



Ordinary Council Meeting
Agenda
4 July 2017

NOTICE OF MEETING

Notice is hereby given that the

Shire of Exmouth
Ordinary Council Meeting

will be held on

4 July 2017

Commencing at 4.30pm

In the Council Chambers, behind Administration Centre,
22 Maidstone Crescent, Exmouth

Cameron Woods
Chief Executive Officer

4 July 2017

Disclaimer

The advice and information contained herein is given by and to the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to the Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

Please note this agenda contains recommendations which have not yet been adopted by Council.

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DECLARATION OF INTERESTS (NOTES FOR YOUR GUIDANCE) *(updated 13 March 2000)*

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

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

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

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

NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)

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

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

INTERESTS AFFECTING IMPARTIALITY

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

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

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

IMPACT OF AN IMPARTIALITY CLOSURE

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

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

SHIRE OF EXMOUTH DISCLOSURE OF INTEREST

To: Chief Executive Officer

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

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

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

Councillor / Employee Signature _____ Date _____

NB:

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

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

Office Use Only:

Date/Initial

1. Particulars of declaration given to the meeting _____

2. Particulars recorded in the minutes _____

Signed by the Chief Executive Officer _____

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ORDINARY COUNCIL MEETING AGENDA

Our Vision

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

Our Purpose

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

Our Strategic Objectives

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

- 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**
- 2. RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE**
- 3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
- 4. PUBLIC QUESTIONS TIME**

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

Council Consideration Towards Public

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

When a matter is listed on the Agenda and member/s of the public are in attendance to observe the determination of the matter, out of courtesy and at the discretion of the

President the matter is to be brought forward on the agenda and dealt with immediately to allow the public to observe the determination of the matter (again this obviates the need for the public to wait an indeterminate period of time).

In accordance with section 11 of the *Local Government (Administration) Regulations 1996*:

11 . Minutes, content of (Act s. 5.25(1)(f))

The content of minutes of a meeting of a council or a committee is to include —

- (e) a summary of each question raised by members of the public at the meeting and a summary of the response to the question;**

5. DECLARATIONS OF INTEREST

Item/Description	Name	Detail of Interest	Extent of Interest

6. APPLICATIONS FOR LEAVE OF ABSENCE

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

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

The Commissioner has advised he will be on leave from the 6 until 24 July 2017 inclusive.

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

That the Minutes of the Ordinary Meeting of the Shire of Exmouth held on the 6 June 2017 be confirmed as a true and correct record of proceedings.

8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

10. MATTERS ARISING FROM COMMITTEES OF COUNCIL

11. EXECUTIVE SERVICES

11.1 CHANGE OF COUNCIL MEETING DATES - AUGUST AND OCTOBER 2017

File Reference:	GV.CM.0
Responsible Officer:	Chief Executive Officer
Date of Report:	16 June 2017
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Nil

PURPOSE

That Council change the published dates for the August and October ordinary Council meetings as follows:

- August ordinary meeting from Tuesday 1 August 2017 to Tuesday 22 August 2017; and
- October ordinary meeting from Tuesday 3 October 2017 to Tuesday 10 October 2017.

The meetings will be held at the usual place and commencement time.

BACKGROUND

The purpose of the change of date for the August ordinary Council meeting is to allow sufficient time to develop the 17/18 Annual Budget prior, and to accommodate annual leave that was previously confirmed with the Chief Executive Officer prior to him accepting the role.

The October ordinary Council requires a date change as the Commissioner will be absent from Exmouth for the original date scheduled being the 3 October 2017.

In accordance with the *Local Government Act 1995* Section 2.8 (1) (2)

- 1) *The function of a commissioner of a local government is to exercise the powers and discharge the duties of the council of the local government and its mayor or president.*
- 2) *A commissioner is to be regarded as being the council.*

Should an Absolute Majority decision be required, it is recommended that the ordinary meeting date be changed from Tuesday 3 October 2017 to Tuesday 10 October 2017.

COMMENT

Nil

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

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 2016-2020.

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION**ITEM 11.1**

That Council endorse a change to the published dates for the August and October ordinary Council meetings as follows:

1. August ordinary meeting from Tuesday 1 August 2017 to Tuesday 22 August 2017; and
2. October ordinary meeting from Tuesday 3 October 2017 to Tuesday 10 October 2017.

12 CORPORATE SERVICES

12.1 FINANCIAL STATEMENT FOR PERIOD ENDING 31 MAY 2017

File Reference:	FM.FL.0
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	20 June 2017
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Financial Report as at 31 May 2017

PURPOSE

That Council accept the financial report for the financial period ending 31 May 2017.

BACKGROUND

The provisions of the *Local Government Act 1995* and associated Regulations require a monthly financial report is presented at an ordinary meeting within 2 months of the period end date. The financial report for the period ended 31 May 2017 has been prepared and a copy of the Report is attached.

To stay up to date with current financial reporting trends, the appearance of the financial report has altered to include more information, presented in an easier format to review our performance on a monthly basis. Our model has been based on a workshop attended in May 2017 by Executive Manager Corporate Services, which was hosted by Moore Stephens, Council's Auditors.

The following table displays the Council's year to date position to 31 May 2017 including the projected closing position for 2016/17 financial year. The 2016/17 Budget estimated to deliver a budget with a small surplus of \$1,515, and based on current projections, the forecast closing position to 30 June 2017 is estimated to increase the surplus to \$27,050.

2016/17	Year to Date Actual	Year to Date Budget	Amended Budget	On Target with YTD Budget	Forecast to 30/6/17	Forecast Impact on Surplus
	\$	\$	\$	%	\$	
Operating Revenue	11,242,520	11,481,310	11,927,193	97.9%	11,567,418	▼
Operating Expenditure	(13,562,452)	(14,242,828)	(15,865,495)	95.2%	(15,444,960)	▲
Non Operating Revenue	17,333,395	26,983,511	27,937,455	64.2%	23,772,696	▼
Non Operating Expenditure	(19,806,793)	(25,086,942)	(28,398,920)	79.0%	(24,454,686)	▲
Non cash Items Included	4,140,952	3,794,244	4,286,478	109.1%	4,461,038	
Surplus C/Fwd June 2016	125,545	129,804	129,804	96.7%	125,545	▼
Surplus/(Deficit)	(526,835)	3,059,099	16,515	-17.2%	27,050	▲

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

COMMENT

Statement of Financial Position

Total Current Assets decreased by 11% from April to May 2017, which is attributed to a decrease in Unrestricted Cash at Bank of (17%). Current Liabilities have decreased by (4%) from April to May due to the timing of Creditors invoices being entered. Non-Current Assets have only increased slightly, just 0.2% and is due to the construction of the Ningaloo Centre nearing completion. Non-Current Liabilities remain unchanged from April 2017.

	31/05/2017	30/04/2017	% Change
Current	\$	\$	
Assets	6,415,229	7,197,766	(11%)
Liabilities	(1,707,077)	(1,783,590)	(4%)
Non Current			
Assets	105,842,212	105,549,470	0%
Liabilities	(1,207,610)	(1,207,697)	(0%)
NET ASSETS	109,342,755	109,755,949	

Capital Expenditure

The Council's 2016/17 Capital Expenditure budget is \$26,640,231, the majority of which is associated with the construction and fitout of the Ningaloo Centre and other infrastructure improvements. The following table shows that Council is overall 80% on target with capital expenditure year to date.

Asset Class	Year to Date Actual	Year to Date Budget	On Target with YTD Budget	Annual Budget
	\$	\$	%	\$
Land & Buildings	17,836,524	19,692,357	91%	21,749,654
Furniture & Equipment	332,536	338,500	98%	371,000
Land Held for Resale	430,000	430,000	100%	430,000
Plant & Equipment	141,916	930,350	15%	1,026,200
Infrastructure Roads	308,307	2,078,406	15%	2,267,441
Infrastructure Other	248,182	594,968	42%	795,936
TOTAL	19,297,465	24,064,581	80%	26,640,231

CONSULTATION

Nil

STATUTORY ENVIRONMENT

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

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.1

That Council resolves to receive the Financial Report for the financial period ending 31 May 2017.

12.2 LIST OF ACCOUNTS FOR PERIOD ENDING MAY 2017

File Reference:	FM.FI.0
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	20 June 2017
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. List of Accounts for period ending May 2017

PURPOSE

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

BACKGROUND

It has been a customary practice that whilst being a leader in the community, we 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 or trust fund. Payments are to be in accordance with approved systems as authorised by the Chief Executive Officer.

POLICY IMPLICATIONS

Council Policy 2.10 – Purchasing Policy

Council Policy 2.17 - Regional Price Preference Policy (where applicable)

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION**ITEM 12.2**

That Council pursuant to Sections 6.7 and 6.9 of the *Local Government Act 1995* resolves to accept accepts payments being made up of:

1. Municipal Fund – May 2017 \$1,883,693.41 incorporating of cheques 13425 – 13443 and direct debits; and
2. Trust Fund – May 2017 \$3,768.40 incorporating direct debits

with Outstanding Creditors as at May 2017 being \$489,012.84

13 COMMUNITY ENGAGEMENT

Nil

14 HEALTH & BUILDING SERVICES

14.1 RESCINDING PREVIOUS COUNCIL RESOLUTION 11-0916 PROPOSED RECYCLING LEVY

File Reference:	WM.SP.1
Responsible Officer:	Acting Executive Manager Health & Building Services
Date of Report:	21 June 2017
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Nil

PURPOSE

To rescind previous Council resolution 11-0916, the endorsement of the application of a recycling rate under the Waste Avoidance and Resource Recovery Act 2007 (s.66), for the Country Local Government Fund 2012-2013 Regional Group Project.

BACKGROUND

Res No: 11-0916

MOVED: Cr McHutchison

SECONDED: Cr Hood

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

CARRIED 5/1

Cr Roscic voted against

The above resolution was endorsed by Council to proceed with Construction of the Bring and Processing sites and acknowledge the ongoing operational costs of the Recycling Centre will be funded via a recycling rate. In the May 2017 Council meeting this project was withdrawn from:

Res No: 11-0517

That the Commissioner endorse the withdrawal of the Shire of Exmouth from the Gascoyne Region's Waste and Recycling Infrastructure project and the relinquishment of unspent funds received by the 2011-12 Country Local Government Fund.

CARRIED 1/0

COMMENT

To complete the withdrawal from the Country Local Government Fund 2012-2013 Regional Group Project Waste and Recycling Infrastructure, there needs to be a rescinding of the aforementioned rate.

The withdrawal from the above rate is not a withdrawal from the consideration of any future recycling projects, the Shire of Exmouth recognises the importance of recycling and wants to continue in this direction. The Shire will review all waste management practices over the next 12 months, the endorsement of costs for future projects will be requested by Council as they are developed.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The recycling rate has not been applied to current rates and therefore has no financial implications.

STRATEGIC IMPLICATIONS

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

Economic:	1	<u>To be a diverse and innovative economy with a range of local employment opportunities.</u>
	1.2	<i>Planned and balanced economic growth.</i>
Civic Leadership:	4	<u>To work together as custodians of now and the future.</u>
	4.2	<i>A local government that is respected, professional, trustworthy and accountable.</i>

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 14.1

That Council endorse the rescinding of previous Council resolution:

Res No: 11-0916

MOVED: Cr McHutchison

SECONDED: Cr Hood

That Council proceed with the design and construction of the Bring Centre upon Lot 301 Huston St and the materials processing facility at the Qualing Scarp Waste Disposal Site and the procurement of the appropriate plant/equipment for the operations of the recycling programme, funded by the Country Local Government Fund 2012-2013 Regional Group Project Waste and Recycling Infrastructure for the

Gascoyne Region and noting that ongoing operational costs will be funded by applying a recycling rate pursuant of Waste Avoidance and Resource Recovery Act 2007 (s.66).

CARRIED 5/1

Cr Roscic voted against

14.2 EXMOUTH AMATUER SWIMMING CLUB REQUEST FOR FEE WAIVER

File Reference:	RC.LI.33
Responsible Officer:	Acting Executive Manager Health & Building Services
Date of Report:	10 May 2017
Applicant/Proponent:	Exmouth Amateur Swimming Club
Disclosure of Interest:	Nil
Attachment(s):	Nil

PURPOSE

This report recommends the Exmouth Amateur Swimming Club receive exclusive use of the Paltridge Memorial Swimming Pool and fee waiver for associated charges and equipment, for the 2017 Hancock Family Medical Foundation Pilbara Championships, 24 to 26 November 2017.

BACKGROUND

The Exmouth Amateur Swimming Club (Club) has requested permission of the Council to host the 2017 Hancock Family Medical Foundation Pilbara Championships on the 24 to 26 November 2017 at the Paltridge Memorial Swimming Pool.

This event has previously been held in Exmouth in 2011 and 2013, both times exclusive use and fee waivers were granted as per Council decisions below:

COUNCIL DECISION - 1994 – 10.4.2

Moved Councillor Stewart, seconded Councillor Shales

That the Council of the Shire of Exmouth grants the Exmouth Amateur Swimming Club:-

- 1. Exclusive use of the Paltridge Memorial Swimming Pool on the 26th & the 27th of November 2011 from 6am to 6pm for the Hancock Family Medical Foundation- Pilbara Championships; and***
- 2. A full fee waiver for private hire of the facility and the hourly hire for a lifeguard.***

Further to the above, the Exmouth Amateur Swimming Club Inc. is advised that the granting of the above is subject to the Shire of Exmouth being acknowledged as a sponsor for the event. CARRIED BY ABSOLUTE MAJORITY 5/0

COUNCIL DECISION – 11-0513 – 10.5.2

Moved Councillor Winzer, Seconded Councillor Thompson.

That the Council of the Shire of Exmouth grants the Exmouth Amateur Swimming Club:-

- 1. Exclusive use of the Paltridge Memorial Swimming Pool from 3.00pm on Friday 22 November to 6.00pm on Sunday 24 November 2013 for the Hancock Family Medical Foundation- Pilbara Championships; and***
- 2. A full fee waiver for private hire of the facility and the hourly hire for a lifeguard. Further to the above, the Exmouth Amateur Swimming Club Inc. is***

advised that the granting of the above is subject to the Shire of Exmouth being acknowledged as a sponsor for the event. CARRIED 4/0

Unlike previous years the pool is open on a Sunday with the pools normal hours of operation being Monday and Friday 11am to 6pm, Saturday 12pm to 6pm and Sunday 2pm to 6pm.

COMMENT

This event is an important event on the swimming clubs calendar in the North West and being held at a relatively quiet time year, brings positive benefits to the town with the increase in visitors. Previously these events have been successfully attracting up to 500 people through the swimming pool gates every day.

To host the event this year, the Club will require exclusive use of the public facility from approximately 3pm Friday 24 and 6am to 6pm on Saturday and Sunday. They will also require the use of the mobile ablution block and miscellaneous equipment such as rope, extra bins and star pickets. They will also require the fees waived for the fees and charges associated with liquid waste from the toilets.

In consideration to the positive impact this event is to bring to the local community, it is recommended Council support the request from the Club. In accordance with Council Policy 3.4 – Sponsorships, Donations and Waiver of Fees, any waiver of Councils adopted Fees and Charges for an event is considered a 'Non-cash Contribution' to that event. In return Council may request that this financial support be recognised and the Council be acknowledged as a major sponsor of the event.

CONSULTATION

Exmouth Amateur Swimming Club

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Policy 4.3 – Sponsorships, Donations and Waiver of Fees

FINANCIAL IMPLICATIONS

All fees and charges are based on the 2016/2017 budget period.

Item	\$
Fee Waiver	
Private (NFP) hire 18 hours @ \$67.50/hr	1,215.00
Lifeguard x 1 18 hours @ \$35.00/hr	630.00
Hire of mobile ablutions 3 days @ \$330/day	990.00
Sub Total Fee Waivers	2835.00
Expenses incurred by Council	
Overheads (Shire resources and utilities)	400.00
Loss of gate takings (estimated)	200.00
Total non-cash sponsorship	3435.00

STRATEGIC IMPLICATIONS

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

- 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.*
- 3.5 *Maintain and increase participation levels in local community organisations and clubs.*
- Civic Leadership: 4 To work together as custodians of now and the future.
- 4.2 *A local government that is respected, professional, trustworthy and accountable.*

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 14.2

The Council grants the Exmouth Amateur Swimming Club:

1. Exclusive use of the Paltridge Memorial Swimming Pool from 3pm on Friday 24 November to 6pm Sunday 26 November 2017 for the Hancock Family Medical Foundation – Pilbara Championships; and
2. A full fee waiver for private hire of the facility, lifeguard and mobile ablutions.

Further to the above, the Exmouth Amateur Swimming Club Inc. is advised that the granting of the above is subject to the Shire of Exmouth being acknowledged as a sponsor for the event.

15 TOWN PLANNING SERVICES

15.1 HOLIDAY ACCOMODATION LOT 101 (14) TAUTOG ST, EXMOUTH

File Reference:	A796 (PA89/17)
Responsible Officer:	Acting Executive Manager Town Planning
Date of Report:	20 June 2017
Applicant/Proponent:	Garth and Lucy Willcocks
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none">1. Emergency Response Plan/Floor Plan, Management Statement (Tenant Code of Conduct, General Terms and Conditions, Information as Required for Application of Holiday Accommodation)2. Parking Assessment

PURPOSE

That Council consider granting conditional development approval for Holiday Accommodation at Lot 101 (14) Tautog Street, Exmouth (Attachment 1).

BACKGROUND

The subject property has an existing dwelling (single house) where the applicant has applied for a change of use to Holiday Accommodation. The property is approximately 932m² in area and zoned Residential R17.5 in Town Planning Scheme No. 3. The aerial image below identifies Lot 101 (14) Tautog Street.



Location Plan - Lot 101 (14) Tautog St, Exmouth

COMMENT

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

Policy 6.12

The objectives of Policy 6.12 are as follows:

- *Support a diverse accommodation base within the Shire;*
- *Provide an effective management framework and guide for the provision of holiday accommodation (other than within the Tourist zone) within the Shire;*
- *Ensure that a holiday accommodation establishment is maintained to a satisfactory standard and that its use is lawfully conducted;*
- *Ensure that all holiday accommodation accords with Town Planning Scheme No. 3 by undertaking community consultation with adjoining property owners and a formal decision being made by the Council where required;*
- *Ensure that Holiday Accommodation Establishments comply with the Building Code of Australia and Health Act 1911; and*
- *Ensure holiday accommodation does not compromise the amenity of the residential neighbourhood through appropriate planning approval conditions.*

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

Number of Occupants

The number of allowable occupants is restricted by the ventilation requirements under the Shire of Exmouth Health Local Laws 1998, which defines the following:

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

Officers have calculated the permissible number of occupants per bedroom:

Schedule 1: Allowable Occupants: Lot 101 (14) Tautog Street, Exmouth

Bedroom 1: Total floor space: 14.13m², Approximate Air Space: 35.33m³
Allowable occupants: 2 adults OR 1 adult and 2 children OR 4 children

Bedroom 2: Total floor space: 11.53m², Approximate Air Space: 28.86m³
Allowable occupants: 2 adult OR 1 adult and 1 child OR 3 children

Bedroom 3: Total floor space: 7.75m², Approximate Air Space: 19.38m³
Allowable occupants: 1 adult OR 2 children

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

**The air space is calculated with an average ceiling height of 2.5m.

Occupancy Levels

The Health Local Laws 1998 and Policy 6.12 permit a maximum number of eight (8) overnight occupants within the Dwelling at any one time. In addition, the maximum occupancy for each room is required to be in accordance with Schedule 1 above. A standard condition of approval is recommended to achieve compliance.

Number of Vehicles

Policy 6.12 states that car parking shall be calculated on the basis of four persons per vehicle. Therefore, a minimum of two (2) vehicle parking spaces are required for the maximum occupancy of eight (8) people within the Holiday Accommodation. Furthermore, the maximum permissible number of vehicles permitted at the property under Policy 6.12 is three (3) vehicles and two (2) trailers, which include trailers with a boat, being a total of five (5) parking spaces. The Officers assessment concludes that three (3) parking spaces are available within the property boundaries in accordance with the minimum dimensions prescribed by the Scheme (Attachment 2). A standard condition of approval is recommended.

Management Statement and Emergency Response Plan

The applicant has submitted a copy of the proposed Management Statement (Tenant Code of Conduct, General terms and Conditions and Supporting Information) and an Emergency Response Plan. The Tenant Code of Conduct outlines a maximum of eight (8) guests with no more than 6 guests over the age of 10, which does not comply with the maximum adult occupancy permitted. It is recommended that the document is amended to reflect the correct maximum adult occupancy. Otherwise the documentation is considered sufficient to achieve the desired management framework and comply with Policy 6.12. A condition is recommended to ensure compliance at all times with the documents.

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

Clause 67 of the deemed provisions of the Regulations states the matters to be considered by the local government in considering an application for development approval. Clause 67 (b) states 'any proposed local planning scheme that has been advertised under the *Planning and Development (Local Planning Schemes) Regulations 2015* or any other proposed planning instrument that the local government is seriously considering adopting or approving'. Draft Local Planning Scheme Number 4 has been advertised under the Regulations and the Shire is seriously considering adopting or approving it. Draft Local Planning Scheme Number 4 contains the same provisions as Policy 6.12, which is discussed above.

Having regard to the above, it is recommended that development approval is granted for Holiday Accommodation at Lot 101 (14) Tautog Street, Exmouth subject to conditions which achieve compliance with Councils planning framework.

CONSULTATION

In accordance with the requirements of the Scheme adjoining impacted neighbours were invited to comment on the proposal from Tuesday 30 May 2017 until Thursday 15 June 2017, for a period of 16 days. A summary is tabled below:

Property Referred	Submitters Response	Officers Comment
Lot 115 (13) Tautog St	Nil	Nil
Lot 113 (17) Tautog St	Nil	Nil
Lot 108 (13) Page St	Nil	Nil

Lot 114 (15) Tautog St	Nil	Nil
Lot 102 (16) Tautog St	Nil	Nil
Lot 100 (12) Tautog St	Nil	Nil
Lot 107 (15) Page St	Nil	Nil
Lot 109 (11) Page St	Nil	Nil

STATUTORY ENVIRONMENT

Town Planning Scheme Number 3

Planning and Development (Local Planning Schemes) Regulations 2015

Planning and Development Act 2005

Environmental Protection (Noise) Regulations 1997

POLICY IMPLICATIONS

Policy 6.12 – Holiday Accommodation

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 15.1

That Council grants development approval for Holiday Accommodation at Lot 101 (14) Tautog Street, Exmouth subject to the following conditions:

1. The use being carried out in accordance with the stamped approved plans (PA89/17), and the Shire of Exmouth Town Planning Scheme No. 3 and Local Policy No. 6.12 - Holiday Accommodation together with any annotations detailed thereon by the Shire;
2. There shall be a maximum of eight (8) of overnight occupants permitted within the Dwelling at any time, and the maximum number of occupants per bedroom shall be in accordance with Schedule 1 below and the Shire of Exmouth *Health Local Laws 1998*. Schedule 1 shall be displayed in a prominent location in the dwelling at all times:

Schedule 1: Allowable Occupants: Lot 101 (14) Tautog Street, Exmouth

Bedroom 1: Total floor space: 14.13m², Approximate Air Space: 35.33m³
Allowable occupants: 2 adults OR 1 adult and 2 children OR 4 children

Bedroom 2: Total floor space: 11.53m², Approximate Air Space: 28.86m³
Allowable occupants: 2 adult OR 1 adult and 1 child OR 3 children

Bedroom 3: Total floor space: 7.75m², Approximate Air Space: 19.38m³
Allowable occupants: 1 adult OR 2 children

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

**The air space is calculated with an average ceiling height of 2.5m.

3. The maximum number permitted for the parking of vehicles is three (3) and for trailers is two (2), which includes trailers with or without a boat, however the total combination of vehicles and/or trailers parked at the property shall not exceed three (3) which shall be contained fully within the property boundaries;
4. The property shall provide at least two (2) 240 litre rubbish bins prior to the use commencing;
5. The Management Statement (Tenant Code of Conduct) and Emergency Response Plan shall be complied with and clearly displayed within the premises at all times, plus:
 - a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be provided and maintained in proper working order;
 - no fires are to be lit outside with the exception of a gas or electric barbeque; and
 - the documents shall be amended to contain the correct permitted number of adult overnight occupants being a maximum of 5;
6. The property shall be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;
7. The property shall not be used for the use hereby granted until an inspection has been carried out by a Shire Officer and that Officer is satisfied that the conditions of this approval hereby granted have been complied with; and
8. This approval is valid until 30 September 2017. Following its expiry an annual permit is required. The Shire will notify owners about the date of expiry and that a new permit is required should the property continue to be used for Holiday Accommodation. Should three (3) or more substantiated complaints be received in regard to the Holiday Accommodation, Council may resolve to refuse renewal.

Advice

- i. The approval granted is not to be construed as approval granted under the *Building Act 2011*, *Building Regulations 2012* or any other statutory approval required.

- ii. Complaints received due to the activity resulting in increase in traffic, noise emission, disturbance to or loss of amenity to the area may be considered as a basis for non-renewal in accordance with Council's Policy No. 6.12 - Holiday Accommodation.
- iii. This approval does not permit the road verge or any adjoining/nearby vacant land to be used for the parking of vehicles and trailers. Occupants shall be advised of this prior to booking.
- iv. The noise generated by any activities on-site shall not exceed the levels as set out under the *Environmental Protection (Noise) Regulations 1997*.
- v. In accordance with the Shire of Exmouth Health Local Laws 1998 the number of persons per room shall accord with the following:
 - For every person over the age of 10 years, there is to be a minimum of 14 cubic metres of air space per person; and
 - For every person between the ages of 1 & 10 years, there is to be a minimum of 8 cubic metres of air space per person.
- vi. The *Health (Aquatic Facilities) Regulations 2007* require that a Certificate of Compliance and a Permit to Operate from the Executive Director, Public Health (EDPH) for the 'aquatic facility' be obtained with the Department of Health (WA) being the approving authority, not the Shire of Exmouth.
- vii. The Department of Health have developed a guidance note for pools and spas in holiday homes, which can be accessed at http://ww2.health.wa.gov.au/Articles/A_E/Aquatic-facilities-at-short-stay-accomodations. Prior to use of the pool or spa a copy of a Permit to Operate or exemption from the Department of Health will need to be provided to the Shire of Exmouth. For further information please contact the Department of Health, Water Unit on 9388 4999.
- viii. Any additional development or substantial variation from the stamped approved plans, will require separate development approval from the Shire.
- ix. This approval is not an authority to ignore any constraint or additional requirement to development on the land, which may exist through contract or on title, such as an easement, encumbrance, restrictive covenant or any other limitation. It is the responsibility of the applicant and not the Shire to investigate any such constraints before commencing development.
- x. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

15.2 TOILET BLOCK ADDITION TO EXISTING APPROVED USE NOT LISTED (BREWERY) LOT 963 (27) PATTERSON WAY, EXMOUTH

File Reference:	A533 (PA87/17)
Responsible Officer:	Acting Executive Manager Town Planning
Date of Report:	8 June 2017
Applicant/Proponent:	Tippilim Holdings
Disclosure of Interest:	Nil
Attachment(s):	1. Development Plans

PURPOSE

That Council consider granting conditional development approval for a toilet block addition to an existing approved use not listed (brewery) at Lot 963 (27) Patterson Way, Exmouth (Attachment 1).

BACKGROUND

The subject property has an existing approved use not listed (brewery) granted by Council at its December 2016 ordinary Council meeting, for the production of beer including tastings in an existing shed. The lot is approximately 2353m² in area and zoned Light Industrial in Town Planning Scheme No. 3.

The application proposes a toilet block associated with the use not listed (brewery):

- Sited between 2 existing buildings;
- Setback greater than 10m from the front lot boundary and greater than 3m from the side lot boundary;
- Includes 1 disabled toilet and 1 regular toilet;
- Cladded in Colorbond custom orb; and
- Has a maximum wall height of 2.4m and maximum pitched roof height of 2.9m.

The application requires Council determination as officers are not delegated to determine applications relating to uses not listed. The aerial image below identifies Lot 963 (27) Patterson Way, Exmouth.



Location Plan - Lot 963 (27) Patterson Way, Exmouth

COMMENT

The proposal has been assessed against Town Planning Scheme Number 3, State Planning Policy 3.7: Planning in Bushfire Prone Areas, Local Policy 6.2 – Colour Palette for Developments, and the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Town Planning Scheme Number 3 (Scheme)

The application is within land zoned Light Industrial. The objectives of the Light Industrial zone include:

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

The proposal is considered to generally comply with the objectives of the Light Industrial zone.

Clause 5.7.2 (a) of the Scheme states '*it is the Council's intention the minimum lot size should be 1500 square metres to provide for building envelope, on-site effluent disposal, landscaping, and manoeuvring area for all vehicles to enter and leave the lot in a forward gear.*' The proposed toilet block will be connected to existing on-site septic tanks, ensuring there is on-site effluent disposal and the proposed toilet block allows for all vehicles to enter and exit the lot in a forward gear.

The siting of the proposed toilet block complies with the setback requirements of the Scheme. The proposed toilet block does not reduce the minimum number of required parking bays for the use not listed (brewery) being 5 bays, and does not require the provision of additional bays as it does not increase the net lettable area of the use not listed (brewery).

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

This lot is within a designated bushfire prone area as determined by the Department of Fire and Emergency Services. WAPC planning bulletin 111/2016 states that the provisions of SPP 3.7 are to only apply to habitable buildings, strategic planning documents, subdivisions, vulnerable and high risk land uses. The proposed toilet block is not a habitable building or considered a vulnerable land use. Therefore the provisions of SPP 3.7 should not be applied.

Policy 6.2 – Colour Palette for Developments

Policy 6.2 states that the adopted colour palette shall be used as a guide in selecting appropriate external colours. An additional condition has been included to ensure compliance.

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

Clause 67 of the deemed provisions of the Regulations states the matters to be considered by the local government in considering an application for development approval. Clause 67 (b) states '*any proposed local planning scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving*'. Draft Local Planning Scheme Number 4 has been advertised under the Regulations and the Shire is seriously considering adopting or approving it.

Draft Local Planning Scheme Number 4 (Scheme 4) classifies the lot in the 'Service Commercial' zone. The objectives of the Service Commercial zone in Scheme 4 include:

- a) *To accommodate commercial activities which, because of the nature of the business, require good vehicular access and/or large sites.*
- b) *To provide for a range of wholesale sales, showrooms, trade and services which, by reason of their scale, character, operational or land requirements, are not generally appropriate in, or cannot conveniently or economically be accommodated in, the central area, shops and offices or industrial zones.*
- c) *Provide for residential living to enable business owners to live and work on the same premises; and*
- d) *To achieve and maintain a high standard of presentation to all streets.*

The proposal generally complies with the objectives of the Service Commercial zone in Scheme 4.

Scheme 4 identifies the lot within Special Control Area 2 (Exmouth Power Station). The objectives of SCA 2 are:

- a) *To ensure that the use and development of land is compatible with the operation of the Exmouth Power Station.*
- b) *To minimise impacts on residential and other sensitive uses.*

The proposed toilet block addition is considered to be compatible with the operation of the Exmouth Power Station as it is not related to a residential or other sensitive land use.

The proposal complies with all other relevant provisions of Scheme 4.

Having regard to the above, it is recommended that development approval is granted for a toilet block addition to an existing use not listed (brewery) upon Lot 963 (27) Patterson Way, Exmouth subject to conditions which achieve compliance with Councils planning framework.

CONSULTATION

The application was referred to the Acting Executive Manager Health and Building who provided the following comments: *'The septic system although approved for use has never been used and a plumber will need to sign off that it is still all in working order and an as constructed for the pipework will need to be submitted.'* An additional advice note has been included.

STATUTORY ENVIRONMENT

Town Planning Scheme Number 3

Planning and Development (Local Planning Schemes) Regulations 2015

Planning and Development Act 2005

POLICY IMPLICATIONS

State Planning Policy 3.7 - Planning in Bushfire Prone Areas

Policy 6.2 – Colour Palette for Developments

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 15.2

That Council grants development approval for a toilet block addition to an existing approved use not listed (brewery) at Lot 963 (27) Patterson Way, Exmouth subject to the following conditions:

1. The development being carried out in accordance with the stamped approved plans (PA87/17), and the Shire of Exmouth Town Planning Scheme No. 3 together with any annotations detailed thereon by the Shire;
2. All water draining from roofs and other impermeable surfaces shall be managed on site and/or discharged into the Shire's road drainage system;
3. Exterior cladding, walls and roof shall be of an as new standard to the satisfaction of the Shires Executive Manager Town Planning. Zinalume is not a permitted building material;

4. External colours shall be generally in accordance with Councils adopted Colour Palette for Developments;
5. Excavation or filling shall not be more than 0.5 metres above or below the existing natural ground level;
6. If the development which is the subject of this approval is not substantially commenced within a period of 2 years, the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire of Exmouth having first been sought and obtained.

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 existing onsite septic system although approved for use has never been used and a plumber will need to sign off that it is still all in working order and an as constructed for the pipework will need to be submitted. For further information please contact the Shires A/Executive Manager Health and Building on 9949 3000.
- iv. The lot is located within a Bushfire Prone Area as designated by an Order made by the Fire and Emergency Services Commissioner and may be subject to the requirement for a Bushfire Attack Level Assessment and corresponding additional building standards.
- v. The Department of Water's Water Quality Protection Note (WQPN), 'Stormwater management at industrial sites' should be referred to for further advice regarding drainage system designs within industrial areas.
- vi. Any additional development or substantial variation from the stamped approved plans, will require separate development approval from the Shire.
- vii. This approval is not an authority to ignore any constraint or additional requirement to development on the land, which may exist through contract or on title, such as an easement, encumbrance, restrictive covenant or any other limitation. It is the responsibility of the applicant and not the Shire to investigate any such constraints before commencing development.
- viii. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

15.3 PUBLIC UTILITY (SOLAR ARRAY) RESERVE 50807 LOT 1406 WILLERSDORF ROAD, EXMOUTH

File Reference:	R50807 (PA106/17)
Responsible Officer:	Acting Executive Manager Town Planning
Date of Report:	21 June 2017
Applicant/Proponent:	Horizon Power
Disclosure of Interest:	Nil
Attachment(s):	1. Development Plans

PURPOSE

That Council consider granting conditional development approval for a public utility (solar PV system array) at Reserve 50807 Lot 1406 Willersdorf Road, Exmouth (Attachment 1).

BACKGROUND

The Regional Power Corporation (Horizon Power) is generally exempt from obtaining development (planning) approval under the provisions of a local planning scheme when carrying out works for the extension, expansion or enhancement of an electricity distribution system or an electricity transmission system under Part 3 Division 1 section 60 of the *Electricity Corporations Act 2005*, and Part 1 Section 6 of the *Planning and Development Act 2005*. However, due to the new technology represented by the proposed development, it does not fit within the definition of the exemption. Horizon Power is therefore submitting a development application for approval to install a solar PV system array at Reserve 50807 Lot 1406 Willersdorf Road, Exmouth.

Reserve 50807 has a management order issued to the Shire with ability to lease for any term not exceeding 21 years subject to consent of the Minister for Lands. Reserve 50807 has a designated purpose under the *Land Administration Act* as Recreation and Research Centre.

The subject lot encompasses the Exmouth Golf Course Clubhouse and associated Caretakers Dwelling, and the applicant wishes to install a solar array to provide power to enable the continued use of the golf club. The lot is approximately 1.4 ha and reserved for Recreation and Open Space in Town Planning Scheme No. 3. The aerial image below identifies Reserve 50807 Lot 1406 Willersdorf Road, Exmouth.



Location Plan – Reserve 50807 Lot 1406 Willersdorf Road, Exmouth

COMMENT

The proposal has been assessed against Town Planning Scheme Number 3, State Planning Policy 3.7 – Planning in Bushfire Prone Areas, *Planning and Development (Local Planning Schemes) Regulations 2015*, and Policy 6.2 – Colour Palette for Developments.

Town Planning Scheme Number 3 (Scheme)

The scheme identifies Reserve 50807 Lot 1406 Willersdorf Road, Exmouth as a local scheme reserve for Recreation and Open Space. Clause 2.2 of the scheme states:

Where an application for planning approval is made with respect to land within a Reserve, the Council shall have regard to the ultimate purpose intended for the Reserve and the Council shall, in the case of land reserved for the purposes of a public authority, confer with that authority before granting its planning approval.

The installation of the solar array is considered to be incidental to the ultimate purpose intended for the reserve which is recreation and open space. Installation of the solar array will provide the necessary energy to power the existing buildings on site, which support the recreational use of the Exmouth Golf Course.

There will be no significant visual impacts associated with the construction and use of the solar array. The array promotes the use of renewable energy for community buildings and aligns with the Shire's strategic objectives to progress renewable initiatives. No disruptions are expected to the existing services during the installation and construction phase.

The proposed development is most appropriately classified as public utility which is defined in the scheme as follows:

'public utility: means any work or undertaking constructed or maintained by a public authority or the Council as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services.'

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

This lot is within a designated bushfire prone area as determined by the Department of Fire and Emergency Services. SPP 3.7 recommends against approving vulnerable or high-risk land uses within areas of extreme bushfire hazard levels, or where Bushfire Attack Levels of BAL-40 or BAL-FZ (flame zone) apply. The proposed development is not defined as a vulnerable or high-risk land use, therefore it is capable of approval under the policy provisions.

Bushfire protection criteria set out in the guidelines relate to subdivision design for vulnerable and high-risk land uses, such as residential subdivision, and have limited applicability to the proposed development. The solar array is necessary to power the Golf Club, therefore it has been sited and designed for that purpose, considering the physical environment of the site. The application does not propose any intensification of a vulnerable or high risk land use, and appropriately considers bushfire risk.

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

Clause 67 of the deemed provisions of the Regulations states the matters to be considered by the local government in considering an application for development approval. Clause 67 (b) states *'any proposed local planning scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving'*. Draft Local Planning Scheme Number 4 has been advertised under the Regulations and the Shire is seriously considering adopting or approving it.

Draft Local Planning Scheme Number 4 (Draft Scheme 4) classifies the lot as a local scheme reserve for public open space. The objectives of the Public Open Space reserve in Draft Scheme 4 include:

- i. *To set aside areas for foreshore reserves, particularly those established under the Planning and Development Act 2005 s.152.*
- ii. *To protect, conserve and enhance coastal zone values, particularly in areas of landscape, biodiversity and ecosystem integrity, indigenous and cultural significance.*
- iii. *To provide for public coastal foreshore reserves and access to them on the coast.*
- iv. *To provide for a range of active and passive recreation uses and amenities, such as playgrounds, barbeque/shade/picnic areas, pedestrian access and minor car parks, where appropriate.*
- v. *To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.*

The installation of the solar array is considered to be consistent with the above objectives as it will provide the necessary energy to power the existing buildings on site, which support the recreational use of the Exmouth Golf Course.

Policy 6.2 – Colour Palette for Developments

Policy 6.2 requires all development within the Shire of Exmouth Scheme area, excluding development in the Residential zone to have external colours in accordance with the adopted colour palette. It is not considered appropriate to require external colours of the proposed solar array to be in accordance with the adopted colour palette as solar panels are generally dark in colour to absorb the greatest amount of sunlight, and the proposed development is located almost entirely behind existing building on the site having minimal visual impact from Willersdorf road. Therefore the development should not be required to have external colours in accordance with the Shires adopted colour palette.

Having regard to the above, it is recommended that development approval is granted for a public utility (solar array) at Reserve 50807 Lot 1406 Willersdorf Road, Exmouth subject to conditions.

CONSULTATION

The application was referred to the Exmouth Golf Club Inc. who advised '*The Club is fully supportive of this application. For your information the Golf Club has been in discussions with Horizon Power to place a Stand Alone Power Supply at the Club and at a committee meeting held 7th November 2016 the Club resolved to support the installation of the System, which includes the solar panel array.*'

STATUTORY ENVIRONMENT

Planning and Development Act 2005
 Planning and Development (Local Planning Schemes) Regulations 2015
 Town Planning Scheme Number 3
 Electricity Corporations Act 2005

POLICY IMPLICATIONS

State Planning Policy 3.7: Planning in Bushfire Prone Areas
 Policy 6.2: Colour Palette for Developments

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

Environment:	2	<u>To have a balanced respect for our environment and heritage, both natural and built.</u>
	2.4	<i>To be a leader in eco-friendly initiatives and innovations.</i>
Social:	3	<u>To be a dynamic, passionate and safe community valuing natural and cultural heritage.</u>
	3.2	<i>Excellent lifestyle, recreational and cultural facilities.</i>
Civic Leadership:	4	<u>To work together as custodians of now and the future.</u>
	4.1	<i>To be a collaborative community with the capacity to manage the current and future direction of Exmouth.</i>
	4.2	<i>A local government that is respected, professional, trustworthy and accountable.</i>

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 15.3

That Council grants development approval for a public utility (solar array) at Reserve 50807 Lot 1406 Willersdorf Road, Exmouth subject to the following conditions:

1. The development being carried out in accordance with the stamped approved plans (PA106/17), and the Shire of Exmouth Town Planning Scheme No. 3 together with any annotations detailed thereon by the Shire;
2. Excavation and/or fill shall not be more than 0.5 metres above or below the natural ground level; and
3. If the development, which is the subject of this approval is not substantially commenced within a period of 2 years, the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire of Exmouth having first been sought and obtained.

Advice

- i. The approval granted is not to be construed as approval granted under the *Building Act 2011*, Building Regulations 2012 or any other relevant statutory approval.
- ii. The noise generated by any activities on-site shall not exceed the levels as set out under the *Environmental Protection (Noise) Regulations 1997*.
- iii. All fencing shall be developed in accordance with the Shire's Fencing Local Law 2015, be of adequate structural design to meet cyclone requirements and may require a building permit approval from the Shire.
- iv. The lot is located within a Bushfire Prone Area as designated by an Order made by the Fire and Emergency Services Commissioner and may be subject to the requirement for a Bushfire Attack Level Assessment and corresponding additional building standards.
- v. It is an offence to clear native vegetation without the authority of a permit from the Department of Environment Regulation unless the clearing is exempt from a permit. It is recommended to liaise with the Department of Environment Regulation in relation to whether a clearing permit or exemption applies.
- vi. The applicant is advised to contact the Shire's Town Planning department for the allocation of a street number.
- vii. Any additional development or substantial variation from the stamped approved plans, will require separate development approval from the Shire.
- viii. This approval is not an authority to ignore any constraint or additional requirement to development on the land, which may exist through contract or on title, such as an easement,

encumbrance, restrictive covenant or any other limitation. It is the responsibility of the applicant and not the Shire to investigate any such constraints before commencing development.

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

16 ENGINEERING SERVICES

Nil

17. ITEMS FOR INFORMATION ONLY

Responsible Officer: Chief Executive Officer

Disclosure of Interest: Nil

PURPOSE

To advise Council of the information items for June 2017.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

ITEM 17

That Council note the following information items:

- 17.1 Register of Documents Stamped with the Shire of Exmouth Common Seal
- 17.2 Concessions on Fees for Council Facilities for June 2017
- 17.3 Building Decisions Issued up to 15 June 2017
- 17.4 Planning Decisions Issued up to 15 June 2017

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

Responsible Officer: Chief Executive Officer

Disclosure of Interest: Nil

PURPOSE

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

DATE	DOCUMENT
06/06/17	Deed for the Compulsory Acquisition of Native Title Rights and Grant of interest in Land. Gnulli Native Title Claimants and Shire of Exmouth. Council Decision 14-0517.

17.2 CONCESSIONS ON FEES FOR COUNCIL FACILITIES FOR JUNE 2017

File Reference: CP.US.0

Responsible Officer: Executive Manager Community Engagement

Date of Report: 20 June 2017

Disclosure of Interest: Nil

PURPOSE

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

NAME	REASON	AMOUNT (exc GST)
Ken Saligari	Disposal of vehicle at tip by long term resident Ken Saligari	\$26.00
Exmouth Cultural Arts Centre	Hire of Shire Hall for Youth Concert 11 June 2017.	\$42.00

17.3 BUILDING DECISIONS ISSUED UP TO 15 JUNE 2017

File Reference: DB.BD.0

Responsible Officer: Executive Manager Health & Building

Date of Report: 19 June 2017

Disclosure of Interest: 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 15 June 2017.

App #	Date Received	Lot	Property Address	Description	Decision	Decision Date
17/40	05/05/17	253	18 Davidson Street	Steel Framed Shed	Approved	17/05/17
17/41	05/05/17	31	Unit 31 / 78 Maidstone Crescent	Verandah	Approved	18/05/17
17/43	16/05/17	182	18 Rimau Way	Fencing	Approved	22/05/17
17/44	19/05/17	125	29 Young Street	Dwelling fit-out	Approved	24/05/17
17/45	22/05/17	1315	1 Salmon Loop	Patio	Approved	06/06/17
17/46	23/05/17	326	11 Falls Street	Carport & Boundary Fence	Approved	06/06/17
17/47	29/05/17	105	47 Nimitz Street	Carport	Approved	16/06/17
17/48	30/05/17	646	28 Hall Street	Dwelling	Approved	17/06/17
17/49	01/06/17	789	5 Jones Place	Alternation / Addition to dwelling	Approved	19/06/17
17/50	01/06/17	789	300 Willersdorf Road	Solar Panels	Approved	08/06/17
17/51	06/06/17	443	30 Stokes-Hughes Street	Carport	Approved	13/06/17
17/52	07/06/17	314	Lot 314 Minilya-Exmouth Road	Storage Outbuilding 2 X Sea Containers	Approved	15/06/17
17/53	08/06/17	2	Lot 2 (9B) Hall Street	Shed	Processing	
17/55	14/06/17	13	Lot 13, Unit 31/ 2 Murat Road	Short Stay Accommodation	Processing	

17.4 PLANNING DECISIONS ISSUED UP TO 15 JUNE 2017

File Reference: LP.PL.0

Responsible Officer: Executive Manager Town Planning

Date of Report: 20 June 2017

Disclosure of Interest: Nil

PURPOSE

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

App #	Date Received	Lot	Property Address	Description	Decision	Decision Date
PA70/16	13/06/16	2	Yardie Creek Road	Additional Camping Sites	ON HOLD - Pending information from Applicant	
PA107/16	15/08/16	50	Murat Road	Barge Loading Facility	ON HOLD - Pending information from Applicant	
PA112/16	25/08/16	1586 & 1587	164 Lyndon Location	Nature Based Park - Exmouth Gulf Pastoral Station	ON HOLD - Pending information from Applicant	
PA152/16	24/11/16	2 & 1	40 Pelias Street & 1 Carter Road	Change of Use	ON HOLD - At request of Applicant	
PA38/17	22/02/17	73	Lyndon Location (Reserve 32867/5)	Water Tank & Sea Container Insulation	ON HOLD - Pending information from Applicant	
PA41/17	27/02/17	314	Minilya-Exmouth Road	2 x Sea Containers	Approved	06/06/17
PA44/17	28/02/17	831	7 Pelias Street	Storage Unit	ON HOLD - Pending information from Applicant	
PA45/17	28/02/17	141	7 Dugong Close	Dwelling	Processing	
PA62/17	05/04/17	833	6 Nimitz Street	Change Of Use	Processing	
PA63/17	06/04/17	134	Minilya-Exmouth Road (Reserve 40007)	Telephone Base Station	Approved	06/06/17
PA67/17	13/04/17	861	59 McLeod Street	Sea Containers x 2	Approved	06/06/17
PA72/17	19/04/17	1	23 Lockwood Street	Change of Use - Holiday Accommodation	Approved	06/06/17
PA74/17	26/04/17	13	Unit 31 / 2 Murat Road	Short Stay Accommodation	Approved	06/06/17
PA76/17	03/05/17	393	13 Corella Court	Swimming Pool	Approved	14/06/17
PA85/17	18/05/17	300	23 Dugong Close	Dwelling Extensions including a Deck	Approved	08/06/17
PA87/17	19/05/17	963	27 Patterson Way	Toilet block addition	Processing	
PA89/17	23/05/17	101	14 Tautog Street	Change of Use - Holiday Accommodation	Processing	

PA92/17	26/05/17	1366	43 Heron Way	Proposed outbuilding-Shed	Processing	
PA94/17	01/06/17	98	23 Bluefin Cove	Single Dwelling	Processing	
PA97/17	08/06/17	102	23 Ingram Street	Additions to an existing building and new sign	Processing	
PA98/17	14/06/17	105	47 Nimitz Street	BAL Assessment	Approved	14/06/17
PA100/17	14/06/17	789	5 Jones Place	Front Upper Floor Balcony Addition	Processing	
PA102/17	15/06/17	1330	18 Salmon Loop	Carport	Processing	

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

App	Date Received	Description	Date Issued
PA86/17	18/05/17	Wedding at Town beach on grassed area	22/05/17
PA90/17	23/05/17	Selling Automotive Merchandise	23/05/17
PA91/17	25/05/17	Whaleshark Festival Stall - Helicopter Tours	25/05/17
PA96/17	06/06/17	Selling Raffle Tickets	06/06/17

- 18. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 19. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**
- 20. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS**
- 21. CLOSURE OF MEETING**