



Ordinary Council Meeting
Agenda
26 May 2016

NOTICE OF MEETING

Notice is hereby given that the

Shire of Exmouth
Ordinary Council Meeting

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



Bill Price

Chief Executive Officer

26 May 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**

Item/Description	Name	Detail of Interest	Extent 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 Ordinary Meeting of the Shire of Exmouth held on the 28 April 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 Coote	Cr McHutchison	Cr Roscic	Cr Todd
29/04/16	Zone Meeting.						✓
	Meeting with DoT re: Harbour extension	✓					
30/04/16	Meeting with CEO GDC.	✓					
02/05/16	Exmouth Community Support Group meeting.				✓		
03/05/16	Exmouth Cultural Art Centre Inc has received notification that they have been granted a further \$30,000 (\$10,000/year until the end of 2019) from Woodside to continue to educate members of the community in all forms of art through providing workshops by professional artists. ECAC currently has 81 members.				✓		
	Send off Sara Bailey	✓					
04/05/16	Meeting with CEO and EMCS.				✓	✓	
	Ningaloo Visitor Centre meeting.		✓				
	Phone link with Michael Munjak (American Naval Officer). Spoke about his time at HEH during 1996 – 68. He is also a Vietnam Veteran who is now in charge of North American Remembrance Day in WA, to which I will be attending this year.	✓					
05/05/16	Meeting with Cr Todd re GDC appointment	✓					✓
10/05/16	GDC Introduction & Regional Grants Allocation Meeting.						✓
	LEMC meeting with visiting guest speaker Eleanor Harris from Red Cross.				✓		
11/05/16	Escort Eleanor Harris on tour of National Park and beaches.				✓		
11 - 12/05/16	GDC Introduction & Regional Grants Allocation Meeting.	✓					✓
13/05/16	To Perth meeting with Minister for Local Government Hon. Tony Simpson.	✓					
14 - 15/15/16	Minister Redman's budget report and opening of the Carnarvon Yacht Clubs floating pens.						✓
	Attended workshops by visiting professional artist Maryann Devereux held at 12 Learmonth Street. Capacity attendance with 12 people learning new skills in dying textured papers and applying them to canvas to make interesting				✓		

	creative art pieces as well as using moulding paste to create 3D artworks.						
17/05/16	Councillor meeting.	✓	✓	✓	✓	✓	✓
	Meeting with Vince Velastro Adelaide Brighton re: EDWW	✓					
19/05/16	Phone call with Rob Ladyman EDWW	✓					
26/05/16	Ningaloo Centre meeting.				✓		

11. EXECUTIVE SERVICES

Nil

12 CORPORATE SERVICES

12.1 FINANCIAL STATEMENT FOR PERIOD ENDING 30 APRIL 2016

File Reference:	FM.FL.0
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	16 May 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Financial Report as at 30 April 2016

PURPOSE

The provisions of the Local Government Act 1995 and associated Regulations require a monthly financial report for presentation to the Council. This report recommends Council accept the financial report.

BACKGROUND

A financial report for the period ended 30 April 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 April 2016 including the projected closing position for 2015/16 financial year. The 2015/16 Budget estimated to deliver a budget with a small surplus of \$2,880, however the current projected forecast closing position to 30 June 2016 is estimated a surplus of \$170,005.

2015/16	Year to Date Actual	Year to Date Budget	Amended Budget	On Target with YTD Budget	Forecast to 30/6/16	Forecast Impact on Surplus
	\$	\$	\$	%		
Operating Revenue	26,585,405	24,170,380	33,132,978	111.4%	37,060,262	▲
Operating Expenditure	(13,589,092)	(14,569,590)	(17,555,344)	93.3%	(17,340,130)	▲
Non Operating Revenue	1,120,088	1,167,494	3,773,922	95.9%	1,875,158	▼
Non Operating Expenditure	(9,450,513)	(14,798,141)	(24,655,384)	63.9%	(26,757,805)	▼
Non cash Items Included	3,663,236	3,168,889	3,873,829	115.6%	3,929,026	
Surplus C/Fwd June 2015	1,403,494	1,432,879	1,432,879	97.9%	1,403,494	▼
Surplus/(Deficit)	9,732,617	571,911	2,880	1701.8%	170,005	▲

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.

COMMENTStatement of Financial Position

Total Current Assets have decreased by 1.92% from March to April 2016. The balance of outstanding rates decreased due to ongoing debt collection, also sundry debtor accounts were also reduced by receipt of Landing Fees at Learmonth. Current Liabilities have decreased by 0.12% from March to March 2016 due to a reduction in Creditors invoices paid prior to end of month. Non-Current Assets have increased slightly by .78% to recognise capital acquisitions purchased to date. Non-Current Liabilities remain unchanged from April 2016.

	30/4/16	31/3/16	% Change
Current			
Assets	14,875,829	15,167,566	(1.92%)
Liabilities	(1,286,128)	(1,287,686)	(0.12%)
Non Current			
Assets	86,216,113	85,547,310	0.78%
Liabilities	(1,437,766)	(1,437,766)	0.00%
NET ASSETS	98,368,048	97,989,424	

Capital Expenditure

The 2015/16 budget included \$23,328,051 for capital expenditure, with the majority of expenditure associated with major projects including Ningaloo Centre and infrastructure improvements. The timing of projects influences the variance with the year to date budget, which currently shows Council is 59% on target.

Asset Class	Year to Date Actual	Year to Date Budget	YTD Variance	Annual Budget
	\$	\$	%	\$
Land & Buildings	5,035,816	11,646,160	43%	19,046,000
Furniture & Equipment	36,695	24,000	153%	24,000
Land Held for Resale	158,875	54,693	290%	109,386
Plant & Equipment	591,102	801,412	74%	809,412
Infrastructure Roads	2,287,497	1,812,638	126%	2,763,458
Infrastructure Other	536,548	379,955	141%	575,795
TOTAL	8,646,534	14,718,858	59%	23,328,051

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 2012-2016.

- 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 Reports for the financial period ending 30 April 2016.

12.2 LIST OF ACCOUNTS FOR PERIOD ENDING 30 APRIL 2016

File Reference:	FM.FI.0
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	16 May 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. List of Accounts for period ending 30 April 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 2012-2016.

- 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 payments being made up of:

1. Municipal Fund – \$1,538,750.24 incorporating of cheques 13274 - 13288 and direct debits; and
2. Trust Fund – \$4,043.88 incorporating of cheque 400841 and direct debits.

Outstanding Creditors as at 30 April 2016 being \$259,214.98

13 AVIATION SERVICES

13.1 EXPRESSION OF INTEREST – EOI 01/2016 AIRPORT SHUTTLE BUS SERVICE

File Reference:	CM.EX.012016
Responsible Officer:	Executive Manager Aviation Services
Date of Report:	17 May 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Confidential - EOI 01/2016 Airport Shuttle Bus Service Learmonth Airport

PURPOSE

That Council 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.

BACKGROUND

A shuttle bus service from Learmonth Airport into Exmouth has been in operation since 2005. Council has called for tenders to provide the service in 2005, 2009 and 2012. In addition, since 2009 Council has made a financial contribution to the operator to ensure a service is available for all arriving and departing flights.

In 2012, Council called for tenders for the provision of the Learmonth Airport Shuttle Bus Service (tender 05/2012). Exmouth Bus Charters were the successful tenderer and awarded a three (3) year contract commencing 1 July 2012 and completing on 30 June 2015. Two extensions of contract have been endorsed at the Ordinary Council Meetings held on 25 June 2015 and 28 April 2016 for a further one (1) year and six (6) months respectively. The first extension of contract was to enable data to be collated and provided to better inform Council of the extent of service provision. The latter extension of contract was to ensure that the process of calling for expressions of interest is duly considered and sufficient time is provided to respondents once the request to express interest in the service is released.

COMMENT

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. Some of these specifications have been advised by the current operator as being restrictive. Further, Council now has a better understanding who is using the service which has prompted some discussion as to the type of service now required.

With this in mind, consideration has been given to undertaking a two-stage procurement process. Stage 1 will be calling for expressions of interest (EOI) rather than a request for tender (RFT) where Council sets the conditions and specifications so that the applicants can outline how they'll conduct the service that will meet the needs of all parties (including the travelling public). This process will

result in a short-list of the most suitable operator(s). Stage 2 will then be the undertaking, if required, of a RFT process with the shortlisted operator(s).

The advantage of undertaking an EOI process initially is that the applicant operators are able to outline their own business plan for how they can best deliver the service, rather than Council driving business decisions. The outcome of the EOI process will determine whether there is a need to proceed to a RFT.

The proposed EOI, if endorsed, will be advertised state-wide and will close at 2pm on Thursday 4 August 2016 with a view to bring a report on the evaluation of the proposals received to the August 2016 Ordinary Council Meeting.

CONSULTATION

Councillors

STATUTORY ENVIRONMENT

Expressions of Interest are to be called in accordance with Section 3.57 of the Local Government Act 1995.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Any financial implications to Council for provision of this service will be determined as part of the EOI/RFT procurement process.

STRATEGIC IMPLICATIONS

This item is relevant to the Councils 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.
 - 1.1 *To increase the number of local businesses, industries and services that will provide a range of employment opportunities for the people of Exmouth.*
 - 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.*
 - 4.3 *To be strong advocates representing the region's interests.*

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION**ITEM 13.1**

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.

14 COMMUNITY ENGAGEMENT

Nil

15 HEALTH & BUILDING SERVICES

15.1 REVIEW OF CARAVAN PARK LICENCE – NINGALOO LIGHTHOUSE CARAVAN PARK

File Reference:	LE.RE.5
Responsible Officer:	Executive Manager Health & Building Services
Date of Report:	10 May 2016
Applicant/Proponent:	Ningaloo Lighthouse Caravan Park
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none">1. Ningaloo Lighthouse Caravan Park request for review2. Ningaloo Lighthouse Caravan Park Licence

PURPOSE

That Council grant approval for a review of the Caravan Parks and Camping Grounds Licence for Ningaloo Lighthouse Caravan Park (NLCP) (refer Attachment 1).

BACKGROUND

Caravan Parks and Camping Grounds within Western Australia are required to renew their annual Caravan Parks and Camping Grounds Licence with the relevant local government authority. All Caravan Parks and Camping Grounds licences within the Shire of Exmouth expire on 30 September each year and as such were renewed then. Last year the renewal for NLCP licence was approved for 152 short stay sites, 28 camp sites and 26 overflow sites.

On 1 March 2013, a request for 33 additional unpowered camping sites was made for overflow purposes. The above were in addition to the then existing 10 overflow sites. The new sites, sanitary facilities and related septic system have now been satisfactorily completed and NLCP have made application for Council to review and re-issue the licence for the additional overflow sites.

COMMENT

On 11 May 2016 an inspection to check the number of sites compared to licence numbers found some minor discrepancies. The number of Short Stay and Camping sites provided on the site map differed from what has been licenced. As the type of sites cannot be confirmed until a later date, a condition of the licence will be for it not to be issued until a detailed current site plan is provided clearly identifying short stay sites, camping sites and overflow sites. The licence will stipulate for the following number of sites:

- 152 Short Stay Sites including cabins
- 28 Camping sites
- 43 Overflow Sites

The numbers and allocation of site types above is consistent with previous Council Decisions.

Council Officers have requested that the owner/manager of the caravan park submit a revised site plan detailing the type and location of the each of the above sites. However, the owner is currently out of town and the above information will not be available until later this month. In consideration of the above and in readiness for the pending peak tourist season, Council Officers recommend that Council grant approval to re-issue the reviewed licence subject to the revised site plan being submitted to the satisfaction of Council Officers.

A draft of the reviewed licence ready for issue is attached (refer Attachment 2).

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Caravan Parks and Camping Grounds Act 1995

Caravan Parks and Camping Grounds Regulations 1997

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 2012-2016.

- Economic: 1 To be a diverse and innovative economy with a range of local employment opportunities.
 1.3 *Diverse tourism opportunities.*
- Environment: 2 To have a balanced respect for our environment and heritage, both natural and built.
 2.5 *To make Exmouth an attractive town that is a comfortable and welcoming place to live and visit, and reflects the lifestyle values and unique natural environment.*
- Social: 3 To be a dynamic, passionate and safe community valuing natural and cultural heritage.
 3.2 *Excellent lifestyle, recreational and cultural facilities.*
 3.7 *Residents and visitors have access to appropriate services and facilities to enhance their health and wellbeing.*

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION**ITEM 15.1**

That Council grant approval for the amended Ningaloo Lighthouse Caravan Park Licence in accordance with the following:

1. The maximum number and type of sites are detailed on the licence as 152 short stay, 28 camping and 43 overflow sites;
2. The licence shall include standard conditions as detailed on the draft reviewed licence provided at Attachment 2; and
3. The reviewed licence is not issued until Ningaloo Lighthouse Caravan Park submitted a site plan to the satisfaction of Council Officers that details the type and location of sites such that they are consistent with 1 above.

16 TOWN PLANNING SERVICES

16.1 PROPOSED HOARDING SIGN – LOT 17 (1) MALEY STREET, EXMOUTH

File Reference:	PA47/16; A977
Responsible Officer:	Executive Manager Town Planning Services
Date of Report:	4 May 2016
Applicant/Proponent:	M Gates
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none">1. Sign Location2. Sign Frame Structure3. Proposed Sign Display

PURPOSE

That Council resolve to grant development approval for a proposed 'Hoarding Sign' at Lot 17 (1) Maley Street, Exmouth subject to conditions.



Lot 17 (1) Maley Street

BACKGROUND

The Applicant is seeking to develop a Hoarding Sign at the subject property. The sign does not comply with Council's *Policy No. 6.8 – Signs*, therefore Council's determination of the application is required. A sign previously existed in the same location as the proposed sign which was removed approximately 12 months ago after being destroyed in Cyclone Olwyn during March 2015. The sign

was never approved as it was developed prior to the commencement of *Town Planning Scheme No. 3*. The intention with the current application is to replace the previous sign with a similar sign.

The sign is proposed as follows:

- The proposed sign is setback approximately 3m parallel to the truncation on the corner of Murat Road and Maley Street. As a result it is setback approximately 5m from the eastern and southern property boundaries (refer Attachment 1).
- The proposed sign is 1.8m high by 2.55m wide.
- The proposed height above ground level is 1.2m to the underside of the sign and 3m to the top of the sign.
- The sign is proposed to be attached to a square frame structure secured to the ground by 2 posts (refer Attachment 2).
- The proposed display image of the sign is shown in Attachment 3.
- The sign is proposed to be illuminated during the night with no flashing or moving parts.

COMMENT

Shire of Exmouth Town Planning Scheme No. 3

Town Planning Scheme No. 3 (Scheme) outlines that development approval for the proposed sign is required. The previous existing sign was developed lawfully prior to the commencement of the Scheme. Clause 4.9.2 of the Scheme outlines that signs lawfully erected prior to the approval of the Scheme may continue to be displayed. However, as the previous sign was taken down it is no longer an existing sign. Therefore, prior development approval is required for the proposed sign. The Scheme outlines the following to be considered when determining applications for advertisements:

“4.9.3 Consideration of Applications

Without limiting the generality of the matters which may be taken into account when making a decision upon an application for planning approval to erect, place or display an advertisement, the Council shall examine each such application in the 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 sign that previously existed was considered to be consistent with the above considerations. Therefore, it is considered that the proposed sign will be equally consistent and can be supported.

Shire of Exmouth Policy No. 6.8 – Signs

Signs developed within the Shire of Exmouth are required to comply with Council's *Policy No. 6.8 – Signs*. The Policy defines the proposed sign as a 'Hoarding Sign' as follows:

“7.7.4 Hoarding Sign

This is an advertising sign, which is fixed to a structure and which has one or more supports. The overall height (including supports) is less than the sign's width (horizontal dimension).”

The proposal is not in accordance with the Policy as follows:

- a. The Policy prescribes a Hoarding Sign as 'X' in the Mixed Use zone meaning it is not permitted.

- b. A Hoarding Sign shall not be greater than 2.5m from ground level. The sign is proposed at a maximum height of 3m from ground level.

Given that a similar sign existed at the property for a substantial period of time it is considered that the proposed variation is negligible and can be supported as it is replacing the previous sign. The sign is very similar to a 'Pylon Sign' which is permitted at the property. The intention is that a Hoarding Signs will be permitted in the subject zone through the adoption of draft *Town Planning Scheme No. 4* which Council is about to commence advertisement of. In addition, the proposed sign is considered consistent with the objectives of the Policy which are as follows:

1. *To guide the design, materials and siting of advertising structures and signs in the shire area.*
2. *To ensure consistent policy and clearly set out the requirements of the Shire of Exmouth for applicants making an application for outdoor advertising.*
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.*
6. *To establish a standard type of approved signs to clearly identify businesses.*
7. *To reduce visual clutter, driver confusion, landscape detracting and traffic hazards caused by poor and indiscriminate signage.*
8. *To decrease bureaucratic procedures, restrictions and constraints, as well as legal and jargonistic guidelines.*

The Policy also outlines that Council will have regard to the following considerations when determining an application for development approval for an advertisement:

- a. *whether a new sign is compatible with any existing signs on the site;*
- b. *whether a new sign complements or detracts from the dominant character of the surrounding landscape;*
- c. *whether a new sign complements or detracts from the architectural style and character of the building, site or area;*
- d. *whether a new sign compromises surrounding land uses due to its size, design, location or the use of illumination or devices such as flashing or moving elements;*
- e. *whether a new sign may be hazardous to vehicular or pedestrian traffic;*
- f. *whether a new sign added to an existing directional sign or structure would prejudice readability due to excessive signs at one location;*
- g. *whether a new sign on or attached to a heritage building is discreet and complements the building and area; and*
- h. *whether rationalisation or reduction in the number of existing signs is appropriate and achievable.*

The proposal is considered consistent with the consideration above. It is recommended that Council grant development approval for the proposed Hoarding Sign at the property subject to standard conditions. Standard conditions that will achieve compliance with *Policy No. 6.8 – Signs* have been included in the Officers Recommendation.

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* applies to development within Bushfire Prone Area and requires the lodgement of a Bushfire Attack Level (BAL) Assessment 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 proposal is not considered to undermine the objectives. It does not increase the threat or reduce the vulnerability of bushfire risk to people, property and infrastructure. Therefore, it is not considered necessary to apply the requirements of the State Planning Policy or require a BAL Assessment.

CONSULTATION

The variation to the Policy is not considered to adversely affect surrounding properties and thereby require consultation. There is no requirement in *Town Planning Scheme No. 3* for formal notice of the sign to be given to surrounding land owners or the public at large.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Planning and Development (Local Planning Scheme) Regulations 2015

Town Planning Scheme No. 3

POLICY IMPLICATIONS

State Planning Policy No. 3.7 Planning in Bushfire Prone Areas

Policy No. 6.7 – Murat Road Development Guidelines

Policy No. 6.8 – Signs

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This item is relevant to the Councils 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.

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

- Environment: 2 To have a balanced respect for our environment and heritage, both natural and built.
- 2.5 *To make Exmouth an attractive town that is a comfortable and welcoming place to live and visit, and reflects the lifestyle values and unique natural environment.*

- 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 16.1

That Council grants development approval for a proposed 'Hoarding Sign' at Lot 17 (1) Maley Street, Exmouth subject to the following conditions:

1. The development being carried out in accordance with the stamped approved plans (PA07/16), and the Shire of Exmouth Town Planning Scheme No. 3 together with any annotations detailed thereon by the Shire;
2. The sign shall not be less than 1.2m or greater than 3m from natural ground level;
3. The illumination of the sign shall:
 - a. not cause a nuisance, by way of light spillage, to abutting sites or roadways;
 - b. not comprise flashing, running or intermittent lights;
 - c. not interfere with or be likely to be confused with traffic control signals or create a traffic hazard;
 - d. have any boxing or casing in which it is enclosed constructed of incombustible material;
 - e. where comprising glass (other than fluorescent tubing) have the glass so protected as to prevent its falling into a public place in the event of breakage; and
 - f. have its electrical installation constructed and maintained to the satisfaction of Western Power or the appropriate electrical supply authority and in accordance with the relevant Australian Standard.
4. The sign shall be securely fixed to the structure by which it is supported to the satisfaction of the Executive Manager Town Planning;
5. Signage shall not obstruct access to or from a door, fire escape or window; and
6. If the development the subject of this approval is not substantially commenced within a period of two (2) years after the date of the determination, 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. For further information please contact the Shire's Building Surveyor by telephone on 9949 3000.
- 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. Any additional development or substantial variation from the stamped approved plans, will require separate development approval from the Shire.
- iv. 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.
- 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 twenty eight (28) days of the determination.

16.2 PROPOSED DWELLING ADDITIONS AND ANCILLARY DWELLING – LOT 334 (19) NINGALOO STREET, EXMOUTH

File Reference:	PA38/16; A159
Responsible Officer:	Executive Manager Town Planning Services
Date of Report:	4 May 2016
Applicant/Proponent:	T & D Harris
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none">1. Locality Plan2. Floor Plan3. Elevation Plans4. Site Plan5. Previous Development Approval6. Original Plans

PURPOSE

That Council resolve to grant development approval for proposed 'Dwelling Additions' and an 'Ancillary Dwelling' at Lot 334 (19) Ningaloo Street, Exmouth (refer Attachment 1) subject to conditions.



Lot 334 (19) Ningaloo Street

BACKGROUND

The applicants are seeking to develop additions to the existing Dwelling and also an Ancillary Dwelling under the same roofline (refer Attachment 2, 3 and 4). The additions to the Dwelling include the following:

- A garage to the western side of the Dwelling.
- Enclosure and extension of the existing carport to create a 'garden/storage shed'. This structure is more appropriately considered as a second garage.
- Extension of the rear patio towards the western property boundary in line with the proposed garage.
- A games and/or gym room attached to the rear of the garage.

The proposed Ancillary Dwelling contains a single kitchen, bath, bed, lounge and dining rooms. It is proposed attached to the roofline of the Dwelling behind the existing carport.

The proposal varies a number of the deemed-to-comply provisions of *State Planning Policy 3.1 Residential Design Codes* (R-Codes) which prescribes setbacks. Therefore, Council's consideration is requested in determining whether the proposal still complies with the relevant Design Principles.

Second hand sea containers are proposed as a portion of the internal building material for the Ancillary Dwelling and games and/or gym room. Furthermore, a pool is proposed adjacent the rear patio. A pool falls under the definition of landscaping in the R-Codes, therefore the pool does not require development approval.

COMMENT

Shire of Exmouth Town Planning Scheme No. 3

The subject property is zoned 'Residential R17.5' by the Shire of Exmouth *Town Planning Scheme No. 3*. 5.1.1 Objectives

- 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.*
- d) to allow for the establishment of non-residential uses which are compatible with the predominant residential use and which will not adversely affect local amenities.*

The proposal is considered consistent with the objectives of the zone. The proposal provides for slightly higher residential density close to the town centre given the Ancillary Dwelling. The Dwelling mostly complies with the requirements of the R-Codes which form the basis of residential design in Western Australia. The proposal is not for a non-residential use.

The Scheme requires siting and development in the Residential zone to be in accordance with the R-Codes.

State Planning Policy No. 3.1 Residential Design Codes (R-Codes)

The R-Codes contain deemed-to-comply provisions and design principles. In order for development to be in accordance with the R-Codes it is required to be consistent with the design principles.

Development that complies with the deemed-to-comply provisions is automatically deemed to comply with the design principles. However, the proposal does not comply with the deemed-to-comply provisions. Therefore, Council's consideration is requested to determine whether the proposal is consistent with the relevant design principles.

The proposal varies the following deem-to-comply provisions:

- Side setback variation of 0.7m in lieu of 1.5m to western side of the western garage.
- Side setback variation of 0.7m in lieu of 1.5m to eastern side of eastern Garage.
- Rear setback variation of 0.7m in lieu of 1.1m to Ancillary Dwellings (average wall height is 3.95 given skillion roof).
- Rear setback variation of 0.7m in lieu of 1.1m to Games Room (average wall height is 4.75 given skillion roof).

The setbacks above are prescribed based on the height and length of the subject walls. The relevant setbacks are required to be consistent with the following design principles in order to be considered compliant with the R-Codes:

5.1.3 Lot boundary setback

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

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

The proposed side setback variations are not considered to negatively impact adjoining properties through building bulk as they are in line with adjoining dwellings. No objections have been received regarding the proposed side setback variations given the proponent has amended the proposal. In addition, a carport has been developed on the eastern adjoining property with a similar setback variation.

One objection has been received regarding reducing the rear setback by 0.4m to the Ancillary Dwelling due to loss of views to the rear bush. However, the proposal is not considered to significantly impact the loss of rear views due to the ability to construct a 1.8m boundary fence along these boundaries. In addition, views are not a consideration of the relevant design principles. Unallocated Crown Land is located to the rear of the properties. Therefore, the rear setbacks do not impact adjoining land owners to the rear.

The side setback variations are for non-habitable rooms which do not require the same extent of ventilation as habitable rooms. The proposal complies with the solar access requirements of the R-Codes. The only proposed major openings are located within a building that has a finished floor level of 0.3m above natural ground level. Therefore, the major openings are not considered to overlook into the adjoining property based on the overlooking requirements of the R-Codes.

Development approval, which has expired, was granted by Council for Dwelling Additions and an Ancillary Dwelling on 20 February 2013 with similar setback variations (refer Attachment 5). Therefore, precedence is an important consideration with Council having previously determined that similar setback variations are consistent with the above design principles.

Based on the above it is considered that the proposal is consistent with the design principles of the R-Codes and should be supported. Standard conditions have been included in the Officers Recommendation to achieve continued compliance with the R-Codes. It should also be noted that the open space achieved through the proposal is 50 percent which complies with the minimum required by the R-Codes.

Shire of Exmouth Policy No. 6.23 - Secondhand Buildings & Secondhand Building Materials

Council's Policy No. 6.23 - *Secondhand Buildings & Secondhand Building Materials* applies to the use of second hand sea containers for a portion of the Ancillary Dwelling and games and/or gym room. To achieve appropriate amenity outcomes the Policy outlines the following requirements for the use of secondhand buildings:

- The building is to be completely restumped.
- The underside of the building is to be fully enclosed.
- The exterior claddings, walls and roof are to be brought up to as new standard (this may entail brick or colourbond veneering).
- The applicant will be required to complete all specified remedial works within 12 weeks of the relocated building being placed on site.

Standard conditions of approval have been included in the Officers recommendation to achieve compliance with the Policy.

Shire of Exmouth Policy No. 6.3 - Ancillary Accommodation

The proposed Ancillary Dwelling is consistent with Council's Policy No. 6.3 - *Ancillary Accommodation* ('Ancillary Accommodation' has since been amended in the R-Codes to 'Ancillary Dwelling'). Standard conditions of approval have been included in the Officers recommendation to achieve continued compliance with the Policy.

CONSULTATION

The original application (refer Attachment 6) proposed additional setback variations to the deemed-to-comply provisions of the R-Codes as follows:

- Side setback variation of 0.7 in lieu of 1.5m to Western side of Games Room.
- Side setback variation of 0.7 in lieu of 2.5m to Eastern side of Ancillary Dwelling. The setback is based on a wall that has major openings and is 3.9m in height of and 12.1m in length.
- Overlooking of major openings located on Eastern side of the Ancillary Dwelling.

Notice of the original proposal was referred to affected adjoining landowners on 11 April 2016 with a fourteen (14) day submission period concluding on 25 April 2016 in accordance with Part 4 of the R-Codes. One submission was received objecting to the setback variations and overlooking proposed to the Ancillary Dwelling.

Following the referral process negotiation was undertaken with the applicant agreeing to amend the proposal to achieve compliance with the deemed-to-comply requirements outlined above as these variations were considered unable to meet the relevant design principles. The applicant also opted to reduce the wall height of the Ancillary Dwelling wall to 3m which reduced the prescribed setback to 1.5m from the western side boundary. In addition, the lowering of overall height resulted in the finished floor level being lowered to 0.3m above natural ground level which removes any overlooking requirements from the major openings on this wall.

The comments provided in the submission were as follows:

Submission	Comments	Officer Comment
Public Submission 1	<p>1. Object to 0.7m in lieu of 2.5m to eastern side of Ancillary Dwelling.</p> <ul style="list-style-type: none"> • We use our backyard extensively and have just spent considerable money building a barbeque area to our western/northern boundary. • The total roof height of 5.8m would block out light. • The height of both proposed windows will overlook the boundary fence into our backyard by a height of 1m. • The skillion roof that drains to our boundary will be draining almost 85m² of roof area. In the event of heavy rain or a cyclone, I am concerned regarding water/flood damage to our property. <p>2. Object to 0.7m in lieu of 1.1m to rear setback of Ancillary Dwelling</p> <ul style="list-style-type: none"> • Above the barbeque area – loss of rear views to rear bush area. 	<p>Noted. The applicant has amended the proposal to reduce the overall height of the Ancillary Dwelling to a 3m wall height and 4.9m ridge height. Resultantly the finished floor level is 0.3m from natural ground level. Pursuant to the R-Codes the structure is no longer considered to overlook into adjoining properties from the major openings. The setback has also been increased to 1.5m which meets the prescribed side setback given the reduced height. Stormwater is required to be maintained on site or appropriately drained into the local drainage system (e.g. Shire road reserve) which is a standard condition of approval. The proposal complies with the prescribed building height and solar access.</p> <p>Noted. Impact on views is not a consideration of the relevant R-Codes design principles. Given the ability of landowners to install a 1.8m fence to the rear and side property boundaries the proposed variation is considered negligible in its effect on views. The main consideration of the design principles is listed in the comment section above.</p>

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Planning and Development (Local Planning Scheme) Regulations 2015

Town Planning Scheme No. 3

POLICY IMPLICATIONS

State Planning Policy No. 3.1 Residential Design Codes

Policy No. 6.3 - Ancillary Accommodation

Policy No. 6.23 - Secondhand Buildings & Secondhand Building Materials

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

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 16.2

That Council grants development approval for proposed 'Dwelling Additions' and an 'Ancillary Dwelling' at Lot 334 (19) Ningaloo Street, Exmouth subject to the following conditions:

1. The development being carried out in accordance with the stamped approved plans (PA38/16), and the Shire of Exmouth Town Planning Scheme No. 3 together with any annotations detailed thereon by the Shire;
2. All water draining from roofs, driveways, communal streets and other impermeable surfaces shall be managed on site and/or discharged into the Shire's road drainage system;
3. The western side of the rear deck shall have permanent vertical screening at a minimum height of 1.6 metres from the finished floor level being a minimum 75% obscure to prevent overlooking in accordance with clause 5.4.1 of the R-Codes to the satisfaction of the Executive Manager Town Planning. The screening shall be installed prior to occupation of the building and remain in place permanently;
4. External rubbish bins, clothes lines, pool pumps, air conditioners and all service fittings and fixtures shall not be visible from any public road;
5. The external colour and materials of the proposed addition(s) shall be complementary to the style of the existing Dwelling to the satisfaction of the Executive Manager Town Planning;
6. Any secondhand building and/or sea containers used in the construction of the development shall be completely restumped, the underside of the building fully enclosed and the exterior claddings, walls and roof are to be brought up to as new standard within 12 weeks of the building being relocated to the property to the satisfaction of the Executive Manager Town Planning;
7. Any secondhand building and/or sea container shall be secured in the event of a cyclone; and
8. If the development the subject of this approval is not substantially commenced within a period of two (2) years after the date of the determination, 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. For further information please contact the Shire's Building Surveyor by telephone on 9949 3000.
- 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 property 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. Further information can be obtained by contacting the Shire's Building Surveyor.
- iv. The noise generated by any activities on-site shall not exceed the levels as set out under the Environmental (Noise) Regulations 1997.
- v. The development of fencing is subject to 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.
- vi. The applicant is advised to refer to Local Policy 7.8: Verge Enhancement which defines an 'approved verge improvement' and Local Policy 7.9: Crossovers and Verges within townsite prior to undertaking any works in the verge.
- vii. 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.
- viii. Any additional development or substantial variation from the stamped approved plans, will require separate development approval from the Shire.
- ix. 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.
- x. 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.

16.3 PROPOSED CHANGE OF USE (SHOWROOM AND PARTY HIRE BUSINESS) – LOT 100 (34) PELIAS STREET, EXMOUTH

File Reference:	PA54/16; A302
Responsible Officer:	Executive Manager Town Planning Services
Date of Report:	4 May 2016
Applicant/Proponent:	J Gobby
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none">1. Site and Floor Plan2. Elevation Plan3. Proposal Report4. Pelias Street Road Verge

PURPOSE

That Council resolve to grant development approval for a change of use application for a proposed 'Showroom' and 'Party Hire Business' at lot 100 (34) Pelias Street, Exmouth subject to conditions.



Lot 100 (34) Pelias Street

BACKGROUND

The Applicant is seeking to change the use of the existing front building at the premises to a 'Showroom' and 'Party Hire Business' (refer Attachments 1, 2 and 4). The proposal is to establish a wholesale, retail and hire business providing party and children's goods such as lollies, party/function decorations, equipment hire, bulk wholesale lollies, children's clothing/party

costumes, children's giftware, cake/baking supplies decorations and local products (refer Attachment 3).

Landscaping is proposed in front of the subject building. Along the landscaping three 90 degree parking spaces are proposed which extend into Pelias Street road reserve. Operating hours of 9am to 3pm Monday to Friday and 9am to 12pm on Saturday are proposed. However, it has been outlined that operating hours may change based on the time of the year. One employee is proposed.

The application requires Council's determination for the following aspects of the proposal:

- Parking is proposed at the front of the property partially within Pelias Street road reserve.
- The hire aspect of the business does not reasonably fall within the definition of any land use contained within the *Town Planning Scheme No. 3* (TPS3) and therefore requires Council's determination of whether it is consistent with the objectives of the zone.

Previous development approvals at the property have included a Service – Industry and Home Occupation on 21 July 2005 and Dwelling on 20 April 2000. The use of the Dwelling will continue to operate incidental to the proposed use. The subject front building was approved lawfully at the property prior to the commencement of TPS3.

A Wall Sign is proposed on the front wall of the subject building which is exempt from the requirement for development approval by Schedule 5 of TPS3 (refer Attachment 2 and 3).

COMMENT

Shire of Exmouth Town Planning Scheme No. 3

The property is zoned 'Mixed Use' by TPS3. The objectives of the zone are as follows:

- (a) to provide for a mix of land uses including light and service industries, some commercial (excluding a shop), and some residential.*
- (b) to achieve and maintain a high standard of presentation to all streets, and particularly to Murat Road.*
- (c) to ensure light industrial uses are located so as to avoid land use conflicts with other uses.*

The sale aspect of the proposal is considered to fall within the definition of a 'Showroom' land use as follows:

showroom: *means any building or part of a building used or intended for use for the purpose of displaying or offering for sale by wholesale or retail, automotive spare parts, carpets, large electrical appliances, furniture, hardware, or goods of a bulky nature.*

Showroom is prescribed as an 'AA' land use within the Mixed Use zone which means that the use is not permitted unless the Council has granted planning approval. Council has granted delegation to the Executive Manager Town Planning to determine AA uses where they comply with the siting and development requirements of Council's planning framework.

The hire aspect of the proposal does not reasonably fall within the definition of a land use provided by TPS3. Therefore, Council may determine the proposal 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 consistent with the objectives of the zone as it provides for a mix of land uses. The proposal will not conflict with the predominant uses of surrounding zones through any negative amenity impacts, such as noise. Furthermore, the standard of presentation to the street is high considering the landscaping provided to complement the development and proposal for new colours to the building. It is recommended that Council support the proposal and approval under Clause 3.2.4(a) above.

The proposal complies with all site and development requirements of TPS3 except for the provision of the minimum required parking spaces within the property boundaries. The parking requirements for a Showroom are as follows:

Three (3) spaces for up to the first 200 square metres of NLA and thereafter one (1) space for every additional 100 square metres of NLA or part thereof.

The NLA (Nett Lettable Area) of the subject building is 114.5m² which is less than 200m² meaning the minimum three spaces are required. Nett Lettable Area is the floor area of the structure measured to the internal surface of walls. The hire aspect of the business is not considered to require any additional parking spaces given it is contained within the Showroom area and is a part of the same business that involves the sale. TPS3 requires that 90 degree parking spaces are a minimum of 2.7m wide 5.4m long with an adjacent 5.8m manoeuvring area. One disabled parking space is required with a minimum 3m width.

TPS3 and Council's *Policy No. 6.11 – Parking* generally require parking and manoeuvring area to be provided within the property boundaries of the site subject of development in manner which allows vehicles to enter the street carriageway in forward gear. The applicant has requested that Council approve the use of the road verge adjacent her property frontage to supply the required parking spaces (refer Attachment 1, 3 and 4). The way in which the property has been developed makes it difficult to provide on-site parking and manoeuvrability within the site given the Showroom building was developed so close to the front of the property prior to the commencement of TPS3. Council has supported similar use of the road verge in the Mixed Use zone area before given the substantial width of the verge. The width of the property frontage and verge width between the property frontage and carriageway provide enough space to achieve the required dimensions above so that vehicles can enter the carriageway in forward gear. Therefore, it is considered reasonable to support the proposed parking arrangement.

Standard conditions of approval have been included in the Officers Recommendation to achieve compliance with Council's planning framework.

Policy No. 6.2 – Colour Palette for Developments

The applicant has outlined the intention to change the colours of the subject structure. Development in the Mixed Use area is required to comply with Council's *Policy No. 6.2 – Colour*

Palette for Developments. A standard condition of approval has been included in the Officers Recommendation.

State Planning Policy No. 3.7 Planning in Bushfire Prone Areas

Deemed Provision 67 of the *Planning and Development (Local Planning Scheme) Regulations 2015* outlines 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* applies to development within Bushfire Prone Areas and requires the lodgement of a Bushfire Attack Level (BAL) Assessment 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 proposal is not considered to undermine the objectives. It does not increase the threat or reduce the vulnerability of bushfire risk to people, property and infrastructure. The Mixed Use zone area is completely cleared of remnant natural vegetation. Therefore, it is not considered necessary to apply the requirements of the State Planning Policy or require a BAL Assessment.

The Policy also requires a report to be lodged addressing prescribed bushfire protection criteria. Many of the criteria are not applicable to the subject proposal as they can only be properly applied during the subdivision process. In addition, the criteria that are applicable are either unachievable due to the lot size and/or they will not achieve any bushfire risk mitigation consistent with the objectives outlined above. Therefore, the requirement is not considered relevant.

CONSULTATION

Nil, however Council may require advertising in accordance with the Scheme under Clause 3.2.4(b) (see comment section above) in seeking comments regarding the proposal to determine whether it is consistent with the objectives of the zone. However, the proposal is not considered to adversely affect surrounding properties. Therefore, it is not considered necessary to advertise the proposal and is recommended to be determined under Clause 3.2.4(a) of the Scheme.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Planning and Development (Local Planning Scheme) Regulations 2015

Town Planning Scheme No. 3

POLICY IMPLICATIONS

State Planning Policy No. 3.7 Planning in Bushfire Prone Areas

Policy No. 6.2 – Colour Palette for Developments

Policy No. 6.8 – Signs

Policy No. 6.10 – Landscaping

Policy No. 6.11 – Parking

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This item is relevant to the Councils 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.
- 1.1 *To increase the number of local businesses, industries and services that will provide a range of employment opportunities for the people of Exmouth.*
- 1.2 *Planned and balanced economic growth.*
- 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 16.3

That Council grants development approval for a proposed change of use application for a 'Showroom' and 'Party Hire Business' at lot 100 (34) Pelias Street, Exmouth subject to the following conditions:

1. The development being carried out in accordance with the stamped approved plans (PA54/16), and the Shire of Exmouth Town Planning Scheme Number 3 together with any annotations detailed thereon by the Shire;
2. External colours shall be generally in accordance with Policy No. 6.2 – Colour Palette for Developments;
3. The Showroom and Party Hire Business shall not operate unless a minimum of three (3) parking spaces have been provided in the location shown on the stamped approved plans (PA54/16) in accordance with Policy No 6.11 – Parking and Town Planning Scheme No. 3;
4. Parking spaces shall have minimum dimensions of 2.7m width and 5.4m length with 5.8m adjacent manoeuvring area to the satisfaction of the Executive Manager Town Planning. One (1) parking space shall have a minimum 3m width for disabled parking;
5. Parking spaces and manoeuvring areas shall be designed to enable all vehicles to enter and exit the road reserve carriageway in forward gear;

6. Parking spaces shall be line marked and maintained to the satisfaction of the Executive Manager Town Planning;
7. Landscaping shall be established within 6 months of the date of this approval in accordance with the stamped approved plans (PA54/16) and shall be permanently maintained to the satisfaction of the Executive Manager Town Planning;
8. All emissions associated with the use shall be retained on site;
9. The approved use is to 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 the subject of this approval is not substantially commenced within a period of two (2) years after the date of the determination, 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. This approval does not exempt compliance with other legislation.
- ii. The noise generated by any activities on-site is required to comply with the Environmental Protection (Noise) Regulations 1997.
- iii. No signage has been approved as part of this application. Please note the proposed wall sign is exempt from the requirement for approval. However any further signage may require additional development approval from the Shire.
- iv. This lot is within a designated Bushfire Prone Area as determined by the Department of Fire and Emergency Services. Additional building requirements may apply for new structures.
- v. Any additional development or 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, which may exist through contract or on the certificate of 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.
- 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 twenty eight (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 April 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 April 2016
- 18.3 Building Decisions Issued up to 30 April 2016
- 18.4 Planning Decisions Issued up to 30 April 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
11/05/16	Learmonth Airport Shuttle Bus Services
12/05/16	Notification Under Section 70A Heron Way Subdivision

18.2 CONCESSIONS ON FEES FOR COUNCIL FACILITIES FOR APRIL 2016

File Reference: CP.US.0

Responsible Officer: Executive Manager Community Engagement

Date of Report: 26 May 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)
PCYC	Hire of Recreation Centre – Art skills development for young people	123.00
Centre for Eye Research Australian (NEHS)	Hire of Recreation Centre – University Eye Surveys	164.00

18.3 BUILDING DECISIONS ISSUED UP TO 30 APRIL 2016

File Reference: GV.CM.0

Responsible Officer: Executive Manager Health & Building Services

Date of Report: 26 May 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 April 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	
16/30	10/03/16	190	5 Grenadier Street	Storage Shed	Awaiting information from applicant	
16/41	04/04/16	1277	2 Seawolf Circuit	Dwelling	Awaiting information from applicant	
16/42	05/04/16	35	6 Searaven Crescent	Carport and Alfresco Area	Approved	08/04/16
16/43	05/04/16	231	38 Kennedy Street	Addition to Residence	Approved	08/04/16
16/44	11/04/16	1366	43 Heron Way	Steel Framed Verandah	Approved	13/04/16
16/45	22/04/16	336	14 Kestrel Place	Block Retaining Wall	Approved	22/04/16
16/46	22/04/16	1374	58 Preston Street	Steel Framed Gazebo	Approved	11/05/16
16/47	28/04/16	336	14 Kestrel Place	Steel Framed Dwelling	Approved	12/05/16

18.4 PLANNING DECISIONS ISSUED UP TO 30 APRIL 2016

File Reference: LP.PL.0

Responsible Officer: Executive Manager Town Planning

Date of Report: 13 May 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
PA42/16	05/04/2016	326	Minilya-Exmouth Rd	Retaining Wall And Fill	Approved	05/04/16
PA43/16	06/04/2016	1366	43 Heron Way	Patio Addition	Approved	07/04/16
PA45/16	08/04/2016	319	11 Pellew Street	Change of Use	Awaiting information from applicant	
PA46/16	08/04/2016	210	7 Carpenter Street	Outbuilding Extension	Approved	04/05/16
PA47/16	14/04/2016	17	1 Maley Street	Business Sign on Property	May OCM	
PA48/16	15/04/2016	183	27 Cobia Close	Canal Side Storeroom	Approved	26/04/16
PA21/16	26/02/2016	1406	Willersdorf Road	Additions to Club Rooms	ON HOLD	
PA33/16	18/03/2016	192	6 Euryale Street	Home Occupation	Awaiting information from applicant	
PA38/16	23/03/2016	334	19 Ningaloo Street	Dwelling Additions & Ancillary Dwelling	May OCM	
PA40/16	24/03/2016	2	Tambor Drive	Single Dwelling	Approved	9/05/16
PA14/16	16/02/2016		8 Catalina Close	Single Dwelling	Approved	28/04/16

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

App	Date Received	Description	Date Issued
PA50/16	28/04/2016	Ningaloo Whaleshark Festival - Movie Night (Federation Park) and Beach Day (Town Beach)	04/05/2016
PA51/16	28/04/2016	Ningaloo Whaleshark Festival - Talanjee Oval	04/05/2016
PA52/16	29/04/2016	Mother's Day Raffle – Ross Street Mall	29/04/2016

- 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**