



Ordinary Council Meeting
Agenda
15 December 2016

NOTICE OF MEETING

Notice is hereby given that the

Shire of Exmouth
Ordinary Council Meeting

will be held on
15 December 2016
Commencing at 5.00pm
In the Council Chambers, Administration Centre,
22 Maidstone Crescent, Exmouth

Keith Woodward
Acting Chief Executive Officer

15 December 2016

Disclaimer

The advice and information contained herein is given by and to the Council without liability or responsibility 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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DECLARATION OF INTERESTS (NOTES FOR YOUR GUIDANCE) (updated 13 March 2000)

A member who has a **Financial Interest** in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest:

- (a) In a written notice given to the Chief Executive Officer before the Meeting or;
- (b) At the Meeting, immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- (c) Preside at the part of the Meeting, relating to the matter or;
- (d) Participate in, or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under Section 5.68 or Section 5.69 of the *Local Government Act 1995*.

NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)

The following notes are a basic guide for Councillors when they are considering whether they have a **Financial Interest** in a matter. I intend to include these notes in each agenda for the time being so that Councillors may refresh their memory.

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measure in money terms. There are exceptions in the *Local Government Act 1995* but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
 - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the *Local Government Act*; or
 - 6.2 Where the Minister allows the Councillor to participate under s5.69 (3) of the *Local Government Act*, with or without conditions.

INTERESTS AFFECTING IMPARTIALITY

DEFINITION: *An interest that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected, but does not include an interest as referred to in Section 5.60 of the 'Act'.*

A member who has an **Interest Affecting Impartiality** in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest;

- (a) in a written notice given to the Chief Executive Officer before the Meeting; or
- (b) at the Meeting, immediately before the matter is discussed.

IMPACT OF AN IMPARTIALITY CLOSURE

There are very different outcomes resulting from disclosing an interest affecting impartiality compared to that of a financial interest. With the declaration of a financial interest, an elected member leaves the room and does not vote.

With the declaration of this new type of interest, the elected member stays in the room, participates in the debate and votes. In effect then, following disclosure of an interest affecting impartiality, the member's involvement in the Meeting continues as if no interest existed.

SHIRE OF EXMOUTH DISCLOSURE OF INTEREST

To: Chief Executive Officer

As required by Section 5.65(1)(a) of the Local Government Act 1995, I _____ hereby declare my interest in the following matters included on the Agenda paper for the Council/Committee meeting to be held on _____ (Date).

Item No.	Subject	Details of Interest	*Extent of Interest (see below)

*Extent of Interest only has to be declared if the Councillor also requests to remain present at a meeting, preside, or participate in discussions or the decision making process (see item 6 below)

Councillor / Employee Signature _____ Date _____

NB:

1. This notice must be given to the Chief Executive Officer prior to the meeting or at the meeting immediately before the matter in which you have an interest is discussed, Section 5.65(2)(a) & (b).
2. It remains Councillor’s responsibility to make further declarations to the Council if a matter arises during the course of a meeting and no previous declarations have been made.
3. It is a Councillor’s responsibility to ensure that the interest is brought to the attention of the Council/Committee when the Agenda item arises and to ensure that it is recorded in the minutes.
4. It remains the Councillor’s responsibility to ensure that he/she does not vote on a matter in which a declaration has been made, unless specifically entitled under the Local Government Act 1995. This responsibility also includes the recording of particulars in minutes to ensure they are correct when such minutes are being confirmed.
5. It is recommended that when previewing Agendas, Councillors mark Agendas with items on which an interest is to be declared and complete the declaration form at the same time.
6. Councillors may be allowed to remain at meetings at which they have declared an interest and may also be allowed to preside (if applicable) and participate in discussions and the decision making process upon the declared matter subject to strict compliance with the enabling provisions of the Local Government Act 1995 and appropriately recorded resolutions of the Council. Where Councillor’s request consideration of such Council approval the affected Councillor must vacate the Council Chambers in the first instance whilst the Council discusses and decides upon the Councillor’s application.
7. Local Governments are required to include in their codes of conduct certain provisions in relation to the disclosure of interests that are perceived to affect the impartiality of elected members or employees. It is the Councillor’s responsibility to declare those matters where they perceive they may have an Impartiality Interest – however Councillor’s are entitled to stay in the room, participate in the debate and vote on matters where they have declared an Impartiality Interest.

Remember: The responsibility to declare an interest rests with individual Councillors. If Councillor’s are in any doubt seek legal opinion or, to be absolutely sure, simply declare in any case.

Office Use Only:

Date/Initial

1. Particulars of declaration given to the meeting _____

2. Particulars recorded in the minutes _____

Signed by the Chief Executive Officer _____

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ORDINARY COUNCIL MEETING AGENDA

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

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

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

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).

5. DECLARATIONS OF INTEREST

6. APPLICATIONS FOR LEAVE OF ABSENCE

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

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

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

That the Minutes of the Special Council Meeting held on the 18 November 2016 confirmed as a true and correct record of proceedings.

That the Minutes of the Special Council Meeting held on the 1 December 2016 confirmed as a true and correct record of proceedings.

That the Minutes of the Ordinary Meeting of the Shire of Exmouth held on the 24 November 2016 be confirmed as a true and correct record of proceedings.

8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

10. REPORT OF COUNCILLORS

Date	Activity	Councillor				
		Cr Shales	Cr Hood	Cr McHutchison	Cr Roscic	Cr Jones
24/11/16	Attended a meeting about floating decks for Cruise Ships with Tourism WA, Carnival Australia, Department of Transport, Australian Floating Decks and a representative from the Premiers office.		✓			
01/12/16	Special Council Meeting.	✓		✓	✓	✓
07/12/16	Exmouth District High School Secondary Graduation to present awards.					✓
13/12/16	Special Council Meeting.	✓		✓	✓	✓

11. EXECUTIVE SERVICES

11.1 ORDINARY COUNCIL MEETING DATES 2017

File Reference:	GV.CM.0
Responsible Officer:	Acting Chief Executive Officer
Date of Report:	2 December 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Nil

PURPOSE

That Council consider the proposed Ordinary Council meeting dates and starting times for 2017.

BACKGROUND

Below are the proposed meeting dates for 2017, being the last Thursday of the month (except where it has been changed to a Wednesday as indicated below) commencing at 4.00pm:

- 25 January 2017 (Wednesday)
- 23 February 2017
- 30 March 2017
- 27 April 2017
- 25 May 2017
- 29 June 2017
- 27 July 2017
- 31 August 2017
- 28 September 2017
- 26 October 2017
- 30 November 2017
- 21 December 2017

Council are required to give local public notice of the proposed dates as per Regulation 12(1) of the *Local Government (Administration) Regulations 1996*.

COMMENT

Nil

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government (Administration) Regulations 1996

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION**ITEM 11.1**

That Council endorse the following dates for Ordinary Council meetings for 2017 commencing at 4.00pm:

- 25 January 2017 (Wednesday)
- 23 February 2017
- 30 March 2017
- 27 April 2017
- 25 May 2017
- 29 June 2017
- 27 July 2017
- 31 August 2017
- 28 September 2017
- 26 October 2017
- 30 November 2017
- 21 December 2017

11.2 RFQ 21-2016 PROVISION OF TRADE SERVICES MAINTENANCE WORKS

File Reference:	CP.CO.2
Responsible Officer:	Acting Chief Executive Officer
Date of Report:	8 December 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. CONFIDENTIAL WALGA Evaluation Report

PURPOSE

That Council consider awarding electrical and plumbing maintenance contracts as recommended in the Confidential Attachment 1.

BACKGROUND

At the 27 July Ordinary Council Meeting, Council resolved the following (12-0716):

That Council authorise the advertisement of the 12 month term Electrical and Plumbing Maintenance contracts.

The West Australian Local Government Association (WALGA) on behalf of the Shire was requested to manage the RFQ Provision of Trade Services. WALGA advertised, received and assessed the submissions independent of the Shire.

COMMENT

The purpose of the electrical and plumbing maintenance contracts is to have the ability to undertake emergency electrical and plumbing works. For example, if the football oval lights stop working during a game the officer can engage an electrician under the provisions of the electrical maintenance contract immediately, because they're obligated to provide service under contract. Or if the public toilet sewerage plumbing breaks or backs up, the officer can engage a plumber under the provisions of the plumbing maintenance contract immediately, because they're obligated to provide service under contract. These arrangements have worked very well and have resulted in a more effective service delivery. To understate the value of these arrangements would be near sighted when considering the size of the plumbing and electrical asset.

This engagement was not advertised via a State wide tender because the annual expenditure will not exceed the tender threshold of \$150,000 for either contract.

The electrical and plumbing maintenance contracts will not include new works or new additional assets unless the existing systems require an upgrade to meet the current standards as part of the repair.

New additional electrical and plumbing asset procurement will be advertised through the Shire's EQuote communication tool.

CONSULTATION

Western Australian Local Government Association

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Policy 2.10 - Purchasing Policy

FINANCIAL IMPLICATIONS

As per 2016/2017 Shire Budget (Maintenance/operational)

STRATEGIC IMPLICATIONS

This item is relevant to the Council's approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2012-2016.

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION**ITEM 11.2**

That Council:

1. Award the electrical and plumbing maintenance contracts as per the recommendation in the Confidential Evaluation Report at Attachment 1; and
2. Record the recommendation for the electrical and plumbing maintenance contracts as provided in the Confidential Evaluation Report at Attachment 1 in the meeting minutes.

11.3 PUBLIC HEALTH ACT 2016 DELEGATIONS

File Reference:	GV.AU.2
Responsible Officer:	Executive Manager Health & Building Services
Date of Report:	1 December 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none">1. Current Delegation HB008 – <i>Health Act 1911</i>2. Updated Delegation HB008 – <i>Health (Miscellaneous Provisions) Act 1911</i>3. Proposed new Delegation HB013 – <i>Public Health Act 2016</i>

PURPOSE

That Council consider delegating all duties conferred or imposed on it by the *Public Health Act 2016* to the Chief Executive Officer and to approve some minor amendments to the existing delegations relating to the *Health Act 1911*.

BACKGROUND

The gazettal of the *Public Health Act 2016* represents a significant update and change to the implementation of environmental health legislation, replacing the *Health Act 1911*. As there is a significant amount of work required to transition to the new regulatory framework, the Department of Health (WA) has advised that implementation is to occur in a staged manner over the next 3 to 5 years.

The old *Health Act 1911* [which will be known as the *Health (Miscellaneous Provisions) Act 1911*], and all regulations made under the *Health Act 1911*, will continue to be the main enforcement tool used by the Shire's Environmental Health Service until the provisions of the new Act are proclaimed over the coming years.

There are five (5) stages of implementation, of which Stages 1 and 2 are already in effect and have no practical implications for local government. Stage 3 involves key elements of the administrative framework provided by Part 2 of the *Public Health Act 2016* coming into operation to replace the equivalent administrative framework provided by Part II of the *Health Act 1911*. This includes gazettal of Environmental Health Officers to enforce the provisions of the Act within their local government authority and annual reporting requirements.

The Department of Health recently advised that Stage 3 will be implemented effective from 24 January 2017. Some administrative procedures need to be undertaken to effect this transition within the Shire of Exmouth, including but not limited to updating all references to the *Health Act 1911* to the *Health (Miscellaneous Provisions) Act 1911* and updating of the Delegations Register to reflect the above.

Stage 4 will adopt changes to the *Public Health Act 2016* relating to notifiable infectious diseases and related conditions, prescribed conditions of health, serious public health incident powers and

public health emergencies. The date for commencement of Stage 4 is yet to be determined. No action by local government is expected during this implementation stage.

Stage 5 will be the most significant stage of implementation for enforcement agencies as it represents the point at which they move from the framework provided by the *Health (Miscellaneous Provisions) Act 1911* to the *Public Health Act 2016*. The development of new regulations under the *Public Health Act 2016* relating to environmental health matters will commence, and feature provisions for:

- the built environment;
- water;
- body art and personal appearances; and
- pests and vectors.

Equivalent provisions in the *Health (Miscellaneous Provisions) Act 1911* and regulations and by-laws made under that Act will be repealed.

The following provisions will also commence with the enforcement provisions:

- Public Health Planning;
- Public Health Assessments; and
- Registration and licensing.

Stage 5 will require substantial works by local government to implement this stage. The Department of Health has advised that it will be working closely with Local Government Authorities in the lead up to this stage, including consultation on the development of the required regulations.

COMMENT

All currently employed Environmental Health Officers will automatically be authorised officers and will continue to enforce both the new and the old public health legislation as the transition continues. However, implementation of Stage 3 requires that they must be provided a certificate of authority under the *Public Health Act 2016*, to be produced on request. The Shire's authorised delegate is required to sign the certificate.

Using Section 21(1)(b)(i) of the *Public Health Act 2016*, Council may delegate the powers and duties conferred on it to the Chief Executive Officer or an authorised officer of the Local Government. At this time, the effect of the delegation being sought is minor (i.e. sign the certificate), however as further provisions are gazetted to expand the powers of the *Public Health Act 2016*, this delegation will provide for the smooth implementation of these provisions as they are implemented.

Precedent for this already in place with Delegation HB008 – Health Act (refer Attachment 1) which enables the Chief Executive Officer, Executive Manager Health and Building and Environmental Health Officer to act on behalf of Council in respect to the *Health Act 1911* and associated Regulations and Local Laws. The above delegation will need to remain in place during the transition to the new *Public Health Act 2016* but will require some minor amendments to reflect the current changes. Upon a review of existing Delegation HB008 – Health Act it was established that a number of grammatical improvements should also be considered. A copy of the proposed updated and revised Delegation HB008 – *Health (Miscellaneous Provisions) Act 1911* is provided at Attachment 2.

A new delegation (refer Attachment 3) is recommended to give the Chief Executive Officer the delegation to appoint authorised officers under *Public Health Act 2016* Section 21(1).

Although Stage 3 of the implementation of the new Act will not have effect until 24 January 2017, it is desirable to obtain a Council resolution at this 15 December 2016 Ordinary Council Meeting in relation to the above delegations to be effective from 24 January 2017 to ensure a seamless transition and to enable updated certificates of authority to be signed on that date.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Public Health Act 2016 Section 21(1)(b)(i)
Health Act 1911
Health (Miscellaneous Provisions) Act 1911

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

Social:	3	<u>To be a dynamic, passionate and safe community valuing natural and cultural heritage.</u>
	3.7	Residents and visitors have access to appropriate services and facilities to enhance their health and wellbeing.
Civic Leadership:	4	<u>To work together as custodians of now and the future.</u>
	4.2	A local government that is respected, professional, trustworthy and accountable.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 11.3

That Council adopt the following amended and new delegations, effective from 24 January 2017:

1. (amended) Delegation HB008 – *Health (Miscellaneous Provisions) Act 1911* (refer Attachment 2); and
2. (new) Delegation HB013 – *Public Health Act 2016* (refer Attachment 3).

12 CORPORATE SERVICES

12.1 FINANCIAL STATEMENT FOR PERIOD ENDING 30 NOVEMBER 2016

File Reference:	FM.FL.0
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	7 December 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Financial Report as at 30 November 2016

PURPOSE

That Council consider accepting the financial report for the financial period ending 30 November 2016.

BACKGROUND

The provisions of the *Local Government Act 1995* and associated Regulations require a monthly financial report for presentation to the Council. A financial report for the period ended 30 November 2016 has been prepared and a copy of the Report is attached.

The following table displays the Council's year to date position to 30 November 2016 including the projected closing position for 2016/17 financial year. The 2016/17 Budget estimated to deliver a budget with a small surplus of \$1,515, however the current projected forecast closing position to 30 June 2017 is estimated a small surplus of \$3,666.

2016/17	Year to Date Actual	Year to Date Budget	Amended Budget	On Target with YTD Budget	Forecast to 30/6/17	Forecast Impact on Surplus
	\$	\$	\$	%		
Operating Revenue	7,740,599	7,704,692	11,927,194	99.8%	12,035,464	▲
Operating Expenditure	(6,125,658)	(6,535,416)	(15,865,496)	93.7%	(15,956,687)	▼
Non Operating Revenue	12,225,242	14,932,448	27,974,025	95.9%	27,782,826	▼
Non Operating Expenditure	(8,952,432)	(11,862,349)	(28,450,490)	100.0%	(28,269,959)	▲
Non cash Items Included	1,799,737	3,376,099	4,286,478	13.8%	4,286,478	
Surplus C/Fwd June 2016	125,545	129,804	129,804	96.7%	125,545	▼
Surplus/(Deficit)	6,813,032	7,745,278	1,515	88.0%	3,667	▲

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

COMMENT

Statement of Financial Position

Total Current Assets have decreased by 0.56% from October to November 2016 Sundry Debtor accounts have reduced owing to invoices that were outstanding within the range of current to 60 days being paid. Current Liabilities have seen a decrease of 15.06% from October to November 2016 resulting in Creditors invoices being paid prior to end of month. Non-Current Assets have increased slightly by 1.51% to recognise capital acquisitions purchased to date. Non-Current Liabilities remain unchanged from October 2016.

	30/11/2016	31/10/16	% Change
Current			
Assets	14,560,590	14,642,301	(0.56%)
Liabilities	(1,636,941)	(1,927,146)	(15.06%)
Non Current			
Assets	97,741,692	96,290,285	1.51%
Liabilities	(1,288,504)	(1,288,504)	0.00%
NET ASSETS	109,376,838	107,716,937	

Capital Expenditure

The Council's 2016/17 Capital Expenditure budget is \$26,691,801, the majority of which is associated with the construction and fitout of the Ningaloo Centre and other infrastructure improvements. The following table shows that Council is currently 77% on target with capital expenditure year to date.

Asset Class	Year to Date Actual	Year to Date Budget	On Target with YTD Budget	Annual Budget
	\$	\$	%	\$
Land & Buildings	7,903,931	8,854,560	89%	21,745,904
Furniture & Equipment	5,870	6,000	98%	371,000
Land Held for Resale	430,000	430,000	100%	430,000
Plant & Equipment	22,784	867,500	3%	1,106,510
Infrastructure Roads	358,225	944,730	38%	2,267,441
Infrastructure Other	55,215	319,000	17%	770,946
TOTAL	8,776,025	11,421,790	77%	26,691,801

CONSULTATION

Nil

STATUTORY ENVIRONMENT

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

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION**ITEM 12.1**

That Council resolves to receive the Financial Report for the financial period ending 30 November 2016.

12.2 LIST OF ACCOUNTS FOR PERIOD ENDING 30 NOVEMBER 2016

File Reference:	FM.FI.0
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	7 December 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. List of Accounts for period ending 30 November 2016.

PURPOSE

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

BACKGROUND

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

COMMENT

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

CONSULTATION

Nil

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION**ITEM 12.2**

That Council resolves to accept accepts payments from 1 November to 30 November 2016 being made up of:

1. Municipal Fund – \$2,772,811.58 incorporating of cheques 13357 - 13370 and direct debits;
and
2. Trust Fund – \$1,696.30 incorporating of cheque 400853 and direct debits

Outstanding Creditors as at 30 November 2016 being \$293,916.04.

13 AVIATION SERVICES

13.1 REQUEST FOR TENDER 03/2016 – AIRPORT SHUTTLE BUS SERVICE

File Reference:	CM.TE.03.2016
Responsible Officer:	Executive Manager Aviation Services
Date of Report:	6 December 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Confidential Evaluation Report – RFT 03/2016

PURPOSE

That Council consider the outcome of the Airport Shuttle Bus Service Tender (RFT 03/2016).

BACKGROUND

The current contract for the provision of the Learmonth Airport shuttle bus service ends on 31 December 2016.

At the 26 May Ordinary Council Meeting, Council resolved the following (04-0516):

That Council, pursuant to Section 3.57 of the Local Government Act 1995 call for submissions for Expression of Interest 01/2016 – Airport Shuttle Bus Service, noting that a further report will be presented to Council to consider the evaluation of the submissions received after the expression of interest closing period.

Previous tenders for the airport shuttle bus service have been very specific in the way the service is to be provided by the successful tenderer/operator and some of these specifications have been advised by the current operator as being restrictive. With this in mind, a two-stage procurement process was determined. Stage 1 was the calling for expressions of interest (EOI). This process resulted in a short-list of two suitable operators.

At the 29 September 2016 Ordinary Council Meeting, Council resolved the following (24-0916):

That Council:

- 1. Accept the Confidential Evaluation Report EOI 01/2016 Airport Shuttle Bus Service at Attachment 1 and the recommendations within;***
- 2. Pursuant to Section 3.57 of the Local Government Act 1995, proceed to invite the shortlisted applicants from EOI 01/2016 Airport Shuttle Bus Service to tender for RFT 03/2016 Airport Shuttle Bus Service provided at Attachment 2, noting that a further report will be presented to Council to consider the evaluation of tenders received after the request for tender closing period; and***

3. Endorse the tender selection evaluation criteria for RFT 03/2016 as follows:

Criteria	Weighting
Shuttle Bus Service	20%
Viability of Service	40%
Customer Service	15%
Marketing	15%
Operator Team Skills	5%
Project Size & Complexity	5%

noting that any financial contribution made by Council under this Contract is capped to a maximum nominated amount as per the file reference CM.EX.01.2016

The Contract provided in the Request for Tender takes into consideration the information provided in the EOI submissions received, and should be able to provide a viable service to the operator and meet Council's desires of the service for the community.

COMMENT

The two shortlisted parties from the Expression of Interest process were invited to tender for the airport shuttle bus service by letter dated 30 September 2009

2 tenders and 1 alternate tender were received by the tender deadline of 2pm Wednesday 9 November 2016.

Tenders were evaluated by a three person panel comprising of:

- Executive Manager Aviation Services.
- Executive Manager Town Planning.
- Heliport Coordinator.

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

Criteria	Weighting
Shuttle Bus Service	20%
Viability of Service	40%
Customer Service	15%
Marketing	15%
Operator Team Skills	5%
Project Size & Complexity	5%

The Regional Price Preference Policy was included as part of this tender. 1 tender and the alternate tender were eligible for the application of the Policy and this was considered in the evaluation.

The confidential tender evaluation report is available at Attachment 1.

CONSULTATION

Two tender addendums were released during the tender period. Tender addendum 1 was in relation to a number of contractual queries. Tender addendum 2 provided annual passenger numbers on

the airlines services for the previous six financial years. Each tenderer acknowledged receipt of each tender addendum.

STATUTORY ENVIRONMENT

Local Government Act 1995 s3.57

Local Government (Functions & General) Regulations 1996 Part 4 Division 2

Local Government Act 1995 s5.23 subsection 2

POLICY IMPLICATIONS

Policy 2.10 – Purchasing Policy

Policy 3.17 – Regional Price Preference Policy

FINANCIAL IMPLICATIONS

When endorsing to call for tenders for the airport shuttle bus service at the 29 September 2016 Ordinary Council Meeting, Council nominated a capped financial contribution for each year of the contract.

The proposed successful tender price is within this budget.

STRATEGIC IMPLICATIONS

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

- Economic:
- 1 To be a diverse and innovative economy with a range of local employment opportunities.
 - 1.5 *Maintain and improve Shire infrastructure.*
- Social:
- 3 To be a dynamic, passionate and safe community valuing natural and cultural heritage.
 - 3.2 *Excellent lifestyle, recreational and cultural facilities.*
- Civic Leadership:
- 4 To work together as custodians of now and the future.
 - 4.2 *A local government that is respected, professional, trustworthy and accountable.*

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 13.1

That Council:

1. Award the contract for Tender 03/2016 – Airport Shuttle Bus Service as per the recommendation in the Confidential Evaluation Report – RFT 03/2016 (refer Attachment 1); and
2. Record the recommendation for Tender RFT 03/2016 as provided in the Confidential Evaluation Report – RFT 03/2016 in the meeting minutes.

14 COMMUNITY ENGAGEMENT

Nil

15 HEALTH & BUILDING SERVICES

15.1 PROPOSED REDUCED FEES TO REWARD PROMPT ACTION TO RESOLVE UNAUTHORISED SEA CONTAINERS & TRANSPORTABLE BUILDINGS

File Reference:	LE.NO.0
Responsible Officer:	Executive Manager Health & Building Services
Date of Report:	5 December 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none">1. Shire Newsletter – 2016-17 Cyclone Season (Sea Containers need tick of approval)2. Letter sent to property owners with suspected unauthorised structures.

PURPOSE

That Council consider applying a concession on Planning and Building fees applicable as a form of an incentive to help encourage property owners to obtain formal approval for unauthorised structures (namely sea containers and transportable buildings) that were recently identified throughout the commercial lots south of Nimitz Street as well as the 'Horse Blocks' and the Special Rural subdivision.

BACKGROUND

During Tropical Cyclone Olwyn (March 2015) unsecured structures within the Special Use (Industrial/Composite Industrial) Estate south of the town site became mobile during the event and caused damage to other properties. Council Officers have received several complaints over the past 12 months regarding sea containers and other structures being stored on lots in the above estate that were allegedly not, or inadequately secured. The above prompted a survey of the above estate and other areas where such structures are commonly used. The survey was completed 15 August 2016 and identified approximately 60 items that warranted further investigation.

In November 2016 a Shire Newsletter themed on preparing for the 2016-2017 cyclone season featured an article titled "Sea Containers need tick of approval" advising property owners of the requirements to obtain approvals from Council's Town Planning and Building Departments for such structures (refer Attachment 1). The Newsletter failed to motivate any positive action from the property owners towards gaining approval for these structures. On 29 November 2016 a standard letter was sent to the property owners with suspected unauthorised structures detailing the approvals process should they wish to retain the building/s (refer Attachment 2).

Council Officers have received several enquiries since sending the above correspondence.

COMMENT

The action being taken regarding the unauthorised structures is primarily about community safety. The requirement to obtain approvals/permits from the Council's Town Planning Department and

Building Department is necessary to ensure compliance with relevant Council Policies, the Town Planning Scheme #3 and the *Building Act 2011*. With respect to maintaining community safety, the building approval process will ensure that the structures have been fixed to the ground by a means certified by a practising structural engineer as being appropriate for Wind Region D, Terrain Category 2.

As these structures are existing unauthorised buildings, the proper application of the Council adopted fees and statutory fees requires higher fees to be charged than should the relevant approvals had been obtained before siting the building on the land – see table below.

Application	Standard Fee	Fee for Retrospective Approval
Planning (<\$50K value)	\$147.00	\$441.00
Building (<\$20K value)	\$157.65	\$357.15
Total	\$304.65	\$798.15

In an effort to encourage property owners to act without delay, Council Officers are requesting that Council consider providing an amnesty on the application of the fees that would ordinarily be applied on such unauthorised development. Applications lodged by a certain date (to be determined) would only be required to pay the equivalent fee for a Planning Approval or Building Permit should the buildings not have been sited without approval.

Planning Application fees are determined by Council with legislation prescribing the maximum fee that may be adopted by Council. Therefore, Council may waive a fee or portion thereof should it deem appropriate. The fee for an application for retrospective planning approval consists of the standard fee (in this case \$147) plus two times the standard fee by way of penalty. Council Officers are recommending that the minimum fee only be applied.

The *Building Regulations 2012* prescribe a number of statutory fees that Council cannot waive or reduce e.g. BCITF (n/a in this case) and the Building Services Levy (\$61.65). The application relevant to an existing unauthorised structure is an Application for a Building Approval Certificate (\$96.00). In order to obtain the above certificate an applicant must provide a Certificate of Building Compliance (\$199.50). The latter being a non-statutory fee set by Council and one that could be waived by Council if this proposal is supported.

It could be argued that any reduction in fees ought not to be granted as the additional fees apply by way of penalty for development occurring without the required approvals. However, the reduced fees are proposed to emphasise that this is not a revenue raising exercise but rather the action is being taken for the primary purpose of community safety. The proposed fee reduction is to encourage a timely response from affected property owners.

The recommended cut-off for the offer of the reduced fee is 31 January 2017. It is also recommended that the reduced fee be applied retrospectively to any applications submitted prior to the 15 December 2016 Ordinary Council Meeting and in relation to the correspondence of 29 November 2016 regarding unauthorised sea containers and transportable buildings.

The proposed reduced fees for prompt action fall outside the scope of Council's delegation to the CEO relating to 'Waiving and Granting of Concessions and Write-Off of Debts other than Rates & Service Charges' (Delegation # CS014). Hence this report being presented to Council.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 5.42 – Delegation of some powers and duties to the CEO.

Local Government Act 1995 Section 6.12 – Power to defer, grant discounts, waive or write off debts.

Planning and Development Act 2005

Shire of Exmouth Town Planning Scheme No.3

Building Act 2011

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The potential financial implications are difficult to ascertain as it will depend on the uptake of the amnesty for the reduced fees (should Council resolve to proceed down this path). It is very unlikely that 50-60 complete and compliant applications will be submitted and approved by 31 January 2017 (Nb: An application for a Building Approval Certificate cannot be considered until a Planning Approval has been granted and the relevant plans and structural engineering certification submitted).

If by chance 50 applications were to receive Planning Approval and lodge compliant applications for Building Approval Certificates by 31 January 2017, the Council would essentially be waiving \$24,675.00 (\$493.50 x 50) in potential fees. However, such a number of compliant applications is extremely unlikely.

STRATEGIC IMPLICATIONS

This item is relevant to the Council's approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2012-2016.

- | | | |
|-------------------|-----|--|
| Economic: | 1 | <u>To be a diverse and innovative economy with a range of local employment opportunities.</u> |
| | 1.2 | <i>Planned and balanced economic growth.</i> |
| Environment: | 2 | <u>To have a balanced respect for our environment and heritage, both natural and built.</u> |
| | 2.5 | <i>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.</i> |
| Social: | 3 | <u>To be a dynamic, passionate and safe community valuing natural and cultural heritage.</u> |
| | 3.1 | <i>Retain a safe community environment.</i> |
| | 3.4 | <i>A community that is well informed and educated about our natural, cultural and built environment.</i> |
| Civic Leadership: | 4 | <u>To work together as custodians of now and the future.</u> |
| | 4.1 | <i>To be a collaborative community with the capacity to manage the current and future direction of Exmouth.</i> |
| | 4.2 | <i>A local government that is respected, professional, trustworthy and accountable.</i> |

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION**ITEM 15.1**

That Council:

1. Waive \$294.00 of the Planning Application fee and the fee for a Certificate of Building Compliance (\$199.50) for all complete applications lodged by 31 January 2017 for current unauthorised sea containers and transportable buildings; and
2. Apply the above fee waiver/s to any application lodged before this resolution that are so lodged in response to correspondence issued by the Shire of Exmouth dated 29 November 2016 regarding 'Unauthorised Building (Sea Container/ Transportable Building)'.

16 TOWN PLANNING SERVICES

16.1 FINAL CONSIDERATION OF LOCAL PLANNING STRATEGY FOLLOWING ADVERTISING

File Reference:	LP.PL.0.2; LP.PL.0.4
Responsible Officer:	Executive Manager Town Planning Services
Date of Report:	2 December 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none">1. Local Planning Strategy (revision 7)2. Schedule of Proposed Modifications3. Schedule of Submissions4. WAPC Consent to Advertise

PURPOSE

That Council consider adopting the Local Planning Strategy (refer Attachment 1) subject to modifications (refer Attachment 2) following advertising.

BACKGROUND

At the 28 April 2016 Ordinary Council Meeting, Council resolved (Decision 06-0416) to proceed with the Local Planning Strategy (Strategy) including accompanying maps making all modifications as requested by the Western Australian Planning Commission (WAPC), prior to advertising. The revised Strategy was forwarded to the WAPC on Monday, 23 May 2016 with consent given to advertise from the WAPC on Thursday, 2 June 2016 (refer Attachment 4).

COMMENT

After receiving consent to advertise from WAPC, the consultation period commenced on Thursday, 2 June 2016 and concluded on Friday, 23 September 2016 for a period of 113 days. Regulation 13(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires a Local Planning Strategy to be advertised for a period not be less than a period of 21 days commencing on the day on which the notice of the Strategy is published in a newspaper circulating in the area to which the Strategy relates (Pilbara News).

A total of 18 submissions were received during the consultation period. Ten (10) submissions were received from government agencies and eight (8) submissions were received from private citizens, owners, or occupiers. A schedule of submissions relating to the Strategy including Officers comments on each submission is included (refer Attachment 3).

As result of submissions received 166 modifications are recommended to be made to the Strategy for the following reasons:

- To improve grammar;
- To ensure consistency with all relevant legislation;
- To ensure consistency with proposed draft Local Planning Scheme No. 4; and
- To address concerns raised by submitters.

Four major changes are proposed to the Strategy, these include:

- Deletion of all reference to an adjustment of Water Corporation (Public Drinking Water P1) reserve to enable future development within the area in response to submission received;
- Deletion of all specific sites identified as a Nature Based Park investigation area in response to submission received;
- Deletion of all reference to the existing Waste Water Treatment Plant buffer area being included as a Special Control Area in Local Planning Scheme No. 4 to ensure consistency with modification/s proposed to Local Planning Scheme No. 4; and
- Adding actions to state '*Where considered necessary a Transport Impact Statement or Assessment may be required in accordance with WAPC guidelines.*' and '*Vehicular access shall be provided from local roads, shared driveways, cross easement agreements or access roads where available, rather than Minilya Exmouth road.*' for development sites fronting Minilya-Exmouth Road in response to submission received.

In accordance with Regulation 14 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* the Council may:

- a) *support the local planning strategy without modification; or*
- b) *support the local planning strategy with proposed modifications to address issues raised in the submissions.*

Process for Preparation or Adoption of a New Local Planning Strategy

In accordance with Regulation 14 (3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* after the completion of the review of the Strategy the Shire must submit to the WAPC a copy of the advertised Strategy, a schedule of the submissions received, and all proposed modifications to the Strategy. The process after this is as follows:

- i. Within 60 days of receiving the documents the WAPC may endorse the Strategy, endorse the Strategy with some or all of the modifications proposed by the Shire, require the Shire to further modify the Strategy before the Strategy is submitted to the Commission for endorsement, or refuse the Strategy;
- ii. If the WAPC endorses the Strategy the WAPC must publish the Strategy in any manner the WAPC considers appropriate;
- iii. The Shire must ensure that an up to date copy of the Strategy is kept and made available for public inspection during business hours and made available for public inspection during business hours at the Shire administration offices, and may publish an up to date copy of the Strategy on the Shire website.

Considering the above it is recommended that Council adopt the Local Planning Strategy (refer Attachment 1) subject to modifications (refer Attachment 2). The completion of the preparation and adoption of a new Local Planning Strategy process is expected to be completed mid-2017.

CONSULTATION

In accordance with Regulation 13 of the *Planning and Development (Local Planning Schemes) Regulations 2015* consultation involved the following:

- i. A display of the Strategy at the Shire Administration Office, Shire Library and WAPC Administration Offices;
- ii. A display of the Strategy on the Shire website;
- iii. A notice being published in the Pilbara News;

- iv. A notice being sent to all relevant State Government agencies and to all persons on the Shire's rate book; and
- v. Five (5) community consultation sessions.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

POLICY IMPLICATIONS

State Planning Policy 1.0 - State Planning Framework Policy

State Planning Policy 2.0 - Environment and Natural Resources Policy

State Planning Policy 2.5 - Land Use Planning in Rural Areas

State Planning Policy 2.6 - State Coastal Planning Policy

State Planning Policy 2.7 - Public Drinking Water Source Protection Policy

State Planning Policy 2.9 - Water Resources

State Planning Policy 3.0 - Urban Growth and Settlement

State Planning Policy 3.1 - Residential Design Codes

State Planning Policy 3.4 - Natural Hazards and Disasters

State Planning Policy 3.5 - Historic Heritage Conservation

State Planning Policy 3.7 - Planning in Bushfire Prone Areas

State Planning Policy 4.1 - State Industrial Buffer Policy

State Planning Policy 5.2 - Telecommunications Infrastructure

State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning

State Planning Policy 6.3 - Ningaloo Coast

All Shire of Exmouth Local Planning Policies

Council Policy 1.16 - Cape Range National Park

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

- | | | |
|-------------------|-----|--|
| Economic: | 1 | <u>To be a diverse and innovative economy with a range of local employment opportunities.</u> |
| | 1.2 | <i>Planned and balanced economic growth.</i> |
| Environment: | 2 | <u>To have a balanced respect for our environment and heritage, both natural and built.</u> |
| | 2.2 | <i>Our pristine natural environment and biodiversity will be understood, maintained and protected.</i> |
| Social: | 3 | <u>To be a dynamic, passionate and safe community valuing natural and cultural heritage.</u> |
| | 3.4 | <i>A community that is well informed and educated about our natural, cultural and built environment.</i> |
| Civic Leadership: | 4 | <u>To work together as custodians of now and the future.</u> |

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 16.1

That Council:

1. Adopts the Local Planning Strategy (refer Attachment 1) subject to modifications (refer Attachment 2) pursuant to Regulation 14 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
2. Forward the advertised Local Planning Strategy (refer Attachment 1); modifications to the advertised Local Planning Strategy proposed by Council (refer Attachment 2); and schedule of submissions received including Council response to each submission (refer Attachment 3) to the Western Australian Planning Commission for final endorsement; and
3. Advise all submitters of Council's resolution in relation to the Local Planning Strategy following advertising; modifications to the advertised Local Planning Strategy proposed by Council (refer Attachment 2); and schedule of submissions received including Council response to each submission (refer Attachment 3).

16.2 FINAL CONSIDERATION OF LOCAL PLANNING SCHEME NO. 4 FOLLOWING ADVERTISING

File Reference:	LP.PL.0.2; LP.PL.0.4
Responsible Officer:	Executive Manager Town Planning Services
Date of Report:	2 December 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none">1. Local Planning Scheme No. 4 (revision 10)2. Schedule of Proposed Modifications3. Schedule of Submissions4. Environmental Protection Authority Comments5. Department of Planning as delegated by WAPC Consent to Advertise

PURPOSE

That Council consider adopting Local Planning Scheme No. 4 (refer Attachment 1) subject to modifications (refer attachment 2) following advertising.

BACKGROUND

At the 28 April 2016 Ordinary Council Meeting, Council resolved (Decision 06-0416) to proceed with Local Planning Scheme No. 4 (Scheme) including accompanying maps making all modifications as requested by the Western Australian Planning Commission (WAPC), prior to advertising. The revised Scheme was forwarded to the Environmental Protection Authority (EPA) in accordance with Regulation 22 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and section 81 of the *Planning and Development Act 2005* on Monday, 23 May 2016. EPA advised on Wednesday, 29 June 2016 that the Office of the Environmental Protection Authority has no comment to make on Revision 10 (refer Attachment 4). The revised Scheme was also forwarded to the WAPC on Monday, 23 May 2016 with consent given to advertise from the Department of Planning as delegated by WAPC on Thursday, 2 June 2016 (refer Attachment 5).

COMMENT

After receiving consent to advertise from WAPC, the consultation period commenced on Thursday 2 June 2016 and concluded on Friday 23 September 2016 for a period of 113 days. Regulation 22 of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires a Local Planning Scheme to be advertised for a period not less than 90 days commencing on the day on which the notice of the Scheme is published in a newspaper circulating in the area to which the Scheme relates (Pilbara News).

A total of 25 submissions were received relating to the Scheme. Thirteen (13) submissions were received from government agencies and twelve (12) submissions were received from private citizens, owners or occupiers. A schedule of submissions relating to the Scheme including officers comment on each submission is included (refer Attachment 3).

As a result of submissions received, 404 modifications are recommended to be made to the Scheme for the following general reasons:

- To improve grammar;
- To improve legal interpretation;
- To ensure consistency with the *Planning and Development (Local Planning Schemes) Regulations 2015* and any other relevant legislation;
- To ensure consistency within the Draft Scheme;
- To remove any possible claims for injurious affection under the *Planning and Development Act 2005*; and
- To address concerns raised by submitters.

Major proposed changes to the advertised Scheme include:

- Including more 'P' (Permitted) uses and zoning more land to remove any possible claims for injurious affection in response to legal review of the Scheme;
- Re-written entire Special Control Area 6: Minilya-Exmouth Road to remove any possible claims for injurious affection in response to legal review of the Scheme and submissions received;
- Requiring a Scheme amendment to implement an approved structure plan/s prior to any development/subdivision occurring in the Urban Development and Industrial Development zones as the *Planning and Development (Local Planning Schemes) Regulations 2015* only gives due regard to structure plans;
- Classifying land surrounding Special Use Zone 2 (Lighthouse Caravan Park), Rural zone and Special Use Zone 2 in response to submission;
- Including lots 149 and 150 Hunt Street in Special Use Zone 1 (Strategic Industrial Area) as a Development Investigation Area as there is a current Scheme Amendment (No.31) for this land, where the Department of Planning have raised issues;
- Removing reference to all State Planning Polices from the Scheme, excluding the R-Codes in response to legal review of the Scheme;
- Classifying the Exmouth Power Station on Welch Street 'Light Industry zone' to remove any possible claims for injurious affection under the *Planning and Development Act 2005* in response to legal review of the Scheme;
- Adding floodplain mapping supplied by Hyd2O to Special Control Area 5: Floodplain on the Scheme Maps in response to submission; and
- Deleting Special Control Area 2: Waste Water Treatment Plant (WWTP) in response to submission as the existing WWTP is to be relocated.

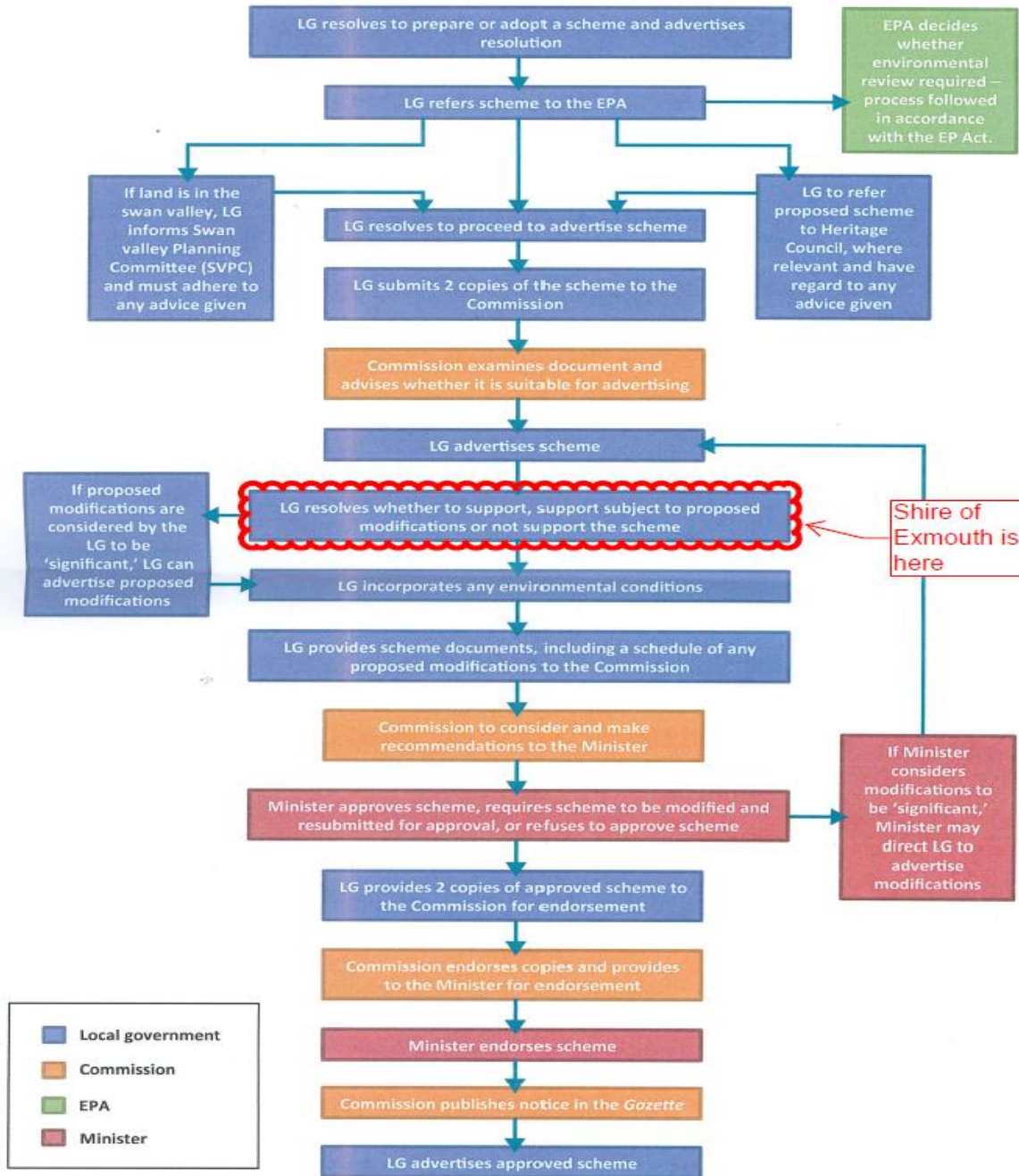
In accordance with Regulation 25 (3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* before the end of the consideration period (21 January 2017) for the draft Scheme, or a later date approved by the WAPC, the Shire Council must pass a resolution:

- a) to support the draft scheme without modification; or
- b) to support the draft scheme with proposed modifications to address issues raised in the submissions; or
- c) not to support the draft scheme.

Process for Preparation or Adoption of a New Local Planning Scheme

The WAPC have prepared a simplified preparation or adoption of a new Local Planning Scheme flowchart, provided below.

Simplified preparation or adoption of a new local planning scheme flowchart



EPA have advised that there are no environmental conditions which need to be incorporated into the Scheme, therefore the next stage in the process is forwarding the Scheme documents, including a schedule of any proposed modifications to the WAPC within 21 days of the date of Council resolution. The process after this is as follows:

- i. WAPC must within 120 days consider the Scheme and make a recommendation to the Minister for Planning (Minister);
- ii. If the Minister considers modifications to the advertised Scheme proposed by the Shire or WAPC are significant the Minister can direct the Shire to advertise the proposed modifications;
- iii. The Minister then decides whether to support the Scheme, support the Scheme subject to modifications, or refuse the Scheme;
- iv. Should the Minister support the scheme, within 14 days the Shire must forward 2 copies of the Scheme to the WAPC for endorsement;
- v. The WAPC then endorses the Scheme, and provides 1 endorsed copy to the Minister for endorsement;
- vi. The Minister then endorses the Scheme;
- vii. The WAPC then publishes the Scheme in the Government Gazette. The WAPC can recover any costs associated with the gazettal from the Shire;
- viii. The WAPC then forwards a copy of the notice of gazettal to the Shire; and
- ix. The Shire is then required to advertise the approved scheme in a newspaper circulating in the Scheme area (Pilbara News) and notify each person who made a submission in relation to the scheme that the Scheme has been approved, and where a copy of the approved Scheme can be obtained.

Considering the above it is recommended that Council adopt the Scheme (refer Attachment 1) subject to modifications (refer Attachment 2). The completion of the preparation and adoption of a new Local Planning Scheme process is expected to be completed mid-2017.

CONSULTATION

Consultation of the Scheme involved the following:

- i. A display of the Scheme at the Shire Administration Office, Shire Library and WAPC Administration Offices;
- ii. A display of the Scheme on the Shire website;
- iii. A notice being published in the Pilbara News;
- iv. A notice being sent to all relevant State Government agencies and to all persons on the Shire's rate book;
- v. Special electronic signature on relevant officers emails;
- vi. Five (5) community consultation sessions; and
- vii. A notice being sent to all person's land that is proposed to be rezoned in the new Scheme.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

POLICY IMPLICATIONS

State Planning Policy 1.0 - State Planning Framework Policy

State Planning Policy 2.0 - Environment and Natural Resources Policy

State Planning Policy 2.5 - Land Use Planning in Rural Areas
 State Planning Policy 2.6 - State Coastal Planning Policy
 State Planning Policy 2.7 - Public Drinking Water Source Protection Policy
 State Planning Policy 2.9 - Water Resources
 State Planning Policy 3.0 - Urban Growth and Settlement
 State Planning Policy 3.1 - Residential Design Codes
 State Planning Policy 3.4 – Natural Hazards and Disasters
 State Planning Policy 3.5 - Historic Heritage Conservation
 State Planning Policy 3.7 - Planning in Bushfire Prone Areas
 State Planning Policy 4.1 - State Industrial Buffer Policy
 State Planning Policy 5.2 – Telecommunications Infrastructure
 State Planning Policy 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning
 State Planning Policy 6.3 - Ningaloo Coast
 All Shire of Exmouth Local Planning Policies
 Council Policy 2.3 – Common Seal

FINANCIAL IMPLICATIONS

Government Gazettal and final advertising in Pilbara News if approved.

STRATEGIC IMPLICATIONS

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

- | | | |
|-------------------|-----|---|
| Economic: | 1 | <u>To be a diverse and innovative economy with a range of local employment opportunities.</u> |
| | 1.2 | <i>Planned and balanced economic growth.</i> |
| Environment: | 2 | <u>To have a balanced respect for our environment and heritage, both natural and built.</u> |
| | 2.2 | <i>Our pristine natural environment and biodiversity will be understood, maintained and protected.</i> |
| Social: | 3 | <u>To be a dynamic, passionate and safe community valuing natural and cultural heritage.</u> |
| | 3.4 | <i>A community that is well informed and educated about our natural, cultural and built environment.</i> |
| Civic Leadership: | 4 | <u>To work together as custodians of now and the future.</u> |
| | 4.1 | <i>To be a collaborative community with the capacity to manage the current and future direction of Exmouth.</i> |
| | 4.2 | <i>A local government that is respected, professional, trustworthy and accountable.</i> |
| | 4.3 | <i>To be strong advocates representing the region's interests.</i> |

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION**ITEM 16.2**

That Council:

1. Adopts Local Planning Scheme No. 4 (refer Attachment 1) subject to modifications (refer Attachment 2) pursuant to Section 87(1) of the *Planning and Development Act 2005* and Regulation 25 (3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
2. Forward the advertised Local Planning Scheme No. 4 (refer Attachment 1); modifications to the advertised Local Planning Scheme No. 4 proposed by Council (refer Attachment 2); and schedule of submissions received including Council response to each submission (refer Attachment 3) to the Western Australian Planning Commission for final approval; and
3. Advise all submitters of Council's resolution in relation to Local Planning Scheme No. 4 following advertising; modifications to the advertised Local Planning Scheme No. 4 proposed by Council (refer Attachment 2); and schedule of submissions received including Council response to each submission (refer Attachment 3).

16.3 OUTBUILDING, CARPORT AND DRIVEWAY PRIOR TO CONSTRUCTION OF A DWELLING (SINGLE HOUSE) – LOT 101 (1) SNAPPER LOOP, EXMOUTH

File Reference:	A1617 (PA144/16)
Responsible Officer:	Executive Manager Town Planning Services
Date of Report:	5 December 2016
Applicant/Proponent:	Bradley Gilbert
Disclosure of Interest:	Nil
Attachment(s):	1. Development Drawings

PURPOSE

That Council consider granting conditional development approval for an outbuilding, carport and driveway prior to construction of a dwelling (single house) upon Lot 101 (1) Snapper Loop, Exmouth (refer Attachment 1).

BACKGROUND

Lot 101 (1) Snapper Loop, Exmouth is a vacant lot, approximately 683m² in area, and zoned 'Residential R17.5' in Town Planning Scheme No. 3. The applicant is seeking development approval from Council for an outbuilding, carport and driveway prior to construction of a dwelling (single house) in accordance with clause 3.1 1. of Local Planning Policy 6.6 – Outbuildings.

The applicant has verbally indicated that they intend to submit a building permit application for the dwelling (single house) within the coming months, and has submitted a statutory declaration to commence building a house within a 6 month period. The dwelling (single house) which is marked on the submitted drawings does not form part of this application. This dwelling (single house) meets the 'Deemed to Comply' provisions of the R-Codes and is therefore exempt from requiring development approval in accordance with clause 61.(1)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The application proposes:

1. Outbuilding:
 - 12 metres in length by 7 metres in width being 84m²;
 - Includes an internal toilet and washbasin;
 - 3.6 metre high southern wall height and maximum 4.2 metre high skillion pitched roof;
 - 3 metre wide roller door fronting Griffin Way;
 - 1.5 metre southern lot boundary setback and 3.6 metre western lot boundary setback.
2. Carport:
 - 12 metres in length by 3.5 metres in width being 42m²;
 - Attached to proposed outbuilding;
 - Skillion pitched roof height less than 4.2 metres;
 - 3.6 metre western lot boundary setback.

3. Driveway having a maximum width of 5.99 metres at the front lot boundary (Griffin Way) providing vehicular access to both the proposed outbuilding and carport.



Location Plan - Lot 101 (N1) Snapper Loop, Exmouth

COMMENT

The proposal has been assessed against the provisions of Town Planning Scheme No. 3, Local Policy 6.6 – Outbuildings, R-Codes, State Planning Policy 3.7: Planning in Bushfire Prone Areas and the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Town Planning Scheme No. 3 (Scheme)

The Scheme zones the land residential R17.5. Relevant Objectives of the Residential Zone include:

- a) *to provide for the predominant form of residential development to be single houses whilst providing for diversity with some higher density close to the town centre.*
- b) *to provide for diversity of lifestyle choice with a range of residential densities.*
- c) *to achieve a high standard of residential development having regard to the economic importance of tourism to the town.*

The proposal generally meets the Objectives of the Residential Zone and complies with the provisions of the Scheme.

Local Policy 6.6 - Outbuildings (LP 6.6)

Clause 3.1 in LP 6.6 states *'the approval of an outbuilding on land prior to the construction of a dwelling shall only be granted if one of the following requirements has been satisfied:*

1. *Council has granted special approval for the outbuilding to be erected prior to the dwelling.*

'The approval of an outbuilding prior to a residence (in a residential area) will be subject to the applicant constructing suitable fencing of the side and rear property boundaries to provide sufficient

screening. There is existing 1.8 metre high colorbond fencing on both the southern and western lot boundaries providing sufficient screening. The proposed Outbuilding complies with all other relevant provisions of LP 6.6.

R-Codes

No details regarding stormwater have been provided in accordance with clause 5.3.9 Stormwater Management. It is recommended that stormwater is required to be maintained on site or appropriately discharged into the local drainage system. The proposal complies with all other relevant provisions of the R-Codes.

State Planning Policy 3.7: Planning in Bushfire Prone Areas (SPP 3.7)

Lot 101 (1) Snapper Loop, Exmouth is within a designated bushfire prone area as determined by the Department of Fire and Emergency Services, however the proposed development is exempt from the requirements of SPP 3.7 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* as the lot has an area less than 1,100m².

Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)

Clause 67 of the deemed provisions of the Regulations states the matters to be considered by the local government in considering an application for development approval. Clause 67 (b) states *'any proposed local planning scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving'*. Draft Local Planning Scheme No. 4 has been advertised under the Regulations and the Shire is seriously considering adopting or approving it. The provisions of Draft Local Planning Scheme No. 4 are generally consistent with those included in LP 6.6 except that:

4.10.5 Outbuildings on a vacant lot prior to a dwelling shall only be permitted if:

- a) the applicant submits a statutory declaration to construct a dwelling within six (6) months of completion of the outbuilding;*
- b) suitable fencing on the side and rear boundaries is provided to reduce the visual impact of the structure from adjoining properties; and*
- c) there is an approved building permit for a dwelling.*

The applicant does not have an approved building permit for a dwelling however has verbally indicated that they intend to submit a building permit application for the dwelling within the coming months, and has submitted a statutory declaration to commence building a house within a 6 month period. Clause 4.37 in Draft Local Planning Scheme No. 4 allows for a variation to clause 4.10.5. An additional condition has been included to require the applicant/owner to submit an application for a building permit for a dwelling (single house) within 6 months of the Outbuilding, Carport and Driveway being constructed. This is in accordance with the statutory declaration submitted and Draft Local Planning Scheme No. 4. Therefore considering the above the proposed development is considered to be compliant with the provisions of Draft Local Planning Scheme No. 4.

Clause 67 (zb) states *'any other planning consideration the local government considers appropriate'*. The applicant has not provided details regarding external materials therefore an additional condition has been included regarding use of second-hand materials, should they be used.

Considering the above it is recommended that Council grant conditional approval for an outbuilding, carport and driveway prior to construction of a dwelling (single house).

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Town Planning Scheme No. 3

(Draft) Local Planning Scheme No. 4

Planning and Development (Local Planning Scheme) Regulations 2015

Planning and Development Act 2005

POLICY IMPLICATIONS

State Planning Policy 3.1 - R-Codes

Local Policy 6.6 - Outbuildings

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION**ITEM 16.3**

That Council grant development approval for an Outbuilding, Carport and Driveway prior to a Dwelling (Single House) upon Lot 101 (1) Snapper Loop, Exmouth subject to the following conditions:

1. The development being carried out in accordance with the stamped approved plans (PA144/16), and the Shire of Exmouth Town Planning Scheme No. 3 together with any annotations detailed thereon by the Shire;
2. The applicant/owner submitting an application for a building permit for a dwelling (single house) within 6 months of the Outbuilding, Carport and Driveway being constructed;
3. The wall height on the southern side of the outbuilding being a maximum of 3.6 metres above natural ground level;
4. All water draining from roofs, driveways, and other impermeable surfaces shall be managed on site and/or discharged into the Shire's road drainage system;
5. The outbuilding (shed) shall not be used for habitable purposes;
6. Exterior cladding, walls and roof shall be of an as new standard to the satisfaction of the Shires Executive Manager Town Planning. Zincalume is not a permitted building material;

7. External air conditioners and all service fittings and fixtures shall not be visible from any public road; and
8. Should the development, which is the subject of this approval not substantially commenced within a period of 2 years, the approval will lapse and be of no further effect.

Advice

- i. This approval is not an authorisation to commence construction. Prior to any construction, a building permit approval from the Shire must be obtained.
- ii. 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.
- iii. The applicant is advised to refer to Local Policy Number 7.8: Verge Enhancement which defines an 'approved verge improvement' and Local Policy Number 7.9: Crossovers and Verges within townsite prior to undertaking any works in the verge.
- iv. The lot is located within a Bushfire Prone Area as designated by an Order made by the Fire and Emergency Services Commissioner and may be subject to the requirement for a Bushfire Attack Level Assessment and corresponding additional building standards.
- v. The applicant is advised of the Shire's Sustainable Building Design information sheet.
- vi. Any additional development or substantial variation from the stamped approved plans, will require separate development approval from the Shire.
- vii. This approval is not an authority to ignore any constraint or additional requirement to development on the land, which may exist through contract or on title, such as an easement, encumbrance, restrictive covenant or any other limitation. It is the responsibility of the applicant and not the Shire to investigate any such constraints before commencing development.
- viii. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

16.4 HOLIDAY ACCOMMODATION – LOT 254 (16) DAVIDSON STREET, EXMOUTH

File Reference:	A388 (PA145/16)
Responsible Officer:	Executive Manager Town Planning Services
Date of Report:	28 November 2016
Applicant/Proponent:	Steven & Helen Dawe
Disclosure of Interest:	Nil
Attachment(s):	1. Floor Plan, Emergency Response Plan, Management Statement and Tenants Code of Conduct.

PURPOSE

That Council consider granting conditional development approval for Holiday Accommodation upon Lot 254 (16) Davidson Street, Exmouth (refer Attachment 1).

BACKGROUND

The subject lot has a duplex State Housing Commission (SHC) house and the applicant wishes to have holiday accommodation in one of the two units. The lot is approximately 987m² in area and zoned Residential R17.5 in Town Planning Scheme No. 3. The subject lot has previous planning approvals for a home occupation (PA20/12), one directional sign in April 2005, home occupation for massage therapy and administration of holiday accommodation in November 2004 and holiday accommodation in July 2003. The aerial image below identifies Lot 254 (16) Davidson Street where the applicant seeks development approval for Holiday Accommodation use.



Location Plan - Lot 254 (16) Davidson Street, Exmouth

COMMENT

The proposal has been assessed against Town Planning Scheme No. 3 (Scheme), Local Policy 6.12: Holiday Accommodation and the *Planning and Development (Local Planning Schemes) Regulations 2015*. Table 1 of the Scheme defines Holiday Accommodation as an 'SA' use in the residential zone meaning the use is not permitted unless Council has granted development (planning) approval after consultation with affected neighbours.

Relevant Local Policy 6.12 objectives include:

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

This application generally accords with Local Policy 6.12, however, there are a number of areas where the application needs to be modified, as discussed below.

Number of Occupants

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

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

Officers have calculated the permissible number of occupants per bedroom as follows:

Schedule 1: Allowable Occupants: Lot 254 (16) Davidson Street, Exmouth

Bedroom 1: Total floor space: 14.26m², Approximate Air Space: 39.5m³
Allowable occupants: 2 adults OR 1 adult and 3 children OR 4 children

Bedroom 2: Total floor space: 10.3m², Approximate Air Space: 28.53m³
Allowable occupants: 2 adults OR 1 adult and 1 child OR 3 children

Bedroom 3: Total floor space: 10.44m², Approximate Air Space: 28.92m³
Allowable occupants: 2 adults OR 1 adult and 1 child OR 3 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 with a 2.77m ceiling height.

Occupancy Levels

Following an assessment by officers calculating the number of guests permissible, the maximum number of overnight occupants allowed within the dwelling at the same time shall be seven (7) persons. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire

of Exmouth Health Local Laws and Local Policy 6.12. Potential occupants shall be advised of this prior to booking.

Number of Vehicles

The application states the number of vehicles to be accommodated on site is two (2) vehicles and plus or minus (2) trailers/boats/camper trailers. The maximum number of vehicles and trailers allowed in accordance with Local Policy 6.12 is three (3) vehicles and two (2) trailers. Local Policy 6.12 states that car parking shall be calculated on the basis of four persons per vehicle. The property has a double carport to accommodate two (2) vehicles and two (2) trailers side by side directly in front of the carport. In order to accommodate the maximum number of permissible guests of seven (7), the site should be able to accommodate two (2) vehicles on site. Therefore, a condition has been included to ensure that the maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the lot is two (2) and two (2) respectively.

Management Plan and Code of Conduct

The applicant has submitted a copy of the proposed Management Statement, Tenant Code of Conduct and an Emergency Response Plan as per the requirements of Local Policy 6.12. The documentation is considered sufficient to achieve the desired management framework. A condition has been included to ensure the occupancy numbers are written clearly to reflect the relevant Scheme provisions and approval by Council.

Having regard to the above, it is recommended that Council grant conditional development (planning) approval for Holiday Accommodation upon Lot 254 (16) Davidson Street, Exmouth.

CONSULTATION

In accordance with the requirements of the Scheme adjoining impacted neighbours were invited to comment on the proposal from Monday 14 November 2016 until Monday 28 November 2016, for a period of 14 days. A summary is tabled below:

Property Referred	Submitters Response	Officer Comments
Lot 255 (14) Davidson Street	Nil	Nil
Lot 254 (16) Davidson Street (the householder)	Nil	Nil
Lot 253 (18) Davidson Street	Nil	Nil
Lot 250 (17) Davidson Street	Do not object	Noted
Lot 249 (15) Davidson Street	Nil	Nil
Lot 1 (13A) Davidson Street	Do not object. <i>It sounds like a good plan as long as there is always a resident manager.</i>	Noted
Lot 2 (13B) Davidson Street	Nil	Nil
Lot 269 (29) Christie Street	Nil	Nil
Lot 270 (31) Christie Street	Nil	Nil

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Town Planning Scheme No. 3

POLICY IMPLICATIONS

Local Policy 6.12 - Holiday Accommodation

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

- Economic: 1 To be a diverse and innovative economy with a range of local employment opportunities.
 1.2 *Planned and balanced economic growth.*
 1.3 *Diverse tourism opportunities.*
- Civic Leadership: 4 To work together as custodians of now and the future.
 4.1 *To be a collaborative community with the capacity to manage the current and future direction of Exmouth.*
 4.2 *A local government that is respected, professional, trustworthy and accountable.*

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 16.4

That Council grants development approval for holiday accommodation upon Lot 254 (16) Davidson Street, Exmouth subject to the following conditions:

- The use being carried out in accordance with the stamped approved plans (PA145/16), and the Shire of Exmouth Town Planning Scheme No. 3 and Local Policy 6.12: Holiday Accommodation together with any annotations detailed thereon by the Shire;
- The maximum number of overnight occupants allowed within the dwelling shall be seven (7 persons), with the maximum number of persons per bedroom being in accordance with the schedule below. This Schedule shall be displayed in a prominent location in the dwelling at all times;

Schedule: Allowable Occupants per bedroom.

Bedroom 1: Total floor space: 14.26m², Approximate Air Space: 39.5m³
 Allowable occupants: 2 adults OR 1 adult and 3 children OR 4 children

Bedroom 2: Total floor space: 10.3m², Approximate Air Space: 28.53m³
 Allowable occupants: 2 adults OR 1 adult and 1 child OR 3 children

Bedroom 3: Total floor space: 10.44m², Approximate Air Space: 28.92m³
 Allowable occupants: 2 adults OR 1 adult and 1 child OR 3 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 with a 2.77m ceiling height.*

- The maximum number of vehicles and trailers (including boats on trailers and camper trailers) that can be accommodated on the property shall be two (2) vehicles and two (2) trailers respectively;

4. The property shall provide at least two (2) 240 litre rubbish bins prior to the use commencing;
5. The Management Statement and Emergency Response Plan shall be complied with and clearly displayed within the premises at all times;
6. A fire extinguisher shall be provided in a clearly visible location in accordance with the Emergency Response Plan and maintained in proper working order;
7. There shall be no fires lit at the property with the exception of a gas or electric barbeque;
8. The property shall be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;
9. Noise generated from the Holiday Accommodation shall comply with the *Environmental Protection (Noise) Regulations 1997*. If in the opinion of Council the approved use causes a nuisance or annoyance to owner/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may refuse to renew this approval in accordance with Local Policy 6.12 - Holiday Accommodation;
10. The property not being used for the use hereby granted until an inspection has been carried out by a Shire Officer and that Officer is satisfied that the conditions of this approval hereby granted have been complied with; and
11. This approval is valid until 30 September 2017. Following development approval an annual permit is required. The Shire 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. Should three (3) or more substantiated complaints of a serious nature be applied to the holiday accommodation, renewal of the permit may not be granted upon expiration.

Advice

- i. Complaints received due to the activity resulting in increase in traffic, noise emission, disturbance to or loss of amenity to the area may be considered as a basis for non-renewal.
- ii. This approval does not include the road verge or adjoining/nearby vacant land to be used for the parking of vehicles and trailers. Potential occupants shall be advised of this prior to booking.
- iii. The noise generated by any activities on-site shall not exceed the levels as set out under the *Environmental Protection (Noise) Regulations 1997*.
- iv. In accordance with the *Health Act 1911* and Shire Local Laws the number of persons per room shall accord with the following:
 - For every person over the age of 10 years, there is to be a minimum of 14 cubic metres of air space per person; and
 - For every person between the ages of 1 & 10 years, there is to be a minimum of 8 cubic metres of air space per person.

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

16.5 PROPOSED BREWERY - LOT 963 (27) PATTERSON WAY, EXMOUTH

File Reference:	PA159/16; A533
Responsible Officer:	Executive Manager Town Planning Services
Date of Report:	6 December 2016
Applicant/Proponent:	Tippilim Holdings Pty Ltd
Disclosure of Interest:	Nil
Attachment(s):	1. Site Plan 2. Floor Plan 3. Cover Letter 4. Bushfire Attack Level Contour Map

PURPOSE

That Council consider a development application for a change of use to a Brewery at Lot 963 (27) Patterson Way, Exmouth.

BACKGROUND

The applicant is seeking approval for a proposed Brewery brewing beer operated under a 'producers' liquor license. Production of beer will be in an existing shed at the property (refer Attachments 1 and 2). The applicant has advised that the proposal is to primarily produce beer on site and distribute to local businesses via 50 litre kegs (refer Attachment 3). Future distribution may entail smaller packaging. Tastings will be offered on site with other local businesses invited to vendor food during the tastings in mobile vehicles. Other aspects of the proposal are as follows:

- 5 parking spaces proposed.
- The first 2.5m of the front setback is proposed as landscaping.
- Beer production operating hours proposed is 6am to 10pm.
- Beer sale hours will be as permitted by the liquor license.
- 2 employees.
- No external building works are proposed.



The property is currently used as a Storage Yard which was approved during 2011. It applicant has advised that the portion of the property not used for the Brewery will continue to be used for the purpose of the Storage Yard.

COMMENT

Council's Planning Framework

The subject property is zoned 'Light Industrial' by *Town Planning Scheme No. 3 (TPS3)*. The objectives of the zone are as follows:

5.7.1 Objectives

- (a) *to provide for the needs of light and service industries, and showroom uses to support the community.*
- (b) *to achieve and maintain a high standard of presentation to Murat Road.*
- (c) *to ensure appropriate buffers are provided and maintained between the light industrial uses and adjacent uses, so as to avoid land use conflicts.*

Council is currently in the process of adopting draft *Local Planning Scheme No. 4 (LPS4)*. The applicant is intending to conduct the activities permitted under a producer's liquor licence. Therefore, the proposal is considered consistent with the 'Brewery' land use defined by LPS4 as follows:

*"**brewery** means premises the subject of a producer's licence authorising the production of beer, cider or spirits granted under the Liquor Control Act 1988."*

The *Liquor Control Act 1988* permits the following activities at the subject property under a producer's licence:

- Sale on or from for consumption on or off the property wine made from grapes, spirits, beer in sealed containers, beer on the premises.
- Sell or supply liquor for sample on the premises.
- Sell or supply liquor not produced by the licensee from the premises where it is ancillary to a meal or for tasting.

There is no similar land use defined by TPS3 meaning clause 3.2.4 applies as follows:

3.2.4 *If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the definition of one of the use categories the Council may:*

- (a) *determine that the use is consistent with the objectives of the particular zone and is therefore permitted; or*
- (b) *determine that the proposed use may be consistent with the objectives of the zone and thereafter follow the "SA" advertising procedures of clause 8.3 in considering an application for planning approval; or*
- (c) *determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.*

The proposal is considered similar to industry which entails production of goods and sale. The property does not front Murat Road and achieves a sufficient separation from adjacent zones to

avoid land use conflict. Therefore, the proposal is considered consistent with the objectives of the Light Industrial zone and it is recommended that Council support through proposal through clause 3.2.4(a) above.

The proposal is compliant with the requirements of TPS3, Council's local planning policy framework and draft LPS4. The *Environmental Protection (Noise) Regulations 1997* is considered sufficient to control operating hours through prescribing maximum noise level restrictions during different times of the day. It is recommended that Council resolve to grant development approval for the proposal subject to standard conditions outlined in the Officers Recommendation which will ensure future compliance with Council's planning framework.

State Planning Policy No. 3.7 Planning in Bushfire Prone Areas

Deemed Provision 67 of the *Planning and Development (Local Planning Scheme) Regulations 2015* outline that Council is required to have due regard to State Planning Policies if they are considered to be relevant. The property is designated as being located within a Bushfire Prone Area under the *Fire and Emergency Services Act 1998*. *State Planning Policy No. 3.7 Planning in Bushfire Prone Areas* and associated *Guidelines for Planning in Bushfire Prone Areas* apply to development within Bushfire Prone Area and require the lodgement of a Bushfire Attack Level (BAL) Assessment and a report addressing Bushfire Protection Criteria to achieve mitigation outcomes against any fire hazard. The objectives of the State Planning Policy are as follows:

- 5.1 Avoid any increase in the threat of bushfire to people, property and infrastructure. The preservation of life and the management of bushfire impact are paramount.
- 5.2 Reduce vulnerability to bushfire through the identification and consideration of bushfire risks in decision-making at all stages of the planning and development process.
- 5.3 Ensure that higher order strategic planning documents, strategic planning proposals, subdivision and development applications take into account bushfire protection requirements and include specified bushfire protection measures.
- 5.4 Achieve an appropriate balance between bushfire risk management measures and, biodiversity conservation values, environmental protection and biodiversity management and landscape amenity, with consideration of the potential impacts of climate change.

The Policy requires all development located within Bushfire Prone Areas to achieve a maximum Bushfire Attack Level (BAL) of BAL 29. The BAL Level can be ascertained through a BAL Assessment or through BAL Contour Mapping. The Shire has engaged bushfire consultants to prepare BAL Contour Mapping for the entire Exmouth town site. The contour mapping outlines that the site achieves a maximum BAL Level of BAL 19.

The Policy also requires a report to be lodged addressing prescribed Bushfire Protection Criteria contained in the *Guidelines for Planning in Bushfire Prone Areas* which is to be read as a part of State Planning Policy 3.7. Many of the criteria are not applicable to the subject property as they can only be properly applied during the subdivision process. The property is considered to comply with most of the applicable criteria as follows:

- The property complies with the maximum BAL Level;
- The property is completely absent of vegetation therefore the Asset and Hazard Separation Zones and Driveway requirements are already achieved.
- The property is connected to reticulated water.

Based on the above the requirement to address the protection criteria is not considered relevant.

CONSULTATION

The proposal is not considered to require advertising under clause 3.2.4 to determine consistency with the objectives of the Light Industrial zone.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Planning and Development (Local Planning Scheme) Regulations 2015

Town Planning Scheme No. 3

Liquor Control Act 1988

Fire and Emergency Services Act 1998

Environmental Protection (Noise) Regulations 1997

POLICY IMPLICATIONS

Draft Local Planning Scheme No. 4

Policy No. 6.10 – Landscaping

Policy No. 6.11 – Parking

State Planning Policy 3.7 Planning in Bushfire Prone Areas

Guidelines for Planning in Bushfire Prone Areas

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

- Economic:
- 1 To be a diverse and innovative economy with a range of local employment opportunities.
 - 1.1 *To increase the number of local businesses, industries and services that will provide a range of employment opportunities for the people of Exmouth.*
- Civic Leadership:
- 4 To work together as custodians of now and the future.
 - 4.1 *To be a collaborative community with the capacity to manage the current and future direction of Exmouth.*
 - 4.2 *A local government that is respected, professional, trustworthy and accountable.*
 - 4.3 *To be strong advocates representing the region's interests.*

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 16.5

That Council resolve to grant development approval for a change of use to a Brewery at Lot 963 (27) Patterson Way, Exmouth subject to the following conditions:

1. The development being carried out in accordance with the stamped approved plans (PA159/16), and the Shire of Exmouth *Town Planning Scheme No. 3* together with any annotations detailed thereon by the Shire;
2. The development the subject of this approval shall not operate unless a minimum of five (5) parking spaces have been provided within the property boundaries in accordance with Council's *Policy No 6.11 – Parking* and *Town Planning Scheme No. 3*;
3. One of the parking spaces provided shall have a minimum width of 3.2m for disabled parking;
4. Parking spaces and manoeuvring areas shall be designed to enable all vehicles to enter and exit the lot in forward gear;
5. Parking spaces shall be line marked and maintained to the satisfaction of the Shires Executive Manager Town Planning;
6. The front setback area shall only be used for the purpose of parking, access, loading and unloading vehicles and landscaping;
7. Landscaping shall be established within six (6) calendar months of the date of this approval in accordance with the stamped approved plans (PA159/16) and shall be permanently maintained to the satisfaction of the Shires Executive Manager Town Planning;
8. Within the landscaping area trees shall be provided at the rate of at least one (1) tree to every four (4) metres of frontage;
9. The development shall be operated so that there is no interference with the amenity of the area or detrimental effect on any person by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, wastewater, waste products, grit, oil or otherwise at all times; and
10. If the development which is the subject of this approval is not substantially commenced within a period of 2 years, the approval will lapse and be of no further effect.

Advice

- i. The approval granted is not to be construed as approval granted under the *Building Act 2011*, *Building Regulations 2012* or any other relevant statutory approval.
- ii. The noise generated by any activities on-site shall not exceed the levels prescribed by the *Environmental Protection (Noise) Regulations 1997*, which may affect operating hours.
- iii. All fencing shall be developed in accordance with the Shire's *Fencing Local Law 2015*, be of adequate structural design to meet cyclone requirements and may require a building permit approval from the Shire. (only where fencing is proposed).
- iv. Should you wish to remove, replace or install a dividing fence, it is recommended that you come to a satisfactory arrangement with the adjoining property owner(s). Please refer to the *Dividing Fences Act 1961* and the 'Dividing Fences a Guide' published by the Department of Commerce.

- v. No signage has been approved as part of this application. Signage may require additional development approval from the Shire. Non-exempt signage will require separate development approval.
- vi. The lot is located within a Bushfire Prone Area as designated by an Order made by the Fire and Emergency Services Commissioner and may be subject to the requirement for a Bushfire Attack Level Assessment and corresponding additional building standards.
- vii. The premises must comply with the *Health (Public Buildings) Regulations 1992* if the Brewery is to be accessible to the public for tastings or sales.
- viii. The premises, fit out and finishings shall comply with the requirements of the *Food Act 2008*.
- ix. Any additional development or substantial variation from the stamped approved plans, will require separate development approval from the Shire.
- x. This approval is not an authority to ignore any constraint or additional requirement to development on the land, which may exist through contract or on title, such as an easement, encumbrance, restrictive covenant or any other limitation. It is the responsibility of the applicant and not the Shire to investigate any such constraints before commencing development.
- xi. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within twenty eight (28) days of the determination.

16.6 ADVERTISEMENTS – MURAT ROAD RESERVE AND MINILYA-EXMOUTH ROAD RESERVE

File Reference:	LP.PE.0.2016 (PA156/16)
Responsible Officer:	Executive Manager Town Planning
Date of Report:	7 December 2016
Applicant/Proponent:	Exmouth Visitors Centre
Disclosure of Interest:	Nil
Attachment(s):	1. Development Plans 2. Location Plans

PURPOSE

That Council consider granting conditional development approval for advertisements upon the Murat Road Reserve and Minilya-Exmouth Road Reserve (refer Attachment 1).

BACKGROUND

The location where a sign is proposed within the Murat Road Reserve, is cleared of all vegetation, unsealed, and within a floodway. There are no other signs within close proximity of the proposed sign. Murat Road is managed by the Shire of Exmouth. Murat road is classified 'Road' Reserve is Town Planning Scheme No. 3.

The location where a sign is proposed within the Minilya-Exmouth Road Reserve, has existing natural vegetation, and is not located within a floodway. The existing Welcome to Exmouth townsite entry signs are approximately 120 metres south of the proposed sign. Minilya-Exmouth road is managed by Main Roads Western Australia. Minilya-Exmouth Road is classified 'Road' Reserve is Town Planning Scheme No. 3.

The application proposes:

- One (1) 1.6mm aluminium sign within the Murat Road Reserve advertising, Ningaloo Visitors Centre, 500m on right, with the standard Main Roads 'i' symbol;
 - Located between Welch and Maley Street;
 - Setback 3.7 metres from the Murat Road footpath;
 - Setback 2.5 metres from the Murat Road sealed carriageway.
- One (1) sign within the Minilya-Exmouth Road Reserve advertising Ningaloo Visitors Centre, 5km on right, with the standard Main Roads 'i' symbol;
 - Located between the existing Welcome to Exmouth townsite entry signs and Preston Street;
 - Setback 8 metres from the Minilya-Exmouth sealed carriageway.
- Both signs:
 - Colours to be used blue (background), white (text) and yellow 'i' symbol on retroreflective material;

- 1.25 metres high by 2.5 metres in width;
 - Top of sign 3.45 metres above natural ground level;
 - Will not be illuminated;
 - To be displayed permanently;
 - Break away posts, caps and bracket in accordance with Main Roads guidelines; and
- For approximate location details refer Attachment 2.

COMMENT

The proposal has been assessed against the provisions of Town Planning Scheme No. 3, Policy 6.2 – Colour Palette for Developments, Policy 6.8 – Signs, and State Planning Policy 3.7: Planning in Bushfire Prone Areas, *Planning and Development (Local Planning Schemes) Regulations 2015* and the *Local Government (Uniform Local Provisions) Regulations 1996*.

Town Planning Scheme No. 3 (Scheme)

The Scheme classifies the land 'Road' reserve. Clause 2.2 of the Scheme states that the Council shall have regard to the ultimate purpose intended for the reserve and the Council shall, in the case of land reserved for the purposes of a public authority, confer with that authority before granting its planning approval. The application was referred to Main Roads for comment, comments provided below.

Clause 4.9.3 of the Scheme states the Council shall examine each such application in light of the objectives of the scheme and with particular reference to the character and amenity of locality within which it is to be displayed, including its historic or landscape significance and traffic safety, and the amenity of adjacent areas which may be affected. The proposed advertisements are considered to meet the character and amenity of the locality having colours consistent with the Shires adopted colour palette, and having no commercial logos, motifs or brands. The proposed advertisements are considered to have minimal impact on traffic safety being setback more than 2.5 metres from the Murat carriageway and Minilya-Exmouth road carriageway, having break away posts, and having lettering no less than 200mm in height. The proposal is considered to meet the provisions of the Scheme.

Local Policy 6.2 – Colour Palette for Developments (LP 6.2)

LP 6.2 states that the adopted colour palette shall be used as a guide in selecting appropriate external colours. The proposed colours are considered to be generally in accordance with LP 6.2.

Local Policy 6.8 – Signs (LP 6.8)

Relevant objectives of LP 6.8 include:

3. *To preserve the streetscape locality values and qualities of Exmouth whilst enhancing the local tourism economy.*
4. *To provide relevant information at appropriate locations to guide visitors to tourist businesses and attractions.*
5. *To coordinate the style of signage through the use of components and features to achieve a strong distinct identity.*
7. *To reduce visual clutter, driver confusion, landscape detracting and traffic hazards caused by poor and indiscriminate signage.*

The proposal is considered to meet the objectives above as the advertisements will enhance the local tourism economy by providing clear direction to the location of the Ningaloo Visitors Centre.

The style of the advertisements is consistent with Main Roads standard design, and the proposed advertisements are considered to be spaced apart far enough so as not to create a hazard.

LP 6.8 states when considering proposals for new advertising signage Council will have regard to the following	Officers Comment
<i>whether a new sign is compatible with any existing signs on the site</i>	The proposed advertisements are not compatible with existing signs, as no such directional signs exist going in a northerly direction on Murat Road/Minilya-Exmouth Road within 5km on the southern side of the Exmouth townsite.
<i>whether a new sign complements or detracts from the dominant character of the surrounding landscape</i>	The proposed advertisements complement the character of the area being generally in accordance with Main Roads standard design, and having colours consistent with the Shires adopted colour palette.
<i>whether a new sign may be hazardous to vehicular or pedestrian traffic</i>	The proposed advertisements are not considered to be hazardous to vehicular or pedestrian traffic being generally in accordance with Main Roads standard design, being spaced apart from existing signs, and being setback from both the sealed road carriageways and footpath.
<i>whether rationalisation or reduction in the number of existing signs is appropriate and achievable</i>	The proposed number of advertisements could be reduced, however no such directional signs exist going in a northerly direction on Murat Road/Minilya-Exmouth Road within 5km on the southern side of the Exmouth townsite. The proposed two advertisements are considered to be spaced appropriately apart from each other.

The signs zoning chart in LP 6.8 classifies the proposed permanent advertisements within the road reserve as being X, not permitted. Clause 4 in LP 6.8 states *'The Council may vary a standard or provision subject to conditions it thinks fit.'*

Clause 4 in LP 6.8 states advertisement signs and devices shall	Officers Comment
<i>not pose a threat to public safety or health</i>	The proposed advertisements are not considered to pose a threat to public safety or health as they are generally in accordance with Main Roads standard design, spaced apart from existing signs, and setback from both the sealed road carriageways and footpaths.

Clause 7.1 of LP 6.8 states '*Main Roads WA approval is required prior to the erection of signs on the Minilya-Exmouth Road and Burkett Road.*' An additional advice note has been included.

The proposed advertisements are considered to be hoarding signs. The proposed hoarding signs vary the provisions of clause 7.7.4 in LP 6.8 with:

- A maximum height of 3.45 metres above natural ground level in lieu of 2.5 metres; and
- Proposed to be erected in a road reserve in lieu of between a building and the front boundary of a lot.

The increase in height being 3.45 metres above natural ground level in lieu of 2.5 metres is considered to be negligible, and will significantly improve visibility of the advertisement from vehicles. The location of the proposed advertisements within the road reserve is considered to be suitable considering this exceptional circumstance. The Exmouth Visitors Centre (Ningaloo Visitors Centre) is considered to be an essential service, with the Shire providing funding to support the visitors centre. Tourism plays a major role in the local economy, and should be supported to encourage growth and development of the Exmouth Townsite. Further the proposed advertisements do not include any commercial brands, motifs or logos. The proposal is considered to meet the provisions of LP 6.8.

State Planning Policy 3.7: Planning in Bushfire Prone Areas (SPP 3.7)

Both locations where the advertisements are proposed are within the designated bushfire prone area as determined by the Department of Fire and Emergency Services. WAPC planning bulletin 111/2016 states that the provisions of the SPP 3.7 are to only apply to development applications for vulnerable or high risk land uses and to habitable buildings which is defined in the bulletin as a fully or partially enclosed structure, with at least one wall and a roof made of solid material. The proposed advertisements are not a vulnerable or high risk land use and do not include any walls. Therefore the provisions of SPP 3.7 are not applicable.

Planning and Development (Local Planning Schemes) Regulations 2015 (Planning Regulations)

Clause 67 of the deemed provisions of the Planning Regulations states the matters to be considered by the local government in considering an application for development approval. Clause 67 (b) states '*any proposed local planning scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving*'. Draft Local Planning Scheme No. 4 has been advertised under the Planning Regulations and the Shire is seriously considering adopting or approving it.

Draft Local Planning Scheme No. 4 (Scheme 4) classifies the land where the advertisements are proposed 'Primary Distributor Road' reserve. The objectives of the Primary Distributor Road reserve include:

- i. *To set aside land required for a primary distributor road being a road classified as a Regional Distributor or Primary Distributor under the Western Australian Road Hierarchy.*
- ii. *To limit fixed or permanent advertising devices within primary distributor roads to mitigate visual clutter and detrimental impacts on safety and amenity.*

The proposal is considered to meet the relevant objectives of the Primary Distributor Road reserve in Scheme 4 as the proposed advertisements for the Exmouth Visitors Centre (Ningaloo Visitors Centre) relate to what may be considered to be an essential service, with the Shire providing funding to support the visitors centre. Tourism plays a major role in the local economy, and should be

supported to encourage growth and development of the Exmouth Townsite. Further the proposed advertisements do not include any commercial brands, motifs or logos.

In accordance with Table 5 in Scheme 4 the proposed Hoarding Sign advertisement are classified as 'D' discretionary meaning that this sign requires development approval. The proposed advertisements vary the provisions of 4.36.6 (h) with a maximum height of 3.45 metres above natural ground level in lieu of 2.5 metres. The increase in height being 3.45 metres above natural ground level in lieu of 2.5 metres is considered to be negligible, and will significantly improve visibility of the advertisement from vehicles. The provisions of 4.32.6 (b) can be varied by clause 4.33 in scheme 4. The proposal is considered to meet the provisions of the Planning Regulations.

Local Government (Uniform Local Provisions) Regulations 1996 (Local Government Regulations)

Regulation 3 of the Local Government Regulations states that these regulations apply as if they were local laws made by each local government. Regulation 17 (8) of the Local Government Regulations which relates to private works on, over, or under public places states a person who constructs anything in accordance with permission granted under this regulation must:

- a) *maintain it; and*
- b) *obtain from an insurance company approved by the local government an insurance policy, in the joint names of the local government and the person, indemnifying the local government against any claim for damages which may arise in, or out of, its construction, maintenance or use.*

Additional conditions have been included to ensure compliance with the above.

Considering the above it is recommended that Council grant conditional approval for advertisements upon the Murat Road reserve and Minilya-Exmouth road reserve.

CONSULTATION

The application was referred to the Shires Executive Manager Engineering Services and Main Roads WA on Wednesday, 7 December 2016. The following comments were provided:

Agency/Person Referred	Comments	Officer Comments
Shire Executive Manager Engineering's Services	<i>The proposed sign within the Murat Road reserve is required to be located further south so as not to be located within the middle of the floodway.</i>	Officer agrees that there may be issues with siting the Murat Road advertisement within the middle of the floodway. Additional condition included.
Main Roads WA	Nil	Nil

STATUTORY ENVIRONMENT

Town Planning Scheme No. 3

Planning and Development (Local Planning Scheme) Regulations 2015

Planning and Development Act 2005

Local Government (Uniform Local Provisions) Regulations 1996

POLICY IMPLICATIONS

Local Policy 6.2 – Colour Palette for Developments

Local Policy 6.8 – Signs

State Planning Policy 3.7: Planning in Bushfire Prone Areas

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 16.6

That Council grant development approval for advertisements upon the Murat Road Reserve and Minilya-Exmouth Road Reserve subject to the following conditions:

1. The development being carried out generally in accordance with the stamped approved plans (PA156/16), and the Shire of Exmouth Town Planning Scheme No. 3 together with any annotations detailed thereon by the Shire;
2. The final location of the proposed advertisement within the Murat Road reserve being further south of the location identified on the submitted forms and drawings so as not to be within the middle of the floodway, as determined by the Shires Executive Manager Engineering Services;
3. The owner of the advertisement within the Murat Road reserve shall maintain the advertisement at their cost to the satisfaction of the Shires Executive Manager Town Planning and in accordance with the provisions of Regulation 17 of the *Local Government (Uniform Provisions) Regulations 1996*;
4. The owner of the advertisement within the Murat Road reserve shall take out and maintain at their cost a policy of public liability insurance to insure the Shire against all claims for loss or damage or injury occurring to the road reserve or property of the Shire or any person or property of any person as a result of the construction of the advertisement in accordance with the provisions of Regulation 17 of the *Local Government (Uniform Provisions) Regulations 1996*;
5. The owner of the advertisement within the Murat Road reserve shall indemnify the Shire in respect of any injury to any person or damage to any property which may occur in connection with it; and
6. If the development which is the subject of this approval is not substantially commenced within a period of 2 years, the approval will lapse and be of no further effect.

Advice

- i. This approval is not an authorisation to commence construction. Prior to any construction, a building permit approval from the Shire must be obtained.
- ii. 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.
- iii. The protection of street tree(s) is to occur throughout the construction process, unless additional approval is granted by the Shire.
- iv. The advertisement within the Minilya-Exmouth road reserve shall be approved by Main Roads, prior to submission of an application for a building permit with the Shire.
- v. Any substantial variation from the stamped approved plans, will require separate development approval from the Shire.
- vi. This approval is not an authority to ignore any constraint or additional requirement to development on the land, such as an easement, encumbrance, restrictive covenant or any other limitation. It is the responsibility of the applicant and not the Shire to investigate any such constraints before commencing development.
- vii. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

17 ENGINEERING SERVICES

Nil

18. ITEMS FOR INFORMATION ONLY

Responsible Officer: Chief Executive Officer

Disclosure of Interest: Nil

PURPOSE

To advise Council of the information items for November 2016.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

ITEM 18

That Council note the following information items:

- 18.1 Register of Documents Stamped with the Shire of Exmouth Common Seal.
- 18.2 Concessions on Fees for Council Facilities for November 2016
- 18.3 Building Decisions Issued up to 30 November 2016
- 18.4 Planning Decisions Issued up to 30 November 2016

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

Responsible Officer: Chief Executive Officer

Disclosure of Interest: Nil

PURPOSE

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

DATE	DOCUMENT
Nil	

18.2 CONCESSIONS ON FEES FOR COUNCIL FACILITIES FOR NOVEMBER 2016

File Reference: CP.US.0

Responsible Officer: Executive Manager Community Engagement

Date of Report: 2 December 2016

Disclosure of Interest: Nil

PURPOSE

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

NAME	REASON	AMOUNT (exc GST)
Exmouth Fellowship	Printing of A5 flyers (A4 x 300) for Carols by Starlight	\$900.00
Exmouth PCYC	Hire of Meeting Room 3.5hrs Thank You to Local Business Support Night	\$22.75
Joe Bell/Gino	Noticeboard advert 2 x weeks "Gino - Movember Fundraiser"	\$6.00
Exmouth Amateur Swim Club	Local Government Property Permit - Raffle ticket sales Ross St Mall 3, 10 & 17 December 2016 - Fundraiser for Swimming Meet 2017	\$30.00
Lioness Club	Local Government Property Permit - Raffle ticket sales Ross St Mall 9, 10,16 & 17 December 2016 Christmas Raffle	\$30.00
Lioness Club	Temporary Food Business Permit Christmas Markets Shire Hall 3/12/16	\$27.50

18.3 BUILDING DECISIONS ISSUED UP TO 30 NOVEMBER 2016

File Reference: DB.BD.0

Responsible Officer: Executive Manager Health & Building Services

Date of Report: 5 December 2016

Disclosure of Interest: Nil

Attachment(s): Nil

PURPOSE

To provide Council with the building licence and building certificate applications and approvals made under Delegation pursuant to the *Building Act 2011* up to 30 November 2016.

App #	Date Received	Lot	Property Address	Description	Decision	Decision Date
16/21	22/02/16	146	10 Hunt Street	Outbuilding Extension	Awaiting information from applicant	
16/87	22/07/16	334	19 Ningaloo Street	Dwelling, Additions & Swimming Pool	Awaiting information from applicant	
16/92	15/11/16	1381	45 Preston St	Steel Framed Verandah	Approved	17/11/16
16/116	24/10/16	508	7 Carey St	Steel Framed Carport	Approved	02/11/16
16/117	25/10/16	21	5 Kennedy St	Steel Framed Commercial Shed	Approved	01/11/16
16/119	27/10/16	329	5 Falls St	Steel Framed Shed	Approved	04/11/16
16/120	27/10/16	1314	32 Tambor Dr	Fence & Retaining Walls	Approved	02/11/16
16/121	09/11/16	936	27 Learmonth St	Steel Framed Boundary Fence	Processing	
16/122	16/11/16	1499	20 Nimitz St	Storage Shed & Office	Approved	16/11/16
16/123	16/11/16	175	5 Fyfe St	Patio	Approved	22/11/16
16/125	23/11/16	374	20 Corella Ct	Two Storey Residential Dwelling & Swimming Pool	Processing	
16/126	24/11/16	19	5 Maley St	Shed, Carport, Veranda And Storeroom.	Processing	
16/127	25/11/16	345	8 Lockwood St	Steel Boundary Fence	Approved	30/11/16
16/128	28/11/16	1	4a Pellew St	Showroom & Mezzanine Floor	Processing	
16/129	29/11/16	936	27 Learmonth St	Steel Framed Shed	Processing	

18.4 PLANNING DECISIONS ISSUED UP TO 30 NOVEMBER 2016

File Reference: LP.PL.0

Responsible Officer: Executive Manager Town Planning

Date of Report: 5 December 2016

Disclosure of Interest: Nil

PURPOSE

To advise Council of the following planning decisions issued under delegation for the above period.

App #	Date Received	Lot	Property Address	Description	Decision	Decision Date
PA70/16	13/06/16	2	Yardie Creek Road	Additional Camping Sites	ON HOLD - Pending information from Applicant	
PA107/16	15/08/16	50	Murat Road	Barge Loading Facility	ON HOLD - Pending information from Applicant	
PA112/16	25/08/16	1586 & 1587	164 Lyndon Location	Nature Based Park - Exmouth Gulf Pastoral Station	ON HOLD - Pending information from Applicant	
PA119/16	14/09/16	310	Minilya-Exmouth Road	Dwelling Addition	Approved	28/11/2016
PA127/16	28/09/16	311	30 Gnulli Court	Dwelling	Approved	01/12/2016
PA129/16	03/10/16	434	88 Madaffari Drive	Dwelling, Swimming Pool & Retaining Wall	Approved	18/11/2016
PA141/16	25/10/16	1419	Willersdorf Road	Enclose Patio & Fencing	Approved	14/11/2016
PA142/16	27/10/16	183	27 Cobia Close	Dwelling	Approved	24/11/2016
PA144/16	04/11/16	101	1 Snapper Loop	Outbuilding, Carport & Driveway prior to dwelling	December OCM	
PA145/16	07/11/16	254	16 Davidson Street	Holiday Accommodation	December OCM	
PA146/16	09/11/16	318	Minilya-Exmouth Road	Two sea containers with roofs for shed and carport	Approved	30/11/2016
PA152/16	24/11/16	2 1	40 Pelias Street 1 Carter Road	Change of use	Processing	

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

App	Date Received	Description	Date Issued
PA143/16	31/10/16	Filming – Various Locations (13-19 November 2016)	09/11/2016
PA147/16	10/11/16	Wedding – Jacobsz Beach (7 January 2017)	10/11/2016
PA149/16	17/11/16	EDHS – Car wash & sausage sizzle at Shire Administration office car park (3 December 2016)	28/11/2016
PA150/16	21/11/16	Exmouth Lioness Club – Raffle ticket fundraising – Ross Street Mall (9 – 10 December & 16 – 17 December 2016)	22/11/2016
PA151/16	22/11/16	Exmouth Amateur Swim Club – Fundraising – Ross Street Mall (3, 10, 17 December 2016)	28/11/2016
PA153/16	24/11/16	Exmouth Christian Fellowship – Christmas Carols concert – Federation Park (10 December 2016)	25/11/2016

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

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

- 21. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS**

- 22. CLOSURE OF MEETING**