



Ordinary Council Meeting  
Minutes  
31 March 2016

CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on 28 April 2016 as a true and accurate record of the Ordinary Council Meeting held on 31 March 2016.

.....  
**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

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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 everyone present and declared the meeting open at 5:00pm.

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

Councillor C (Turk) Shales	Shire President
Councillor M Hood	Deputy Shire President
Councillor R (Bob) Todd	
Councillor S McHutchison	
Councillor S Coote	
Councillor J Roscic	
Mr K Woodward	Acting Chief Executive Officer
Mrs J Kox	Executive Manager Aviation Services
Mr R Kempe	Executive Manager Community Engagement
Mr R Manning	Executive Manager Health & Building
Mr R Mhasho	Executive Manager Town Planning

#### GALLERY

Visitors: 6

#### APOLOGIES

Mr B Price Chief Executive Officer

**LEAVE OF ABSENCE**

Nil

**3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**4. PUBLIC QUESTIONS TIME**

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

**Council Consideration Towards Public**

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

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

Nil.

**5. DECLARATIONS OF INTEREST**

Item/Description	Name	Detail of Interest	Extent of Interest
11.1 - Cellarbrations at Sams's Cellars- Extended Trading Permit	Rob Manning	Financial	Partner in Business
16.6- Activity on Local Government Property - Kite Surfing and Stand Up Paddle Board	Cr Suzanne McHutchison	Member of Yacht Club	Impartiality
16.7 - Proposed Oversized Outbuilding - Lot 9 Catalina Close	Cr Shane Coote	Adjoining /Adjacent to my home residence	In Direct Financial

**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 Coote requested a leave of absence for the Ordinary Council Meeting to be held on 28 April 2016.

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**COUNCIL RESOLUTION****ITEM 6****Res No: 01-0316****MOVED: Cr Todd****SECONDED: Cr Hood**

**That Council accept Councillor Coote's request for a leave of absence for the Ordinary Council Meeting to be held on 28 April 2016.**

**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 February 2016 be confirmed as a true and correct record of proceedings.

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**COUNCIL RESOLUTION****ITEM 7****Res No: 02-0316****MOVED: Cr Todd****SECONDED: Cr Hood**

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

**CARRIED 5/1**

Cr Rosic voted against

**8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**

The Shire President welcomed the gallery and Keith Woodward Acting Chief Executive Officer and new Executive Secretary Michelle Head.

MLA Vince Catania has advised that the bike track proposed to be located over the Cape Range is with Hon Mia Davies with a favourable response looking likely.

Ministerial changes have occurred at the State level with most notably Hon Kim Hames retiring and the Premier Colin Barnett assuming the portfolio of Tourism.

Mick Husband and Three Island Whale Shark and Dive have donated funds to a Community Group, Team and Junior Sport people. The Shire President went on to say he was proud of those who act as sponsors. Well Done Mick Husband.

Release of Defence White Paper up to \$400 million; \$200m allocated to HE Holt and \$200m to RAAF Learmonth.

GAMEX was a great success.

Exmouth Eagles recently hosted a game of football with the Dampier Sharks which was well attended by the community.

## 9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

## 10. REPORT OF COUNCILLORS

Date	Activity	Councillor					
		Cr Shales	Cr Hood	Cr Coote	Cr McHutchison	Cr Roscic	Cr Todd
01/03/16	LEMC Meeting – Review of the Exmouth Local Emergency Management Arrangements and the Shire of Exmouth Local Recovery Plan.				✓		
06/03/16	Attended the Exmouth Kart Club Pilbara Championships with approximately 250 people from Pilbara towns visiting for the weekend.				✓		
10/03/16	WALGA Training – Land Use Planning (Regional)				✓	✓	✓
11/03/16	WALGA Training – Strategy and Risk Management				✓	✓	✓
14/03/16	Invite to Gala Evening to start Whaleshark Festival received from Darren Cossill.	✓					
15/03/16	Attended Sculpture by the Sea Exhibition at Cottesloe Beach				✓		
15/03/16	Invite received for Durack TAFE Awards night from Gina Nowak.	✓					
16/03/16	Email from GDC supporting Deep Water Wharf Project: Further feasibility studies to be done by consultants to move towards sound business case. To date the project has successfully generated public and private interest and is short listed in DRD Pipeline projects. Letter of support to proceed also received from the Premier.	✓					
16/03/16	Quadrant Energy party into Exmouth including visitors from Japan: Spent 3 hours on a bus tour showcasing Exmouth, our history, tourism, defence, oil and gas, current completed projects	✓					



	and the future projects including DWW and Cruise Shipping.						
18/03/16	Vince Catania in town to discuss future funding for up and coming projects.	✓	✓				
21/03/16	Interview with ABC Keejingia Gigas, very uncommon Jellyfish. Up to 20 of these Jellyfish so far washed up on Town Beach. Potentially harmful Jellyfish capable of Irukandji like syndrome. Scientist heading into town to investigate.	✓					
22/03/16	Several phone calls from David Parker from Quadrant Energy regarding his visit to Canberra to meet with Federal Assistant Defence Minister Hon Michael McCormack MP stating he would like to meet with the Shire to further discuss the release of the White Paper on Defence. Email sent to the Assistant Minister to arrange a possible meet.	✓					
22/03/16	Ningaloo Centre Meeting.						✓
22/03/16	Citizenship Ceremony.	✓					
23/03/16	Ningaloo Centre Management Committee Meeting.				✓		
23/03/16	Exmouth Cultural Centre Inc - AGM and Committee Meeting.				✓		
26/03/16	GAMEX Presentation.						✓

Mr Rob Manning declared a Financial Interest in Report 11.1 and departed the Chambers at 5:05pm.

## **11 EXECUTIVE SERVICES**

### **11.1 CELLARBRATIONS AT SAMS'S CELLARS– EXTENDED TRADING PERMIT**

File Reference:	LP.PL.0.2016
Responsible Officer:	Chief Executive Officer
Date of Report:	21 March 2016
Applicant/Proponent:	Cellarbrations at Sam's Cellars Exmouth
Disclosure of Interest:	Mr Rob Manning (EMHB) – Financial Interest being Proprietor of Business
Attachment(s):	Nil

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#### **PURPOSE**

This report recommends that Council provide a letter of support to the application by Cellarbrations at Sam's Cellars for an ongoing extended trading permit (ETP) from the Department for Racing & Gaming, to allow trading on Sundays during the recognised tourist season, being April to October (inclusive).

#### **BACKGROUND**

Under liquor licensing laws, stores outside the metropolitan area are only permitted to trade on a Sunday via an Extended Trading Permit (ETP), issued by the Department of Racing & Gaming Liquor (RGL). Such a permit is generally only issued if the applicant can demonstrate that to do so, is in the public interest e.g. need to service the influx of tourists. The RGL require evidence that the Local Government and Local Tourism Association are supportive of the extended trading.

Exmouth is visited by a very large number of tourists from Easter through to October school holidays each year. During the tourist season the town's population swells from 2,500 to over 6,000. During the tourist season most of the shops in the CBD trade 7 days a week and in addition to the shops the Sunday Markets now operate from Federation Park.

#### **COMMENT**

The store has been operating under a (ETP) for Sunday trading during the height of the 'peak' tourist season since 2010. The current application is for another 5 year extension of that permit which expired in October 2015.

#### **CONSULTATION**

Letters of support have been provided by the Exmouth Chamber of Commerce (ECCI) and Exmouth Visitors Centre (EVC).

#### **STATUTORY ENVIRONMENT**

Liquor Licensing Act

## POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

## FINANCIAL IMPLICATIONS

Nil

## STRATEGIC IMPLICATIONS

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

<i>Economic:</i>	<i>1</i>	<i><u>To be a diverse and innovative economy with a range of local employment opportunities.</u></i>
	<i>1.1</i>	<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>
	<i>1.3</i>	<i>Diverse tourism opportunities.</i>

## VOTING REQUIREMENTS

Simple Majority

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## OFFICER'S RECOMMENDATION

## ITEM 11.1

That Council provide a letter of support to the application by Cellarbrations at Sam's Cellars for an ongoing extended trading permit (ETP) from the Department for Racing & Gaming, to allow trading on Sundays during the recognised tourist season, being April to October (inclusive).

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## COUNCIL RESOLUTION

## ITEM 11.1

**Res No: 03-0316**

**MOVED: Cr Todd**

**SECONDED: Cr Hood**

**That Council provide a letter of support to the application by Cellarbrations at Sam's Cellars for an ongoing extended trading permit (ETP) from the Department for Racing & Gaming, to allow trading on Sundays during the recognised tourist season, being April to October (inclusive).**

**CARRIED 6/0**

Mr Rob Manning re-entered the Chambers at 5:06pm.

## 12 CORPORATE SERVICES

### 12.1 FINANCIAL STATEMENT FOR PERIOD ENDING 29 FEBRUARY 2016

File Reference:	FM.FL.0
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	19 March 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Financial Report as at 29 February 2016

#### PURPOSE

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

#### BACKGROUND

A financial report for the period ended 29 February 2016 has been prepared and a copy of the Report is attached.

The following table displays the Council's year to date position to 29 February 2016 including the projected closing position for 2015/16 financial year. The 2015/16 Budget estimated to deliver a budget with a small surplus of \$2,880, however the current projected forecast closing position to 30 June 2016 is estimated a surplus of \$242,939.

2015/16	Year to Date Actual	Year to Date Budget	Amended Budget	On Target with YTD Budget	Forecast to 30/6/16	Forecast Impact on Surplus
	\$	\$	\$	%		
Operating Revenue	24,661,456	15,462,456	33,132,978	174.4%	36,787,815	▲
Operating Expenditure	(11,198,914)	(11,696,689)	(17,555,344)	95.7%	(17,241,731)	▲
Non Operating Revenue	1,097,627	1,102,494	3,773,922	99.6%	2,096,981	▼
Non Operating Expenditure	(7,227,439)	(5,929,842)	(24,655,384)	121.9%	(26,660,268)	▼
Non cash Items Included	2,868,062	2,464,651	3,873,829	116.4%	3,856,648	
Surplus C/Fwd June 2015	1,403,494	1,432,879	1,432,879	97.9%	1,403,494	▼
<b>Surplus/(Deficit)</b>	<b>11,604,286</b>	<b>2,835,949</b>	<b>2,880</b>	<b>409.2%</b>	<b>242,939</b>	<b>▲</b>

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

### Financial Ratios

The following financial ratios are designed to provide a clearer interpretation of the performance and financial results of Council and a comparison with the annual budget.

Key Performance Indicators		YTD Actual	YTD Budget	Amended Budget
<b>Operating Sustainability</b>				
<b>Operating Surplus Ratio</b>	<i>An indicator of the extent of which revenues raised covers operational expenses only or are available for capital funding</i>			
	Operating revenue minus Operating Expense	(1,061,304)	(1,569,695)	(4,398,450)
	Own source Operating Revenue	8,560,587	8,795,522	10,954,106
	<b>Target Standards - Ratio is between 0 and 15%</b>	<b>-12%</b>	<b>-18%</b>	<b>-40%</b>
<b>Asset Sustainability Ratio</b>				
<b>Asset Sustainability Ratio</b>	<i>An indicator of the extent to which assets managed by a local government are being renewed or replaced as they reach the end of their useful lives</i>			
	Capital renewal and replacement expenditure	624,034		818,656
	Depreciation Expense	2,850,671		4,187,091
	<b>Target Standards - Ratio is greater than 0.90</b>	<b>0.22</b>		<b>0.20</b>
<b>Own Source Revenue Ratio</b>				
<b>Own Source Revenue Ratio</b>	<i>An indicator of a local government's ability to cover its costs through its own revenue efforts</i>			
	Own source operating revenue	8,560,587	8,795,522	10,954,106
	Operating Expenses	11,198,914	11,709,720	17,555,344
	<b>Target Standards - Ratio is greater than 0.40</b>	<b>0.76</b>	<b>0.75</b>	<b>0.62</b>
<b>Debt Ratio</b>				
<b>Debt Service Cover Ratio</b>	<i>An indicator of a local government's ability to generate sufficient cash to cover its debt payments</i>			
	Operating surplus before interest expenses and depreciation	1,833,077	1,262,375	(145,710)
	Principal and interest expense	107,690	105,297	177,035
	<b>Target Standards - Ratio is greater than or equal to 2</b>	<b>17.02</b>	<b>11.99</b>	<b>-0.82</b>
<b>Liquidity Ratio</b>				
<b>Current Ratio</b>	<i>A measure of a local government's liquidity and its ability to meet its short term financial obligations from unrestricted current assets</i>			
	Current Assets less Restricted Assets	12,583,537		1,085,230
	Current Liabilities less Current Liabilities associated with Restricted Assets	1,527,357		628,003
	<b>Target Standards - Ratio is greater than or equal to 1</b>	<b>8.24</b>		<b>1.73</b>

### Statement of Financial Position

Total Current Assets have increased by 25.47% from January to February 2016 due to debtor invoices raised for grants in January 2016. Current Liabilities have also increased by 32.9% from January to February 2016 due to GST payable on grants. Non-Current Assets have increased slightly by 1.41% due to recognition of capital acquisitions purchased to date. Non-Current Liabilities remain unchanged from January 2016.

	29/02/2016	31/1/16	% Change
<b>Current</b>			
Assets	17,291,085	13,780,875	25.47%
Liabilities	(1,875,561)	(1,411,235)	32.90%
<b>Non Current</b>			
Assets	84,856,517	83,674,796	1.41%
Liabilities	(1,437,766)	(1,437,766)	0.00%
<b>NET ASSETS</b>	<b>98,834,276</b>	<b>94,606,671</b>	

### Capital Expenditure

The 2015/16 budget included \$23,328,051 for capital expenditure, with the majority of expenditure associated with major projects including Ningaloo Centre and infrastructure improvements. The timing of projects has occurred earlier than planned and the table below shows Council is 111% above the year to date budget.

Asset Class	Year to Date Actual	Year to Date Budget	YTD Variance	Annual Budget
	\$	\$	%	\$
Land & Buildings	3,250,571	4,053,828	80%	19,046,000
Furniture & Equipment	36,695	14,000	262%	24,000
Land Held for Resale	33,875	0		109,386
Plant & Equipment	591,102	655,312	90%	809,412
Infrastructure Roads	2,182,934	834,110	262%	2,763,458
Infrastructure Other	396,587	300,653	132%	575,795
<b>TOTAL</b>	<b>6,491,764</b>	<b>5,857,903</b>	<b>111%</b>	<b>23,328,051</b>

### CONSULTATION

Nil

### STATUTORY ENVIRONMENT

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

### POLICY IMPLICATIONS

Nil

### FINANCIAL IMPLICATIONS

Nil

## STRATEGIC IMPLICATIONS

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

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

## VOTING REQUIREMENTS

Simple Majority

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### OFFICER'S RECOMMENDATION

**ITEM 12.1**

That Council resolves to receive the Financial Report for the financial period ending 29 February 2016.

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### COUNCIL RESOLUTION

**ITEM 12.1**

**Res No: 04-0316**

**MOVED: Cr Todd**

**SECONDED: Cr Hood**

**That Council resolves to receive the Financial Report for the financial period ending 29 February 2016.**

**CARRIED 6/0**

## 12.2 LIST OF ACCOUNTS FOR PERIOD ENDING 29 FEBRUARY 2016

File Reference:	FM.FI.0
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	19 March 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. List of Accounts for period ending 29 February 2016.

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### PURPOSE

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

### BACKGROUND

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

### COMMENT

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

### CONSULTATION

Nil

### STATUTORY ENVIRONMENT

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

### POLICY IMPLICATIONS

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

### FINANCIAL IMPLICATIONS

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

### STRATEGIC IMPLICATIONS

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

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



**VOTING REQUIREMENTS**

Simple Majority

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**OFFICER'S RECOMMENDATION****ITEM 12.2**

That Council accepts payments from 1 February to 29 February 2016 being made up of:

1. Municipal Fund \$1,949,592.71 incorporating of cheques 13249 to 13264 and direct debits;  
and
2. Trust Fund – \$6,708.28 incorporating cheque 400839 and direct debits;

Outstanding Creditors as at 29 February 2016 being \$201,728.33

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**COUNCIL RESOLUTION****ITEM 12.2**

**Res No: 05-0316**

**MOVED: Cr Todd**

**SECONDED: Cr Hood**

**That Council accepts payments from 1 February to 29 February 2016 being made up of:**

- 3. Municipal Fund \$1,949,592.71 incorporating of cheques 13249 to 13264 and direct debits; and**
- 4. Trust Fund – \$6,708.28 incorporating cheque 400839 and direct debits;**

**Outstanding Creditors as at 29 February 2016 being \$201,728.33**

**CARRIED 6/0**

### 12.3 2015/16 BUDGET REVIEW

File Reference:	FM.BU.15.16
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	18 March 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Financial Report as at 29 February 2016 and Mid Year Budget Review

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#### PURPOSE

Council adopt this 2015/16 Mid-Year Budget Review prepared as at 29 February 2016 with no budget amendments required.

#### BACKGROUND

A review of budget projections as at 29 February 2016 was conducted and a comparison of the year to date actual results with the adopted budget has established whether Council are continuing meeting its budget commitments. Using a materiality level of \$10,000 or 10% against each of the accounts has highlighted a number of timing differences rather than a permanent difference.

#### COMMENT

The financial report for the period 1 July 2015 to 29 February 2016 is attached to the Council Report, 12.1 Financial Report for the period ending 29 February 2016 (refer Attachment 1). This financial report includes:

- **Statement of Financial Activity** – displays the Council's year to date position to 29 February 2016 including the projected closing position for the 2015/16 financial year.
- **Identified Material Variances Report** – Examines the financial performance of the year to date actual revenue and expenditure against the year to date budget.
- **Forecast Under of Over Revenue/Expenditure Report** – Examines the forecast closing position compared to the budget as at 30 June 2016, providing an explanation of amounts > \$3,000 at an account level. This has been based upon assumptions expected to be followed by Officers and will be reasonably attained.

The original 2015/16 Budget projected to deliver a small surplus of \$2,880. A review was conducted to compare the actual revenue and expenditure and assessed whether the remaining budget for the year needed to be amended. The projected forecast surplus closing position for 2015/16 will increase to \$242,939, although some accounts have been identified as having under or over revenue and expenditure. Where this has occurred, forecast savings have been identified where possible to offset the additional costs.

Listed below is an explanation of identified major expenditure and revenue expectations of specific projects not proceeding, reduction or increase in expenditure and revenue or timing issues:

### **General Purpose Funding**

- The budget included \$38,667 for interim rating, however an application is pending which is seeking a rate exemption and is likely to succeed.
- Interest earned on unpaid rates has exceeded the budget and is forecast to increase our surplus by \$16,000.
- The budget for General Purpose Grant was based on a notional amount however the grant was confirmed after the budget was adopted, creating a deficit variance of \$21,087.

### **Community Amenities**

- The budget included \$150,000 towards the Waste Water Treatment Ponds which was being funded from the Waste Reserve. This project won't be initiated during 2015/16.
- Revenue from the Waste Site is exceeding the year to date budget and is forecast to increase our surplus by \$32,800.
- Street furniture for Kennedy St Mall of \$45,000 was included in the budget with funds transferred from the Community Development Reserve. The timing of these purchases will happen in 2016/17.

### **Recreation & Culture**

- The budget included a grant from Department Sport & Recreation of \$40,000 for a shared storage facility at the Swimming Pool. Unfortunately this grant was unsuccessful, however a new application has been submitted to GDC for \$140,000 which if successful, will be offset against the expenditure.
- The budget included a \$1m loan for the construction of the Ningaloo Centre, however early receipt of grant funds from Lotterywest of \$2.9m will allow the deferment of raising the loan until 2016/17.
- A hard shade structure at Fall St Playground for \$35,000 was going to be funded from the Community Development Reserve. However a grant application has been submitted to Department of Infrastructure & Regional Development, and if successful will reduce Council's contribution by \$20,000.
- A Trails Development Project was included in the budget of \$20,000 expenditure and funded by a grant, however this project won't be initiated during 2015/16.

### **Transport**

- The significant rain event experienced by the Shire in April 2014 activated eligibility for WANDRRA funding. The cost to reinstate spanned over 2 financial years, with Council's contribution of \$140,000 costed in 2014/15. With the finalisation of the claim in 2015/16, revenue of \$96,738 has been received in 2015/16.
- TC Olwyn experienced by the Shire in March 2015 also activated our eligibility for WANDRRA funding. The expenditure also spanned over 2 financial years, with revenue of \$59,774 expected to be received in 2015/16.
- Unbudgeted revenue of \$227,273 was received in 2015/16 as a contribution towards a fuel solution at the Aerodrome. This project is not likely to be initiated during the remainder of the financial year, so funds will be transferred to a Reserve a/c.
- Additional works are planned for the Aerodrome Runway of \$50,000, however these funds will be transferred from the Aviation Reserve.

**Economic Services**

- Costs associated with works at the Pindan Pit of \$23,590 were not included in the budget, however Council has set aside a reserve to cover these costs.

**Other Property & Services**

- Tax advice received resulted in a correction to the treatment of GST on the acquisition of 1 Marlin Terrace, allowing a claim for an input tax credit of \$125,000. These funds will be transferred to a reserve account and will have no impact on the final year end result.

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

Fees & Charges

A review of the 2015/16 Schedule of Fees and Charges has highlighted the following recommended changes:

**Tip Fees – Scrap Metal**

Due to the significant fall in the price of iron ore over the past few years so too has there been a coinciding fall in the value of scrap metal. At present it could cost the Council over \$20,000 to clear the current scrap metal stock pile. Hence the need to consider the introduction of a scrap metal fee and review of the current fee for the disposal of car bodies and trailers etc to reduce the future financial burden of clearing the scrap metal pile.

**Building – Bushfire Attack Level (BAL) Assessment Using Shire’s BAL Contour Mapping**

From 8 April 2016, certain applications for Building Permits and/or Planning approvals will be required to submit a BAL Assessment with the application. Council Officers are in the process of engaging a company to prepare bush fire attack level contour mapping of the town that can be used as a generic reference document as opposed to a proponent having to engage a suitably qualified technician to prepare a specific BAL Assessment report for an individual development proposal. From current quotations obtained it is expected that the preparation of the town bush fire attack level contour mapping will cost between \$11,000 and \$12,000 and the mapping should remain valid for many years. It is estimated that the cost of a BAL assessment individual development will be over \$500 plus flights and accommodation.

Officers from Council’s Town Planning Department and Building Services estimate that between 100 to 150 applications per year will require a BAL Assessment. The use of town contour mapping for BAL Assessments will require approximately 1.5hrs of a suitably qualified officer’s time to complete the simplified assessment (Nb: Council’s Building Surveyor has completed the BAL Assessor Training). A fee of \$165 (incl GST) per assessment using Council’s contour mapping should recoup the initial up-front mapping expense within the first year or two. In consideration of the Council Officer’s time to complete each assessment in addition to the initial mapping expenses, it could be two or three years before a fee of \$165 meets full cost recovery. As the mapping will be valid for at least five or more years, it is fairer to spread the cost recovery over a number of years.

<b>Description</b>	<b>A/c #</b>	<b>2015/16 Adopted Fee (Inc GST)</b>	<b>2015/16 Proposed Fee (Inc GST)</b>	<b>Effective Date</b>	<b>Explanation</b>
Tip Fees – Car Bodies, Trailers, etc Residential/Domestic and Non Commercial	R101245	\$0	\$0	8/4/16	Amended Wording to "Tip Fees – Scrap Metal Less than 1m3 Residential/Domestic and Non Commercial
Tip Fees – Car Bodies, Trailers, etc Residential/Domestic and Non Commercial	R101245	\$0	\$12.50	8/4/16	Amended Fee & Wording to "Tip Fees – Scrap Metal (per 1m3) including Car Bodies, Trailers, etc More than 1m3 Residential/Domestic and Non Commercial
Tip Fees – Car Bodies, Trailers, etc Non-Domestic, Contractors and Commercial	R101245	\$12.50	\$21.50	8/4/16	Amended Fee & Wording to "Tip Fees – Scrap Metal (per 1m3) including Car Bodies, Trailers, Heavy Gauge Steel less than 1.2m length Min charge = 1m3 Non-Domestic, Contractors and Commercial"
Tip Fees – Car Bodies, Trailers, etc Non Rateable Properties	R101245	\$19.00	\$32.00	8/4/16	Amended Fee & Wording to "Tip Fees – Scrap Metal (per 1m3) including Car Bodies, Trailers, Heavy Gauge Steel less than 1.2m length Min charge = 1m3 Non Rateable Properties"
New Fee inserted under Sanitation	R101245	\$0	\$32.50	8/4/16	Wording "Heavy Gauge Steel greater than 1.2m length (per 1m3) Domestic and Commercial"
New Fee inserted under Sanitation	R101245	\$0	\$48.00	8/4/16	Wording "Heavy Gauge Steel greater than 1.2m length (per 1m3) Non Rateable Properties"
New Fee inserted under Building Control	R135149	\$0	\$165.00	8/4/16	Wording "BAL Assessment Using Shire's Bush Fire Attack Level Contour Mapping per assessment"

**CONSULTATION**

Nil

## STATUTORY ENVIRONMENT

Local Government (Financial) Regulations 33A

## POLICY IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

The budget surplus position is projected to increase from \$2,880 to \$242,939 based on forecast results as at 29 February 2016. However as this an assumption, accounts will be monitored and will be subject to change each month.

The proposed Schedule of Fees and Charges is included in the 2015/16 Budget and was used to forecast revenue expected. No material changes to revenue are expected as a result of the amendments to fees and charges.

## STRATEGIC IMPLICATIONS

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

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

## VOTING REQUIREMENTS

Absolute Majority

## OFFICER'S RECOMMENDATION

## ITEM 12.3

That Council resolves to adopt the:

- 2015/16 Budget Review prepared as at 29 February 2016 and included in Attachment 1; and
- Amendment to the 2015/16 Schedule of Fees and Charges as listed below and endorse the advertising of the revised fees and charges pursuant to s6.19 of the Local Government Act 1995.

Description	A/c #	2015/16 Adopted Fee (Inc GST)	2015/16 Proposed Fee (Inc GST)	Effective Date	Explanation
Tip Fees – Car Bodies, Trailers, etc Residential/Domestic and Non Commercial	R101245	\$0	\$0	8/4/16	Amended Wording to "Tip Fees – Scrap Metal Less than 1m3 Residential/Domestic and Non Commercial
Tip Fees – Car Bodies, Trailers, etc Residential/Domestic and Non Commercial	R101245	\$0	\$12.50	8/4/16	Amended Fee & Wording to "Tip Fees – Scrap Metal (per 1m3) including Car Bodies, Trailers, etc

					More than 1m3 Residential/Domestic and Non Commercial
Tip Fees – Car Bodies, Trailers, etc Non-Domestic, Contractors and Commercial	R101245	\$12.50	\$21.50	8/4/16	Amended Fee & Wording to "Tip Fees – Scrap Metal (per 1m3) including Car Bodies, Trailers, Heavy Gauge Steel less than 1.2m length Min charge = 1m3 Non-Domestic, Contractors and Commercial"
Tip Fees – Car Bodies, Trailers, etc Non Rateable Properties	R101245	\$19.00	\$32.00	8/4/16	Amended Fee & Wording to "Tip Fees – Scrap Metal (per 1m3) including Car Bodies, Trailers, Heavy Gauge Steel less than 1.2m length Min charge = 1m3 Non Rateable Properties"
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New Fee inserted under Sanitation	R101245	\$0	\$48.00	8/4/16	Wording "Heavy Gauge Steel greater than 1.2m length (per 1m3) Non Rateable Properties"
New Fee inserted under Building Control	R135149	\$0	\$165.00	8/4/16	Wording "BAL Assessment Using Shire's Bush Fire Attack Level Contour Mapping per assessment"

**COUNCIL RESOLUTION****ITEM 12.3****Res No: 06-0316****MOVED: Cr Todd****SECONDED: Cr Hood**

That Council resolves to adopt the:

1. 2015/16 Budget Review prepared as at 29 February 2016 and included in Attachment 1; and
2. Amendment to the 2015/16 Schedule of Fees and Charges as listed below and endorse the advertising of the revised fees and charges pursuant to s6.19 of the Local Government Act 1995.

<b>Description</b>	<b>A/c #</b>	<b>2015/16 Adopted Fee (Inc GST)</b>	<b>2015/16 Proposed Fee (Inc GST)</b>	<b>Effective Date</b>	<b>Explanation</b>
Tip Fees – Car Bodies, Trailers, etc Residential/Domestic and Non Commercial	R101245	\$0	\$0	8/4/16	Amended Wording to "Tip Fees – Scrap Metal Less than 1m3 Residential/Domestic and Non Commercial
Tip Fees – Car Bodies, Trailers, etc Residential/Domestic and Non Commercial	R101245	\$0	\$12.50	8/4/16	Amended Fee & Wording to "Tip Fees – Scrap Metal (per 1m3) including Car Bodies, Trailers, etc More than 1m3 Residential/Domestic and Non Commercial
Tip Fees – Car Bodies, Trailers, etc Non-Domestic, Contractors and Commercial	R101245	\$12.50	\$21.50	8/4/16	Amended Fee & Wording to "Tip Fees – Scrap Metal (per 1m3) including Car Bodies, Trailers, Heavy Gauge Steel less than 1.2m length Min charge = 1m3 Non-Domestic, Contractors and Commercial"
Tip Fees – Car Bodies, Trailers, etc Non Rateable Properties	R101245	\$19.00	\$32.00	8/4/16	Amended Fee & Wording to "Tip Fees – Scrap Metal (per 1m3) including Car Bodies, Trailers, Heavy Gauge Steel less than 1.2m length Min charge = 1m3 Non Rateable Properties"
New Fee inserted under Sanitation	R101245	\$0	\$32.50	8/4/16	Wording "Heavy Gauge Steel greater than 1.2m length (per 1m3) Domestic and Commercial"
New Fee inserted under Sanitation	R101245	\$0	\$48.00	8/4/16	Wording "Heavy Gauge Steel greater than 1.2m length (per 1m3) Non Rateable Properties"
New Fee inserted under Building Control	R135149	\$0	\$165.00	8/4/16	Wording "BAL Assessment Using Shire's Bush Fire Attack Level Contour Mapping per assessment"

**CARRIED by ABSOLUTE MAJORITY 5/1**

Councillor Rosic voted against



## **13 AVIATION SERVICES**

Nil

## 14 COMMUNITY ENGAGEMENT

### 14.1 EXMOUTH YOUTH NEEDS CONSULTATION AND ANALYSIS 2015

File Reference:	CS.SP.30
Responsible Officer:	Executive Manager Community Engagement
Date of Report:	16 March 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Exmouth Youth Needs Consultation and Analysis (2015)

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#### **PURPOSE**

This report presents to Council the Exmouth Youth Needs Consultation and Analysis (2015). This Survey Report includes the results of a youth survey and some preliminary recommendations. It will be used for the implementation of actions to address some of the issues identified and to develop a Youth Plan with the Exmouth Youth Alliance.

#### **BACKGROUND**

In 2011 the Shire of Exmouth embarked on its first Youth Needs Consultation which identified a number of key issues facing Exmouth youth. This report was a catalyst for the development of Youth Action Exmouth, our award winning group of young leaders responsible for planning and running events for youth in Exmouth.

In 2015 consultant Jude Sorensen was once again engaged by the Shire of Exmouth. She was tasked with consulting Exmouth young people and other key youth stakeholders, comparing data to identify trends and changes in youth needs and reviewing the Exmouth Youth Needs Consultation and Analysis to reflect these findings.

The consultation was conducted with the cooperation of Exmouth District High School and Exmouth PCYC. The interactive Quizdom program was again used to great effect to engage youth in the survey process along with discussions and informal focus groups with youth.

#### **COMMENT**

The Exmouth Youth Needs Consultation Analysis (2015) includes:

- a) Methodology
- b) Results
- c) Recommendations; and
- d) Comparison of key findings of the 2011 and 2015 reports

Top priorities for 2015 are listed in the report as:

1. Development of youth rooms/space or hub in town;
2. Development of interest groups linked to YAE as sub-committees;
3. Access to free Wifi and using Web 2 technology to communicate with local youth;
4. Carefully planned responses to physical/sexual and mental health issues;

5. Engagement with school support processes which includes expansion of existing services.

Once this Report (refer Attachment 1) is received by Council, the Community Development team proposes to share the results with the recently formed *Exmouth Youth Alliance*. The Alliance, comprised of key youth agencies including Exmouth PCYC, Exmouth District High School, Mental Health Social Worker, School Chaplain, Centacare, Exmouth Police, will use the document as a basis to develop an interagency youth action plan.

## **CONSULTATION**

Exmouth youth and Key Stakeholders who directly work with young people have had input into the Consultation report.

## **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 2012-2016.

- |                   |     |   |
|-------------------|-----|---|
| Social:           | 3   | <u>To be a dynamic, passionate and safe community valuing natural and cultural heritage.</u>                    |
|                   | 3.1 | <i>Retain a safe community environment.</i>   |
|                   | 3.2 | <i>Excellent lifestyle, recreational and cultural facilities.</i>   |
|                   | 3.3 | <i>An inclusive, responsible and cohesive community.</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> |

## **VOTING REQUIREMENTS**

Simple Majority

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## **OFFICER'S RECOMMENDATION**

## **ITEM 14.1**

That Council receives the Youth Needs Consultation and Analysis (March 2015) and endorses the use of the document and for the development of a community based Youth Plan through the Exmouth Youth Alliance.

**COUNCIL RESOLUTION****ITEM 14.1****Res No: 07-0316****MOVED: Cr Hood****SECONDED: Cr Coote**

**That Council receives the Youth Needs Consultation and Analysis (March 2015) and endorses the use of the document and for the development of a community based Youth Plan through the Exmouth Youth Alliance.**

**CARRIED 6/0**

## 14.2 COUNCIL SUPPORT FOR NINGALOO WHALESHARK FESTIVAL

File Reference:	RC.EV.4 & CR.SP.0
Responsible Officer:	Executive Manager Community Engagement
Date of Report:	21 March 2016
Applicant/Proponent:	Ningaloo Whaleshark Festival Inc.
Disclosure of Interest:	Nil
Attachment(s):	Nil

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### PURPOSE

This report recommends that Council supports the Ningaloo Whaleshark Festival Committee with the Festival which will be held from 25 May to 29 May 2016. The request from the Committee for Shire support includes fee-waivers and in-kind assistance.

### BACKGROUND

The Ningaloo Whaleshark Festival is held every year in the last week of May and is one of the biggest happenings on Exmouth annual events calendar. The festival has been very successful over many years, attracting visitor and participants from Exmouth but also many tourists who join the festivities.

The Committee has requested Council support and the use of Council facilities for this year's event.

### COMMENT

Over the years, the Shire has supported the Festival in various ways, including staff assistance, additional programming and activities, materials and waiver of fees and charges. The Shire also has a staff member on the organising Committee to streamline shire support and input.

Council Officers consider that this event will continue to have positive impact on the local business community by attracting visitors to Exmouth. In addition, the festival literally provides a stage for local talent, both old and young, to showcase their skills.

In consideration of the above it is recommended that the Council support the request from the Committee for assistance and provides a full fee waiver as part of its sponsorship to the 2016 Ningaloo Whaleshark Festival. An overview of the value of this request is included under the heading 'Financial Implications'.

In accordance with Council Policy 4.3 - *Sponsorships, Donations and Waiver of Fees*, any waiver of Councils adopted Fees & Charges for an event is considered a 'Non-cash Contribution' to that event. The Policy also provides that "An Exmouth Event Sponsorship may be provided in cash, non-cash or a combination of these to the maximum combined value per financial year of \$1,500 per organisation." "Any Sponsorship proposals over \$1,500 may be determined by Council. The actual Event Sponsorship contribution will be determined on a case-by-case basis."

The requested fee waiver and in kind support amounts to \$6,452.75 and therefore requires approval by Council.

In return for its support, Council may request that this financial support be recognised and the Council be acknowledged as a major sponsor of the event.

As the programme for the Whaleshark Festival is still being developed and finalised, it is possible that some unforeseen requests for support may be received by the Shire. It is therefore recommended to authorise the CEO to use their discretion to determine support for such request.

## CONSULTATION

NIL

## STATUTORY ENVIRONMENT

NIL

## POLICY IMPLICATIONS

Shire Policy Council Policy 4.3 - *Sponsorships, Donations and Waiver of Fees*

## FINANCIAL IMPLICATIONS

If the Council grant approval for the support as recommended, the following (estimated) amounts will be recorded as a non-cash contribution to the Whaleshark Festival Committee. The shire contribution would equate to the following:

Requested support	Fees	Permit fee	Staff cost	Total
Use Rec Centre (3x days @ \$41.00 per day)	\$123.00			
Use Talanjee Oval (2 x days @ \$133.00)	\$266.00			
Oval Lights (2 x hrs @ \$25 per hr)	\$50.00			
Use Shire Hall (8 x days@ \$41 per day)	\$328.00			
Federation Park & Yacht Club application fee		\$17.00		
Federation Park Permit \$26.50 per day		\$26.50		
Yacht Club Permit		\$12.50		
Extra bins whole festival	\$260.00			
Staff assistance Federation Park			\$325.50	
Staff assistance Talanjee Oval			\$1736.00	
Use of Mobile Toilets	\$330.00		\$217.00	
Road closure; traffic management			\$971.00	
Marking/managing sprinklers Oval			\$651.00	
Extra cleaning of Toilets			\$1139.25	
	\$1357.00	\$56.00	\$5039.75	<b>\$6452.75</b>

## 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.

- Environment: 1.3 *Diverse tourism opportunities.*  
2 To have a balanced respect for our environment and heritage, both natural and built.  
2.3 *To have a town and community that takes pride in its world heritage status.*  
2.5 *To make Exmouth an attractive town that is a comfortable and welcoming place to live and visit, and reflects the lifestyle values and unique natural environment.*
- Social: 3 To be a dynamic, passionate and safe community valuing natural and cultural heritage.  
3.2 *Excellent lifestyle, recreational and cultural facilities.*  
3.3 *An inclusive, responsible and cohesive community.*  
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.*

## VOTING REQUIREMENTS

Simple Majority

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### OFFICER'S RECOMMENDATION

**ITEM 14.2**

That Council:

1. Grants the Ningaloo Whaleshark Festival Inc. in-kind support to the value of \$6,452.75.
2. Authorises the CEO of the Shire of Exmouth to make a decision on any unforeseen requests for additional support by the Shire for the Festival.
3. Advise the Ningaloo Whaleshark Festival Inc. that support for the Ningaloo Whaleshark Festival is subject to the Shire of Exmouth being acknowledged as a sponsor for the event.

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### COUNCIL RESOLUTION

**ITEM 14.2**

**Res No: 08-0316**

**MOVED: Cr Todd**

**SECONDED: Cr McHutchison**

**That Council:**

- 1. Grants the Ningaloo Whaleshark Festival Inc. in-kind support to the value of \$6,452.75.**
- 2. Authorises the CEO of the Shire of Exmouth to make a decision on any unforeseen requests for additional support by the Shire for the Festival.**
- 3. Advise the Ningaloo Whaleshark Festival Inc. that support for the Ningaloo Whaleshark Festival is subject to the Shire of Exmouth being acknowledged as a sponsor for the event.**

**CARRIED 6/0**

## 15 HEALTH & BUILDING SERVICES

### 15.1 REDUCED TIP OPENING HOURS FOR MONDAY EVENINGS

File Reference:	WM.SP.2
Responsible Officer:	Executive Manager Health & Building Services
Date of Report:	21 March 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1: Tip Entrance Data

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#### PURPOSE

That Council endorse the reduction of the Qualing Scarp Waste Disposal Site Monday opening hours from 8.00am to 6.00pm to 8.00am to 4.00pm.

#### BACKGROUND

The Council last revised the opening and closing times for the Qualing Scarp Waste Disposal Site (the tip) at the 19 June 2014 Ordinary Council Meeting whereby the tip opening hours went from:

Monday to Friday: 8:00am – 11:00am & 1:00pm – 4:00pm  
(closed between 11:00am – 1:00pm for maintenance and 30min lunch break)

Saturday, Sunday & Public Holidays: 8:00am – 1:00pm

To:  
Monday: 8:00am – 6:00pm  
(Open later on Monday for domestic users that couldn't use the tip on Saturday)

Tuesday to Saturday: 8:00am – 4:00pm  
(Nb: 2 x staff on for four days per week, therefore no need to close between 11:00am – 1:00pm)

Public Holidays: 8:00am – 1:00pm  
(Closed Christmas Day, New Years Day, ANZAC Day and Easter Friday)

The opening times were revised to offer a spread of hours that the main tip users could better access the tip and rationalise those hours open but being least used. The revised hours also provided a much more efficient use of the staff time as the new roster resulted in at least two staff on at the same time for the majority of shifts without an increase in staff hours being allocated to the work area.



The late (6.00pm) Monday close was provided to offer a further 'after work' opportunity for residents to access the tip during the week as it was to be no longer open on Sundays.

The above changes were implemented following a public consultation process, an internal review of available staff resources and an assessment of how to maximise the efficient use of the staff hours available.

## COMMENT

The tip site data collection system has been in use for over twelve months now and recent analysis of the same gives a very good indication of visitation trends to the site. The tip entry data for the months of July '15, September '15, December '15 and February '16 provide a fair representation of the different population seasons of the town (refer to Attachment 1). The above data shows that on any given day the site is rarely used after 3.00pm and virtually never at all after 4.00pm on a Monday, with only two customers out of 4 months of data.

To manage the tip being open from 8.00am to 6.00pm on Mondays the current roster involves staggered start and finish times i.e. one staff member being rostered 7.45am to 4.15pm and the other from 9.30am to 6.00pm. Under the current arrangements there is up to 4 hours on a Monday with only one staff member on site. This limits the amount of productive work that can be achieved to 6 hours of a 10 hour day.

Considering that the tip is not being used after 4.00pm on Mondays it would be a much better use of the available staff time to close the tip at 4.00pm and reallocate the two hours into the standard 8.00am to 4.00pm opening hours with both staff starting at 7.45am.

Should Council adopt the Officers recommendation the change in time will be advertised in the Pilbara News and all Shire Noticeboards with an implementation date of 11 April 2016.

## 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 2012-2016.

Economic:	1	<u>To be a diverse and innovative economy with a range of local employment opportunities.</u>
	1.2	<i>Planned and balanced economic growth.</i>
	1.5	<i>Maintain and improve Shire infrastructure.</i>
Social:	3	<u>To be a dynamic, passionate and safe community valuing natural and cultural heritage.</u>

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

## **VOTING REQUIREMENTS**

Simple Majority

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### **OFFICER'S RECOMMENDATION**

**ITEM 15.1**

That Council endorse the change of Monday evening closure of the Qualing Scarp Waste Disposal Site from 6.00pm to 4.00pm effective 11 April 2016.

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### **COUNCIL RESOLUTION**

**ITEM 15.1**

**Res No: 09-0316**

**MOVED: Cr Hood**

**SECONDED: Cr McHutchison**

**That Council endorse the change of Monday evening closure of the Qualing Scarp Waste Disposal Site from 6.00pm to 4.00pm effective 11 April 2016.**

**CARRIED 6/0**

## 16 TOWN PLANNING SERVICES

### 16.1 CONSIDERATION OF WAPC MODIFICATIONS – DRAFT LOCAL PLANNING STRATEGY AND DRAFT LOCAL PLANNING SCHEME 4

File Reference:	LP.PL.0.2 / LP.PL.4
Responsible Officer:	Executive Manager Town Planning Services
Date of Report:	23 March 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. WAPC requested modifications

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#### **PURPOSE**

This report recommends that Council resolve to proceed with the Draft Local Planning Strategy (Strategy) and Draft Local Planning Scheme No.4 (Scheme) including accompanying maps making all modifications as requested by the West Australian Planning Commission (WAPC) (refer Attachment 1), prior to advertising.

#### **BACKGROUND**

Council passed a resolution at its October 2015 meeting to adopt the strategy (revision 6) and scheme (revision 9) for forwarding to the WAPC requesting consent to advertise. The WAPC have requested modifications be made to the Strategy and Scheme prior to advertising (refer Attachment 1).

#### **COMMENT**

This report provides Council with the formal opportunity to consider the modifications requested by the WAPC. The modifications are requested to provide consistency with the Planning and Development (Local Planning Schemes) Regulations 2015, State Planning Policies, improve readability, provide clarification, prevent confliction, ensure consistency between the Strategy and Scheme, and ensure consistency with current local planning policies.

Officer recommends that Council proceed with advertising of the Local Planning Strategy and Local Planning Scheme 4 after making all modifications as requested by the WAPC as the modifications will greatly improve the documents, and ensure consistency with all relevant statutory framework.

#### **CONSULTATION**

Department of Planning

#### **STATUTORY ENVIRONMENT**

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Town Planning Scheme No. 3

SPP 1.0 – State Planning Framework Policy

SPP 2.0 – Environment and Natural Resources Policy  
 SPP 2.5 – Land Use Planning in Rural Areas  
 SPP 2.6 – State Coastal Planning Policy  
 SPP 2.7 – Public Drinking Water Source Protection Policy  
 SPP 2.9 – Water Resources  
 SPP 3.0 – Urban Growth and Settlement  
 SPP 3.1 – Residential Design Codes  
 SPP 3.2 – Aboriginal Settlements  
 SPP 3.5 – Historic Heritage Conservation  
 SPP 3.7 – Planning in Bushfire Prone Areas  
 SPP 4.1 – State Industrial Buffer Policy  
 SPP 6.3 – Ningaloo Coast

## **POLICY IMPLICATIONS**

All Local Planning Policies

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

## **VOTING REQUIREMENTS**

Simple Majority

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**OFFICER'S RECOMMENDATION****ITEM 16.1**

That Council:

1. Resolves to proceed with the Local Planning Strategy and Local Planning Scheme No. 4 making all modifications as requested by the West Australian Planning Commission (refer Attachment 1); and
2. Provide the Department of Planning with a copy of the modified Local Planning Strategy and Local Planning Scheme No. 4 prior to advertising.

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**COUNCIL RESOLUTION****ITEM 16.1****Res No: 10-0316****MOVED: Cr Todd****SECONDED: Cr McHutchison**

**That Council lay the matter on the table until the next Council Meeting pending further consultation with Department of Transport.**

**CARRIED 6/0**

## **16.2 PROPOSED CREATION OF RESERVES FOR ACCESS – BAY OF REST AND SANDY BAY**

File Reference:	A512, RD.AG.0
Responsible Officer:	Executive Manager Town Planning Services
Date of Report:	24 February 2016
Applicant/Proponent:	Shire of Exmouth
Disclosure of Interest:	Nil
Attachment(s):	1. Letters received from Department of Lands (DoL) 2. Proposed Reserves for Access 3. Proposed Reserve at Bay of Rest

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### **PURPOSE**

This report recommends that Council request the Department of Lands (DoL) for the creation of reserves for Bay of Rest and Sandy Bay 4WD tracks, and the coastal strip near the Bay of Rest to be reserved for the purposes of 'grounds for recreation or place for bathing'.

### **BACKGROUND**

At the 17 December 2015 Ordinary Council Meeting, Council resolved:

***That Council request the Department of Lands for the creation of easements as indicated in Attachment 3 to be held by the Shire for the purpose of access:***

***1. between the edge of the proposed extension of the Cape Range National Park being the eastern boundary of unallocated Crown land lot 984 Learmonth and Minilya-Exmouth Road; and***

***2. between Bay of Rest and Minilya-Exmouth Road in accordance with the provisions of the Land Administration Act 1997.***

DoL have since advised that a taking order cannot be used for the creation of an easement, and that the Shire may wish to consider the creation of a dedicated road or a reserve. DoL requests that the matter of tenure be reconsidered (refer Attachment 1). DoL have also requested the Shire to confirm its land requirements at the Bay of Rest, and that scaled drawings be prepared to initiate the necessary land acquisition action for the creation of the reserves.

### **COMMENT**

The provision of formal access for locals and tourists to the coastal areas was highlighted as an important issue in the Exmouth South Structure Plan and the Local Planning Strategy Community Workshop Outcomes Report. There are existing informal tracks providing access to the Bay of Rest and Sandy Bay from Minilya-Exmouth Road. The tracks cut through the Exmouth Gulf Pastoral Station and the Cape Range National Park. These informal tracks provide access to significant natural tourist attractions for recreational activities. Since these informal tracks pass through leased pastoral land there is concern that the tracks could be blocked. The following options were provided by DoL:

### Option 1 – Dedicated Road

The important principles of dedicated road/s are:

- Shire control and responsibility to manage the land;
- The land is to be clearly constructed and maintained as a street in the traditional sense; and
- A taking order could be issued.

### Option 2 – Reserve

The important principles of a reserve for the purpose of 'Access' with a management order issued to the Shire are:

- Shire control and responsibility to manage the land; and
- A taking order could be issued.

The access leg to the coastal strip could be acquired under the public work provisions of the Land Administration Act which is an expedited process. Considering the above, the Officer recommends that Council request DoL initiate option 2 being the creation of reserves between the edge of the proposed extension of the Cape Range National Park being the eastern boundary of unallocated Crown land Lot 984 Learmonth and Minilya-Exmouth Road, and between Bay of Rest and Minilya-Exmouth Road.

The creation of a reserve at the Bay of Rest will change the tenure of the land from current Unallocated Crown Land (UCL) to a reserve with a management order issued the Shire. This ensures the intended land use is consistent with the legal tenure of the land, and allows for the Shire to have increased control over the area. The Exmouth South Structure Plan identifies this area as having high conservation and recreational values and should be set aside for these purposes. The creation of a reserve at the Bay of Rest will also justify the request for the creation of an access reserve from Minilya-Exmouth road to the Bay of Rest.

## **CONSULTATION**

Department of Lands

## **STATUTORY ENVIRONMENT**

Land Administration 1997

Land Administration Regulations 1998

Public Works Act 1902

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Responsibility to manage the reserves, which may include works such as clearing, grading and signage. Survey costs will be borne by the Shire.

## **STRATEGIC IMPLICATIONS**

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

- Economic:
- 1 To be a diverse and innovative economy with a range of local employment opportunities.
  - 1.3 *Diverse tourism opportunities.*

- Environment: 2 To have a balanced respect for our environment and heritage, both natural and built.
- 2.1 *To maintain and improve access and connectivity to our natural assets.*
- 2.5 *To make Exmouth an attractive town that is a comfortable and welcoming place to live and visit, and reflects the lifestyle values and unique natural environment.*
- Social: 3 To be a dynamic, passionate and safe community valuing natural and cultural heritage.
- 3.2 *Excellent lifestyle, recreational and cultural facilities.*
- 3.4 *A community that is well informed and educated about our natural, cultural and built environment.*
- 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.
- 4.2 *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

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### OFFICER'S RECOMMENDATION

ITEM 16.2

That Council request the Department of Lands for:

1. the creation of 20 metre wide reserves as approximately indicated in Attachment 2 between the edge of the proposed extension of the Cape Range National Park being the eastern boundary of Unallocated Crown Land Lot 984 Learmonth and Minilya-Exmouth Road, and between Bay of Rest and Minilya-Exmouth Road, for the purposes of 'access' with a management order issued to the Shire in accordance with the provisions of the Land Administration Act 1997.
2. the Unallocated Crown Land near the Bay of Rest as approximately indicated in Attachment 3 between the high water level and the Exmouth Gulf Pastoral Station from the south of Reserve 50932 to the north of Lot 40 on Plan 208441 be reserved for the purposes of 'grounds for recreation or place for bathing' with a management order issued to the Shire in accordance with the provisions of the Land Administration Act 1997.

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### COUNCIL RESOLUTION

ITEM 16.2

**Res No:** 11-0316

**MOVED:** Cr Todd

**SECONDED:** Cr McHutchison

That Council request the Department of Lands for:

1. **the creation of 20 metre wide reserves as approximately indicated in Attachment 2 between the edge of the proposed extension of the Cape Range National Park being the eastern boundary of Unallocated Crown Land Lot 984 Learmonth and Minilya-Exmouth Road, and between Bay of Rest and Minilya-Exmouth Road, for the purposes**



**of 'access' with a management order issued to the Shire in accordance with the provisions of the Land Administration Act 1997.**

- 2. the Unallocated Crown Land near the Bay of Rest as approximately indicated in Attachment 3 between the high water level and the Exmouth Gulf Pastoral Station from the south of Reserve 50932 to the north of Lot 40 on Plan 208441 be reserved for the purposes of 'grounds for recreation or place for bathing' with a management order issued to the Shire in accordance with the provisions of the Land Administration Act 1997.**

**CARRIED 6/0**

### **16.3 PROPOSED BOAT LIFT – LOT 1481 NEALE COVE, EXMOUTH**

File Reference:	PA07/16 (A1575)
Responsible Officer:	Executive Manager Town Planning Services
Date of Report:	22 March 2016
Applicant/Proponent:	Base Marine
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none"><li>1. Boat Lift Site Plan</li><li>2. Runway Elevation</li><li>3. Boat Lift Examples</li><li>4. Proposed Wash Down Facility</li><li>5. Original Proposal</li><li>6. Department of Transport's Original Comments</li></ol>

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#### **PURPOSE**

Council to grant development approval for a proposed 'Boat Lift' at Lot 1481 Neale Cove, Exmouth subject to conditions.

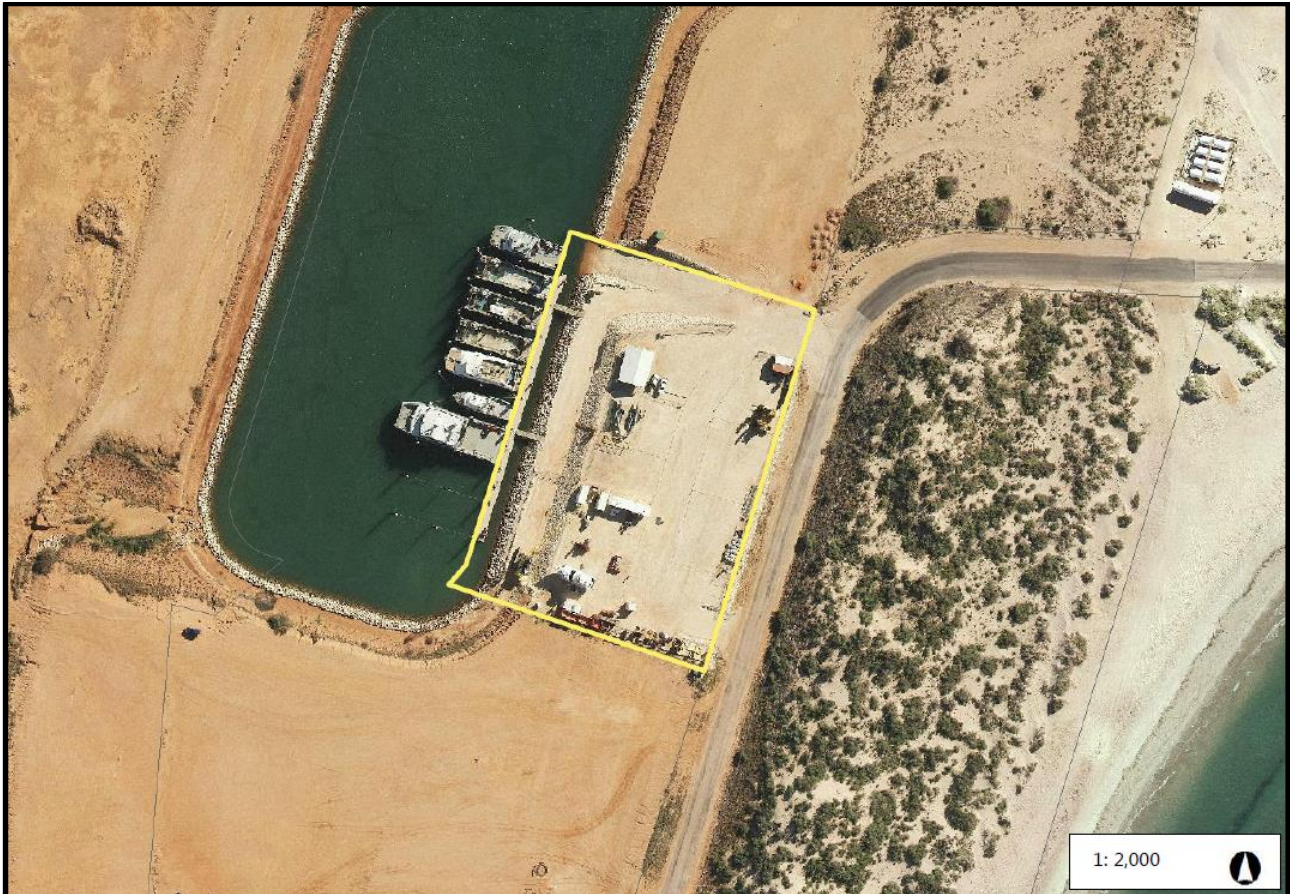
#### **BACKGROUND**

At the Ordinary Meeting held on the 1 August 2013 Council granted Development Approval for 'Industrial Marine Development' land use with works being transportable offices, bathrooms, caretakers dwelling, crawler crane, loading access road, car parking, storage areas and jetties at the subject property.

Council has now received an application for a boat lift which can be considered as further works under the above approved land use. The proposed works include the removal of part of the canal wall so that the canal water protrudes further into the property (refer Attachment 1). Two jetties referred to as runways will then be developed along the edge of the portion of canal removed (refer Attachment 2). A boat lift will be located on the site that can drive onto the runways to lift vessels from the water below (refer Attachment 3). The boat lift is intended to lift vessels weighing from 100 – 300 tonnes being a maximum length of 50m. A wash down facility is also proposed adjacent to the boat lifting area (refer Attachment 4).

Initially the Applicant proposed the development to be located adjacent the easement along the Southern boundary of the property (refer Attachment 5). However, The Department of Transport (DoT) raised concerns regarding this location restricting access to the adjoining property to the South (refer Attachment 6). As a result the Applicant amended the proposal by relocating the works were relocated further North to an existing mooring pen which will become a loading pen.

A 'Fuel Depot' was also approved at the property by Council at the Ordinary Meeting held on the 30 April 2015.



Lot 1481 Neale Cove, Exmouth

## COMMENT

### Shire of Exmouth Town Planning Scheme No. 3

The proposal has been assessed against Council's *Town Planning Scheme No. 3*. The subject property is zoned 'Marina'. The proposal is considered consistent with the objectives of the zone which are as follows:

- *to provide for residential, tourist, commercial, and marine industrial development with waterfront access adjacent to the Exmouth small-boat harbour.*
- *to create an attractive and viable project.*
- *promote and safeguard health, safety, convenience, environmental quality and the general welfare and amenity of the locality.*
- *to encourage a high standard of development within the zone.*
- *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 (now DoT).*

### Exmouth Marina Village Outline Development Plan

The proposed works are considered consistent with the Exmouth Marina Village Outline Development Plan which outlines this area of the Marina zone as being intended for this type of development. In addition, the proposal complies with site and development requirements that are prescribed.

The Development Plan also outlines that marine industry should be assessed against *State Planning Policy 4.1 State Industrial Buffer*. The original approval of the Industrial Marine Development land use at the property was assessed against State Planning Policy 4.1 and conditions were included in

the approval to ensure that the development of the site remains consistent with the State Planning Policy.

#### Draft Exmouth Boat Harbour Detailed Design Guidelines

Draft detailed design guidelines have been prepared 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 included in draft *Town Planning Scheme No. 4* which Council is currently in the process of adopting. The proposal is consistent with the site and development provisions the draft *Exmouth Boat Harbour Detailed Design Guidelines*.

#### Department of Transport Support

The original development approval for 'Industrial Marine Development' contained the following condition:

- 20. All canal revetment walls along the canal frontage being kept in a structurally sound condition and not being altered, extended or removed without the prior written approval of the Council and the Department of Transport;**

As outlined in the Background section of this report the comments provided by DoT in regard to the initial proposal objected to the proposal. The Applicant amended the proposal to address some of the concerns. Resultantly, DoT provided comments on the amended proposal with no mention of being in objection to the proposal. The comments did outline some requirements that the development would be subject to and that boat lifting within the inner harbour may be restricted at times to depth limitations. However, it is considered the applicants responsibly to work through the logistics of their business operation based on the maximum vessel length permitted by DoT within the canal.

Therefore, it is recommended that Council approve the application subject to the conditions and advice notes recommended in the Consultation section below. All other planning considerations have been addressed through conditions of approval for the original Industrial Marine Development approval.

#### **CONSULTATION**

Given that the proposal involves removing part of the canal wall it was referred to the Department of Transport for comment. The following comments were provided:

Submission	Comments	Officer Comment
Department of Transport	<p>Please find below comments from our Maritime Planning Branch compiled following a review of the amended DA. Please note a number of these comments have previously been provided in the initial correspondence to the Shire in relation to the original DA (refer Attachment 6).</p> <ul style="list-style-type: none"> <li>• There is depth limiting considerations for large vessels in the inner harbour.</li> <li>• The outer harbour with deeper water is better placed for lifting large vessels and DoT are currently in lease negotiations for development of a boat lifting facility at the lease site adjacent to the current trawler pens and service wharf.</li> <li>• If the timeframes for the development of the outer harbour facility are not met, DoT will go back out to the market and Base Marine and other interested parties will be eligible to express an interest.</li> <li>• The Shire will need to ensure all wastes are contained on site and no discharge is allowed into the waterway. Appropriate environmental approvals will be required.</li> </ul> <p>• The structure will require a jetty license from DoT prior to construction beginning. A complete set of drawings will be required of the proposal certified by an experienced qualified engineer. These drawings will detail the revetment works/canal wall and runway structure.</p> <ul style="list-style-type: none"> <li>• When the inner harbour is nearing full development a special waterways management plan may be required when lifting of larger vessels is undertaken.</li> </ul> <p>As previously noted, the inner harbour has depth limitations and as such large vessels will only be able to use the proposed facility at favourable times. This advice has been provided to the proponent.</p>	<p>Noted.</p> <p>Noted. An advice note is recommended.</p> <p>Noted. An advice note is recommended. This does not form a planning consideration for development within the subject property.</p> <p>Noted. This does not form a planning consideration for development within the subject property.</p> <p>Noted. A condition of approval is recommended to ensure this requirement. An advice note outlining the requirement for any environmental approvals to be obtained from the appropriate environmental state authorities is recommended. The applicant has outlined that they will be undertaking an environmental impact assessment of the proposal which is required under their environmental management systems.</p> <p>Noted. A condition of approval is recommended with the provision of the subject approval being required with the Building Permit application.</p> <p>Noted. An advice note is recommended advising of this potential requirement.</p> <p>Noted. It is up to the applicant to work through the logistics of their business operations as long as the vessels entering the canals comply with the maximum vessel size permitted by the DoT.</p>

The proposal was also referred to the Shire's Building Surveyor and Environmental Health Officer. A Building Permit is required for the proposed works which may include slope stability and geotechnical assessment. As wastewater from the wash down facility is proposed to be connected to the water mains approval from Water Corporation is required instead of the Shire. Additional advice notes have been included in the officer's recommendation.

## **STATUTORY ENVIRONMENT**

Planning and Development Act 2005

Planning and Development (Local Planning Scheme) Regulations 2015

Town Planning Scheme No. 3

## **POLICY IMPLICATIONS**

State Planning Policy 4.1 State Industrial Buffer

## **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   | <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>   |
| Environment:      | 2   | <u>To have a balanced respect for our environment and heritage, both natural and built.</u>  |
|                   | 2.2 | <i>Our pristine natural environment and biodiversity will be understood, maintained and protected.</i>   |
|                   | 2.4 | <i>To be a leader in eco-friendly initiatives and innovations.</i>   |
|                   | 2.5 | <i>To make Exmouth an attractive town that is a comfortable and welcoming place to live and visit, and reflects the lifestyle values and unique natural environment.</i> |
|                   | 2.6 | <i>Incorporate Climate Change impacts onto current and future planning and policy of Land Developments.</i>  |
| Social:           | 3   | <u>To be a dynamic, passionate and safe community valuing natural and cultural heritage.</u>   |
|                   | 3.3 | <i>An inclusive, responsible and cohesive community.</i>   |
|                   | 3.4 | <i>A community that is well informed and educated about our natural, cultural and built environment.</i>   |
| Civic Leadership: | 4   | <u>To work together as custodians of now and the future.</u>   |
|                   | 4.1 | <i>To be a collaborative community with the capacity to manage the current and future direction of Exmouth.</i>  |
|                   | 4.2 | <i>A local government that is respected, professional, trustworthy and accountable.</i>  |
|                   | 4.3 | <i>To be strong advocates representing the region's interests.</i>   |

## **VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION****ITEM 16.3**

That Council grants development approval for a proposed 'Boat Lift' at Lot 1481 Neale Cove, Exmouth subject to the following conditions:

1. The development being carried out in accordance with the stamped approved plans (PA07/16), and the Shire of Exmouth Town Planning Scheme No. 3 together with any annotations detailed 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 wastes, wastewater and any other deleterious materials and/or substances shall be maintained on site and shall not be discharged into the canal;
4. The validity of this approval shall cease if construction is not substantially commenced within 24 months of the date of development approval.

Advice

- i. In accordance with the Department of Transport's comments the applicant is advised that there are depth limitations for large vessels within the inner boat harbour. The Outer harbour is better placed for lifting large vessels as deeper water is present. In addition, there may be maximum vessel size restrictions within the Exmouth Boat harbour. Please contact the Department of Transport if further information is required.
- ii. In regard to condition 2 above the Department of Transport has specified that a complete set of drawings will be required of the proposal certified by an experienced qualified engineer. These drawings will detail the revetment works/canal wall and runway structure. Further information can be obtained by contacting the Department of Transport.
- iii. The applicant is advised to contact Water Corporation prior to any development, regarding any approval requirement for connection to the local reticulated water mains.
- iv. 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.
- v. This approval is not an authorisation to commence construction. Prior to any construction, a Building Permit approval from the Shire must be obtained.
- vi. The approval granted is not to be construed as approval granted under the Building Act 2011, Building Regulations 2012 or any other relevant statutory approval.
- vii. Any additional development or substantial variation from the stamped approved plans, will require separate development approval from the Shire.
- viii. The noise generated by any activities on-site shall not exceed the levels as set out under the *Environmental Protection (Noise) Regulations 1997*.

- ix. This approval is not an authority to ignore any constraint or additional requirement to development on the land, which may exist through contract or on title, such as an easement, encumbrance, restrictive covenant or any other limitation. It is the responsibility of the applicant and not the Shire to investigate any such constraints before commencing development.
- x. An applicant aggrieved by a decision of the Shire in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with the rules and regulations made pursuant to the Planning and Development Act 2005 (as amended). Any such appeal must be lodged within 28 days of the date of this decision.

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**COUNCIL RESOLUTION****ITEM 16.3**

**Res No: 12-0316**

**MOVED: Cr Coote**

**SECONDED: Cr Todd**

**That Council grants development approval for a proposed 'Boat Lift' at Lot 1481 Neale Cove, Exmouth subject to the following conditions:**

- 1. The development being carried out in accordance with the stamped approved plans (PA07/16), and the Shire of Exmouth Town Planning Scheme No. 3 together with any annotations detailed 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 wastes, wastewater and any other deleterious materials and/or substances shall be maintained on site and shall not be discharged into the canal;**
- 4. The validity of this approval shall cease if construction is not substantially commenced within 24 months of the date of development approval.**

**Advice**

- i. In accordance with the Department of Transport's comments the applicant is advised that there are depth limitations for large vessels within the inner boat harbour. The Outer harbour is better placed for lifting large vessels as deeper water is present. In addition, there may be maximum vessel size restrictions within the Exmouth Boat harbour. Please contact the Department of Transport if further information is required.**
- ii. In regard to condition 2 above the Department of Transport has specified that a complete set of drawings will be required of the proposal certified by an experienced qualified engineer. These drawings will detail the revetment works/canal wall and runway structure. Further information can be obtained by contacting the Department of Transport.**
- iii. The applicant is advised to contact Water Corporation prior to any development, regarding any approval requirement for connection to the local reticulated water mains.**



- iv. 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.**
- v. This approval is not an authorisation to commence construction. Prior to any construction, a Building Permit approval from the Shire must be obtained.**
- vi. The approval granted is not to be construed as approval granted under the Building Act 2011, Building Regulations 2012 or any other relevant statutory approval.**
- vii. Any additional development or substantial variation from the stamped approved plans, will require separate development approval from the Shire.**
- viii. The noise generated by any activities on-site shall not exceed the levels as set out under the *Environmental Protection (Noise) Regulations 1997*.**
- ix. This approval is not an authority to ignore any constraint or additional requirement to development on the land, which may exist through contract or on title, such as an easement, encumbrance, restrictive covenant or any other limitation. It is the responsibility of the applicant and not the Shire to investigate any such constraints before commencing development.**
- x. An applicant aggrieved by a decision of the Shire in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with the rules and regulations made pursuant to the Planning and Development Act 2005 (as amended). Any such appeal must be lodged within 28 days of the date of this decision.**

**CARRIED 6/0**

## 16.4 PROPOSED JETTY – LOT 336 (14) KESTREL PLACE, EXMOUTH

File Reference:	PA19/16 (A1450)
Responsible Officer:	Executive Manager Town Planning Services
Date of Report:	24 February 2016
Applicant/Proponent:	Northwest Construction and Electrical
Disclosure of Interest:	Nil
Attachment(s):	1. Plans of Proposed Development

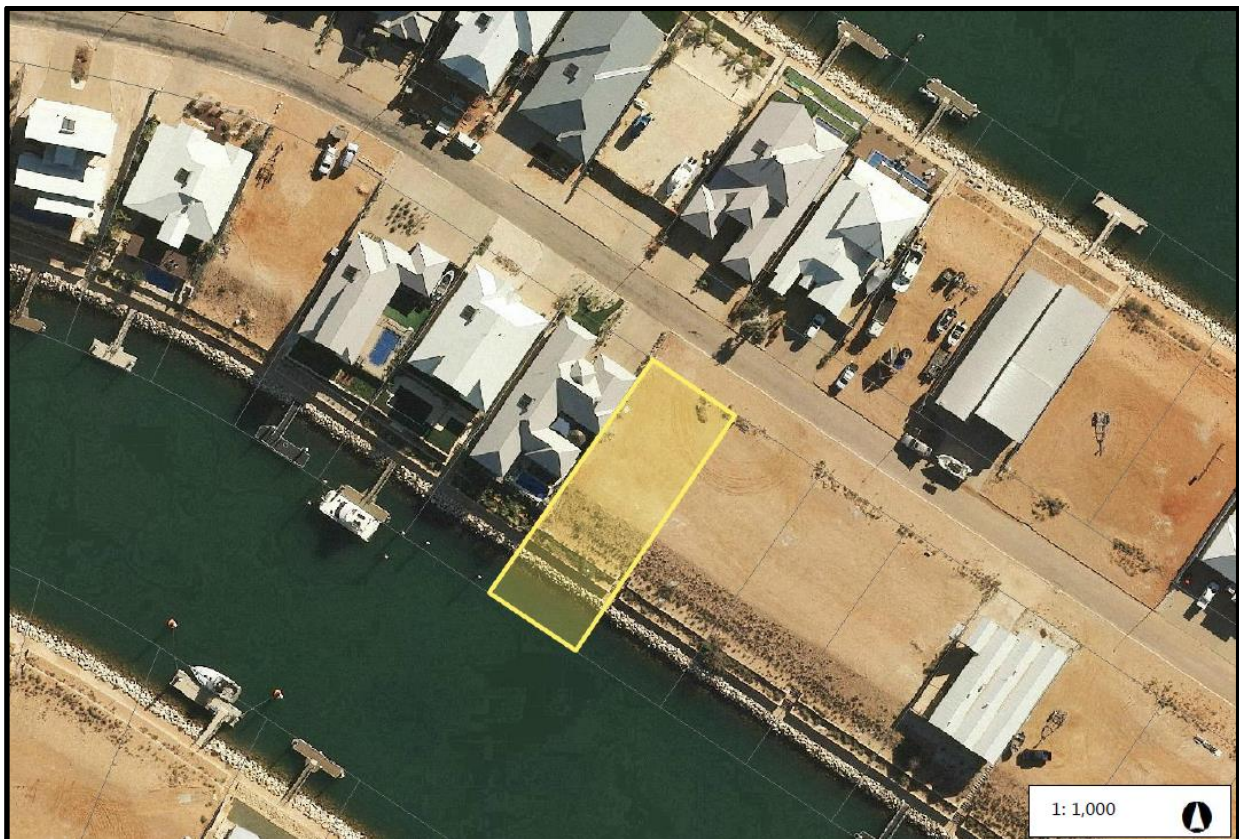
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### PURPOSE

Council grant conditional development approval for a jetty and mooring posts upon Lot 336 (14) Kestrel Place, prior to development of a dwelling (refer Attachment 1).

### BACKGROUND

The applicant is seeking development approval for the construction a jetty and mooring posts prior to the construction of a dwelling, which varies Local Policy 6.16: Design Guidelines for Exmouth Marina Village Precinct A. The Department of Transport (DoT) gave Council powers to approve "broad development approval" for jetty applications. The term 'broad approval' is used, on the basis that no plans that are submitted (other than general location / site plans) will be endorsed, with the technical details regarding design and engineering of proposed jetties being assessed by DoT at Jetty licence application stage.



Lot 336 (14) Kestrel Place, Exmouth

## COMMENT

The proposal has been assessed against Town Planning Scheme No. 3 and Local Policy 6.16: Design Guidelines for Exmouth Marina Village Precinct A. The jetty structure protrudes 7 metres into the canal from the edge of paving and 5.75 metres from the canal setout line. The jetty is proposed in the middle of the designated jetty envelope and includes two (2) mooring posts within the lot.

### Town Planning Scheme No.3 (Scheme)

The lot is zoned Marina in the Scheme. The application generally complies with the objectives of the Marina zone.

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

In accordance with Policy 6.16, a jetty within the Marina zone is classified as an 'IP' use meaning the use is not permitted unless such use is incidental to the predominant residential use as approved by Council. The Policy is intended to limit a jetty to be ancillary to a dwelling, encouraging infill residential development to prevent vacant land within the Marina. Council has previously approved applications for jetties and mooring posts to be constructed prior to a dwelling. Officer recommends conditional approval for a variation to Policy 6.16, as the proposal encourages the development of a dwelling in the future, provides increased investment in the marina and provides for the parking of a large vessel in the canal waterway.

### Height of Mooring Posts

The applicant has not provided details regarding the cut off level (top of) mooring posts. An additional condition has been included to ensure consistent heights of the mooring posts to those already existing for visual amenity purposes.

Considering the above officer recommends that Council grant conditional approval.

## CONSULTATION

Nil

## STATUTORY ENVIRONMENT

Town Planning Scheme No.3

Planning and Development Act 2005

Planning and Development (Local Planning Scheme) Regulations 2015

Exmouth Marina Village Local Law

## POLICY IMPLICATIONS

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

## FINANCIAL IMPLICATIONS

Nil

## STRATEGIC IMPLICATIONS

This item is relevant to the Councils 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.*

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

## VOTING REQUIREMENTS

Simple Majority

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### OFFICER'S RECOMMENDATION

### ITEM 16.4

That Council grant development approval for a Jetty and Mooring Posts upon Lot 336 (14) Kestrel Place, Exmouth subject to the following conditions:-

1. The development being carried out in accordance with the stamped approved plans (PA19/16), and the Shire of Exmouth Town Planning Scheme Number 3 together with any annotations detailed thereon by the Shire;
2. The jetty design shall be approved by the Department of Transport (DoT), prior to submission of an application for a building permit with the Shire. A copy of this approval shall be submitted with an application for a Building Permit;
3. Prior to the mooring of a vessel a jetty license from the Department of Transport shall be obtained;
4. The maximum number of vessels that can be moored at any time is one (1);
5. The Jetty and Mooring Posts shall be wholly constructed within the lot boundaries being 11.85 metres from the canal side of the lower retaining wall;
6. No boat is permitted to be moored in a manner that allows any part of the boat to extend outside the approved mooring envelope, being 16.85 metres from the canal side of the lower retaining wall;
7. The applicant shall obtain a permit from the Shire for a barge vessel to enter Local Government Property, to carry out construction works in the public waterway;
8. The top of Mooring Post cut off level shall not exceed 4.5 metres AHD; and
9. The validity of this approval shall cease if construction is not substantially commenced within 24 months of the date of development approval.

#### Advice

- i. This approval is not an authorisation to commence construction. Prior to any construction, a building permit approval from the Shire must be obtained.

- ii. The approval granted is not to be construed as approval granted under the Building Act 2011, Building Regulations 2012 or any other relevant statutory approval.
- iii. The applicant/owner is advised of the requirements of the Exmouth Marina Village Canal Boat Mooring Management Plan and Standard Operating Procedures.
- iv. The applicant/owner is advised of the requirements of the Exmouth Marina Village Local Law.
- v. Mooring piles and associated envelope areas not being roofed or having structures built on, around, adjacent to, or within the approved jetty area.
- vi. Any additional development or substantial variation from the stamped approved plans, will require separate development approval from the Shire.
- vii. This approval is not an authority to ignore any constraint or additional requirement to development on the land, which may exist through contract or on title, such as an easement, encumbrance, restrictive covenant or any other limitation. It is the responsibility of the applicant and not the Shire to investigate any such constraints before commencing development.
- viii. An applicant aggrieved by a decision of the Shire in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with the rules and regulations made pursuant to the Planning and Development Act 2005 (as amended). Any such appeal must be lodged within 28 days of the date of this decision.

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**COUNCIL RESOLUTION****ITEM 16.4**

**Res No: 13-0316**

**MOVED: Cr Hood**

**SECONDED: Cr Todd**

**That Council grant development approval for a Jetty and Mooring Posts upon Lot 336 (14) Kestrel Place, Exmouth subject to the following conditions:-**

- 1. The development being carried out in accordance with the stamped approved plans (PA19/16), and the Shire of Exmouth Town Planning Scheme Number 3 together with any annotations detailed thereon by the Shire;**
- 2. The jetty design shall be approved by the Department of Transport (DoT), prior to submission of an application for a building permit with the Shire. A copy of this approval shall be submitted with an application for a Building Permit;**
- 3. Prior to the mooring of a vessel a jetty license from the Department of Transport shall be obtained;**
- 4. The maximum number of vessels that can be moored at any time is one (1);**
- 5. The Jetty and Mooring Posts shall be wholly constructed within the lot boundaries being 11.85 metres from the canal side of the lower retaining wall;**

6. **No boat is permitted to be moored in a manner that allows any part of the boat to extend outside the approved mooring envelope, being 16.85 metres from the canal side of the lower retaining wall;**
7. **The applicant shall obtain a permit from the Shire for a barge vessel to enter Local Government Property, to carry out construction works in the public waterway;**
8. **The top of Mooring Post cut off level shall not exceed 4.5 metres AHD; and**
9. **The validity of this approval shall cease if construction is not substantially commenced within 24 months of the date of development approval.**

#### **Advice**

- i. **This approval is not an authorisation to commence construction. Prior to any construction, a building permit approval from the Shire must be obtained.**
- ii. **The approval granted is not to be construed as approval granted under the Building Act 2011, Building Regulations 2012 or any other relevant statutory approval.**
- iii. **The applicant/owner is advised of the requirements of the Exmouth Marina Village Canal Boat Mooring Management Plan and Standard Operating Procedures.**
- iv. **The applicant/owner is advised of the requirements of the Exmouth Marina Village Local Law.**
- v. **Mooring piles and associated envelope areas not being roofed or having structures built on, around, adjacent to, or within the approved jetty area.**
- vi. **Any additional development or substantial variation from the stamped approved plans, will require separate development approval from the Shire.**
- vii. **This approval is not an authority to ignore any constraint or additional requirement to development on the land, which may exist through contract or on title, such as an easement, encumbrance, restrictive covenant or any other limitation. It is the responsibility of the applicant and not the Shire to investigate any such constraints before commencing development.**
- viii. **An applicant aggrieved by a decision of the Shire in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with the rules and regulations made pursuant to the Planning and Development Act 2005 (as amended). Any such appeal must be lodged within 28 days of the date of this decision.**

**CARRIED 6/0**

## 16.5 PROPOSED JETTY – LOT 328 (1) GNULLI COURT, EXMOUTH

File Reference:	PA18/16 (A1442)
Responsible Officer:	Executive Manager Town Planning Services
Date of Report:	24 February 2016
Applicant/Proponent:	Northwest Construction and Electrical
Disclosure of Interest:	Nil
Attachment(s):	1. Plans of Proposed Development

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### PURPOSE

Council grant conditional development approval for a jetty and mooring posts upon Lot 328 (1) Gnulli Court, prior to development of a dwelling (refer Attachment 1).

### BACKGROUND

The applicant is seeking development approval for the construction a jetty and mooring posts prior to the construction of a dwelling, which varies Local Policy 6.16: Design Guidelines for Exmouth Marina Village Precinct A. The Department of Transport (DoT) gave Council powers to approve "broad development approval" for jetty applications. The term 'broad approval' is used, on the basis that no plans that are submitted (other than general location / site plans) will be endorsed, with the technical details regarding design and engineering of proposed jetties being assessed by DoT at Jetty license application stage.



Lot 328 (1) Gnulli Court, Exmouth

## COMMENT

The proposal has been assessed against Town Planning Scheme No. 3 and Local Policy 6.16: Design Guidelines for Exmouth Marina Village Precinct A. The jetty structure protrudes 7 metres into the canal from the edge of paving and 5.75 metres from the canal setout line. The jetty is proposed in the middle of the designated jetty envelope and includes two (2) mooring posts within the lot.

### Town Planning Scheme No.3 (Scheme)

The lot is zoned Marina in the Scheme. The application generally complies with the objectives of the Marina zone.

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

In accordance with Policy 6.16, a jetty within the Marina zone is classified as an 'IP' use meaning the use is not permitted unless such use is incidental to the predominant residential use as approved by Council. The Policy is intended to limit a jetty to be ancillary to a dwelling, encouraging infill residential development to prevent vacant land within the Marina. Council has previously approved applications for jetties and mooring posts to be constructed prior to a dwelling. Officer recommends conditional approval for a variation to Policy 6.16, as the proposal encourages the development of a dwelling in the future, provides increased investment in the marina and provides for the parking of a large vessel in the canal waterway.

### Height of Mooring Posts

The applicant has not provided details regarding the cut off level (top of) mooring posts. An additional condition has been included to ensure consistent heights of the mooring posts to those already existing for visual amenity purposes.

Considering the above officer recommends that Council grant conditional approval.

## CONSULTATION

Nil

## STATUTORY ENVIRONMENT

Town Planning Scheme No.3

Planning and Development Act 2005

Planning and Development (Local Planning Scheme) Regulations 2015

Exmouth Marina Village Local Law

## POLICY IMPLICATIONS

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

## FINANCIAL IMPLICATIONS

Nil

## STRATEGIC IMPLICATIONS

This item is relevant to the Councils 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.*



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

## VOTING REQUIREMENTS

Simple Majority

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### OFFICER'S RECOMMENDATION

### ITEM 16.5

That Council grant development approval for a Jetty and Mooring Posts upon Lot 328 (1) Gnulli Court, Exmouth subject to the following conditions:-

1. The development being carried out in accordance with the stamped approved plans (PA18/16), and the Shire of Exmouth Town Planning Scheme Number 3 together with any annotations detailed thereon by the Shire;
2. The jetty design shall be approved by the Department of Transport (DoT), prior to submission of an application for a building permit with the Shire. A copy of this approval shall be submitted with an application for a Building Permit;
3. Prior to the mooring of a vessel a jetty license from the Department of Transport shall be obtained;
4. The maximum number of vessels that can be moored at any time is one (1);
5. The Jetty and Mooring Posts shall be wholly constructed within the lot boundaries being 12.35 metres from the canal side of the lower retaining wall;
6. No boat is permitted to be moored in a manner that allows any part of the boat to extend outside the approved mooring envelope, being 17.35 metres from the canal side of the lower retaining wall;
7. The applicant shall obtain a permit from the Shire for a barge vessel to enter Local Government Property, to carry out construction works in the public waterway;
8. The top of Mooring Post cut off level shall not exceed 4.5 metres AHD; and
9. The validity of this approval shall cease if construction is not substantially commenced within 24 months of the date of development approval.

Advice

- i. This approval is not an authorisation to commence construction. Prior to any construction, a building permit approval from the Shire must be obtained.
- ii. The approval granted is not to be construed as approval granted under the Building Act 2011, Building Regulations 2012 or any other relevant statutory approval.
- iii. The applicant/owner is advised of the requirements of the Exmouth Marina Village Canal Boat Mooring Management Plan and Standard Operating Procedures.
- iv. The applicant/owner is advised of the requirements of the Exmouth Marina Village Local Law.
- v. Mooring piles and associated envelope areas not being roofed or having structures built on, around, adjacent to, or within the approved jetty area.
- vi. This lot is within a designated Bushfire Prone Area as determined by the Department of Fire and Emergency Services. Additional building requirements may apply following the transition period which ends 8 April 2016.
- 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. An applicant aggrieved by a decision of the Shire in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with the rules and regulations made pursuant to the Planning and Development Act 2005 (as amended). Any such appeal must be lodged within 28 days of the date of this decision.

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**COUNCIL RESOLUTION****ITEM 16.5**

**Res No: 14-0316**

**MOVED: Cr Todd**

**SECONDED: Cr Hood**

**That Council grant development approval for a Jetty and Mooring Posts upon Lot 328 (1) Gnulli Court, Exmouth subject to the following conditions:-**

- 1. The development being carried out in accordance with the stamped approved plans (PA18/16), and the Shire of Exmouth Town Planning Scheme Number 3 together with any annotations detailed thereon by the Shire;**

2. **The jetty design shall be approved by the Department of Transport (DoT), prior to submission of an application for a building permit with the Shire. A copy of this approval shall be submitted with an application for a Building Permit;**
3. **Prior to the mooring of a vessel a jetty license from the Department of Transport shall be obtained;**
4. **The maximum number of vessels that can be moored at any time is one (1);**
5. **The Jetty and Mooring Posts shall be wholly constructed within the lot boundaries being 12.35 metres from the canal side of the lower retaining wall;**
6. **No boat is permitted to be moored in a manner that allows any part of the boat to extend outside the approved mooring envelope, being 17.35 metres from the canal side of the lower retaining wall;**
7. **The applicant shall obtain a permit from the Shire for a barge vessel to enter Local Government Property, to carry out construction works in the public waterway;**
8. **The top of Mooring Post cut off level shall not exceed 4.5 metres AHD; and**
9. **The validity of this approval shall cease if construction is not substantially commenced within 24 months of the date of development approval.**

#### **Advice**

- i. **This approval is not an authorisation to commence construction. Prior to any construction, a building permit approval from the Shire must be obtained.**
- ii. **The approval granted is not to be construed as approval granted under the Building Act 2011, Building Regulations 2012 or any other relevant statutory approval.**
- iii. **The applicant/owner is advised of the requirements of the Exmouth Marina Village Canal Boat Mooring Management Plan and Standard Operating Procedures.**
- iv. **The applicant/owner is advised of the requirements of the Exmouth Marina Village Local Law.**
- v. **Mooring piles and associated envelope areas not being roofed or having structures built on, around, adjacent to, or within the approved jetty area.**
- vi. **This lot is within a designated Bushfire Prone Area as determined by the Department of Fire and Emergency Services. Additional building requirements may apply following the transition period which ends 8 April 2016.**
- 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. An applicant aggrieved by a decision of the Shire in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with the rules and regulations made pursuant to the Planning and Development Act 2005 (as amended). Any such appeal must be lodged within 28 days of the date of this decision.**

**CARRIED 6/0**

Councillor McHutchison declared an Impartiality Interest in Report 16.6.

## **16.6 ACTIVITY ON LOCAL GOVERNMENT ON LOCAL GOVERNMENT PROPERTY – KITE SURFING AND STAND UP PADDLE BOARD**

File Reference:	LP.PE.0; PA90/14
Responsible Officer:	Executive Manager Town Planning Services
Date of Report:	22 March 2016
Applicant/Proponent:	Exmouth Kite Centre
Disclosure of Interest:	Nil
Attachment(s):	1. Proposed Second Location 2. Proposal Letter 3. Recommended Second Location

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### **PURPOSE**

Council resolve to amend the approved permanent location of an annual Activity on Local Government Property Permit for Kite Surfing and Stand Up Paddle Boarding Lessons.

### **BACKGROUND**

Council determined the original application for the subject Permit at the Ordinary Meeting of Council held on the 15 May 2014 as the applicant was proposing to operate on Local Government property for a period of longer than two weeks.

The location approved by Council for permanent operation was North of Town Beach not less than 100m North of Warne Street beach access. The applicant has approached Council to amend the approval by adding an addition location being South of the Yacht Club (refer Attachment 1). The reasons outlined for the requested amendment is mainly due to the current location being unsuitable when the tide is low as rocks are exposed (refer Attachment 2).

### **COMMENT**

The proposal has been assessed against and is considered consistent with the *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law* and *Local Government Property Local Law*. When first approved the proposal was considered to be highly desired to attract visitors to Town Beach. The proposed second location improves this attraction further. The other main consideration was proximity to permanent similar land uses. There are no existing permanent land uses conducting the same activity within 300m of the proposed area which is consistent with the local Laws.

Previously the intention was to close the beach south of the Exmouth Yacht Club to the Marina from all private vehicle access given it is used for recreational swimmers such as young families. Therefore, Council initially determined to restrict operation of the activity to 100m north of the Warne Street beach access on both land and water. However, now a smaller area as indicated in Attachment 3 has been barricaded to prevent vehicle access for this purpose. Resultantly, restricting vehicle access south of the Yacht Club is no longer a consideration.

The Department of Transport has also advised that they do not support the operation of the activity on any land/waters vested to them.

Therefore, it is recommended that Council amend the annual approval of the kitesurfing and stand up paddle boarding activity by allowing it to operate in the additional area outlined by Attachment 3.

It is also recommended that a condition is included prohibiting the applicants customer parking in the Exmouth Boat Harbour/Marina area to prevent the safety issue of customers traversing the marina rock walls.

## CONSULTATION

Initially the proposed second location was located within a number of Crown Reserves vested to the Department of Transport. Therefore, the proposal was referred to the Department of Transport. The Department objected to the proposal and provided the following comments:

Submission	Comments	Officer Comment
Department of Transport	<p>The Department of Transport (DoT) does not support the suggested amended location due to a number of factors-</p> <ul style="list-style-type: none"> <li>• DoT already has a Deed of Agreement in place for use of the reserve indicated, with the resort.</li> <li>• DoT does not support the proponent using the carpark in the marina for their customers as they would have to traverse our marina groynes to access the area which is considered a safety issue. DoT suggests customers use the existing beach carpark.</li> <li>• The water area adjacent to the resort is utilised for swimming and other passive recreational pursuits.</li> <li>• DoT would not support the suggested nominated kite surfing activity within its harbour reserve/vesting, as indicated on the attached PDF (refer Attachment 5).</li> </ul>	<p>Noted. It is recommended that Council does not support the operation of the activity within any land/waters vested to the Department of Transport. It is recommended that Council approve the location immediately North of this land.</p> <p>It is recommended that customers are prohibited from parking in the marina to access the activity to prevent any safety issues.</p>

## STATUTORY ENVIRONMENT

Local Government Act 1995

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

Local Government Property Local Law

## POLICY IMPLICATIONS

Nil.

## FINANCIAL IMPLICATIONS

Nil.

## STRATEGIC IMPLICATIONS

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

- Economic:           1    To be a diverse and innovative economy with a range of local employment opportunities.
- 1.1    *To increase the number of local businesses, industries and services that will provide a range of employment opportunities for the people of Exmouth.*
- 1.2    *Planned and balanced economic growth.*
- 1.3    *Diverse tourism opportunities.*
- Environment:       2    To have a balanced respect for our environment and heritage, both natural and built.
- 2.1    *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.*
- 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.
- 3.1    *Retain a safe community environment.*
- 3.2    *Excellent lifestyle, recreational and cultural facilities.*
- 3.7    *Residents and visitors have access to appropriate services and facilities to enhance their health and wellbeing.*
- 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.*
- 4.3    *To be strong advocates representing the region's interests.*

## VOTING REQUIREMENTS

Simple Majority

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## OFFICER'S RECOMMENDATION

## ITEM 16.6

That Council resolve to amend the annual approval for Activity on Local Government Property for Kite Surfing and Stand Up Paddle Boarding Lessons at Town Beach subject to the following conditions:

1. The previous standard Activity on Local Government Property permit conditions applied to the activity;
2. Operation occurring only within the area outlined in Attachment 3 or not less than 100m North of Warne Street beach access for both water and land based activity;
3. The Activity shall not occur within land or waters vested to the Department of Transport or the swimming beach area and closed waters outlined in Attachment 3;
4. Parking to access the Activity is prohibited with the Exmouth Boat Harbour/Marina area; and
5. Delegate Authority to the Executive Manager Town Planning to issue the approved Permit.

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**COUNCIL RESOLUTION****ITEM 16.6****Res No: 15-0316****MOVED: Cr Hood****SECONDED: Cr Coote**

**That Council resolve to amend the annual approval for Activity on Local Government Property for Kite Surfing and Stand Up Paddle Boarding Lessons at Town Beach subject to the following conditions:**

- 1. The previous standard Activity on Local Government Property permit conditions applied to the activity;**
- 2. Operation occurring only within the area outlined in Attachment 3 or not less than 100m North of Warne Street beach access for both water and land based activity;**
- 3. The Activity shall not occur within land or waters vested to the Department of Transport or the swimming beach area and closed waters outlined in Attachment 3;**
- 4. Parking to access the Activity is prohibited with the Exmouth Boat Harbour/Marina area; and**
- 5. Delegate Authority to the Executive Manager Town Planning to issue the approved Permit.**

**CARRIED 4/2**

Cr McHutchison and Cr Todd voted against.



Councillor Coote declared an In Direct Financial Interest in Report 16.7 and departed the Chambers at 5.30pm.

## **16.7 PROPOSED OVERSIZED OUTBUILDING – LOT 9 CATALINA CLOSE, EXMOUTH**

File Reference:	PA27/16
Responsible Officer:	Executive Manager Town Planning Services
Date of Report:	22 March 2016
Applicant/Proponent:	Shane & Katja Littlefair
Disclosure of Interest:	Nil
Attachment(s):	1. Outbuilding elevations 2. Site Plan 3. Applicants Justification

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### **PURPOSE**

Council refuse to grant development approval for a proposed 'Oversize Outbuilding' at Lot 9 Catalina Close Exmouth.

### **BACKGROUND**

The applicants are seeking to develop an Outbuilding which is 'oversized' as determined by Council's *Policy No. 6.6 – Outbuildings*. The Policy requires Council to determine applications for Oversized Outbuildings. The proposal is for a 15m long by 15m wide enclosed Outbuilding being 225m<sup>2</sup> in area. The proposed wall height is 5.8m high with a 6.4m ridge height. A 5m by 15m balcony with a lean to roof is proposed along the Eastern side of the Outbuilding. The finished floor level of the balcony is 2.7m high. The balcony connects to an internal mezzanine floor at the same height. Refer to Attachment 1 for elevations of the proposal. The outbuildings is proposed to be setback 15m from the rear property and Western side property boundaries (refer Attachment 2).

The applicant has outlined that the purpose of the Outbuilding is for the storage of large personal items such as vehicles and also items associated with their business which such as vehicles and a forklift and protect those items from cyclonic events (refer Attachment 3). The purpose of the mezzanine floor is also to keep items away from the ground in the event of flooding flood events. The outbuilding is proposed prior to the shed however the intention is to develop a Dwelling later.

The running of a business from the premises is required to be consistent with a 'Home Occupation' which requires a separate development application. Therefore, it is not a consideration of this application.

The subject property is located within the new subdivision undertaken by Council which was previously Lot 300 Heron Way, Exmouth. Subdivision approval has been granted and cleared by the Western Australian Planning Commission. Currently Landgate and the Department of Lands are processing the release of the Certificates of Title. The intention is to process applications for interest buyers who have signed an offer and acceptance to purchase a property so that they are ready to develop as soon as the titles are ready to be released.

## COMMENT

### Shire of Exmouth Town Planning Scheme No. 3

The proposal has been assessed against *Town Planning Scheme No. 3* (Scheme). The land is zoned 'Special Rural'. The objectives of the zone are as follows:

#### 5.9 SPECIAL RURAL ZONES

##### 5.9.1 Objectives

- (a) to allow for subdivision to provide for such uses as hobby farms, horse breeding, rural-residential retreats.
- (b) to make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas.
- (c) having regard for the size of the district, the fragile nature of the environment in many places, and the difficulties faced by the Council in providing services away from the town of Exmouth, the Council will generally favour Special Rural zones be located close to the town of Exmouth and then only where the environmental impacts are manageable.

The proposal is not considered consistent with the objectives of the zone as the substantial size of the Outbuilding gives it the appearance and impact of an industrial scale shed. This is not consistent with the uses outlined under objective 5.9.1(a) particularly for the long term intention of developing a rural-residential retreat as the proposal significantly exceeds what would be considered a residential Outbuilding. In addition, the proposal does not provide for the retention of the rural landscape and is not in orderly and proper planning as it does not comply with Council's Policy in regard to the matter which is discussed below.

Furthermore, the proposal is not consistent with clause 5.9.5(b) as the building size, height, bulk and roof pitch do not minimise the visual impact of the development within the Special Rural Zone. Clause 5.9.5(b) is as follows:

##### 5.9.5 Development Standards

So as to achieve a high standard of development within a Special Rural zone, and to minimise the visual impacts of development the Council will have regard to the following:

- (b) building size, height, bulk, roof pitch;

The proposal is consistent with all other siting and development requirements outlined by the Scheme which primarily consider the siting of such development.

### Policy No. 6.6 - Outbuildings

The proposal does not comply with a number of provisions outlined by Council's *Policy No. 6.6 – Outbuildings*. Council adopted the Outbuildings Policy to guide development within the Residential zone and the rural living zones such as the subject Special Rural zone. The objectives of the Policy are as follows:

- To assist and guide proponents and the Council in relation to the provision of 'outbuildings' on land within the scheme area; and
- To ensure the provision of appropriately sized and scaled ancillary 'outbuildings', where so permitted.

The Policy prescribes maximum height and area requirements for outbuildings to ensure that they remain residential in nature in keeping with the objective of the Special rural zone. In addition, requirements are outlined to ensure outbuildings are developed in conjunction with dwellings so that the area does not take on the appearance of an industrial area dominated by sheds.

The following aspects of the proposal do not comply with the policy:

- The maximum prescribed 150m<sup>2</sup> area prescribed by the Policy is varied significantly to 225m<sup>2</sup>.
- The maximum prescribed wall height of 3.8m is significantly varied to 5.8m.
- The maximum prescribed 4.8m ridge height of is significantly varied to 6.4m
- The Policy outlines that special approval of an outbuilding prior to a dwelling can only be granted where a current building permit for a dwelling at the premises has been issued by the Shire. Currently no building permits have been issued for the premises.
- The Policy outlines that where there is a current building permit for a dwelling a Statutory Declaration is required providing a commitment to construct a residence within 6 months of completion of the outbuilding. No Statutory declaration has been provided.

The Policy outlines that clear justification is required when seeking variations. The applicants have provided justification which is contained in Attachment 3. The justification is not considered sufficient to vary the Policy as the storage of items associated within a business is not a consideration in the development of a residential outbuilding. Furthermore, it is up to the applicant to ensure that they can store their belongings within the maximum sized structures permitted to be developed at the property. Any addition items can be stored off site. Variation to the size of the outbuilding is not consistent with the objective of the Policy which seeks to ensure the provision of appropriately sized and scale ancillary outbuildings where so permitted.

Since the policy has come into effect there has been no variations granted for oversized outbuilding in the area. It is not considered appropriate to vary the Policy in this circumstance when there is other land available to cater for the development of this proposal. An example is the Mowbowra Industrial Estate where composite lots allow the development of a shed to this scale without the requirement for the immediate development of a dwelling. It is recommended that Council refuse to grant development approval for the proposal for the reasons outlined in the Officers recommendation.

## **CONSULTATION**

The Policy requires the proposals for Oversized Outbuildings are referred to surrounding landowners for comment prior to being determined by Council. However, currently the surrounding land is owned by Council through the Lot 300 Heron Way, Exmouth subdivision as the Certificates of Title have not been issued to allow the sale of the land. Therefore, referral to surrounding land owners is not required given Council as the decision making authority is the surrounding land owner and can consider the impact of the proposal.

## **STATUTORY ENVIRONMENT**

Planning and Development Act 2005

Planning and Development (Local Planning Scheme) Regulations 2015

Town Planning Scheme No. 3

## **POLICY IMPLICATIONS**

Policy No. 6.6 - Outbuildings

## 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   | <u>To be a diverse and innovative economy with a range of local employment opportunities.</u>  |
|                   | 1.2 | <i>Planned and balanced economic growth.</i>   |
| Environment:      | 2   | <u>To have a balanced respect for our environment and heritage, both natural and built.</u>  |
|                   | 2.1 | <i>To maintain and improve access and connectivity to our natural assets.</i>  |
|                   | 2.2 | <i>Our pristine natural environment and biodiversity will be understood, maintained and protected.</i>   |
|                   | 2.3 | <i>To have a town and community that takes pride in its world heritage status.</i>   |
|                   | 2.4 | <i>To be a leader in eco-friendly initiatives and innovations.</i>   |
|                   | 2.5 | <i>To make Exmouth an attractive town that is a comfortable and welcoming place to live and visit, and reflects the lifestyle values and unique natural environment.</i> |
|                   | 2.6 | <i>Incorporate Climate Change impacts onto current and future planning and policy of Land Developments.</i>  |
| Social:           | 3   | <u>To be a dynamic, passionate and safe community valuing natural and cultural heritage.</u>   |
|                   | 3.1 | <i>Retain a safe community environment.</i>  |
|                   | 3.3 | <i>An inclusive, responsible and cohesive community.</i>   |
|                   | 3.4 | <i>A community that is well informed and educated about our natural, cultural and built environment.</i>   |
|                   | 3.8 | <i>There is a diverse range of residential land options available.</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

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## OFFICER'S RECOMMENDATION

## ITEM 16.7

That Council refuses to grant Development Approval for the proposed Oversized Outbuilding at Lot 9 Catalina Close, Exmouth for the following reasons:

1. The proposal is not in accordance with the Shire of the Exmouth *Town Planning Scheme No. 3* as follows:
  - a. The proposal is inconsistent with the objectives of the Special Rural Zone;
  - b. The proposal is not consistent with clause 5.9.5(b) as the building size, height, bulk and roof pitch do not minimise the visual impact of the development within the Special Rural Zone;
2. The proposal is not in accordance with Council's *Policy No. 6.6 – Outbuildings* as follows:

- a. The proposal is not consistent with the objective of the Policy in ensuring the provision of appropriately sized and scale ancillary outbuildings where so permitted.
  - b. The proposal significantly exceeds the maximum area and height permitted for outbuildings within the Special Rural zone.
  - c. The applicant has not obtained a current building permit for a dwelling in accordance with the Policy.
  - d. The applicant has not provided a Statutory Declaration which outlines a commitment to construct a residence within 6 months of completion of the outbuilding in accordance with the Policy.
3. Granting approval for the proposal would set an undesirable precedent for the development of oversized outbuildings in the area in the future.

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**COUNCIL RESOLUTION****ITEM 16.7**

**As the recommendation was not moved or seconded the motion lapsed.**

**MOTION LOST**

Councillor Coote re-entered the Chambers at 5.40pm.

## **17    ENGINEERING SERVICES**

Nil

## 18. ITEMS FOR INFORMATION ONLY

Responsible Officer: Chief Executive Officer

Disclosure of Interest: Nil

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### PURPOSE

To advise Council of the information items for March 2016.

### VOTING REQUIREMENTS

Simple Majority.

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### 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 March 2016
- 18.3 Building Decisions Issued up to 29 February 2016
- 18.4 Planning Decisions Issued up to 29 February 2016

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### COUNCIL RESOLUTION

**ITEM 18**

**MOVED: Cr Todd**

**SECONDED: Cr McHutchison**

**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 March 2016**
- **18.3 Building Decisions Issued up to 29 February 2016**
- **18.4 Planning Decisions Issued up to 29 February 2016**

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

Responsible Officer: Chief Executive Officer

Disclosure of Interest: Nil

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### **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
14/03/16	Transfer of Land Lot 300 a Deposited Plan 76150
14/03/16	Notification Under Section 70A- Heron Way Subdivision (x2)
14/03/16	Surrender of Lease Lot 300 on DP 76150
18/03/16	Amendment to Lease Agreement between Shire of Exmouth & Peter Heather Lake- Trading as Lakewood Trust (Lease of Lot 1 at Exmouth Aerodrome) (x2)



**18.2 CONCESSIONS ON FEES FOR COUNCIL FACILITIES FOR MARCH 2016**

File Reference:	CP.US.0
Responsible Officer:	Executive Manager Community Engagement
Date of Report:	22 March 2016
Disclosure of Interest:	Nil

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**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.

NIL

### 18.3 BUILDING DECISIONS ISSUED UP TO 29 FEBRUARY 2016

File Reference: GV.CM.0

Responsible Officer: Executive Manager Health & Building Services

Date of Report: 22 March 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 29 February 2016.

App#	Date Rcd	Lot	Property Address	Description	Decision	Decision
16/12	04/02/16	1112	1 Nimitz Street	Retaining Wall	Approved	19/02/2016
16/13	09/02/16	26	Unit 42 2 Murat Road	Verandah	Approved	02/03/2016
16/14	09/02/16	17	Unit 27 2 Murat Road	Patio	Approved	22/03/2016
16/15	15/02/16	704	1 Cameron Street	Verandah	Approved	19/02/2016
16/16	16/02/16	286	29 Lefroy Street	Fencing	Approved	19/02/2016
16/17	16/02/16	1351	44 Tambor Drive	Boundary Fencing	Approved	19/02/2016
16/18	17/02/16	801	19 King Place	Outbuilding	Approved	02/03/2016
16/19	17/02/16	809	3 King Place	Verandah	Approved	01/03/2016
16/20	22/02/16	41	15 Searaven Crescent	Verandah/Carport	Approved	02/03/2016
16/21	22/02/16	146	10 Hunt Street	Outbuilding Extension	Awaiting information from applicant	
16/22	23/02/16	351	25 Kestrel Place	Jetty, Pontoon and Mooring Piles	Approved	14/03/2016
16/23	26/02/16	410	34 Madaffari Drive	Swimming Pool and Spa	Approved	10/03/2016
16/24	26/02/16	1416	40 Learmonth Street	Demolition	Approved	29/02/2016
16/25	29/02/16	662	9 Stewart Street	Decking	Approved	01/03/2016

## 18.4 PLANNING DECISIONS ISSUED UP TO 29 FEBRUARY 2016

File Reference: LP.PL.0

Responsible Officer: Executive Manager Town Planning

Date of Report: 16 March 2016

Disclosure of Interest: Nil

### PURPOSE

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

App #	Date Rc'd	Lot	Property Address	Description	Decision	Decision
PA02/16	13/01/16	215	17 Carpenter Street	Outbuilding	Awaiting information from applicant	
<b>PA07/16</b>	<b>28/01/16</b>	<b>1481</b>	<b>Lot 1481 Neale Cove</b>	<b>Proposed Boat Lifting Facility</b>	<b>March OCM</b>	
<b>PA09/16</b>	<b>29/01/16</b>	<b>953</b>	<b>7 Welch Street</b>	<b>Change Of Use</b>	<b>Approved</b>	<b>19/02/2016</b>
PA11/16	02/02/16	839	7 Carter Road	Change Of Use	Awaiting information from applicant	
<b>PA12/16</b>	<b>10/02/16</b>	<b>22</b>	<b>30 (Unit 21) Dugong Close</b>	<b>Holiday Accommodation</b>	<b>Approved</b>	<b>17/03/2016</b>
PA13/16	10/02/16	145	15 Dugong Close	Holiday Accommodation	Awaiting information from applicant	
PA14/16	16/02/16		8 Catalina Close	Single Dwelling	Awaiting information from applicant	
PA15/16	24/02/16	196	53 Cobia Close	Single Dwelling Residence	Awaiting information from applicant	
<b>PA16/16</b>	<b>22/02/16</b>	<b>154</b>	<b>37 Hunt Street</b>	<b>Dwelling</b>	<b>Approved</b>	<b>29/02/2016</b>
<b>PA17/16</b>	<b>19/02/16</b>	<b>6</b>	<b>Unit 6 78 Maidstone Crescent</b>	<b>Outbuilding</b>	<b>Approved</b>	<b>23/02/2016</b>
<b>PA18/16</b>	<b>22/02/16</b>	<b>328</b>	<b>1 Gnulli Court</b>	<b>Jetty and Mooring Posts</b>	<b>March OCM</b>	
<b>PA19/16</b>	<b>22/02/16</b>	<b>336</b>	<b>14 Kestrel Place</b>	<b>Jetty and Mooring Posts</b>	<b>March OCM</b>	
PA21/16	26/02/16	1406	Willersdorf Road	Additions to Club Rooms	Awaiting information from applicant	
<b>PA22/16</b>	<b>29/02/16</b>	<b>429</b>	<b>78 Madaffari Drive</b>	<b>Swimming Pool and Decking</b>	<b>Approved</b>	<b>09/03/2016</b>

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

App	Date Received	Description	Date Issued
PA10/16	01/02/2016	World's Greatest Shave - Fundraising	01/02/2016
PA20/16	22/02/2016	Art in the Park	25/02/2016
PA23/16	29/02/2016	Sideshow	02/03/2016

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

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

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

**22. CLOSURE OF MEETING**

The meeting was closed at 5.40pm.

It was noted that a vote was not taken on Item 18. The meeting was reopened at 5.40pm to vote on Item 18.

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**COUNCIL RESOLUTION**

**ITEM 18**

**Res No: 16-0316**

**MOVED: Cr Todd**

**SECONDED: Cr McHutchison**

**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 March 2016**
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- **18.4 Planning Decisions Issued up to 29 February 2016**

**CARRIED 6/0**

The meeting was closed at 5.40pm.