the care of the building, plant, equipment or grounds associated with an industry, business, office or recreation area carried on or existing on the same site.*'

Local Planning Policy 6.4: Caretaker's Dwelling

It is Council's view that the provision of a caretaker's dwelling can only ever be incidental and ancillary to the predominant use of the land upon which it is established. The predominant use is caretaker's dwelling as the house, decking and shed comprise 243m². The office used for the business is only 16m².

"Predominant Use" means the primary use of premises to which all other uses are carried out on the premises are subordinate, incidental or ancillary.

In accordance with the provisions of the Shire's Caretaker's Policy a caretaker's dwelling is to have a total floor area of 100m² or less and a Caretakers dwelling is to be incidental to the predominant permissible use. Council previously erred in approving the office and caretaker dwelling, oversized outbuilding, and patio/decking. These uses were approved on the basis that they were incidental to the predominant use which in this case was wrongly considered as the caretaker's dwelling. The total area originally approved as a caretaker's dwelling was 118m² exceeding the caretaker dwelling provisions. Because this lot is located in the Town Centre zone, the predominant use should be the commercial function. If Council approves the proposed swimming pool it will jeopardise the future land uses within the Town Centre zone. Council should continue to safeguard the amenity and enhance the character of the Town Centre. Uses that are associated with residential areas should therefore, not be approved within the town centre.

Further 'The caretaker is to acknowledge that the services and amenity normally afforded to a person residing in a residential zoned area is not applicable to the site.' A swimming pool is a facility/amenity which is normally afforded to a person residing in a residential zone.

'In granting planning approval Council is to satisfy itself that the necessity for a caretaker on the site has been adequately established by the proponent, and that the provision of a caretaker's dwelling will not compromise the lawful operations of lawfully established surrounding land uses, nor prejudice future surrounding land uses that could reasonably be expected to be lawfully established.'

The necessity of the swimming pool as an extended recreational use of the caretaker's dwelling has not been adequately provided by the proponent.

WAPC Bulletin Number 70: Caretakers Dwellings in Industrial Areas

'Caretaker dwellings may be a discretionary use in industrial areas accommodating light, service or commercial activity subject to specific provisions included in the scheme which emphasise the incidental nature of the dwelling to the predominant industrial land use and limit the floor area of the dwelling to not more than 100m² in accordance with the model provisions set out below.'

As discussed above the swimming pool for a caretaker's dwelling is not permissible as a caretaker's dwelling is not considered as the predominant use of the land in this zone.

'Criteria for assessing such applications with a view to mitigating any potential impact from existing or potential land uses in the vicinity should be developed as a Council Local Planning Policy. These criteria may include encouraging temporary rather than permanent accommodation structures, placing time limits on use and the design and siting of such dwellings.'

The proposed swimming pool is a permanent structure and does not comply with the suggested provisions above.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Planning and Development Act 2005
Town Planning Scheme No. 3

POLICY IMPLICATIONS

Local Planning Policy: 6.4 Caretakers Dwelling

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONSEconomic

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

- Outcome 1.2 - Planned and balanced economic growth.

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.6.4

That the Council of the Shire of Exmouth refuse planning approval for a swimming pool upon Lot 164 (11) Maidstone Crescent, Exmouth for the following reasons:

1. *The swimming pool is an incidental development to the existing caretaker's dwelling which is the dominant use of the lot. This does not accord with the provisions of the Shire of Exmouth Town Planning Scheme Number 3 and the provisions of the Shire of Exmouth Local Planning Policy 6.4 Caretaker's Dwellings;*
2. *The swimming pool does not meet the objectives of the Shire of Exmouth Town Planning Scheme Number 3 Town Centre zone which is 'To ensure the established town centre remains the principal place for retail, commercial, civic, and administrative functions in the district.';*
3. *In accordance with the provisions of Local Planning Policy 6.4 'The caretaker is to acknowledge that the services and amenity normally afforded to a person residing in a residential zoned area is not applicable to the site.' A swimming pool is a facility/amenity which is normally afforded to a person residing in a residential zone.*

Advice

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

COUNCIL DECISION – 16-1213 – 10.6.4

Moved Councillor Todd, Seconded Councillor Hood.

That the Council of the Shire of Exmouth refuse planning approval for a swimming pool upon Lot 164 (11) Maidstone Crescent, Exmouth for the following reasons:

1. *The swimming pool is an incidental development to the existing caretaker's dwelling which is the dominant use of the lot. This does not accord with the provisions of the Shire of Exmouth Town Planning Scheme Number 3 and the provisions of the Shire of Exmouth Local Planning Policy 6.4 Caretaker's Dwellings;*
2. *The swimming pool does not meet the objectives of the Shire of Exmouth Town Planning Scheme Number 3 Town Centre zone which is 'To ensure the established town centre remains the principal place for retail, commercial, civic, and administrative functions in the district.';*
3. *In accordance with the provisions of Local Planning Policy 6.4 'The caretaker is to acknowledge that the services and amenity normally afforded to a person residing in a residential zoned area is not*

applicable to the site.’ A swimming pool is a facility/amenity which is normally afforded to a person residing in a residential zone.

Advice

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

CARRIED 4/2

Councillor Winzer and Councillor McHutchison voted against.

10. REPORTS OF OFFICERS**10.6 Executive Manager Town Planning**

10.6.5 Cancellation of a Dog Registration

Location: 8B Huston Street, Exmouth
 Applicant: Nil
 File Reference: LE.IN.3
 Disclosure of Interest: Nil
 Date: 6 December 2013
 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 cancel registration number 1400166, for a dog, known as 'Habib' (the dog), described as an unsterilized male tan and white coloured staffy cross that lives at 8B Huston Street, Exmouth which has repeatedly been found uncontrolled in a public place.

BACKGROUND

The pound register shows that the dog has been detained by Council Officers at the Shire's Pound on 5 occasions since February 2013, with the most recent being Monday 2 December.

Undocumented information provided by members of the public and Ranger notations have shown that the dog has been out a number of other times, with the most recent incidents occurring on Friday 29 November, again on the 30 November and then 1 December 2013 which resulted in the latest impounding. Members of the public have reported that they are always seeing the dog wandering uncontrolled but have never made a complaint. Information provided has noted that in recent incidents, the dog has been accessing private properties in which unsterilised female dogs are residing.

Infringement records show that the dog owner has received 6 infringements for the dog being off a leash in public places, with the most recent being as a result on offences committed on the 2 December 2013, 21 November 2013 and again on the 15 November 2013. Records also show none of these infringements have been paid.

COMMENT

With the permission of Council, Ranger Services wish to cancel the registration of the dog, with registration number 1400160 and described as an unsterilised male tan and white coloured staffy cross that lives at 8B Huston Street, Exmouth. The dog is repeatedly exiting the confines of the property in which it usually lives and is causing a nuisance by wandering uncontrolled in public places.

Records show that the owner of this dog is not being a responsible owner of the dog and allowing it to escape the property. With the record of repeated offences, it is not believed that the owner is making an effort to ensure compliance with the Dog Act 1976, especially when the gate to the property is left open on most occasions. Ranger Services believe that the dog is wandering in public places in search of a female mate as he is unsterilised.

If the registration of the dog is cancelled in accordance with the Dog Act 1976, the owner of the dog is able to apply to the State Administrative Tribunal for a review of the decision in accordance with Section 17 as detailed below.

In the best interest of the community and other dog owners, especially those that have unsterilised female dogs, the cancellation of the above registration, will then give authorised officers the required powers to apply for a warrant, from a Justice of the Peace, to seize and detain the dog.

Once seized, Officers make a decision in accordance with the Dog Act 1976, to destroy or otherwise dispose of the dog. It is not believed that the dog will need to be destroyed, but once seized, it can be sterilised and rehomed with a responsible dog owner.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Under Section 16 of the Dog Act 1976, an authorized officer has the power to cancel the registration of a dog if;

- (b) the dog in question has been shown to the satisfaction of the local government to be destructive, unduly mischievous, or to be suffering from a contagious or infectious disease; or*
- (c) the local government is not satisfied that the dog is, or will be, effectively confined in or at premises where the dog is, or will be, ordinarily kept.*

Section 17 goes on to state in the following subsections;

- (1) Where a local government refuses to effect or renew the registration of a dog, or cancels a registration or gives a written notice under section 17A(2), the applicant or the registered owner or owner of the dog, as the case may be, may apply to the State Administrative Tribunal for a review of the decision.*
- (4) If an application is not made under subsection (1) within the time fixed for the making of the application the local government may apply to a Justice of the Peace for an order authorising the seizure of the dog and where the Justice is satisfied that the applicant or the registered owner or owner of the dog, as the case may be, of the dog has been given proper notice of the reason for the decision but has not applied for a review of the decision, the Justice may make an order for the seizure of the dog.*
- (6) If an order for the seizure of the dog is made under subsection (4), the local government may cause the dog to be seized and detained or destroyed or otherwise disposed of as though it had been found in a place in contravention of [section 31](#), [32](#) or [33A](#) and had not been claimed.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Social

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

- Outcome 3.3: An inclusive, responsible and cohesive community.

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER’S RECOMMENDATION – 10.6.5

That the Council of the Shire of Exmouth cancels registration number 1400166, for a dog, known as ‘Habib’, described as an unsterilized male tan and white coloured staffy cross that lives at 8B Huston Street, Exmouth.

COUNCIL DECISION – 17-1213 – 10.6.5

Moved Councillor Todd, Seconded Councillor Hood.

That the Council of the Shire of Exmouth cancels registration number 1400166, for a dog, known as 'Habib', described as an unsterilized male tan and white coloured staffy cross that lives at 8B Huston Street, Exmouth.

CARRIED 6/0

10. REPORTS OF OFFICERS**10.6 Executive Manager Town Planning****10.6.6 Proposed Special Rural Subdivision - Lot 300 Heron Way, Exmouth**

Location: Lot 300 Heron Way, Exmouth
 Applicant: Shire of Exmouth
 File Reference: LP.SU.0.8
 Disclosure of Interest: Nil
 Date: 9 December 2013
 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 Shire of Exmouth Special Rural subdivision upon Lot 300 Heron Way, Exmouth. (Refer to *Attachment 5*)

BACKGROUND

Council is in receipt of a subdivision application from the Western Australian Planning Commission regarding the proposed Special Rural subdivision upon Lot 300 Heron Way, Exmouth.

The application proposes the creation of 11 special rural lots suitable for a dwelling or cottage industry. The subdivision design is consistent with the Shire of Exmouth Town Planning Scheme No. 3 and the Exmouth Townsite Structure Plan.

COMMENT

This subdivision application has been prepared in accordance with the Shire of Exmouth Town Planning Scheme No. 3. 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 as per the WAPC Model Subdivision Conditions Schedule.

The Officer recommends that Council supports the proposed Special Rural freehold subdivision of Lots 300 heron Way, Exmouth.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Planning and Development Act 2005
 Shire of Exmouth Town Planning Scheme No 3
 WAPC Development Control Policy 2.6

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS**Economic**

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

- Outcome 1.2 - Planned and balanced economic growth.

Social

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

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

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.6.6

That the Council of the Shire of Exmouth advise the Western Australian Planning Commission that it supports the application for Subdivision No 149124 for proposed Special Rural subdivision- Lot 300 Heron Way, Exmouth subject to the following conditions and advice being applied:

Buildings and Use

- 1. All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme and Building Regulations of Australia;*
- 2. The landowner/applicant shall provide a written undertaking to the satisfaction of the West Australian Planning Commission to advise prospective purchasers of the provisions of the Local Governments Local Planning Scheme that relate to the use and management of the land;*
- 3. A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: 'The lot(s) is in a Karst Environment. Voids may exist beneath the subsurface.'*

Drainage and Site Works

- 5. Engineering drawings and specifications are to be submitted, approved, and works undertaken in accordance with the approved engineering drawings, specifications and approved plan of subdivision, for grading and/or stabilisation of the site to ensure that finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting.*
- 6. The land being filled, stabilised, drained and/or graded as required to ensure that:*
 - Finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting; and*
 - Stormwater is contained onsite, or appropriately treated and connected to the local drainage system.*
- 7. 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.*

Transport, Roads and Access

8. *Engineering drawings and specifications are to be submitted, approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, to ensure that those lots not fronting an existing road are provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) are constructed and rained at the landowner/applicants cost.*
9. *Engineering drawings and specifications are to be submitted and approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications to ensure that roads that have been designed to connect with existing or proposed roads abutting the subject land are coordinated so the road reserve location and width connect seamlessly, to the satisfaction of the West Australian Planning Commission.*
10. *All local streets within the subdivision being truncated in accordance with the Western Australian Planning Commission Liveable Neighbours policy.*

Water and Sewer Connections

11. *A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: 'A reticulated sewerage service is not available to the lot(s).'*

Advice

- i. *The landowner/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.*
- ii. *In regard to Conditions 8, 9 and 10, the landowner/applicant is advised that the road reserves, including the constructed carriageways and truncations, are to be generally consistent with the approved plan of subdivision.*
- iii. *The applicant/owner is advised that the Department of Environment Regulation 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 Regulation.*
- iv. *All road works 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.*
- v. *The WAPC's approval to subdivision should not be construed as approval to development on any of the lot(s) proposed.*

COUNCIL DECISION – 18-1213 – 10.6.6

Moved Councillor Hood, Seconded Councillor Winzer.

That the Council of the Shire of Exmouth advise the Western Australian Planning Commission that it supports the application for Subdivision No 149124 for proposed Special Rural subdivision- Lot 300 Heron Way, Exmouth subject to the following conditions and advice being applied:

Buildings and Use

1. ***All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme and Building Regulations of Australia;***

2. *The landowner/applicant shall provide a written undertaking to the satisfaction of the West Australian Planning Commission to advise prospective purchasers of the provisions of the Local Governments Local Planning Scheme that relate to the use and management of the land;*
3. *A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: 'The lot(s) is in a Karst Environment. Voids may exist beneath the subsurface.'*

Drainage and Site Works

5. *Engineering drawings and specifications are to be submitted, approved, and works undertaken in accordance with the approved engineering drawings, specifications and approved plan of subdivision, for grading and/or stabilisation of the site to ensure that finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting.*
6. *The land being filled, stabilised, drained and/or graded as required to ensure that:*
 - *Finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting; and*
 - *Stormwater is contained onsite, or appropriately treated and connected to the local drainage system.*
7. *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.*

Transport, Roads and Access

8. *Engineering drawings and specifications are to be submitted, approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, to ensure that those lots not fronting an existing road are provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) are constructed and rained at the landowner/applicants cost.*
9. *Engineering drawings and specifications are to be submitted and approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications to ensure that roads that have been designed to connect with existing or proposed roads abutting the subject land are coordinated so the road reserve location and width connect seamlessly, to the satisfaction of the West Australian Planning Commission.*
10. *All local streets within the subdivision being truncated in accordance with the Western Australian Planning Commission Liveable Neighbours policy.*

Water and Sewer Connections

11. *A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: 'A reticulated sewerage service is not available to the lot(s).'*

Advice

- i. *The landowner/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.*

- ii. *In regard to Conditions 8, 9 and 10, the landowner/applicant is advised that the road reserves, including the constructed carriageways and truncations, are to be generally consistent with the approved plan of subdivision.*
- iii. *The applicant/owner is advised that the Department of Environment Regulation 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 Regulation.*
- iv. *All road works 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.*
- v. *The WAPC's approval to subdivision should not be construed as approval to development on any of the lot(s) proposed.*

CARRIED 6/0

Councillor Winzer declared an impartiality interest in the following report and left the Chambers at 4.07pm.

10. REPORTS OF OFFICERS

10.6 Executive Manager Town Planning

10.6.7 Extensions Exmouth Volunteer Marine Rescue Group – Reserve 46571, Lot 500 Madaffari Drive, Exmouth

Location:	Reserve 46571; Lot 500 Madaffari Drive, Exmouth
Applicant:	Exmouth Volunteer Marine Rescue Group
File Reference:	R46571 (PA160/13)
Disclosure of Interest:	Councillor Winzer
Date:	6 December 2013
Author:	Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer:

Chief Executive Officer, Bill Price

SUMMARY

This report recommends Council of the Shire of Exmouth grant conditional planning approval for the development of building extensions and vehicle storage for the Exmouth Volunteer Marine Rescue upon Reserve 46571, Lot 500 Madaffari Drive in the Exmouth Boat Harbour. (Refer to ***Attachment 6***)

BACKGROUND

The Exmouth Volunteer Marine Rescue Service (EVRS) operates from the Exmouth Marina via the transmission building (Reserve 46571) located in close proximity to the boat launching facility.

Reserve 46571 has a designated purpose of Sea Rescue Station with a Management Order issued to FESA with the power to lease for any term up to 21 years subject to consent of the Minister for Lands.

In November 2012 a letter of support was provided from the Shire to transfer the management order from FESA to Exmouth Volunteer Marine Rescue to align with the status of other marine rescue organisations state wide. Exmouth is the only volunteer marine rescue facility in WA where the land is held by DFES.

Council granted conditional planning approval in July 2007 for an additional boat shed on the western side of the EVRS building. Relevant conditions include:

- The shed roof is to be skillion with the pitch complementary to the EMRS roof pitch
- The highest wall to be adjoining the EMRS building and the roof cladding is to be consistent with the EMRS building.
- Dado walls of at least 1.2m in materials consistent with the EMRS building
- Wall cladding and colour to be complementary to the EMRS building.

The reserve is also serviced by a 3m wide easement which provides essential infrastructure servicing to the EVRS building.



PROPOSAL

1. Training and meeting room attached to the existing building, 10.72m x 8.36m with communal open plan kitchen area;
2. Two Toilets, externally accessible only;
3. A store room enclosed by mesh gates, externally accessible only;
4. Vessel storage areas;
 - o 1 rescue vessel storage area fully enclosed attached to training and meeting room, 7.68m x 3.98m
 - o 1 tow vehicle and rescue vessel storage area fully enclosed attached to training and meeting room, 20.29m x 6.5m. Vehicle access from both sides. Portico at main pedestrian entry.
 - o 1 vessel storage area (future Naiad) attached to existing building and fully enclosed, 4.08m x 9.5m with mesh vehicle entry gates.
5. Landscaping provided at front adjacent entrance portico
6. 10 degree pitched colorbond roof to match existing
7. Plain face Batavia limestone to match existing building and colorbond walls

COMMENT

The proposed extensions have been assessed against the provisions of the Shire of Exmouth Town Planning Scheme No. 3, the Draft: Exmouth Boat Harbour: Development Report and Detailed Design Guidelines and various Local Planning Policies.

Shire of Exmouth Town Planning Scheme No. 3

The subject site is zoned Marina in the Shire of Exmouth Town Planning Scheme Number 3. Relevant objectives of the marina zone are:

1. To create an attractive and viable project.
2. Promote and safeguard health, safety, convenience, environmental quality and the general welfare and amenity of the locality.
3. To encourage a high standard of development within the zone.

The proposed application generally complies with the objectives of the Scheme. The proposed development will provide a benefit to the whole community, create an attractive environment and is of a high standard.

Draft: Exmouth Boat Harbour: Development Report and Detailed Design Guidelines

The Design Guidelines for the Exmouth Marina Village Boat Harbour were prepared to ensure a high standard of construction and ensure it reinforces the project’s unique coastal location. They have been prepared in consideration of the Exmouth Marina Village Outline Development Plan, Exmouth Marina

Precinct A, B and C design guidelines and the original Development Report prepared by Sullivan Commercial and NEX architects.

The Detailed Design Guidelines are currently being reviewed by the Department of Transport and currently in draft. The provisions of this document are to be considered against this proposal but have no legal weighting.

The Design Guidelines classify the site as within Policy Area 1. The proposed extensions could not be classified in the zoning table. The local government may:

- a) *Determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*
- b) *Determine that the use may be consistent with the objectives of the particular zone and therefore follow the advertising procedures of the Scheme in considering an application for planning approval;*
- c) *Determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.*

Relevant objectives of Policy Area 1 are

- To ensure there is no conflict between the boat launching ramp circulation and Policy Area 1 development.

The application generally complies with this objective as the proposed additions are entirely within the boundaries of Lot 500 and maintain vehicle circulation to the boat launching ramp.

Detailed Design Guidelines Provisions		Officer Comment
	All development must take into account disabled access.	This will be taken into account at a building application stage. There is an existing disabled toilet.
Colours, Articulation and Detailing	All development shall be in accordance with Council Policy 6.2 Colour Palettes for developments (as reviewed).	This provision should not apply rather colours should match or complement the existing building. Refer colour issue.
External Lighting	Lighting will be down lighted to reduce sky glare and light spill into the surrounding precincts.	Conditioned refer to lighting issue.
	Appropriate lighting is to be provided to all pedestrian paths, parking areas and building entries.	Conditioned refer to lighting issue.
	Council where appropriate may require a detailed lighting plan.	Conditioned refer lighting issue.
Roof Form	Roofs pitched between 25 and 35 degrees are only acceptable.	The roof is pitched 10 degree to match the existing building. Non-compliant refer roof pitch issue.
External Materials	<p>Externals wall to be at least two (2) of the following materials:</p> <ul style="list-style-type: none"> • Rendered brickwork • Timber boarding • Fibre cement boards • Painted timber or cement weather boarding • Painted flat fibre cement sheet • Custom orb (for walls) • Limestone blocks • Tilt concrete or precast concrete with textured and painted finishes similar to rendered brickwork <p>All exposed external walls including parapet walls fronting a public area shall be treated with external finishes as listed above.</p>	The external materials proposed match the existing development. Non-compliant refer building material issue.

Local Planning Policy 6.10: Landscaping

Council's Landscaping Policy is applicable for assessment of the proposal.

Policy Provisions	Officer Comment
Existing natural vegetation to be retained on site.	Existing Landscaping not shown on the plans. There is existing landscaping on the canal side of the existing marine rescue building. A condition has been included which requires this landscaping to be retained.

ISSUES**Lighting**

In accordance with the provisions of the Draft: Exmouth Boat Harbour: Development Report and Detailed Design Guidelines appropriate lighting to be provided to all pedestrian paths, parking areas and building entries, lighting will be down lighted to reduce sky glare and light spill into the surrounding precincts and Council where appropriate may require a detailed lighting plan. A condition has been included which requires the applicant to submit a detailed lighting plan.

Colour

In accordance with the provisions of the Draft: Exmouth Boat Harbour: Development Report and Detailed Design Guidelines the colour of the building is to accord with the Shire of Exmouth adopted Colour Palette. However the building has been designed to match and complement the existing building with similar materials and roof pitch. Officer recommends that the colour match the existing building to maintain consistency.

Stormwater

The applicant has not provided details regarding stormwater. A standard condition has been included.

Bins and other service fittings

The applicant has not provided details regarding service fittings and fixtures. A standard condition has been included which requires screening from the main road and canal waterway.

Roof Pitch

The applicant is proposing a 10 degree pitched roof for the majority of the proposed development. This varies the requirement of the Draft: Exmouth Boat Harbour: Development Report and Detailed Design Guidelines which requires roof to be pitched between 25 and 35 degrees. The 10 degree roof pitch is recommended for approval as it matches the existing marine rescue building maintaining a consistent theme.

Building Material

The applicant is proposing building materials that are not listed in the Draft: Exmouth Boat Harbour: Development Report and Detailed Design Guidelines. Building materials proposed include colorbond and plain face Batavia Limestone matching the existing Marine Rescue building. The colorbond notates the second storey and provides visual interest with the use of two materials. These materials match and complement the existing marine Rescue building. Officer recommends approval of buildings materials not listed in the Draft: Exmouth Boat Harbour: Development Report and Detailed Design Guidelines.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Town Planning Scheme No.3

Planning and Development Act 2005

POLICY IMPLICATIONS

Local Planning Policy 6.2: Colour Palette for Developments

Local Planning Policy 6.10: Landscaping

Local Planning Policy 6.18: Town Planning Fees

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONSEconomic

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.

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.

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 – 10.6.7

That the Council of the Shire of Exmouth grant planning approval for building extensions for Exmouth Volunteer Marine Rescue Group on Reserve 46571, Lot 500 Madaffari Drive, Exmouth subject to the following conditions;

- 1. The development being carried out generally in accordance with the approved plans (as amended) (PA160/13) and the Shire of Exmouth Town Planning Scheme Number 3 to the satisfaction of Council Officers;*
- 2. The development having external colours that match the existing marine rescue building to the satisfaction of Council Officers;*
- 3. 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;*
- 4. External rubbish bin and all service fittings and fixtures shall not be visible from the public road and the canal waterway;*
- 5. Zincalume is not a permitted building material;*
- 6. The applicant is required to submit a detailed lighting plan for the approval of Council and lighting being established in accordance with that approved plan prior to occupation of the new building/s and approved use of the lot. The lighting plan will include down lighting to reduce sky glare and light spill into surrounding precincts and lighting shall be provided to all pedestrian paths, parking areas and building entries;*

Landscaping

- 7. All proposed landscaping shall be irrigated;*
- 8. Existing natural vegetation on the canal side of the existing marine rescue building shall be retained;*
- 9. Landscaping areas being planted within two (2) months of occupation of the proposed development;*

10. *The discharge of nutrients or chemical substances into waterways is not permitted;*
11. *No fertilisers, other than slow release granular fertilisers specially formulated to reduce nutrient run-off and nutrient infiltration into the water table, being used;*

Other conditions

12. *Any additional development not being in accordance with the original application or conditions of approval, as outlined above will require further approval by the Shire of Exmouth. Any commencement of development not subject of a current approval is an offence under the Shire of Exmouth Town Planning Scheme No.3;*
13. *Any substantial variation from the approved plans contained herein requires a separate Council approval. Should your plans for a building licence differ from these plans, a building licence may not be issued until such time as fresh planning approval is granted; and*
14. *The approval granted being valid for a period of two (2) years from the date of this approval. Should the use approved not substantially commence within this time, the approval will lapse.*

Advice

- i) *Prior to any construction, the applicant is required to obtain a building licence approval from the Shire of Exmouth.*
- ii) *Any future signage requires a separate planning approval.*
- iii) *Due to proximity of the development to the Exmouth Gulf and the possible exposure to high salt laden winds, it is recommended that all structural steel members and external steel cladding be of a type suitable for high saline environments in accordance with the BCA Volume 2.*
- iv) *Plant species used are to conform to Council's Landscape Policy and the recommended species list (attached).*
- v) *The approval granted is not to be construed as approval granted under the Building Act 2011, Building Regulations 2012 or any other relevant statutory approval.*
- vi) *An applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with the rules and regulations made pursuant to the Planning and Development Act 2005 (as amended). Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).*

COUNCIL DECISION – 19-1213 – 10.6.7
--

Moved Councillor Thompson, Seconded Councillor McHutchison.

That the Council of the Shire of Exmouth grant planning approval for building extensions for Exmouth Volunteer Marine Rescue Group on Reserve 46571, Lot 500 Madaffari Drive, Exmouth subject to the following conditions;

1. ***The development being carried out generally in accordance with the approved plans (as amended) (PA160/13) and the Shire of Exmouth Town Planning Scheme Number 3 to the satisfaction of Council Officers;***
2. ***The development having external colours that match the existing marine rescue building to the satisfaction of Council Officers;***
3. ***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;***

4. *External rubbish bin and all service fittings and fixtures shall not be visible from the public road and the canal waterway;*
5. *Zincalume is not a permitted building material;*
6. *The applicant is required to submit a detailed lighting plan for the approval of Council and lighting being established in accordance with that approved plan prior to occupation of the new building/s and approved use of the lot. The lighting plan will include down lighting to reduce sky glare and light spill into surrounding precincts and lighting shall be provided to all pedestrian paths, parking areas and building entries;*

Landscaping

7. *All proposed landscaping shall be irrigated;*
8. *Existing natural vegetation on the canal side of the existing marine rescue building shall be retained;*
9. *Landscaping areas being planted within two (2) months of occupation of the proposed development;*
10. *The discharge of nutrients or chemical substances into waterways is not permitted;*
11. *No fertilisers, other than slow release granular fertilisers specially formulated to reduce nutrient run-off and nutrient infiltration into the water table, being used;*

Other conditions

12. *Any additional development not being in accordance with the original application or conditions of approval, as outlined above will require further approval by the Shire of Exmouth. Any commencement of development not subject of a current approval is an offence under the Shire of Exmouth Town Planning Scheme No.3;*
13. *Any substantial variation from the approved plans contained herein requires a separate Council approval. Should your plans for a building licence differ from these plans, a building licence may not be issued until such time as fresh planning approval is granted; and*
14. *The approval granted being valid for a period of two (2) years from the date of this approval. Should the use approved not substantially commence within this time, the approval will lapse.*

Advice

- i) *Prior to any construction, the applicant is required to obtain a building licence approval from the Shire of Exmouth.*
- ii) *Any future signage requires a separate planning approval.*
- iii) *Due to proximity of the development to the Exmouth Gulf and the possible exposure to high salt laden winds, it is recommended that all structural steel members and external steel cladding be of a type suitable for high saline environments in accordance with the BCA Volume 2.*
- iv) *Plant species used are to conform to Council's Landscape Policy and the recommended species list (attached).*
- v) *The approval granted is not to be construed as approval granted under the Building Act 2011, Building Regulations 2012 or any other relevant statutory approval.*
- vi) *An applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with the rules and regulations made pursuant to the Planning and Development Act 2005 (as amended). Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).*

CARRIED 5/0

Councillor Winzer re-entered the Chambers at 4.09pm.

10. REPORTS OF OFFICERS**10.6 Executive Manager Town Planning****10.6.8 Community Market Proposal – Federation Park, Exmouth**

Location: Federation Park, Exmouth
 Applicant: Exmouth Community Markets
 File Reference: LP.PE.0
 Disclosure of Interest: Nil
 Date: 10 December 2013
 Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends that Council of the Shire of Exmouth refuse the application for the establishment of Community Markets (March to October 2014) on Federation Park, Exmouth.

BACKGROUND

In the April 2011 OCM Council granted conditional approval for the community markets to operate from Niblett Oval.

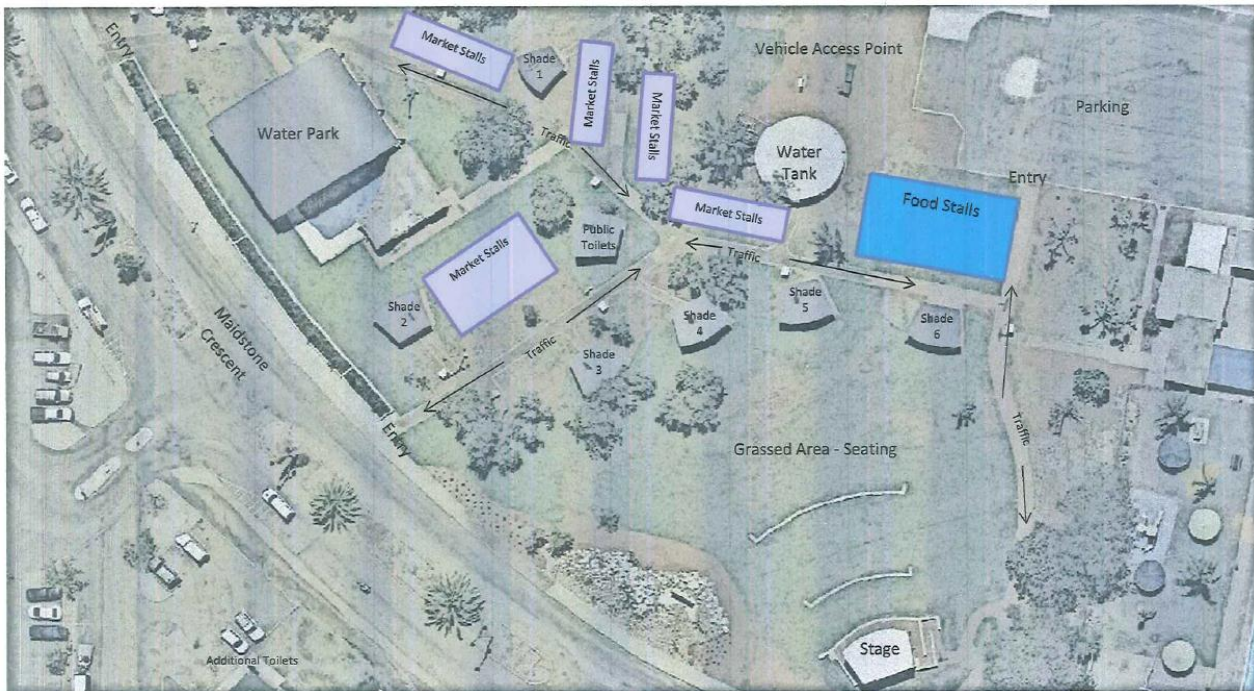
Council has been formally approached to establish the community markets within Federation Park. A letter from the proponent outlining the proposal is attached (Refer to **Attachment 7**). The applicant is requesting the current 300m rule, which prevents the markets from operating within Federation Park be overturned following a collection of 443 signatures acquired via a petition. (Refer to **Attachment 8**)

Issues identified with Niblett oval for the community markets include:

- Large ants attacking people;
- Wind gusts battering marquees and stock displayed at the market stalls; and
- A lack of accessibility and facilities compared to Federation Park.

Operations of the current market:

- Community Market to be held on the final Sunday of each month (excluding January, February, November, December);
- Community Markets to be held during the middle of school holiday breaks Sunday 20 April 2014, Sunday 13 July and Sunday 5 October 2014;
- The site is within 300m from the commercial district and may interfere with trading of the store owners;
- The Community Market will be open to all persons, businesses, companies, community groups wanting to trade any goods or services; and
- Encourage live music to be held on the newly erected stage for the Community Markets.



Site Plan for Exmouth Community Markets 2014

- Marquees all 3x3m

COMMENT

The proposal has been assessed against the *Local Government Act 1995* and *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law*. In determining the Community Market proposal the Council must consider the following relevant clauses of the *Activities in Thoroughfares and Trading in Thoroughfares and Public Places Local Law*.

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

6.5 Relevant considerations in determining application for permit

(2) *The local government may refuse to approve an application for a permit under this Division on any one or more of the following grounds –*

- (a) *that the applicant has committed a breach of any provision of this local law or of any written law relevant to the activity in respect of which the permit is sought;*
- (b) *that the applicant is not a desirable or suitable person to hold a permit;*
- (c) *that –*
 - (i) *the applicant is an undischarged bankrupt or is in liquidation;*
 - (ii) *the applicant has entered into any composition or arrangement with creditors;*
 - or*
 - (iii) *a manager, an administrator, a trustee, a receiver, or a receiver and manager has been appointed in relation to any part of the applicant's undertakings or property; or*
- (d) *that the needs of the district, or the part for which the permit is sought, are adequately catered for by established shops or by persons who have valid permits to carry on trading or to conduct a stall; or*
- (e) *such other grounds as the local government may consider to be relevant in the circumstances of the case.*

6.8 Conduct of stallholders and traders

(2) *A stallholder or trader shall not –*

- (a) *attempt to conduct a business within a distance of 300m of any shop or permanent place of business and has for sale any goods or services of the kind being offered for sale by the stallholder or trader.*

Proposed Location

In consideration of the above, Federation Park for use as community markets does comply with the provisions of the *Shire Of Exmouth Activities on Thoroughfares and Trading in Thoroughfares and Public*

Places Local Law. The application is an attempt to conduct a business within a distance of 300m of any shop or permanent place of business and has for sale any goods or services of the kind being offered for sale by the stallholder or trader. This requirement is in place to protect and support local businesses which have a permanent status in Exmouth.

Also, the Federation Park has recently been upgraded and Council engineering staff is still trying to have the grass irrigated and maintained. It will be premature to allow the markets to be held in Federation Park next year. In summary Council should refuse the request at the present moment following completion of review of all local laws including the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law and by then the grass in the Federation Park will have fully recovered.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government Property Local Law

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Economic

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

- Outcome 1.2 - 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.

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.

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 – 10.6.8

That the Council of the Shire of Exmouth refuse the application for a permit for the establishment of Community Markets upon Federation Park, Exmouth at this time for the following reasons:

1. *The proposal does not comply with the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law. The application does not comply with section 6.8 Conduct of Stallholders and Traders:*

(2) *A stallholder or trader shall not –*
(a) attempt to conduct a business within a distance of 300m of any shop or permanent place of business and has for sale any goods or services of the kind being offered for sale by the stallholder or trader.

2. *The recently planted lawn in Federation Park requires time to fully develop and a lot of care and maintenance is still required to fully grow.*

Advice

The Shire is currently undertaking of review of all local laws including the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law. The applicant is advised to resubmit an application for a permit for the establishment Community Markets upon Federation Park, following completion of revised local laws.

COUNCIL DECISION – 20-1213 – 10.6.8

Moved Councillor Todd, Seconded Councillor Winzer.

That the Council of the Shire of Exmouth refuse the application for a permit for the establishment of Community Markets upon Federation Park, Exmouth at this time for the following reasons:

1. ***The proposal does not comply with the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law. The application does not comply with section 6.8 Conduct of Stallholders and Traders:***

(2) *A stallholder or trader shall not –*
(a) attempt to conduct a business within a distance of 300m of any shop or permanent place of business and has for sale any goods or services of the kind being offered for sale by the stallholder or trader.

2. *The recently planted lawn in Federation Park requires time to fully develop and a lot of care and maintenance is still required to fully grow.*

Advice

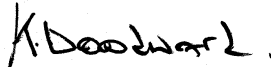
The Shire is currently undertaking of review of all local laws including the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law. The applicant is advised to resubmit an application for a permit for the establishment Community Markets upon Federation Park, following completion of revised local laws.

CARRIED 5/1

Councillor Thompson voted against.

10. REPORTS OF OFFICERS**10.7 Executive Manager Engineering Services****10.7.1 General Report**

Location: Exmouth
 Applicant: Keith Woodward
 File Reference: GV.ME.0
 Disclosure of Interest: Nil
 Date: 12 December 2013
 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**General Reports****Staff**

The Shire's Engineering Services Projects Officer has resigned to commence a new position in Queensland. The decision to fill this position will be made once the project/activity base for Engineering Services is determined in advance of the 2014/2015 financial year.

Murat Road Street Trees

Exmouth has nominated for Tidy Towns 2014 and as part of the Shire's Tidy Towns program Engineering Services is improving the general appearance and sustainability of the entrance road into Exmouth ensuring that it is appropriately designed improving vehicle movement, pedestrian safety and landscaping.

Planning to reconstruct Murat Road commenced in 2006 and the redesign/construct focused on upgrading the existing Type 4 Road to a Type 5 Road building up the residual gravel pavement to full thickness, increasing width, bitumen seal, street lighting and landscaping. In 2007 Main Roads Western Australia conducted a Road Safety Audit and road reconstruction commenced in 2007/08. The Murat Road project is included in the Main Roads Western Australia 'Roads 2030 Program' and funded by the State Black Spot and the Main Roads/Shire 5 Year Roads programs.

The palms along Murat Road will be replaced with Poinciana and Kurrajong trees as Murat Road is developed and reconstructed. The Shire did advertise the availability of palms on the Exmouth Information website and contacted various businesses. Most of the eastern road side date palms were transplanted. Palms have been transplanted under this arrangement since 2008.

General information about the palm removal and replacement was also included in the Shire newsletter.

2013-2014 Engineering Services Construction Program

The Engineering Services Project Schedule 2013/2014 provides an overview of the project start and completion dates. It is important to note that staffing levels, contractor availability, private works and environmental conditions such as cyclone/floods influence the project timeframes. (Refer **Attachment 1** Project Schedule).

COMMENT

Nil

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

As per Shire 2012/2013 Budget

STRATEGIC IMPLICATIONS

Economic

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

- Outcome 1.5: Maintain & Improve Shire Infrastructure

Environment

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

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

Social

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.7.1

That the Council of the Shire of Exmouth receive the Executive Manager Engineering Services Report for the month of December 2013.

COUNCIL DECISION – 21-1213 – 10.7.1

Moved Councillor Todd, Seconded Councillor Thompson.

That the Council of the Shire of Exmouth receive the Executive Manager Engineering Services Report for the month of December 2013.

CARRIED 6/0

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

Nil

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

Nil

13. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS

Nil

14. CLOSURE OF MEETING

The Shire President informed Council that Mrs Shelley Alexanderson and her family are leaving town. Shelley has been heavily involved in numerous sporting clubs and groups in town and will be sadly missed by the community of Exmouth. Shelley was going to attend the meeting however has since tendered her apology, the Council will present a gift to Shelley in appreciation for her contribution to our community.

The Shire President declared the meeting closed at 4.23pm.