



Shire of **Exmouth**

Ordinary Council Meeting Minutes 17 October 2013

CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on 21st November 2013 as a true and accurate record of the Ordinary Council Meeting held on 17th October, 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.

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

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ORDINARY COUNCIL MEETING MINUTES

Our Vision

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

Our Purpose

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

Our Strategic Objectives

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

1. **DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

The Shire President declared the meeting open at 3.06pm, welcomed members of the gallery, Mr Andrew Forte Strategic Project Officer for the Ningaloo Centre and also Ms Amy Rundle from the Department of Commerce.

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

Councillor C (Turk) Shales
Councillor S Fitzgerald
Councillor M Hood
Councillor G Thompson
Councillor R Winzer
Mr R Manning
Mrs S O'Toole
Mrs J Kox
Mr R Kempe
Mr R Mhasho
Mr K Woodward

Shire President
Deputy Shire President

Acting Chief Executive Officer
Executive Manager Corporate Services
Executive Manager Aviation Services
Executive Manager Community Engagement
Executive Manager Town Planning
Executive Manager Engineering Services

GALLERY

Visitors:

8

APOLOGIES

Mr B Price

Chief Executive Officer

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).

Sue McHutchison submitted one question to Council.

Q1. Can we please have a more detailed drawing/explanation of how the great volumes of water are to be handled in the Nimitz Street subdivision, will there be open drains to breed mosquitoes and who will pay for the damages if we do get flooded?

A1. The Shire President informed that the flood mitigation is all taken care of for the Nimitz Street subdivision and asked that Mrs McHutchison arrange to meet with the Executive Manager Town Planning for a full elaboration of the mitigation study that has been undertaken.

Bob Todd submitted one question to Council.

Q1. What is the ruling for people parking on your verge and damaging your kerbing?

A1. The Shire President took this question on notice and an answer will be provided in writing to Mr Todd in due course.

The Shire President informed the Council of matters required to be discussed behind closed doors. As it is Councillor Fitzgerald's last meeting he suggested that Item 13 - Matters to be Considered Behind Closed Doors be brought forward as the next item for discussion.

The gallery left the Chambers at 3.08pm.

13. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS

COUNCIL DECISION – 01-1013 – ITEM 13

Moved Councillor Fitzgerald, Seconded Councillor Thompson.

That the Council of the Shire of Exmouth move Behind Closed Doors at 3.09pm in accordance with the Local Government Act 1995 section 5.23 (2) (A) (C) and (D).

- Legal Matter
- Employee Matter

CARRIED 5/0

13.1 Outstanding Debt – Exmouth Marina Holdings

COUNCIL DECISION – 02-1013 – 13.1
--

Moved Councillor Winzer, Seconded Councillor Thompson.

That the Council of the Shire of Exmouth rescind the previous resolution as outlined in File Reference LS.LI.0.

CARRIED by ABSOLUTE MAJORITY 5/0

COUNCIL DECISION – 03-1013 – 13.1
--

Moved Councillor Fitzgerald, Seconded Councillor Winzer.

That the Council of the Shire of Exmouth carry out the resolution as outlined in File Reference LS.LI.0.

CARRIED by ABSOLUTE MAJORITY 5/0

As the following item is an employee matter Executive Managers were requested to leave the Chambers. Executive Managers left the Chambers at 3.13pm.

13.2 CEO Contract Renewal

COUNCIL DECISION – 04-1013 – 13.2
--

Moved Councillor Hood, Seconded Councillor Thompson.

That the Council of the Shire of Exmouth carry out the resolution as outlined in File Reference PE.RE.14.

CARRIED by ABSOLUTE MAJORITY 5/0

COUNCIL DECISION – 05-1013 – ITEM 13

Moved Councillor Winzer, Seconded Councillor Fitzgerald.

That the Council of the Shire of Exmouth return from Behind Closed Doors at 3.17pm.

CARRIED 5/0

Executive Managers and the gallery re-entered the Chambers at 3.18pm.

5 APPLICATIONS FOR LEAVE OF ABSENCE

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

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

Nil

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

That the Minutes of the Ordinary Meeting of the Shire of Exmouth held on the 19th September 2013 be confirmed as a true and correct record of proceedings.

COUNCIL DECISION – 06-1013 - ITEM 6
--

Moved Councillor Fitzgerald, Seconded Councillor Hood.

That the Minutes of the Ordinary Meeting of the Shire of Exmouth held on the 19th September 2013 be confirmed as a true and correct record of proceedings.

CARRIED

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

The Shire President advised Council and the Gallery of Councillor Stuart Fitzgerald's retirement as Councillor and that this would be his last meeting.

The Shire President advised Council of Exmouth's submission for this year's Tidy Towns competition. The awards night was held in Karratha on Wednesday 16 October 2013 and attended by Keith Woodward Executive Manager Engineering Services, Joanne Gordon Works Coordinator, Ricky Melvin Parks & Gardens Leading Hand and Brooke Shales Executive Secretary.

Exmouth entered 8 categories and Exmouth was the Heritage & Culture Category Winner for the 100 Year Lighthouse Celebration and also the World War II and Lighthouse Heritage Trails.

8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

9. REPORT OF COUNCILLORS


Councillor Hood advised Council of his attendance to a Gascoyne Development Commission Workshop on 8 October 2013 and also his first GDC Board Meeting on 9 October 2013.

Councillor Thompson made a special mention to Councillor Fitzgerald on his retirement as Councillor, thanked him for his contribution to Council during his 8 years of service and wished him all the best for the future. He also wished the other candidates good luck for the upcoming election.

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:	8 October 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 – 10 September 2013

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

Matera and Site Architecture commenced stakeholder/user consultation meetings in Exmouth 17-19 September 2013. The user groups consulted included representatives from the Exmouth Visitor Centre, the Exmouth Cultural Arts Centre, Durack TAFE Exmouth and Shire covering library/administration/community centre/café spaces.

A separate workshop with Durack TAFE (also representing Ningaloo Alliance member UWA) was convened in Geraldton on 9 October 2013 with Durack’s Managing Director Bert Beevers full support. This was accompanied by a tour of their current Batavia Coast Maritime Institute (BCMI) class room and research facilities to gain an understanding of the operational requirements. BCMI Training Director was present to outline the operational characteristic of the laboratories and workshop areas together with electrical, mechanical and hydraulic service requirements enabling a very productive review of user spaces within the education/research elements of the Ningaloo Centre.

All workshop meetings are being minuted to enable action/record of findings. Feedback and supplementary information will collectively be used to produce a final brief and concept plan.

Timing for delivery of this Stage 1 of Phase 1 (Design Services) is end of October. The next meeting to review the distillation of the various user needs will be 24 October 2013 in Perth. Shire agreement to the final brief and concept plans will be provided after due consideration and demonstration that all users group needs can be accommodated. A further week on program has been allowed for this to occur.

Matera advise sub-consultant’s Freeman Ryan Design (interpretive fit out) are now engaged as too Blue Seas Australia (commercial considerations for café/visitor centre/interpretive). Engineering consultants will be engaged by Site Architecture once Stage 2 Schematic Design commences.

Matera Construction will be present for the Shire’s Community Information Session on evening of 17 October 2013 to update those present on progress and field any questions.

2. Department of Regional Development (DRD)

The business case template has been received for the Construction component of the Ningaloo Centre and this will be submitted to the Department this month.

3. Other Grant Applications

A formal application for funding support for the construction and fit out of the Ningaloo Centre (focus elements are community centre with performing arts, visitor centre and interpretive experience) was submitted with Lotterywest on 4 September 2013. No further discussion has eventuated to this point of time. However, the submission was very enthusiastically received and a positive outcome can be expected.

An application for Ningaloo Centre funding support (focus education and the environment) is currently under preparation for submission to Chevron.

4. General

A media release was prepared and released on 24 September 2013 providing information on the contract signing with Matera Construction and the program generally.

'The Ningaloo Centre – Everything there is to know' booklet prepared for the Community has been released.

Community Information Forum

The next Community Information Forum is proposed to be held on Thursday 17 October 2013 at the Shire Hall commencing at 6.30pm. The program will include presentations on the following

- BoM presentation on the forthcoming weather prediction for the Cyclone Season.
- Update on the 2013/14 Council Budget including major projects
- Update on the Ningaloo Centre project.
- New Town Planning Scheme – Results of the Community Workshop
- Other Business.

Local Government Elections

The Returning Officer for the upcoming Local Government Election, Mr Sean Fletcher will be visiting Exmouth on Friday 18 October 2013 to facilitate the final stages of the Election process.

All votes must be posted before 15 October 2013, after this date votes can be handed into the Shire Office up until and including Election day on Saturday 19 October 2013. The Shire Office will be open from 8.00am to 6.00pm. At 6.00pm all votes will be processed and the results announced.

Following the declaration of the results the successful candidates will be officially sworn in at a special meeting of Council on Tuesday 22 October 2013.

Staff

There are no new staffing issues to report.

Other Meetings & Functions attended by the CEO

1. Met with Ziggy Wilkes from Horizon Power on 6 October 2013.

Other Meetings Scheduled for next Month

1. EMES, Works Coordinator, Executive Secretary and myself to attend the Tidy Towns Pilbara Regional Awards Night in Karratha on 16 October 2013.

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

COUNCIL DECISION – 07-1013 – 10.1.1
--

Moved Councillor Fitzgerald, Seconded Councillor Hood.

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

CARRIED 5/0

10. REPORTS OF OFFICERS

10.2 Executive Manager Corporate Services

10.2.1 General Report

Location: Exmouth
 Applicant: S O'Toole
 File Reference: CM.RE.0
 Disclosure of Interest: Nil
 Date: 8 October 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

Karen Holmes, Administration Officer has tendered her resignation from Council and this position is currently being advertised.

2012/13 Financial Audit

Council's Auditors, Anderson, Munro & Wyllie conducted the annual audit of the financials on 11 -12 September 2013. At the time of writing this report, the audited statement is yet to be received.

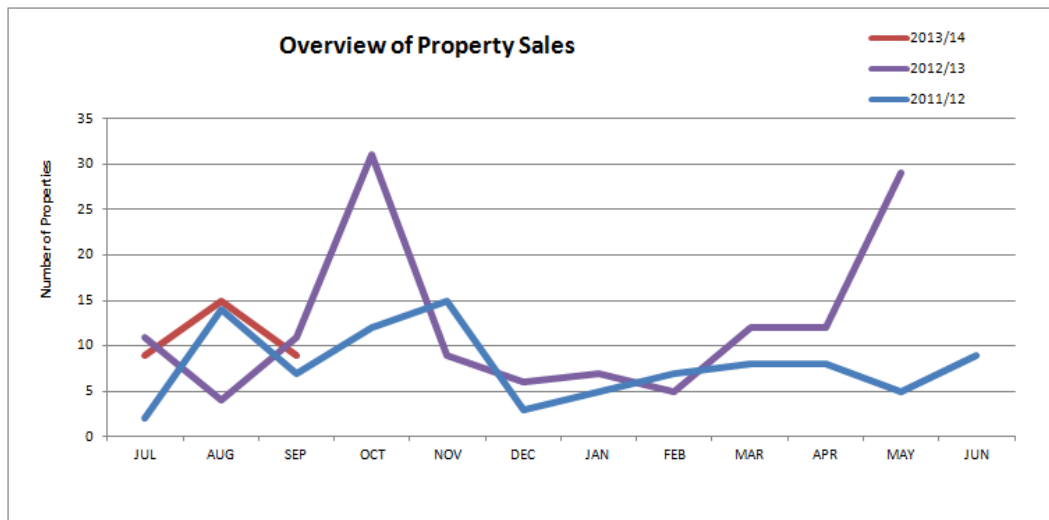
Rating

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
22	Vacant Land	\$7,565,500	\$343,886
9	Residential	\$5,482,500	\$609,167
2	Industrial	\$2,830,000	\$1,415,000
0	Mixed Use	\$0	\$0
0	Composite Devel	\$0	\$0
0	Special Use	\$0	\$0
0	Tourism	\$0	\$0
33		\$15,878,000	

Property Sales	2013/14	2012/13	2011/12
JUL	9	11	2
AUG	15	4	14
SEP	9	11	7
OCT		31	12
NOV		9	15
DEC		6	3
JAN		7	5
FEB		5	7
MAR		12	8
APR		12	8
MAY		29	5
JUN		20	9
	33	157	95

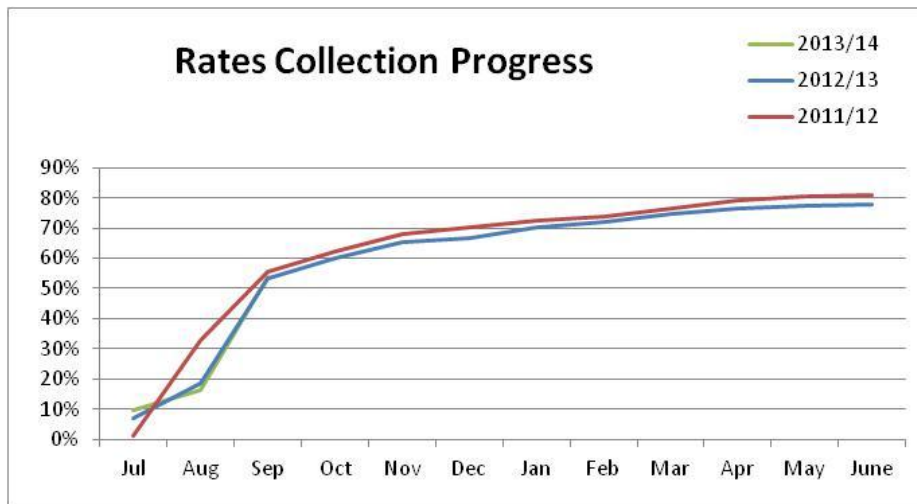
Property Sales (cont.)**Rates Collection****2013/14 Rates Collection Analysis**

	\$
Rates & Charges Levied 2013/14	3,691,237
Arrears 1 July 2012	995,039
Less Collections	(2,508,962)
Total Rates & Charges Outstanding	2,177,314
Less Pensioner Deferred Rates	(18,210)
Total Rates Collectable	2,159,104
% Collected to Date	53.9%
Notices Sent	7/08/2013
Due Date	11/09/2013
Reminder Notice Sent	19/09/2013

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		60%	62%
Nov		65%	68%
Dec		67%	70%
Jan		70%	72%
Feb		72%	74%
Mar		75%	77%
Apr		77%	79%
May		78%	81%
June		78%	81%

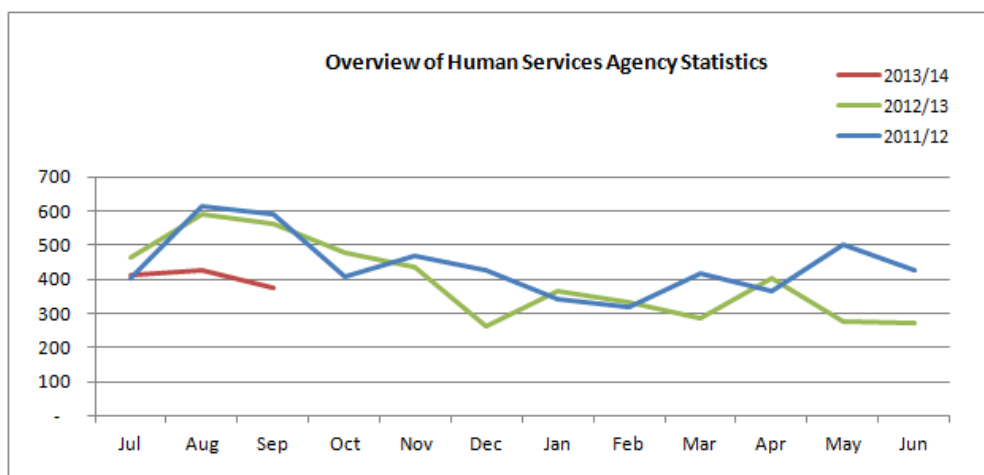
Graphical Overview of Rates Collection



Human Services Agency (formerly Centrelink)

Summary of Agent Statistics for 2013/14:

							Hours of Operation/week		
							12.5	12.5	15
	Lodgement of Forms/Assist with Completion	Referrals to Call Centre & CSC	Assist with use of Equipment & Computer	Respond to General Enquiries	TOTAL		2013/14	2012/13	2011/12
Jul	118	81	13	199	411	Jul	411	464	403
Aug	149	68	21	189	427	Aug	427	592	615
Sep	129	79	19	146	373	Sep	373	560	590
Oct					-	Oct		478	406
Nov					-	Nov		436	469
Dec					-	Dec		262	427
Jan					-	Jan		364	340
Feb					-	Feb		332	320
Mar					-	Mar		285	416
Apr					-	Apr		403	364
May					-	May		278	500
Jun					-	Jun		272	428
TOTAL	396	228	53	534	1,211		1,211	4,726	5,278



CONSULTATION

Anderson, Munro & Wyllie

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.2.1
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That the Council of the Shire of Exmouth receive the Executive Manager Corporate Services Report for the month of October 2013.

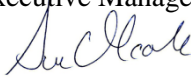
COUNCIL DECISION – 08-1013 – 10.2.1
--

Moved Councillor Hood, Seconded Councillor Winzer.

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

CARRIED 5/0

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

Location:	Exmouth
Applicant:	S O'Toole
File Reference:	FM.FI.0
Disclosure of Interest:	Nil
Date:	9 October 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 September 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:

- The monthly financial report for period ended September 2013 be accepted; and*
 - The accounts as listed in the monthly financial report be received:*
 - Municipal Fund ~ September 2013 \$1,031,710.09 incorporating cheque numbers 12394 to 12444 inclusive and direct debits*
 - Trust Fund ~ \$1,149.10 incorporating cheques numbers 400773 to 400774 and direct debits.*
- Outstanding Creditors totalling ~ \$41,153.36*

COUNCIL DECISION – 09-1013 – 10.2.2
--

Moved Councillor Fitzgerald, Seconded Councillor Winzer.

That the Council of the Shire of Exmouth:


- 1. The monthly financial report for period ended September 2013 be accepted; and*
 - 2. The accounts as listed in the monthly financial report be received:*
 - a. Municipal Fund ~ September 2013 \$1,031,710.09 incorporating cheque numbers 12394 to 12444 inclusive and direct debits*
 - b. Trust Fund ~ \$1,149.10 incorporating cheques numbers 400773 to 400774 and direct debits.*
- Outstanding Creditors totalling ~ \$41,153.36*

CARRIED 5/0

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:	3 October 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 September 2013 Council Meeting agenda report.

BACKGROUND

Defence

The Deed of Operations review has been completed by Department of Defence and the proposed amendments have been accepted with agreed changes. The airlines have been verbally advised of the changes and have indicated their pleasure at the outcome which will allow a quicker approval process for changes to operations. An 'Agreement to vary operations deed for RAAF Base Learmonth' has been executed in anticipation of the changes being incorporated into the Operating Deed proper.

The proposed relocation of the fuel facility is with Defence for consideration. It now seems that the proposal will have to go to a full citing committee, which may take a number of months for a response. Council will be unable to call tenders for the lease of land until such time as Defence has approved this type of facility on the proposed site.

There are no issues arising out of the monthly meetings with Defence. WOFF Everett's replacement will be on-site for 2 weeks from mid-November prior to commencement as Base Manager in January 2014.

Regulatory

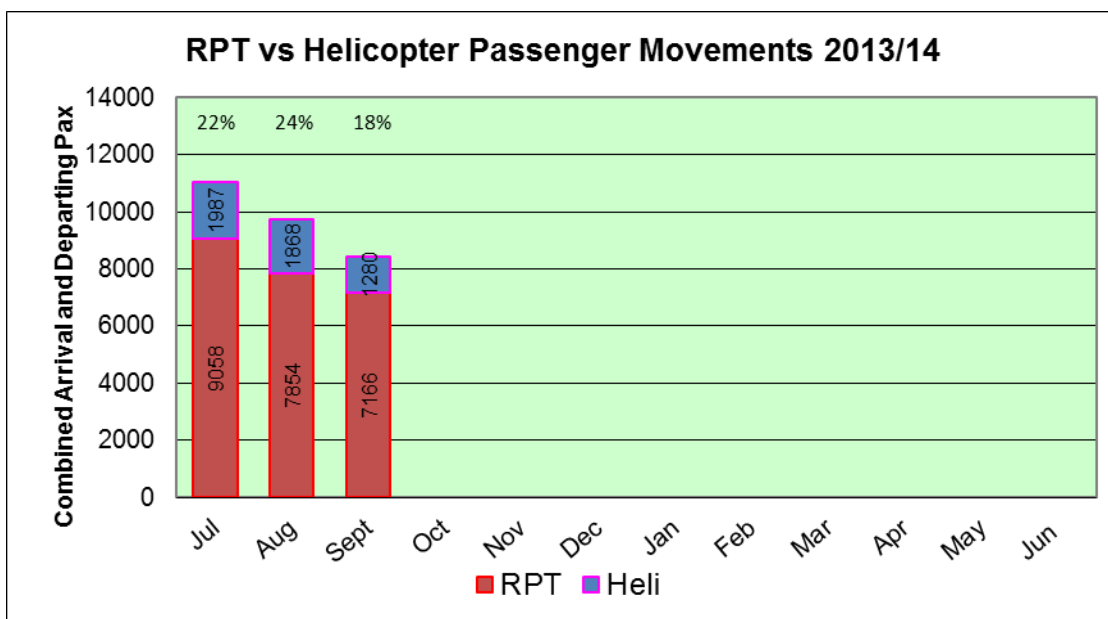
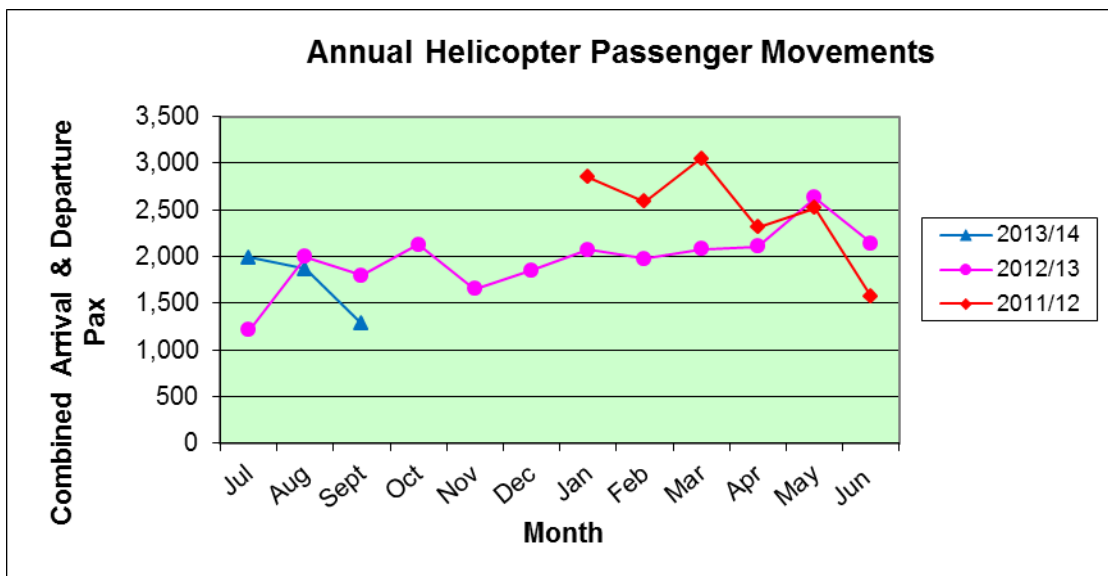
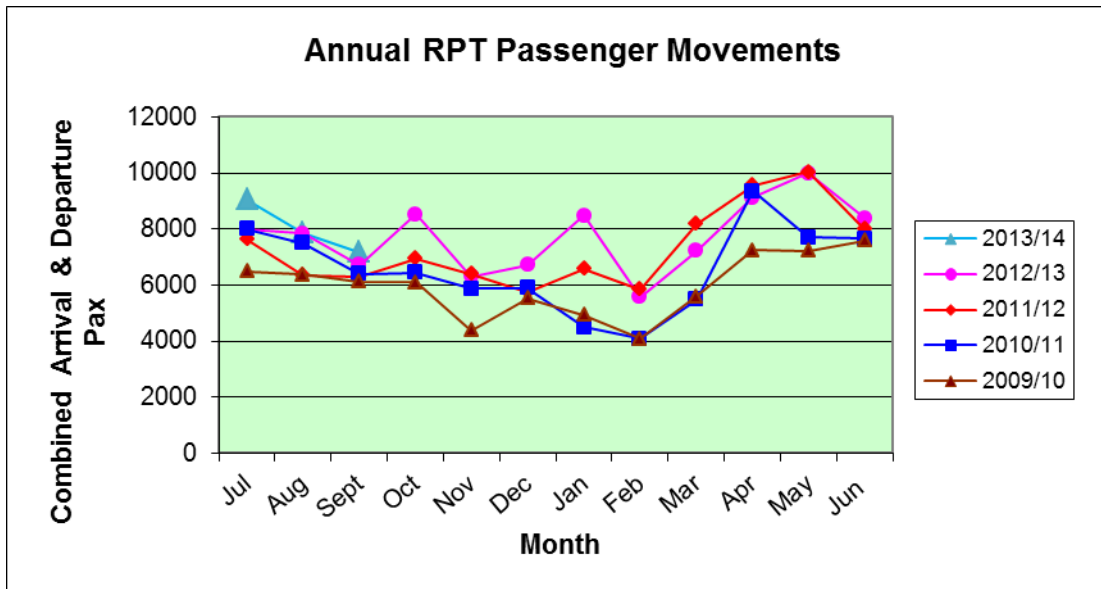
The Draft WA State Aviation Strategy was released on 24 September 2013. In essence, the draft Strategy concentrates on the ability of airports to build and fund infrastructure upgrades and improvements and the governance of airports. A response from Council is being prepared to meet the public comment closing date of 20 November 2013.

Airlines/Air Operators/Industry

VARA will be amending their schedule effective 1 November 2013 to the following: Monday, Friday and Saturday with all flights departing Perth at 1000, arrive Learmonth 1155, depart Learmonth 1225, arrive Perth 1420.

Even with significantly lower helicopter passenger numbers in September, RPT passenger numbers were 460 more than the same period in 2012. It is anticipated that October passenger numbers, even with school holiday traffic, will be lower than 2012 due to the further delay in drilling campaigns.

See the graphical presentation of statistics below.



Airport

Further planning for the live emergency exercise has been undertaken. The exercise will be held on Sunday 3 November 2013.

Heliport

The ninth Learmonth Heliport Consultative Meeting was convened on Tuesday 8 October 2013 and the Oil and Gas Industry remain satisfied with the standard of services provided by the Shire operated Learmonth Heliport. This forum continues to provide the opportunity for issues from all parties to be raised and resolved and also to provide an insight into upcoming helicopter activity.

The heliport has had a quiet month due to the two extended drilling campaigns scheduled to commence in October being delayed due to the drilling rigs still being in use elsewhere.

Staffing

Interviews for a replacement operational staff officer were undertaken on 3 and 4 October 2013 and a preferred candidate selected. It is anticipated this person will be ready to commence within the month.

Pratima Ojha had her final day prior to the birth of her second child on 13 October 2013. A luncheon for Pratima and Sara Dunny-Fox was held on 10 October 2013.

Leasing

A number of draft leases have been sent to Learmonth Airport and Exmouth Aerodrome tenants for their consideration. Detailed survey of Exmouth Aerodrome to the lease allocation plan is underway for inclusion into the leases.

Required advertising for the Bristow and Norwest Air Work leases closed on 25 September 2013 with no submissions received.

At the August 2013 Ordinary Council Meeting it was advised that a draft lease had been sent to Mobil Aviation however this was incorrect, the draft lease is still awaiting completion.

Projects

Nil to update.

Other Items

As mentioned at the September Council meeting, Exmouth Aerodrome was successful in jointly winning the 'Non-Certified Aerodrome of the Year' award at the Australian Airports Associations Gala Awards. A photo was taken at Exmouth Aerodrome with the Shire President, staff from Norwest Air Work and the contractors and staff who assisted in the project for an article in 'The Guardian' in the coming weeks.

Exmouth Aerodrome

Detailed survey of a number of lots has been completed with lot boundaries permanently marked.

Significant repairs to the runway were undertaken on 2-8 October 2013 under works safety supervision by the aerodrome reporting officers to repair rain-affected damage to the northern end of the runway.

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 October 2013.

COUNCIL DECISION – 10-1013 – 10.3.1
--

Moved Councillor Fitzgerald, Seconded Councillor Thompson.

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

CARRIED 5/0

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:	1 October 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

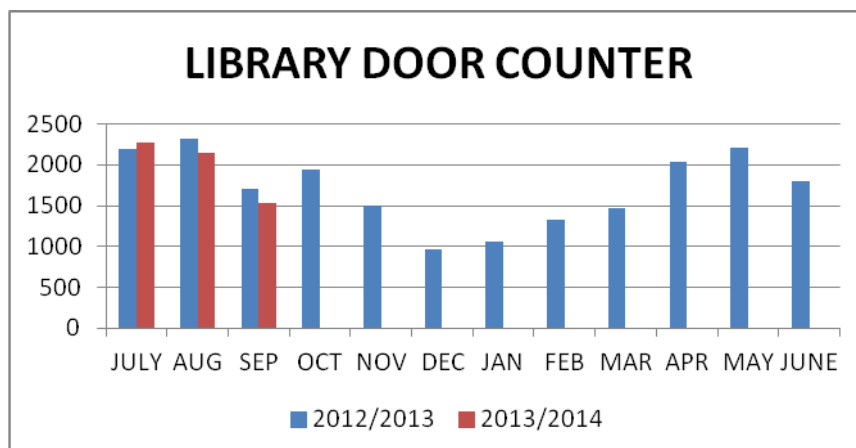
At the OCM of December 2012, Council received the Exmouth Visitor Centre Management Committee's (EVC MC) report titled "*Future Directions of the Exmouth Visitor Centre (December 2012)*".

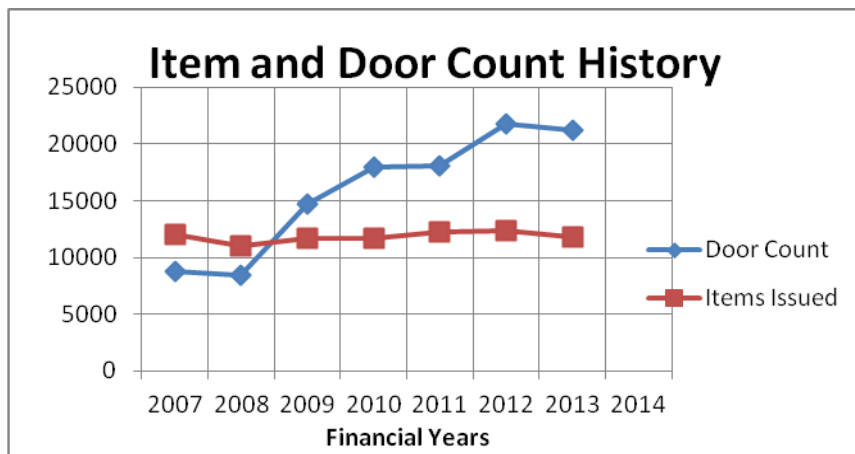
Based on this report and discussions held with the Committee, Council supported the proposal of the EVC MC to develop the Exmouth Visitor Centre into an industry-led management of the Exmouth Visitor Centre with Shire financial and in-kind support.

On 12 September 2013, the Shire of Exmouth and the Exmouth Visitor Centre Marketing Committee formally signed the Funding Agreement between the two parties. More information about the Agreement and reporting requirements are contained in Council Report 10.4.2 of this month.



Library and Community Resource Centre (CRC)





About 2150 people made use of the library facilities for the month of August with 1525 people in September.

Tania Purcell has resigned from the Library effective 29 October 2013 to relocate with her family back to Queensland. Tania has been a great asset to the library team and will be missed. Jane Bowles, our current casual team member, will take up Tania's part time role and the position of casual library officer is currently being advertised.

Community Development

Youth Matters

Ali Schuurmans and Riley Watts are attending ArtsCamp, run by Propel Youth Arts. ArtsCAMP 2013 is about developing the skills necessary to create marketable art. Interest in Arts and having opportunities for young people to be involved in arts activities was one of the priority outcomes of the Exmouth Youth Plan.

Attendees will participate in activities and workshops with the ultimate goal of creating an album and music video from the ground up. It is expected that Ali and Riley will share their experiences and make sure things happen in Exmouth as a result of their attendance in partnership with the YAE group. The Community Activities Officer is accompanying the young people on this trip and she will also gain excellent networking opportunities with fellow arts professionals.

Health Matters

The *Passionately Pink* dinner takes place on Friday 18 October 2013 and all tickets for this event have been sold. We are really pleased with the community's response and it is hoped that everyone will have a great evening and enjoys the guest speaker.

Movember takes place during the month of November, and all participants are encouraged to come along to the clean shave on Thursday 31 October 2013. The purpose of the clean shave is to ensure that there's no cheating and also to harness some competitive spirit between the entrants and possibly corporate teams.

Disability, Access and Inclusion

There will be a screening of "*The Ride*" documentary in Exmouth on 21 October 2013. In this documentary, four middle-aged men from WA swap their wheelchairs for quad bikes and revisit the crash sites that changed their lives forever.

The documentary is touring WA from October - December 2013 to promote road safety and help the WA community to better understand the impact of living with a disability, 'The Ride' is a moving, funny and inspirational film which follows Jim, Anton and Terry (paraplegics) and Craig (quadriplegic) as they 'go bush' on a 5000km quad bike adventure.

The screening is free to attend, at the Shire Hall and the community is encouraged to come along and be inspired and moved by the journeys of the 4 men.

Commemorative Occasions

This month is the 70th anniversary of Operation Jaywick (Krait). As was documented in last month's report, the Shire is marking this by exhibiting story panels produced in partnership with the WA Museum. The

panels will be exhibited as a trail through Ross Street Mall, starting at the Conti Café and panels can be found in Whale shark n Dive Shop, Exmouth Pharmacy, Idaho, IGA, Driftwood Jewellers and finishes at the Kailis shop.

Finally, officers are working with the RSL to plan Remembrance Day, which will take place at the Shire Cenotaph on Monday 11 November 2013.

Whaleshark Festival 2014 and *Gascoyne in May* (GIM)

Preparations have commenced for the programming of the upcoming Whaleshark Festival to be held in the last weekend of May 2014.

As Council is aware, the Shire is also represented on the *Gascoyne in May* committee to assist in the regional coordination and support for all Gascoyne festivals (i.e. TropiCOOL, Gascoyne River Music Festival) to be held in May of each year. Through regional partnership in the GIM committee, additional grant funding has been sourced for the region and many artists and workshops were brought to the Gascoyne shires.

Support for GIM has so far been provided by Country Arts WA and the GDC for the past 3 years, but is ending in June 2014. Regional key stakeholders, including the Shire of Exmouth, have written letters of support for a business case to be presented to the GDC to request for ongoing funding for this initiative.

Media and Community Information

The following Council information was produced and released in the previous month:

- Press release on the visitors from Exmouth, Devon (UK)
- Press release on the Ningaloo Centre; commencement of Design stages.
- Shire newsletter for the month of September
- Information about the Pink October events (Passionately Pink).
- Distribution of Ningaloo Centre brochure to all Exmouth PO Boxes.

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 October 2013.

COUNCIL DECISION – 11-1013 – 10.4.1
--

Moved Councillor Fitzgerald, Seconded Councillor Winzer.

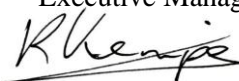
That the Council of the Shire of Exmouth receive the Executive Manager Community Engagement Report for the month of October 2013.

CARRIED 5/0

10. REPORTS OF OFFICERS

10.4 Executive Manager Community Engagement

10.4.2 Exmouth Visitor Centre Reporting on KPI's

Location:	Exmouth
Applicant:	R Kempe
File Reference:	CS.SP.29
Disclosure of Interest:	Nil
Date:	1 October 2013
Author:	Executive Manager Community Engagement, Rogé Kempe
Signature of Author:	
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY

The Council of the Shire of Exmouth supports the Exmouth Visitor Centre operations with a cash contribution and use of the Visitor Centre building. Council requires from the Exmouth Visitor Centre Marketing Committee (EVMCM) bi-annual review reports regarding their achievements against Key Performance Indicators. Officers recommend that Council accepts the first Review Report from the EVMCM as presented with this Council Report.

BACKGROUND

At the OCM of December 2012, Council received the Exmouth Visitor Centre Marketing Committee's (EVMCM) report titled "*Future Directions of the Exmouth Visitor Centre (December 2012)*".

Based on this report and discussions held with the Committee, Council supported the proposal of the EVMCM to develop the Exmouth Visitor Centre into an industry-led management of the Exmouth Visitor Centre with Shire financial and in-kind support.

The Shire of Exmouth has now entered into a formal Funding Agreement with the EVMCM outlining the support provided by the Shire of Exmouth and the conditions for this support. This includes:

- An annual fixed cash contribution of \$220,000 for the first two financial years (2013/14 and 2014/15) with an anticipated reduction in future years (50% of the net profit made by the EVC in the previous financial year).
- The provision of free of rental charge use of the current Exmouth Visitor Centre building and relocation of the EVC into the new Ningaloo Centre in the future.
- Representation of Council on the new proposed EVC Marketing Committee as follows: 1 Council representative (voting member), 1 staff member (non-voting).
- Key Performance Indicators to guide the deliverables by the EVC, and specific reporting requirements for the Management Committee to Council.

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

Evaluation and reporting

- *EVMCM shall conduct evaluations of its performance in relation to the **Key Performance Indicators** and its implementation of the Strategic Plan on a biannual basis in March and September of each year during the Term.*
- *EVMCM shall provide a report to the Shire detailing the results and outcome of each bi-annual evaluation by 1 April and 1 October of each year during the Term, unless otherwise agreed by the Shire.*
- *EVMCM shall additionally provide to the Shire:*

- *a copy of its audited annual statement of accounts for each preceding financial year by no later than 1 November in each year of the Term;*
- *advice of any changes in its office holders or its rules of association; and*
- *any information on EVCMC's membership or other information in relation to the management or activities of EVCMC requested by the Shire to determine EVCMC's compliance with the Key Performance Indicators.*

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

COMMENT

A full Report outlining the achievements against Key Performance Indicators was submitted by the EVCM (refer *Attachment 1*).

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

- Some proposed actions require more time and this is mostly due to the time it took to recruit the new management team;
- Some time frames for actions were too ambitious (various actions to be finalised by Dec 2013); however, most of these have commenced.
- Substantial progress has been made in the improvement of operations and development of procedures like improved Job Descriptions, regular staff meetings and a draft Marketing Plan.

In addition to the KPI reporting, the EVCMC and management identify the following priorities for the next 6 months, including but not limited to:

- Completing the correction of final accounting and financial figures for the financial year just ended; there has been some delay that means the EVCMC will not be able to provide the Shire with audited figures by 1 November as required under the new funding arrangement.
- Ensure financial reporting and procedures are complete and in place for all staff, with a high level of accountability across all EVC staff.
- Research further income generation opportunities to increase revenue generation.
- Reviewing and replacing the current Rules of Association to align with the new sponsorship arrangement – and to ensure the Shire council representative can assign a proxy vote at times when he/she may be unable to attend meetings.
- Finalise and commence implementation of the 12-month targeted marketing plan for the EVC.
- Finalise sponsorship levels along with the member prospectus for 2014-15 year, with particular attention being given to acknowledgement of the Shire funding arrangement and finalisation of the Shire's sponsorship benefits.

Council is advised that the next Key Performance Area report will be presented at the April Ordinary Council Meeting. As part of this and future reports, officers recommended that the EVCMC is requested to also submit:

- Profit & Loss Statement for half year periods, including comparison to preceding year and a Balance Sheet.

A recommendation is included in this report regarding the timing of the submission of the audited financial report.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Economic

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

- Outcome 1.3 – Diverse Tourism opportunities.

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.4.2
--

That the Council of the Shire of Exmouth:

- 1. Accepts the bi-annual Review Report from the Exmouth Visitor Centre Marketing Committee (EVCMC);*
- 2. Request the EVCMC for an Auditor Report to be submitted by January 2014;*
- 3. Request the EVCMC for a Balance Sheet and half yearly P&L statements with comparisons to the same period of the previous financial year, to be presented to Council as part of future bi-annual reporting requirements.*

COUNCIL DECISION – 12-1013 – 10.4.2
--

Moved Councillor Hood, Seconded Councillor Winzer.

That the Council of the Shire of Exmouth:

- 1. Accepts the bi-annual Review Report from the Exmouth Visitor Centre Marketing Committee (EVCMC);*
- 2. Request the EVCMC for an Auditor Report to be submitted by January 2014;*
- 3. Request the EVCMC for a Balance Sheet and half yearly P&L statements with comparisons to the same period of the previous financial year, to be presented to Council as part of future bi-annual reporting requirements.*

CARRIED 5/0

10. REPORTS OF OFFICERS

10.5 Executive Manager Health & Building

10.5.1 General Report

Location: Exmouth
 Applicant: R M Manning
 File Reference: GV.CM.0
 Disclosure of Interest: Nil
 Date: 2 October 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 September 2013.

Building Applications						
Applicati on No	Date Received	Lot No	Development Location	Description	Decision	Decision Date
13/113	22/08/2013	333	Lot 333 Kestrel Place	Single Dwelling		
13/115	27/08/2013	1378	19 Preston Street	Entry Verandah	Approved	04/09/2013
13/117	29/08/2013	998	1 Schmidt Way	Swimming Pool	Approved	03/09/2013
13/119	03/09/2013	1112	Site 220, 1 Nimitz Street	Carport	Approved	
13/120	03/09/2013	1112	Site 220, 1 Nimitz Street	Decking	Approved	
13/121	04/09/2013	1112	Site 216, 1 Nimitz Street	Dwelling	Processing	
13/122	05/09/2013	5	Turnor Street		Approved	
13/123	11/09/2013	963	27 Patterson Way	Shed	Processing	
13/124	17/09/2013	1112	Site 222, 1 Nimitz Street	Outbuilding	Approved	
13/125	17/09/2013	1112	Site 222, 1 Nimitz Street	Patio / Carport	Processing	
13/126	17/09/2013	1112	Site 222, 1 Nimitz Street	Hard Annex	Processing	
13/127	19/09/2013	2	Yardie Creek Road	Ablution block	Approved	
13/128	20/09/2013	790	3 Jones Place	Double storey extension	Processing	
13/130	23/09/2013	195	51 Cobia Close	Single dwelling	Processing	
13/132	20/09/2013	431	82 Madaffari Drive	Jetty	Lapsed	
13/133	25/09/2013	390	19 Corella Court	Jetty	Processing	
13/134	25/09/2013	357	13 Kestrel Place	Jetty	Processing	
13/135	25/09/2013	380	32 Corella Court	Jetty	Processing	
13/136	20/09/2013	418	56 Madaffari Drive	Jetty	Processing	
13/137	26/09/2013	1333	24 Salmon Loop	Fencing	Processing	
13/138	26/09/2013	1030	46 Maidstone Crescent	Pump Shelter	Approved	

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

Year	No. Applications for the Year	Total Value of Works for the Year	No. Applications up 30 September	Value up to 30 September
2007- 2008	114	\$13,465,725.00	33	\$4,909,732.00
2008- 2009	132	\$26,600,941.00	28	\$3,592,252.00
2009 - 2010	198	\$26,916,869.00	39	\$3,017,705.00
2010 - 2011	188	\$24,816,605.00	31	\$7,075,825.00
2011-2012	144	\$23,057,154.00	38	\$9,413,385.00
2012- 2013	150	\$19,931,790.00	47	\$6,091,822.00
2013 -2014			42	\$4,444,204.00

COMMENT

BUILDING

Further to the report provided by the Executive Manager Health & Building (EMHB) at the September '13 OCM relating to two separate jetty installations within the Exmouth Marina Village built/commenced without a Building Permit, the Council is advised that legal advice is currently being obtained with the view of pursuing prosecution. The penalty for a successful prosecution for building without a building permit is a fine of \$50,000 for a first offence.

Following consultation with officers from the Department of Transport (DoT) in Fremantle it is apparent that the same two jetties do not have a DoT Jetty Licence either.

Council Officers are also currently investigating enforcement action that could be pursued in relation to a number of other jetties constructed by the same company whereby the large capping rocks have been discarded into the Councils water way Reserve, rather than being removed from the site.

ENVIRONMENTAL HEALTH

General Duties

The general environmental health functions are continuing with lodging housing premises inspections being a priority in October 2013.

It has come to our attention that a number of Aerobic Treatment Unit operators are again not meeting the conditions of their original approval. Over the past 18 months owners of Aerobic Treatment Unit have had numerous written correspondence and personal visits by the Council's Environmental Health Officer (EHO) to explain to them the necessity to meet the conditions of their 'Approval to Install'. Before such installations can be approved the applicant/owner must sign a 'Maintenance Agreement' which requires them to have their units serviced within specified timeframes. Unfortunately some have chosen to ignore their obligations.

Non-compliant operators of ATU waste water systems will soon be given 14 days to provide the Council's EHO with a copy of the latest service report or they may face prosecution (max penalty \$1,000 and up to \$100 per day for a continuing offence).

Waste Management and Recycling

Earlier this year an officer from the Department of Environment & Regulation (DER) carried out a routine inspection of the Qualing Scarp Waste Disposal Site. The officer identified a couple of issues relating to tyres and the septage ponds that fall outside the operating conditions of the site as a 'Registered Rural Landfill'. Owing to the above it is necessary for the Council to upgrade the status of the facility to a formal Licensed Landfill site pursuant to the Environmental Protection Act.

Council officers had to respond quickly to the DER inspection report, as such the consulting company (Bowman & Associates) that was previously used to develop the Landfill Environmental Management Plan has been engaged to assist Council Officers through the DER approval process. Mr Bowman of Bowman & Associates has already had face to face preliminary meetings with DER officers in Karratha and will be visiting Council officers and the waste site on 10 – 11 October 2013 to finalise a formal response to the DER inspection report.

Clean Up Australia – Great Northern Clean Up: 22 September 2013:

This year's Great Northern Clean Up was a great success with the number of participants greatly exceeding last year's event. Seventy people took part on the day and a total of approximately 1500kgs of assorted waste and rubbish was collected from the following areas:

- Main Road from Pebble Beach turn-off to town
- Town to the north of Snapper Loop
- Town Beach to Golf Beach
- Learmonth and Nimitz Streets (including bush areas)
- Kennedy St
- McLeod Beach to Marina
- Dunes Beach area

A special thanks goes to the twelve US Air Force Servicemen and families who fronted up on the day. A \$200 prize/donation was made available from the Shire to a community group with the largest turn out of members and amount of waste collected. This was well earned by the Cape Board Riders Club of Exmouth with 31 members and a large trailer of waste and rubbish collected from the top of the North West Cape.

Sentinel Chickens & Mosquito Borne Diseases

The University of Western Australia's Sentinel Chicken Bleeding Program is continuing with bi-monthly bleeding of chicken flocks. There were no new positives blood tests to report of for Murray Valley Encephalitis, Kunjin Virus or other flaviviruses from the rounds of testing up to 3 October 2013.

Paltridge Memorial Swimming Pool

	<u>2013</u>	<u>2012</u>	<u>2011</u>
Pool Users	739	1032	1423

The Pool reopened on 15 September 2013 and the Open day proved to be a great success. There were 139 patrons who attended and enjoyed the free entry, Aqua Run, Bouncy castle and other activities on the day.

The Dive In Movies will be running again this summer and for the movie selection the community are again going to have a chance to choose what they would like to view. This will be done with a competition running until 4pm on 19 October 2013, where the community will have a chance to win a free family pass to the movies.

Aqua Run Fun Days have been part of the October School Holiday Program on Mondays and Wednesdays from 3.30pm to 5.30pm.

An Austswim Teacher of Swimming and Water Safety Course is scheduled to take place at the pool from 25-27 October 2013.

Registrations are now open for the pool's Learn to Swim program available for all ages 6 months to adults.

The current pool hours are Monday to Friday 11am to 6pm, Saturday 12pm to 6pm and closed Sunday. Early Morning Swimming will resume Monday 28 October 2013.

The Pilbara Swimming Championships will be held at the Exmouth Paltridge Memorial Swimming Pool on the weekend of the 22-24 November 2013.

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 October 2013.

COUNCIL DECISION – 13-1013 – 10.5.1
--

Moved Councillor Thompson, Seconded Councillor Hood.

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

CARRIED 5/0

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 October 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 7 October 2013.

Applic. No	Lodgement Date	Lot	Property Address	Description.	Decision	Date Determined
PA69/13	21/06/2013	128	Lot 128 Thresher Street	Retaining Walls	On hold	17/07/13
PA73/13	27/06/2013		Lot 555, 847 & Reid Streets Proposed modification to the Nimitz St ODP, Exmouth		October OCM	
PA102/13	21/08/2013	353	21 Kestrel Place	Single Dwelling	Approved	19/09/2013
PA107/13	05/09/2013	195	51 Cobia Close	Single Dwelling	Approved	11/09/2013
PA108/13	06/09/2013	422	64 Madaffari Drive	Jetty	October OCM	
PA109/13	06/09/2013	333	8 Kestrel Place	Jetty	October OCM	
PA110/13	09/09/2013	406	26 Madaffari Drive	Jetty	Approved	25/09/2013
PA111/13	10/09/2013	354	19 Kestrel Place	Fencing	Approved	19/09/2013
PA113/13	13/09/2013	25	12 Learmonth Street	Signage	Processing	
PA114/13	13/09/2013	998	1 Schmidt Way	Gazebo	Processing	
PA115/13	16/09/2013	374	20 Corella Court	Jetty	October OCM	
PA116/13	16/09/2013	392	15 Corella Court	Jetty	Processing	
PA117/13	17/09/2013	470	15 Osprey Way	Single Dwelling	Approved	20/09/2013
PA118/13	18/09/2013	1	132A Madaffari Drive	Holiday Accommodation	October OCM	
PA122/13	23/09/2013	304	Lot 304 Minilya-Exmouth Road	Single dwelling & Garage & Pool Pavilion & Ancillary accommodation	Processing	
PA123/13	25/09/2013	422	64 Madaffari Drive	Single Dwelling	October OCM	
PA125/13	26/09/2013	335	12 Kestrel Place	Jetty	October OCM	
PA126/13	03/10/2013	275	28 Christie Street	Home occupation	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	42

COMMENT**Exmouth South Structure Plan**

The Structure Plan was approved by the Statutory Planning Committee on 27 August 2013 subject to a number of modifications. TME consultants have made the modifications as per the WAPC letter thereafter 3 copies of the plan were sent to WAPC for endorsement.

Town Planning Scheme No. 3 - Scheme Amendment 27 - Lot 1, 101, 112 & 220 Minilya- Exmouth Road

The Scheme amendment was presented to the Statutory Planning Committee on 27 August 2013.

RPS Planning Consultants have made the modifications and corrections to the scheme amendment documents as per the WAPC letter. Three (3) copies of the amendment were sent to WAPC on 19 September 2013 for the finalisation & gazettal process.

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

On 30 August 2013 the parties responded to each other's submissions. We are currently still waiting for the SAT determination on the preliminary issue.

Affordable Housing in Exmouth

Council in conjunction with the Department of Housing (DoH) are currently working on the Exmouth Key Worker Housing Project. The DoH Communications and Marketing Department have distributed a survey questionnaire to the business owners in town through the Exmouth Chamber of Commerce to determine who and how many houses are required or at least to determine if we can adequately fill up the proposed 20 dwellings and what their configurations should be.

New Caravan Park

Tourism WA has engaged Porter Consulting Engineers to undertake the servicing reports for the Exmouth proposed caravan park based on the pre-feasibility study undertaken by AEC.

Approval of freehold Subdivision Lot 1346 Tambor Drive

The Western Australian Planning Commission has approved the subdivision of Lot 1346 Tambor Drive. The subdivision will yield a total of 2 lots. (Refer to *Attachment 1*).

Ranger Services

A summary of the activities performed by Ranger Services during September 2013 is outlined in the table below.

	Dogs	Camping	Parking	Litter	Fire	Off road	Other
Warning/caution	1	0	2	0	0	0	1
Infringement	0	3	0	0	0	0	0
Court	0	0	0	0	0	0	0
September Total	1	3	2	0	0	0	1
2013-2014 Totals	11	50	10	0	0	0	10

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

COUNCIL DECISION – 14-1013 – 10.6.1
--

Moved Councillor Thompson, Seconded Councillor Hood.

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

CARRIED 5/0

10. REPORTS OF OFFICERS

10.6 Executive Manager Town Planning

10.6.2 Final Adoption -Major Modification - Nimitz Street Outline Development Plan

Location: Lot 847 (R31212), and UCL, Lot 500 (R50806)
 Applicant: RPS on behalf of LandCorp
 File Reference: LP.SU.0.6
 Disclosure of Interest: Nil
 Date: 4 October 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 adopt the Major Modification to the Nimitz Street Outline Development Plan and within 21 days the Council forward the Outline Development Plan, a summary of all submissions and its recommendation to the Western Australian Planning Commission.

BACKGROUND

On 1 August 2013 the Council of the Shire of Exmouth resolved;

That the Council of the Shire of Exmouth adopt the major departure and modification to the Outline Development Plan (ODP) for Nimitz Street, Exmouth and advertise the major modification for a period of not less than 21 days, notifying all adjacent owners and relevant public authorities subject to the following modifications:

- *Submit a landscaping plan showing how proposed development of Public Open Spaces with an area less than 0.4ha and development of Public Open Spaces adjoining areas set aside for drainage being will be developed and*
- *Modify the ODP to include two (2) additional intersections with Reid Street.*

Public authorities and owners of land likely to be affected by the major departure and modification to the Outline Development Plan received written notice inviting each owner and nominated public authority to make a submission. In addition the plan was advertised broadly within the Northern Guardian, public notice boards and the Shire website inviting the community to comment on the Plan.

Consultation was undertaken for a period of 21 days and submissions were accepted in writing on or before 4.00pm Wednesday 25 September 2013

COMMENT

The Outline Development Plan can be assessed under clause 5.2.3 of the local planning scheme. Clause 5.2.3 outlines the approval process and specifically subclause (e), (g) and (h) below; highlighting the process should Council resolve to adopt the Plan.

- (e) *The Council is to consider any submissions received and resolve to:*
 - (i) *approve the Outline Development Plan with or without modifications; or*
 - (ii) *refuse to adopt the proposed Outline Development Plan...*
- (g) *Within 21 days of making its determination under sub-clause 5.2.3 (e), or deemed refusal under sub-clause 5.2.3 (f) the Council is to forward the Outline Development Plan, a summary of all submissions and its recommendation to the Commission.*

- (h) The Commission is to consider the Outline Development Plan and information supplied by the Council and resolve to:
- (i) approve the Outline Development Plan with or without modifications; or
- (ii) refuse to adopt the proposed Outline Development Plan."

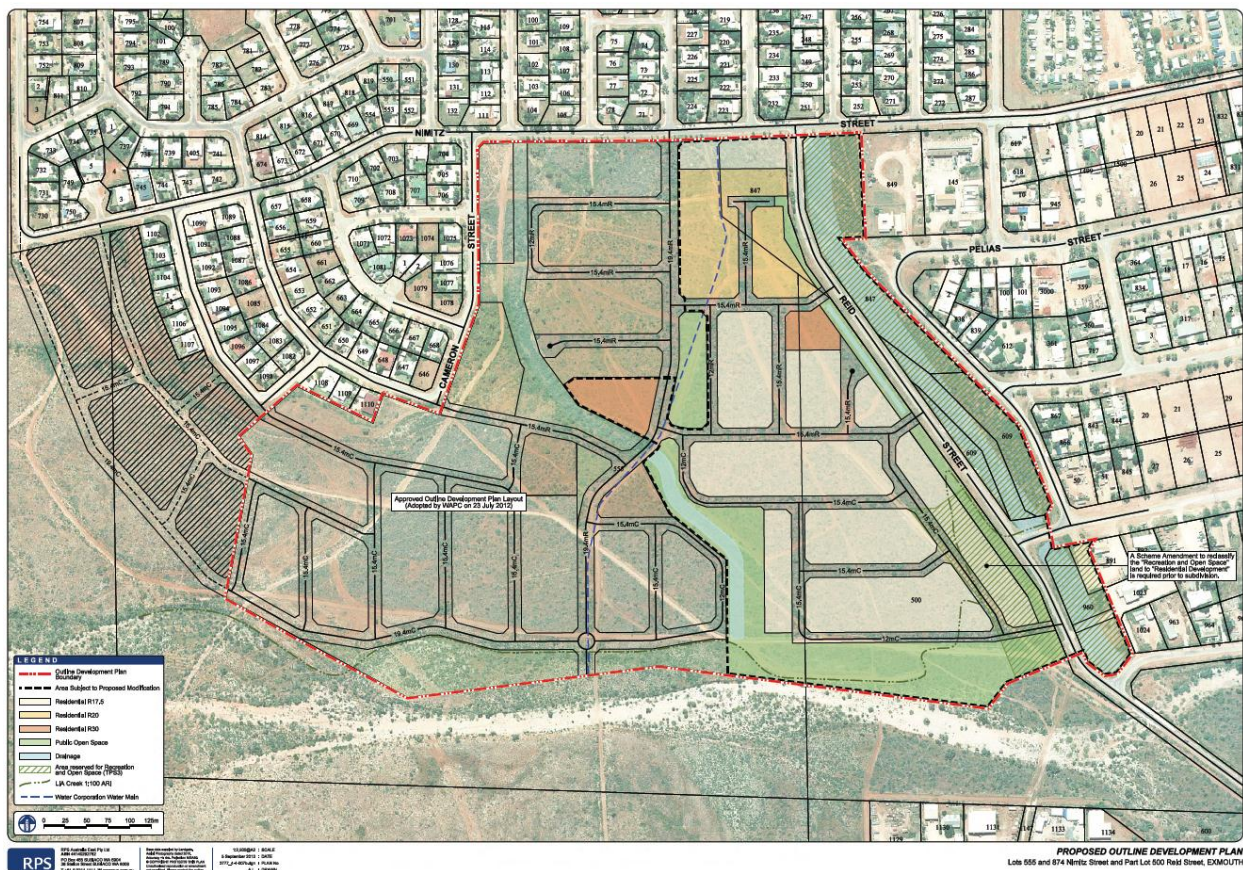
ISSUES

Council Requirement to Prepare Landscaping Plan

Council resolution in August 2013 required the applicant to prepare a landscaping plan showing how proposed development of Public Open Spaces with an area less than 0.4ha and development of Public Open Spaces adjoining areas set aside for drainage will be developed. The applicant has advised they will address this condition at a subdivision level rather than include it in the Outline Development Plan. This is considered appropriate in accordance with WAPC guidelines and provisions.

Requirement to provide Two (2) Additional Connections to Reid Street

Council resolution in August 2013 required the applicant modify the ODP to include two (2) additional intersections with Reid Street. The applicant has complied with this condition modifying the plans to include two additional connections with Reid Street as required.



CONSULTATION

In accordance with the Shire of Exmouth Town Planning Scheme No3 the ODP, when prepared, is required to be publically advertised for a period of time not less than 21 days. Adjacent properties were invited to comment with the comments period closing on the Wednesday 25 September 2013. A summary is tabled below:

No	Submission From	Remarks	Recommendations	
			Shire of Exmouth	WAPC
1	Main Roads Gascoyne PO Box 480 Carnarvon WA 6701	As no road under care and responsibility of Main Roads is affected, Main Roads has no formal objection. Comment that 4 way intersection in either roundabout as will requires	Noted	

		regulatory sign control.		
2	Simon Rodgers Floodplain Management Department of Water 168 St Georges Terrace, Perth WA 6842	<p>With regard to this proposed amendment to the ODP, the following comments are provided:</p> <ul style="list-style-type: none"> i) As a result of proposed development/filling of the 100 year ARI floodplain in the SE corner of the ODP area, the 100 year ARI flood levels are expected to increase slightly. Further investigation will be required to confirm that the design of the flood mitigation works at the rear of the Koolinda Way properties are not compromised. ii) We would expect that the proposed development within the floodplain would have minimal impact upstream. iii) Minimum habitable floor levels of 0.5 metre above the appropriate 100 year ARI flood level are recommended to ensure adequate flood protection <p>We have no objection to the proposed amendment subject to the above discussion.</p>	<p>To be addressed at a subdivision level, with stormwater management plans.</p> <p>Noted</p> <p>Noted, to be addressed through stormwater and urban water management plans at a subdivision level.</p> <p>(Should not be amended)</p>	
3	G & E Culmsee PO Box 118 Exmouth	<p>We are concerned about the environmental impact of the removal of the bush buffer zone between Reid Street and Carter Road, as it provides a visual and noise barrier and a corridor for native wildlife. On the updated plan it shows almost 80% bush removal for drainage. The original showed drainage on the west side of Reid street which we think would be better. There should also be a buffer on this west side of Reid Street.</p> <p>The original plan had 3 access roads on to Reid St which would allow for the large increase in traffic and better escape routes in case of fires.</p>	<p>On behalf of LandCorp, we wish to advise that there will be some clearing of vegetation for the purposes of drainage management within this area. This clearing will be minimal and it will be revegetated as required. Importantly however, the ability for this corridor to act as a visual buffer between the future residential area and the existing light industrial area will be maintained.</p> <p>The revised plan has been updated to include 3 access roads to Reid Street, as per Council resolution.</p> <p>(Should not be amended)</p>	
4	Alan Waddingham 20 Carpenter Street Exmouth	Yet again someone is trying to change the natural water course with all of the blocks being proposed for this area and living in the town for 40 years I am	The Department of Water have advised the proposed development would	

		<p>concerned for the people and properties that already exist in the town for flooding and back up of water from storms (if you want to know more just ask) If the new water course is taken who will foot the bill for existing housing along Pelias /Carter roads when it floods?</p> <p>In the new proposal fancy placing R30 housing over the town's only water supply line!</p> <p>I believe the POS in the first proposal is just enough without squeezing every last piece of land out. Extra runoff from the land development will affect the unfinished creek levy at the rear of my Griffiths way property – who pays for damages?</p>	<p>have minimal impact upstream.</p> <p>Stormwater and urban water management plans are required as part of subdivision.</p> <p>(Should not be amended)</p>	
5	<p>Brooke Halkyard Conservation Officer (Terrestrial) Dept Parks and Wildlife Exmouth District PO Box 201 Exmouth WA 6707</p>	<p>Exmouth District has no concerns/comments regarding the proposed changes to the Nimitz St Outline Development Plan.</p>	Noted	
6	<p>Graeme Tucker PO Box 331 Exmouth WA 6707</p>	<p>Proposed major departure and modification to the Nimitz Street Outline Development plan versus the existing adopted by Western Australian Planning Commission on 23 July 2012 by the Shire of Exmouth.</p> <p>I write in connection with the proposed major department and modification to the Nimitz Street Outline Development. I have examined the plans and I know the site well. I wish to object strongly to the major departure and modification from the original Development Plan in this location. I raise two issues in regard to this objection.</p> <p>1. IMPACT OF DUST AND OTHER AIR POLLUTANTS</p> <p>Dust and other air pollutants can arise causing acute and chronic health effects, as well as nuisance and visibility impacts.</p> <p>This Major Departure and Modification, in the event that it is approved, should include a requirement to prepare and implement an environmental management plan (EMP) to control and monitor the environmental impacts of the development and thus require the Shire prepare and implement a Dust Management Plan as indicated per Shire of Exmouth; Policy 6.22 Sand and Dust Control on Private Property, Adopted 21 February 2013.</p> <p>I also bring to Councils Attention Part V of the EP Act- "Where pollution or environmental harm arising from dust generation has occurred or is likely to occur, the general pollution prevention</p>	<p>Dust and noise management plan required to be prepared for clearance of subdivision.</p> <p>Noted, dust issue to be addressed at subdivision application level.</p> <p>(Should not be</p>	

	<p>provisions of Part V of the EP Act may apply. These provisions refer to compliance with emission standards and taking all practical measures to prevent or minimise emissions"</p> <p>The existing DEP limit for the maximum allowed level of dust concentration in the atmosphere is 1000 micrograms per cubic metre of air, measured over 15 minutes.</p> <p>I would therefore request that the Shire</p> <ol style="list-style-type: none"> 1. Deliver a procedure whereby the potential of the development site to produce dust is evaluated preceding site works commencement; 2. Put in place processes and contingency arrangements to manage the potential for dust leaving the site during and after development, and to ensure that the potential impacts are recognised and alleviated. <p>2. THE REMOVAL OF VEGETATION BUFFER BETWEEN CARTER ROAD AND REID STREET.</p> <p>This Buffer Vegetation should be retained as provision of a natural buffer as referred in the management component from the EPA (RefA529738).</p> <p>Stringent standards and management protocols will be required, to be determined on a risk assessment basis that represent an increase in the potential for adverse impacts and consequently the Major Departure and Modification - Nimitz Street Outline Development Plan should be re-referred to the EPA for determination.</p> <p>According to the Record of Determination by the Environmental Protection Authority S48A Referrals Shire of Exmouth Town Planning Scheme 3 Amendment 29 - rezoning of Lot 847 Nimitz Street & portion of Lot 500 Reid Street, Exmouth from Recreation and Open Space to Residential Development, & amending the Scheme Map I bring to your attention the following;</p> <p>Potential Significant Effect;</p> <p>Residential land use within the Exmouth Power Station buffer; potential soil contamination from adjacent Power Station</p> <p>Management:</p> <p>Managed through buffer separation, preliminary site investigation and remediation required.</p> <p>Determination:</p> <p>Nor Assessed - Advice given.</p>	<p>amended)</p> <p>The original scheme amendment is in accordance with the modified ODP which was approved by the EPA.</p> <p>A condition of subdivision approval requires notification on title that the power station hazard exists.</p>	
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		<p>22/08/2012 (RefA529738).</p> <p>The following properties are Registered Contaminated Sites. Lot 945 On Plan 184420 Lot No 618 On Plan 172623 Lot No 10 On Plan 71455 Lot No 11 On Plan 71455 Lot No 2 On Plan 209502 Road Reserve Entire Huston Street road Reserve (DOLA PIN 1320485) These sites are registered under the "Contaminated Sites Act 2003" "Phase separated hydrocarbons are present at these sites in groundwater and hydrocarbons present in the soils, which are acting as significant source of dissolved phase groundwater contamination, which presents a risk to human health, the environment of environmental values." ("Contaminated Sites Act 2003" Summary of Records Search) These Sites are classified as 'contaminated - remediation required'.</p> <p>If this application is to be decided by councillors, please take this as notice that I would like to speak at the meeting of the committee at which this development is expected to be decided. Please let me know as soon as possible the date of the meeting.</p>	<p>Noted, these contaminated lots are not part of the proposed residential development or the Outline Development Plan.</p>	
7	<p>William & Suzanne McHutchison</p> <p>41 Nimitz Street, Exmouth WA 6707 PO Box 364</p>	<p>Our property will most likely be flooded by the proposed development. Corner of Nimitz Kennedy Street is the natural drainage area for Page, Grey, Kennedy, Grenadie & Nimitz Street. Our property is on the corner of Kennedy Nimitz Street. The proposed drain is off set from the corner and we believe will be ineffective for 2 reasons.</p> <ol style="list-style-type: none"> 1. The site is going to be built up above the level of our property. 2. The new flood mitigation is blocking the natural flow of the water and builds up when there is rain. We believe our property will be open to flooding which has not occurred in the past 35 years. 	<p>The Department of Water have advised the proposed development would have minimal impact upstream. Stormwater and urban water management plans are required as part of subdivision. (Should not be amended)</p>	

POLICY IMPLICATIONS

Nil

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 – 10.6.2
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That the Council of the Shire of Exmouth:

- 1. Adopt the modified Nimitz Street Outline Development Plan; and*
- 2. Within 21 days Council forward the modified Outline Development Plan, a summary of all submissions and its recommendation to the WAPC.*

COUNCIL DECISION – 15-1013 – 10.6.2
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Moved Councillor Thompson, Seconded Councillor Hood.

That the Council of the Shire of Exmouth:

- 1. Adopt the modified Nimitz Street Outline Development Plan; and*
- 2. Within 21 days Council forward the modified Outline Development Plan, a summary of all submissions and its recommendation to the WAPC.*

CARRIED 5/0

10. REPORTS OF OFFICERS

10.6 Executive Manager Town Planning

10.6.3 Proposed Residential Subdivision - Lot 500 and 847 Reid Street and Lot 555 Nimitz Street, Exmouth

Location: Lot 500 and 847 Reid Street and Lot 555 Nimitz Street, Exmouth
 Applicant: RPS on behalf of LandCorp
 File Reference: LP.PL.0
 Disclosure of Interest: Nil
 Date: 2 October 2013
 Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer:

Chief Executive Officer, Bill Price

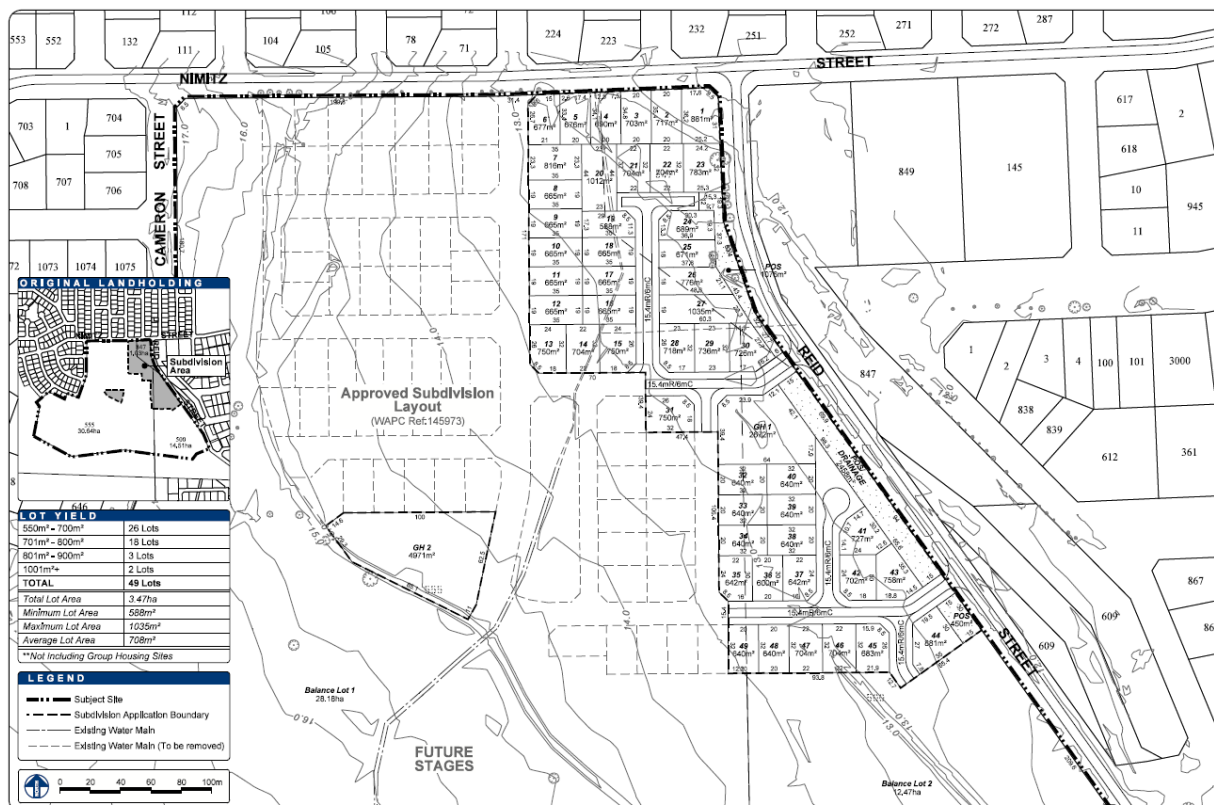
SUMMARY

This report recommends that the Council of the Shire of Exmouth support the subdivision application with appropriate conditions for LandCorp Nimitz Street stage 3 freehold subdivision upon Lot 500 and 847 Reid Street and Lot 555 Nimitz Street, Exmouth.

BACKGROUND

Council is in receipt of a subdivision application from the Western Australian Planning Commission regarding the proposed stage 3 freehold subdivision upon Lot 500, and 847 Reid Street and Lot 555 Nimitz Street, Exmouth.

The application proposes the creation of 49 residential lots suitable for single houses, 2 grouped housing sites and a reserve for recreation/drainage. The subdivision design is consistent with the modified Nimitz Street Outline Development Plan.



COMMENT

This subdivision application has been prepared in accordance with the modified Nimitz Street Outline Development Plan, and will facilitate stage 3 of the development. The WAPC requires Local Government, should it support the subdivision, to provide any recommendations or conditions pertinent to the application.

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

Therefore the officer recommends that Council supports the proposed freehold subdivision of Lots 500 and 847 Reid Street and Lot 555 Nimitz Street, 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.

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 advise the Western Australian Planning Commission that it supports the application for Subdivision No 148305 for proposed Residential subdivision- Lot 500 and 847 Reid Street and Lot 555 Nimitz Street Exmouth subject to the following conditions and advice being applied:

- 1. Those lots not fronting an existing road being provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) being constructed and drained at the applicant/owner's cost;*
- 2. The developer will formulate a landscaping plan to the satisfaction of Council;*
- 3. All roads, footpaths and earthworks being designed and constructed to the satisfaction of Council;*
- 4. Arrangements being made for the proposed public open space to be developed by the landowner/applicant to a minimum standard and maintained for two summers through the*

implementation of an approved landscape plan providing for the development and maintenance of the proposed public open space in accordance with the requirements of Liveable Neighbourhoods and to the specifications and satisfaction of the Shire of Exmouth;

- 5. The finished ground levels at the boundaries of the lot(s) the subject of this approval are to match or otherwise co-ordinate with the existing and/or proposed finished ground levels of the land abutting;*
- 6. The applicant/owner is to provide a geotechnical report certifying that the land is physically capable of development prior to the commencement of subdivision works;*
- 7. An urban water management plan is to be prepared prior to the commencement of subdivision works, consistent with the local water management strategy/drainage and water management plan. The approved urban water management plan being implemented by the applicant/owner, including construction of identified wastewater, stormwater and groundwater management systems;*
- 8. Street lighting to be installed on all new subdivisional roads to the satisfaction of Council;*
- 9. Street corners within the subdivision are to be truncated to the standard truncation of 8.5 metres or more;*
- 10. Temporary turning areas are provided to those subdivisional roads that are subject to future extension to the satisfaction of Council;*
- 11. The land is to be provided with an adequate outlet drainage system at the applicant/owner's cost;*
- 12. The area marked ' POS' on the approved plan of subdivision is to be shown on the Deposited Plan as such and is to be vested in the Crown under section 152 of the Planning and Development Act, such land to be ceded free of cost and without any payment of compensation by the Crown;*
- 13. Engineering drawings and specifications are to be submitted and approved, and works undertaken in accordance with the approved engineering drawings and specifications and approved plan of subdivision, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system to the satisfaction of Council;*
- 14. The land being graded and stabilised at the subdivider's cost, to the satisfaction of Council;*
- 15. The applicant providing a geotechnical report and evidence certifying that any necessary compaction including filling or backfilling has been adequately achieved;*
- 16. Storm water management is to include the establishment of an ongoing monitoring program to the satisfaction of the Local Government in accordance with the Local Water Management Strategy;*
- 17. The design and construction of stormwater treatments and infrastructure in accordance with the Integrated Urban Water Management Strategy endorsed by WAPC and Council;*
- 18. 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;*
- 19. A Notification under S70A of the Transfer of Land Act 1893 to be recorded on the property titles as follows " Holiday accommodation is not permitted within this area"; and*
- 20. A notification, pursuant to Section 165 of the Planning and Development Act is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a hazard or other factor. Notice of this notification to be included on the deposited plan. The notification to state as follows: "This lot is in close proximity to the Exmouth Power station plant and may be adversely affect by virtue of noise and fumes emissions from that facility".*

Advice

- i. *The applicant is advised to refer to the Institute of Public Works Engineering Australia Local Government Guidelines for Subdivisional Development. The guidelines set out the minimum requirements recommended to be accepted by a local authority in granting clearance of engineering conditions imposed. The guidelines prescribe the use of best practice to set minimum standards applicable to the design and construction of roads, drainage, pathways, earthworks and public open space and do not restrict or prevent innovative solutions.*
- ii. *The applicant/owner is advised that the Department of Parks and Recreation 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 Parks and Recreation.*
- iii. *With regard to condition 3, footpaths shall be constructed on every road within the subdivision. The footpath network shall conform to the West Australian Department of Transport Cycling Infrastructure Standards and Road network shall be asphalt sealed.*
- iv. *With regards to condition 8, the Street lighting is to be highly energy efficient, economically attractive, and environmentally friendly and utility approved LED street lights.*
- v. *All road works and drainage are to be designed and supervised by a qualified and experienced Civil Engineer and NO work is to start on site until the drawings and specifications have been approved by the Executive Manager Engineering Services.*
- vi. *Should any land be filled, including back-filling, the developer shall submit a geotechnical report confirming that the land has been sufficiently compacted.*
- vii. *With regard to Condition 4, the development is to include full earthworks, basic reticulation, grassing of key areas, and pathways that form part of the overall pedestrian and/or cycle network.*
- viii. *The WAPC's approval to subdivision should not be construed as approval to development on any of the lot(s) proposed.*

COUNCIL DECISION – 16-1013 – 10.6.3

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 148305 for proposed Residential subdivision- Lot 500 and 847 Reid Street and Lot 555 Nimitz Street Exmouth subject to the following conditions and advice being applied:

- 1. Those lots not fronting an existing road being provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) being constructed and drained at the applicant/owner's cost;***
- 2. The developer will formulate a landscaping plan to the satisfaction of Council;***
- 3. All roads, footpaths and earthworks being designed and constructed to the satisfaction of Council;***
- 4. Arrangements being made for the proposed public open space to be developed by the landowner/applicant to a minimum standard and maintained for two summers through the implementation of an approved landscape plan providing for the development and maintenance of the proposed public open space in accordance with the requirements of Liveable Neighbourhoods and to the specifications and satisfaction of the Shire of Exmouth;***
- 5. The finished ground levels at the boundaries of the lot(s) the subject of this approval are to match or otherwise co-ordinate with the existing and/or proposed finished ground levels of the land abutting;***

6. *The applicant/owner is to provide a geotechnical report certifying that the land is physically capable of development prior to the commencement of subdivision works;*
7. *An urban water management plan is to be prepared prior to the commencement of subdivision works, consistent with the local water management strategy/drainage and water management plan. The approved urban water management plan being implemented by the applicant/owner, including construction of identified wastewater, stormwater and groundwater management systems;*
8. *Street lighting to be installed on all new subdivisional roads to the satisfaction of Council;*
9. *Street corners within the subdivision are to be truncated to the standard truncation of 8.5 metres or more;*
10. *Temporary turning areas are provided to those subdivisional roads that are subject to future extension to the satisfaction of Council;*
11. *The land is to be provided with an adequate outlet drainage system at the applicant/owner's cost;*
12. *The area marked ' POS' on the approved plan of subdivision is to be shown on the Deposited Plan as such and is to be vested in the Crown under section 152 of the Planning and Development Act, such land to be ceded free of cost and without any payment of compensation by the Crown;*
13. *Engineering drawings and specifications are to be submitted and approved, and works undertaken in accordance with the approved engineering drawings and specifications and approved plan of subdivision, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system to the satisfaction of Council;*
14. *The land being graded and stabilised at the subdivider's cost, to the satisfaction of Council;*
15. *The applicant providing a geotechnical report and evidence certifying that any necessary compaction including filling or backfilling has been adequately achieved;*
16. *Storm water management is to include the establishment of an ongoing monitoring program to the satisfaction of the Local Government in accordance with the Local Water Management Strategy;*
17. *The design and construction of stormwater treatments and infrastructure in accordance with the Integrated Urban Water Management Strategy endorsed by WAPC and Council;*
18. *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;*
19. *A Notification under S70A of the Transfer of Land Act 1893 to be recorded on the property titles as follows " Holiday accommodation is not permitted within this area"; and*
20. *A notification, pursuant to Section 165 of the Planning and Development Act is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a hazard or other factor. Notice of this notification to be included on the deposited plan. The notification to state as follows: "This lot is in close proximity to the Exmouth Power station plant and may be adversely affect by virtue of noise and fumes emissions from that facility".*

Advice

- i) *The applicant is advised to refer to the Institute of Public Works Engineering Australia Local Government Guidelines for Subdivisional Development. The guidelines set out the minimum requirements recommended to be accepted by a local authority in granting clearance of engineering conditions imposed. The guidelines prescribe the use of best practice to set minimum standards applicable to the design and construction of roads, drainage, pathways, earthworks and public open space and do not restrict or prevent innovative solutions.*

- ii) *The applicant/owner is advised that the Department of Parks and Recreation 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 Parks and Recreation.*
- iii) *With regard to condition 3, footpaths shall be constructed on every road within the subdivision. The footpath network shall conform to the West Australian Department of Transport Cycling Infrastructure Standards and Road network shall be asphalt sealed.*
- iv) *With regards to condition 8, the Street lighting is to be highly energy efficient, economically attractive, and environmentally friendly and utility approved LED street lights.*
- v) *All road works and drainage are to be designed and supervised by a qualified and experienced Civil Engineer and NO work is to start on site until the drawings and specifications have been approved by the Executive Manager Engineering Services.*
- vi) *Should any land be filled, including back-filling, the developer shall submit a geotechnical report confirming that the land has been sufficiently compacted.*
- vii) *With regard to Condition 4, the development is to include full earthworks, basic reticulation, grassing of key areas, and pathways that form part of the overall pedestrian and/or cycle network.*
- viii) *The WAPC's approval to subdivision should not be construed as approval to development on any of the lot(s) proposed.*

CARRIED 5/0

Councillor Hood declared an impartiality interest in Report 10.6.4 and made the following declaration:

'With regard to Proposed Access Licence to Exmouth Gulf from Kailis Site, Lots 1, 112 and 220 Minilya Exmouth Road, Learmonth, the matter in item 10.6.4, I disclose that I am an employee of Bhagwan Marine. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.'

10. REPORTS OF OFFICERS

10.6 Executive Manager Town Planning

10.6.4 Proposed Access Licence to Exmouth Gulf from Kailis Site, Lots 1, 112 and 220 Minilya Exmouth Road, Learmonth

Location:	Exmouth Gulf Pastoral Lease and UCL Gulf Beach
Applicant:	Department of Lands
File Reference:	LP.PL.2.27
Disclosure of Interest:	Councillor Michael Hood
Date:	7 October 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 advise the Department of Lands that it does not have any objection to the granting of a Section 91 license for the purpose of 'Overland Access' to MG Kailis under the Lands Administration Act 1997 over portion of Exmouth Pastoral Lease and UCL from the boundary of Kailis Lot 1 down to the low water mark until 30 June 2015 (refer ***Attachment 2***).

BACKGROUND

Council is in receipt of a letter from the Department of Lands seeking Council's comments for the formalisation of access arrangements for Lot 1. Lot 1 is owned by MG Kailis freehold and have been operating from the site since the 1970s and have been accessing the ocean across the Exmouth Gulf Pastoral Lease and UCL without formal approval.

With the recent approval of the Scheme Amendment 27, MG Kailis requires legal authority to drive goods across the above land from the strategic industrial area to vessels in the ocean. No development is proposed.

COMMENT

Council officers recommend Council support the access licence as MG Kailis have always been using the parcel of land, however the following issues are required to be addressed.

ISSUES

Maintaining Public Access

Comments received during the advertising process for Scheme Amendment 27 raised a community concern on the restriction of public access along the foreshore if private access is permitted to the gulf waters. To ensure public access is maintained a condition of approval has been included.

Development in Access Licence

The letter received from the Department of Lands states '*no jetty structures permitted under the proposed licence*'. The development of a jetty or structure providing access from the Kailis Site to the Gulf is a contentious issue amongst local residents in the community which was raised in the advertising of Scheme Amendment 27. Further access to the Gulf from the Kailis Site was not approved in Scheme Amendment 27.

A condition of approval has been included stating ‘*Shire Approval is required prior to any development commencing*’. This condition ensures there is no development of a jetty or similar structure/s without consent of the Shire.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Shire of Exmouth Town Planning Scheme Number 3

Land Administration Act 1997

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.

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 advise the Department of Lands that it does not have any objection to the granting of a Section 91 license for the purpose of ‘Overland Access’ to MG Kailis under the Lands Administration Act 1997 over portion of Exmouth Gulf Pastoral Lease and UCL to the low water mark until 30 June 2015 as indicated in Attachment 2 (of Report 10.6.4 Ordinary Council Meeting 17 October 2013) subject to the following conditions:

1. *Unrestricted public coastal access along the foreshore shall be maintained at all times; and*
2. *Shire Approval is required prior to any development commencing.*

COUNCIL DECISION – 17-1013 – 10.6.4

Moved Councillor Fitzgerald, Seconded Councillor Winzer.

That the Council of the Shire of Exmouth advise the Department of Lands that it does not have any objection to the granting of a Section 91 license for the purpose of ‘Overland Access’ to MG Kailis under the Lands Administration Act 1997 over portion of Exmouth Gulf Pastoral Lease and UCL to the low water mark until 30 June 2015 as indicated in Attachment 2 (of Report 10.6.4 Ordinary Council Meeting 17 October 2013) subject to the following conditions:

- 1. Unrestricted public coastal access along the foreshore shall be maintained at all times; and*
- 2. Shire Approval is required prior to any development commencing.*

CARRIED 3/2

Councillor Hood and Councillor Thompson voted against.

10. REPORTS OF OFFICERS

10.6 Executive Manager Town Planning

10.6.5 Canal Jetty - Lot 422 (64) Madaffari Drive, Exmouth

Location: Lot 422 (64) Madaffari Drive, Exmouth
 Applicant: Jedd and Suzanne Griffiths
 File Reference: A1476 (PA108/13)
 Disclosure of Interest: Nil
 Date: 2 October 2013
 Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer:

Chief Executive Officer, Bill Price

SUMMARY

This report recommends Council grant conditional planning approval for the development of a jetty and mooring posts upon Lot 422 (64) Madaffari Drive in the Exmouth Marina Village precinct A (Refer *Attachment 3*).

BACKGROUND

The applicant proposes to construct a jetty upon Lot 422 (64) Madaffari Drive, Exmouth prior to the construction of a dwelling.

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

- Jetty and pontoon structure protruding 9.84m into the canal from the canal setout line.
- Jetty and pontoon structure protruding 11.09m into the canal from the canal wall
- Jetty located in the centre of the jetty envelope
- Floating pontoon with two mooring posts
- Top of mooring pile 4.3m 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.

The proposed jetty varies the provisions of Local Planning Policy 6.16: Design Guidelines for Exmouth Marina Precinct A with a 1m encroachment of the pontoon structure outside the permissible jetty envelope.

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.

Development Outside Lot 422 (64) Madaffari Drive

The proposed jetty encroaches into adjoining Reserve 47804 by 1m. The dimensions of the jetty envelopes have been created to ensure the permanent floating jetty and pontoon structure remain within the boundaries of canal lots in the Exmouth Marina Precinct A. The jetty envelope for Lot 422 Madaffari Drive is 10.09m from the edge of the paving. The proposed jetty and pontoon structure is 11.09m from the edge of the paving. The proposed jetty and pontoon encroaches 1m outside the boundaries of Lot 422 Madaffari Drive into Reserve 47804 which is designated for the purpose of River Crossing and managed by the Shire of Exmouth.

The 1 metre encroachment will have strong visual impacts when looking down the canal waterway. The encroachment is out of alignment with existing jetties as it is closer to the centre of the canal waterway.

Further the 1m encroachment places a liability issue on the Shire as it is located in a Shire of Exmouth managed reserve. Should a vessel crash into the jetty or pontoon structure located in the Shire managed reserve the Shire of Exmouth may be held liable as it is an introduced risk.

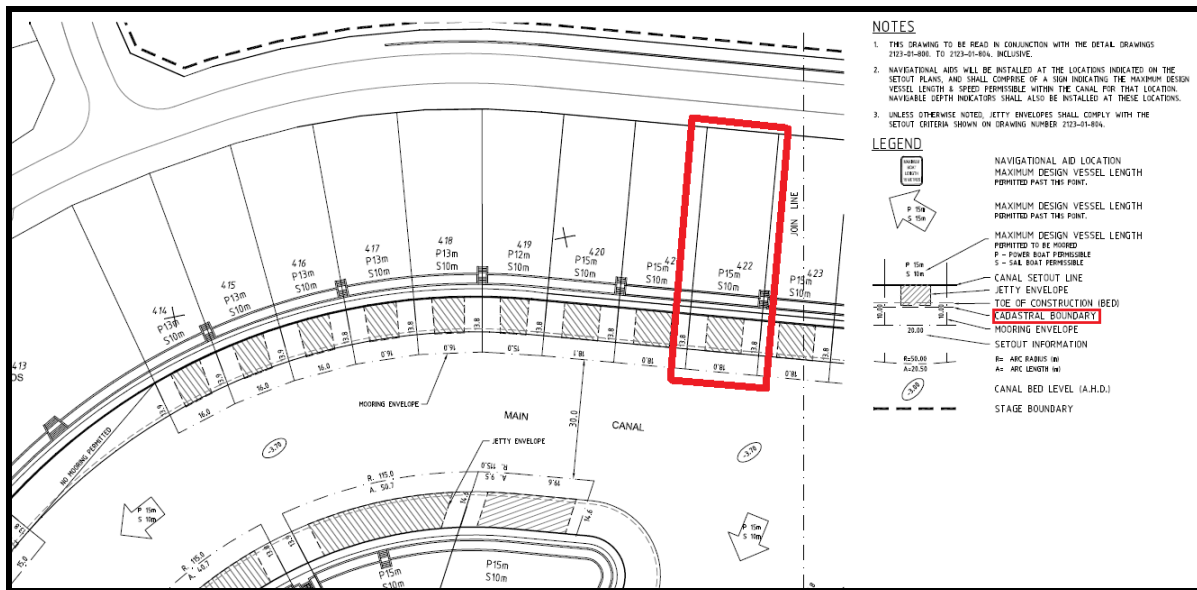
As the proposal includes development outside Lot 422 Madaffari drive, there are visual and liability impacts, officer recommends refusal of the 1m encroachment.

CONSULTATION

Follow up emails sent to Superior Jetties with attached relevant plans to explain the situation and dimensions of the jetty and mooring envelope. Superior Jetties stated that the 13.8m for Lot 422 (64) Madaffari Drive as depicted in the Tabec Engineer drawing as part of Local Planning Policy 6.16 did not include the mooring envelope.

Further Superior Jetties advise they cannot achieve AS1657 of the AS3962-2001 Marina Guidelines if the gangway and pontoon is located within the jetty envelope as designed by Tabec Engineering. However, other

companies who have maintained development of jetties and pontoon structures within the jetty envelope have received approval from the Department of Transport.



A follow up email and conversation with the Department of Transport Manager Maritime Planning confirmed that the 13.8m for Lot 422 (64) Madaffari Drive does include the mooring envelope. The intent of the 13.8m from the canal setout line is to maintain 30m clearance in the canal waterway as a Department of Transport requirement.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Town Planning Scheme No. 3

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.

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 – 10.6.5

That the Council of the Shire of Exmouth grant conditional planning approval for a jetty and mooring posts upon Lot 422 (64) 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 amended approved plans (PA108/13) 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 gangway or pontoon structure is permitted to extend beyond the cadastral boundaries of the subject lot;*
6. *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;*
7. *The jetty structure not putting a horizontal surcharge load on the canal wall;*
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 details 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 new 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 15 metres in length in accordance with the Canal Boat Mooring Management Plan.*
- iv. *The maximum sail boat permissible is 10 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 – 18-1013 – 10.6.5
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Moved Councillor Fitzgerald, Seconded Councillor Thompson.

That the Council of the Shire of Exmouth grant conditional planning approval for a jetty and mooring posts upon Lot 422 (64) 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 amended approved plans (PA108/13) 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 gangway or pontoon structure is permitted to extend beyond the cadastral boundaries of the subject lot;***
- 6. 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;***
- 7. The jetty structure not putting a horizontal surcharge load on the canal wall;***
- 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 details 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 new 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 15 metres in length in accordance with the Canal Boat Mooring Management Plan.*
- iv) *The maximum sail boat permissible is 10 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 5/0

10. REPORTS OF OFFICERS

10.6 Executive Manager Town Planning

10.6.6 Canal Jetty - Lot 333 (8) Kestrel Place, Exmouth

Location: Lot 333 (8) Kestrel Place, Exmouth
 Applicant: Emma George and Ashley Vincent
 File Reference: A1447 (PA109/13)
 Disclosure of Interest: Nil
 Date: 2 October 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 the development of a jetty and mooring posts upon Lot 333 (8) Kestrel Place in the Exmouth Marina Village Precinct A (Refer **Attachment 4**).

BACKGROUND

The applicant proposes to construct a jetty upon Lot 333 (8) Kestrel Place, Exmouth.

The subject received planning approval (PA60/13) for a dwelling in August 2013. The dwelling is not yet constructed.

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

- Jetty and pontoon structure protruding 9.84m into the canal from the canal setout line.
- Jetty and pontoon structure protruding 11.09m into the canal from the canal wall.
- Pontoon structure located in the middle of the jetty envelope.
- Floating pontoon with two mooring posts.
- Height of mooring piles 4.3m 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.

The proposed jetty varies the provisions of Local Planning Policy 6.16: Design Guidelines for jetty envelope and the cadastral boundaries of the lot as the pontoon encroaches 1m into the Shire managed waterway.

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 state:

"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.

Development Outside Lot 333 (8) Kestrel Place

The proposed jetty encroaches into adjoining Reserve 47804 by 1m. The dimensions of the jetty envelopes have been created to ensure the permanent floating jetty and pontoon structure remain within the boundaries of canal lots in the Exmouth Marina Precinct A. The jetty envelope for Lot 333 Kestrel Place is 10.09m from the edge of the paving. The proposed jetty and pontoon structure is 11.09m from the edge of the paving. The proposed jetty and pontoon encroaches 1m outside the boundaries of Lot 333 Kestrel Place into Reserve 47804 which is designated for the purpose of River Crossing and managed by the Shire of Exmouth.

The 1 metre encroachment will have strong visual impacts when looking down the canal waterway. The encroachment is out of alignment with existing jetties as it is closer to the centre of the middle of the canal waterway.

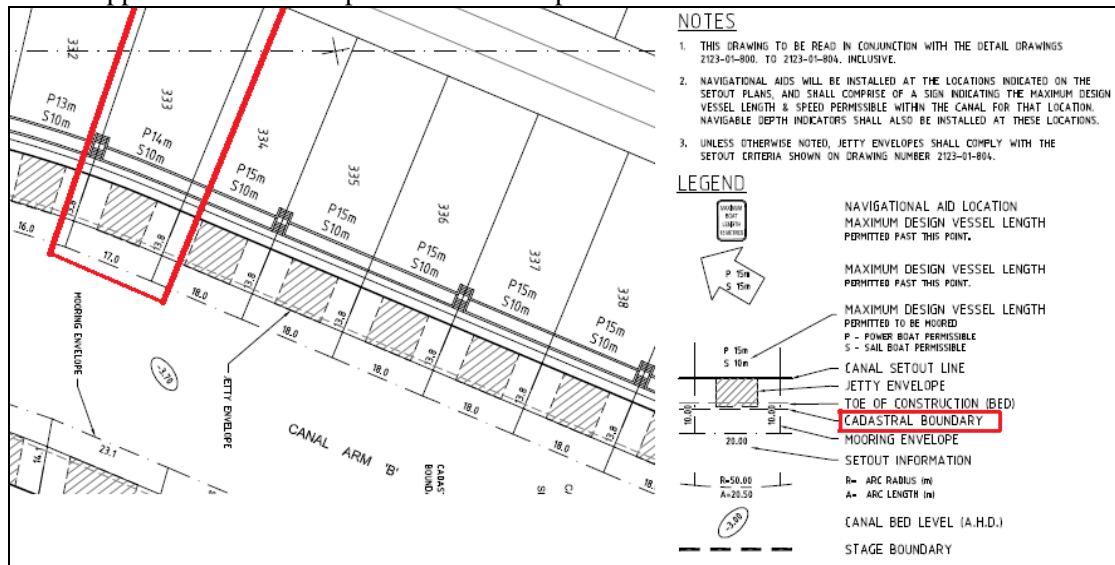
Further the 1m encroachment places a liability issue on the Shire as it is located in a Shire of Exmouth managed reserve. Should a vessel crash into the jetty or pontoon structure located in the Shire managed reserve the Shire of Exmouth may be held liable.

As the proposal includes development outside Lot 333 Kestrel Place and also has visual and liability impacts officer recommends refusal of the 1m encroachment.

CONSULTATION

Follow up emails were sent to Superior Jetties with attached relevant plans to explain the situation and dimensions of the jetty and mooring envelope. Superior Jetties stated that the 13.8m for Lot 333 (8) Kestrel Place as depicted in the Tabac Engineer drawing as part of Local Planning Policy 6.16 did not include the mooring envelope.

Further Superior Jetties advise they cannot achieve AS1657 of the AS3962-2001 Marina Guidelines if the gangway and pontoon is located within the jetty envelope as designed by Tabec Engineering. However, other companies who have maintained development of jetties and pontoon structures within the jetty envelope have received approval from the Department of Transport.



A follow up email and conversation with the Department of Transport Manager Maritime Planning confirmed that the 13.8m for Lot 333 (8) Kestrel Place does include the mooring envelope. The intent of the 13.8m from the canal setout line is to maintain 30m clearance in the canal waterway as a Department of Transport requirement.

STATUTORY ENVIRONMENT

Planning and Development Act
Town Planning Scheme No. 3

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.

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 grant planning approval for a jetty and mooring posts upon Lot 333 (8) Kestrel Place, 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 amended approved plans (PA109/13) 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 14 metres in length in accordance with the Canal Boat Mooring Management Plan.*
- iv. *The maximum sail boat permissible is 10 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 – 19-1013 – 10.6.6
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Moved Councillor Thompson, Seconded Councillor Hood.

That the Council of the Shire of Exmouth grant planning approval for a jetty and mooring posts upon Lot 333 (8) Kestrel Place, 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 amended approved plans (PA109/13) 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 14 metres in length in accordance with the Canal Boat Mooring Management Plan.*
- iv. *The maximum sail boat permissible is 10 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 5/0

10. REPORTS OF OFFICERS

10.6 Executive Manager Town Planning

10.6.7 Canal Jetty - Lot 374 (20) Corella Court, Exmouth

Location: Lot 374 (20) Corella Court, Exmouth
 Applicant: Engineered Water Systems
 File Reference:
 Disclosure of Interest: Nil
 Date: 2 October 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 and adjacent to Lot 374 (20) Corella Court in the Exmouth Marina Village Precinct A (Refer ***Attachment 5***).

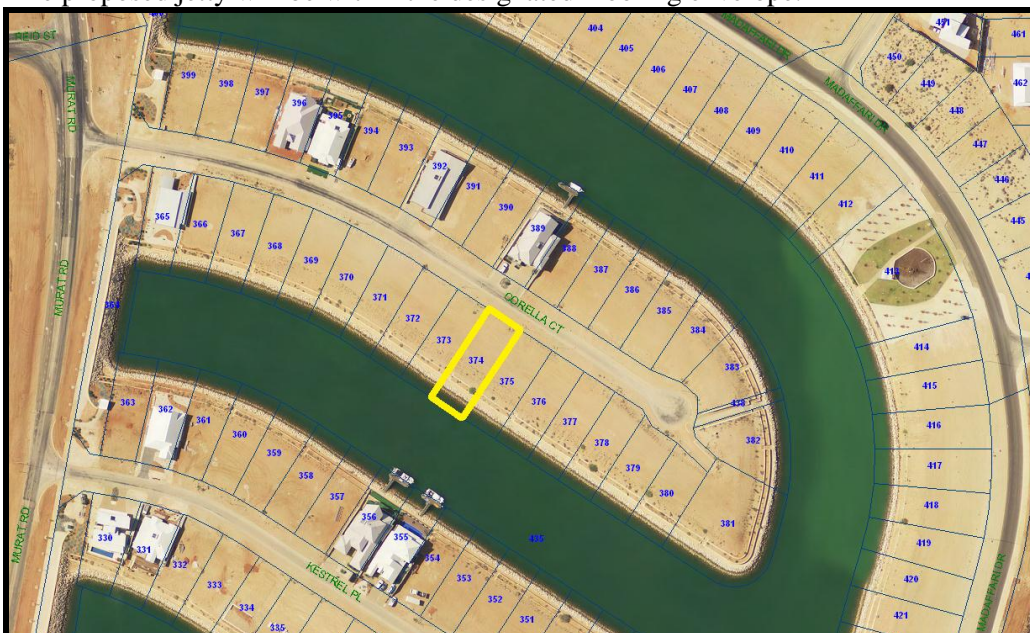
BACKGROUND

The applicant proposes to construct a jetty and mooring posts upon Lot 374 (20) Corella Court, Exmouth and two (2) cyclonic mooring piles adjacent to Lot 374 (20) Corella Court within the mooring envelope.

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

- Jetty and pontoon structure protruding 8.84m into the canal from the canal setout line.
- Jetty and Pontoon structure located in the middle of the jetty envelope.
- Floating pontoon with two mooring posts.
- Two cyclonic mooring posts in the mooring envelope with nil side setbacks
- 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.

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 state:

"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.

Cyclonic Mooring Piles Outside Lot

The applicant is proposing two (2) cyclonic mooring piles on the side and rear boundaries of the mooring envelope for the lot, in the Shire of Exmouth managed canal waterway. Collars and attachments to cyclonic mooring piles as required in the Exmouth Marina Boat Mooring management plan will encroach into the adjoining mooring envelope if approved with nil side setbacks. To ensure all structures and attachments remain within the relevant mooring envelope officer recommends a 0.5m side setback of all cyclonic mooring piles within mooring envelopes. A condition has been included.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Planning and Development Act
Town Planning Scheme Number 3

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.

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 a jetty and mooring posts upon and adjacent to Lot 374 (20) Corella Court, 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 amended approved plans (PA115/13) 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. Cyclonic mooring piles in the mooring envelope shall have a minimum side setback of 0.5m;*
- 9. Mooring piles and associated envelope areas not being roofed or having structures built on, around, adjacent to, or within the approved jetty area;*
- 10. The applicant shall obtain a permit for a barge vessel to enter Local Government Property, to carry out construction works in the waterway;*
- 11. 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;*
- 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 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*
- 14. 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 15 metres in length in accordance with the Canal Boat Mooring Management Plan.*
- iv) The maximum sail boat permissible is 10 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 – 20-1013 – 10.6.7
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Moved Councillor Fitzgerald, Seconded Councillor Hood.

That the Council of the Shire of Exmouth grant planning approval for a jetty and mooring posts upon and adjacent to Lot 374 (20) Corella Court, 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 amended approved plans (PA115/13) 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. Cyclonic mooring piles in the mooring envelope shall have a minimum side setback of 0.5m;*
- 9. Mooring piles and associated envelope areas not being roofed or having structures built on, around, adjacent to, or within the approved jetty area;*
- 10. The applicant shall obtain a permit for a barge vessel to enter Local Government Property, to carry out construction works in the waterway;*
- 11. 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;*
- 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 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*
- 14. 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 15 metres in length in accordance with the Canal Boat Mooring Management Plan.*

- iv) *The maximum sail boat permissible is 10 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 5/0

10. REPORTS OF OFFICERS

10.6 Executive Manager Town Planning

10.6.8 Canal Jetty - Lot 335 (12) Kestrel Place, Exmouth

Location: Lot 335 (12) Kestrel Place, Exmouth
 Applicant: Northwest Construction and Electrical
 File Reference: A1449 (PA125/13)
 Disclosure of Interest: Nil
 Date: 2 October 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 upon Lot 335 (12) Kestrel Place in the Exmouth Marina Village Precinct A (Refer *Attachment 6*).

BACKGROUND

The applicant proposes to construct a jetty upon Lot 335 (12) Kestrel Place, Exmouth within the mooring envelope.

The subject lot has planning approval for a dwelling but have not substantially commenced construction.

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

- Gangway and pontoon structure protruding 10.09m into the canal from the edge of canal.
- Gangway and Pontoon structure located in the middle of the jetty envelope.
- Floating pontoon with two gangways.

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.

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

Planning and Development Act
Town Planning Scheme Number 3

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.

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 grant planning approval for a jetty upon Lot 335 (12) Kestrel Place, 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 amended approved plans (PA125/13) 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. *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 15 metres in length in accordance with the Canal Boat Mooring Management Plan.*
- iv) *The maximum sail boat permissible is 10 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 – 21-1013 – 10.6.8
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Moved Councillor Fitzgerald, Seconded Councillor Hood.

That the Council of the Shire of Exmouth grant planning approval for a jetty upon Lot 335 (12) Kestrel Place, 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 amended approved plans (PA125/13) 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. 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 15 metres in length in accordance with the Canal Boat Mooring Management Plan.*
- iv) *The maximum sail boat permissible is 10 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 5/0

10. REPORTS OF OFFICERS

10.6 Executive Manager Town Planning

10.6.9 Amendment to Lease Term for Hale School – Reserve 37664, Exmouth

Location: Lot 118, (Reserve 37664) Minilya Exmouth Rd, Exmouth
 Applicant: Hale School
 File Reference: R37664
 Disclosure of Interest: Nil
 Date: 27 September 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 amend the lease term for Hale School from 5 years + 5 years to 10 years + 10 years for the use of a portion of Reserve R37664 for the purpose of 'Youth Camp'.

BACKGROUND

In July 2013, Council resolved to:

1. *Grant a lease to Hale School for an area of approximately 3ha for a term of 5 years + 5 years at an initial negotiated rental of \$5000 per annum, for a portion of Reserve R37664 for the purpose of Youth Camp' (Refer Attachment 15).*
2. *Endorse publicly advertising the above proposed lease at the negotiated rate in accordance with Council policies;*
3. *Delegate Authority to the Chief Executive Officer to execute a lease document upon closure of the advertising period subject to no adverse submissions being received and leasing conditions being to the satisfaction of the Chief Executive Officer; and*
4. *Delegate Authority to the Chief Executive Officer to approve any further terms of the lease.*

After the July 2013 OCM, Council received emails from David Timmins, Director of Finance and Governance at Hale School seeking advice on how they could progress to further the lease term as it was their understanding from previous conversations with the Shire that they would be provided with a 10 year lease with a 10 year option. This longer period would enable them to plan and construct the appropriate infrastructure on the leased land as five years would not provide them with sufficient security.

PROPOSAL

The Hale School is proposing a 10 year lease with a 10 year option.

COMMENT

It is proposed that Hale School be granted a lease term of 10 years + 10 years for the use of a portion of Reserve R37664 for the purpose of "Youth Camp". This period will provide adequate security to Hale School as they are putting a significant investment for the establishment of the infrastructure on this site.

Council officers recommend that the Council of the Shire of Exmouth amend the lease term for Hale School from 5 years + 5 years to 10 years + 10 years for the use of a portion of Reserve R37664 for the purpose of 'Youth Camp'.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Economic

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

- Outcome 1.2 - Planned and balanced economic growth.

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 – 10.6.9
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That the Council of the Shire of Exmouth amend the lease term for Hale School from a term of 5 years + 5 years to 10 years + 10 years for the use of a portion of Reserve R37664 for the purpose of 'Youth Camp'.

COUNCIL DECISION – 22-1013 – 10.6.9
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Moved Councillor Fitzgerald, Seconded Councillor Thompson.

That the Council of the Shire of Exmouth amend the lease term for Hale School from a term of 5 years + 5 years to 10 years + 10 years for the use of a portion of Reserve R37664 for the purpose of 'Youth Camp'.

CARRIED 5/0

10. REPORTS OF OFFICERS

10.6 Executive Manager Town Planning

10.6.10 New Holiday Accommodation upon Lot 1 (132A) Madaffari Drive, Exmouth

Location: Lot 1 (132A) Madaffari Drive, Exmouth
 Applicant: Clayton James Lord
 File Reference: A1552 (PA118/13)
 Disclosure of Interest: Nil
 Date: 26 September 2013
 Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



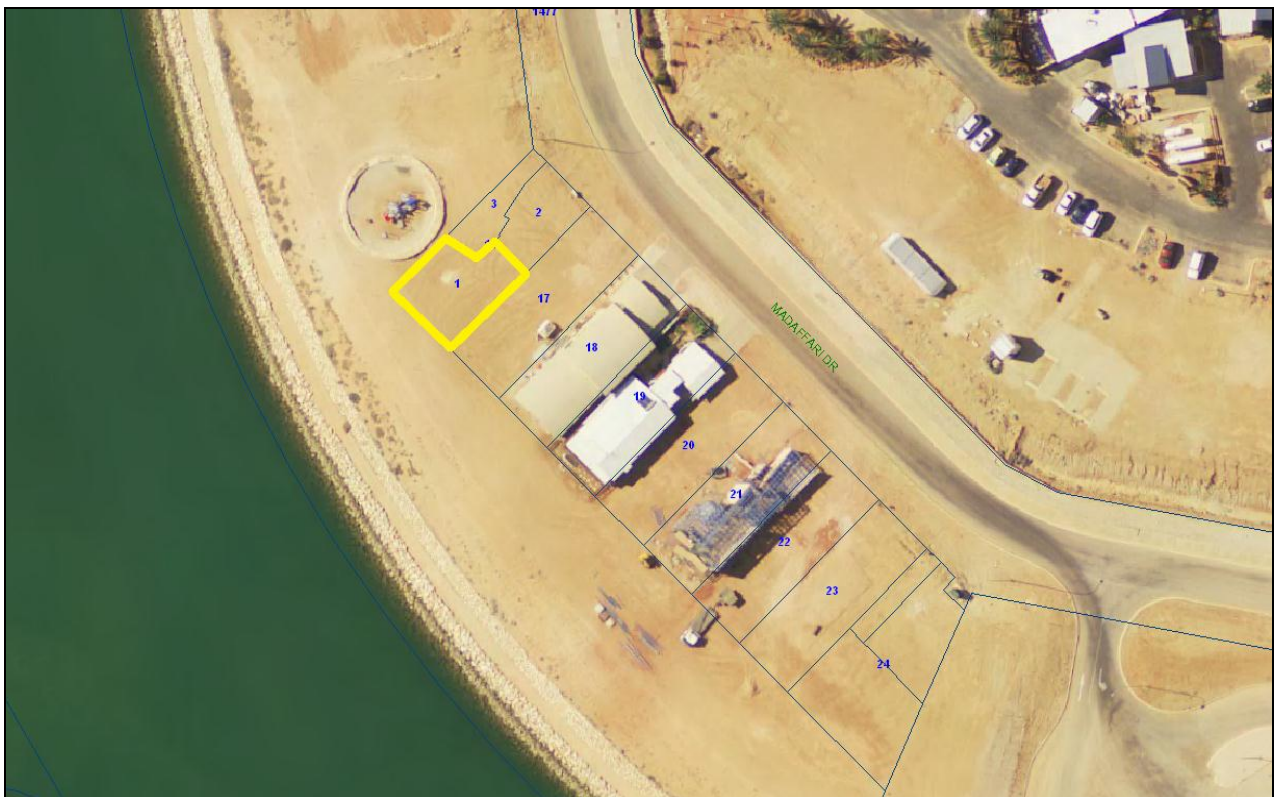
Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends that the Council of the Shire of Exmouth grant conditional planning approval for Holiday Accommodation upon Lot 1 (132A) Madaffari Drive, Exmouth. (Refer ***Attachment 7***).

BACKGROUND

Lot 1 (132A) Madaffari Drive is zoned Exmouth Marina Precinct C having a lot area of 236m². The subject lot has planning approval for a house (PA89/09).



PROPOSAL

The applicant requests Council to grant approval for Holiday accommodation upon Lot 1 (132A) Madaffari Drive. The applicant proposes the following:

- Maximum number of overnight occupants: six (6) persons and not more than four (4) over the age of 10.
- The maximum number of vehicles and trailers (including boats on trailers): two (2) and one (1) respectively.

- No changes to buildings or the site are proposed.
- Local caretaker to be Ningaloo Reef Holidays.
- A Management Plan, Tenant Code of Conduct and Fire Escape plan for occupants.

COMMENT

The Shire of Exmouth Town Planning Scheme No. 3 (Scheme) and Local Planning Policy No. 6.12: Holiday Accommodation (Policy 6.12) outlines the permissibility and requirements of holiday accommodation applications in the residential zone.

Occupancy Levels

Following the assessment by officers to calculate the number of guests permissible, the maximum number of overnight occupants allowed within the dwelling at the same time shall be ten (10) persons. This includes no more than six (6) occupants over the age of 10 at any one time. The owner is proposing to accommodate a maximum number of six (6) persons and not more than four (4) over the age of 10. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy. Potential occupants shall be advised of this prior to booking.

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

CONSULTATION

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

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

Adjoining property owners and occupants were invited to comment on the proposal, the consultation period being from **Thursday 26 September to Thursday 17 October 2013**. These property owners are shown in the table below:

Property	Response	Officers comments
Lot 17 Madaffari Drive (A1218)	Nil	
Lot 2 (1320 Madaffari Drive (A1553)	Nil	
Lot 900 Madaffari Drive (A1220)	Nil	

STATUTORY ENVIRONMENT

Planning and Development Act

Town Planning Scheme No. 3

POLICY IMPLICATIONS

Policy No. 6.12: Holiday Accommodation

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Social

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

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

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION 10.6.10

That the Council of the Shire of Exmouth grant conditional planning approval for the use of Holiday Accommodation upon Lot 1 (132A) Madaffari Drive, Exmouth subject to the following conditions: -

- 1. Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA118/13) and Local Planning Policy No. 6.12: Holiday Accommodation to the satisfaction of Council officers;*
- 2. The maximum number of overnight occupants allowed within the dwelling at the same time shall be ten (10) persons. This includes no more than six (6) occupants over the age of 10 at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy;*
- 3. The maximum number of vehicles and trailers (including boats on trailers) that can be accommodated on the property shall be two (2) and one (1) respectively, in accordance with Council Policy. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
- 4. The property shall provide at least two (2) 240 litre rubbish bins prior to the use commencing;*
- 5. The occupants Code of Conduct shall be clearly displayed in the premises in accordance with Council Policy;*
- 6. An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*
 - a. a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order;*
 - b. outside barbeques are to be gas or electric; and*
 - c. no fires are to be lit outside.*
- 7. The property is to be managed by a local caretaker/manager living and readily contactable within 10 minutes of the property;*
- 8. If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighboring properties, or causes a nuisance to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;*
- 9. The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with;*
- 10. This approval is valid until 30 September 2014. Following planning approval an annual permit will be issued after paying the prescribed fee. Upon this period lapsing, Council will notify owners about the date of expiry and that a new permit is required should the property continue to be used for holiday accommodation; and*
- 11. This planning approval is for holiday accommodation use only. If the use has not commenced for a period of two (2) years following this approval, a re-application for planning approval shall be required.*

Advice

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

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of 10 guests. This Schedule shall be appropriately displayed in the house.

Schedule 1: Allowable Occupants: Lot 1 (132A) Madaffari Drive, Exmouth

Bedroom 1: Master suite: Total floor space: 16.95m², Approximate Air Space: 43.22m³
Allowable occupants: 3 adults **OR** 1 adult and 3 children **OR** 5 children

Bedroom 2: Total floor space: 11.29m², Approximate Air Space: 29.35m³
Allowable occupants: 2 adults **OR** 1 adult and 1 child **OR** 3 children

Bedroom 3: Total floor space: Total floor space: 11.29m², Approximate Air Space: 29.35m³
Allowable occupants: 2 adults **OR** 1 adult and 1 child **OR** 3 children

Sitting/Bedroom 4: Total floor space: 16.55m², Approximate Air Space: 43.03m³
Allowable occupants: 3 adults **OR** 1 adult and 3 children **OR** 5 children

Note:

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

****The air space is calculated on the assumption of an average of 2.6m ceiling height for the ground floor and 2.55m for the first floor.

- ii) *Should the Holiday Accommodation be viewed as a 'Lodging House' at any time under the Health Act 1911, a permit pursuant to the Shire of Exmouth Health Local Laws will be required. For further Information, please contact the Shire of Exmouth's Health Services on 9949 1399.*
- iii) *An applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with the rules and regulations made pursuant to the Planning and Development Act 2005 (as amended). Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).*

COUNCIL DECISION – 23-1013 – 10.6.10

Moved Councillor Fitzgerald, Seconded Councillor Hood.

That the Council of the Shire of Exmouth defer the Report 10.6.10 until the next Council meeting to allow for further negotiations to take place.

CARRIED 5/0

10. REPORTS OF OFFICERS

10.6 Executive Manager Town Planning

10.6.11 Dwelling - Lot 422 (64) Madaffari Drive, Exmouth

Location: Lot 422 (64) Madaffari Drive, Exmouth
 Applicant: Pebble Beach Constructions
 File Reference: A1476 (PA123/13)
 Disclosure of Interest: Nil
 Date: 7 October 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 planning approval for a dwelling upon Lot 422 (64) Madaffari Drive, Exmouth (Refer ***Attachment 8***).

BACKGROUND

The subject land is currently vacant with no vegetation coverage. This proposal seeks Council's planning approval for a two storey dwelling in the Exmouth Marina Village Precinct 'A' canal lots.



Proposal

This proposal seeks Council's planning approval for a double storey residential 340m² dwelling comprising of four bedrooms main en suite, separate bath and toilet, laundry, meals and kitchen with a walk in pantry, double garage, double carport, alfresco and rear patio.

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. A dwelling within the Marina zone is a 'P' use meaning the use is permitted.

The application varies the provisions of the Exmouth Marina Precinct A Detailed Design Guidelines with:

1. A non-identifiable front entry from the street behind the carport; and
2. The size and scale of carports and garages detracts from the main dwelling being 65% frontage of the lot.

ISSUES

Front Entry Not Identifiable From the Street

In accordance with the provisions of the design guidelines front entries are to be clearly identifiable from the street and to be expressed through design elements such as porticos or feature lighting. The proposed main entry is behind an open carport. The main entrance will not be visible from the street when vehicles are parked in the carport. However the entry is made prominent with a wider door and different cladding surrounding the main entrance. When vehicles are not parked in front of main entry the entrance will be prominently visible from the street. Officer recommends approval of the front entry being located behind an entirely open carport.

Size and Scale of Carports and Garages

In accordance with the provision of the design guidelines the size and scale of garages/carports are to remain residential in nature and not detract from the main dwelling. The carport and garage have an 11.5m frontage being 64% total width of the lot. Both the carport and garage are setback in accordance with the provisions of the design guidelines. The carport is an entirely open structure on all sides. The dominant visual impact of both the garage and carport is reduced by the second floor of the dwelling above and behind the carport. The visual impact of upper floor compensates for the visual impact of the ground floor garage and carport. Officer recommends approval of carport and garage as part of the planning application.

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.

Landscaping

The applicant has not included details regarding landscaping. A standard condition has been included requiring the submission of a landscaping plan and that landscaping be installed prior to occupation. The installation of landscaping will improve the visual amenity of the streetscape and reduce the impacts of fill being washed onto the Shire road verge after rain.

Fencing

The application includes fencing within 2m of the shared stair access. In accordance with the provisions of design guidelines fencing is not permitted within 2m of the shared stair access. This provision has been created to ensure an adequate width of access is provided to both the opener of the lot and adjoining neighbour as at the stairs have not been built in the centre of the cadastral boundary for all lots in the Marina. A standard condition has been included and the plans have been marked.

The applicant has incorrectly labelled the retaining walls. Retaining wall 1 is located closest to the canal waterway and retaining wall 2 is located closest to the net developable area. Fencing is only permitted on top of retaining wall 2 not retaining wall 1. A standard condition has been included and the plans have been marked.

Additional standard fencing conditions have been included.

Overlooking

The application includes an upper decking area at the rear of the dwelling within the Net Developable Area. Plans provided indicate a 1m high wall. In accordance with the provisions of the Residential Design Codes for Western Australian 1.6m high screening, at least 75% obscure and permanently fixed is to be provided to increase visual privacy and reduce overlooking. The plans have been marked and a condition has been included.

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

CONSULTATION

In accordance with the provisions of the design guidelines the variations have been notified to adjoining neighbours to provide comment for a period of 14 days from 26 September 2013 to 10 October 2013.

Address	Received	Comment
Lot 421 Madaffari Drive	No objection	
Lot 423 Madaffari Drive	No objection	

STATUTORY ENVIRONMENT

Town Planning Scheme No.3

Planning and Development Act 2005

Residential Design Codes Western Australia

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.

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 – 10.6.11

That the Council of the Shire of Exmouth grant planning approval for a dwelling 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 (as amended) (PA123/13) 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. The development having external colours consistent with Council's Policy (6.2) Colour Palette for Developments (attached);*
- 4. 1.6m high screening shall be provided on both sides of the upper floor deck at the rear of the dwelling. The screening shall be at least 75% obscure and permanently fixed;*
- 5. The Nutrient Retention Area shall not be paved/sealed, but being used for garden purposes or covered with grated/permeable materials that allow for nutrient run off to be contained on-site;*

6. *No fertilisers, other than slow release granular fertilisers specially formulated to reduce nutrient run-off and nutrient infiltration into the water table, being used. No fertilizers being used in the Nutrient Retention Area;*
7. *Lot owners being responsible for ensuring that no materials deleterious to the water quality shall enter the canals;*
8. *Moorings, jetties and similar structures shall not be erected or attached to the canal walls without the prior approval being obtained from the Shire of Exmouth and the Department of Transport;*
9. *In accordance with the Exmouth Vessel Management Plan, no toilet water, sewerage, bilge or other pollutant wastes being discharged into the canal waters. Boat wastes being disposed of at boat water disposal units provided by the relevant authorities or otherwise where permitted and specified by the authorities;*
10. *A landscaping plan being submitted for the approval of Council and landscaping being established in accordance with that approved plan prior to occupation of the new building/s;*
11. *No obstructions are permitted to restrict and/or hinder access along the canal edge footpath or the shared stairway providing access to the path any is subject to Council local laws;*
12. *The owner of any canal frontage lot being responsible for the ongoing maintenance of the stabilised surfaces and revetment walls and private jetties within their lot. Each owner being responsible for the ongoing maintenance of any pontoon or jetty that gives access to that lot;*
13. *All canal revetment walls along the canal frontage being kept in a structurally sound condition and not being altered, extended or removed without the prior written approval of the Council and the Department of Transport;*
14. *Any future fencing within the front street setback area (including the street front boundary) shall not exceed 0.9 metres in height;*
15. *Any graffiti or paint or other un-natural markings shall be removed. The Council may direct the owners of lots adjoining/abutting the canals to maintain the canal interface to the requirements of the Department of Planning and Infrastructure;*
16. *Any future canal frontage fencing (excludes retaining walls) shall be open style fencing (minimum of 90% visually permeable) and not exceed 1.2 metres. The minimum canal setback for fencing is on top of the Secondary Retaining Wall;*
17. *No fencing shall be permitted within two (2) metres of any shared stair access to the canals;*
18. *The carport being an entirely open structure at the front and sides to the satisfaction of Council Officers;*
19. *Boundary fencing located along the Net Developable Area not exceeding 1.8m in height;*
20. *The total width of the crossover at street frontage between the road carriageway and the property boundary shall not exceed 40% of the frontage of the lot;*
21. *The existing kerb and footpath may be altered for the crossover to a maximum 2% gradient from the bottom of the kerb to property boundary with the use of a mountable kerb, with no obstructions hindering the use or access of footpaths both along the canal edge and street side;*
22. *Solid Side fencing within the Conditional Developable Area shall be a maximum height of 0.9m. A further 0.6m shall be open style (minimum 90% visually permeable) with a maximum total height of 1.5m, allowing for water to pass through below the 1:100 year flood level;*
23. *External clothes drying facilities, rubbish bin and all service fittings and fixtures shall not be visible from the public road;*

24. *No structural loading being placed on canal walls;*
25. *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;*
26. *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*
27. *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) *Any future fencing being in accordance with the Design Guidelines and requires a building permit from the Shire of Exmouth.*
- 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) *The 'Nutrient Retention Area' (NRA) is located above the top of the first (highest) retaining wall, and serves to ensure that nutrient run off from domestic uses is retained on site rather than entering the canal system. The NRA comprises an area 1.6m wide area located along the edge of the highest retaining wall constructed by the developer.*
- v) *The applicant is advised landscaping is to compromise species of plants as defined within Councils Landscaping Policy.*
- vi) *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.*
- vii) *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 – 24-1013 – 10.6.11

Moved Councillor Fitzgerald, Seconded Councillor Thompson.

That the Council of the Shire of Exmouth grant planning approval for a dwelling 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 (as amended) (PA123/13) 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. ***The development having external colours consistent with Council's Policy (6.2) Colour Palette for Developments (attached);***

4. *1.6m high screening shall be provided on both sides of the upper floor deck at the rear of the dwelling. The screening shall be at least 75% obscure and permanently fixed;*
5. *The Nutrient Retention Area shall not be paved/sealed, but being used for garden purposes or covered with grated/permeable materials that allow for nutrient run off to be contained on-site;*
6. *No fertilisers, other than slow release granular fertilisers specially formulated to reduce nutrient run-off and nutrient infiltration into the water table, being used. No fertilizers being used in the Nutrient Retention Area;*
7. *Lot owners being responsible for ensuring that no materials deleterious to the water quality shall enter the canals;*
8. *Moorings, jetties and similar structures shall not be erected or attached to the canal walls without the prior approval being obtained from the Shire of Exmouth and the Department of Transport;*
9. *In accordance with the Exmouth Vessel Management Plan, no toilet water, sewerage, bilge or other pollutant wastes being discharged into the canal waters. Boat wastes being disposed of at boat water disposal units provided by the relevant authorities or otherwise where permitted and specified by the authorities;*
10. *A landscaping plan being submitted for the approval of Council and landscaping being established in accordance with that approved plan prior to occupation of the new building/s;*
11. *No obstructions are permitted to restrict and/or hinder access along the canal edge footpath or the shared stairway providing access to the path any is subject to Council local laws;*
12. *The owner of any canal frontage lot being responsible for the ongoing maintenance of the stabilised surfaces and revetment walls and private jetties within their lot. Each owner being responsible for the ongoing maintenance of any pontoon or jetty that gives access to that lot;*
13. *All canal revetment walls along the canal frontage being kept in a structurally sound condition and not being altered, extended or removed without the prior written approval of the Council and the Department of Transport;*
14. *Any future fencing within the front street setback area (including the street front boundary) shall not exceed 0.9 metres in height;*
15. *Any graffiti or paint or other un-natural markings shall be removed. The Council may direct the owners of lots adjoining/abutting the canals to maintain the canal interface to the requirements of the Department of Planning and Infrastructure;*
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18. *The carport being an entirely open structure at the front and sides to the satisfaction of Council Officers;*
19. *Boundary fencing located along the Net Developable Area not exceeding 1.8m in height;*
20. *The total width of the crossover at street frontage between the road carriageway and the property boundary shall not exceed 40% of the frontage of the lot;*
21. *The existing kerb and footpath may be altered for the crossover to a maximum 2% gradient from the bottom of the kerb to property boundary with the use of a mountable kerb, with no obstructions hindering the use or access of footpaths both along the canal edge and street side;*

22. *Solid Side fencing within the Conditional Developable Area shall be a maximum height of 0.9m. A further 0.6m shall be open style (minimum 90% visually permeable) with a maximum total height of 1.5m, allowing for water to pass through below the 1:100 year flood level;*
23. *External clothes drying facilities, rubbish bin and all service fittings and fixtures shall not be visible from the public road;*
24. *No structural loading being placed on canal walls;*
25. *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;*
26. *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*
27. *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

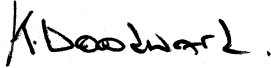
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- ii) *Any future fencing being in accordance with the Design Guidelines and requires a building permit from the Shire of Exmouth.*
- iii) *Due to proximity of the development to the Exmouth Gulf and the possible exposure to high salt laden winds, 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) *The 'Nutrient Retention Area' (NRA) is located above the top of the first (highest) retaining wall, and serves to ensure that nutrient run off from domestic uses is retained on site rather than entering the canal system. The NRA comprises an area 1.6m wide area located along the edge of the highest retaining wall constructed by the developer.*
- v) *The applicant is advised landscaping is to compromise species of plants as defined within Councils Landscaping Policy.*
- vi) *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.*
- vii) *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

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:	7 October 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

Tantabiddi

- Toilets - As previously reported in the September 2013 agenda the construction of the toilets are complete and during the last week in September were opened to the general public. The old toilet block has been closed down waiting for demolition. Timeframe for the demolition is yet to be established however it is envisaged that it will occur during the lower patronage months therefore alleviating any impact on the general public.
- Sand Removal – Occurred during the week beginning 23 September 2013 and was undertaken by an external contractor. Engineering will commence the construction of a temporary access point along the southern rock wall to move the excess sand, this is programmed for the week of Monday 7 October 2013. It was mutually agreed in consultation with Department of Parks & Wildlife that the excess sand will be used to extend the dune to the immediate rear of the new and old ablution blocks. This will assist with the restriction of vehicle access beyond the hard edge of the car park.

Exmouth Aerodrome

Engineering undertook works over the first two weeks of October 2013. Base material has been laid and married into the existing hard stand on both the Northern and Southern approaches. A maintenance grade has also been conducted on the remainder of the airstrip and some repair works have occurred on the northern end. The runway edges have also been mowed and cleared of debris.

A maintenance grade of the gravel entrance road was also undertaken whilst machinery and labour were mobilised.

Machinery Acquisition

Road Sweeper

Engineering Services have recently taken delivery of a new Tennant Road Sweeper. The machine is equipped to sweep virtually any debris from roads and footpaths. The addition of a vacuum wand enables operators to clean small areas previously difficult to access.

Following heavy rains earlier this year, many streets throughout the town were inundated with sand and other debris as a result of runoff from vacant land and residential properties. Previous machinery and attachments proved cumbersome and inefficient to cope with the large amount of debris. Following onsite training undertaken by key Engineering staff, street sweeping operations commenced Monday 7 October 2013. Engineering Services is confident the machinery has the capability to ensure all streets and roads within Exmouth Town site remain litter and debris free resulting in a cleaner and more appealing townscape. The Road Sweeper was purchased under WALGA E-Tender 1996433 Contract Number TPS0985.

Procurement has commenced for the acquisition of a Kubota Tractor with loader and slasher capacity included in this WALGA tender is also the procurement of a front deck mower and a zero turn mower which will be primarily utilised in the high visual aesthetic areas such as Federation Park. Delivery of this machinery has been estimated to be mid November 2013.

Federation Park

After some initial teething issues with the irrigation system it appears that all systems are operating at an acceptable level. Further modifications and adjustments that will occur over the coming seasonal change will ensure that the system is operating at optimum levels during the summer period alleviating any loss of asset.

The park has become an attractive space for locals and tourists with the new double BBQ being utilised on a regular basis. Some wilful damage has occurred with both motor vehicle and scooters being driven over garden beds and turf areas resulting in sprinkler and plant damage.

The Federation Park sign rock garden is progressing well with the first stage of planting completed. Further plants have been identified and are awaiting supplier delivery.

Regional Bicycle Network Grant – Stokes Hughes Stage 2

Grant submissions for financial year 2014/15 for the Regional Bicycle Network close on the 15 November 2013. The Shire has previously utilised the RBN grant to complete two footpath networks linking non footpath areas. These are Murat Road linking pedestrian crossing to the Skate Park, the connection of the corner of Welch St and Murat Rd with Madaffari Rd and Stokes Hughes St. The grant is a dollar for dollar grant matched by the Department of Transport with a total of approximately \$1 million available across the state. The area identified for the current bid will be the continuation of the footpath on Stokes Hughes St.

Certificate IV Work Health & Safety

Keith Woodward and Joanne Gordon will be attending this training in Perth during the month of October. Certificate IV in Work Health and Safety (BSB41412) requires completion of 10 units of competency (5 core units and 5 electives).

5 Core Units:

- Assist with compliance with WHS laws
- Contribute to implementing and maintaining WHS consultation and participation processes
- Contribute to WHS hazard identification, risk assessment and risk control
- Contribute to implementing and maintaining WHS management systems
- Assist with responding to incidents

5 Elective Units:

- Assist with effective WHS management of contractors
- Contribute to work related health and safety measures and initiatives
- Ensure workplace emergency prevention procedures, systems and processes are implemented
- Implement and monitor WHS policies, procedures and programs to meet legislative requirements
- Investigate WHS incidents

Cyclone Preparation Depot-Verge Collection

Cyclone preparation at the Depot has been completed with only the alert status actions to be progressed during cyclonic weather.

The residential cyclone verge clean-up will commence week beginning Monday 21 October 2013. This will progress as per last year's actions which was effective and an efficient use of resources compared to previous years. 10 days has been allocated to this project however it is envisaged due to a focus on continuous improvement strategies this timeframe will significantly lessen.

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 October 2013.

COUNCIL DECISION – 25-1013 – 10.7.1
--

Moved Councillor Fitzgerald, Seconded Councillor Thompson.

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

CARRIED 5/0

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

14. CLOSURE OF MEETING

The Shire President declared the meeting closed at 4.26pm.