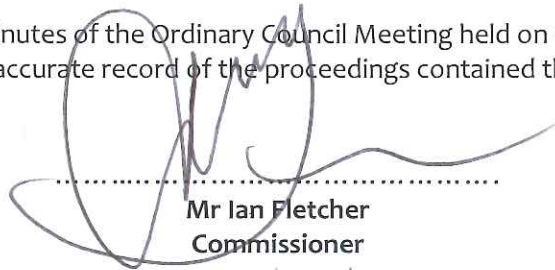


Ordinary Council Meeting
Minutes
6 June 2017

CONFIRMATION OF MINUTES

I hereby certify that the Minutes of the Ordinary Council Meeting held on 6 June 2017 are a true and accurate record of the proceedings contained therein.

A handwritten signature in black ink, appearing to be 'Ian Fletcher', is written over a dotted line.

Mr Ian Fletcher
Commissioner

4/07/2017

Dated

DISCLAIMER

The advice and information contained herein is given by and to the Council without liability 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.

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In particular and without derogating in any way from the broader disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Exmouth during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Exmouth. The Shire of Exmouth warns that anyone who has an application lodged with the Shire of Exmouth must obtain and should only rely on written confirmation of the outcome of the application.

Cameron Woods, Chief Executive Officer Shire of Exmouth

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ORDINARY COUNCIL MEETING MINUTES

Our Vision

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

Our Purpose

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

Our Strategic Objectives

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

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Commissioner declared the meeting open at 4.30 pm.

He acknowledged the aboriginal people both past and present, as the traditional custodians of the land of which we meet.

The Commissioner welcomed Mr Cameron Woods, the new Chief Executive Officer who started Tuesday 6 June 2017.

The Commissioner also welcomed members of the Strategic Community Reference Group to the gallery.

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

Mr I Fletcher AM JP	Commissioner
Mr C Woods	Chief Executive Officer
Mr K Woodward	Executive Manager Engineering Services
Mrs S O'Toole	Executive Manager Corporate Services
Mr J Cutler	Acting Executive Manager Community Engagement
Mr M Johnston	Acting Executive Manager Town Planning
Mrs J Gordon	Works Coordinator
Mrs M Head	Minute Clerk

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).

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;***

There were a number of questions received from the Exmouth Cape Conservation group; they have a deputation to present which will be dealt with under general item 9 Petitions/Deputations/Presentations/Submissions. These questions will be addressed here also.

Questions received by Milton Landon

Is it possible to move the swing set on Madaffari Drive and also curb and footpaths on Maley Street.

Executive Manager Engineering Services welcomed the suggestion and agreed it wasn't utilised in its current location. He advised the possibility of it being relocated will be discussed. Suggestions made included the Game fishing club or near the Football oval.

Kerbing and Footpath

No discussions have been had in regards to footpaths in the light industrial area. There is a footpath policy for Exmouth Townsite and the focus is what is referred to as to strategic routes. It is a cost matter. As such no footpaths or curbing has been discussed for Maley Street.

5. DECLARATIONS OF INTEREST

Nil

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.

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

That the Minutes of the Ordinary Meeting of the Shire of Exmouth held on the 2 May 2017 be confirmed as a true and correct record of proceedings.

COUNCIL RESOLUTION

ITEM 7

Res No: 01-0617

That the Minutes of the Ordinary Meeting of the Shire of Exmouth held on the 2 May 2017 be confirmed as a true and correct record of proceedings.

CARRIED 1/0

8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

- The Commissioner welcomed to Cameron Woods our new Chief Executive Officer, who started today. Cameron has 26 years' experience of service to the community 4 of which was with Bunbury Turf Club and 22 years in local Government we are very fortunate to have Cameron take on the role as CEO – he will address the meeting after I have spoken.
- The Commissioner acknowledged the hard work of Keith Woodward as the Acting Chief Executive Officer; incredible support to him as Commissioner, he kept hand on the tiller to ensure a steady keel at a very difficult time.
- Highlights
 - Governor General and Lady Cosgrove's visit to Exmouth on 15/16 May;
 - USA Memorial Day 29 May State War Memorial in Kings Park;
 - Visit by Minister for Local Government David Templeman 29/30 May. Thank you to Sue O'Toole and Amanda Fuery for looking after the Minister during his visit.
 - Whale Shark Festival 26 to 28 May;
- Petition tabled in the Legislative Council on Thursday 25 May, signed by 455 residents of the shire:

TO THE PRESIDENT AND MEMBERS OF THE LEGISLATIVE COUNCIL OF THE PARLIAMENT OF WESTERN AUSTRALIA IN PARLIAMENT ASSEMBLED

We the undersigned residents of Western Australia are seriously concerned about the integrity and conduct of the Shire of Exmouth, particularly its suspended Shire President and Councillors who have been subject to an Inquiry by the Western Australian Crime and Corruption Commission (CCC).

Considerable change is now underway since the Councillors suspension on 4 January 2017 and the appointment of a Commissioner. At this stage the Commissioner terminates on the 4 July 2017 and the existing Shire President and Councillors will be reinstated. This will result in a return to a dysfunctional Council that will undo all that has been achieved in the previous six months.

Your petitioners therefore respectfully request the Legislative Council instigate an urgent inquiry into the conduct of the Shire of Exmouth and its Council as a follow up to the CCC investigation into the Shire of Exmouth.

And your petitioners as in duty bound will every pray.

- Resignation of shire president and elected members of council
 - The Commissioner will continue in this role until the local government elections on 21 October – he will attend the OCM scheduled for 7 November and then return to Perth;
 - Six vacancies on council – now an opportunity for members of the community to play a key role in the future of our community by becoming councillors. The three that poll the highest will be appointed for a term of four years. The remaining three will be for a term of two years, at which time the next half election will occur;
 - The shire president will be an elected councillor who gets the highest number of votes from other councillors;
 - Training will be provided by the shire and Department of Local Government to anyone interested in becoming an elected member;
 - Nominations for Council will be open from 1 September 2017 and close at 4pm on 7 September 2017;
 - The election will be by postal vote;
 - Persons eligible to vote are residents of the shire, owners of property who do not reside in the shire. Every voter must be over 18 years of age;
 - The electoral rolls will close on 1 September 2017;
 - Voting is not compulsory but you are encouraged to cast your vote to have a say in your community.
- Ningaloo Centre
 - Practical completion of the building tomorrow 7 June – soft handover to shire;
 - WA Government has announced an Inquiry into Programs and Projects to be undertaken by the former WA Under-Treasurer, John Langoulant AO. This will be focussing on the associated governance arrangements, decision-making processes and financial consequences of 26 projects, including the Ningaloo Centre. The

report is to be completed by 31 October 2017. Written submissions are being called for, closing on 21 June 2017. Details can be obtained at the following website: <https://publicsector.wa.gov.au/document/inquiry-government-programs-and-projects-terms-reference>.

- Meetings Commissioner had in Perth (some meetings where attended by Cameron Woods also):
 - Steve Wood Director General Department of Jobs, Tourism, Science & Innovation to discuss tourism and resources;
 - WA Electoral Commissioner David Kerslake to discuss the October local government elections in Exmouth;
 - Niegel Grazia Head of Regional Development of Primary Industries & Regional Development to discuss the drawdown of the final tranche of RfR funds, \$5m;
 - Duncan Ord OAM, Director General Department of Local Government, Sport and Cultural Industries;
 - Board of Australia's Coral Coast;
 - CEO of Tourism WA Gwyn Dolphin and senior staff;
 - BHP Petroleum;
 - Subsea 7 Andy Woolgar MD Australia & NZ and senior staff;
 - WA Planning Department David Saunders Assistant Director General, Peter Gow Building Commissioner, Lanie Chopping Consumer Protection Department of Commerce - review of Town Planning Scheme No. 4 before lodgement;
 - Qantas & Bristow Helicopters to discuss jet RPT services possible extension of Dreamliner Heathrow to Perth add on fare of 39 pounds to Exmouth to extend to Broome on weekends in 2018. Continuation of Heliport at Learmonth;
 - Public Sector Commission (PSC) discussions on training in governance for shire staff to be conducted by the PSC.
- The Shire of Exmouth will become an exemplar of what is possible, across a very broad spectrum of activity.

Cameron Woods – Chief Executive Officer

- Honour and privilege to serve this community.
- Recently experienced 5 1/2 years in Albany, during a time they were going through tough periods just as Exmouth has been through. With Albany using the National ANZAC centre and the celebrations in 2014, they are now considered the best regional local government in Western Australia and see no reason why Exmouth can't be; the Ningaloo centre is the ANZAC trigger that this town can build economic diversity and more importantly build trust that has been lost.
- Existing staff fantastic people with all the right intentions
- See enormous potential with the town and this community. Have a passion for the environment and to protect it at all costs.

First priorities:

- Establish good governance practice and get things back on track.

- He thanked the Commissioner for the hard work he has done prior to his arrival and Executive Manager Engineering Services and Executive Manager Corporate Services who have worked under enormous duress persevering through the hard times.
- Establish and build relationships with key stakeholders to work together.

When the staff the councillors and community work together for the one common purpose, Exmouth can achieve amazing outcomes.

9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

A Petition was presented to Council by Denise Fitch from Cape Conservation Group in relation to Recycling in Exmouth. Taken on 28 May 2017 urging the Shire to institute recycling services and infrastructure contains 618 residents and 210 visitor signatures.

The Commissioner reinforced that the Shire are totally in support of the environment and recycling, however it has to be done properly. We are not opposed to recycling we want to do it and we want to do it well, we want to become an exemplar.

Commissioner read out header of petition signed

Questions received by Denise Fitch

1. *The Shire has stated that they are not in a position financially to commit to ongoing operational costs of another large capital works project”.*

When studying the Shire’s Waste Management Budget,

- *it was found that the Waste Management surplus was \$309K including more than \$30K in unanticipated revenue.*
- *the report detailed the calculation of only \$24K per annum for ongoing costs and maintenance, an amount that included the replacement of recycling equipment approximately every 10 years.*
- *These figures do not support your position that recycling services cannot be funded by the Shire and also suggest that a rate increase is not necessarily required for a recycling service to be introduced here. If surplus waste revenue has been redirected to other projects then the use of the Shire’s catchcry “insufficient funds” is misleading, and the community should be made aware that any rate rise would not be for recycling but as a measure to counter the redirection of funds.*

Can the Shire please provide a reason for the community that rates were suggested as the only means of supporting a recycling service here, when it appears that the waste management surplus is the most appropriate decision?

The Executive Manager Engineering Services provided the following information;

After working through the correspondence provided by yourself, a few of the statement I am going to be making will be assumptions as I have not had sufficient time to fully investigate in detail some of the claims being made. The \$309K surplus I believe is in a reserve fund set up under the provisions of the Local Government Act for the purpose of future capital works associated with a particular infrastructure. So the \$309K is in a reserve fund for Waste management infrastructure and the future close

out/rehabilitation of the existing land fill site. The money stays in a reserve account and a down draw occurs to that account when we have a capital project that accords with the title of the reserve account. This is a statutory process, we have a whole number of reserve accounts that we operate with in the Local Government. That \$300K \$165K of that is being transferred out, \$150K should have been spent this year, but because of circumstantial situations the project was carried forward to next year. There will be \$165 withdrawn from the reserve account to reconstruct the sewerage septic ponds at the Exmouth landfill site. The requirement to reconstruct the ponds has been put upon us by the Department of Environment. They have advised if we wish to continue to have septic ponds at the tip site they now must meet this standard. This is going to cost approx. \$165k. If we don't proceed with that it means the septic waste from around Exmouth will no longer be received in Exmouth but will need to be carted to either or Carnarvon or Karratha, and there is a certain consequence that goes with that. The Shire does put money into the reserve account but it is for the future of the landfill site, such as waste site rehabilitation and close out plan. So it is not money that we take out on an annual basis for operational things, it's for large capital spends at the tip site. So my assumption is that we are both talking about the same pool of money.

Looking at the fees and charges, my job is to ensure we handle the shires finances in a responsible way, moving forward into any new project that we are especially recovering rates from our ratepayer that is done in a logical and calculated manner. To ensure we don't go into deficit or charge too much to our ratepayer for a service, as this is not good governance either. I had a look at the figure of \$24K that has been suggested as the overall recovery we need to make to fund a recycling program. From my initial investigation and also based on a statement that the \$24K also covers the depreciated value of the associated plant equipment. Out of a capital spend of \$144K on recycling equipment it means that every year, if we divide the \$144K by ten years we need to recover \$14K every year to go into a reserve account to replace recycling equipment that leaves approx. \$9K left to pay for the recycling program, the labour the overhead and the plant and equipment the utilities and so on. When I did a calculation – what does \$9K translate into wages it translates into 10 hours per fortnight, and it is going to take more than 10 hours per fortnight to run a recycling centre. On assumptions 38 hours per fortnight is reasonable which means the Shire needs to recover with the waste fee of approx. \$61K per year and not \$24K. Simply by increasing the labour hours. I have concern if we charge \$16 per rateable property that we are going to under recover then next financial year we will get to a certain point and go into deficit. We can't afford to do that as a Shire. We as a Shire need time as a calculate these to determine what is a rational approach to this and what is it actually going to cost. If our rate has to go from \$16 per property to \$44 per property that is something we need to talk about as a local government and we need to engage our community on this issue.

- 2. On several occasions the Commissioner has mentioned "the Shire cannot afford to invest in any more big infrastructure projects". Will the Shire please elaborate on the major infrastructure projects it has committed to for the coming year that will take precedence over recycling?*

The Commissioner referred to the 17/18 financial year, the Executives of the Shire and I had discussions 17/18 to be a year of consolidation and review after the very difficult circumstances associated with the Ningaloo Centre. We have only just got to a point where the Ningaloo Centre will be... ok. There will be no spare cash out of this and

under his watch the aquarium is not going to open as there is still issues associated with that. Mr Woodward will expand on the fact that there are no major capital projects.

Major capital projects program federal and state funded roads projects. The federal program is 100% funded from Federal government and the state money for our roads program is 70% shire and 30% MRD. The asset preservation program for the shire we are a decade behind. As an example we should be spending \$615K on an annual basis on Yardie creek road and we spend approx. \$200K per year on Yardie creek road that deficit is compounding and it is a cost that we need to address in the future. At this stage we don't know how we going to raise enough revenue to inject another \$400k into Yardie creek road without substantial impact to our community.

We have a study at Tantabiddi boat ramp which is grant funded through the recreational boating facilities scheme which is a 70% grant and a 30% shire contribution. This study will tell us where we are heading with Tantabiddi boat ramp for the next 20 years – it will be our directional plan.

The other capital program is the Bundegi Boat ramp walkway upgrade; the current walkway has suffered a fair amount of damage as a result of vessel impact. The proposal is to lift that walkway off and re-engineer that walkway; this is being funding 70% by the State Government and 30% the Shire.

Whilst not a capital project but a maintenance cost is the operation of the Ningaloo Centre which is a brand new cost to us as a local government.

3. *At a meeting with Commissioner Fletcher on 17th May this year, he said that he was committed to meeting with the Director General of Regional Development, Ralph Addis, to discuss returning the remaining local government funds designated for recycling, of approximately \$380,000, and his intention was to withdraw or put the G.W.M.I. Project on hold. Taking into account the strong community response to having recycling, we request exact information on the current status of the funding and whether the Council will undertake reversal of this decision and management of the project this year?*

The Commissioner advised he attempted to see Mr Addis, whom then referred him to Mr Niegel Grazia who is now in charge of Regional Development. Mr Grazia then referred the Commissioner to Mr Gavin Robins CEO, Gascoyne Development Commission. He is currently waiting to hear back from Gavin Robins. As per the resolution of Council the shire has returned the money to the state treasuries.

All R4R monies is being reviewed by Minister MacTeirns team. The Commissioner advised did say he would have a look at other buckets of money, however the need to get our strategic plan together is the first priority. We need to have a total plan and work out where we are going.

Highest priority at this point is the Ningaloo Centre, we are still waiting on final advise from the WA Treasury Corporation as to whether we get \$1m we desperately need.

The grant money was received in 2012/13, so we have had the money for some time but no plan to utilise this grant funding received in 2012/13. No forward planning has ever been done.

4. *Can you please confirm that the funds from the Waste Management surplus next year will be directed to implementation of recycling and that the infrastructure required for this will be in place so that the project is implemented as soon as possible?*

Cameron Woods responded; recycling does have a high priority under his leadership and he will use the rest of this financial year and the first 6-9 months of the next financial year to get it right and get a plan which is sustainable for this community. We want to go with best practice and not pick up old habits. While recycling is a priority for us it is not a priority right at this moment.

Number of questions we need to explore and find out the real cost of recycling. It will be done right when we do it.

A strategic plan around waste is more than just recycling – Recycling however is a key component.

10. MATTERS ARISING FROM COMMITTEES OF COUNCIL

Nil

11. EXECUTIVE SERVICES

11.1 FITNESS FOR WORK (DRUG AND ALCOHOL) POLICY

File Reference:	CM.PO.5
Responsible Officer:	Executive Manager Engineering Services
Date of Report:	18 May 2017
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Nil

PURPOSE

That Council endorses the creation of a new Council Policy regarding Fitness for Work (Drug and Alcohol). It is proposed the draft policy will be provided to Council at the July 2017 Ordinary Council meeting.

The Shires Workplace Health and Safety manual has guidelines related to fitness for work. The policy will refine the fitness for work principals.

BACKGROUND

The role of Council is to determine the local government's policies.

The objectives of the Council's Policy Manual are:

1. To provide Council with a formal written record of all policy decisions;
2. To provide the staff with precise guidelines in which to act in accordance with Council's wishes;
3. To enable the staff to act promptly in accordance with Council's requirements, but without continual reference to Council;
4. To enable Councillors to adequately handle enquiries from electors without undue reference to the staff or the Council;
5. To enable Council to maintain a continual review of Council Policy decisions and to ensure they are in keeping with community expectations, current trends and circumstances; and
6. To enable ratepayers to obtain immediate advice on matters of Council Policy.

COMMENT

Employers have a duty of care under the *Occupational Safety and Health Act (1984)* to protect workers from any known harms. This includes the short and long term risks associated with alcohol and drugs. Creating a workplace that prevents the use of alcohol and drugs can positively impact on the health and safety of workers.

The Shire of Exmouth:

- Will provide/promote an alcohol and drug free workplace;
- Is committed to providing a workplace culture that recognizes that taking drugs can have a negative influence on the health, as well as work and social relationships of staff.

The Shire has managed the fitness for work objectives through the Shire Work Place and Safety Manual section *2.8 Fitness for Work*.

CONSULTATION

Work Safe Western Australia
Department of Health Western Australian
City of Albany Policy
WALGA

STATUTORY ENVIRONMENT

Section 2.7 (2) (b) of the Local Government Act 1995
Misuse of Drugs Act 1981
Road Traffic Act 1974
Workers Compensation and Rehabilitation Act 1981

POLICY IMPLICATIONS

Governance Policies

FINANCIAL IMPLICATIONS

Work Place Health and Safety programs are incorporated into the annual Shire Budget.

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 11.1

That Council endorses the creation of a Council Policy regarding Fitness for Work (Drug and Alcohol).

COUNCIL RESOLUTION

ITEM 11.1

Res No: 02-0617

That the Commissioner endorses the creation of a Council Policy regarding Fitness for Work (Drug and Alcohol).

CARRIED 1/0

11.2 EXTENSION TO REDUCED FEES PREVIOUSLY APPROVED COUNCIL RESOLUTION 15-0117

File Reference:	LE.NO.0
Responsible Officer:	Acting Chief Executive Officer
Date of Report:	18 May 2017
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. January 2017 Council Minutes Item 15.1 – Proposed Reduced Fees to Reward Prompt Action to Resolve Unauthorised Sea Containers and Transportable Buildings

PURPOSE

Council extend the period of concession for Planning and Building fees as per previous Council resolution 15-0117.

BACKGROUND

Previous Council resolution 15-0117 (refer Attachment 1):

That the Commissioner:

- 1. Waive \$294.00 of the Planning Application fee and the fee for a Certificate of Building Compliance (\$199.50) for all complete applications lodged by 28 February 2017 for current unauthorised sea containers and transportable buildings; and**
- 2. Apply the above fee waiver/s to any application lodged before this resolution that are so lodged in response to correspondence issued by the Shire of Exmouth dated 29 November 2016 regarding 'Unauthorised Building (Sea Container/ Transportable Building)'.**

CARRIED COMMISSIONER

To date the following information has been provided to 49 property owners:

1. Shire Newsletter November 2016
2. First letter to owner 29 November 2016
3. Second letter to owner 22 December 2016
4. Third letter to owner 31 January 2017

Not all property owners have received all three letters as they have commenced the planning approval process.

From the above, 12 have received planning approval but are yet to receive building permit and 10 properties need to be followed up on. There are 27 properties still needing to apply for formal approval.

COMMENT

Some property owners have been slow to respond to the aforementioned correspondence and newsletters. To give them the benefit of the doubt and to provide encouragement to submit, staff support an extension of time as the aim is to provide a safe community.

A fourth letter to the property owners will be sent on the 9 June 2017 advising property owners of action taken to date and a final timeframe to submit an application to Council within 21 days (30 June 2017). If the property owner fails to take any action within that timeframe, the Shire will be obligated to issue a Notice of Proposed Building Order to have the building removed. If in the unfortunate event the Order is issued the property owner will have 14 days to respond, Council staff will consider each submission within that period.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

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

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

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Exmouth Town Planning Scheme No. 3

Building Act 2011

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The potential financial implications are difficult to ascertain as it will depend on the uptake of the amnesty for the reduced fees which to date has been low.

STRATEGIC IMPLICATIONS

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

- Economic:
- 1 To be a diverse and innovative economy with a range of local employment opportunities.
 - 1.2 *Planned and balanced economic growth.*
- Environment:
- 2 To have a balanced respect for our environment and heritage, both natural and built.
 - 2.5 *To make Exmouth an attractive town that is a comfortable and welcoming place to live and visit, and reflects the lifestyle values and unique natural environment.*
- Social:
- 3 To be a dynamic, passionate and safe community valuing natural and cultural heritage.
 - 3.1 *Retain a safe community environment.*

- 3.4 *A community that is well informed and educated about our natural, cultural and built environment.*

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

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

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

VOTING REQUIREMENTS

Absolute majority

OFFICER'S RECOMMENDATION

ITEM 11.2

That Council waive \$294.00 of the Planning Application fee and the fee for a Certificate of Building Compliance (\$199.50) for all complete applications lodged by 31 December 2017 for current unauthorised sea containers and transportable buildings.

COUNCIL RESOLUTION

ITEM 11.2

Res No: 03-0617

That the Commissioner approves to waive \$294.00 of the Planning Application fee and the fee for a Certificate of Building Compliance (\$199.50) for all complete applications lodged by 31 December 2017 for current unauthorised sea containers and transportable buildings.

CARRIED 1/0

12 CORPORATE SERVICES

12.1 FINANCIAL STATEMENT FOR PERIOD ENDING 30 APRIL 2017

File Reference:	FM.FL.0
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	12 May 2017
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Financial Report as at April 2017

PURPOSE

This report recommends Council accept the financial report for the financial period ending 30 April 2017.

BACKGROUND

The provisions of the Local Government Act 1995 and associated Regulations require a monthly financial report is presented to the Council. The financial report for the period ended 30 April 2017 has been prepared and a copy of the Report is attached.

The following table displays the Council's year to date position to 30 April 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, however the current projected forecast closing position to 30 June 2017 is estimated a deficit of (\$73,703).

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	10,283,026	10,556,289	11,927,194	96.2%	11,400,880	▼
Operating Expenditure	(12,260,905)	(12,901,807)	(15,865,496)	95.0%	(15,559,671)	▲
Non Operating Revenue	16,969,836	23,898,903	27,937,455	120.0%	25,767,202	▼
Non Operating Expenditure	(18,981,731)	(22,374,111)	(28,398,920)	82.8%	(26,265,030)	▲
Non cash Items Included	3,744,415	3,369,731	4,286,478	66.0%	4,457,371	
Surplus C/Fwd June 2016	125,545	129,804	129,804	96.7%	125,545	▼
Surplus/(Deficit)	(119,813)	2,678,809	16,515	-4.5%	(73,703)	▼

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

COMMENTStatement of Financial Position

Total Current Assets decreased by 27% from March to April 2017, which is attributed to a reduction in Unrestricted Cash at Bank of (451%). Current Liabilities have increased by 11.4% from March to April due to the timing of Creditors invoices being entered. Non-Current Assets have also increased slightly by 1.8% which is attributable to the construction of the Ningaloo Centre. Non-Current Liabilities remain unchanged from March 2017.

	30/04/2017	31/03/2017	% Change
Current	\$	\$	
Assets	7,197,766	9,857,623	(27.0%)
Liabilities	(1,783,590)	(1,600,416)	11.4%
Non Current			
Assets	105,549,470	103,683,378	1.8%
Liabilities	(1,207,697)	(1,288,504)	(6.3%)
NET ASSETS	109,755,949	110,652,081	

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 86% 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	17,466,471	17,740,070	98%	21,749,654
Furniture & Equipment	133,377	306,000	44%	371,000
Land Held for Resale	430,000	430,000	100%	430,000
Plant & Equipment	23,619	867,500	3%	1,026,200
Infrastructure Roads	236,483	1,889,460	13%	2,267,441
Infrastructure Other	248,582	404,000	62%	795,936
TOTAL	18,538,532	21,637,030	86%	26,640,231

Debtors Schedule

The following table shows Sundry Debtors which have been outstanding over 30, 60 and 90 days at the end of April 2017.

Sundry Debtors	30/04/2017	31/03/2017	Change	% of Current Total
	\$	\$	%	%
Current	809,934	1,736,260	-53%	84%
> 30 Days	5,148	37,686	-86%	1%
> 60 Days	30,034	5,250	472%	3%
> 90 Days	120,025	134,064	-10%	12%
Total	965,141	1,913,260		100%

A debtors invoice for leasing was raised at the start of the financial year and is paid quarterly, which is impacting on the balance > 90 days.

Rates Schedule

The balance of outstanding rates continue to decrease as debt recovery procedures are being implemented. The net rates collected (excluding Deferred Pensioners) to 30 April 2017 is 92%.

Rates and Charges	30/04/2017	31/03/2017	Change
	\$	\$	%
Rates & Charges	405,739	429,778	-6%
Less Deferred Pensioners	(37,719)	(37,719)	0%
Total Rates Collectable	368,020	392,059	

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 30 April 2017.

COUNCIL RESOLUTION**ITEM 12.1**

Res No: 04-0617

That the Commissioner resolves to receive the Financial Report for the financial period ending 30 April 2017.

CARRIED 1/0

12.2 LIST OF ACCOUNTS FOR PERIOD ENDING APRIL 2017

File Reference:	FM.FI.0
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	12 May 2017
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. List of Accounts for period ending April 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 – April 2017 \$2,773,233.64 incorporating of cheques 13418 – 13424 and direct debits; and
2. Trust Fund – April 2017 \$8,664.15 incorporating direct debits

with Outstanding Creditors as at April 2017 being \$503,229.96

COUNCIL RESOLUTION

ITEM 12.2

Res No: 05-0617

That the Commissioner 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 – April 2017 \$2,773,233.64 incorporating of cheques 13418 – 13424 and direct debits; and**
- 2. Trust Fund – April 2017 \$8,664.15 incorporating direct debits**

with Outstanding Creditors as at April 2017 being \$503,229.96

CARRIED 1/0

12.3 DIFFERENTIAL RATING 2017/18

File Reference:	FM.BU.17.18
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	18 May 2017
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Statement of Rating Objects and Reasons for the 2017/18 Financial Year

PURPOSE

This report recommends Council endorse the differential rates proposed for the 2017/18 Budget including the Statement of Rating Objects and Reasons.

BACKGROUND

The *Local Government Act 1995* provides for Councils to levy rates to fund the estimated annual budget deficiency for the forthcoming financial year, after taking into account all other forms of revenue. Councils can impose a differential general rate and are required to give local public notice of its intention to do so.

COMMENT

To ensure equity with the rating system for the 2017/18 financial year, six (6) differential rating categories are proposed and the objects and reasons for these are included as Attachment 1. This model has considered the budget deficiency, and Officers have concluded the differential rates will not be more than twice the lowest differential rate, therefore Ministerial approval is not required.

The proposed 2017/18 differential rating categories, rate in the dollar amount and minimum payment amount will continue to provide fairness and equity by ensuring that all properties pay a consistent minimum payment. In addition, these funds continue to meet our community expectations and needs as outlined in our Strategic Community Plan and Corporate Business Plan.

The Shire of Exmouth Commissioner, Ian Fletcher has provided assurance to ratepayers there would not be an increase in rates in 2017/18, so the following rating model has been based on this commitment.

Rate Category	Rate in Dollar \$	Minimum Payment \$
GRV General	0.0715	900.00
GRV Marina Developed	0.0983	900.00
GRV Holiday Homes	0.1011	900.00
GRV Vacant Land	0.1205	900.00
UV Mining	0.1552	284.00
UV Rural	0.0776	900.00

In 2016/17, Council combined 11 differential rate codes into 6 codes and to minimise any significant increases to those properties, it is recommended to continue to provide a concession to those affected rating zones and categories as listed below:

Concessions for Properties levied Differential General Rate

Rate Type	Zoning	Concession Amount	Proposed Rate in \$ after deducting concession
GRV General	For properties zoned Residential and are predominantly used for residential purposes	\$0.0016	\$0.0699
	For properties zoned Special Rural and are developed	\$0.0147	\$0.0568
	For properties zoned Residential Development and used for residential purposes	\$0.0101	\$0.0614
GRV Vacant Land	For properties zoned the following and are vacant land: Industrial, Light Industrial, Mixed Use, Strategic Industrial, Tourist, Town Centre and Composite Development	\$0.0096	\$0.1109
	For properties zoned Special Rural and are vacant land	\$0.0490	\$0.0715
	For properties zoned Residential and are vacant land	\$0.0472	\$0.0733
	For properties zoned Marina and are vacant land	\$0.0015	\$0.1190
GRV Holiday Homes	For properties zoned Residential that have received Development Approval to operate as short term holiday accommodation	\$0.0312	\$0.0699
	For properties zoned Marina that have received Development Approval to operate as short term holiday accommodation	\$0.0009	\$0.1002

Concessions for Properties levied Minimum Payment

\$ Concession	Rating Category	Reason
\$470	GRV Vacant Land for properties zoned Residential Development and are vacant land	Properties are subject to flooding and can only be used for recreational purposes

Above all, this will see our rate modelling continue as a strategic step in maintaining a sustainable rating structure.

Included in the 2017/18 Differential Rating proposal is a Specified Area Rate to be applied to properties zoned Marina that have canal frontage in the Exmouth Marina Precinct. As in previous years, these funds are used for environmental monitoring costs, periodic dredging, clearing and maintenance of the canal waterways, and any unspent funds will be transferred to the Marina Canal Reserve at year end.

Rate Category	Rate in Dollar \$	Minimum Payment \$
GRV Specified Area Rate	0.0130	66.00

Advertising the proposed rates will appear in the Pilbara Newspaper and on Council noticeboards, providing 21 days for electors or ratepayers to make a submission which will be considered by Council before imposing the proposed rate or minimum payment.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Section 6.32, 6.33, 6.35 & 6.36 *Local Government Act 1995*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Rating income will be included in the 2017/18 Budget, estimated at \$3,204,262 less concessions of (\$91,221), leaving estimated rates levied of \$3,192,143.

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

Absolute Majority

OFFICER'S RECOMMENDATION**ITEM 12.3**

That Council:

1. Adopt the following differential rating categories for the 2017/18 Budget;

Rate Category	Rate in Dollar \$	Minimum Payment \$
GRV General	0.0715	900.00
GRV Marina Developed	0.0983	900.00
GRV Holiday Homes	0.1011	900.00
GRV Vacant Land	0.1205	900.00
UV Mining	0.1552	284.00
UV Rural	0.0776	900.00
GRV Specified Area Rate	0.0130	66.00

2. Adopt the objects and reasons for each of the proposed differential rates and minimum payments; and
3. Advertise the differential rates and call for submissions by 4pm on 6 July 2017, or 21 days after the publication date.
4. Adopt Concessions for Properties levied Differential General Rate as follows:

Rate Type	Zoning	Concession Amount	Proposed Rate in \$ after deducting concession
GRV General	For properties zoned Residential and are predominantly used for residential purposes	\$0.0016	\$0.0699
	For properties zoned Special Rural and are developed	\$0.0147	\$0.0568
	For properties zoned Residential Development and used for residential purposes	\$0.0101	\$0.0614
GRV Vacant Land	For properties zoned the following and are vacant land: Industrial, Light Industrial, Mixed Use, Strategic Industrial, Tourist, Town Centre and Composite Development	\$0.0096	\$0.1109
	For properties zoned Special Rural and are vacant land	\$0.0490	\$0.0715
	For properties zoned Residential and are vacant land	\$0.0472	\$0.0733
	For properties zoned Marina and are vacant land	\$0.0015	\$0.1190
GRV Holiday Homes	For properties zoned Residential that have received Development	\$0.0312	\$0.0699

	Approval to operate as short term holiday accommodation		
	For properties zoned Marina that have received Development Approval to operate as short term holiday accommodation	\$0.0009	\$0.1002

5. Adopt Concessions for Properties levied Minimum Payment as follows:

\$ Concession	Rating Category	Reason
\$470	GRV Vacant Land for properties zoned Residential Development and are vacant land	Properties are subject to flooding and can only be used for recreational purposes

COUNCIL RESOLUTION

ITEM 12.3

Res No: 06-0617

That the Commissioner:

1. Adopt the following differential rating categories for the 2017/18 Budget;

Rate Category	Rate in Dollar \$	Minimum Payment \$
GRV General	0.0715	900.00
GRV Marina Developed	0.0983	900.00
GRV Holiday Homes	0.1011	900.00
GRV Vacant Land	0.1205	900.00
UV Mining	0.1552	284.00
UV Rural	0.0776	900.00
GRV Specified Area Rate	0.0130	66.00

2. Adopt the objects and reasons for each of the proposed differential rates and minimum payments; and

3. Advertise the differential rates and call for submissions by 4pm on 6 July 2017, or 21 days after the publication date.

4. Adopt Concessions for Properties levied Differential General Rate as follows:

Rate Type	Zoning	Concession Amount	Proposed Rate in \$ after deducting concession

GRV General	For properties zoned Residential and are predominantly used for residential purposes	\$0.0016	\$0.0699
	For properties zoned Special Rural and are developed	\$0.0147	\$0.0568
	For properties zoned Residential Development and used for residential purposes	\$0.0101	\$0.0614
GRV Vacant Land	For properties zoned the following and are vacant land: Industrial, Light Industrial, Mixed Use, Strategic Industrial, Tourist, Town Centre and Composite Development	\$0.0096	\$0.1109
	For properties zoned Special Rural and are vacant land	\$0.0490	\$0.0715
	For properties zoned Residential and are vacant land	\$0.0472	\$0.0733
	For properties zoned Marina and are vacant land	\$0.0015	\$0.1190
GRV Holiday Homes	For properties zoned Residential that have received Development Approval to operate as short term holiday accommodation	\$0.0312	\$0.0699
	For properties zoned Marina that have received Development Approval to operate as short term holiday accommodation	\$0.0009	\$0.1002

6. Adopt Concessions for Properties levied Minimum Payment as follows:

\$ Concession	Rating Category	Reason
\$470	GRV Vacant Land for properties zoned Residential Development and are vacant land	Properties are subject to flooding and can only be used for recreational purposes

CARRIED 1/0

13 COMMUNITY ENGAGEMENT

Nil

14 HEALTH & BUILDING SERVICES

Nil

15 TOWN PLANNING SERVICES

15.1 HOLIDAY ACCOMMODATION – LOT 1 (23) LOCKWOOD STREET, EXMOUTH

File Reference:	A1969; PA72/17
Responsible Officer:	Acting Executive Manager Town Planning
Date of Report:	24 May 2017
Applicant/Proponent:	Exmouth Cape Real Estate
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none">1. Emergency Response Plan/Floor Plan, Management Statement, Tenant Code of Conduct2. Parking Assessment

PURPOSE

That Council consider granting conditional development approval for Holiday Accommodation at Lot 1 (23) Lockwood Street, Exmouth (refer Attachment 1).

BACKGROUND

The subject property is a strata lot and the applicant wishes to apply for a change of use to Holiday Accommodation. The property is 501m² in area and zoned Residential R17.5 in *Town Planning Scheme No. 3*. The aerial image below identifies Lot 1 (23) Lockwood Street.

Location Plan - Lot 1 (23) Lockwood Street, Exmouth



COMMENT

The proposal has been assessed against *Town Planning Scheme No. 3* (Scheme), Policy No. 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.

The objectives of Policy No. 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 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 1 (23) Lockwood Street, Exmouth

Bedroom 1: Total floor space: 12.77m², Approximate Air Space: 30.97m³
Allowable occupants: 2 adults OR 1 adult and 2 children OR 3 children

Bedroom 2: Total floor space: 9.14m², Approximate Air Space: 22.16m³
Allowable occupants: 1 adult OR 1 adult and 1 child OR 2 children

Bedroom 3: Total floor space: 9.14m², Approximate Air Space: 22.16m³
Allowable occupants: 1 adult OR 1 adult and 1 child 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 2.425m.

Occupancy Levels

The *Health Local Laws 1998* and Policy 6.12 permit a maximum number of seven (7) 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 No. 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 seven (7) people within the Holiday Accommodation. Furthermore, the maximum permissible number of vehicles permitted at the property under Policy No. 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 a maximum of three (3) parking spaces are available within the property boundaries in accordance with the minimum dimensions prescribed by the Scheme (refer Attachment 2). A standard condition of approval is recommended.

Management Plan and Code of Conduct

The applicant has submitted a copy of the proposed Management Statement, Tenant Code of Conduct and an Emergency Response Plan. The Tenant Code of Conduct outlines a maximum of eight (8) guests which does not comply with the maximum occupancy permitted. It is recommended that the document is amended to reflect the correct maximum 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.

Having regard to the above, it is recommended that development approval is granted for Holiday Accommodation at Lot 1 (23) Lockwood 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 Monday 24 April 2017 until Monday 8 May 2017, for a period of 14 days. A summary is tabled below:

Property Referred	Submitters Response	Officer Comments
Lot 2 (23A) Lockwood Street	<p>I have no major objection to the proposal described in your letter dated the 24 April 2017 however I would like to bring to your attention the following:</p> <p>1) I note that there will be no new buildings or works to the property in question.</p> <p>2) I would have an objection if there were to be new buildings or works to the property.</p> <p>3) It must be taken into consideration that my property and the applicant's lie only metres from each other, and by changing the classification to holiday rental may bring unwanted disturbances should any holiday maker feel the need to celebrate nightly their time in Exmouth eg alcohol, noisy parties etc which would be more likely occurrence due to turnover of short term holiday occupants compared to established long term tenants who would more likely consider their neighbours. I do note that the attachments documents state a 10pm noise curfew.</p>	<p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted. The applicant is required to provide a tenant code of conduct which has the purpose of ensuring guests consider the adjoining properties and behave appropriately. Compliance with the code of conduct is required at all times through the Officers Recommendation. In addition, all properties in Western Australia are required to comply with the <i>Environmental Protection (Noise) Regulations 1997</i>, regardless of their approved land use, which controls maximum noise levels.</p>

	<p>4) My and the applicant's land area is quite small relative to those in the immediate area and issues regarding vehicle and/or boat parking may become problematic and may need to be limited in the grant of change of classification.</p> <p>5) I do query the attached document which lists accommodation to a maximum of 8 guests when this is only a one bathroom, 3 small bedroom residence.</p> <p>Keeping in mind at this stage I have no major objection.</p>	<p>Noted. Council's planning framework prescribes requirements to control parking and access. Conditions are proposed accordingly in the Officer's Recommendation.</p> <p>Noted. Council has adopted <i>Health Local Laws 1998</i> which prescribe maximum occupancy numbers of bedrooms based on their cubic metre area. The maximum numbers are prescribed in the Officer's Recommendation.</p> <p>Noted.</p>
Lot 54 (21) Lockwood Street	Nil	
Lot 52 (25) Lockwood Street	Nil	
Lot 336 (26) Lockwood Street	Nil	
Lot 337 (24) Lockwood Street	Nil	
Lot 69 (18) Fyfe Street	Nil	
Lot 68 (16) Fyfe Street	Nil	
Lot 67 (14) Fyfe Street	Nil	

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Town Planning Scheme No. 3

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION**ITEM 15.1**

That Council grants development approval for Holiday Accommodation upon Lot 1 (23) Lockwood Street, Exmouth subject to the following conditions:

1. The use being carried out in accordance with the stamped approved plans (PA72/17), and the Shire of Exmouth *Town Planning Scheme No. 3* and Policy No. 6.12 - Holiday Accommodation together with any annotations detailed thereon by the Shire;
2. There shall be a maximum of seven (7) 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 1 (23) Lockwood Street, Exmouth

Bedroom 1: Total floor space: 12.77m², Approximate Air Space: 30.97m³
Allowable occupants: 2 adults OR 1 adult and 2 children OR 3 children

Bedroom 2: Total floor space: 9.14m², Approximate Air Space: 22.16m³
Allowable occupants: 1 adult OR 1 adult and 1 child OR 2 children

Bedroom 3: Total floor space: 9.14m², Approximate Air Space: 22.16m³
Allowable occupants: 1 adult OR 1 adult and 1 child 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 2.425m.*

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 overnight occupants;
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 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.

COUNCIL RESOLUTION**ITEM 15.1**

Res No: 07-0617

That the Commissioner grants development approval for Holiday Accommodation upon Lot 1 (23) Lockwood Street, Exmouth subject to the following conditions:

- 1. The use being carried out in accordance with the stamped approved plans (PA72/17), and the Shire of *Exmouth Town Planning Scheme No. 3* and Policy No. 6.12 - Holiday Accommodation together with any annotations detailed thereon by the Shire;**
- 2. There shall be a maximum of seven (7) 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 1 (23) Lockwood Street, Exmouth

**Bedroom 1: Total floor space: 12.77m², Approximate Air Space: 30.97m³
Allowable occupants: 2 adults OR 1 adult and 2 children OR 3 children**

**Bedroom 2: Total floor space: 9.14m², Approximate Air Space: 22.16m³
Allowable occupants: 1 adult OR 1 adult and 1 child OR 2 children**

**Bedroom 3: Total floor space: 9.14m², Approximate Air Space: 22.16m³
Allowable occupants: 1 adult OR 1 adult and 1 child 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 2.425m.***

- 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 overnight occupants;**
- 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 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.**

CARRIED 1/0

15.2 RETROSPECTIVE SEA CONTAINER – LOT 861 (59) MCLEOD STREET, EXMOUTH

File Reference:	A1693; PA67/17
Responsible Officer:	Acting Executive Manager Town Planning
Date of Report:	24 May 2017
Applicant/Proponent:	J Wildforster & P Nasi
Disclosure of Interest:	Nil
Attachment(s):	1. Site Plan

PURPOSE

That Council consider granting retrospective development approval for two (2) Sea Containers at Lot 861 (59) McLeod Street, Exmouth.

BACKGROUND

Recently the Shire of Exmouth has undertaken a substantial compliance action regarding the requirement for development and building approval for sea containers and transportable buildings within the local government area. As a result a number of retrospective development applications have been lodged with the Shire of Exmouth for sea containers, such as the subject application.

Shire records indicate that the property has been leased from the Department of Lands and lawfully used for the purpose of 'paddocking horses and grazing' since at minimum 1994, when a lease expired. The applicant has developed two (2) sea containers at the property in conjunction with that use for which retrospective development approval is being sought. The development (refer Attachment 1) is as follows:

- Two 6m long, 2.4m wide and 2.8m high sea containers.
- Minimum setbacks to the sea containers are 70m to the street, 50m to the rear and 40m to the southern side property boundaries.
- Sea containers used for storage of goods associated with the existing land use.



COMMENT

Town Planning Scheme No. 3

The property is zoned 'Residential Development' by the Shire of Exmouth *Town Planning Scheme No. 3* (TPS3). The use of the land for the paddocking horses and grazing is considered most consistent with the 'Hobby Farm' land use defined by TPS3 as follows:

hobby farm: means the use of land for the agistment of horses, the growing of vegetables, fruit and flowers and the keeping of domestic poultry for private use only and not for commercial purposes or sale and shall include any buildings normally associated therewith.

TPS3 allows for the continuation of land uses operating lawfully prior to its commencement, therefore development consent is in place for the Hobby Farm land use. The application is for works under that land use.

TPS3 does not prescribe the permissibility of any land uses, including works under those uses, within the Residential Development zone as the purpose of this zone is to implement the requirement for a structure plan (referred to as Outline Development Plan in TPS3) which allocates permissible land uses through further amendment to the Scheme. Therefore, there is no delegation to determine the subject application. The development requirements of TPS3 only outline the requirement for the preparation and adoption of a structure plan in the event that development is associated with subdivision. As subdivision is not proposed as a part of the application it can be determined without the adoption of a structure plan.

Where the permissibility of a land use is not prescribed TPS3 outlines the following:

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

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

The objectives of the Residential Development zone are as follows:

- (a) to provide for residential development for expansion of Exmouth.*
- (b) to provide for diversity of lifestyle choice with a range of residential densities.*
- (c) to achieve a high standard of residential development having regard to the economic importance of tourism to the town.*
- (d) to allow for the establishment of non-residential uses which are compatible with the predominant residential use and which will not adversely affect local amenities.*
- (e) To promote development consistent with the planning objectives and recommendations of the Exmouth-Learmonth (North West Cape) Structure Plan.*

The development is not considered to undermine the objectives of the zone. Structure planning of residential development in the immediate area for the purpose of subdivision has not been undertaken. The works the subject of this application will not prevent structure planning from occurring in the future if land constraints are rectified. The land use already has development consent and is considered compatible with the existing use of the area.

The Exmouth-Learmonth (North West Cape) Structure Plan adopted in 1998, which acts as a strategic document and not a subdivisional structure plan, outlines that the property should be for long term residential development. Therefore, it is considered acceptable for the existing use and works to continue on the land until local structure planning is carried out in accordance with TPS3 and/or TPS3 is amended or superseded. The development of sea containers does not impact the local amenity if developed in accordance with Council's planning framework.

Therefore, it is recommended that Council determines that the use is consistent with the objectives of the particular zone and the subject works are therefore permitted. The Scheme outlines that siting and development requirements are at the discretion of Council and are normally designated through the structure plan process. More guidance is provided through Council's local planning policy framework.

Draft Local Planning Scheme No. 4 and Local Planning Strategy

Council is currently in the process of adopting draft Local Planning Scheme No. 4 (LPS4) and Local Planning Strategy (Strategy) which have been seriously entertained through completion of the advertising process. Pursuant to deemed provision 67 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, planning instruments which the local government is seriously considering adopting are to be given due regard to the extent that they are considered relevant.

LPS4 and the Strategy classify the subject property as the 'Rural' zone due to the Exmouth Townsite Structure Plan, another strategic and not subdivisional structure plan, which was adopted during 2011. This document identifies additional land constraints, being severe drainage issues and floodways, on the land the subject of long term residential development under the Exmouth-Learmonth (North West Cape) Structure Plan. Therefore, the classification of the land is proposed to be returned to the 'Rural' zone (retitle of the 'Pastoral zone in TPS3) to allow the continuation of horse paddocking and grazing until such time as substantial drainage remediation is conducted.

The siting and development requirements provided in LPS4 for sea containers in the Rural zone is the same as the Policy No. 6.9 – Use of Sea Containers, which allows an unlimited number of any size sea containers as long as they meet the other requirements which are outlined under the assessment against the Policy.

Policy No. 6.9 – Use of Sea Containers

The development of sea containers within the Shire of Exmouth is subject to compliance with Council's Policy No. 6.9 – Use of Sea Containers as follows:

General Provisions	Officer Comment
Sea Containers are not listed in Scheme and may be permitted within 'Light Industry', 'Industry', 'Special Use- Composite Industry', 'Strategic Industry', Mixed Use' & 'Pastoral', 'Special Rural' and shall be subject to planning approval from the Shire.	The subject property is zoned 'Residential Development' which is not listed.
All sea containers require a building licence.	Enforced by the Building Code of Australia. An advice note is recommended advising accordingly.
During the planning application stage, where there may be amenity issues, adjoining landowners may be invited to comment on the proposal.	The proposed sea containers are setback well into the property. Substantial landscaping exists through remnant natural vegetation, screening the development from view. Therefore, it is considered not to pose an amenity issue requiring referral.
Sea containers shall not be used for any form of accommodation.	The application is for sea containers used for storage purposes for a Hobby Farm. A standard condition of approval is recommended to ensure future compliance with this provision.
Where sea containers have fallen into disrepair or become unsightly, Council shall require they be removed from the property or suitably upgraded.	A standard condition of approval is recommended to ensure future compliance with this provision.
Development Requirements	Officer Comment
All sea containers shall be located behind the building line and adequately screened from the street, including the provision of landscaping where Council considers it necessary. Sea containers shall not be stacked vertically.	Substantial landscaping exists through remnant natural vegetation, screening the development from view. In addition, the sea containers are sited well back from the front property boundary. Vertical stacking of the sea containers is not proposed. Standard conditions of approval are recommended to achieve on-going compliance.
Where a sea container can't be adequately screened from the street or adjoining properties, Council shall require external modifications, which may include the addition of a pitched roof and/or cladding so as to protect the amenity of Exmouth.	Refer to assessment above.
Sea Containers shall accord with the relevant provisions of the Shire of Exmouth Town Planning Scheme No. 3	Refer to assessment above.
Sea Containers shall be painted externally in accordance with the Shire of Exmouth Colour Palette.	No details have been provided regarding the colour of the sea containers. A standard condition is recommended requiring the colour of the sea containers to be consistent with Council's <i>Policy No. 6.2 – Colour Palette for Developments</i> .
The use of sea containers shall relate directly to and be ancillary to the predominant use of the land as approved by Council.	The use of the sea containers is for the storage of goods required for the Hobby Farm land use. Therefore, their use is directly related to the predominate use of the land. A standard condition of approval is recommended to ensure on-going compliance.

Sea containers shall be located within normal building setbacks in accordance with the R-Codes.	The property zoning does not entail setbacks prescribed by the R-Codes at this point in time due to no structure plan being adopted.
Sea containers shall not be located over existing utilities and services.	No details provided. A standard condition is recommended to achieve on-going compliance.

The Policy does not list the Residential Development zone as a zone where sea containers may be permitted. Pursuant to deemed provision 67 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, local planning policies are to be given due regard to the extent that they are considered relevant.

Given that the development is minor works for the continuation of a land use which has operated lawfully for over twenty years the Policy is considered less relevant than LPS4 which supports the development. Therefore, it is considered that the development should be supported subject to standard conditions that achieve compliance with Council's planning framework, particularly Policy No. 6.9 – Use of Sea Containers.

State Planning Policy 3.7 Planning in Bushfire Prone Areas

The subject property is located within a bushfire prone area as determined by an order made by the Fire and Emergency Services Commissioner under the *Fire and Emergency Services Act 1998*. For development in a bushfire prone area State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP3.7) requires a Bushfire Attack Level (BAL) Assessment demonstrating a maximum BAL of 29 and a report demonstrating compliance with the Bushfire Protection Criteria contained in the Guidelines for Planning in Bushfire Prone Areas. Recently the Western Australian Planning Commission released Planning Bulletin 111/2016 Planning in Bushfire Prone Areas which provides further guidance on when SPP3.7 should be applied. The Bulletin outlines that where developments do not:

- *result in the intensification of development (or land use);*
- *result in an increase of residents or employees;*
- *involve the occupation of employees on site for any considerable amount of time; or*
- *result in an increase to the bushfire threat;*

they may be exempt from the provisions of SPP3.7. Pursuant to deemed provision 67 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, state planning policies are to be given due regard to the extent that they are considered relevant.

The development is not considered to fall within any of the criteria above as it is simply for the storage of items used through the Hobby Farm use at the property. These items would be stored at the property regardless of the sea containers which are just providing weather protection. It does not result in any additional residents or employees at the site or increase the length of time anyone staying at the site as the same level of activity would occur without the sea containers. The structure is not considered to increase the threat of bushfire given the non-flammable materials it is constructed of and the existing property and building have not been mitigated against this risk. Therefore, the requirements of SPP3.7 are not considered relevant.

A standard advice note is recommended outlining that the property is in a designated bushfire prone area.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Town Planning Scheme No. 3

Fire and Emergency Services Act 1998

POLICY IMPLICATIONS

Policy No. 6.2 – Colour Palette for Developments

Policy No. 6.9 – Use of Sea Containers

State Planning Policy 3.7 Planning in Bushfire Prone Areas

Draft Local Planning Scheme No. 4

Draft Local Planning Strategy

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

- Economic:
- 1 To be a diverse and innovative economy with a range of local employment opportunities.
 - 1.1 *To increase the number of local businesses, industries and services that will provide a range of employment opportunities for the people of Exmouth.*
 - 1.2 *Planned and balanced economic growth.*
- 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.*
 - 2.3 *To have a town and community that takes pride in its world heritage status.*
 - 2.4 *To be a leader in eco-friendly initiatives and innovations.*
 - 2.5 *To make Exmouth an attractive town that is a comfortable and welcoming place to live and visit, and reflects the lifestyle values and unique natural environment.*
 - 2.6 *Incorporate Climate Change impacts onto current and future planning and policy of Land Developments.*
- Social:
- 3 To be a dynamic, passionate and safe community valuing natural and cultural heritage.
 - 3.1 *Retain a safe community environment.*
 - 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.*
 - 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.*

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 15.2

That Council grant retrospective development approval for two (2) Sea Containers at Lot 854 (66) Murat Road, Exmouth subject to the following conditions:

1. The development shall be carried out in accordance with the stamped approved plans (PA67/17), 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, driveways, communal streets and other surfaces as a result of the development the subject of this approval shall be managed on site and/or discharged into the Shire's road drainage system;
3. The Sea Containers shall not be used for any habitable purpose;
4. The external colour of the Sea Containers shall be generally in accordance with Councils Policy No. 6.2 – Colour Palette for Developments;
5. Should the Sea Containers fall into disrepair or become unsightly, they shall be removed from the property or suitably upgraded to the satisfaction of the Executive Manager Town Planning;
6. The use of the Sea Containers shall relate to and be ancillary to the lawful predominant use of the land;
7. The Sea Containers shall not be located over any existing utilities or services;
8. The Sea Containers shall not be stacked vertically; and
9. The existing landscaping at the property shall be maintained in a manner which screens the Sea Containers from view of the street at all times to the satisfaction of the Executive Manager Town Planning;

Advice

- i. A building permit approval from the Shire of Exmouth is required to be obtained. For further information please contact the Shire's Building Surveyor by telephone on 9949 3000.
- ii. The approval granted is not to be construed as approval granted under the *Building Act 2011*, *Building Regulations 2012* or any other relevant statutory approval.

- iii. The property is located within a Bushfire Prone Area as designated by an Order made by the Fire and Emergency Services Commissioner under the *Fire and Emergency Services Act 1998*. Development in the future may be subject to the requirement for a Bushfire Attack Level Assessment and corresponding additional building standards.
- iv. The Applicant is advised that the property and development is located within a flood plain and may experience severe flooding and drainage issues in heavy rainfall events and cyclones.
- v. Any additional development or substantial variation from the stamped approved plans, will require separate development approval from the Shire.
- vi. This approval is not an authority to ignore any constraint or additional requirement to development on the land, which may exist through contract or on title, such as an easement, encumbrance, restrictive covenant or any other limitation. It is the responsibility of the applicant and not the Shire to investigate any such constraints before commencing development.
- vii. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

COUNCIL RESOLUTION**ITEM 15.2****Res No: 08-0617**

That the Commissioner grant retrospective development approval for two (2) Sea Containers at Lot 854 (66) Murat Road, Exmouth subject to the following conditions:

- 1. The development shall be carried out in accordance with the stamped approved plans (PA67/17), 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, driveways, communal streets and other surfaces as a result of the development the subject of this approval shall be managed on site and/or discharged into the Shire's road drainage system;**
- 3. The Sea Containers shall not be used for any habitable purpose;**
- 4. The external colour of the Sea Containers shall be generally in accordance with Councils Policy No. 6.2 – Colour Palette for Developments;**
- 5. Should the Sea Containers fall into disrepair or become unsightly, they shall be removed from the property or suitably upgraded to the satisfaction of the Executive Manager Town Planning;**
- 6. The use of the Sea Containers shall relate to and be ancillary to the lawful predominant use of the land;**
- 7. The Sea Containers shall not be located over any existing utilities or services;**

8. **The Sea Containers shall not be stacked vertically; and**
9. **The existing landscaping at the property shall be maintained in a manner which screens the Sea Containers from view of the street at all times to the satisfaction of the Executive Manager Town Planning;**

Advice

- i. **A building permit approval from the Shire of Exmouth is required to be obtained. For further information please contact the Shire's Building Surveyor by telephone on 9949 3000.**
- ii. **The approval granted is not to be construed as approval granted under the *Building Act 2011, Building Regulations 2012* or any other relevant statutory approval.**
- iii. **The property is located within a Bushfire Prone Area as designated by an Order made by the Fire and Emergency Services Commissioner under the *Fire and Emergency Services Act 1998*. Development in the future may be subject to the requirement for a Bushfire Attack Level Assessment and corresponding additional building standards.**
- iv. **The Applicant is advised that the property and development is located within a flood plain and may experience severe flooding and drainage issues in heavy rainfall events and cyclones.**
- v. **Any additional development or substantial variation from the stamped approved plans, will require separate development approval from the Shire.**
- vi. **This approval is not an authority to ignore any constraint or additional requirement to development on the land, which may exist through contract or on title, such as an easement, encumbrance, restrictive covenant or any other limitation. It is the responsibility of the applicant and not the Shire to investigate any such constraints before commencing development.**
- vii. **If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.**

CARRIED 1/0

15.3 PROPOSED TELECOMMUNICATIONS INFRASTRUCTURE - CROWN RESERVE 40007 BEING LOT 134 ON DEPOSITED PLAN 186542

File Reference:	R40007; PA63/17
Responsible Officer:	Acting Executive Manager Town Planning
Date of Report:	24 May 2017
Applicant/Proponent:	Deighton Pty Ltd
Disclosure of Interest:	Nil
Attachment(s):	1. Site Plan 2. Elevation Plan

PURPOSE

That Council consider granting development approval for Proposed Telecommunications Infrastructure at Crown Reserve 40007 being Lot 134 on Deposited Plan 186542.

BACKGROUND

Crown Reserve 40007 fronts Minilya-Exmouth Road approximately five (5) kilometres north of the Burkett Road intersection (refer Attachment 1). An existing telecommunications infrastructure development exists at the property with a tower being 49.5m high, solar panels and exchange building infrastructure. The proposal is to replace the existing tower with 51m high tower and develop additional solar panels (refer Attachments 1 and 2). Additional equipment is proposed at the top of the tower to provide additional telecommunications services.

The project is part of Telstra's black spot program which is being rolled out in conjunction with the state and federal government to address deficient mobile telephone coverage. The reason for the replacement tower is due to the existing tower not being structural sound enough for the additional equipment proposed at the top of the tower. The subject property is owned by the Department of Lands and has been vested to the Australian Telecommunications Commission since 1988 for the purpose of the existing development. If such works were conducted by a state or federal authority they would be considered as a public work. However, as a private company is conducting the project full compliance with the *Planning and Development Act 2005* is required.



COMMENT

Town Planning Scheme No. 3

The property is zoned 'Pastoral' by the Shire of Exmouth *Town Planning Scheme No. 3* (TPS3). The proposal is considered most consistent with the 'Telecommunications Infrastructure' land use defined by TPS3 as follows:

telecommunications infrastructure: means any part of infrastructure of a telecommunication network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit, or other structure used, or for use, in or in connection with a telecommunications network.

The existing development has been operating lawfully since prior to the commencement of TPS3 which came into effect in 1999. TPS3 allows for the continuation of land uses operating lawfully prior to its commencement, therefore development consent is in place for the Telecommunications Infrastructure land use. The application is for works under that land use.

Telecommunications Infrastructure is not listed in 'Table 1 – Zoning Table' of TPS3. Therefore the land use is not prescribed with a permissibility. Resultantly, there is not delegation in place to determine the application for the subject works, hence the requirement for Council's consideration. Where the permissibility of a land use is not prescribed TPS3 outlines the following:

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

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

The objectives of the Pastoral zone are as follows:

5.10 PASTORAL ZONES

5.10.1 Objectives

- (a) to support the continuation of the pastoral industry in the District.*
- (b) to protect the pastoral industry from landuse conflicts by location of high intensity uses.*
- (c) to allow for diversification of uses as may be endorsed by the Pastoral Board.*

The development is not considered to undermine the objectives of the zone. The subject property is not currently under pastoral lease. In addition, it is too limited in area to effectively conduct pastoral activities. Furthermore, the proposal does not prevent pastoral activities from being conducted on adjoining land which is currently under pastoral lease.

The only other applicable site and development requirements applicable to the development are the setbacks prescribed for the pastoral zone as follows:

5.10.2 Site Requirements

The minimum building setbacks shall be:

Front: 20.0m

Rear: 20.0m

Side: 10.0m

The proposed tower complies with the prescribed setbacks, however the guide wires protrude into the front, side and rear setbacks and the proposed solar panels are located within the prescribed side setback. Pursuant to Clause 4.3 of TPS3 Council may vary Scheme standards in the following circumstances:

4.3 DISCRETION TO MODIFY DEVELOPMENT STANDARDS

Except for development in respect of which the Residential Planning Codes apply under the Scheme, if a development the subject of an application for planning approval does not comply with a standard prescribed by the Scheme with respect to minimum lot sizes, building height, setbacks, site coverage, car parking, landscaping and related matters, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit. The power conferred by this clause may only be exercised if the Council is satisfied that:

- (a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality; and*
- (b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.*

Given the proposal is replacing existing development at the site the proposal it is not considered to change the impact that the property has on the amenity of the area. The proposal moves the location of the tower further away from the road and realigns one of the guide wires towards the rear of the property. The proposal was referred to the adjoining lessee to the rear of the property who did not provide any objection or comments.

Therefore, based on the above it is considered reasonable to support the proposal and grant development approval subject to standard conditions contained in the Officer's Recommendation.

Draft Local Planning Scheme No. 4

The relevant site and development requirements in draft Local Planning Scheme No. 4 (LPS4) and the same as TPS3. LPS4 prescribes the Telecommunications Infrastructure as an 'A' land use at the property which means that the development is not permitted unless it has been referred to affected surrounding land owners. This process has been followed in referring the proposal to the adjoining landowner affected by the setback variation.

Policy No. 6.2 - Colour Palette for Developments

The Policy requires compliance with the adopted colour palette for all development within the Scheme area of *Town Planning Scheme No. 3* excluding the Residential zone. This is to achieve positive amenity outcomes and prevent reflective materials impacting the area. It is considered that a condition of approval will achieve compliance.

State Planning Policy 5.2 Telecommunications Infrastructure

The Western Australian Planning Commission has adopted State Planning Policy 5.2 Telecommunications Infrastructure (SPP5.2) to provide further guidance on the subject development given the importance balancing the need for essential telecommunications and preserving the visual character of a locality for the community. This guidance is in addition to but not inconsistent with the *Telecommunications Act 1997 (Cth)*. The Act is the statutory framework for the development of telecommunications in Australia and its only relevance to the planning system is prescribing approval exemptions for low impact facilities which the subject proposal is not.

Pursuant to deemed provision 67 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, state planning policies are to be given due regard to the extent that they are considered relevant.

The main considerations of SPP5.2 are the visual, environmental, social and cultural impacts of Telecommunications Infrastructure, providing continuous coverage and preventing the unnecessary double up of services which can be co-located to one tower. Most of these considerations are no longer considered relevant given the proposal will have the same impact as the existing development. However, if the proposal was assessed it is considered consistent with SPP5.2 anyway.

State Planning Policy 3.7 Planning in Bushfire Prone Areas

The subject property is located within a bushfire prone area as determined by an order made by the Fire and Emergency Services Commissioner under the *Fire and Emergency Services Act 1998*. For development in a bushfire prone area State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP3.7) generally requires a Bushfire Attack Level (BAL) Assessment demonstrating a maximum BAL of 29 and a report demonstrating compliance with the Bushfire Protection Criteria contained in the Guidelines for Planning in Bushfire Prone Areas.

Recently the Western Australian Planning Commission released Planning Bulletin 111/2016 Planning in Bushfire Prone Areas which provides further guidance on when SPP3.7 should be applied. The Bulletin outlines that where developments do not:

- *result in the intensification of development (or land use);*
- *result in an increase of residents or employees;*
- *involve the occupation of employees on site for any considerable amount of time; or*
- *result in an increase to the bushfire threat;*

they may be exempt from the provisions of SPP3.7. The development is not considered to fall within any of the criteria above as it is replacing existing development. Therefore, the development intensity and occupation by employees is not considered to increase. The bushfire threat is not considered to increase given that if the proposal did not proceed the existing development at the property possesses the same level of bushfire threat.

A standard advice note is recommended outlining that the property is in a designated bushfire prone area.

CONSULTATION

The proposal was referred to the adjoining lessee affected by the setback variation with a period of 15 days from the 4 May 2017 to the 19 May 2017 allowed for the lodgement of a submission in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*. No submission was received.

STATUTORY ENVIRONMENT

Telecommunications Act 1997 (Cth)

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Town Planning Scheme No. 3

Fire and Emergency Services Act 1998

POLICY IMPLICATIONS

State Planning Policy 3.7 Planning in Bushfire Prone Areas

State Planning Policy 5.2 Telecommunications Infrastructure

Draft Local Planning Scheme No. 4

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

- | | |
|--------------|---|
| Economic: | <p>1 <u>To be a diverse and innovative economy with a range of local employment opportunities.</u></p> <p>1.1 <i>To increase the number of local businesses, industries and services that will provide a range of employment opportunities for the people of Exmouth.</i></p> <p>1.2 <i>Planned and balanced economic growth.</i></p> <p>1.3 <i>Diverse tourism opportunities.</i></p> <p>1.4 <i>Maintain and increase the defence presence.</i></p> |
| Environment: | <p>2 <u>To have a balanced respect for our environment and heritage, both natural and built.</u></p> <p>2.1 <i>To maintain and improve access and connectivity to our natural assets.</i></p> <p>2.2 <i>Our pristine natural environment and biodiversity will be understood, maintained and protected.</i></p> <p>2.3 <i>To have a town and community that takes pride in its world heritage status.</i></p> <p>2.4 <i>To be a leader in eco-friendly initiatives and innovations.</i></p> <p>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></p> <p>2.6 <i>Incorporate Climate Change impacts onto current and future planning and policy of Land Developments.</i></p> |
| Social: | <p>3 <u>To be a dynamic, passionate and safe community valuing natural and cultural heritage.</u></p> <p>3.1 <i>Retain a safe community environment.</i></p> <p>3.2 <i>Excellent lifestyle, recreational and cultural facilities.</i></p> <p>3.3 <i>An inclusive, responsible and cohesive community.</i></p> |

- 3.4 *A community that is well informed and educated about our natural, cultural and built environment.*
- 3.6 *Expand education and training facilities and opportunities.*
- 3.7 *Residents and visitors have access to appropriate services and facilities to enhance their health and wellbeing.*

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 15.3

That Council grant development approval for proposed Telecommunications Infrastructure at Crown Reserve 40007 being Lot 134 on Deposited Plan 186542 subject to the following conditions:

1. The development shall be carried out in accordance with the stamped approved plans (PA63/17) and any annotations detailed thereon by Council Officers;
2. All water draining from roofs, driveways, communal streets and other surfaces as a result of the development the subject of this approval shall be managed on site and/or discharged into the local drainage system;
3. The development shall not be reflective when viewed from the street to the satisfaction of Council Officers;
4. The external colour of the shall be generally in accordance with Councils Policy No. 6.2 – Colour Palette for Developments; and
5. If the development the subject of this approval is not substantially commenced within a period of 2 years from the date of the determination, the approval will lapse and be of no further effect.

Advice

- i. A building permit approval from the Shire of Exmouth is required to be obtained. For further information please contact the Shire's Building Surveyor by telephone on 9949 3000.
- ii. The approval granted is not to be construed as approval granted under the *Building Act 2011*, *Building Regulations 2012* or any other relevant statutory approval.
- iii. The property is located within a Bushfire Prone Area as designated by an Order made by the Fire and Emergency Services Commissioner under the *Fire and Emergency Services Act 1998*. Development in the future may be subject to the requirement for a Bushfire Attack Level Assessment and corresponding additional building standards.
- iv. Any additional development or substantial variation from the stamped approved plans, will require separate development approval from the Shire.

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

COUNCIL RESOLUTION**ITEM 15.3****Res No: 09-0617**

That the Commissioner grant development approval for proposed Telecommunications Infrastructure at Crown Reserve 40007 being Lot 134 on Deposited Plan 186542 subject to the following conditions:

- 1. The development shall be carried out in accordance with the stamped approved plans (PA63/17) and any annotations detailed thereon by Council Officers;**
- 2. All water draining from roofs, driveways, communal streets and other surfaces as a result of the development the subject of this approval shall be managed on site and/or discharged into the local drainage system;**
- 3. The development shall not be reflective when viewed from the street to the satisfaction of Council Officers;**
- 4. The external colour of the shall be generally in accordance with Councils Policy No. 6.2 – Colour Palette for Developments; and**
- 5. If the development the subject of this approval is not substantially commenced within a period of 2 years from the date of the determination, the approval will lapse and be of no further effect.**

Advice

- i. A building permit approval from the Shire of Exmouth is required to be obtained. For further information please contact the Shire's Building Surveyor by telephone on 9949 3000.**
- ii. The approval granted is not to be construed as approval granted under the *Building Act 2011*, *Building Regulations 2012* or any other relevant statutory approval.**
- iii. The property is located within a Bushfire Prone Area as designated by an Order made by the Fire and Emergency Services Commissioner under the *Fire and Emergency Services Act 1998*. Development in the future may be subject to the requirement for a Bushfire Attack Level Assessment and corresponding additional building standards.**

- iv. Any additional development or substantial variation from the stamped approved plans, will require separate development approval from the Shire.**
- v. 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.**
- vi. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.**

CARRIED 1/0

15.4 PROPOSED OUTBUILDING - LOT 314 MINILYA-EXMOUTH ROAD, NORTH WEST CAPE

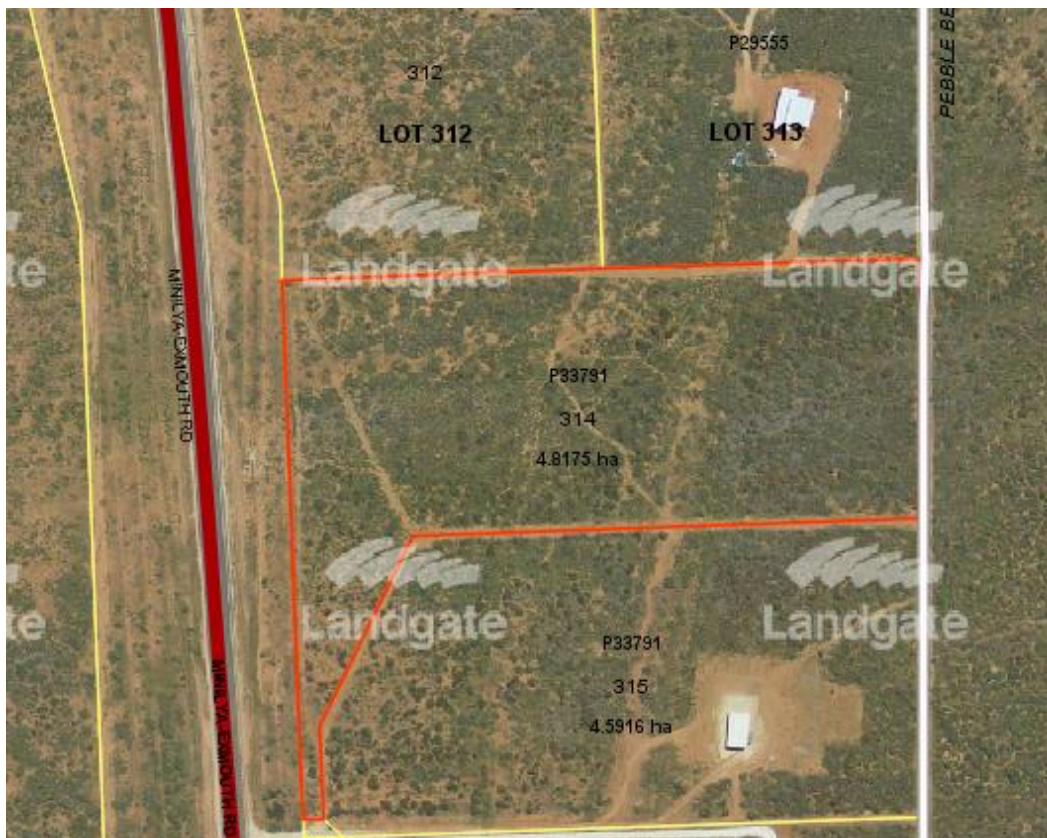
File Reference:	A1167; PA41/17
Responsible Officer:	Acting Executive Manager Town Planning
Date of Report:	24 May 2017
Applicant/Proponent:	G & I Boucaut
Disclosure of Interest:	Nil
Attachment(s):	1. Site Plan, Elevation Plan, Floor Plan 2. Bushfire Attack Level (BAL) Assessment Report

PURPOSE

That Council consider granting development approval for a proposed Outbuilding at Lot 314 Minilya-Exmouth Road, North West Cape.

BACKGROUND

The applicant is proposing the development of an Outbuilding at the property prior to the development of a Dwelling (refer Attachment 1). The Outbuilding is proposed to be constructed out of two (2) sea containers spaced apart with a Colorbond roof between them forming a carport in the middle of the structure. The sea containers are also clad in Colorbond. The development is sited at the rear of the property. In addition, a line of landscaping is proposed which will screen the structure from view of the road.



COMMENT

Town Planning Scheme No. 3

The property is zoned 'Special Use Zone 3' by the Shire of Exmouth *Town Planning Scheme No. 3* (TPS3) for the purpose of the Wilderness Estate. Outbuildings are incidental to a Dwelling which is prescribed as an 'AA' land use within the zone which means that the use is not permitted unless the Council has granted planning approval. Council has delegated authority to the Executive Manager Town Planning to determine development applications for 'AA' uses which comply with Council's planning framework. As the Outbuilding is proposed prior to the Dwelling special Council approval is required in accordance with Council's Policy No. 6.6 – Outbuildings.

The relevant provisions of TPS3 are as follows:

Special Use Zone 3	
3. Dwelling and Siting Requirements	Officers Comment
<p>(i) When the first application for planning approval is made for a lot, a building envelope not exceeding 4000m² is to be defined by the owner and approved by Council. Each building envelope shall be located to reflect the following criteria.</p> <ul style="list-style-type: none"> • The building envelope is to be located no closer to Murat Road than the specified Murat Road Development Limit Line, as shown on the Subdivision Guide Plan; • No building envelope shall be closer than 20 metres from any lot boundary; • No building envelope to be situated on land below the RL3.0 metres natural contour and no floor level of any dwelling to be less than RL3.5metres 	<p>Complies. Building envelope is 33m wide by 58m long being 1914m² in area.</p> <p>The building envelope location complies with the Subdivision Guide Plan.</p> <p>Minimum distance is 33m.</p> <p>The entire area on the Subdivision Guide Plan within the subject property that the building envelope is required to be located within is a minimum of RL4.0 metres.</p>
<p>(ii) Not more than one building envelope and one dwelling are permitted per lot.</p>	<p>Complies. Only one building envelope proposed and one future dwelling proposed.</p>
<p>(iii) Clearing of vegetation within a building envelope shall only be permitted for the construction of a residence and associated outbuildings, clearing for yard areas and the immediate curtilage of buildings, installation of effluent disposal systems, vegetarian clearance required for fire protection or the establishment of other uses as approved by Council.</p>	<p>No details provided. Can achieve compliance through condition of approval.</p>
4. Clearing Controls	Officers Comment
<p>(i) Clearing controls under this section are applied to maximise the preservation of all vegetation on each lot. For this purpose, clearing is only permitted within the building envelope. Any clearing outside the building envelope for any purpose is prohibited except for the following circumstances;</p> <ul style="list-style-type: none"> - A driveway to the building envelope; 	<p>Other than the matters listed, a parking area and a strip of landscaping have been proposed outside of the building envelope. The landscaping and parking outside of the building envelope would require clearing of native remnant vegetation. Therefore, it is recommended that both are required to be provided within the building envelope. Standard conditions of approval also recommended to ensure continued compliance with this requirement.</p>

<ul style="list-style-type: none"> - Strategic firebreaks as defined on the Subdivision Guide Plan; - Provision of underground services. 	
5. Services	Officers Comment
(ii) The internal power supply line to the dwelling is to be provided underground;	No details provided. A standard condition of approval is recommended to ensure compliance with this requirement.
(v) On-site effluent disposal shall be located within the building envelope and are to be provided to the specification and satisfaction of the Local Authority;	Complies. Proposed within the building envelope. A standard condition of approval is recommended to ensure continued compliance with this requirement.
(vi) Driveways should follow the natural contour of the land by meandering and should avoid straight routes and significant vegetation to minimised visual impact;	Complies. Property relatively flat, sloping down towards the Exmouth Gulf. Therefore, there is no contour feature to follow.
(vii) The maximum width of any driveway shall be 3 metres. Any driveway shall be constructed of local materials which are complimentary in colour to the natural landscape.	No details provided. A standard condition of approval is recommended to ensure compliance with this requirement.
6. Landscaping and Foreshore	Officers Comment
(i) Council may require a landowner at the time of seeking a building licence to prepare a landscaping plan to demonstrate how structures will be screened from Murat Road. Where a landscape plan is required, Council will only permit the planting of local Western Australian species;	Support for this proposal is based on the proposed landscaping screening the structure from view (refer to assessment against <i>Policy No. 6.6 – Outbuildings</i>). It is considered more effective to require landscaping as a part of development application. Therefore, a standard condition is recommended requiring landscaping to be established within 6 months of the date of the building permit which allows the applicant to commence construction.
7. Fencing	Officers Comment
(i) Fencing of, and within, the building envelope is only permitted where the fencing is of a form and type approved by Council. In this regard, Council will only approve open styles of fencing which have low visual impact. Solid fences include masonry, fibre cement, timberlap, brush etc are not permitted within the estate;	No details regarding fencing have been provided. A standard condition of approval is recommended to allow fencing which is in accordance with this requirement.
(ii) Property boundary fencing is permitted, however it must be star iron pickets (of minimum spacings of 12 metres) with four strands of wire.	No details provided. A standard condition of approval is recommended to ensure compliance with this requirement.
9. Building Character, Design and Materials	Officers Comment
(i) In order to protect and enhance visual amenity and the character of the estate, Council shall promote a high standard of built form which promotes compatibility with the overall landscape, colours and textures of the area. Where it is considered that any proposal submitted is incompatible with this overall objective and does not meet any of the criteria listed below, then Council may exercise its right to refuse the application in the form submitted;	The proposed structure has the same impact as a normal Outbuilding and/or carport. The only difference is that it precedes the development of a Dwelling. Where an estate, which is primarily for residential purposes, is developed with only sheds and not Dwellings it can have a negative impact on the amenity. However, in this instance the applicant is proposing landscaping which will screen the development from the road.

(ii) Styles of dwellings that are "Rural Australian in character blending into the rural landscape of Exmouth will be encouraged. The Australian character of dwelling, with wide verandahs, simple forms, use of muted colours and natural materials is consistent with these objectives. Highly reflective surfaces are not permitted;	N/A. The proposal is not for a Dwelling.
(iii) Minimum floor area of any dwelling shall be 150m ² (including verandahs);	N/A. The proposal is not for a Dwelling.
(iv) All roofs are to be of non reflective material;	Complies. The proposed roof is colourbond. Recommend standard cladding condition to ensure continued compliance.
(v) The use of borrowed styles of design typical to other countries and cultures should be avoided;	Complies. The design is not considered borrowed from another country.
(vi) Transportable and "second hand" homes are not permitted in the estate;	N/A. The proposal is not for a Dwelling.
(vii) The maximum building height of any dwelling, shall be 10 metre from the nearest adjacent ground surface;	Complies. The maximum ridge height of the outbuilding is 4.55m from natural ground level.
(viii) Separate sheds and/or garages are permitted, providing they are located and designed to be consistent with the overall visual amenity objectives;	Refer to assessment above.
(ix) Where outdoor areas for the parking of vehicles are proposed these shall be provided on the eastern side of the dwelling to screen these areas from Murat Road.	Complies. Parking proposed to the east of the structure. Recommend standard condition to ensure continued compliance.

Draft Local Planning Scheme No. 4

The site and development requirements in draft Local Planning Scheme No. 4 are the same as TPS3 and no guidance is provided regarding the development of an outbuilding prior to a Dwelling.

Policy No. 6.2 – Colour Palette for Developments

The structure is proposed to be clad in colourbond in the surf mist and dune colours. These are consistent with Council's colour palette. A standard condition of approval is recommended to ensure future compliance.

Policy No. 6.6 – Outbuildings

Council's Policy No. 6.6 – Outbuildings outlines development requirements for Outbuildings in Special Use Zone 3. The relevant provisions are as follows:

Required	Proposed	Officer Comment
Does not exceed 150m ²	120.4m ²	Complies
Max wall height 3.8m	3.5m	Complies
Max pitched roof height 4.8m	4.45m	Complies

The Policy also provides the following guidance on the development of an Outbuilding prior to a Dwelling:

3.1. BUILDING AN OUTBUILDING ON VACANT LAND (PRIOR TO A DWELLING)

As an outbuilding is ancillary to a dwelling, the approval of an outbuilding on land prior to the construction of a dwelling shall only be granted if one of the following requirements has been satisfied:

- 1) *Council has granted special approval for the outbuilding to be erected prior to the dwelling; or*
- 2) *The applicant has a current building permit, through a registered builder for the dwelling issued prior to or with the building permit for the outbuilding; or*
- 3) *In the case of an owner builder, the applicant has a current building licence for the dwelling and provides a Statutory Declaration with the building permit application for the outbuilding providing a commitment to construct a residence within 6 months of completion of the outbuilding (the residence and outbuilding applications can be submitted together, accompanied by the Statutory Declaration).*

Special approval was granted by Council for an Outbuilding prior to a Dwelling at Lot 315 Minilya-Exmouth Road, North West Cape which is adjoining the subject property. This is considered to set a precedence which supports granting special approval for the proposed Outbuilding in accordance with Section 3.1(1) of the Policy in order to achieve consistent decision making.

Generally the main concerns for developing an Outbuilding prior to a Dwelling are the impact on amenity and the use of the Outbuilding for habitation. Outbuildings have the appearance of a shed and if an estate is developed with sheds and no Dwellings then it can have the appearance of an industrial area which can negatively impact the amenity of an area used primarily for residential purposes. In addition, the absence of a Dwelling leaves the Outbuilding as the only structure to conduct habitable uses. This often does not comply with the standards of Council's Policy No. 6.15 – Construction of Shed/Barn Style Dwellings and the Building Codes of Australia as Outbuildings are not developed to the standards required for a Dwelling.

The Applicant is proposing landscaping to screen the structure from view from the street. This is considered to address the amenity impact concern of a standalone Outbuilding on the surrounding area. In addition, the use of the structure for habitable purposes can be restricted through a condition of approval. Therefore, the concerns above can be addressed in this instance.

Based on the above it is recommended that development approval is granted in accordance with Section 3.1(1) of Council's Policy No. 6.6 – Outbuildings.

Policy No. 6.9 – Use of Sea Containers

Although the development utilises sea containers, they are clad and developed with a roof. Therefore, they are effectively internal building materials and Council's Policy No. 6.9 – Use of Sea Containers is not considered relevant.

State Planning Policy 3.7 Planning in Bushfire Prone Areas

The subject property is located within a bushfire prone area as determined by an order made by the Fire and Emergency Services Commissioner under the *Fire and Emergency Services Act 1998*. For development in a bushfire prone area State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP3.7) requires a Bushfire Attack Level (BAL) Assessment demonstrating a maximum BAL of 29 and a report demonstrating compliance with the Bushfire Protection Criteria contained in the Guidelines for Planning in Bushfire Prone Areas. Recently the Western Australian Planning Commission released Planning Bulletin 111/2016 Planning in Bushfire Prone Areas which provides further guidance on when SPP3.7 should be applied. The Bulletin outlines that where developments do not:

- *result in the intensification of development (or land use);*
- *result in an increase of residents or employees;*
- *involve the occupation of employees on site for any considerable amount of time; or*
- *result in an increase to the bushfire threat;*

they may be exempt from the provisions of SPP3.7. Pursuant to deemed provision 67 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, state planning policies are to be given due regard to the extent that they are considered relevant. In this instance the property is vacant meaning it has a 0% development intensity. Therefore, any development increases intensity of development at the property. Furthermore, accessing the structure will result in the future residents accessing the site for a longer period of time on a more frequent basis.

Based on the above SPP3.7 is considered relevant in this instance. The applicant has provided a BAL Assessment justifying that the development will achieve a maximum BAL Level of BAL 12.5. In addition, a report has been provided identifying how the development will achieve compliance with the applicable Bushfire Protection Criteria on completion. Therefore, the proposal is considered to comply with SPP3.7 and standard conditions are recommended to achieve future compliance.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Town Planning Scheme No. 3

Fire and Emergency Services Act 1998

POLICY IMPLICATIONS

Policy No. 6.2 – Colour Palette for Developments

Policy No. 6.6 – Outbuildings

Policy No. 6.9 – Use of Sea Containers

Policy No. 6.15 – Construction of Shed/Barn Style Dwellings

State Planning Policy 3.7 Planning in Bushfire Prone Areas

Draft Local Planning Scheme No. 4

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

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

- 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.*
- 2.3 *To have a town and community that takes pride in its world heritage status.*
- 2.4 *To be a leader in eco-friendly initiatives and innovations.*
- 2.5 *To make Exmouth an attractive town that is a comfortable and welcoming place to live and visit, and reflects the lifestyle values and unique natural environment.*
- 2.6 *Incorporate Climate Change impacts onto current and future planning and policy of Land Developments.*
- Social: 3 To be a dynamic, passionate and safe community valuing natural and cultural heritage.
- 3.1 *Retain a safe community environment.*
- 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.*
- 3.7 *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.*
- 4.3 *To be strong advocates representing the region's interests.*

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 15.4

That Council grant development approval for a proposed Outbuilding at Lot 314 Minilya-Exmouth Road, North West Cape subject to the following conditions:

1. The development shall be carried out in accordance with the stamped approved plans (PA41/17), and the Shire of Exmouth Town Planning Scheme No. 3 together with any annotations detailed thereon by the Shire;
2. The approved building envelope shall be in accordance with the stamped approved plans (PA41/17) and no development or clearing of remnant natural vegetation shall occur outside of the approved building envelope other than for the construction of a driveway, firebreak and installation of underground services;
3. Clearing of remnant natural vegetation within the approved building envelope shall only be for the construction of a residence, associated outbuildings, clearing for yard areas and the immediate curtilage of buildings, installation of effluent disposal systems, fire protection or the establishment of other uses as approved by Council;
4. Any effluent disposal systems shall be contained within the approved building envelope;

5. The internal power supply line to the Dwelling shall be provided underground;
6. Any property boundary fencing shall be star iron pickets spaced a minimum distance of twelve (12) metres with four strands of wire;
7. Any fencing within the approved building envelope shall be open style fencing to the satisfaction of Council Officers. Solid fences such as masonry, fibre cement, timberlap and brush are not permitted;
8. All water draining from roofs, driveways, communal streets and other surfaces as a result of the development the subject of this approval shall be managed on site and/or discharged into the local drainage system;
9. The Outbuilding shall not be used for any habitable purpose;
10. The external colour of the Outbuilding shall be generally in accordance with Councils Policy No. 6.2 – Colour Palette for Developments and cladding shall be non-reflective;
11. The proposed landscaping shall be located within and/or on the western boundary of the approved building envelope to completely screen the Outbuilding from view of the street;
12. The proposed landscaping shall be established within 6 months of the date of the approved building permit for the Outbuilding and maintained at all times;
13. The parking of vehicles shall be located on the eastern side of the development and located within the approved building envelope;
14. A notification, pursuant to Section 165 of the *Planning and Development Act 2005*, is to be placed on the certificate of title of the property, advising of the existence of a hazard or other factor and notice of this notification is to be included on the diagram or plan of survey. The notification is to state as follows:

'This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and may be subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land';

15. The development shall achieve a maximum Bushfire Attack Level (BAL) of BAL-29 in accordance with State Planning Policy 3.7 Planning in Bushfire Prone Areas;
16. The property shall be maintained in accordance with the stamped approved Bushfire Attack Level (BAL) Assessment Report (PA41/17) and as it amended subject to approval from the Shire of Exmouth;
17. Notwithstanding any of the conditions above, the maximum width of any driveway shall be 3m wide and constructed of materials which complement the natural landscape; and
18. If the development the subject of this approval is not substantially commenced within a period of 2 years from the date of the determination, the approval will lapse and be of no further effect.

Advice

- i. A building permit approval from the Shire of Exmouth is required to be obtained. For further information please contact the Shire's Building Surveyor by telephone on 9949 3000.
- ii. The approval granted is not to be construed as approval granted under the *Building Act 2011*, *Building Regulations 2012* or any other relevant statutory approval.
- iii. The property is located within a Bushfire Prone Area as designated by an Order made by the Fire and Emergency Services Commissioner under the *Fire and Emergency Services Act 1998*. Development in the future may be subject to the requirement for a Bushfire Attack Level Assessment and corresponding additional building standards.
- iv. Effluent disposal systems may require approval by the Department of Health and/or the Shire of Exmouth's Environmental Health Officer. For further information the Environmental Health Officer can be contacted on 9949 3000.
- v. Any additional development or substantial variation from the stamped approved plans, will require separate development approval from the Shire.
- vi. This approval is not an authority to ignore any constraint or additional requirement to development on the land, which may exist through contract or on title, such as an easement, encumbrance, restrictive covenant or any other limitation. It is the responsibility of the applicant and not the Shire to investigate any such constraints before commencing development.
- vii. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

COUNCIL RESOLUTION**ITEM 15.4**

Res No: 10-0617

That the Commissioner grant development approval for a proposed Outbuilding at Lot 314 Minilya-Exmouth Road, North West Cape subject to the following conditions:

- 1. The development shall be carried out in accordance with the stamped approved plans (PA41/17), and the Shire of Exmouth Town Planning Scheme No. 3 together with any annotations detailed thereon by the Shire;**
- 2. The approved building envelope shall be in accordance with the stamped approved plans (PA41/17) and no development or clearing of remnant natural vegetation shall occur outside of the approved building envelope other than for the construction of a driveway, firebreak and installation of underground services;**
- 3. Clearing of remnant natural vegetation within the approved building envelope shall only be for the construction of a residence, associated outbuildings, clearing for yard areas and the immediate curtilage of buildings, installation of effluent disposal systems, fire protection or the establishment of other uses as approved by Council;**

4. **Any effluent disposal systems shall be contained within the approved building envelope;**
5. **The internal power supply line to the Dwelling shall be provided underground;**
6. **Any property boundary fencing shall be star iron pickets spaced a minimum distance of twelve (12) metres with four strands of wire;**
7. **Any fencing within the approved building envelope shall be open style fencing to the satisfaction of Council Officers. Solid fences such as masonry, fibre cement, timberlap and brush are not permitted;**
8. **All water draining from roofs, driveways, communal streets and other surfaces as a result of the development the subject of this approval shall be managed on site and/or discharged into the local drainage system;**
9. **The Outbuilding shall not be used for any habitable purpose;**
10. **The external colour of the Outbuilding shall be generally in accordance with Councils Policy No. 6.2 – Colour Palette for Developments and cladding shall be non-reflective;**
11. **The proposed landscaping shall be located within and/or on the western boundary of the approved building envelope to completely screen the Outbuilding from view of the street;**
12. **The proposed landscaping shall be established within 6 months of the date of the approved building permit for the Outbuilding and maintained at all times;**
13. **The parking of vehicles shall be located on the eastern side of the development and located within the approved building envelope;**
14. **A notification, pursuant to Section 165 of the *Planning and Development Act 2005*, is to be placed on the certificate of title of the property, advising of the existence of a hazard or other factor and notice of this notification is to be included on the diagram or plan of survey. The notification is to state as follows:**

'This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and may be subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land';
15. **The development shall achieve a maximum Bushfire Attack Level (BAL) of BAL-29 in accordance with State Planning Policy 3.7 Planning in Bushfire Prone Areas;**
16. **The property shall be maintained in accordance with the stamped approved Bushfire Attack Level (BAL) Assessment Report (PA41/17) and as it amended subject to approval from the Shire of Exmouth;**
17. **Notwithstanding any of the conditions above, the maximum width of any driveway shall be 3m wide and constructed of materials which complement the natural landscape; and**

- 18. If the development the subject of this approval is not substantially commenced within a period of 2 years from the date of the determination, the approval will lapse and be of no further effect.**

Advice

- i. A building permit approval from the Shire of Exmouth is required to be obtained. For further information please contact the Shire's Building Surveyor by telephone on 9949 3000.**
- ii. The approval granted is not to be construed as approval granted under the *Building Act 2011*, *Building Regulations 2012* or any other relevant statutory approval.**
- iii. The property is located within a Bushfire Prone Area as designated by an Order made by the Fire and Emergency Services Commissioner under the *Fire and Emergency Services Act 1998*. Development in the future may be subject to the requirement for a Bushfire Attack Level Assessment and corresponding additional building standards.**
- iv. Effluent disposal systems may require approval by the Department of Health and/or the Shire of Exmouth's Environmental Health Officer. For further information the Environmental Health Officer can be contacted on 9949 3000.**
- v. Any additional development or substantial variation from the stamped approved plans, will require separate development approval from the Shire.**
- vi. This approval is not an authority to ignore any constraint or additional requirement to development on the land, which may exist through contract or on title, such as an easement, encumbrance, restrictive covenant or any other limitation. It is the responsibility of the applicant and not the Shire to investigate any such constraints before commencing development.**
- vii. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.**

CARRIED 1/0

15.5 LIQUOR LICENCE CERTIFICATE OF PLANNING AUTHORITY – LOT 21 (5) KENNEDY STREET, EXMOUTH

File Reference: LE.LI.1; ICR24684; A372;
 Responsible Officer: Acting Executive Manager Town Planning
 Date of Report: 24 May 2017
 Applicant/Proponent: Froth Craft Brewery
 Disclosure of Interest: Nil
 Attachment(s):
 1. Site Plan
 2. Section 40 Certificate Application

PURPOSE

That Council consider delegating authority to the Executive Manager Town Planning to sign as the Authorised Officer and issue a 'Certificate of Local Planning Authority' under Section 40 of the *Liquor Control Act 1988* for a Restaurant Licence with an Extended Trading Permit at Lot 21 (5) Kennedy Street, Exmouth.

BACKGROUND

The applicant has taken over operation of a lawfully established restaurant at the property. The intention is to brew beer at the property and then serve this beer and other liquor to patrons with or without meals under a Restaurant Liquor Licence with an Extended Trading Permit. This application is to extend the area covered by the licence to include the Outdoor Eating Facility at the front of the premises (refer Attachment 1 and 2). There is no delegation in place for the issue of a Section 40 'Certificate of Local Planning Authority' for a Liquor Licence application, therefore Council's consideration is required.



COMMENT

The proposal has been assessed against the Shire of Exmouth's *Town Planning Scheme No. 3*, the *Liquor Control Act 1988*, the Department of Racing, Gaming and Liquor's Guidelines and Council's Local Laws. In order to apply for a liquor licence the *Liquor Control Act 1988* requires a Section 40 'Certificate of Local Planning Authority' from the respective Local Government advising of whether the activity the Liquor Licence is associated with complies with the local planning framework.

A 'Restaurant' land use has been lawfully operated at the property since before the commencement of the current local planning scheme being the Shire of Exmouth *Town Planning Scheme No. 3*. Given that the proposal is for 'Restaurant Liquor Licence' the activity is considered to fall within the definition of the Restaurant land use as follows:

restaurant: means any land or building wherein the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and the expression shall include a licenced restaurant.

The proposed extension to the liquor licence area is within an Outdoor Eating Facility which has been granted consent under the Shire of Exmouth *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law* due to having the necessary planning consent at the adjoining premises.

Therefore, due to the above the proposal is consistent with the relevant local planning framework. It is recommended that Council delegate authority to the Executive Manager Town Planning to issue a Section 40 'Certificate of Local Planning Authority' in accordance with the *Liquor Control Act 1988* and sign as the 'Authorised Officer'.

The *Liquor Control Act 1988* outlines that the respective Local Government may request additional conditions to be placed on the Liquor Licence. It is recommended that the following conditions are included with the certificate:

- The sale and consumption of liquor may occur provided it is limited to the area outlined in Attachment 2 as approved by the Shire of Exmouth;
- A designated manager must be in charge of the premises at all times when the premises are open for business.

Noise and operating hours are regulated through the *Environmental Protection (Noise) Regulations 1997* and *Liquor Control Act 1988*. Standard advice notes have been included in the Officers recommendation.

CONSULTATION

There are no advertising requirements to be conducted by Local Government under the *Liquor Control Act 1988*. Generally advertising may be required through granting development approval for development under the Council's planning framework. Development consent is already in place for the land use therefore no advertising is required.

STATUTORY ENVIRONMENT

Liquor Control Act 1988

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Town Planning Scheme No. 3

Local Government Act 1995

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

Environmental Protection (Noise) Regulations 1997

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

- Economic: 1 To be a diverse and innovative economy with a range of local employment opportunities.
- 1.1 *To increase the number of local businesses, industries and services that will provide a range of employment opportunities for the people of Exmouth.*
- 1.2 *Planned and balanced economic growth.*
- 1.3 *Diverse tourism opportunities.*
- Environment: 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.*
- 2.4 *To be a leader in eco-friendly initiatives and innovations.*
- 2.5 *To make Exmouth an attractive town that is a comfortable and welcoming place to live and visit, and reflects the lifestyle values and unique natural environment.*
- 2.6 *Incorporate Climate Change impacts onto current and future planning and policy of Land Developments.*
- Social: 3 To be a dynamic, passionate and safe community valuing natural and cultural heritage.
- 3.1 *Retain a safe community environment.*
- 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.*
- 3.6 *Expand education and training facilities and opportunities.*
- 3.7 *Residents and visitors have access to appropriate services and facilities to enhance their health and wellbeing.*
- Civic Leadership: 4 To work together as custodians of now and the future.
- 4.1 *To be a collaborative community with the capacity to manage the current and future direction of Exmouth.*
- 4.2 *A local government that is respected, professional, trustworthy and accountable.*
- 4.3 *To be strong advocates representing the region's interests.*

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION**ITEM 15.5**

Pursuant to Section 40 of the *Liquor Control Act 1988*, Council delegate authority to the Executive Manager Town Planning to sign as the Authorised Officer and issue a 'Certificate of Local Planning Authority' for a Restaurant Licence with an Extended Trading Permit at Lot 21 (5) Kennedy Street, Exmouth subject to the following conditions:

1. The sale and consumption of liquor may occur provided it is limited to the area outlined in Attachment 2 as approved by the Shire of Exmouth; and
2. A designated manager must be in charge of the premises at all times when the premises are open for business.

Advice

- i. This decision is not to be construed as any other required statutory approval. This resolution does not absolve the applicants from compliance with any other legislation. A 'Certificate of Local Government' is required from the Shire of Exmouth pursuant to Section 39 of the *Liquor Control Act 1988*.
- ii. The noise generated by any activities on-site shall not exceed the levels prescribed by the *Environmental Protection (Noise) Regulations 1997*, which may affect operating hours.

COUNCIL RESOLUTION**ITEM 15.5****Res No: 11-0617**

Pursuant to Section 40 of the *Liquor Control Act 1988*, the Commissioner delegate authority to the Executive Manager Town Planning to sign as the Authorised Officer and issue a 'Certificate of Local Planning Authority' for a Restaurant Licence with an Extended Trading Permit at Lot 21 (5) Kennedy Street, Exmouth subject to the following conditions:

- 1. The sale and consumption of liquor may occur provided it is limited to the area outlined in Attachment 2 as approved by the Shire of Exmouth; and**
- 2. A designated manager must be in charge of the premises at all times when the premises are open for business.**

Advice

- i. This decision is not to be construed as any other required statutory approval. This resolution does not absolve the applicants from compliance with any other legislation. A 'Certificate of Local Government' is required from the Shire of Exmouth pursuant to Section 39 of the *Liquor Control Act 1988*.**
- ii. The noise generated by any activities on-site shall not exceed the levels prescribed by the *Environmental Protection (Noise) Regulations 1997*, which may affect operating hours.**

CARRIED 1/0

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 May 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 May 2017
 - 17.3 Building Decisions Issued up to 15 May 2017
 - 17.4 Planning Decisions Issued up to 15 May 2017
-

COUNCIL RESOLUTION

ITEM 17

Res No: 12-0617

That the Commissioner 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 May 2017**
- **17.3 Building Decisions Issued up to 15 May 2017**
- **17.4 Planning Decisions Issued up to 15 May 2017**

CARRIED 1/0

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
04/05/2017	CEO Employment Contract (Council Decision: 18-0517)

17.2 CONCESSIONS ON FEES FOR COUNCIL FACILITIES FOR MAY 2017

File Reference: CP.US.0

Responsible Officer: Executive Manager Community Engagement

Date of Report: 24 May 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
Exmouth Community Garden	Hire of Shire Hall kitchen for preparation of prawns for fundraising at Whaleshark Festival	\$45.00
Department of Sport and Recreation	Exmouth elite athlete program meeting – hire of meeting room for 1 hour	\$6.50
Ningalens Outdoor Film Events	Non Profit community event – signage and event application	\$94.00

17.3 BUILDING DECISIONS ISSUED UP TO 15 MAY 2017

File Reference:	DB.BD.0
Responsible Officer:	Executive Manager Health & Building
Date of Report:	25 May 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 May 2017.

App #	Date Received	Lot	Property Address	Description	Decision	Decision Date
17/21	24/02/17	1268	3 Sculpin Court	Steel Framed Shed	Approved	16/03/2017
17/24	01/03/17	32	Unit 17 / 2 Murat Road	Chalet – Short Stay Accom	Approved	21/04/2017
17/26	03/03/17	16	Unit 28 / 2 Murat Road	Chalet – Short Stay Accom	Approved	26/04/2017
17/27	03/03/17	34	Unit 34 / 2 Murat Road	Chalet – Short Stay Accom	Approved	27/04/2017
17/28	03/03/17	25	Unit 41 / 2 Murat Road	Chalet – Short Stay Accom	Approved	21/04/2017
17/33	30/03/17	189	10 Snapper Loop	Dwelling	Approved	18/04/2017
17/34	19/04/17	20	Unit 24 / 2 Murat Road	Chalet – Short Stay Accom	Approved	08/05/2017
17/35	20/04/17	21	Unit 21 / 2 Murat Road	Chalet – Short Stay Accom	Approved	09/05/2017
17/36	26/04/17	210	7 Carpenter Street	Steel Framed Garage	Approved	03/05/2017
17/37	26/04/17	957	5 Griffiths Way	Sea Container	Approved	04/05/2017
17/38	28/04/17	73	43 Kennedy Street	Fence	Processing	
17/39	28/04/17	18	20 Pelias Street	Steel Framed Shed	Approved	03/05/2017
17/40	05/05/17	253	18 Davidson Street	Steel Framed Shed	Processing	
17/41	05/05/17	31	Unit 31 / 78 Maidstone Crescent	Verandah	Processing	

17.4 PLANNING DECISIONS ISSUED UP TO 15 MAY 2017

File Reference: LP.PL.0

Responsible Officer: Executive Manager Town Planning

Date of Report: 20 May 2017

Disclosure of Interest: Nil

PURPOSE

To advise Council of the following planning decisions issued under delegation for the period up to 15 May 2017.

App #	Date Received	Lot	Property Address	Description	Decision	Decision Date
PA70/16	13/06/2016	2	Yardie Creek Road	Additional Camping Sites	ON HOLD - Pending information from Applicant	
PA107/16	15/08/2016	50	Murat Road	Barge Loading Facility	ON HOLD - Pending information from Applicant	
PA112/16	25/08/2016	1586 & 1587	164 Lyndon Location	Nature Based Park - Exmouth Gulf Pastoral Station	ON HOLD - Pending information from Applicant	
PA152/16	24/11/2016	2 & 1	40 Pelias Street & 1 Carter Road	Change of Use	Processing	
PA162/16	20/12/2016	126	35 Young Street	Sea Container	Processing	
PA15/17	23/01/2017	21	5 Kennedy Street	Alfresco Dining Area	ON HOLD - Pending information from Applicant	
PA16/17	23/01/2017	326	Minilya-Exmouth Road	Dwelling	Processing	
PA28/17	01/03/2017	29	17 Learmonth Street	Holiday Accommodation	Approved at OCM	02/05/2017
PA34/17	20/02/2017	116	44 Ingram Street	2 x Sea Containers	Approved	24/04/2017
PA38/17	22/02/2017	73	Lyndon Location (Reserve 32867/5)	Water Tank & Sea Container Insulation	Processing	
PA41/17	27/02/2017	314	Minilya-Exmouth Road	2 x Sea Containers	Processing	
PA44/17	28/02/2017	831	7 Pelias Street	Storage Unit	Processing	
PA45/17	28/02/2017	141	7 Dugong Close	Dwelling	Processing	
PA54/17	23/03/2017	103	33 Bluefin Cove	Dwelling	Approved	28/04/2017
PA56/17	27/03/17	31	Unit 31 / 78 Maidstone Crescent	Decking	Approved	01/05/2017
PA58/17	29/03/17	18	20 Pelias Street	Outbuilding	Approved	19/04/2017
PA62/17	05/04/2017	833	6 Nimitz Street	Home Occupation	Processing	
PA63/17	06/04/2017	134	Minilya-Exmouth Road (Reserve 40007)	Telephone Base Station	Processing	
PA65/17	31/03/2017	21	Unit 21 / 2 Murat Road	Short Stay Accommodation	Approved	19/04/2017
PA66/17	13/04/2017	104	35 Ingram Street	Sea Containers x 4	Approved	01/05/2017

PA67/17	13/04/2017	861	59 McLeod Street	Sea Containers x 2	Processing	
PA70/17	18/04/2017	2	Unit 2 / 5 Thew Street	Change of Use - Retail/Restaurant or Cafe	Approved	18/04/2017
PA72/17	19/04/2017	1	23 Lockwood Street	Change of Use - Holiday Accommodation	Processing	
PA74/17	26/04/2017	13	Unit 31 / 2 Murat Road	Short Stay Accommodation	Processing	
PA76/17	03/05/2017	393	13 Corella Court	Swimming Pool	Processing	

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

App	Date Received	Description	Date Issued
PA20/17	06/02/2017	Circus Royale - Koobooroo Oval – (2nd & 3rd May 2017)	18/04/2017
PA71/17	19/04/2017	Eco-Tours in the Cape Range along Yardie Creek Road	24/04/2017
PA73/17	26/04/2017	Spud Van at the Exmouth Visitors Centre – (17 June to 20 June 2017)	26/04/2017
PA75/17	02/05/2017	Outdoor Eating Facility (Unit 2 / 5 Thew Street)	02/05/2017
PA77/17	08/05/2017	Art and Craft Stall	12/05/2017
PA78/17	09/05/2017	Lioness Club Mother's Day Raffle – (12 and 13 May 2017)	09/05/2017
PA79/17	09/05/2017	Whaleshark Festival, Fun Run and Signs	12/05/2017
PA80/17	09/05/2017	Beach Activities at Town beach for Whaleshark Festival	12/05/2017
PA81/17	11/05/2017	Mr and Mrs Potatohead Baked Potatoes, EVC Carpark (12 May 2017 - 26 May 2017)	11/05/2017
PA82/17	15/05/2017	Wedding at Town Beach - 8 July 2017	16/05/2017

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

Nil

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

Nil

20. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS

Nil

21. CLOSURE OF MEETING

The Commissioner closed the meeting at 5.50 pm.