



Ordinary Council Meeting Minutes 29 September 2016

CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on 27 October 2016 as a true and accurate record of the Ordinary Council Meeting held on 29 September 2016.

A handwritten signature in black ink, appearing to read 'Cr (Turk) Shales', is written over a dotted line.

Cr (Turk) Shales
Shire President

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

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Signed at Exmouth



(B Price), Chief Executive Officer Shire of Exmouth

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ORDINARY COUNCIL MEETING MINUTES

Our Vision

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

Our Purpose

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

Our Strategic Objectives

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

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President welcomed the visitors in the gallery and declared the meeting open at 5.00 pm.

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

Councillor C (Turk) Shales	Shire President
Councillor M (Mick) Hood	Deputy Shire President
Councillor R (Bob) Todd	
Councillor S (Suzanne) McHutchison	
Councillor J (James) Roscic	
Councillor G (Graham) Jones	
Mr B Price	Chief Executive Officer
Mrs S O'Toole	Executive Manager Corporate Services
Mr R Kempe	Executive Manager Community Engagement
Mrs J Kox	Executive Manager Aviation Services
Mr R Manning	Executive Manager Health & Building
Mr R Mhasho	Executive Manager Town Planning
Mr K Woodward	Executive Manager Engineering Services
Mrs M Head	Minute Clerk

GALLERY

Visitors 3

APOLOGIES

Nil

LEAVE OF ABSENCE

Nil

3. DECLARATIONS, OATHS OR AFFIRMATIONS OF ALLEGIANCE

The election results of the extraordinary election closing 23 September 2016 were:

Candidate	No of Votes
G (Graham) Jones	475
J (Jackie) Brooks	242

The Shire President performed the formal duty of inducting the newly elected Councillor into office.

Councillor Jones was officially sworn in and made his Declaration of Office.

It is noted that Councillor Jones will be appointed to the portfolios held previously by Councillor Coote which includes:

- Recreation and Culture
- Commerce/Industry
- Oil and Gas/Resource Sector Reference Group

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4.1 PUBLIC QUESTIONS TIME

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

Council Consideration Towards Public

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

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

Nil.

5. DECLARATIONS OF INTEREST

Item/Description	Name	Detail of Interest	Extent of Interest
13.1 – Request for Tender 02/2016 – Exmouth Aerodrome Perimeter Fence	Turk Shales, Shire President	Indirect Financial	Son in law business tendered.
15.3 – Annual Caravan Park and Camping Ground Licence Renewals	Councillor James Roscic	Direct Financial	Owner of the Yardie caravan park.

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.

Councillor Roscic requested a leave of absence for the October 2016 Ordinary Council meeting.

COUNCIL RESOLUTION

ITEM 6

Res No: 01-0916

MOVED: Cr Todd

SECONDED: Cr McHutchison

That a leave of absence be granted to Councillor Roscic for the October 2016 Ordinary Council meeting.

CARRIED 6/0

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

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

COUNCIL RESOLUTION

ITEM 7

Res No: 02-0916

MOVED: Cr Todd

SECONDED: Cr Roscic

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

CARRIED 6/0

8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Nil

9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

10. REPORT OF COUNCILLORS

Date	Activity	Councillor				
		Cr Shales	Cr Hood	Cr McHutchison	Cr Roscic	Cr Todd
22/08/16	CEO Performance Appraisal.	✓	✓	✓	✓	✓
24/08/16	Ningaloo Centre Meeting and site visit.	✓		✓		✓
01/09/16	Meeting with CEO and Paul Toussaint-Jackson, Director of Australian Floating Decks.		✓	✓		
04 – 10/09/16	Company Directors Course Perth.					✓
06 – 11/09/16	Australian Cruise Association Conference – Sydney.		✓			
06/09/16	Communication Strategy Meeting with PPR Consulting.		✓	✓	✓	
09/09/16	Meeting with Vince Catania re: premises for the Exmouth Cultural Arts Centre.			✓		
12/09/16	Citizenship Ceremony.	✓				
16/09/16	Meeting with Board Members and Chief Executive Officer Quadrant Energy.	✓				
19- 21/09/16	World Heritage Meeting, Carnarvon.		✓			

11. EXECUTIVE SERVICES

11.1 OFFICE SHUTDOWN CHRISTMAS NEW YEAR PERIOD

File Reference:	GV.CM.0
Responsible Officer:	Chief Executive Officer
Date of Report:	20 September 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Nil

PURPOSE

That Council consider closing the administration offices during the Christmas period.

BACKGROUND

In previous years Council has resolved to close the Shire Office over the Christmas New Year period. Shire staff usually take annual/accumulated leave for the days on which the office is closed. Generally, the town is very quiet at that time of the year and previously it does not seem to have been inconvenient to the general public to have the office closed. It is proposed that a Senior Officer of the Shire will be in town during this period should an emergency arise.

This year the days in question are Wednesday 28 to Friday 30 December (3 days inclusive).

Hence, the office will be closed from COB Friday 23 December 2016 and reopen again on Tuesday 3 January 2017, allowing administrative staff to have a decent break over the festive period.

COMMENT

Nil

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

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.*
 - 4.3 *To be strong advocates representing the region's interests.*

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 11.1

That Council agrees to close the administration offices on Wednesday 28 to Friday 30 December inclusive, to coincide with the existing Christmas public holidays.

COUNCIL RESOLUTION

ITEM 11.1

Res No: 03-0916

MOVED: Cr Hood

SECONDED: Cr Jones

That Council agrees to close the administration offices on Wednesday 28 to Friday 30 December inclusive, to coincide with the existing Christmas public holidays.

CARRIED 6/0

11.2 LEASING OF HORSE BLOCK– LOTS 1493 (BLOCK 11) MURAT ROAD, EXMOUTH

File Reference:	LP.PL.02015
Responsible Officer:	Chief Executive Officer
Date of Report:	15 September 2016
Applicant/Proponent:	Sarah Johnstone
Disclosure of Interest:	Nil
Attachment(s):	Nil

PURPOSE

That Council consider supporting the reassignment of a lease of portion Lot 1493 (Block 11) Murat Road, Exmouth to Sarah Johnstone for the purpose of stocking horses.

BACKGROUND

On the 15 February 2015 Council resolved to support the leasing of Lots 1391 and Lot 1493 Murat Road Exmouth for the purpose of stocking horses, involving grazing and horse riding, for periods of 5 years.

One of the lessee's has handed back the lease and requests Council to reassign the lease to Sarah Johnstone who has agreed in principle to pay for the improvement i.e. fences on the lot to the previous lessee.

COMMENT

The leasing of property is provided within Section 3.58 Disposal of Property of the *Local Government Act 1995*. This section permits the disposal or lease of property to third parties for appropriate consideration as deemed by Council whilst assessed against commercial market values and requires public advertising of the intent to dispose of property.

Section 3.58 of the *Local Government Act 1995* requires public notice of the disposal of the subject land through the lease inviting submissions to be lodged with the Shire within minimum period of two weeks from the date of the notice.

Currently there is no one on the waiting list and the reassignment of the lease will not disadvantage anyone. Council is requested to endorse the reassignment of the lease and to give delegated authority to the Chief Executive Officer to execute the lease agreement subject to the receipt of no adverse submissions during the advertising period.

CONSULTATION

The intention to lease will be advertised in accordance to Section 3.58 of the *Local Government Act 1995* inviting submissions to be lodged with the Shire within minimum period of two weeks from the date of the notice.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Policy 2.3 – Common Seal

Policy 2.4 - Leases

FINANCIAL IMPLICATIONS

Leasing the parcels of land will be subject to rates and lease fees as approved by Council.

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.*
- 1.2 *Planned and balanced economic growth.*
- 1.3 *Diverse tourism opportunities.*
- Social: 3 To be a dynamic, passionate and safe community valuing natural and cultural heritage.
- 3.4 *A community that is well informed and educated about our natural, cultural and built environment.*
- 3.8 *There is a diverse range of residential land options available.*
- 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 11.2

That Council support the reassignment of lease portion Lot 1493 (Block 11) for the use of stocking horses for a maximum period of five (5) years subject to:

1. Give public notice of the proposed leasing of Block 11 inviting submissions to be lodged with the Shire of Exmouth prior to a date not less than two (2) weeks from the date of the notice; and
2. Delegate authority to the Chief Executive Officer to execute lease documents upon closure of the advertising period subject to no adverse submissions being received with leasing conditions being to the satisfaction of the Chief Executive Officer;

3. Support the reassignment of the lease agreement subject to the following conditions:
 - a) There shall be no clearing of native vegetation for grazing purposes;
 - b) The lease parcels shall be used for rural purposes only. The lease parcel shall not be used for any habitable purpose;
 - c) Lessee shall provide any required fencing and/or services, such as water, sewer and power, at their own cost;
 - d) The maximum stocking rate of horse and any other combination of livestock shall be two (2) animals per lease parcel;
 - e) The siting of development shall comply with the following setbacks:
 - Street: 20m
 - Other boundaries: 10m; and
 - f) Any development shall require prior planning approval.
4. Delegate authority to the Executive Manager Town Planning to determine any planning application for development upon the lease parcels.

COUNCIL RESOLUTION**ITEM 11.2**

Res No: 04-0916

MOVED: Cr Hood

SECONDED: Cr McHutchison

That Council support the reassignment of lease portion Lot 1493 (Block 11) for the use of stocking horses for a maximum period of five (5) years subject to:

- 1. Give public notice of the proposed leasing of Block 11 inviting submissions to be lodged with the Shire of Exmouth prior to a date not less than two (2) weeks from the date of the notice; and**
- 2. Delegate authority to the Chief Executive Officer to execute lease documents upon closure of the advertising period subject to no adverse submissions being received with leasing conditions being to the satisfaction of the Chief Executive Officer;**
- 3. Support the reassignment of the lease agreement subject to the following conditions:**
 - a) There shall be no clearing of native vegetation for grazing purposes;**
 - b) The lease parcels shall be used for rural purposes only. The lease parcel shall not be used for any habitable purpose;**
 - c) Lessee shall provide any required fencing and/or services, such as water, sewer and power, at their own cost;**
 - d) The maximum stocking rate of horse and any other combination of livestock shall be two (2) animals per lease parcel;**
 - e) The siting of development shall comply with the following setbacks:**
 - Street: 20m**
 - Other boundaries: 10m; and**

f) Any development shall require prior planning approval.

4. Delegate authority to the Executive Manager Town Planning to determine any planning application for development upon the lease parcels.

CARRIED 6/0

11.3 GASCOYNE REGIONAL GRANTS SCHEME 2017

File Reference:	GS.PR.11
Responsible Officer:	Chief Executive Officer
Date of Report:	19 September 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Nil

PURPOSE

That Council consider endorsing the following applications for funding from the Royalties for Regions Gascoyne Regional Grants Scheme 2017:

- Floating Deck for Large Vessels;
- 50 Year Celebrations; and
- Paltridge Memorial Swimming Pool Multi-Purpose Community Room and Multi-User Storage Facility.

BACKGROUND

The primary objective of the Royalties for Regions Gascoyne Regional Grants Scheme is to invest in projects which assist in attracting investment, increasing jobs, and improving quality of life to improve economic and community infrastructure and services in the Gascoyne Region.

Funding is available to assist the development of infrastructure, services and community projects intended to build vibrant regions with strong economies.

The Gascoyne Regional Grants Scheme is administered by the Gascoyne Development Commission as part of the Royalties for Regions Program. Royalties for Regions is a State Government program designed to promote and facilitate economic, business and social development in regional Western Australia.

The Gascoyne Regional Grants Scheme's broad objectives are to:

- Retain and build the benefits of regional communities;
 - Support improved, relevant and accessible local services;
 - Enable communities to deliver a sustainable economic and social future;
 - Assist regional communities to prosper through increased employment, business and industry development opportunities; and
 - Increase capacity for local strategic planning and decision-making.
-

Consideration will be given to all proposals that will contribute to achieving the objectives of the Royalties for Regions Regional Grants Scheme. In addition, the Gascoyne Development Commission will give consideration to the proposal's alignment with existing regional development strategic planning and, in particular, the Gascoyne Regional Investment Blueprint.

Grants of between \$50,001 to \$300,000 are invited from community organisations, closing 27 September 2017.

COMMENT

The Council are proposing to submit three (3) applications to this year's funding round including:-

Floating Deck for Large Vessels

Exmouth is centrally located in and in close range to offshore oil and gas facilities, being the closest Australian mainland to key operating areas of the South China Sea and has been identified as an "Extraordinary" cruise shipping destination by Tourism Western Australia. As a result, Exmouth is strategically positioned to take advantage of industries including resource, agricultural, tourism and defence.

It is envisaged that marine infrastructure such as moveable floating decks, will be delivered to enable deep water access by large vessels, catering for the industries mentioned above, without the need for dredging. Moveable floating decks is deemed to be a realistic and innovative solution which has low capital costs, fast construction times, environmentally sustainable and highly flexible.

The project is considered a priority for State and local Government and has recently been flagged as critical following the release of the "WA Homeported Cruise Ships, 2015-16 Economic Impact Assessment" and subsequent discussions with the cruise industry. Exmouth experiences a number of challenges in respect to cruise ships and the lack of reliable berthing facilities. This is restricting potential revenue for the region and significant growth opportunities for the State of Western Australia.

The initial estimates of such infrastructure is predicted to cost around \$18-\$20 million, in addition to expenses associated with site investigations, feasibility studies, approvals and consultancy fees. The requested funds will contribute to a pool of funding which is intended for project development and planning will all remaining funds carried over to construction.

It is noted that funding, if successful, is not available until July 2017. The project will continue to progress using alternative operational and funding sources. Consequently, project details and clarification on grant expenditure will be confirmed on an as-need basis and in the grant agreement. The grant will also be used as leveraged funding. The Shire has been made aware that Tourism WA will match dollar for dollar through the Tourism Demand Driver Infrastructure (TDDI) program, potentially doubling the funding pool to \$600,000 by December 2016.

50 Year Celebrations

This project is a major 3 day community event celebrating 50 years since the town of Exmouth and the Harold E Holt Naval Communication Station were officially opened on 16 September 1967.

Exmouth, one of the youngest towns in Western Australia, has seen many changes since 1967 and one of the biggest and most recent milestones will be the opening of the new Ningaloo Centre in 2017. Combined, they create the perfect occasion for celebrating the Past, Present and Future.

The event is a three day celebration, commencing on 15 September and continuing through to 17 September 2017. Satellite events will take place throughout 2017, making it a true birth year celebration for Exmouth.

An established Working Group manages the programming and delivery of the event. This has already created a strong sense of ownership and has generated partnerships across all levels of government (local, regional, state) and businesses.

Elements of the Events programme include: project art, float parade, military themed ball, family beach day and many other activities.

The celebrations are expected to attract visitors to Exmouth and the Gascoyne Region, which will be very beneficial since the event is held in the shoulder season. The event will create a strong understanding of the history of Exmouth, the Naval Communication Station and the Northwest Cape in general. Artist in residence projects will ensure community involvement and skill development. Exmouth, the Ningaloo Region and the Gascoyne will be marketed and promoted throughout 2017.

The Shire of Exmouth has allocated \$50,000 in its 2016/17 budget towards the event and pursues additional sponsorships and grant funding from a range of organisations. The total estimated cost to date is \$380,000.

The proposed application under the Gascoyne Regional Grants Scheme seeks financial support for the overall event costs, including the various program elements and delivery of the event up to the value of \$150,000.

Paltridge Memorial Swimming Pool Multi- Purpose Community Room and Multi-User Storage Facility

The proposed Shire of Exmouth (the Shire) & Exmouth Amateur Swimming Club (EASC) Multi-Purpose Community Room and Multi-User Storage Facilities will resolve a number of current issues and provide opportunities for not only the Shire and the EASC but numerous other user groups of the Paltridge Memorial Swimming Pool and other external clubs, groups and organisations looking for a space such as the proposed Multi-Purpose Community Room.

The proposed building has been designed to provide a multi-purpose/multi-user (meeting) room that can serve for a variety of purposes other than just meetings. The proposed additions will also solve a significant storage problem that the Shire, EASC and other user groups have at the Paltridge Memorial Swimming Pool.

The location and footprint of the proposed building is consistent with the bigger picture future redevelopment plan for the centre. Therefore should the Shire and EASC be successful in attracting the GRGS funding to develop the proposed community room and storage areas, GDC can be assured that the proposal has been carefully thought out so that the development has a purpose beyond

the current immediate need, the project could be considered the first stage of the redevelopment of the centre.

The Shire and EASC have entered in to a MoU regarding this joint venture. The MoU includes provisions relating financial commitments, management of the building as well as what should happen should the purpose of this building be required to change in the future.

CONSULTATION

Gascoyne Development Commission
50 Year Celebration Working Group
Exmouth Amateur Swimming Club and other external user groups

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

If these applications are successful then this will be a budgetary consideration in the 2017/18 financial year.

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.
 - 3.1 *Retain a safe community environment.*
 - 3.2 *Excellent lifestyle, recreational and cultural facilities.*
 - 3.3 *An inclusive, responsible and cohesive community.*
 - 3.5 *Maintain and increase participation levels in local community organisations and clubs.*
 - 3.6 *Expand education and training facilities and 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 11.3**

That Council endorse the following applications for funding from the Royalties for Regions Gascoyne Regional Grants Scheme 2017:

- Floating Deck for Large Vessels;
- 50 Year Celebrations; and
- Paltridge Memorial Swimming Pool Multi-Purpose Community Room and Multi-User Storage Facility.

COUNCIL RESOLUTION**ITEM 11.3**

Res No: 05-0916

MOVED: Cr McHutchison

SECONDED: Cr Hood

That Council endorse the following applications for funding from the Royalties for Regions Gascoyne Regional Grants Scheme 2017:

- **Floating Deck for Large Vessels;**
- **50 Year Celebrations; and**
- **Paltridge Memorial Swimming Pool Multi-Purpose Community Room and Multi-User Storage Facility.**

CARRIED 6/0

11.4 ASSIGNMENT OF SUBLEASE – LEARMONTH AIRPORT

File Reference:	TT.LR.0
Responsible Officer:	Executive Manager Aviation Services
Date of Report:	26 August 2016
Applicant/Proponent:	Mobil Oil Australia Pty Ltd & World Fuel Services (Australia) Pty Ltd
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none">1. Sale of select aviation fuel business – 12 February 20162. Lease to Mobil Oil Australia – 27 May 20163. Request for assignment of sublease – 5 July 2016

PURPOSE

That Council consider assigning the sublease of approximately 2,650m² being the 'Fuel Storage Compound' premises and Apron Area access at Learmonth Airport from Mobil Oil Australia Pty Ltd (ACN 004 052 984) to World Fuel Services (Australia) Pty Ltd (ACN 150 375 063), subject to consent from the Department of Defence, effective 1 February 2017.

BACKGROUND

A sublease for the above land at Learmonth Airport was executed on 16 December 2015 effective 1 September 2015 for an initial term of 10 years and subsequent term until 7 March 2033 with Mobil Oil Australia Pty Ltd (Mobil) following a tender process to sublease land for fuel provision was undertaken during 2015.

On 12 February 2016, Mobil advised that World Fuel Services (Australia) Pty Ltd (WFSA), a subsidiary company of World Fuel Services Corporation, had signed an agreement to acquire Mobil's aviation fuelling operations at 83 airports in Canada, the United Kingdom, Germany, Italy, Australia and New Zealand (refer Attachment 1). The refuelling operations at Learmonth Airport were one of the nominated operations within the agreement.

A request to consent for a Deed of Assignment of Sublease was received from Mobil on behalf of both companies on 27 May and 5 July 2016 (refer Attachments 2 & 3) with Deed of Assignment of Sublease documents received 18 August 2016.

COMMENT

Clause 27.1 of the sublease with Mobil states that the sublessee must not assign the sublease without the prior written consent of the sub lessor and head lessor. Written consent to assign the sublease from Mobil to WFSA has been sent to the Department of Defence with a response pending.

WFSA have advised that all conditions and obligations of the sublease with Mobil will be met by WFSA and that there will be no change to the operational scope or supply of service.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

There is no requirement under Section 3.58 of the *Local Government Act 1995* to readvertise the Disposal of Property when reassigning a lease/sublease.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There is no change in the financial commitment in the reassignment of lease from Mobil to WFS.

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.*
- 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 11.4

That Council resolve to:

1. Assign the sublease of approximately 2,650m² being the 'Fuel Storage Compound' premises and Apron Area access at Learmonth Airport from Mobil Oil Australia Pty Ltd (ACN 004 052 984) to World Fuel Services (Australia) Pty Ltd (ACN 150 375 063), subject to consent from the Department of Defence, effective 1 February 2017; and
2. Delegate authority to the Chief Executive Officer to execute the Deed of Assignment to Sublease.

COUNCIL RESOLUTION**ITEM 11.4****Res No: 06-0916****MOVED: Cr McHutchison****SECONDED: Cr Todd****That Council resolve to:**

- 1. Assign the sublease of approximately 2,650m² being the 'Fuel Storage Compound' premises and Apron Area access at Learmonth Airport from Mobil Oil Australia Pty Ltd (ACN 004 052 984) to World Fuel Services (Australia) Pty Ltd (ACN 150 375 063), subject to consent from the Department of Defence, effective 1 February 2017; and**
- 2. Delegate authority to the Chief Executive Officer to execute the Deed of Assignment to Sublease.**

CARRIED 6/0

12 CORPORATE SERVICES

12.1 FINANCIAL STATEMENT FOR PERIOD ENDING 31 AUGUST 2016

File Reference:	FM.FI.0
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	14 September 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Financial Report as at 31 August 2016

PURPOSE

That Council consider accepting the financial report for the financial period ending 31 August 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 31 August 2016 has been prepared and a copy of the Report is attached.

The following table displays the Council's year to date position to 31 August 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 2016 is estimated a deficit of (\$1,776).

2015/16	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	5,887,633	5,475,098	11,927,194	116.1%	11,949,767	▲
Operating Expenditure	(1,725,944)	(2,685,486)	(15,865,496)	64.3%	(15,887,101)	▼
Non Operating Revenue	10,113,425	7,008,180	27,974,025	16.3%	27,767,445	▼
Non Operating Expenditure	(2,881,905)	(4,477,580)	(28,450,490)	99.5%	(28,243,910)	▲
Non Cash Items Included	(157,485)	1,503,282	4,286,478	70.3%	4,286,478	
Surplus C/Fwd June 2016	125,545	129,804	129,804	96.7%	125,545	▼
Surplus/(Deficit)	11,361,268	6,953,298	1,515	163.4%	(1,776)	▼

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 increased by 13.2% from July to August 2016 which is primarily due to levying rates and charges during August 2016. Sundry Debtor accounts have slightly reduced by 1.17%. Current Liabilities have also decreased by 6.60% from July to August 2016 owing to a reduction in Creditors invoices paid prior to end of month. Non-Current Assets have increased slightly by 2.34% to recognise capital acquisitions purchased to date. Non-Current Liabilities remain unchanged from July 2016.

	31/08/16	31/7/16	% Change
Current			
Assets	19,286,553	17,036,935	13.20%
Liabilities	(1,919,404)	(2,055,100)	(6.60%)
Non Current			
Assets	94,031,302	91,880,470	2.34%
Liabilities	(1,316,724)	(1,316,724)	0.00%
NET ASSETS	110,081,727	105,545,582	

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 65% 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	2,281,393	3,560,824	64%	21,745,904
Furniture & Equipment	0	0		371,000
Land Held for Resale	430,000	430,000	100%	430,000
Plant & Equipment	0	0		1,106,510
Infrastructure Roads	68,574	377,892	18%	2,267,441
Infrastructure Other	42,655	0		770,946
TOTAL	2,822,622	4,368,716	65%	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 31 August 2016.

COUNCIL RESOLUTION

ITEM 12.1

Res No: 07-0916

MOVED: Cr Hood

SECONDED: Cr McHutchison

That Council resolves to receive the Financial Report for the financial period ending 31 August 2016.

CARRIED 6/0

12.2 LIST OF ACCOUNTS FOR PERIOD ENDING 31 AUGUST 2016

File Reference:	FM.FI.0
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	14 September 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. List of Accounts for period ending 31 August 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 August to 31 August 2016 being made up of:

1. Municipal Fund – \$3,376,724,94 incorporating of cheques 13329 - 13335 and direct debits; and
2. Trust Fund – \$4,887.20 incorporating of cheques 400846 - 400849 and direct debits

Outstanding Creditors as at 31 August 2016 being \$484,023.78

COUNCIL RESOLUTION

ITEM 12.2

Res No: 08-0916

MOVED: Cr Todd

SECONDED: Cr Jones

That Council resolves to accept accepts payments from 1 August to 31 August 2016 being made up of:

- 1. Municipal Fund – \$3,376,724,94 incorporating of cheques 13329 - 13335 and direct debits; and**
- 2. Trust Fund – \$4,887.20 incorporating of cheques 400846 - 400849 and direct debits**

Outstanding Creditors as at 31 August 2016 being \$484,023.78

CARRIED 6/0

Cr Shales declared an Indirect Financial Interest in Report 13.1 and departed the Chambers at 5:11pm. Cr Hood assumed the role of Chairperson.

13 AVIATION SERVICES

13.1 REQUEST FOR TENDER 02/2016 – EXMOUTH AERODROME PERIMETER FENCE

File Reference:	CM.TE.02.2016
Responsible Officer:	Executive Manager Aviation Services
Date of Report:	21 September 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Cr Shales declared an Indirect Financial Interest
Attachment(s):	1. Confidential Evaluation Report – RFT 02/2016

PURPOSE

That Council consider the outcome of the Exmouth Aerodrome Perimeter Fence Tender (RFT 02/2016).

BACKGROUND

At the June 29 Ordinary Council Meeting, Council resolved the following (09-0616):

That Council, pursuant to Section 3.57 of the Local Government Act 1995 endorses to call Requests for Tender 02/2016 – Exmouth Aerodrome Perimeter Fence, noting that a further report will be presented to Council to consider the evaluation of the submissions received after the request for tender closing period.

Construction of the animal exclusion perimeter fence is part funded by the Department of Transport under their 2015-17 Regional Airports Development Scheme (RADS) Program.

COMMENT

Tender RFT 02/2016 was advertised in the Pilbara News on Wednesday 6 and 20 July 2016 and on the shire website, local noticeboards and electronic notice board from 1 July to 4 August 2016. Due to an administrative error, the tender was not advertised state-wide. The Department of Local Government and Communities have been advised on the non-conformance and provided confirmation that the tender process could proceed given the number of tenders received.

As the tender document could be directly downloaded from the Shire website, it is unknown how many parties accessed the document. 13 tenders were received by the tender deadline of 2pm Thursday 4 August 2016.

A non-mandatory site briefing was held on Friday 22 July 2016 with 6 companies attending.

Tenders were evaluated by a three person panel comprising of:

- Executive Manager Aviation Services.
- Airport Manager.
- A member from the West Australian Local Government Association (WALGA) procurement services team.

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

Criteria	Weighting
Relevant Experience	15%
Key Personnel Skills and Experience	5%
Tenderer's Resources	5%
Demonstrated Understanding	15%
Price	60%

The Regional Price Preference Policy was included as part of this tender. 3 tenders 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. Both related to the date for the site briefing session.

Consultation was also undertaken with the Department of Local Government & Communities and WALGA.

STATUTORY ENVIRONMENT

Local Government Act 1995 s3.57 and s5.23 subsection 2

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

POLICY IMPLICATIONS

Policy 2.3 – Common Seal

Policy 2.10 – Purchasing Policy

Policy 2.17 – Regional Price Preference Policy

FINANCIAL IMPLICATIONS

Council has entered into a funding agreement with the Western Australia Government's Department of Transport under the Regional Airports Development Scheme (RADS) grant program.

Council's contribution to this project is included in the 2016-17 budget, funded from the Aviation Reserve. 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 02/2016 – Exmouth Aerodrome Perimeter Fence as per the recommendation in the Confidential Evaluation Report – RFT 02/2016; and
2. Record the recommendation for Tender RFT 02/2016 as provided in the Confidential Evaluation Report – RFT 02/2016 in the meeting minutes.

COUNCIL RESOLUTION

ITEM 13.1

Res No: 09-0916

MOVED: Cr Todd

SECONDED: Cr Jones

That Council:

1. **Award Tender 02/2016 – Exmouth Aerodrome Perimeter Fence to FenceWright (ABN 26 637 703 730) for \$109,040 (excluding GST) noting that any variation to scope or price must be approved by the Executive Manager Aviation Services prior to implementation; and**
2. **Authorise the Executive Manager Aviation Services to make minor variations to the scope of works and consequently the price of works (whilst within budget allocation) during construction.**

CARRIED 5/0

Cr Shales re-entered the Chambers at 5:12pm and resumed the Chair.

14 COMMUNITY ENGAGEMENT

Nil

15 HEALTH & BUILDING SERVICES

15.1 DEED OF AGREEMENT (WITH COMMON SEAL): HORIZON POWER & SHIRE OF EXMOUTH

File Reference:	LS.AG.0; Reserve 52433
Responsible Officer:	Executive Manager Health & Building Services
Date of Report:	19 September 2016
Applicant/Proponent:	Horizon Power
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none">1. Subdivision Plan2. Correspondence from Horizon Power to Dept of Lands Dated 19 September 2014 relating to the above Deed.3. Land Title Documentation: Reserve 52433 Lot 301 Huston Street, Exmouth4. Old Exmouth Power Station Site Deed of Agreement

PURPOSE

That Council consider consenting the signing of a Deed with Horizon Power titled Old Exmouth power station site and application of the Common Seal to the same.

BACKGROUND

For the past five years or so Council Officers have been in consultation with Officers from Horizon Power (HP) regarding the acquisition via a transfer of the Management Order for a portion of the former power station site located at the corners of Nimitz St, Huston St and Pelias St, Exmouth. The land and buildings are excess to HP's current and future needs and comprise of the land fronting Huston St (former fuel farm) and Nimitz St (former engine room) including vacant land to the west of the former engine room. The above land has now been formerly subdivided from previous lots 145 & 849 to form Lots 300 (to be retained by HP) and 301 (refer Attachment 1).

The Shire's intended use for the land being Community Purposes Precinct and Recycling Facility.

The land is a known contaminated site and registered as such under the *Contaminated Sites Act 2003*. Therefore, before the land transfer could be progressed the Department of Lands (DoL) required a commitment from HP that they acknowledge their ongoing responsibility in relation to contamination investigation and remediation of the site. The above was satisfied in September 2014 via correspondence from HP to DoL (refer Attachment 2). The above was sufficient for DoL to proceed with the proposed land vesting and in March this year new titles, management orders and related documentation was finalised (refer Attachment 3).

COMMENT

HP have presented a formal Deed for signing by the Shire's Chief Executive Officer and Shire President, including provision for application of the Council's Common Seal (refer Attachment 4).

In the Deed HP acknowledges and agree that it is responsible for the remediation of any contamination of Lot 301 caused by HP or its predecessors. The Deed also provides that the Shire must permit HP access to Lot 301 for the purpose of undertaking remediation and ground water monitoring.

CONSULTATION

Horizon Power

STATUTORY ENVIRONMENT

Land Administration Act 1997

POLICY IMPLICATIONS

Policy 2.3 – Common Seal

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This item is relevant to the Council's 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.*
- Environment:
- 2 To have a balanced respect for our environment and heritage, both natural and built.
 - 2.4 *To be a leader in eco-friendly initiatives and innovations.*
 - 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.*
 - 2.6 *Incorporate Climate Change impacts onto current and future planning and policy of Land Developments.*
- Social:
- 3 To be a dynamic, passionate and safe community valuing natural and cultural heritage.
 - 3.4 *A community that is well informed and educated about our natural, cultural and built environment.*
 - 3.5 *Maintain and increase participation levels in local community organisations and clubs.*
- 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 15.1

That Council consent to the signing of the Deed with Horizon Power titled Old Exmouth power station site (refer Attachment 4) and application of the Common Seal to the same noting that:

1. Horizon Power remains responsible for the remediation of any contamination of Lot 301 caused by Horizon Power or its predecessors; and
2. The Shire of Exmouth must permit Horizon Power access to Lot 301 for the purpose of undertaking remediation and ground water monitoring.

COUNCIL RESOLUTION

ITEM 15.1

Res No: 10-0916

MOVED: Cr Todd

SECONDED: Cr Jones

That Council consent to the signing of the Deed with Horizon Power titled Old Exmouth power station site (refer Attachment 4) and application of the Common Seal to the same noting that:

- 1. Horizon Power remains responsible for the remediation of any contamination of Lot 301 caused by Horizon Power or its predecessors; and**
- 2. The Shire of Exmouth must permit Horizon Power access to Lot 301 for the purpose of undertaking remediation and ground water monitoring.**

CARRIED 6/0

15.2 PROPOSED RECYCLING PROGRAMME AND RECYCLING RATE

File Reference:	WM.SP.1
Responsible Officer:	Executive Manager Health & Building Services
Date of Report:	20 September 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none">1. September 2016 Recycling Newsletter2. Public submissions received

PURPOSE

To inform Council of the submissions received from residents and ratepayers in relation to the proposal to proceed with the establishment of a local recycling Drop-off ('Bring') Centre and materials processing facility and for the operational expenses relating to the same to be funded by a recycling rate. Further, for Council to give Council Officers direction to proceed with the implementation of the project and recycling programme.

BACKGROUND

For many years the Exmouth community has been asking the Shire to provide more recycling opportunities. In 2012 the Shires of Carnarvon, Exmouth & Shark Bay made a commitment to devote the 2012 - 2013 Country Local Government Fund (CLGF) Royalties for Regions grant allocation towards the Gascoyne Region Waste & Recycling Infrastructure Project.

There have been a number of delays along the way but a small team of Officers from the respective Gascoyne Shires have been working on the above project over the past 12 months and have overcome the majority of hurdles. By no means was the least of these hurdles gaining a thorough understanding of the long term financial implications to each Council should the project proceed. Getting a current and accurate understanding of what that cost may be before proceeding with the project was considered of paramount importance. Hence an industry expert was appointed late last year to assist with the management and implementation of the project. Funding was provided from the WA Waste Authority to pay for the appointment of the independent project manager.

In order to offer the Exmouth community affordable opportunities to recycle glass, plastics, paper and cardboard, it is recommended to establish a 'Bring Centre' on the corner of Huston & Pelias Street on a portion of the old power station site where residents and business people can drop off their recyclables. The materials would then be transported to the Qualing Scarp Waste Disposal Site (the tip) where a shed would be constructed to house the recycling processing plant and equipment. It is proposed that the management of the Bring Centre and the processing works be carried out by tip staff. It is proposed that glass collected will be crushed and re-used locally in road construction and non-structural concrete.

COMMENT

Should Council proceed with this project the capital infrastructure and plant/equipment costs to set up the recycling programme are covered by the 2012 - 2013 CLGF grant. Ongoing staff and

equipment operational/replacement costs need to be funded to be able to implement and sustain this programme. The income from the sale of the baled recyclable materials is estimated to barely break even with the cost of transporting the baled materials to Perth.

The preferred funding method for the above is to apply a Recycling Rate to the annual Rate Notice of every developed/improved property. The *Waste Avoidance and Resource Recovery Act 2007 (s.66)* (WARR Act) makes provision for such a charge to be implemented (refer to 'Statutory Environment' below). Should Council support the implementation of this project, the development of the Bring Centre and materials processing facility at the landfill site would not be complete until mid-year 2017. Therefore the imposition of a recycling rate would not be necessary until the 2017/18 financial year.

Council Officers have considered financial modelling over a 20 year term covering annual operational costs such as staff, maintenance of plant and equipment etc., as well as plant replacement every ten years. The modelling demonstrates that \$24,000 is required in 2017/18 indexed at 3% thereafter, to secure sufficient funds to hold in reserve to ensure the programme is sustainable. Council Officers recommend using S.66 of the WARR Act to apply a flat rate of \$16 to all improved residential, special rural and marina properties and a rate in the dollar of 0.0005 to improved commercial/industrial and holiday residential/marina properties (minimum rate of \$16) to raise the estimated \$24,000 required. It is recommended that the rate only apply to improved properties not vacant land. To be conservative, the cost estimates in the financial modelling are on the high end and the estimated income from the sale of recycled material on the low end. Should better cost efficiencies be identified and ongoing costs found to be not as forecast, then the annual rate can be adjusted accordingly.

The purpose of this report is not for Council to make any decisions for the 2017/18 financial year. However, it is essential that Council has a sound understanding that the recycling programme will need to be funded should Council resolve to implement the project and ongoing recycling programme.

Given the recent community concern regarding Shire rates, before proceeding with the recycling project the ratepayers and residents of Exmouth were consulted as to whether this project should proceed or not. A call for submissions was released in the first week of September 2016 asking residents and ratepayers whether they are for or against the recycling programme and an annual charge of \$16 (and similar amount p.a.) being applied to the rates of developed properties to fund a recycling programme. The Newsletter outlining the proposed recycling programme and calling for submissions is provided at Attachment 1. The closing date for submissions was 19 September 2016.

The response to the call for submissions was extremely poor with a total of 28 submissions received by the due date, 24 received for and 4 against. A table of the submissions received with comments (where appropriate) from the Executive Manager Health and Building is provided at Attachment 2. A further three late submissions in favour of the proposal were received on 20 September 2016, these are not included in the above table.

It could be interpreted that the lack of submissions may mean the majority of people are not against the proposal. One would expect if someone was strongly against the proposal they would have made their position known as opposed to someone that was generally in favour and happy for Council to proceed.

This is a regional project with the Shire's of Carnarvon and Shark Bay. Officers from the same have advised that their respective Council's wish to proceed with the Gascoyne Region Waste & Recycling Infrastructure Project. Should Council chose not to implement this project this may have a detrimental effect on regional funding.

CONSULTATION

- A media release was issued 6 September 2016 as well as electronic circulation of the September 2016 Recycling Newsletter;
- A local PO Box drop of the above Newsletter occurred 6 September 2016;
- Correspondence was sent 7 Sept 2016 to all absentee land owners with a copy of the Newsletter included; and
- A reminder was issued via social media and the town centre electronic notice board on 19 September 2016 advising that day was the final day for submissions.

STATUTORY ENVIRONMENT

Waste Avoidance and Resource Recovery Act 2007 (s.66)

66. *Local government may impose waste collection rate*
- (1) *A local government may impose on rateable land within its district, and cause to be collected, an annual rate for the purpose of providing for the proper performance of all or any of the waste services it provides.*
 - (2) *The annual rate must not exceed —*
 - (a) *12 cents in the dollar on the gross rental value; or*
 - (b) *where the system of valuation on the basis of the unimproved value is adopted, 3 cents in the dollar on the unimproved value of the land in fee simple.*
 - (3) *The provisions of the Local Government Act 1995 relating to the making, payment and recovery of general rates apply with respect to rates referred to in subsection (1).*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Council is in receipt of \$399,570 of the 2012 - 2013 CLGF Gascoyne Regional Grant to implement to recycling project. The above funds are for the capital infrastructure and plant/equipment required to develop and operate the Bring Centre (Huston St) and materials processing facility (Qualing Scarp Waste Disposal Site).

As discussed above, should Council commit to proceeding with this project, the ongoing operational and future equipment maintenance and replacement cost of the recycling programme will need to be met the Shire in the 2017/18 and further financial years.

STRATEGIC IMPLICATIONS

This item is relevant to the Council's 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.
 1.2 *Planned and balanced economic growth.*
 1.5 *Maintain and improve Shire infrastructure.*
- Environment: 2 To have a balanced respect for our environment and heritage, both natural and built.
 2.2 *Our pristine natural environment and biodiversity will be understood, maintained and protected.*
 2.3 *To have a town and community that takes pride in its world heritage status.*
 2.4 *To be a leader in eco-friendly initiatives and innovations.*
 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.*
 2.6 *Incorporate Climate Change impacts onto current and future planning and policy of Land Developments.*
- Social: 3 To be a dynamic, passionate and safe community valuing natural and cultural heritage.
 3.4 *A community that is well informed and educated about our natural, cultural and built environment.*
- 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 15.2

That Council proceed with the design and construction of the Bring Centre upon Lot 301 Huston St and the materials processing facility at the Qualing Scarp Waste Disposal Site and the procurement of the appropriate plant/equipment for the operations of the recycling programme, funded by the Country Local Government Fund 2012-2013 Regional Group Project Waste and Recycling Infrastructure for the Gascoyne Region and noting that ongoing operational costs will be funded by applying a recycling rate pursuant of *Waste Avoidance and Resource Recovery Act 2007 (s.66)*.

COUNCIL RESOLUTION**ITEM 15.2****Res No: 11-0916****MOVED: Cr McHutchison****SECONDED: Cr Hood**

That Council proceed with the design and construction of the Bring Centre upon Lot 301 Huston St and the materials processing facility at the Qualing Scarp Waste Disposal Site and the procurement of the appropriate plant/equipment for the operations of the recycling programme, funded by the Country Local Government Fund 2012-2013 Regional Group Project Waste and Recycling Infrastructure for the Gascoyne Region and noting that ongoing operational costs will be funded by applying a recycling rate pursuant of *Waste Avoidance and Resource Recovery Act 2007 (s.66)*.

CARRIED 5/1

Cr Roscic voted against

Cr Rosic declared an Interest in Report 15.3 and departed the Chambers at 5:24pm.

15.3 ANNUAL CARAVAN PARK AND CAMPING GROUND LICENCE RENEWALS

File Reference:	LE.RE.5
Responsible Officer:	Executive Manager Health & Building Services
Date of Report:	19 September 2016
Applicant/Proponent:	Ningaloo Lighthouse Caravan Park, Yardie Homestead Caravan Park, Ningaloo Caravan and Holiday Resort and RAC Exmouth Cape Holiday Park.
Disclosure of Interest:	Cr Rosic declared an Interest as an owner of one of the caravan parks.
Attachment(s):	1. Caravan Park and Camping Ground Licence Renewals for 2016 – 2017.

PURPOSE

That Council consider approving to renew the annual Caravan Parks and Camping Grounds Licences for Ningaloo Lighthouse Caravan Park, Yardie Homestead Caravan Park, Ningaloo Caravan and Holiday Resort and RAC Exmouth Cape Holiday Park.

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, renewal notices were recently issued to the four caravan parks in the Shire.

Ningaloo Lighthouse Caravan Park, Yardie Homestead Caravan Park, RAC Exmouth Cape Holiday Park and Ningaloo Caravan and Holiday Resort have returned their renewal forms and fees to the Shire in order for the new licences to be generated.

COMMENT

In the last 12 months all the caravan parks and their respective overflow areas were inspected for compliance with the *Caravan Parks and Camping Grounds Regulations 1997*, the current licences and approved site plans. All were found to be generally compliant. There have been some minor changes and amendments to site numbers which are outlined below.

In the last 12 months Ningaloo Caravan and Holiday Resort lost the use of sites with the development of affordable housing on Lefroy Street. Revised site numbers were submitted for 2016/17, these were then checked against the current site list and site map. The revised site numbers are as follows:

Long Stay	30
Short Stay	215
Camp Sites	39

Overflow 15

A condition of the renewed licence is recommended that requires the submission of an updated site map by 31 December 2016.

RAC Exmouth Cape Holiday Park and Ningaloo Lighthouse Caravan Park will have the same condition on their licences. This is due to some very minor discrepancies with site numbers that have historically being unnoticed, which have been resolved.

Overflow conditions have been recommended on all of the licences of the commercially operating caravan parks. The overflow period has been recommended for 30 June 2017 – 28 August 2017.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Caravan Parks and Camping Grounds Act 1995

Caravan Parks and Camping Regulations 1997

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This item is relevant to the Council's 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> |
| | 1.3 | <i>Diverse tourism opportunities.</i> |
| Social: | 3 | <u>To be a dynamic, passionate and safe community valuing natural and cultural heritage.</u> |
| | 3.2 | <i>Excellent lifestyle, recreational and cultural facilities.</i> |
| | 3.3 | <i>An inclusive, responsible and cohesive community.</i> |
| | 3.7 | <i>Residents and visitors have access to appropriate services and facilities to enhance their health and wellbeing.</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

Simple Majority

OFFICER'S RECOMMENDATION**ITEM 15.3**

That Council approve the issuing of the Caravan Parks and Camping Grounds licences valid until 30 September 2017 as presented in Attachment 1, for signing by the Chief Executive Officer for the following caravan parks:

1. Ningaloo Lighthouse Caravan Park;
2. RAC Exmouth Cape Holiday Park;
3. Ningaloo Caravan and Holiday Resort; and
4. Yardie Homestead Caravan Park.

COUNCIL RESOLUTION**ITEM 15.3**

Res No: 12-0916

MOVED: Cr Hood

SECONDED: Cr Jones

That Council approve the issuing of the Caravan Parks and Camping Grounds licences valid until 30 September 2017 as presented in Attachment 1, for signing by the Chief Executive Officer for the following caravan parks:

- 1. Ningaloo Lighthouse Caravan Park;**
- 2. RAC Exmouth Cape Holiday Park;**
- 3. Ningaloo Caravan and Holiday Resort; and**
- 4. Yardie Homestead Caravan Park.**

CARRIED 5/0

Councillor Roscic returned to the chambers at 5.25pm.

16 TOWN PLANNING SERVICES

16.1 RELOCATION OF THE EARLY LEARNING CENTRE & CHANGE OF RESERVE PURPOSE– RESERVE 45402, LOT 1432 MURAT ROAD

File Reference:	R45402
Responsible Officer:	Executive Manager Town Planning Services
Date of Report:	29 August 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Landgate Reserve 45402 enquiry

PURPOSE

To consider the relocation of the Early Learning Centre from Reserve 33569, Lot 1027 (29) Payne Street to Reserve 45402, Lot 1432 Murat Road, including use of the existing Shire building.

BACKGROUND

The Bernice McLeod Early Learning Centre currently operates from Reserve 33569, Lot 1027 (29) Payne Street under lease approvals from the Shire of Exmouth and Department of Lands.

Reserve 45402, Lot 1432 Murat Road has an existing building located in the southern portion of the lot currently used for the purpose of a Visitors Centre. The use is consistent with the purpose designated under the *Land Administration Act 1997*, which is 'Tourist Bureau'. This building is owned by the Shire and leased to the operators of the Exmouth Visitor Centre.

In December 2010, adjoining Reserve 50807 was vested with a purpose under the *Land Administration Act 1997* of 'Recreation and Research Centre' with the power to lease for any term not exceeding 21 years subject to the consent of the Department of Lands. Construction of the Ningaloo Centre (Research Centre) is currently occurring on portion of Reserve 50807 and expected to be completed by April 2017. Upon completion of the Ningaloo Centre, the visitor centre will relocate from its current location to the Ningaloo Centre, subject to lease approvals from the Shire of Exmouth and Department of Lands. Therefore the existing Shire building upon Reserve 45402 will be vacant.



Location Plan – Reserve 45402, Lot 1432 Murat Road

COMMENT

Council support is being sought for the relocation of the Bernice McLeod Early Learning Centre from Reserve 33569, Lot 1027 (29) Payne Street to Reserve 45402, Lot 1432 Murat Road, including use of the existing Shire building is recommended to implement the Exmouth Town Centre and Foreshore Revitalisation Plan, following relocation of the visitors centre once the Ningaloo Centre development is completed.

The proposed change in purpose of Reserve 45402, Lot 1432 Murat Road from 'Tourist Bureau' to 'Child Care Centre / Public Purpose' has been assessed against the Exmouth Town Centre and Foreshore Revitalisation Plan, Land Administration 1997, and Crown Land Practice Manual.

Exmouth Town Centre and Foreshore Revitalisation Plan (Revitalisation Plan)

The Revitalisation Plan identifies a number locations where development is to occur to implement the plan, including the current location of the Bernice McLeod Early Learning Centre, being Reserve 33569, Lot 1027 Payne Street. Reserve 33569 is identified as being suitable for short to medium term retail/town centre expansion, within the retail core and suitable for development up to 3 storey.

Reserve 33569, Lot 1027 Payne Street is identified as a retail expansion area, on a key axis where redevelopment should provide for higher end uses, such as retail and hospitality. By providing for the relocation of the Bernice McLeod Early Learning Centre from Reserve 33569 to Reserve 45402 provides for implementation of the revitalisation plan.

Land Administration 1997 (LA Act) & Crown Land Practice Manual (CLPM)

In accordance with section 51 of the LA Act: *'Subject to sections 42, 43 and 45, the Minister may by order cancel, change the purpose of or amend the boundaries of, or the locations or lots comprising, a reserve.'*

Section 4.3.3 of the CLPM states *'Before a reserve is cancelled or its purpose changed, any management order over that part of the reserve must be revoked.'* Therefore the Council resolution includes requesting for a management order to be issued to the Shire of Exmouth with the ability to lease for any term not exceeding 21 years subject to the consent of the Department of Lands.

Table A of the CLPM provides a list of reserve purposes for a public interest as at April 2001. This list includes 'Child Care Centre' and 'Public Purpose'.

Section 6.6.8.1 of the CLPM states *'A management body, where it has power to lease land in a management order or, has power to lease land under its own written law, may also lease reserve land provided the lease accords with the purpose of the reserve and subject to the approval of the Minister for Lands under section 18 of the LAA.'*

Considering the above, it is recommended that Council support the relocation of the Bernice McLeod Early Learning Centre from Reserve 33569, Lot 1027 (29) Payne Street to Reserve 45402, Lot 1432 Murat Road, including the purpose of Reserve 45402, Lot 1432 Murat Road be changed from 'Tourist Bureau' to 'Child Care Centre'.

CONSULTATION

Bernice McLeod Early Learning Centre

STATUTORY ENVIRONMENT

Land Administration Act 1997

Land Administration Regulations 1998

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.

- | | | |
|-------------------|-----|---|
| Economic: | 1 | <u>To be a diverse and innovative economy with a range of local employment opportunities.</u> |
| | 1.1 | <i>To increase the number of local businesses, industries and services that will provide a range of employment opportunities for the people of Exmouth.</i> |
| | 1.2 | <i>Planned and balanced economic growth.</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

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 16.1

That Council:

1. Support the relocation of the Early Learning Centre from Reserve 33569, Lot 1027 (29) Payne Street to Reserve 45402, Lot 1432 Murat Road including use of the existing Shire building;
2. Request the Department of Lands:
 - i. Change the designated purpose of Reserve 45402, Lot 1432 Murat Road from its current purpose 'Tourist Bureau' to 'Child Care Centre / Public Purpose'; and
 - ii. Issue a Management Order to the Shire of Exmouth giving the ability to lease Reserve 45402, Lot 1432 Murat Road for any term not exceeding 21 years subject to the consent of the Department of Lands.

COUNCIL RESOLUTION

ITEM 16.1

Res No: 13-0916

MOVED: Cr Hood

SECONDED: Cr Todd

That Council:

1. **Support the relocation of the Early Learning Centre from Reserve 33569, Lot 1027 (29) Payne Street to Reserve 45402, Lot 1432 Murat Road including use of the existing Shire building;**
2. **Request the Department of Lands:**
 - i. **Change the designated purpose of Reserve 45402, Lot 1432 Murat Road from its current purpose 'Tourist Bureau' to 'Child Care Centre / Public Purpose'; and**
 - ii. **Issue a Management Order to the Shire of Exmouth giving the ability to lease Reserve 45402, Lot 1432 Murat Road for any term not exceeding 21 years subject to the consent of the Department of Lands.**

CARRIED 5/1

Cr Roscic voted against

16.2 USE NOT LISTED (CHILD CARE PREMISES) – RESERVE 45402, LOT 1432 MURAT ROAD, EXMOUTH

File Reference:	R45402 (PA110/16)
Responsible Officer:	Executive Manager Town Planning Services
Date of Report:	12 September 2016
Applicant/Proponent:	One Tree Community Services
Disclosure of Interest:	Nil
Attachment(s):	1. Development Application 2. Landgate Reserve 45402 enquiry

PURPOSE

That Council consider granting conditional development approval for a use not listed (Child Care Premises) upon Reserve 45402, Lot 1432 Murat Road, Exmouth (refer Attachment 1).

BACKGROUND

Reserve 45402, Lot 1432 Murat Road, Exmouth has a building owned by the Shire which is currently used for the purpose of a visitor centre, tourist attraction being the large prawn and interpretive signage, landscaping, and significant sealed parking areas. The reserve is approximately 1.0449ha in area and zoned 'Public Purposes' reserve in Town Planning Scheme No. 3. Determination of a development application for a use not listed requires Council determination.

The application proposes:

1. Use of the building as a Child Care Premises;
2. The demolition of internal walls;
3. 8 metre by 3 metre extension towards Murat Road comprising toilets and entry doors with materials to match existing;
4. Modifications to the roof to match existing for proposed extension;
5. Relocation of air conditioners to rear of building screened from Murat Road;
6. Additional landscaping;
7. Two shade structures, relocated from Lot 1027 (N29) Payne Street;
 - a. 93.17m², 2.42 metres to 2.88 metres high
 - b. 70.07m², 2.72 metres to 3.18 metres high; and
8. Fencing as per Shire requirements.

The aerial image below identifies Reserve 45402, Lot 1432 Murat Road where the applicant seeks development approval for a use not listed (Child Care Premises).



Location Plan – Reserve 45402, Lot 1432 Murat Road, Exmouth

COMMENT

The development application has been assessed against the Shire of Exmouth Town Planning Scheme No. 3, Policy 6.2: Colour Palette for Developments, Policy 6.7: Murat Road Design Guidelines, and *Planning and Development (Local Planning Schemes) Regulations 2015*.

Shire of Exmouth Town Planning Scheme No. 3 (Scheme)

The lot is classified as 'Public Purposes' reserve in the Scheme. Clause 2.2 of the Scheme states '*Where an application for planning approval is made with respect to land within a Reserve, the Council shall have regard to the ultimate purpose intended for the Reserve...*' Reserve 45402, Lot 1432 Murat Road has a designated purpose of 'Tourist Bureau'. The proposed Child Care Premises is inconsistent with the designated purpose of the reserve under the *Land Administration Act 1997*, however the ultimate purpose intended for the reserve is a Child Care Premises to enable relocation of the use from the town centre implementing the Exmouth Town Centre Revitalisation Plan.

The proposed 'Child Care Premises' is a use not listed in the Scheme. Clause 3.2.4 of the Scheme states: '*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 Scheme does not prescribe objectives for the Public Purposes reserve, however the proposed use is considered to be consistent with the ultimate purpose intended for the reserve as stated above and should therefore be considered as being permitted. The proposal was assessed against all other relevant provisions of the Scheme and determined to be either compliant, or conditioned.

Policy 6.2: Colour Palette for Developments

Policy 6.2 requires that all external colours of the proposed additions are to be in accordance with the Shires adopted colour palette. The existing building colour is generally in accordance with the Shire adopted colour palette. An additional condition has been included.

Policy 6.7: Murat Road Design Guidelines

Clause 4.1 of Policy 6.7 requires buildings to be setback at least 9 metres from Murat Road. The applicant is proposing a 6 metre setback from Murat Road to a relocated shade structure. This is in accordance with Draft Local Planning Scheme No. 4 which is discussed further in this report.

Clause 4.2 of Policy 6.7 states *'Street fencing shall be at least 50% visually permeable and columns not exceed 2.1 metres in height and infill fencing a maximum of 1.8 metres in height. No barbed wire fencing shall be permitted.'* However Draft Local Planning Scheme No. 4 includes a more prescriptive fencing requirement which is discussed further in this report.

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 local government in considering an application for development approval. Clause 67 (r) states *'the suitability of the land for the development taking into account the possible risk to human health or safety'*. As the reserve is within proximity of the Water Corporation waste water treatment plant additional comments were sought from Water Corporation to determine the suitability of the land for the development taking into account the possible risk to human health or safety, this is also in accordance with Special Control Area 2 of Draft Local Planning Scheme No. 4 which is a relevant planning consideration as discussed below.

Clause 67 (b) states *'any other planning consideration the local government considers appropriate.'* The Shire of Exmouth Draft Local Planning Scheme No. 4 (Draft Scheme) is currently being advertised with consultation closing on Friday 23 September 2016. The Draft Scheme is considered a relevant planning consideration. The Draft Scheme defines Child Care Premises as:

child care premises means premises where:

- a) an education and care service as defined in the Education and Care Services National Law (Western Australia) section 5(1), other than a family day care service as defined in that section, is provided; or*
- b) a child care service as defined in the Child Care Services Act 2007 section 4 is provided.*

Reserve 45402, Lot 1432 Murat Road, Exmouth is classified as being within the 'Civic and Community' reserve in the Draft Scheme. The proposal is considered to meet the objectives of the 'Civic and Community' reserve which include:

- *To provide for a range of community facilities which are compatible with surrounding development.*
- *To provide for public facilities such as halls, theatres, art galleries, educational, health and social care facilities, accommodation for the aged, and other services by organisations involved in activities for community benefit.*

Clause 4.17.1 (g) of the Draft Scheme requires a minimum of 2 of the prescribed building materials to front Murat Road. The applicant is proposing only 1 material to front Murat Road, which will match the existing building. This is considered appropriate and can be varied by clause 4.37 of the Draft Scheme.

Clause 4.17.1 (q) of the Draft Scheme states '*Fencing abutting Murat Road shall be a maximum 1.8 metres high with 2 x courses of reconstituted limestone blocks with limestone pylons on both sides of the crossover and the corners of the lot, separated by visually permeable pool fencing.*' This fencing requirement is considered to facilitate a higher standard of amenity to Murat Road than the existing Policy 6.7 provision, and is more prescriptive. Therefore the relevant fencing condition reflects the above requirement of the Draft Scheme.

Clause 4.17.1 (t) states 'Landscaping within the Murat Road setback shall be a minimum of 1.5 metres.' As the first 1.5 metres will not be included in the lease area the above requirement has not been included as a condition. The applicant is proposing additional landscaping in the Murat road setback area.

The proposal was assessed against all other relevant provisions of the Draft Scheme and determined to be either compliant, or conditioned.

Considering the above it is recommended that Council grant conditional development (planning) approval for a use not listed (Child Care Premises) upon Reserve 45402, Lot 1432 Murat Road, Exmouth.

CONSULTATION

The application was referred to Water Corporation and the Shire's Executive Manager Engineering Services on Thursday 25 August 2016 giving the opportunity to provide comment prior to Friday 9 September 2016, being a period of 15 days. A summary is tabled below:

Agency/Person Referred	Submitters Comments	Officers Response
Water Corporation	Nil	Nil
Shire Executive Manager Engineering Services	<p><i>It envisages that the long vehicles will no longer use the Childcare Centre car park but be redirected to the Ningaloo Centre. No long vehicle signage will be installed in the Childcare Centre carpark.</i></p> <p><i>I agree with the removal of the northern crossover and I will arrange for the 2 x taps to be disconnected.</i></p> <p><i>The Childcare Centre architects should design the car parking arrangement for the entire carpark taking into</i></p>	<p>Noted</p> <p>Noted</p> <p>The applicant is proposing to modify existing vehicle access by allowing for 2 way traffic using the existing manoeuvring areas. All</p>

	<p><i>account the two-way traffic flow on the southern side of the Childcare centre and the interface with the NC crossover.</i></p>	<p>manoeuvring areas comply with two way access in accordance with Scheme. The proposal allows for two way traffic.</p> <p>The proposed southern parking spaces are within close proximity of the future northern Ningaloo Centre crossover, and will cause a bottleneck from traffic existing right from the future crossover. An additional condition has been included to cover this issue.</p>
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STATUTORY ENVIRONMENT

Planning and Development Act 2005

Shire of Exmouth Town Planning Scheme No. 3

Planning and Development (Local Planning Schemes) Regulations 2015

POLICY IMPLICATIONS

Policy 6.2 - Colour Palette for Developments

Policy 6.7 - Murat Road Design Guidelines

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.
 - 1.2 *Planned and balanced economic growth.*
- 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 16.2

That Council grants development approval for a use not listed (Child Care Premises) upon Reserve 45402, Lot 1432 Murat Road, Exmouth subject to the following conditions:

1. The development being carried out in accordance with the stamped approved plans (PA110/16), and the Shire of Exmouth Town Planning Scheme No. 3 together with any annotations detailed thereon by the Shire;
2. The proposed new southern staff parking spaces are not supported and not to be used for the parking of vehicles due to traffic management issues;
3. Fencing fronting Murat Road shall be a maximum 1.8 metres high with 2 x courses of reconstituted limestone blocks with limestone pylons, separated by visually permeable fencing;
4. The finished floor level and finished ground levels shall generally match existing levels;
5. Parking spaces shall be line marked and maintained to the satisfaction of the Shire's Executive Manager Town Planning;
6. All water draining from roofs, and other impermeable surfaces shall be managed on site and/or discharged into the Shire's road drainage system;
7. Exterior cladding, walls and roof shall be of an as new standard to the satisfaction of the Shire's Executive Manager Town Planning. Zincalume is not a permitted building material;
8. External colours shall be consistent with the existing building and generally in accordance with Council's adopted Colour Palette for Developments;
9. External rubbish bins, air conditioners and all service fittings and fixtures shall not be visible from any public road; 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. 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 noise generated by any activities on-site shall not exceed the levels as set out under the *Environmental Protection (Noise) Regulations 1997*.
- v. 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.
- vi. 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.

- vii. Any additional development or substantial variation from the stamped approved plans, will require separate development approval from the Shire.
- viii. 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.
- ix. 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.

Councillor Mc Hutchison recommended an addition in reference to Condition 8, that an advice note be added to the original recommendation stating that permission is granted to the applicant to professionally overpaint walls with tasteful, child orientated motifs and/or murals."

COUNCIL RESOLUTION**ITEM 16.2**

Res No: 14-0916

MOVED: Cr Hood

SECONDED: Cr Todd

That Council grants development approval for a use not listed (Child Care Premises) upon Reserve 45402, Lot 1432 Murat Road, Exmouth subject to the following conditions:

- 1. The development being carried out in accordance with the stamped approved plans (PA110/16), and the Shire of Exmouth Town Planning Scheme No. 3 together with any annotations detailed thereon by the Shire;**
- 2. The proposed new southern staff parking spaces are not supported and not to be used for the parking of vehicles due to traffic management issues;**
- 3. Fencing fronting Murat Road shall be a maximum 1.8 metres high with 2 x courses of reconstituted limestone blocks with limestone pylons, separated by visually permeable fencing;**
- 4. The finished floor level and finished ground levels shall generally match existing levels;**
- 5. Parking spaces shall be line marked and maintained to the satisfaction of the Shire's Executive Manager Town Planning;**
- 6. All water draining from roofs, and other impermeable surfaces shall be managed on site and/or discharged into the Shire's road drainage system;**
- 7. Exterior cladding, walls and roof shall be of an as new standard to the satisfaction of the Shire's Executive Manager Town Planning. Zinalume is not a permitted building material;**

8. **External colours shall be consistent with the existing building and generally in accordance with Council's adopted Colour Palette for Developments;**
9. **External rubbish bins, air conditioners and all service fittings and fixtures shall not be visible from any public road; 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) **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 noise generated by any activities on-site shall not exceed the levels as set out under the *Environmental Protection (Noise) Regulations 1997*.**
- v) **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.**
- vi) **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.**
- vii) **Any additional development or substantial variation from the stamped approved plans, will require separate development approval from the Shire.**
- viii) **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.**
- ix) **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.**
- x) **In regards to Condition 8, permission is granted for the applicant to professionally overpaint walls with tasteful, child orientated motifs and/or murals.**

CARRIED 5/1

Cr Roscic voted against

16.3 HOLIDAY ACCOMMODATION – LOT 390 (19) CORELLA COURT, EXMOUTH

File Reference:	A1522 (PA89/16)
Responsible Officer:	Executive Manager Town Planning Services
Date of Report:	17 August 2016
Applicant/Proponent:	Ray White t/a Exmouth Holidays
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none">1. Floor Plan2. Fire Evacuation Plan3. House Rules for Guests & Visitors

PURPOSE

That Council consider granting conditional development approval for Holiday Accommodation upon Lot 390 (19) Corella Court, Exmouth.

BACKGROUND

The subject lot has a substantially constructed dwelling, is approximately 941m² in area and zoned Residential R20 in Town Planning Scheme No. 3. The subject property is a canal lot located in the Exmouth Marina Village Precinct 'A'. It has previous planning approvals for a single dwelling (PA165/13), deck (PA166/13), jetty (PA63/13) and a spa (PA85/16). The aerial image below identifies Lot 390 (19) Corella Court where the proponent seeks development approval for Holiday Accommodation use.



Location Plan - Lot 390 (19) Corella Court, Exmouth

COMMENT

The proposal has been assessed against Town Planning Scheme No. 3 (Scheme), Policy 6.12: Holiday Accommodation, Policy 6.16: Design Guidelines for Exmouth Marina Village Precinct A, and the Planning and Development (Local Planning Schemes) Regulations 2015. Policy 6.16 states land uses are to be in accordance with the residential zone of the Scheme. 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 Policy 6.12 objectives:

- *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 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:

Schedule 1: Allowable Occupants: Lot 390 (19) Corella Court, Exmouth
Bedroom 1: Total floor space: 17.87m ² , Approximate Air Space: 58.97m ³ Allowable occupants: 4 adults OR 3 adults and 2 children OR 2 adults and 3 children OR 7 children
Bedroom 2: Total floor space: 17.28m ² , Approximate Air Space: 57.02m ³ Allowable occupants: 4 adults OR 3 adults and 1 child OR 2 adults and 3 children OR 7 children
Bedroom 3: Total floor space: 9.86m ² , Approximate Air Space: 32.54m ³ Allowable occupants: 2 adults OR 1 adult and 2 children OR 4 children
Bedroom 4: Total floor space: 10.02m ² , Approximate Air Space: 33.07m ³ Allowable occupants: 2 adults OR 1 adult and 2 children OR 4 children
Bedroom 5: Total floor space: 11.35m ² , Approximate Air Space: 37.46m ³ Allowable occupants: 2 adults OR 1 adult and 2 children OR 4 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 3.3m ceiling height.

Occupancy Levels

Following the assessment by officers to calculate the number of guests permissible, the maximum number of overnight occupants allowed within the dwelling at the same time shall be twelve (12) persons. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy. Potential occupants shall be advised of this prior to booking.

Number of Vehicles

The application states the number of vehicles to be accommodated on site is two (2) vehicles and two (2) trailers. The maximum permissible number allowed under the Holiday Accommodation Policy is three (3) vehicles and two (2) trailers. The policy states that car parking shall be calculated on the basis of four persons per vehicle. The property has a double lock-up garage to accommodate two (2) vehicles and two (2) trailers side by side directly in front of the garage. In order to accommodate the maximum number of permissible guests of twelve (12) the site should be able to accommodate three (3) vehicles on site. Therefore, it shall be conditioned that the maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be three (3) and one (1) respectively.

Management Plan and Code of Conduct

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

Currently, there are three (3) approved Holiday Accommodation premises in Corella Court. Having regard to the above, it is recommended that Council grant conditional development (planning) approval for Holiday Accommodation upon Lot 390 (19) Corella Court, Exmouth.

CONSULTATION

In accordance with the requirements of the Scheme adjoining impacted neighbours were invited to comment on the proposal from Monday 1 August 2016 until Monday 22 August 2016, for a period of 21 days. A summary is tabled below:

Property Referred	Submitters Response	Officer Comments
Lot 391 (17) Corella Court	Nil	Nil
Lot 373 (18) Corella Court	Nil	Nil
Lot 389 (21) Corella Court	Nil	Nil
Lot 372 (16) Corella Court	Do not object	Noted

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Town Planning Scheme No. 3

POLICY IMPLICATIONS

Policy 6.12 - Holiday Accommodation

Policy 6.16 - Design Guidelines for Exmouth Marina Village Precinct A

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 16.3

That Council grants development approval for holiday accommodation upon Lot 390 (19) Corella Court, Exmouth subject to the following conditions:

- The use being carried out in accordance with the stamped approved plans (PA89/16), and the Shire of Exmouth Town Planning Scheme No. 3 and 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 12 (twelve 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: 17.87m², Approximate Air Space: 58.97m³
Allowable occupants: 4 adults OR 3 adults and 2 children OR 2 adults and 3 children OR 7 children

Bedroom 2: Total floor space: 17.28m², Approximate Air Space: 57.02m³
Allowable occupants: 4 adults OR 3 adults and 1 child OR 2 adults and 3 children OR 7 children

Bedroom 3: Total floor space: 9.86m², Approximate Air Space: 32.54m³
Allowable occupants: 2 adults OR 1 adult and 2 children OR 4 children

Bedroom 4: Total floor space: 10.02m², Approximate Air Space: 33.07m³
Allowable occupants: 2 adults OR 1 adult and 2 children OR 4 children

Bedroom 5: Total floor space: 11.35m², Approximate Air Space: 37.46m³
Allowable occupants: 2 adults OR 1 adult and 2 children OR 4 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 3.3m ceiling height.*

3. The maximum number of vehicles and trailers (including boats on trailers and camper trailers) that can be accommodated on the property shall be three (3) vehicles and one (1) trailer respectively;
4. The property shall provide at least three (3) 240 litre rubbish bins prior to the use commencing;
5. The management statement (House Rules for Guests and Visitors) shall be clearly displayed and complied within the premises at all times;
6. The emergency response plan shall be clearly displayed and complied with in the premises at all times, plus:
 - a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and
 - no fires are to be lit outside with the exception of a gas or electric barbeque.
7. The property shall be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;
8. Noise generated from the Holiday Accommodation shall comply with the *Environmental Protection (Noise) Regulations 1997* to the satisfaction of Council Officers. 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 vary or rescind its approval in accordance with Councils Holiday Accommodation Policy;
9. 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
10. 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) The *Health (Aquatic Facilities) Regulations 2007* require that a Certificate of Compliance and a Permit to Operate from the Executive Director, Public Health (EDPH) for the 'aquatic facility' be obtained i.e. the Department of Health (WA) is the approving authority, not the Shire of Exmouth.
- vi) Whether an aquatic facility is approved by the EDPH or not, regulation 21 prescribes that an Environmental Health Officer, or a person under the direction of an Environmental Health Officer, collects 2 water samples (one for bacteria, one for amoeba) from each water body of each aquatic facility in the district at least once per month. The owner/property manager must therefore make suitable arrangements for the Shire's Water Sampling Officer to access the property to obtain the water samples.
- 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.

COUNCIL RESOLUTION**ITEM 16.3****Res No: 15-0916****MOVED: Cr Todd****SECONDED: Cr Jones**

That Council grants development approval for holiday accommodation upon Lot 390 (19) Corella Court, Exmouth subject to the following conditions:

- 1. The use being carried out in accordance with the stamped approved plans (PA89/16), and the Shire of Exmouth Town Planning Scheme No. 3 and Policy 6.12: Holiday Accommodation together with any annotations detailed thereon by the Shire;**
- 2. The maximum number of overnight occupants allowed within the dwelling shall be 12 (twelve 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: 17.87m², Approximate Air Space: 58.97m³
Allowable occupants: 4 adults OR 3 adults and 2 children OR 2 adults and 3 children OR 7 children**

**Bedroom 2: Total floor space: 17.28m², Approximate Air Space: 57.02m³
Allowable occupants: 4 adults OR 3 adults and 1 child OR 2 adults and 3 children OR 7 children**

**Bedroom 3: Total floor space: 9.86m², Approximate Air Space: 32.54m³
Allowable occupants: 2 adults OR 1 adult and 2 children OR 4 children**

**Bedroom 4: Total floor space: 10.02m², Approximate Air Space: 33.07m³
Allowable occupants: 2 adults OR 1 adult and 2 children OR 4 children**

**Bedroom 5: Total floor space: 11.35m², Approximate Air Space: 37.46m³
Allowable occupants: 2 adults OR 1 adult and 2 children OR 4 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 3.3m ceiling height.*

3. **The maximum number of vehicles and trailers (including boats on trailers and camper trailers) that can be accommodated on the property shall be three (3) vehicles and one (1) trailer respectively;**
4. **The property shall provide at least three (3) 240 litre rubbish bins prior to the use commencing;**
5. **The management statement (House Rules for Guests and Visitors) shall be clearly displayed and complied within the premises at all times;**
6. **The emergency response plan shall be clearly displayed and complied with in the premises at all times, plus:**
 - **a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and**
 - **no fires are to be lit outside with the exception of a gas or electric barbeque.**
7. **The property shall be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;**
8. **Noise generated from the Holiday Accommodation shall comply with the *Environmental Protection (Noise) Regulations 1997* to the satisfaction of Council Officers. 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 vary or rescind its approval in accordance with Councils Holiday Accommodation Policy;**
9. **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**
10. **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) **The *Health (Aquatic Facilities) Regulations 2007* require that a Certificate of Compliance and a Permit to Operate from the Executive Director, Public Health (EDPH) for the 'aquatic facility' be obtained i.e. the Department of Health (WA) is the approving authority, not the Shire of Exmouth.**
- vi) **Whether an aquatic facility is approved by the EDPH or not, regulation 21 prescribes that an Environmental Health Officer, or a person under the direction of an Environmental Health Officer, collects 2 water samples (one for bacteria, one for amoeba) from each water body of each aquatic facility in the district at least once per month. The owner/property manager must therefore make suitable arrangements for the Shire's Water Sampling Officer to access the property to obtain the water samples.**
- 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.**

CARRIED 6/0

16.4 USES NOT LISTED (MARINE SUPPORT FACILITY AND MARINE FILLING STATION) – RESERVE 49037, LOT 360 NEALE COVE, EXMOUTH

File Reference:	R49037 (PA116/16)
Responsible Officer:	Executive Manager Town Planning Services
Date of Report:	16 September 2016
Applicant/Proponent:	Base Marine Pty Ltd
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none">1. Development Application2. Landgate Reserve 49037 Enquiry3. Applicants Supporting Letters

PURPOSE

That Council consider granting conditional development approval for uses not listed (marine support facility and marine filling station) upon Reserve 49037, Lot 360 Neale Cove, Exmouth (refer Attachment 1).

BACKGROUND

The southern portion of Reserve 49037, Lot 360 Neale Cove, Exmouth contains a wharf, fishing industry, mooring areas and loading ramps, access road and vehicle manoeuvring area, harbour breakwaters, revetments and groynes, and hectares of vacant lease land. The reserve has a management order issued to the Department of Transport. The reserve is approximately 57.86ha in area, with the areas of proposed development being zoned 'Marina' in Town Planning Scheme No. 3. Determination of a development application for a use not listed requires Council determination.

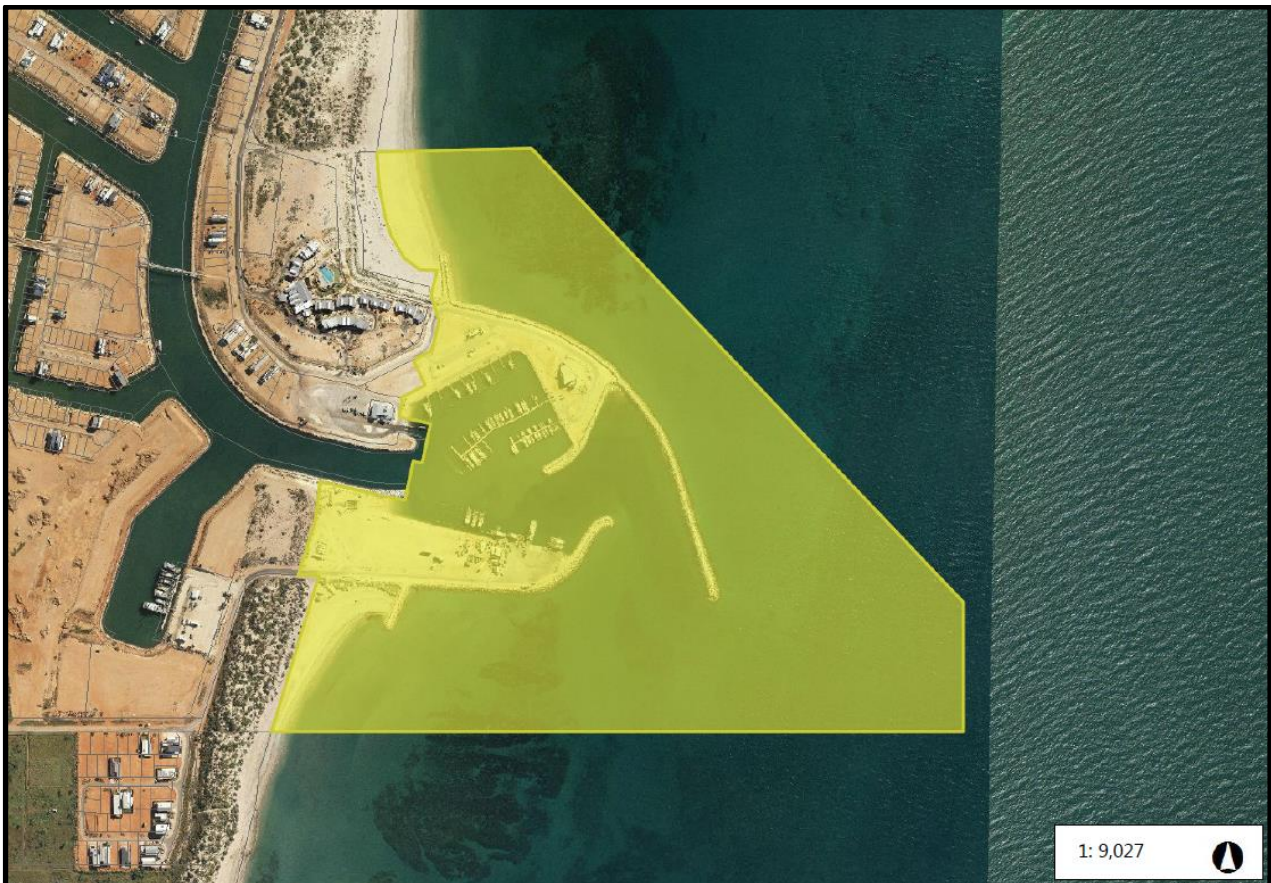
The application proposes:

1. A 320 tonne boat lifter:
 - Removal of part of the jinker ramp;
 - Stepped steel plate retaining walls up to 11.97 metres below existing natural ground level;
 - Ability to lift boats up to 50 metres in length;
 - Boat lifting structure on wheels;
 - Boat lifting structure 17.6 metres wide by 21 metres long;
 - Boat lifting structure overall height 14.75 metres;
 - A steel ramp; and
 - Boat slings.
2. Services to be carried out include blasting and painting, engineering repairs, hardstand and boat storage, fuel services, boat lifting services, wash down services, short and long term storage, oil and gas support services and logistics.
3. Fencing.
4. Hardstand.
5. The fuel services will include a connection to a storage tank outside the applicants lease area and a bowser.
6. The wash down bay includes:

- Oil separator;
- Silt trap;
- Collection pit;
- Bunding;
- Constructed in concrete, bitumen or similar;
- Use of temporary barriers - Sea containers, soft barriers or similar; and
- Discharge to sewer and recycling for reuse.

At the 31 March 2016 Ordinary Council meeting, Council resolved decision (12-0316) to grant conditional development approval for a 'Boat Lift' of similar design upon Lot 1481 Neale Cove, Exmouth.

The aerial image below identifies Reserve 49037, Lot 360 Neale Cove where the applicant seeks development (planning) approval for uses not listed (Marine Support Facility and Marine Filling Station).



Location Plan – Reserve 49037, Lot 360 Neale Cove, Exmouth

COMMENT

The development application has been assessed against the Shire of Exmouth Town Planning Scheme No. 3, Exmouth Marina Village Outline Development Plan including Broad Design Guidelines, State Planning Policy 4.1: State Industrial Buffer; Draft Exmouth Boat Harbour Land Use Framework; State Planning Policy 3.7: Planning in Bushfire Prone Areas; *Planning and Development (Local Planning Schemes) Regulations 2015*; Policy 6.10: Landscaping and Policy 6.11: Parking.

Shire of Exmouth Town Planning Scheme No. 3 (Scheme)

The subject portion of Reserve 49037 is zoned 'Marina' in the Scheme. The proposal is considered to be consistent with the relevant objectives of the Marina zone which include:

- *(a) To provide for residential, tourist, commercial, and marine industrial development with waterfront access adjacent to the Exmouth small-boat harbour.*
- *(b) To integrate with other land uses, particularly tourist and town centre related, to benefit the whole community.*
- *(f) To create an attractive and viable project.*
- *(g) Promote and safeguard health, safety, convenience, environmental quality and the general welfare and amenity of the locality.*
- *(h) To encourage a high standard of development within the zone.*
- *(i) To promote a high standard of maintenance of artificial waterways and other waterways through cooperation with the Waterways Manager and the Department for Planning and Infrastructure.*

The proposal was assessed against all other provisions of the Scheme and determined to be either compliant, or conditioned.

Exmouth Marina Village Outline Development Plan (ODP)

The proposed works are considered consistent with the ODP which outlines this area of the Marina zone as being intended for Marine Based Light Industries. The ODP also outlines that industry should be considered against the WAPC State Industrial Buffer Policy (Statement of Planning Policy No. 4). The ODP states '*Wherever possible, industrial land uses should retain their emissions and hazards on-site or at least within the boundaries of the Light Marine Industry Area.*' The proposed uses are considered to be able to retain their emissions and hazards onsite. Additional conditions have been included to cover this matter.

State Planning Policy 4.1: State Industrial Buffer (SP 4.1)

The proposal is considered to be consistent with the relevant objectives of SP 4.1 which include:

- *(2) To protect industry, infrastructure and special uses from the encroachment of incompatible land uses.*
- *(3) To provide for the safety and amenity of land uses surrounding industry, infrastructure and special uses.*
- *(4) To recognise the interests of existing landowners within buffer areas who may be affected by residual emissions and risks, as well as the interests, needs and economic benefits of existing industry and infrastructure which may be affected by encroaching incompatible land uses.*

Light Industry is defined in SP 4.1 as:

- *In which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises, will not cause injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, electrical interference, vibration, fumes, smoke, vapour, steam, soot, ash, dust, waste water or other waste products; and*
- *The establishment of which will not, or the conduct of which does not, impose an undue load on any existing or proposed service for the supply or provision of water, gas, electricity, sewerage facilities, or any other like services.*

The proposed uses are considered to be light industry, and able to retain their emissions and hazards onsite. Additional conditions have been included to cover this matter.

Draft Exmouth Boat Harbour Land Use Framework

The Draft Exmouth Boat Harbour Land Use Framework has been prepared by the Department of Transport to define the desired character of the Exmouth Boat Harbour in terms of land use, built form and streetscape and interface with the Harbour edges. It is important to note that this document does not have effect as it has not been formally adopted by Council. However, it lays out the intended development within the Harbour Area of the Marina, particularly for Marine Industry. The provisions of this document have been generally incorporated into Draft Local Planning Scheme No. 4 which is currently being advertised.

The proposal is considered to be consistent with the relevant objectives of the Draft Exmouth Boat Harbour Land Use Framework which include:

- *To remain dominated by mooring facilities for boats, with adjacent buildings accommodating related servicing, processing, administration and storage activities;*
- *To support a mixture of maritime commercial and general industrial land uses including those involved in the fabrication, repair and maintenance of commercial and recreational boats; and*
- *To ensure that built form does not unduly affect the visual amenity of residential and tourist development to the west and north in terms of scale and offsite impacts.*

State Planning Policy 3.7: Planning in Bushfire Prone Areas

The development (planning) application was lodged prior to Reserve 49037, Lot 360 Neale Cove being designated bushfire prone (within the 4 month transition period), therefore the additional planning requirements do not apply.

Planning and Development (Local Planning Schemes) Regulations 2015

Deemed clause 67 (b) of the regulations states the local government is to have due regard to, to the extent that in the opinion of the local government, those matters are relevant to the development, any other planning consideration the local government considers appropriate. The Shire of Exmouth Draft Local Planning Scheme No. 4 (Draft Scheme) is currently being advertised with consultation closing on Friday 23 September 2016. The Draft Scheme is considered a relevant planning consideration. The Draft Scheme includes the following land uses:

- *marine filling station means premises used for the storage and supply of liquid fuels and lubricants for marine craft; and*
- *marine support facility means premises used for lay-down, fabrication, repair and maintenance purposes associated with marine based industry, and may include a marine based component as a single operator or common use facility and terrestrial based components, whether contiguous or not.*

The land uses 'marine filling station' and 'marine support facility' are considered to adequately cater for all the services proposed to be carried out on portion of Reserve 49037, Lot 360 Neale Cove Exmouth. The subject portion of Reserve 49037 is zoned 'Special Use Zone 5' in the Scheme, and within precinct P1. The proposal is considered to meet the relevant objectives of Special Use Zone 5 which include:

- *To set aside land for the development of port or marine facilities and marine industry;*
- *To facilitate uses that complement the operation of the Exmouth Boat Harbour; and*
- *To ensure a high standard of development that responds to the unique location.*

Clause 1 of P1 South Harbour Precinct Development Requirements states '*Maximum of 10 metres to the top of roof, above natural ground level.*' The maximum overall height of the proposed Boat Lifting structure is 14.75 metres in lieu of 10 metres. 14.75 metres is considered acceptable as the proposed

Boat Lift is a visually permeable structure, moveable, unroofed and sited 200 metres away from the nearest residential lot on Madaffari Drive. The prescribed maximum overall height can be varied by clause 4.37 of the Draft Scheme.

The proposal was assessed against all other relevant provisions of the Draft Scheme and determined to be either compliant, or conditioned.

Policy 6.10: Landscaping

Clause 2.1 2. of Policy 6.10 states '*Where landscaping is to be provided along the street verge, trees shall be provided at the rate of 1 tree to every four metres of frontage.*' An additional condition has been included.

Policy 6.11: Parking

Clause 2.1 of Policy 6.11 states '*Parking and manoeuvring areas shall be adequately designed to enable all vehicles to enter and exit the property in forward gear whereby the development and the nature of access streets make it necessary to do so for the purpose of safety and so as not to impede traffic flow.*' As Neale Cove is developed with Industrial Marine uses large vehicles are expected to use it, therefore traffic flow will be severely impeded if vehicles cannot enter and exit the lot in a forward gear. An additional condition has been included. The applicant has not provided detail on parking bays additional conditions have been included.

Considering the above it is recommended that Council grant conditional development (planning) approval for uses not listed (Marine Support Facility and Marine Filling Station).

CONSULTATION

The application was referred to the Department of Transport and the Shire' Environmental Health Officer on Thursday 8 September 2016 giving the opportunity to provide comment prior to Thursday 22 September 2016, being a period of 14 days. A summary is tabled below:

Agency/Person Referred	Submitters Comments	Officers Response
Department of Transport	<p><i>Thank you for the opportunity to comment on the proposed application for development within the Exmouth Boat Harbour Reserve, Lot 360 Neale Cove.</i></p> <p><i>Department of Transport, Coastal Infrastructure Business Unit supports in principle the proposal for development at this location. Long term planning at the boat harbour identifies a boatlifting operation at this location which will complement the future growth in the marine industry.</i></p>	Noted

	<p><i>Please note any proposed structure will require a Jetty Licence prior to construction beginning on site thus ensuring an appropriate design.</i></p>	
Shire Environmental Health Officer	<p><i>Additional details for wash down bay?</i></p> <ul style="list-style-type: none"> - <i>Expected volume of wastewater. If greater than 540L/Day application will need to go to DOH</i> - <i>Expected end use of recycled water?</i> - <i>Design and materials used for the construction of the wash down bay</i> <p><i>Ablutions for office?</i></p> <p><i>Abrasive blasting to comply with Environmental Protection (Abrasive Blasting) Regulations 1998 and Environmental Protection (Noise) Regulations 1997 Section 11.</i></p> <p><i>Attached Department of Health - Guidance note for wash down facilities using recycled water</i></p>	<p>The office has been removed from the original drawings and is no longer part of this application.</p> <p>Additional advice note included.</p> <p>Additional advice note included.</p>

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Exmouth Town Planning Scheme No. 3

AS1940-2004 - The Storage and Handling of Flammable and Combustible Liquids

AS3745-2010 – Planning for Emergencies in Facilities

POLICY IMPLICATIONS

State Planning Policy 3.7: Planning in Bushfire Prone Areas

State Planning Policy 4.1: State Industrial Buffer

Policy 6.10 - Landscaping

Policy 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 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.*
 - 1.2 *Planned and balanced economic growth.*
- 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 uses not listed (Marine Support Facility and Marine Filling Station) upon Reserve 49037, Lot 360 Neale Cove, and Exmouth subject to the following conditions:

1. The development being carried out in accordance with the stamped approved plans (PA116/16), and the Shire of Exmouth Town Planning Scheme No. 3 together with any annotations detailed there on by the Shire;
2. Prior to the commencement of any construction/works a Jetty License shall be obtained from the Department of Transport which shall be provided with the Building Permit application;
3. All emissions including wastes, wastewater and any other deleterious materials and/or substances associated with the approved uses shall be retained within the lease area and not discharged into the canal waterway;
4. Open storage areas shall be sealed with crushed road base or bitumen;
5. No activities causing excessive noise being carried out after 10:00pm to 7:00am Monday to Saturday, and 10:00pm to 9:00am on Sunday and Public Holidays;
6. Excavation and/or filling shall not be more than 0.5 metres above or below the natural ground level, excluding the Boat Lifting Facility;

7. An emergency response plan for the Marine Support Facility and Marine Filling Station shall be submitted to and approved in writing by the Shire of Exmouth prior to the uses commencing. The emergency response plans shall be prepared in accordance with *AS3745-2010 – Planning for Emergencies in Facilities* and Department of Mines and Petroleum (DMP) Emergency Planning Code. Once approved the emergency response plans shall be clearly displayed within the lease area at all times to the satisfaction of the Shire's Executive Manager Town Planning. The emergency response plans shall address matters including but not limited to flood, fire, storm surge, and cyclone management;
8. A management plan for the Marine Support Facility and Marine Filling Station shall be submitted to and approved in writing by the Shire of Exmouth prior to the uses commencing. The management plans shall address matters including:
 - i. Level, extent and control of emissions likely to be generated by the proposed use;
 - ii. On site effluent and trade waste disposal;
 - iii. Drainage, and storm water management; and
 - iv. Landscaping.
9. The Marine Filling Station is required to incorporate spill and leak containment area to enable the recovery of spilled or leaked dangerous goods and drain away from the canal waterway;
10. The fuel line to the bowser and internal power supply shall be underground;
11. Landscaping shall be provided along the Neale Cove street frontage for a distance of not less than 1.5 metres from the lease boundary, excluding crossovers. Trees shall be provided at the rate of at least one (1) tree to every four (4) metres of frontage within the landscaping area;
12. Landscaping shall be established within six (6) calendar months of the uses commencing, and shall be permanently maintained to the satisfaction of the Shire's Executive Manager Town Planning;
13. Fencing shall be a maximum of 1.8 metres high and a minimum 90% visually permeable;
14. The Boat Lifting Facility shall not be roofed;
15. The uses shall not commence until space has been laid out within the lease area for five (5) parking spaces. All parking spaces shall have a minimum dimension of 2.7 metres x 5.4 metres;
16. Parking spaces and manoeuvring areas shall be designed to enable all vehicles to enter and exit the lot in forward gear;
17. Parking spaces shall be line marked and maintained to the satisfaction of the Shire's Executive Manager Town Planning;
18. Details of all floodlighting shall be submitted to and approved in writing by the Shire of Exmouth before any floodlighting is used. All lighting shall be down lit to reduce sky glare and hazardous light spill into surrounding residential and tourist properties; and
19. 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) In regards to condition 5 excessive noise is determined by the *Environmental Protection (Noise) Regulations 1997*.
- iv) The operator of the marine filling station may be required to apply for a dangerous goods site licence under the *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007*. For further information contact the Department of Mines and Petroleum.
- v) The applicant is advised that environmental approvals may be required from the appropriate environmental state authorities such as the Department of Environment Regulation and/or the Environmental Protection Authority. Further information can be obtained by contacting these authorities.
- vi) The applicant is advised to contact Water Corporation prior to any development, regarding any approval requirement for connection to the local reticulated water mains.
- vii) Abrasive blasting is required to comply with *Environmental Protection (Abrasive Blasting) Regulations 1998* and *Environmental Protection (Noise) Regulations 1997* (Reg.11).
- viii) The Department of Water's Water Quality Protection Note (WQPN), 'Stormwater management at industrial sites' should be referred to for further advice regarding drainage system designs within industrial areas.
- ix) The applicant is advised to refer to the Department of Health – Guidance note for wash down facilities using recycled water prior to commencing works on the wash down pad.
- x) 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.
- xi) 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.
- xii) 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.
- xiii) It is recommended that all structural steel members and external steel cladding be of a type suitable for high saline environments in accordance with the Building Code Australia Volume 2.
- xiv) Any additional development or substantial variation from the stamped approved plans, will require separate development approval from the Shire.

xv) 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.

xvi) 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.

COUNCIL RESOLUTION**ITEM 16.4****Res No: 16-0916****MOVED: Cr Todd****SECONDED: Cr McHutchison**

That Council grants development approval for uses not listed (Marine Support Facility and Marine Filling Station) upon Reserve 49037, Lot 360 Neale Cove, and Exmouth subject to the following conditions:

- 1. The development being carried out in accordance with the stamped approved plans (PA116/16), and the Shire of Exmouth Town Planning Scheme No. 3 together with any annotations detailed there on by the Shire;**
- 2. Prior to the commencement of any construction/works a Jetty License shall be obtained from the Department of Transport which shall be provided with the Building Permit application;**
- 3. All emissions including wastes, wastewater and any other deleterious materials and/or substances associated with the approved uses shall be retained within the lease area and not discharged into the canal waterway;**
- 4. Open storage areas shall be sealed with crushed road base or bitumen;**
- 5. No activities causing excessive noise being carried out after 10:00pm to 7:00am Monday to Saturday, and 10:00pm to 9:00am on Sunday and Public Holidays;**
- 6. Excavation and/or filling shall not be more than 0.5 metres above or below the natural ground level, excluding the Boat Lifting Facility;**
- 7. An emergency response plan for the Marine Support Facility and Marine Filling Station shall be submitted to and approved in writing by the Shire of Exmouth prior to the uses commencing. The emergency response plans shall be prepared in accordance with AS3745-2010 – *Planning for Emergencies in Facilities* and Department of Mines and Petroleum (DMP) Emergency Planning Code. Once approved the emergency response plans shall be clearly displayed within the lease area at all times to the satisfaction of the Shire's Executive Manager Town Planning. The emergency response plans shall address matters including but not limited to flood, fire, storm surge, and cyclone management;**

8. **A management plan for the Marine Support Facility and Marine Filling Station shall be submitted to and approved in writing by the Shire of Exmouth prior to the uses commencing. The management plans shall address matters including:**
 - i) **Level, extent and control of emissions likely to be generated by the proposed use;**
 - ii) **On site effluent and trade waste disposal;**
 - iii) **Drainage, and storm water management; and**
 - iv) **Landscaping.**
9. **The Marine Filling Station is required to incorporate spill and leak containment area to enable the recovery of spilled or leaked dangerous goods and drain away from the canal waterway;**
10. **The fuel line to the bowser and internal power supply shall be underground;**
11. **Landscaping shall be provided along the Neale Cove street frontage for a distance of not less than 1.5 metres from the lease boundary, excluding crossovers. Trees shall be provided at the rate of at least one (1) tree to every four (4) metres of frontage within the landscaping area;**
12. **Landscaping shall be established within six (6) calendar months of the uses commencing, and shall be permanently maintained to the satisfaction of the Shire's Executive Manager Town Planning;**
13. **Fencing shall be a maximum of 1.8 metres high and a minimum 90% visually permeable;**
14. **The Boat Lifting Facility shall not be roofed;**
15. **The uses shall not commence until space has been laid out within the lease area for five (5) parking spaces. All parking spaces shall have a minimum dimension of 2.7 metres x 5.4 metres;**
16. **Parking spaces and manoeuvring areas shall be designed to enable all vehicles to enter and exit the lot in forward gear;**
17. **Parking spaces shall be line marked and maintained to the satisfaction of the Shire's Executive Manager Town Planning;**
18. **Details of all floodlighting shall be submitted to and approved in writing by the Shire of Exmouth before any floodlighting is used. All lighting shall be down lit to reduce sky glare and hazardous light spill into surrounding residential and tourist properties; and**
19. **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. **In regards to condition 5 excessive noise is determined by the *Environmental Protection (Noise) Regulations 1997*.**
- iv. **The operator of the marine filling station may be required to apply for a dangerous goods site licence under the *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007*. For further information contact the Department of Mines and Petroleum.**
- v. **The applicant is advised that environmental approvals may be required from the appropriate environmental state authorities such as the Department of Environment Regulation and/or the Environmental Protection Authority. Further information can be obtained by contacting these authorities.**
- vi. **The applicant is advised to contact Water Corporation prior to any development, regarding any approval requirement for connection to the local reticulated water mains.**
- vii. **Abrasive blasting is required to comply with *Environmental Protection (Abrasive Blasting) Regulations 1998* and *Environmental Protection (Noise) Regulations 1997* (Reg.11).**
- viii. **The Department of Water's Water Quality Protection Note (WQPN), 'Stormwater management at industrial sites' should be referred to for further advice regarding drainage system designs within industrial areas.**
- ix. **The applicant is advised to refer to the Department of Health – Guidance note for wash down facilities using recycled water prior to commencing works on the wash down pad.**
- x. **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.**
- xi. **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.**
- xii. **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.**
- xiii. **It is recommended that all structural steel members and external steel cladding be of a type suitable for high saline environments in accordance with the Building Code Australia Volume 2.**

- xiv. Any additional development or substantial variation from the stamped approved plans, will require separate development approval from the Shire.**
- xv. 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.**
- xvi. 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.**

CARRIED 6/0

16.5 ACCEPTING A LEASE –LOT (3002) - FROM DEPARTMENT OF LANDS

File Reference:	R47801
Responsible Officer:	Executive Manager Town Planning Services
Date of Report:	20 September 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Letter from Department of Lands

PURPOSE

That Council considers accepting a lease from the Department of Lands subject to the land being vested to Council for any purpose that allows Council to issue Activity on Local Government Permits to the general public and a new ground rental being proposed considering that the land will be used for temporary purposes.

BACKGROUND

In 2012 Council adopted the Exmouth Town Centre and Foreshore Revitalisation Plan. The plan proposed a number of strategies to improve the character and function of the Town Centre and Foreshore to increase greater use and sustainable land use of the town centre and the town beach foreshore. Council has been working with the Department of Lands to excise a portion of land from Reserve 47801 to create a new lot to enable the creation of an Activity Node along the Town Beach foreshore (refer Attachment 1).

A new Lot (Lot 3002) has been created and Department of Lands proposes to offer the lot to Council under a leasing arrangement that will include subleasing options for Council



Council Officers have received a number of enquiries regarding operating a 'Themed' container style restaurant and bar area, where multiple vendors would be able to sell food and beverages. Similar developments are occurring in other tourism destinations. The concept is based on 20 containers being converted to bars and restaurants that would sell food and drinks throughout the holiday/peak tourism period.

COMMENT

The proposal whether to accept the lease/or not has been assessed against the provisions of the Shire of Exmouth Town Planning Scheme No. 3; *Land Administration Act 1997*; and State Planning Policy 2.6 State Coastal Planning Policy.

Town Planning Scheme No. 3

The new lot is within the Open Space and Recreation reserve under the Town Planning Scheme No. 3. Generally commercial activity will not be supported within the Open Space and Recreation reserve and hence any development application on the lot will be refused.

Land Administration Act 1997

The Department of Lands propose to offer the land under a leasing arrangement that will include subleasing options. Although the Department of Lands can issue a lease to Council with subleasing arrangements, Council will not be able to allow the commercial use to occur on the lots as the use will be inconsistent with the use and purpose of the Open Space and Recreation reserve.

State Planning Policy 2.6 Coastal Planning Policy

The State Planning Policy 2.6 Coastal Planning Policy prohibits development within the coastal hazard zones. The proposed new lot is situated within the coastal hazard zone. Whilst it is noted that the site falls within the coastal hazard zone, the Department of Planning has given in principle support for development to occur on the subject lot subject to the preparation of a Coastal Hazard Risk Management & Adaptation Plan. The variation to State Planning Policy 2.6 was supported because Council intend to create an activity node around the foreshore areas with facilities that are proposed to benefit the broader public.

Council Officers have considered the proposal and are of the view that the location will be a good location for Stallholders and Traders to trade as the previous approved location at the Visitor Centre car park will no longer be available due to the use of the building as a Childcare Centre. Considering the above, it is envisaged that the best way to dispose of the lot is through issuing of Stallholders and Traders Permit under the Activities on Thoroughfare and Public Places Amendment Local Law 2009 which is currently being reviewed.

It is to be noted that this land is currently unserviced.

CONSULTATION

Department of Lands

STATUTORY ENVIRONMENT

Land Administration Act 1997

Town Planning Scheme No. 3

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.

- | | |
|----------------------|---|
| Economic: | <p>1 <u>To be a diverse and innovative economy with a range of local employment opportunities.</u></p> <p>1.1 <i>To increase the number of local businesses, industries and services that will provide a range of employment opportunities for the people of Exmouth.</i></p> <p>1.2 <i>Planned and balanced economic growth.</i></p> <p>1.3 <i>Diverse tourism opportunities.</i></p> <p>1.4 <i>Maintain and increase the defence presence.</i></p> <p>1.5 <i>Maintain and improve Shire infrastructure.</i></p> |
| Social: | <p>3 <u>To be a dynamic, passionate and safe community valuing natural and cultural heritage.</u></p> <p>3.2 <i>Excellent lifestyle, recreational and cultural facilities.</i></p> <p>3.3 <i>An inclusive, responsible and cohesive community.</i></p> |
| Civic
Leadership: | <p>4 <u>To work together as custodians of now and the future.</u></p> <p>4.1 <i>To be a collaborative community with the capacity to manage the current and future direction of Exmouth.</i></p> <p>4.2 <i>A local government that is respected, professional, trustworthy and accountable.</i></p> <p>4.3 <i>To be strong advocates representing the region's interests.</i></p> |

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION**ITEM 16.5**

That Council agrees in principle to enter into a lease from the Department of Lands subject to:

1. The land being vested to Council for any purpose that allows Council to issue Activity on Local Government Property Permits to the general public; and
2. A new ground rental being proposed considering that the land will be used for temporary purposes.

COUNCIL RESOLUTION**ITEM 16.5****Res No: 17-0916****MOVED: Cr McHutchison****SECONDED: Cr Todd**

That Council agrees in principle to enter into a lease from the Department of Lands subject to:

- 1. The land being vested to Council for any purpose that allows Council to issue Activity on Local Government Property Permits to the general public; and**
- 2. A new ground rental being proposed considering that the land will be used for temporary purposes.**

CARRIED 6/0

16.6 PROPOSED JETTY LEASE – LOT 72 (1) MARLIN TERRACE, EXMOUTH

File Reference:	A1868
Responsible Officer:	Executive Manager Town Planning
Date of Report:	14 September 2016
Applicant/Proponent:	S Kyle
Disclosure of Interest:	Nil
Attachment(s):	1. Expression of Interest Advertisement 2. Expression of Interest Document

PURPOSE

That Council considers supporting a jetty lease within Lot 72 (1) Marlin Terrace, Exmouth subject to the negotiation of terms and conditions of that lease by the Chief Executive Officer to be approved by Council.

BACKGROUND

Council owns Lot 72 (1) Marlin Terrace, Exmouth for the purpose of leasing jetty areas for recreational or small commercial marine vessel moorings. On 14 July 2016 Council received an enquiry to lease one of the lease areas.

An expression of interest was first advertised on 9 August 2014 for anyone to express their interest in leasing the subject mooring envelopes (refer Attachment 1). No expressions of interest were received, therefore no leases were executed for any of the mooring envelopes. Now approximately two years later Council has received the first formal expression of interest.

The Expression of Interest document (refer Attachment 2) outlined the following for any prospective lease:

- 4 x Jetties available for Vessels not exceeding 18 metres.
- 4 x Jetties available for Vessels not exceeding 15 metres.
- All boats are to have cyclone rated moorings attached at all times in accordance with the Exmouth Marina Village Boat Mooring Management Plan.
- The use and maintenance of the jetty is to meet legislative requirements and regulations and is the responsibility of the Leaseholder.
- The Leaseholder must effect and maintain in force:
 - public and products liability insurance.
 - insurance against loss of, damage to or destruction of property.
 - professional indemnity insurance.
- Lease areas for vessels up to 15m range from 240m² to 275m².
- Lease areas for vessels up to 18m 335m².
- Leases will be offered for the following timeframes:
 - 1 year with a 1 year option.
 - 2 years with a 2 year option.

- 3 years with a 2 year option.
- Uses of Jetties permitted being recreational, tourism, fishing and small commercial.
- Jetty for vessel up to 15m \$10,500 per annum.
- Jetty for vessel up to 18m \$12,600 per annum.

The Expression of Interest did not indicate which lease area was desired for the lease. Therefore, this will need to be indicated through any lease negotiations. The proponent advised that they have recently developed a dwelling immediately across the canal on Madaffari Drive. These properties do not adjoin the canal and do not have a mooring envelope for the mooring of a personal vessel. Therefore, the intention is to use the subject lease area for the mooring of a personal vessel in a residential mooring manner.



COMMENT

Local Government Act 1995

It is recommended that Council support the proposed lease as this is the intention for the property. The Expression of Interest previously advertised has set an effective framework for the negotiation of a lease regarding its terms and conditions. It is recommended that Council delegate authority to the Chief Executive Officer to negotiate the lease.

Pursuant to Section 3.58 of the *Local Government Act 1995*, a public notice is required to be given before any property can be disposed of, which includes the execution of a lease. The public notice must invite submissions for a minimum period of 2 weeks from the date of the notice. Upon conclusion of the advertising process Council will be required to determine whether to execute the lease having had regard for any submissions.

Planning and Development Act 2005

Currently only mooring piles have been developed within the lease areas. This means the prospective lessee will need to develop a Jetty in order to moor vessels. Jetties are permitted to be constructed in accordance with Council's *Policy No. 6.20 – Design Guidelines for Exmouth Marina Village Precinct 'B'*. However, prior development approval is required for the construction of any jetty.

CONSULTATION

An expression of interest was advertised from 9 August 2014 to 29 August 2014 for 20 days inviting expressions of interest for the lease of the subject lease areas. No formal expressions of interest were received.

Should a lease area be disposed of through the proposed lease the public notice referral process is required to be completed in accordance with Section 3.58 of the *Local Government Act 1995* prior to the disposal. The Act outlines the information required to be included in the public notice.

STATUTORY ENVIRONMENT

Local Government Act 1995

Planning and Development Act 2005

Planning and Development (Local Planning Scheme) Regulations 2015

Town Planning Scheme No. 3

Exmouth Marina Village Canal Boat Mooring Management Plan and Standard Operating Procedures

POLICY IMPLICATIONS

Policy 6.20 – Design Guidelines for Exmouth Marina Village Precinct 'B'.

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> |
| | 1.1 | <i>To increase the number of local businesses, industries and services that will provide a range of employment opportunities for the people of Exmouth.</i> |
| | 1.2 | <i>Planned and balanced economic growth.</i> |
| | 1.3 | <i>Diverse tourism opportunities.</i> |
| | 1.5 | <i>Maintain and improve Shire infrastructure.</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 16.6**

That Council:

1. Delegate authority to the Chief Executive Officer to negotiate the terms and conditions of a lease for one of the jetty leasing areas at Lot 72 (1) Marlin Terrace, Exmouth; and
2. Upon completion of the negotiation of the lease give public notice of the proposed lease in accordance with Section 3.58 of the *Local Government Act 1995*.

COUNCIL RESOLUTION**ITEM 16.6**

Res No: 18-0916

MOVED: Cr Todd

SECONDED: Cr Jones

That Council:

1. **Delegate authority to the Chief Executive Officer to negotiate the terms and conditions of a lease for one of the jetty leasing areas at Lot 72 (1) Marlin Terrace, Exmouth; and**
2. **Upon completion of the negotiation of the lease give public notice of the proposed lease in accordance with Section 3.58 of the *Local Government Act 1995*.**

CARRIED 6/0

16.7 RETROSPECTIVE DWELLING APPROVAL – LOT 73 (LEASE AREA LOT 16) MINILYA-EXMOUTH ROAD, NORTH WEST CAPE

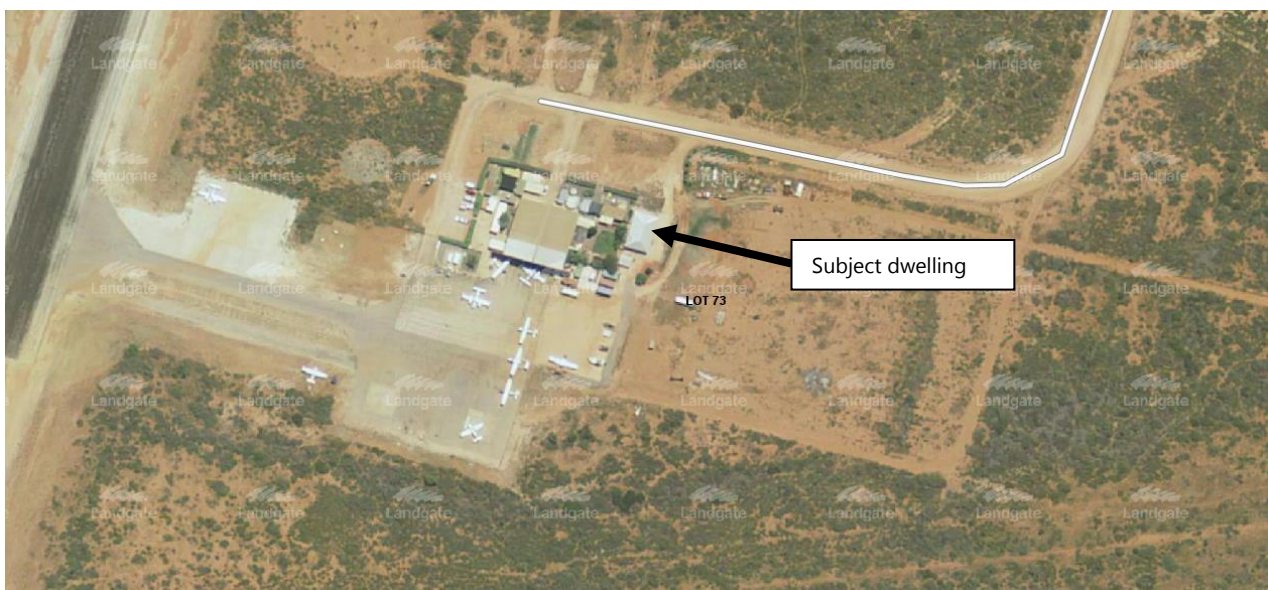
File Reference:	R32867/2
Responsible Officer:	Executive Manager Town Planning
Date of Report:	15 September 2016
Applicant/Proponent:	Norwest Air Work Pty Ltd
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none">1. Exmouth Aerodrome Locality Site Plan2. Site Plan3. Floor plan4. Elevation Plan5. Caretaker Responsibility Correspondence

PURPOSE

That Council consider granting retrospective development approval for a dwelling at Lot 73 (Lease Area 16) Minilya-Exmouth Road, North West Cape being the Exmouth Aerodrome (Crown Reserve R32867).

BACKGROUND

The subject lease area, being Lease Area 16 in the Exmouth Aerodrome Locality Site Plan (refer Attachment 1), has been leased by the applicant with the use of a dwelling occurring at the site since before *Town Planning Scheme No. 3* came into effect. The predominant use of the lease area is for Commercial Aviation with a large hangar, a range transportable buildings and a cement apron present at the site for its operation.



During February 2008 the applicant received a building permit to construct the subject dwelling as an alteration to the land use however development approval was not issued. Given the proposal was on Council's land under a lease arrangement, it was not understood at the time that the proposal was still technically development that was not exempt from the requirement for development approval pursuant to *Town Planning Scheme No. 3* and the *Planning and Development Act 2005*. The applicant has now lodged the subject application to obtain the appropriate approvals required.

Details of the dwelling (refer Attachments 2, 3 and 4) are as follows:

- Setback 37m from the northern side and 69.2m from the western side of the 2.4378 hectare lease area.
- Two bedroom by two bathroom dwelling being 120.96m² in floor area.
- Gable style roof at a 14 degree pitch.
- The dwelling has a 3m wall height and a 4m ridge height above natural ground level.
- The dwelling is clad with colourbond.

COMMENT

The subject land is classified as a 'Public Purposes' Reserve by *Town Planning Scheme No. 3* (Scheme). No site and development requirements apply to a Reserve. When determining a development application for development within a Reserve the Scheme outlines that Council shall have regard to the ultimate purpose intended for the Reserve.

The ultimate purpose of the Reserve is for Council to provide an aerodrome facility which supplies public infrastructure and land for the development of an aviation industry. As a precedence Council has had a general presumption against approving dwellings within this facility as it is not a compatible land use with aviation land uses. However, a dwelling land use existed at the subject site prior to the commencement of the Scheme. Therefore, a dwelling land use is lawful at the site as all land uses operating lawfully prior to the commencement of the Scheme are permitted to continue to do so. The subject application is for works which are an alteration to that lawful land use through relocating it into a new structure.

The subject dwelling land use has been operated in conjunction with a caretaker role for the whole aerodrome facility. The occupier of the subject dwelling has provided Council assistance in the management, security surveillance, monitoring and inspection of the aerodrome since the commencement of their operations. The caretaker role was formalised through a revised lease arrangement during June 2007 (refer Attachment 5). Therefore, the development is considered to be in keeping with the ultimate purpose of the aerodrome as it contributes to its operation. As only one caretaker facility is permissible for the whole of the aerodrome, the approval of further dwellings within the aerodrome is not warranted.

The dwelling otherwise complies with Council's planning framework, namely local planning policies. Therefore, it is recommended that Council grant retrospective approval subject to standard conditions to maintain compliance.

CONSULTATION

Nil.

STATUTORY ENVIRONMENT

Local Government Act 1995

Planning and Development Act 2005

Planning and Development (Local Planning Scheme) Regulations 2015

Town Planning Scheme No. 3

POLICY IMPLICATIONS

Policy No. 6.2 - Colour Palette for Developments

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.*
 - 1.5 *Maintain and improve Shire infrastructure.*
- Social:
- 3 To be a dynamic, passionate and safe community valuing natural and cultural heritage.
 - 3.1 *Retain a safe community environment.*
 - 3.2 *Excellent lifestyle, recreational and cultural facilities.*
 - 3.3 *An inclusive, responsible and cohesive community.*
 - 3.7 *Residents and visitors have access to appropriate services and facilities to enhance their health and wellbeing.*
- 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 16.7

That Council grant retrospective development approval for a dwelling at Lot 73 (Lease Area Lot 16) Minilya-Exmouth Road, North West Cape subject to the following conditions:

1. The development shall be in accordance with the stamped approved plans (PA117/16), 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 surfaces shall be managed on site and/or discharged into the Shire's road drainage system;
3. External colours shall be generally in accordance with Councils Policy No. 6.2 - Colour Palette for Developments to the satisfaction of the Executive Manager Town Planning;
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. A minimum of 2 parking spaces shall be provided for the dwelling in accordance with AS2890.1 (as amended);
6. The dwelling shall only be occupied by the lessee of the Lot 16 lease area;
7. The keeping of any livestock is prohibited; and
8. Any external lighting and fixtures shall be non-reflective or situated in such a position so as to prevent pilot blinding to the satisfaction of the Executive Manager Aviation Services.

Advice

- i. Any additional development or substantial variation from the stamped approved plans, will require separate development approval from the Shire.
- ii. 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.
- iii. 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.

COUNCIL RESOLUTION

ITEM 16.7

Res No: 19-0916

MOVED: Cr McHutchison

SECONDED: Cr Todd

That Council grant retrospective development approval for a dwelling at Lot 73 (Lease Area Lot 16) Minilya-Exmouth Road, North West Cape subject to the following conditions:

- 1. The development shall be in accordance with the stamped approved plans (PA117/16), 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 surfaces shall be managed on site and/or discharged into the Shire's road drainage system;**

3. **External colours shall be generally in accordance with Councils Policy No. 6.2 - Colour Palette for Developments to the satisfaction of the Executive Manager Town Planning;**
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. **A minimum of 2 parking spaces shall be provided for the dwelling in accordance with AS2890.1 (as amended);**
6. **The dwelling shall only be occupied by the lessee of the Lot 16 lease area;**
7. **The keeping of any livestock is prohibited; and**
8. **Any external lighting and fixtures shall be non-reflective or situated in such a position so as to prevent pilot blinding to the satisfaction of the Executive Manager Aviation Services.**

Advice

- i. **Any additional development or substantial variation from the stamped approved plans, will require separate development approval from the Shire.**
- ii. **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.**
- iii. **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.**

CARRIED 6/0

17 ENGINEERING SERVICES

17.1 APPOINTMENT OF BUSH FIRE CONTROL OFFICERS

File Reference:	ES.VO.1
Responsible Officer:	Executive Manager Engineering Services
Date of Report:	20 September 2016
Applicant/Proponent:	Executive Manager Engineering Services
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none">1. Shire of Exmouth Bush Fire Brigades Local Law 2012.2. Section 38 Bush Fires Act 1945

PURPOSE

That Council consider appointing persons to the positions of Chief Bush Fire Officer, Deputy Chief and a number of Bush Fire Control Officers for the Shire of Exmouth and the associated Shire of Exmouth Volunteer Bush Fire Brigade.

BACKGROUND

These appointments are statutory appointments under the provisions of the *Bush Fire Act 1954* and are typical. With the resignation of David George, Ranger & Emergency Services Officer and the formation of the Shire of Exmouth Volunteer Bush Fire Brigade, the personnel appointments are necessary.

COMMENT

In accordance with the *Bush Fire Act 1954*, Section 38(1), the local government must appoint individuals to be Bush Fire Control Officers. Of those appointed, a Chief Bush Fire Control Officer and a Deputy Chief Bush Fire Control Officer, must also be appointed.

The Shire of Exmouth Volunteer Bush Fire Brigade are required to provide quarterly reports to the Shire in relation to the implementation of the orders as per the Shire of Exmouth Bush Fire Brigades Local Law 2012.

CONSULTATION

Shire of Exmouth Volunteer Bush Fire Brigade

STATUTORY ENVIRONMENT

The *Bush Fires Act 1954*, Part IV, Division 1, Section 38 outlines Council's process to appoint a Bush Fire Control Officer.

Shire of Exmouth Bush Fire Brigades Local Law 2012

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

- Environment: 2 To have a balanced respect for our environment and heritage, both natural and built.
- 2.1 *To maintain and improve access and connectivity to our natural assets.*
- 2.2 *Our pristine natural environment and biodiversity will be understood, maintained and protected.*
- Social: 3 To be a dynamic, passionate and safe community valuing natural and cultural heritage.
- 3.1 *Retain a safe community environment.*
- 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 17.1

That Council appoint the following persons to the position of:

1. Stuart Robertson to the position of Chief Bush Fire Officer (Shire of Exmouth Volunteer Bush Fire Brigade);
2. Katrina Stephens to the position of Deputy Chief Bush Fire Officer (Shire of Exmouth Volunteer Bush Fire Brigade & Shire of Exmouth);
3. Stephen Burns to the position of Bush Fire Control Officer (Shire of Exmouth Volunteer Bush Fire Brigade);
4. Craig Smith to the position of Bush Fire Control Officer (Shire of Exmouth Volunteer Bush Fire Brigade & Shire of Exmouth);
5. Ricky Melvin to the position of Bush Fire Control Officer (Shire of Exmouth Volunteer Bush Fire Brigade & Shire of Exmouth);
6. Michael Hall to the position of Bush Fire Control Officer (Shire of Exmouth);
7. Keith Woodward to the position of Bush Fire Control Officer (Shire of Exmouth);

8. Joanne Gordon to the position of Bush Fire Control Officer (Shire of Exmouth);
9. Shire Ranger & Emergency Services Officer to the position of Bush Fire Control Officer (Shire of Exmouth);

for the Shire of Exmouth and the associated Shire of Exmouth Volunteer Bush Fire Brigade.

COUNCIL RESOLUTION**ITEM 17.1**

Res No: 20-0916

MOVED: Cr Roscic

SECONDED: Cr Jones

That Council appoint the following persons to the position of:

- 1. Stuart Robertson to the position of Chief Bush Fire Officer (Shire of Exmouth Volunteer Bush Fire Brigade);**
- 2. Katrina Stephens to the position of Deputy Chief Bush Fire Officer (Shire of Exmouth Volunteer Bush Fire Brigade & Shire of Exmouth);**
- 3. Stephen Burns to the position of Bush Fire Control Officer (Shire of Exmouth Volunteer Bush Fire Brigade);**
- 4. Craig Smith to the position of Bush Fire Control Officer (Shire of Exmouth Volunteer Bush Fire Brigade & Shire of Exmouth);**
- 5. Ricky Melvin to the position of Bush Fire Control Officer (Shire of Exmouth Volunteer Bush Fire Brigade & Shire of Exmouth);**
- 6. Michael Hall to the position of Bush Fire Control Officer (Shire of Exmouth);**
- 7. Keith Woodward to the position of Bush Fire Control Officer (Shire of Exmouth);**
- 8. Joanne Gordon to the position of Bush Fire Control Officer (Shire of Exmouth);**
- 9. Shire Ranger & Emergency Services Officer to the position of Bush Fire Control Officer (Shire of Exmouth);**

for the Shire of Exmouth and the associated Shire of Exmouth Volunteer Bush Fire Brigade.

CARRIED 6/0

18. ITEMS FOR INFORMATION ONLY

Responsible Officer: Chief Executive Officer

Disclosure of Interest: Nil

PURPOSE

To advise Council of the information items for August 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 August 2016
 - 18.3 Building Decisions Issued up to 31 August 2016
 - 18.4 Planning Decisions Issued up to 31 August 2016
-

COUNCIL RESOLUTION

ITEM 18

Res No: 21-0916

MOVED: Cr Hood

SECONDED: Cr Todd

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 August 2016**
- **18.3 Building Decisions Issued up to 31 August 2016**
- **18.4 Planning Decisions Issued up to 31 August 2016**

CARRIED 6/0

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	Nil

18.2 CONCESSIONS ON FEES FOR COUNCIL FACILITIES FOR AUGUST 2016

File Reference: CP.US.0

Responsible Officer: Executive Manager Community Engagement

Date of Report: 19 September 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)
Careflight	1 x day Hire of Shire Hall for 'Careflight' Free Simulation Trauma Training for Local Emergency Services 7 August 2016.	\$333.00
Exmouth Cultural Arts Centre	Local Government Advertising Signs on Thoroughfares Permit fee waiver. Advertising for Art Quest 2016.	\$17.00
Active Inspiration Exmouth Ballet Concert	Local Government Permit Fee Waiver - Exmouth Ballet Concert at Federation Park 14 August 2016.	\$26.50
CSIRO/Exmouth District High School	Local Government Permit Fee Waiver for CSIRO School Activity National Science Week Underwater Imagery at Paltridge Memorial Swimming Pool 15 August 2016	\$274.50

18.3 BUILDING DECISIONS ISSUED UP TO 31 AUGUST 2016

File Reference: DB.BD.0

Responsible Officer: Executive Manager Health & Building Services

Date of Report: 19 September 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 31 August 2016.

App No.	Date Received	Lot	Street	Description	Status	Decision Date
16/21	22/02/16	146	10 Hunt Street	Outbuilding Extension	Awaiting information from applicant	
16/41	04/04/16	1277	2 Seawolf Close	Steel Framed Dwelling	Approved	25/08/16
16/74	20/06/16	428	19 Fitzhardinge Street	Steel Framed Verandah & Carport	Approved	16/08/16
16/79	18/07/16	166	Lyndon Location	Alterations	Approved	11/08/16
16/85	21/07/16	1481	Neale Cove	Boat Lifting Facility	Awaiting Planning Approval	
16/86	21/07/16	165	13 Maidstone Crescent	Additions / Alterations	Approved	12/08/16
16/87	22/07/16	334	19 Ningaloo Street	Dwelling, Additions & Swimming Pool	Awaiting information from applicant	
16/88	22/07/16	428	19 Fitzhardinge Street	Swimming Pool	Approved	02/08/16
16/89	25/07/16	662	9 Stewart Street	Room Addition	Approved	08/08/16
16/90	25/07/16	1366	43 Heron Way	Additions to Dwelling	Approved	02/08/16
16/91	28/07/16	336	14 Kestrel Place	Fence	Approved	12/09/16
16/94	02/08/16	500	1 Nimitz Street (Site 214)	Carport	Approved	04/08/16
16/95	02/08/16	500	1 Nimitz Street (Site 210)	Carport	Approved	04/08/16
16/96	16/08/16	2	34 Tambor Drive	Residential Dwelling	Approved	05/09/16
16/97	16/08/16	429	78 Madaffari Drive	Dwelling, Swimming Pool, Retaining Wall, Garage Conversion	Approved	17/08/16
16/98	18/08/16	837	Friedman Way (Yacht Club)	Steel Framed Verandah	Approved	08/09/16
16/99	26/08/16	332	6 Kestrel Place	Steel Framed Dwelling	Approved	30/08/16
16/100	29/08/16	1086	11 Hall Street	Steel Framed Verandah	Approved	02/09/16
16/101	31/08/16	701	19 Falls Street (Park)	Steel Framed Shade Structure	Approved	05/09/16

18.4 PLANNING DECISIONS ISSUED UP TO 31 AUGUST 2016

File Reference: LP.PL.0.2016

Responsible Officer: Executive Manager Town Planning

Date of Report: 20 September 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
PA21/16	26/02/2016	1406	Willersdorf Road	Additions to Club Rooms	Approved	01/08/16
PA45/16	08/04/2016	319	11 Pellew Street	Change of Use	Approved	01/08/16
PA70/16	13/06/2016	2	Yardie Creek Road	Additional Camping Sites	Pending further information from Applicant	
PA84/16	28/06/2016	332	6 Kestrel Place	Swimming Pool, Retaining Walls and Stairs	<i>Applicant Cancelled</i>	
PA89/16	12/07/2016	390	19 Corella Court	Holiday Accommodation	Going to September OCM	
PA90/16	12/07/2016	105	41 Ingram Street	Storage Shed	Approved	05/08/16
PA96/16	21/07/2016	165	13 Maidstone Crescent	Dental Surgery Consulting Rooms	Pending further information from Applicant	
PA98/16	28/07/2016	429	78 Madaffari Drive	Swimming Pool, Decking, Retaining Walls	Approved	02/08/16
PA99/16	29/07/2016	19	5 Maley Street	Change of Use & Dwelling, Shed, Carport & Dwelling Additions	Approved	12/08/16
PA102/16	04/08/2016	336	14 Kestrel Place	Fence	Approved	05/09/16
PA105/16	15/08/2016	501	Lefroy Street	Affordable Housing Development - Grouped & Multiple Dwellings	Approved	01/09/16
PA106/16	15/08/2016	131	42 Young Street	Dwelling	Approved	13/09/16
PA107/16	15/08/2016	50	Murat Road	Barge Loading Facility	Pending further information from Applicant	
PA110/16	19/08/2016	1432	Murat Road	Childcare Premises	Going to September OCM	
PA111/16	25/08/2016	837	Friedman Way (Yacht Club)	Verandah	Approved	05/09/16
PA112/16	25/08/2016	1586 & 1587	164 Lyndon Location	Nature Based Park - Exmouth Gulf Pastoral Station	Pending further information from Applicant	
PA113/16	26/08/2016	3	38 Pelias Street	Dwelling Additions	Approved	12/09/16

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

App	Date Received	Description	Date Issued
PA100/16	26/07/2016	Census Night Population Count Stall – Ross Street Mall (9/08/16)	08/08/16
PA101/16	03/08/2016	Food Stall – Gran & Pops Homemade Jams & Relishes – Exmouth Visitor Centre Carpark (8-9/08/16)	03/08/16
PA103/16	08/08/2016	Group Fitness Classes – Kooboroo Oval	OCM – 24/08/16
PA104/16	09/08/2016	Ningalens Outdoor Festival – Exmouth Yacht Club (14/08/16)	12/08/16
PA109/16	18/08/2016	Father's Day Raffle – Ross Street Mall (02-03/09/16)	22/08/16

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

Nil.

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

Nil.

21. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS

COUNCIL RESOLUTION

ITEM 21.1

Res No: 22-0916

MOVED: Cr Hood
SECONDED: Cr Roscic

That Council move Behind Closed Doors at 5.51pm in accordance with the Local Government Act 1995 section 5.23 (2) (A) (C) and (D).

- Tender Issue

CARRIED 6/0

21.1 EXPRESSION OF INTEREST 01/2016 – AIRPORT SHUTTLE BUS SERVICE

COUNCIL RESOLUTION

ITEM 21.1

Res No: 23-0916

MOVED: Cr Todd
SECONDED:

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%

MOTION LAPSED DUE TO LACK OF A SECONDER

COUNCIL RESOLUTION

ITEM 21.1

Res No: 24-0916

MOVED: Cr Jones

SECONDED: Cr McHutchison

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

CARRIED 4/2

Cr Roscic and Todd voted against

COUNCIL RESOLUTION**ITEM 21.1****Res No: 25-0916****MOVED: Cr Hood****SECONDED: Cr Roscic****That Council return from Behind Closed Doors at 6.15 pm.****CARRIED 6/0****22. CLOSURE OF MEETING**

The meeting was closed at 6.15pm