



Ordinary Council Meeting  
Minutes  
30 April 2015

CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on 28 May 2015 as a true and accurate record of the Ordinary Council Meeting held on 30 April 2015.

.....  
**Cr (Turk) Shales**  
**Shire President**


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

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Signed at Exmouth  (B Price), Chief Executive Officer Shire of Exmouth.

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# ORDINARY COUNCIL MEETING MINUTES

## *Our Vision*

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

## *Our Purpose*

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

## *Our Strategic Objectives*

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

### 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 4:05pm.

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

Councillor C (Turk) Shales  
Councillor M Hood  
Councillor R Winzer  
Councillor S McHutchison  
Councillor R (Bob) Todd

Mr B Price  
Mrs S O'Toole  
Mrs J Kox  
Mrs J Cutler  
Mr R Manning  
Mr R Mhasho  
Mr K Woodward

Shire President  
Deputy Shire President

Chief Executive Officer  
Executive Manager Corporate Services  
Executive Manager Aviation Services  
Acting Executive Manager Community Engagement  
Executive Manager Health & Building  
Executive Manager Town Planning  
Executive Manager Engineering Services

#### GALLERY

Visitors:

4

#### APOLOGIES

Mr R Kempe

Executive Manager Community Engagement

### 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).

Two questions were submitted by Barbara White.

*Q1. When is the review of the Trading on Thoroughfares Local Law likely to be completed?*

A1. The CEO responded by advising that 6-12 months is the approximate timeframe to allow for the review to take place along with various public consultation periods, Council endorsement and further Ministerial endorsement.

*Q2. The grass survived a 72 hour continual stint of heavy traffic during the Pilbara Swimming Championships in February. Is it now expected that it can stand up to the 16 separate 5 hour markets that will be held during the rest of this year (a total of 80 hours)?*

A2. The CEO responded by advising that pedestrian traffic is not the major issue with regards to holding the markets in Federation Park. There are a number of other issues that were taken into account whilst assessing the application including vehicle traffic control, dog control, use of tent pegs on the grass and the current "Trading on Thoroughfares" Local Law which includes a 300m clause, whereby market stalls selling similar goods as those businesses in the CBD area are not permitted to sell their goods within this radius. The Pilbara Swimming Championships was a one off controlled event that had a number of measures in place to ensure correct use of the park.

### **5. DECLARATIONS OF INTEREST**

<b>Item/Description</b>	<b>Name</b>	<b>Detail of Interest</b>	<b>Extent of Interest</b>
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.

Councillor Todd requested a leave of absence for the May 2015 Ordinary Council Meeting.

<b>COUNCIL DECISION – 06-0415 - ITEM 6</b>
--

Moved Councillor McHutchison, Seconded Councillor Winzer.

*That Council approve Councillor Todd's request for a leave of absence for the May 2015 Ordinary Council Meeting.*

**CARRIED 5/0**

**7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

That the Minutes of the Ordinary Council Meeting held on the 26 March 2015 and the Special Council Meeting held on 20 April 2015 be confirmed as a true and correct record of proceedings.

<b>COUNCIL DECISION – 07-0415 - ITEM 7</b>
--

Moved Councillor Hood, Seconded Councillor Todd.

*That the Minutes of the Ordinary Council Meeting held on the 26 March 2015 and the Special Council Meeting held on 20 April 2015 be confirmed as a true and correct record of proceedings.*

**CARRIED 5/0**

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

The Shire President advised that he had chaired (in his capacity as Deputy Chair GDC) the release of the Gascoyne Workforce Development Plan in Carnarvon on Wednesday 22 April 2015. He officiated the event together with Hon Liza Harvey MLA, Minister for Police; Road Safety; Training & Workforce Development and Women's Interests. He advised that this is an important document that will steer future economic development in order to diversify employment opportunities in the region.

**9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

Nil

**10. REPORT OF COUNCILLORS**

Councillor Hood advised of the following activities and meetings attended since the last Council Meeting:

- 23/4/15 - Attended Stan Dellar's Funeral
- 25/4/15 - Anzac Day Dawn Service and Commemorative Service.

Councillor McHutchison advised of the following activities and meetings attended since the last Council Meeting:

- 24/4/15 – Official Opening of Charles Learmonth and Underwater Aquarium Window Prints at Learmonth Airport.
- 25/4/15 - Anzac Day Dawn Service and Commemorative Service.

Councillor Todd advised of the following activities and meetings attended since the last Council Meeting:

- 11/4/15 – Men's Shed Meeting
- 23/4/15 - Attended Stan Dellar's Funeral
- 24/4/15 – Official Opening of Charles Learmonth and Underwater Aquarium Window Prints at Learmonth Airport.
- 25/4/15 - Anzac Day Dawn Service and Commemorative Service.

Councillor Winzer advised of the following activities and meetings attended since the last Council Meeting:

- 20-22/4/15 - GDC Board Meeting held in Shark Bay and other Gascoyne Regional Investment Blueprint Meetings in Carnarvon.
- 24/4/15 – Official Opening of Charles Learmonth and Underwater Aquarium Window Prints at Learmonth Airport.
- 25/4/15 - Anzac Day Dawn Service and Commemorative Service.

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## 10.1 Shire Presidents Report

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Location: Exmouth  
 Applicant: Cr C (Turk) Shales  
 File Reference: GV.CM.0  
 Disclosure of Interest: Nil  
 Date: 24 April 2015  
 Signature of Author:




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### **SUMMARY**

Following is a report on some of the activities, events and issues over the past month.

### **BACKGROUND**

Meetings attended since the last Ordinary Council Meeting:

- 31/3/15 – Meeting with Marilyn Rulyancich and Alan Bradley from Regional Development Australia.
- 8/4/15 – Met with Vince Catania MLA, Member for North West.
- 9/4/15 – Teleconference with David Parker from Apache.
- 14/4/15 – Official Opening of the Carnarvon Police and Justice Building.
- 16/4/15 – Held Interviews for Gascoyne Development Commission Project Officer based in Exmouth.
- 20-22/4/15 - GDC Board Meeting held in Shark Bay and other Gascoyne Regional Investment Blueprint Meetings in Carnarvon.
- 25/4/15 - Anzac Day Dawn Service and Commemorative Service.

### **COMMENT**

Nil

### **CONSULTATION**

Nil

### **STATUTORY ENVIRONMENT**

Nil

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

#### Civic Leadership

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

- Outcome: 4.1: To be a collaborative community with the capacity to manage the current and future direction of Exmouth
- Outcome: 4.2: A local government that is respected, professional, trustworthy and accountable
- Outcome: 4.3: To be strong advocates representing the region's interests

### **VOTING REQUIREMENTS**

Simple Majority

<b>COUNCILLOR'S RECOMMENDATION – 10.1</b>
---

*That Council receive the Shire Presidents Report for the month of April 2015.*



**COUNCIL DECISION – 08-0415 – 10.1**

Moved Councillor Todd, Seconded Councillor Hood.


*That Council receive the Shire Presidents Report for the month of April 2015.*

**CARRIED 5/0**

## 11. REPORTS OF OFFICER

### 11.1 Chief Executive Officer

#### 11.1.1 Chief Executive Officers Report

Location:	Exmouth
Applicant:	Chief Executive Officer
File Reference:	GV.CM.0
Disclosure of Interest:	Nil
Date:	20 April 2015
Author:	Chief Executive Officer, Mr B Price
Signature of Author:	

#### **SUMMARY**

The following report contains a brief summary of significant activities, events or issues that were raised since the last meeting.

#### **BACKGROUND**

##### Contract 04/2013 'Design and Construction of the Ningaloo Centre' Activity

Council resolved at its Special Council Meeting convened on 20 April 2015 to issue a Notice of Termination of Contract to Matera Construction.

Funding agencies have been informed of the action and the Shire's proposed way forward to complete the Ningaloo Centre project. There is a time lost delay but the funding arrangements are not threatened.

In this regard a meeting with Site Architecture Studio was held 22 April 2015 to map out the way forward with the Ningaloo Centre project.

Tenders will be called and managed by WALGA contract consultant services. It is anticipated that this will be in early June 2015.

##### Department of Regional Development (DRD)

DRD advice that the Department of Training and Workforce Development (DTWD) business case for Durack Institute of Technology to lease space within the Ningaloo Centre is now with the Minister for Training and Workforce Development pending endorsement.

Stage 2 Business Case for the Ningaloo Centre construct and fit out to the value of \$19.82 million has been approved by Cabinet.

##### General

A meeting was held with Chevron social investment personnel to discuss sponsorship opportunities in the Ningaloo Centre. Their interests in the project remain strong and they are to revert with preferences based on several options presented.

The next Ningaloo Alliance meeting is scheduled for the week of 20 July 2015.

##### **Governor of Western Australia Visit to Exmouth**

Her Excellency the Honourable Kerry Sanderson AO, Governor of Western Australia will visit the Gascoyne Region from 11 May to 14 May 2015.

Her Excellency will arrive in Exmouth on 11 May and will stay overnight before travelling to Carnarvon, Shark Bay and Gascoyne Junction.

##### **Community Forum – 27 May 2015**

The next community forum will be held on Wednesday 27 May 2015 at 6:30pm in the Shire Hall. A suggested list of topics include:

- Ningaloo Centre Project;
- Department of Parks and Wildlife Presentation on the Ningaloo Coast Pastoral Lease Exclusion Process;
- Tantabiddi Dredging Project;
- LIA Flood Mitigation Stage 2 Project;
- Recycling/Drop-off Centre;
- New Town Planning Scheme;
- Lefroy Street Affordable Housing Project.

#### **Other Meetings & Functions attended by the CEO**

- Met with Sharon Mumby, Exmouth Info on Monday 30 March 2015 regarding the Exmouth Info Directory.
- Attended Cyclone Debrief with Executive Staff on Monday 30 March 2015.
- Met with Marilyn Rulyancich and Alan Bradley from Regional Development Australia on Tuesday 31 March 2015 regarding the National Stronger Regions Fund.
- Met with Kendall Gilmore from Planet Burgers on Wednesday 1 April 2015 regarding the Planet Burgers operating permit.
- Met with Caryl Brown, Kylie and Rob Edwards, Acting Principal at Exmouth District High School on Wednesday 1 April 2015 regarding the community access to the Hard Court Facility.
- Attended site visit of Old Durack Centre building with Senior Citizens Members on Thursday 9 April 2015 regarding future use of the space upon relocation.
- EMTP and myself met with Jos Mensink and Steven Ellis from Watercorp on Wednesday 29 April 2015 regarding the relocation of the Waste Water Treatment Plant.

#### **Meetings Scheduled for Next Month**

- Cr Winzer and myself will be participating in the Gascoyne Country Zone Meeting via teleconference on Friday 1 May 2015.
- EMTP and myself to attend Emergency Recovery Workshop in Perth on Monday 4 May 2015.
- EMTP and myself to meet with Jo Bruyn and Larry Adams from Department of Transport in Perth on Monday 4 May 2015 regarding the Exmouth Harbour Design Guidelines.
- EMTP and myself to meet with Ross MacCulloch from Tourism WA in Perth on Tuesday 5 May 2015 regarding the proposed new Caravan Park.
- EMTP and myself to meet with Tiffany Allen from Department of Housing in Perth on Tuesday 4 May 2015 regarding the Lefroy Street Affordable Housing project.
- EMTP and myself to meet with James Hewitt from Royal Automobile Club of WA (Inc.) in Perth on Wednesday 6 May 2015 regarding Exmouth Cape Holiday Park.
- EMTP and myself to meet with Henty Farrar from Department of Lands in Perth on Wednesday 6 May 2015 regarding various land issues.

#### **CONSULTATION**

Nil

#### **STATUTORY ENVIRONMENT**

Nil

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

Nil

#### **STRATEGIC IMPLICATIONS**

##### Civic Leadership

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

- Outcome: 4.1: To be a collaborative community with the capacity to manage the current and future direction of Exmouth
- Outcome: 4.2: A local government that is respected, professional, trustworthy and accountable
- Outcome: 4.3: To be strong advocates representing the region's interests

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION – 11.1.1**

*That Council receive the Chief Executive Officers Report for the month of April 2015.*


**COUNCIL DECISION – 09-0415 – 11.1.1**

Moved Councillor Winzer, Seconded Councillor Todd.

*That Council receive the Chief Executive Officers Report for the month of April 2015.*

**CARRIED 5/0**

**11. REPORTS OF OFFICER****11.1 Chief Executive Officer****11.1.2 Financial Support for Carnarvon Rangelands Biosecurity Association (CRBA Inc)**

Location:	Gascoyne
Applicant:	Carnarvon Rangelands Biosecurity Association (CRBA Inc)
File Reference:	EM.RS.1
Disclosure of Interest:	Nil
Date:	28 April 2015
Author:	Chief Executive Officer, Bill Price
Signature of Author:	

**SUMMARY**

This report recommends that Council support the Carnarvon Rangelands Biosecurity Association Inc. by contributing a monetary donation of \$5000 on the 2015/16 financial year.

**BACKGROUND**

The Carnarvon Rangelands Biosecurity Association (CRBA Inc.) covers 8 shires in the Murchison/Gascoyne region.

The main objectives of the CRBA Inc. are to;

- Initiate, promote and foster the control of declared pests in the area
- Encourage landholders and other stakeholders to adopt sound biosecurity practices throughout the area
- Foster the sustainable development of the area
- Encourage the control of pests in the area, both flora and fauna.

The work they carry out in the CRBA area is:

- Wild dog control in the Rangelands
- Eradication of pest plants eg mesquite, cactus
- Donkeys and camels
- Administration of \$250,000 Drought Assistance package
- Other

The CRBA Inc. is run by a committee of elected pastoralists in the CRBA area. Membership is automatically bestowed on individuals or entities that have been issued a relevant Declared Pest Rate notice in the CRBA area. Associate membership is for public authorities and corporate bodies responsible for the care, control or management of land within the RGB area or conducting significant activities on that land, if interested.

Stakeholders of Biosecurity Associations are required to make individual financial contributions which are generally matched on a \$ for \$ basis from the State Governments Department of Agriculture to run the various biosecurity programs within the region. As a stakeholder who conducts activities/operations on land within the CRBA Inc. they have requested the Shire's support towards the association in the form of a monetary contribution of \$5000.

**COMMENT**

Officer recommends to accept the request to support the Carnarvon Rangelands Biosecurity Association (CRBA Inc.) by providing a monetary donation of \$5000.

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

\$5000 financial contribution to be incorporated into the 2015/16 financial budget.

**STRATEGIC IMPLICATIONS**

Civic Leadership

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

- Outcome: 4.1: To be a collaborative community with the capacity to manage the current and future direction of Exmouth
- Outcome: 4.2: A local government that is respected, professional, trustworthy and accountable
- Outcome: 4.3: To be strong advocates representing the region's interests

**VOTING REQUIREMENTS**

Majority

**OFFICER'S RECOMMENDATION – 11.1.2**

*That Council support the Carnarvon Rangelands Biosecurity Association Inc. by contributing a monetary donation of \$5000 in the 2015/16 financial year.*

**COUNCIL DECISION – 10-0415 – 11.1.2**

Moved Councillor Winzer, Seconded Councillor Hood.

*That Council support the Carnarvon Rangelands Biosecurity Association Inc. by contributing a monetary donation of \$5000 in the 2015/16 financial year.*

**CARRIED 5/0**

**11. REPORTS OF OFFICERS****11.2 Executive Manager Corporate Services****11.2.1 General Report**

Location: Exmouth  
 Applicant: S O'Toole  
 File Reference: CM.RE.0  
 Disclosure of Interest: Nil  
 Date: 15 April 2015  
 Author: Executive Manager Corporate Services

Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

**SUMMARY**

The following report contains a brief summary of activities and issues that were raised during February 2015.

**BACKGROUND****FBT Training**

The Executive Manager Corporate Services and Shire Accountant attended a Fringe Benefits Tax (FBT) Seminar on 30 March 2015. This seminar highlighted the new developments in FBT, in addition to an ongoing understanding of compliance obligations.

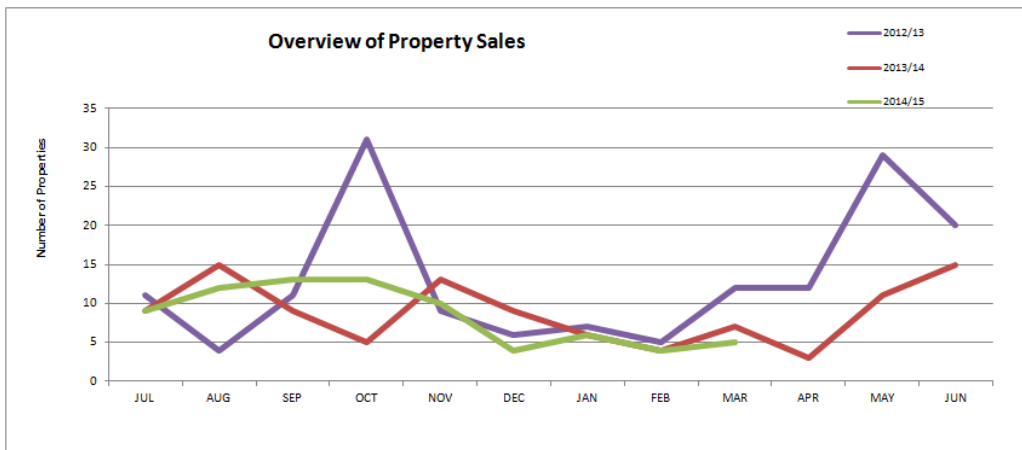
**Rating****Property Sales**

Below is a summary of properties sold during 2014/15:

2014/15 Summary of Property Sales			
Number Sold	Land Usage	Total Sales	Average Sale
37	Vacant Land	\$10,492,500	\$283,581
33	Residential	\$16,690,000	\$505,758
5	Industrial	\$2,255,000	\$451,000
1	Mixed Use	\$330,000	\$0
0	Composite Devel	\$0	\$0
0	Special Use	\$0	\$0
0	Tourism	\$0	\$0
<b>76</b>		<b>\$29,767,500</b>	

Property Sales	2014/15	2013/14	2012/13
JUL	9	9	11
AUG	12	15	4
SEP	13	9	11
OCT	13	5	31
NOV	10	13	9
DEC	4	9	6
JAN	6	6	7
FEB	4	4	5
MAR	5	7	12
APR		3	12
MAY		11	29
JUN		15	20
	<b>76</b>	<b>106</b>	<b>157</b>

**Rating (cont.)**



**Rates Collection**

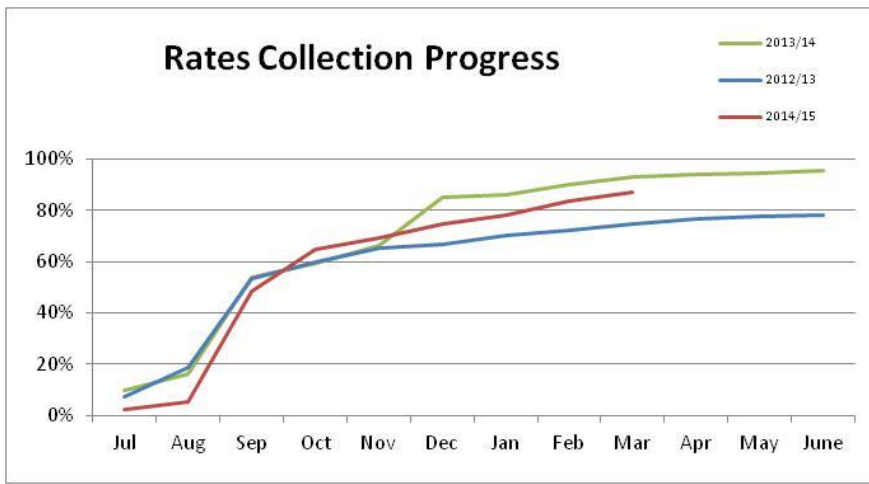
<b>Summary of Rates and Charges Collection</b>	
<b>Rates Collection Analysis</b>	
	\$
Rates & Charges Levied 2014/15	3,803,002
Arrears 1 July 2014	275,052
Less Collections	(3,605,768)
<b>Total Rates &amp; Charges Outstanding</b>	<b>472,287</b>
Less Pensioner Deferred Rates	(24,024)
<b>Total Rates Collectable</b>	<b>448,263</b>
<b>% Collected to Date</b>	<b>89.0%</b>
Notices Sent	26/08/2014
Due Date	30/09/2014
Reminder Notice Sent	21/10/2014
Final Notice Sent	1/12/2014
Notice of Intention to Summons Sent	22/01/2015
Summons Issued	27/02/2015

**Comparative percentage of rates collected monthly**

	2014/15	2013/14	2012/13
Rates Due Date	30/09/2014	11/09/2013	10/09/2012
Jul	3%	10%	7%
Aug	5%	16%	19%
Sep	48%	54%	54%
Oct	65%	59%	60%
Nov	69%	66%	65%
Dec	75%	85%	67%
Jan	78%	86%	70%
Feb	84%	90%	72%
Mar	87%	93%	75%
Apr		94%	77%
May		94%	78%
June		96%	78%



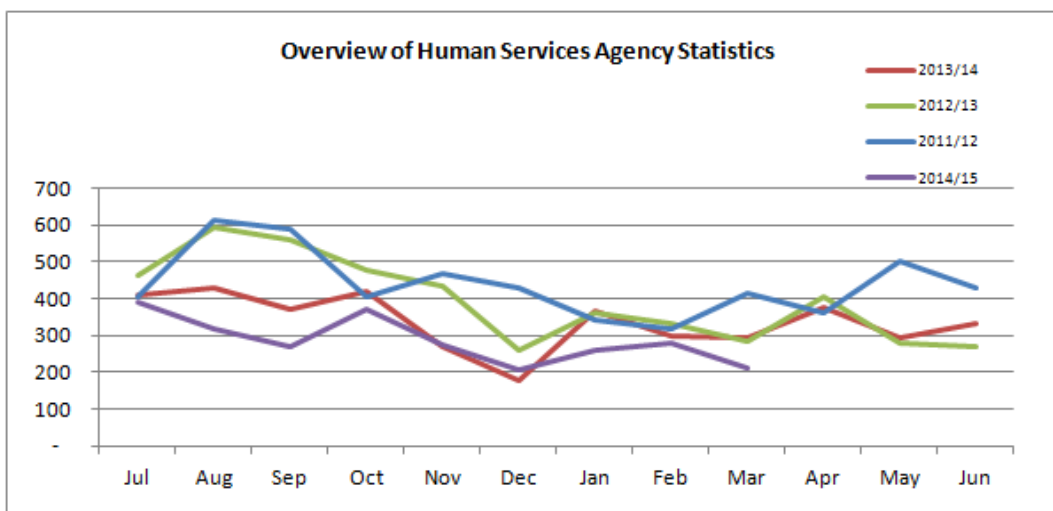
**Graphical Overview of Rates Collection**



**Human Services Agency (formerly Centrelink)**

Summary of Agent Statistics for 2014/15

	Lodgement of Forms/Assist with Completion	Referrals to Call Centre & CSC	Assist with use of Equipment & Computer	Respond to General Enquiries	TOTAL			
						12.5	12.5	15
						2014/15	2013/14	2012/13
Jul	82	51	62	195	390	390	411	464
Aug	68	50	54	145	317	317	427	592
Sep	85	44	48	95	272	272	373	560
Oct	87	55	86	141	369	369	422	478
Nov	69	31	57	116	273	273	268	436
Dec	46	30	45	87	208	208	178	262
Jan	59	33	40	129	261	261	367	364
Feb	56	42	43	137	278	278	299	332
Mar	49	22	43	96	210	210	296	285
Apr					-		377	403
May					-		296	278
Jun					-		331	272
<b>TOTAL</b>	<b>601</b>	<b>358</b>	<b>478</b>	<b>1,141</b>	<b>2,578</b>	<b>2,578</b>	<b>4,045</b>	<b>4,726</b>



**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Civic Leadership

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

- Outcome: 4.2: A local government that is respected, professional, trustworthy and accountable

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION – 11.2.1**

*That Council receive the Executive Manager Corporate Services Report for the month of April 2015*


**COUNCIL DECISION – 11-0415 – 11.2.1**

Moved Councillor Hood, Seconded Councillor Todd.

*That Council receive the Executive Manager Corporate Services Report for the month of April 2015*

**CARRIED 5/0**

**11. REPORTS OF OFFICERS****11.2 Executive Manager Corporate Services****11.2.2 Monthly Financial Statements and Report**

Location:	Exmouth
Applicant:	S O'Toole
File Reference:	FM.FI.0
Disclosure of Interest:	Nil
Date:	15 April 2015
Author:	Executive Manager Corporate Services, Sue O'Toole
Signature of Author:	
Senior Officer:	Chief Executive Officer, Bill Price

**SUMMARY**

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

**BACKGROUND**

Financial report for the period ended 31 March 2015 has been prepared and a copy of the Report is attached as *Attachment 1* and a complete list of accounts for payment is attached as *Attachment 2*.

**COMMENT**

Nil

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Civic Leadership

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

- Outcome: 4.2: A local government that is respected, professional, trustworthy and accountable

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION – 11.2.2**

*That Council:*

1. *Accept the monthly financial reports for period ended 31 March 2015;*
2. *The accounts as listed in the monthly financial report be received for;*

*Municipal Fund – March 2015 \$915,953.90 incorporating 13020 to 13048 and direct debits  
Trust Fund - March 2015 \$12,089.65 incorporating 400806 to 400809 and direct debits*

*Outstanding Creditors as at March 2015 - \$657,161.77*

**COUNCIL DECISION – 12-0415 – 11.2.2**

Moved Councillor Hood, Seconded Councillor Winzer.

***That Council:***

- 1. Accept the monthly financial reports for period ended 31 March 2015;***
- 2. The accounts as listed in the monthly financial report be received for;***


***Municipal Fund – March 2015 \$915,953.90 incorporating 13020 to 13048 and direct debits***

***Trust Fund - March 2015 \$12,089.65 incorporating 400806 to 400809 and direct debits***

***Outstanding Creditors as at March 2015 - \$657,161.77***

**CARRIED 5/0**

**11. REPORTS OF OFFICERS****11.2 Executive Manager Corporate Services****11.2.3 Differential Rating 2015/2016**

Location: Exmouth  
 Applicant: S O'Toole  
 File Reference: FM.BU.15.16  
 Disclosure of Interest: Nil  
 Date: 22 April 2015  
 Author: Executive Manager Corporate Services, Sue O'Toole  
 Signature of Author:   
 Senior Officer: Chief Executive Officer, Bill Price

**SUMMARY**

That Council endorse the differential rates as proposed for the 2015/16 budget including the objects and reasons and seek Ministerial approval to impose a general minimum for properties in the Marina Vacant Land and Residential Development Vacant Land category which are more than 50% than the total number of properties.

**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**

2015/16 is non revaluation year for Gross Rental Values (GRV) which is part of a four year cycle and properties on Unimproved Values (UV), have their values set annually.

To ensure equity with the rating system, for the 2015/16 financial year, eleven (11) differential rating categories are proposed and the objects and reasons for these are included as **Attachment 3**:

Rate Category	Rate In Dollar \$	Minimum Payment
GRV Commercial-Industrial	0.0694	\$710
GRV Commercial-Industrial Vacant Land	0.1008	\$710
GRV Marina	0.0954	\$1,459
GRV Marina Vacant Land	0.1082	\$1,459
GRV Residential	0.0666	\$710
GRV Residential Development	0.0585	\$710
GRV Residential Development Vacant Land	0.0580	\$406
GRV Special Rural	0.0541	\$811
GRV Special Rural Vacant Land	0.0650	\$811
UV Rural	0.0739	\$760
UV Mining	0.1478	\$325
GRV Specified Area Rate	0.0130	\$66

Each of the differential rating categories has been increased by CPI (March 2015) 1.3% to reflect an increase in the rates required to meet our community expectations and needs as outlined in our Strategic Community Plan and Corporate Business Plan.

In addition, Ministerial approval must be sought to impose a general minimum as the number of properties are 50% more than the total number of properties for the following categories:

- Marina Vacant Land

There are a total of 313 properties in this category, with 229 properties GRV less than \$10,000. The ability to levy rates on a fair and equitable basis could not be achieved without having more than 50% of properties on minimum rates.

- Residential Development Vacant Land

There are a total of 10 properties in this category and all have a GRV less than \$3,630. Although the zoning allows for residential development, the land is subject to flooding and can only be used for recreational purposes, i.e. horse blocks.

Included in the 2015/16 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.

### 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 2015/16 Budget, estimated at \$3,102,550

### STRATEGIC IMPLICATIONS

Civic Leadership

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

- Outcome: 4.2: A local government that is respected, professional, trustworthy and accountable

### VOTING REQUIREMENTS

Absolute Majority

## **OFFICER'S RECOMMENDATION – 11.2.3**

*That Council:*

1. *Adopt the following differential rating categories for the 2015/16 Budget;*

Rate Category	Rate In Dollar \$	Minimum Payment
GRV Commercial-Industrial	0.0694	\$710
GRV Commercial-Industrial Vacant Land	0.1008	\$710
GRV Marina	0.0954	\$1,459
GRV Marina Vacant Land	0.1082	\$1,459
GRV Residential	0.0666	\$710
GRV Residential Development	0.0585	\$710
GRV Residential Development Vacant Land	0.0580	\$406
GRV Special Rural	0.0541	\$811
GRV Special Rural Vacant Land	0.0650	\$811
UV Rural	0.0739	\$760
UV Mining	0.1478	\$325
GRV Specified Area Rate	0.0130	\$66

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

3. *Advertise the differential rates and call for submissions by 29 May 2015, or 21 days after the publication date; and*
4. *Apply to the Minister for Local Government for approval to impose a minimum payment on more than 50% of the total number of properties in the Marina Vacant Land and Residential Development Vacant Land categories.*

<b>COUNCIL DECISION – 13-0415 – 11.2.3</b>
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Moved Councillor Hood, Seconded Councillor Todd.

***That Council:***

1. *Adopt the following differential rating categories for the 2015/16 Budget;*

<b>Rate Category</b>	<b>Rate In Dollar \$</b>	<b>Minimum Payment</b>
<b>GRV Commercial-Industrial</b>	0.0694	\$710
<b>GRV Commercial-Industrial Vacant Land</b>	0.1008	\$710
<b>GRV Marina</b>	0.0954	\$1,459
<b>GRV Marina Vacant Land</b>	0.1082	\$1,459
<b>GRV Residential</b>	0.0666	\$710
<b>GRV Residential Development</b>	0.0585	\$710
<b>GRV Residential Development Vacant Land</b>	0.0580	\$406
<b>GRV Special Rural</b>	0.0541	\$811
<b>GRV Special Rural Vacant Land</b>	0.0650	\$811
<b>UV Rural</b>	0.0739	\$760
<b>UV Mining</b>	0.1478	\$325
<b>GRV Specified Area Rate</b>	0.0130	\$66

2. *Adopt the objects and reasons for each of the proposed differential rates and minimum payments;*
3. *Advertise the differential rates and call for submissions by 29 May 2015, or 21 days after the publication date; and*
4. *Apply to the Minister for Local Government for approval to impose a minimum payment on more than 50% of the total number of properties in the Marina Vacant Land and Residential Development Vacant Land categories.*

**CARRIED by ABSOLUTE MAJORITY 5/0**


## 11. REPORTS OF OFFICERS

### 11.3 Executive Manager Aviation Services

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#### 11.3.1 General Report

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Location:	Exmouth
Applicant:	J Kox
File Reference:	TT.SP.0
Disclosure of Interest:	Nil
Date:	22 April 2015
Author:	Executive Manager Aviation Services, Jenny Kox
Signature of Author:	
Senior Officer:	Chief Executive Officer, Bill Price

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#### **SUMMARY**

The following Aviation Services Department report contains a brief summary of significant activities and issues arising since the March 2015 Council Meeting agenda report.

#### **BACKGROUND**

##### **Defence**

Runway repair works have been completed by Defence with nil impact to civilian operations. An Obstacle Limiting Surfaces (OLS) plan for RAAF Learmonth is also being prepared and should be delivered by July 2015.

##### **Regulatory**

An Exmouth Community Consultation Group (CCG) meeting was held on 21 April 2015 by Department of Transport in conjunction with Qantas Airways. Qantas continues to meet the requirements of the Regulated Air Route contract which is in place until February 2016. The Department have yet to release its findings on the review of regulated air routes in WA, in which the discussion paper proposed deregulation of the Perth-Learmonth route.

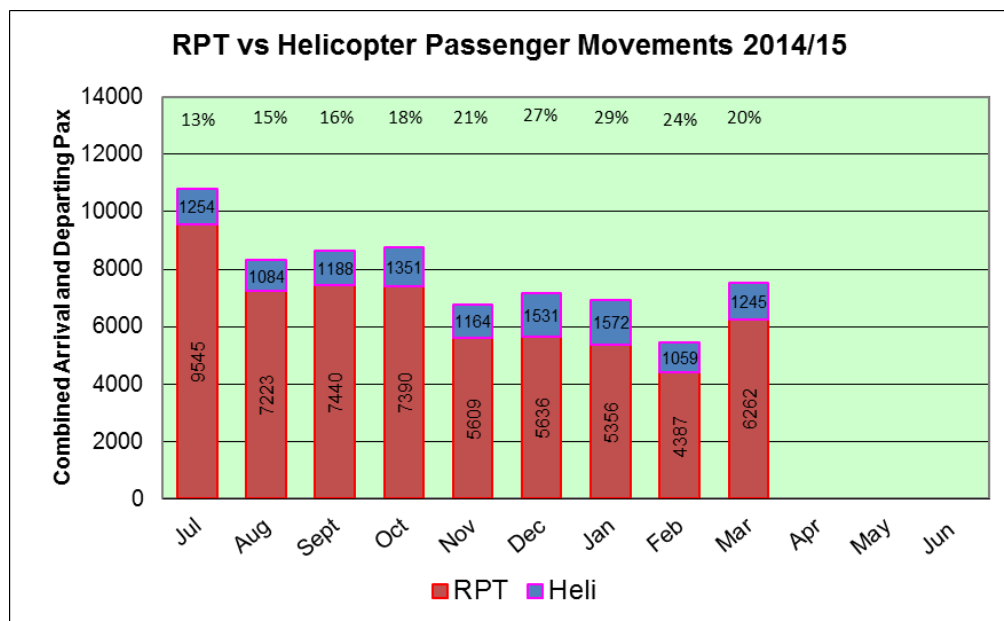
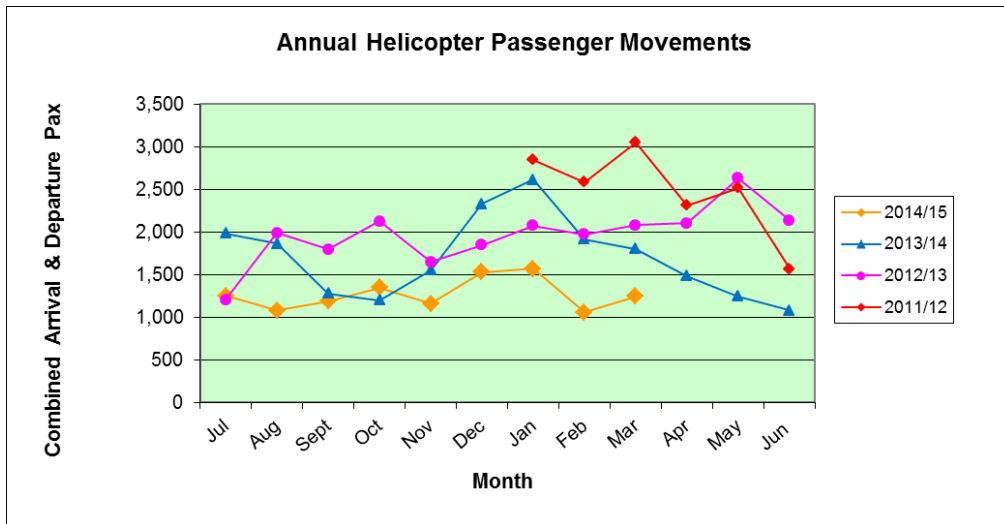
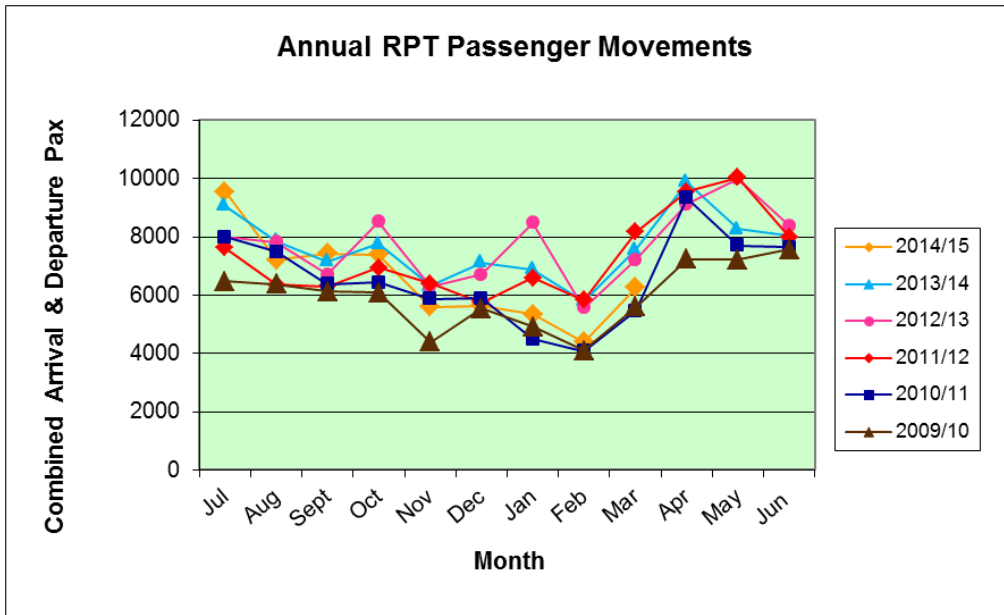
Airservices Australia has commenced VOR/DME replacement works.

##### **Airlines/Air Operators/Industry**

March 2015 RPT passenger numbers were again the lowest seen in 3 years and reflective of quiet off-shore operations, although these have increased during April. When compared to the 2013/14 financial year, there are currently 6,692 less RPT passengers for the current financial year and 5,108 less passengers through the heliport.

See the graphical presentation of statistics below.





**Airport**

The official launch of the window prints will occur on 24 April 2015 to coincide with ANZAC celebrations. All members of the community are invited to attend.

Painting of the departures lounge and screening area has been completed (albeit without a ceiling in screening) as has painting of the arrivals foyer.



**Heliport**

Atwood Falcon has returned to Exmouth for BHP Billiton and is busy getting ready for its extended drilling program, prompting additional flights. Ningaloo Vision is also back for Apache and utilising CHC helicopters for twice weekly crew changes. Drilling vessel Atwood Eagle will be leaving Exmouth at the end of the month for Karratha.

**Exmouth Aerodrome**

The new road network around the GA precinct is currently being constructed. Temporary airside access to Lot 2 has been installed pending GA apron works for which a request for quotation has been issued.

**COMMENT**

Nil

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

**Economic**

Objective 1: To be a diverse and innovative economy with a range of local employment opportunities.

- Outcome: 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
- Outcome: 1.2: Planned and balanced economic growth
- Outcome: 1.3: Diverse tourism opportunities

**Civic Leadership**

Objective 4: To work together as custodians of now and the future

- Outcome: 4.1: To be a collaborative community with the capacity to manage the current and future direction of Exmouth
- Outcome: 4.2: A local government that is respected, professional, trustworthy and accountable.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER’S RECOMMENDATION – 11.3.1**

*That Council receive the Executive Manager Aviation Services Report for the month of April 2015.*

**COUNCIL DECISION – 14-0415 – 11.3.1**

Moved Councillor Todd, Seconded Councillor Winzer.


*That Council receive the Executive Manager Aviation Services Report for the month of April 2015.*

**CARRIED 5/0**

**11. REPORTS OF OFFICERS**

**11.4 Executive Manager Community Engagement**

**11.4.1 General Report**

Location: Exmouth  
 Applicant: J Cutler  
 File Reference: GV.CM.0  
 Disclosure of Interest: Nil  
 Date: 23 April 2015  
 Author: Acting Executive Manager Community Engagement, Jaci Cutler  
 Signature of Author: 

Senior Officer: Chief Executive Officer, Bill Price

**SUMMARY**

The following report contains a brief summary of significant activities, events and issues that were raised during the last month.

**BACKGROUND**

**Exmouth Visitor Centre (EVC)**

**Cruise Ships**

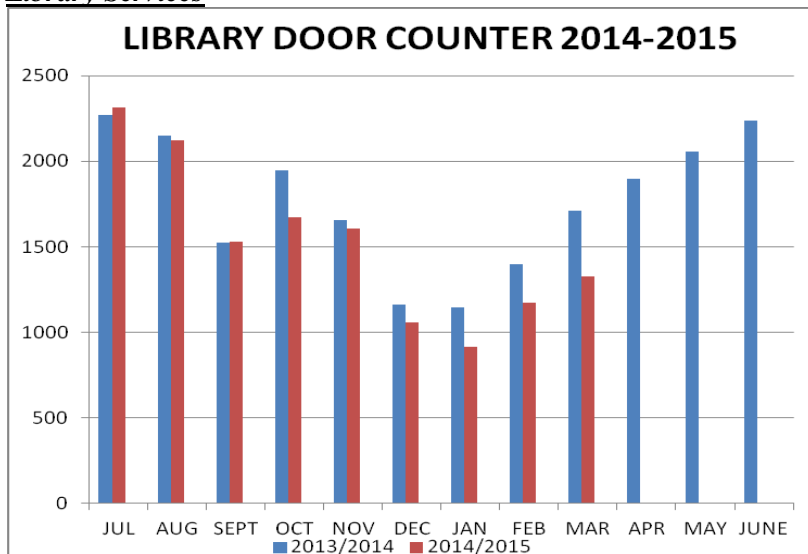
Carnival Australia had two ships come to Exmouth Gulf to discover Exmouth.

- Sunday 12 April 2015
- Monday 20 April 2015

Inchape Shipping Services have confirmed 1287 passengers came ashore last Sunday. Mondays visitors were cancelled due to strong winds.

There were a few complaints regarding availability of tickets for tours and bus transfers, which is the responsibility of the cruise company to organise. The Acting EMCE has spoken to the EVC Manager and been advised that the Product Manager from Carnival Australia will be visiting Exmouth to discuss a way forward for future visits.

**Library Services**



1,326 people made use of the library during the month of March, 1,523 books were issued and returned; 25 Interlibrary loans were received with 26 being sent out.

The Library Coordinator travelled to State Library of WA to select the libraries used item exchange. It was a good chance to meet Carnarvon Regional Librarian and discuss the future direction of our Libraries.

### Community Development

#### Youth Action Exmouth

Youth Action Exmouth successfully completed their first event of 2015. They facilitated a BBQ that coincided with the post-cyclone Concert in Federation Park. It was a big learning curve, not only for the young people but also for the CDO as the line of customer's remained long throughout the entire evening. The young people remained calm throughout what could have been a stressful experience and implemented many of the event and customer service skills that they have been developing through the YAE program. The young people were involved in the pre-planning stage of the BBQ all the way through to the pack-up. They raised approximately \$250 net profit. The young people stated after the BBQ that they believed it was very successful and that they feel more confident now in running food-stall's at events. They indicated they would like to run another BBQ in the future as a fund-raising activity.

#### HyperFest 2015

The CDO and CAO have recently taken 5 young people in Youth Action Exmouth on a learning and development excursion to Perth. The aim of the trip was to expose the young people to a wide variety of cultural, arts and skills development opportunities. The three day trip included, but was not limited to, visiting representatives from BHP at the BHP Tower, attending the year 12 Prospectus at the Perth Art Gallery, attending community markets in Fremantle and attending a Hyperfest music festival facilitated by Young People in Midland by the City of Swan.



Bindi Gove BHP & YAE

The young people have indicated overwhelmingly that it was a positive and worthwhile experience. For example one young person stated on the trip evaluation form that they believe they gained many skills including, "ticket management, security and many other little things that you don't think about when running a festival or event like volunteer appreciation vouchers." Another young person stated that they believe their knowledge has improved on how to set up events on a large scale. All young people survey's stated it was a valuable experience and they would recommend other young people join the program.

One of the core objectives of the Youth Action Exmouth program is to enable access for young people to experience a range of development opportunities so they may bring skills and knowledge back to Exmouth and facilitate events for their peers. Following the successful trip to Perth it appears to be an exciting year for YAE. They have decided to facilitate a short film competition for young people as their inclusion to the Ningaloo Whaleshark Festival. Planning has begun for the event and promotional material will go out to the community as soon as possible.

#### Relay for life

Relay is now the buzz around town with 10 teams registered so far. The total raised by all teams to date is \$8,356.15 and have 136 days to go.

#### Anzac 100 Years

This year's Anzac 100 Year celebration is shaping up to be something special, with all parties putting in a little extra to make it memorable, the flyer with service times is now out and we are hoping for good numbers to attend.

#### School Holiday Program

The School Holiday Program has once again run with partnerships with DPAW and PCYC, a plastic bottle craft morning was held to make creative creatures. 33 children attended this workshop with some amazing creations made. Sand Sculptures at Bundegi, although windy still attracted 18 children plus 8 adults.



The Youth PCYC Pool Party was enjoyed by 38 young people with the foam machine being the biggest hit.

**Media and Community Information**

The following media and community information was released during the month:

- Numerous Flyers have been placed on notice boards, social media and sent to networks promoting Anzac Day, Plastic Bottle Sculpture Competition, Short Movie Making Workshops, Youth Film Competition, Plastic Bottle Free Workshop
- 1 Newsletter topic - Exmouth Landscaping

**Staffing**

Lauren Rampling has resigned from her role as Community Development Officer; we wish her all the best in her future career. Beck Hammill has decided to head back to Coffs Harbour once her contract is finished which will be the end of June 2015.

The library welcomes Taryn Ryan to the team.

**COMMENT**

Nil

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Economic

Objective 1: To be a diverse and innovative economy with a range of local employment opportunities.

- Outcome 1.3 – Diverse Tourism opportunities.

Social

Objective 3: To be a dynamic, passionate and safe community valuing natural and cultural heritage.

- Outcome 3.3 –An inclusive, responsible and cohesive community.
- Outcome 3.5 –Maintain and increase participation levels in local community organisations and clubs.

Civic Leadership

Objective 4: To work together as custodians of now and the future

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

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION – 11.4.1**

*That Council receive the Acting Executive Manager Community Engagement Report for the month of April 2015.*

**COUNCIL DECISION – 15-0415 – 11.4.1**

Moved Councillor Todd, Seconded Councillor McHutchison.

*That Council receive the Acting Executive Manager Community Engagement Report for the month of April 2015.*

**CARRIED 5/0**


## 11. REPORTS OF OFFICERS

### 11.4 Executive Manager Community Engagement

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#### 11.4.2 Exmouth Visitor Centre Reporting on KPIs

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Location: Exmouth  
 Applicant: R Kempe  
 File Reference: CS.SP.29  
 Disclosure of Interest: Nil  
 Date: 22 April 2015  
 Author: Acting Executive Manager Community Engagement, Jaci Cutler  
 Signature of Author:   
 Senior Officer: Chief Executive Officer, Bill Price

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#### **SUMMARY**

This report recommends that Council accept the April 2015 KPI Review Report from the Exmouth Visitor Centre Marketing Committee (EVCMC) as presented with this Council Report.

#### **BACKGROUND**

Council supports the Exmouth Visitor Centre operations with a cash contribution and in return requires from the EVCMC Bi-annual review reports regarding their achievements against Key Performance Indicators (KPIs).

The EVCMC is required to develop Key Performance Indicators to guide their deliverables and to provide specific reporting requirements to Council. Reporting requirements on Key Performance Areas/Indicators are embedded in the Funding Agreement between the two parties as follows:

##### Evaluation and reporting

- *EVCMC shall conduct evaluations of its performance in relation to the **Key Performance Indicators** and its implementation of the Strategic Plan on a biannual basis in March and September of each year during the Term.*
- *EVCMC shall provide a report to the Shire detailing the results and outcome of each bi-annual evaluation by 1 April and 1 October of each year during the Term, unless otherwise agreed by the Shire.*
- *EVCMC shall additionally provide to the Shire:*
  - *a copy of its audited annual statement of accounts for each preceding financial year by no later than 1 November in each year of the Term;*
  - *advice of any changes in its office holders or its rules of association; and*
  - *any information on EVCMC's membership or other information in relation to the management or activities of EVCMC requested by the Shire to determine EVCMC's compliance with the Key Performance Indicators.*

This Council item and attachment provides the April 2015 Report to Council on the achievements of the EVCMC in Key Performance Areas identified in the Centre's Strategic Plan 2013-2017.

#### **COMMENT**

A full Report outlining the achievements against Key Performance Indicators was submitted with the Shire by the EVCMC (refer *Attachment 1*).

#### **CONSULTATION**

Exmouth Visitor Centre Marketing Committee



**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Economic

Objective 1: To be a diverse and innovative economy with a range of local employment opportunities.

- Outcome 1.3 – Diverse Tourism opportunities.

Civic Leadership

Objective 4: To work together as custodians of now and the future

- Outcome: 4.1: To be a collaborative community with the capacity to manage the current and future direction of Exmouth
- Outcome 4.2 –A local government that is respected, professional, trustworthy and accountable.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION – 11.4.2**

*That Council accepts the April 2015 bi-annual Review Report from the Exmouth Visitor Centre Marketing Committee.*

**COUNCIL DECISION – 16-0415 – 11.4.2**

Moved Councillor Hood, Seconded Councillor McHutchison.

*That Council accepts the April 2015 bi-annual Review Report from the Exmouth Visitor Centre Marketing Committee.*

**CARRIED 5/0**

**11. REPORTS OF OFFICERS****11.5 Executive Manager Health & Building****11.5.1 General Report**

Location: Exmouth  
 Applicant: R M Manning  
 File Reference: GV.CM.0  
 Disclosure of Interest: Nil  
 Date: 21 April 2015  
 Author: Executive Manager Health & Building, R M Manning

Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

**SUMMARY**

The following report contains a brief summary of significant activities, events or issues that were raised during last month.

**BACKGROUND****Applications for Permits and Certificates Pursuant to the Building Act 2011**

Applic. No.	Date received	Lot No	Property Address	Description	Decision	Decision Date
15/41	04/03/2015	395	9 Corella Court	Swimming Pool	Approved	09/03/2015
15/43	27/02/2015	253	18 Davidson Street	Pool Shed	Approved	04/03/2015
15/44	04/03/2015	131	42 Young Street	Storage Shed & Office	Approved	09/03/2015
15/45	06/03/2015	117	9 Tautog Street	Fence	Approved	18/03/2015
15/46	09/03/2015	802	17 King Place	Outbuilding And Patio	Approved	18/03/2015
15/47	09/03/2015	335	12 Kestrel Place	Jetty	Approved	24/03/2015
15/48	16/03/2015	R32867	73 Murat Road	Toilet Block	Approved	23/03/2015
15/50	27/03/2015	470	15 Osprey Way	Fencing	Approved	08/04/2015
15/51	07/04/2015	122	12 Grenadier Street	Shed/ Carport	Approved	10/04/2015
15/52	09/04/2015	39	Unit 36 2 Welch St	Short Term Accomodation	Approved	24/04/2015
15/53	09/04/2015	37	Unit 38 2 Welch St	Short Term Accomodation	Approved	24/04/2015
15/54	09/04/2015	24	Unit 40 2 Welch St	Short Term Accomodation	Approved	24/04/2015
15/55	10/04/2015	117	9 Tautog Street	Swimming Pool and Fencing	Approved	20/04/2015
15/56	13/04/2015	13	Unit 31 2 Welch St	Short Term Accomodation	Processing	
15/57	13/04/2015	33	Unit 18 2 Welch St	Short Term Accomodation	Processing	
15/59	21/04/2015	1268	3 Sculpin Court	Dwelling	Processing	
15/61	21/04/2015	315	27 Gnulli Court	Jetty	Processing	

**Summary of Building Licence/Permit Applications**  
**2007 to Year to date 31 March 2015**

Year	No. Applications	Total Value of Works	No. Applications up 31 March 2014	Value up to 31 March 2014
2007- 2008	114	\$13,465,725	88	\$11,215,607
2008- 2009	132	\$26,600,941	99	\$21,396,866
2009 - 2010	198	\$26,916,869	123	\$18,081,876
2010 - 2011	188	\$24,816,605	118	\$18,164,195
2011-2012	144	\$23,057,154	118	\$20,077,405
2012- 2013	150	\$19,931,790	107	\$16,343,045
2013-2014	159	\$23,404,099	118	\$16,356,997
2014-2015			120	\$13,066,630

**COMMENT**

**BUILDING**

**Regional Building Commission Seminars – Broome 7-8 May 2015**

Council's Executive Manager Health & Building (EMHB), Rob Manning and Building Surveyor, Steve Foster will be attending seminars and workshops run by the Building Commission in Broome 7-8 May 2015. Steve will attend a seminar on Thursday 7 May 2015 on the changes to the BCA 2015 and both Steve and Rob will attend the Building Commission Update Seminar on Friday 8 May 2015.

**ENVIRONMENTAL HEALTH**

**EHA Environmental Health Officer Northwest Group Meeting –Broome 6-7 May 2015**

Council's EMHB, Rob Manning will be attending the above meeting in Broome. The above meeting is an annual gathering of Environmental Health Officers (those that can attend) from around the North West of WA. The two days includes presentations from a range of state government agencies and the State President of Environmental Health Australia, a practical session on use of sound level meters and culminates on Thursday afternoon with a round table meeting of NW EHO's to discuss topical and current EH issues in the region. A copy of the agenda for this meeting is provided at ***Attachment 1***.

**Exmouth Boat Harbour & Marina Village Canals Environmental Monitoring Program Status Report – 2014**

As part of the initial and separate Environmental Protection Authority (EPA) approvals for the development of the Exmouth Boat Harbour (EBH) and (later) the Exmouth Marina Village (EMV) canals, water and sediment quality monitoring programs were required to be implemented.

At around 2007 the Shire of Exmouth entered in to a joint environmental monitoring contract arrangement with the Department of Transport.

Previous environmental monitoring programs (EMPs) indicated that there had been no decline in water quality and in 2013 approval was gained from EPA to discontinue water quality monitoring as part of the ongoing program. The objectives of the current EMP are to investigate sediment quality and undertake biomonitoring to identify possible adverse impacts of the EBH and EMV Canals upon adjacent water of the Gulf and to assess the effectiveness of the management strategies in maintaining high water quality within the EBH and the EMV Canals.

The latest report of the EMP was finalised in February 2015 (refer ***Attachment 2*** – tabled at the meeting). The results of the 2014 EMP and previous surveys indicate that, while there is some degree of input and accumulation of total nitrogen and metals in sediments, current levels are well below national guideline values.

As with previous EBH & EMV Canal EMP Status Reports, a copy of the report has been placed in the Exmouth Library for public information.

**Second Living Smart Course Scheduled May-June 2015**

The EMHB and the local Living Smart Facilitators have locked in dates for the next Living Smart Course. The course has been scheduled to commence on Tuesday evening 26 May 2015 and will conclude on 30 June 2015. A flyer has been released to promote the course (refer **Attachment 3**) and a few of the Living Smart crew will man a stall at the Whaleshark Festival (23 May 2015) to further promote the program.

**Waste Management and Recycling**

Sims Metal are due to arrive at the Qualing Scarp Landfill Site this month to crush and remove all the car bodies. Due to the fall in metal prices no payment will be received for the scrap metal.

**CLGF 2012-2013 Regional Group Project – Waste and Recycling Infrastructure for the Gascoyne Region.**

The Shire's of Carnarvon, Exmouth and Shark Bay have now signed the Financial Assistance Agreement (FAA) which has been forwarded to the Department for Regional Development for final approval and the release of funds. Council officers have not engaged any consultancy services or committed to any expenditure relating to the development of the 'Bring Centre' (portion of the old power station site) until the funds have been secured.

**Sentinel Chickens & Mosquito Borne Diseases**

The University of Western Australia's Sentinel Chicken Bleeding Program is continuing with bi-monthly bleeding of chicken flocks. There were no new positives blood tests to report of for Murray Valley Encephalitis, Kunjin Virus or other flaviviruses for Exmouth from the rounds of testing up to 13 April 2015.

**Paltridge Memorial Swimming Pool**

<b>March</b>	<b><u>2015</u></b>	<b><u>2014</u></b>	<b><u>2013</u></b>
<b>Pool Users</b>	3695	5335	5130

The pool was closed for 12 days due to Cyclone Olwyn from the 12 to 23 March 2015. Following the clean up the pool required a series of water tests to be completed prior to being allowed to open again which is a standard requirement from the Health Department.

The 12 days of closure had obvious impact on the monthly user numbers for the pool. In-term Swimming Lessons had to be cancelled 3 days after it started on the 9 March 2015 due to Cyclone Olwyn, thus reducing pool entries by 672.

Following the cyclone the Pool was able to open just in time to host the Primary School Carnival on the Wednesday and then the High School Carnival on the Thursday. Both Carnivals where a great success and everyone was thankful that they were able to happen. The school was very pleased to be able to hold the Carnivals and thanked the Swimming Pool Manager, Josh Koontz for all his hard work in the school newsletter.

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS****Environment**

Objective 2: To have a balanced respect for our environment and heritage, both natural and built.

- Outcome 2.4: To be a leader in eco-friendly initiatives and innovations.

Social

Objective 3: To be a dynamic, passionate and safe community valuing natural and cultural heritage.

- Outcome 3.2: Excellent lifestyle, recreational and cultural facilities.
- Outcome 3.3: An inclusive, responsible and cohesive community.
- Outcome 3.4: A community that is well informed and educated about our natural, cultural and built environment.

Civic Leadership

Objective 4: To work together as custodians for now and the future.

- Outcome 4.1: To be a collaborative community with the capacity to manage the current and future direction of Exmouth.
- Outcome 4.2: A local government that is respected, professional, trustworthy and accountable.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION – 11.5.1**

*That Council receive the Executive Manager Health & Building Report for the month of April 2015.*

**COUNCIL DECISION – 17-0415 – 11.5.1**

Moved Councillor Hood, Seconded Councillor McHutchison.

*That Council receive the Executive Manager Health & Building Report for the month of April 2015.*

**CARRIED 5/0**

**11. REPORTS OF OFFICERS****11.5 Executive Manager Health & Building****11.5.2 Application to Review Caravan Park Licence – Yardie Homestead Caravan Park**

Location: Yardie Homestead Caravan Park  
 Lot 198 Yardie Creek Road, North West Cape.  
 Applicant: J. Roscic of Yardie Homestead Caravan Park  
 File Reference: LE.RE.5  
 Disclosure of Interest: Nil  
 Date: 23 April 2015  
 Author: Executive Manager Health & Building, R M Manning

Signature of Author:



Senior Officer:

Chief Executive Officer, Bill Price

**SUMMARY**

This report recommends the Council approve a review and re-issue of the annual Caravan Parks and Camping Grounds Licence for Yardie Homestead Caravan Park (YHCP).

**BACKGROUND**

Caravan Parks and Camping Grounds within Western Australia are required to renew their annual Caravan Parks and Camping Grounds Licence with the relevant local government authority. All Caravan Parks and Camping Grounds licences within the Shire of Exmouth expire on the 30 September each year and as such, were renewed at the 18 September 2014 Ordinary Council Meeting.

At the above meeting YHCP licence was approved for 113 short stay sites, 30 camp sites and 20 overflow sites for self-contained vehicles (i.e. on board toilet and shower facilities). 20 of the camp sites (old overflow area) had interim approval from October 2014 to March 2015 subject to the provision of ablutions and authorisation of the Environmental Health Officer. The interim period allowed for the 20 sites to be used with the provision of one only temporary toilet cubical consisting of 1 x unisex toilet and hand basin located adjacent to the 20 sites. Whilst considering the number and type of sites detailed on the approved license, the a technical interpretation of the minimum sanitary facilities required by the Caravan Parks and Camping Grounds Regulations 1997 (the Regs) would require additional sanitary facilities. However, given the seasonal nature of tourism in the district and that the facility would have very low occupancy rates during the above 'interim period', there was no real need for additional permanent facilities to be completed before April.

During Cyclone Olwyn YHCP received significant damage and has had to put the building of permanent sanitary facilities for the above 20 camp sites on hold. Owing to the above Council officers informed management at the YHCP that the current license will need to be reviewed.

In addition to the above changes the Owner of YHCP, Mr Jame Roscic has made written application to change the classification of 27 existing short stay (caravan) sites to camping sites.

**COMMENT**

During Cyclone Olwyn YHCP sustained significant damage including large sections of the reticulated power system, parts of which are now unserviceable and must be replaced. As such some previously powered sites are no longer powered.

The sites that currently cannot be serviced by the reticulated power system can still be used as unpowered camping sites. Temporary power arrangements have been made for July 2015 for those sites that have been pre-booked (i.e. sites 58 to 89). Owing to the above these sites are proposed to remain as short stay caravan sites on the reviewed licence. However, as the above sites need to have the power supply system renewed, they will be predominantly not used to allow for works to be undertaken. Prior to the power restoration

works occurring and at times when the temporary power supply is not functioning, it is reasonable to permit these sites to be used as unpowered 'camp' sites. A condition has been included on the reviewed licence in relation to the above.

A detailed audit of the facility found 15 of the 27 short stay sites subject of the request for re-classification had never been accounted for on previous licences approved by the Council. Furthermore an additional 2 caravan sites also not accounted for on previous licences were identified. In consideration of the above and the applicant's request, a review of the licence will result in a total of 57 campsites, 103 short stay sites and the overflow sites remain unchanged at 20 sites (for fully self-contained vehicles).

The 27 existing short stay sites YHCP want to convert to camping sites are smaller sites better suited to camping sites, identified on site map as sites 90-104B and sites A-J. Sites 90-104B have access to power but are not within 10m of a sullage point and sites A-J don't have access to power and are not within 10m of a sullage point making them unsuitable for caravans. Owing to this it is recommended on the licence to include a condition limiting these sites to camping sites only. A copy of the latest site plan including the additional site is provided at **Attachment 4**.

Plans to construct the intended permanent ablutions to service the 20 camp sites (previously Overflow sites) mentioned above as being subject of an interim approval to March 2015 have had to be postponed as funds have been directed elsewhere. In lieu of the above, YHCP intend to install 2 temporary toilets with hand basins and 2 temporary showers with hand basins, all of which can be easily transported using a forklift type system to facilitate relocation for safe storage in the event of a severe weather warning. This is considered a temporary solution and will still require permanent ablutions to be installed/constructed.

Council Officers also recommend the Council request that the applicant engage a suitably qualified professional to draft a detailed and to scale feature survey/plan of the facility to account for the many changes that have occurred since the last approved detailed plan (June 2005). Pursuant to *regulation 43* of the Regs, an application for the new licence (i.e. not a renewal) must provide the documents described in Form 1. Such documents include a plan of the proposed facility showing:-

- a) *The sites, and where applicable, denoting the types of sites;*
- b) *The buildings;*
- c) *The roads and paths;*
- d) *The drainage and waste water disposal systems; and*
- e) *The location of fire hoses, fire hydrants and extinguishers.*

In consideration of all of the above, in addition to the standard licence condition, it is recommended the licence include conditions to:-

- limit the use of temporary sanitary conveniences to 30 September 2016;
- require a cyclone management plan in relation to the temporary ablutions be provided;
- specify acceptable minimum standards that the temporary sanitary facilities to be constructed to; and
- engage a suitably qualified professional to draft a detailed and to scale feature survey/plan of the facility in accordance with regulation 43 of the Caravan Parks and Camping Grounds Regulations 1997. The plan shall be to the satisfaction of Council Officers and submitted by 31 August 2015.

Due to the proposed reclassification of sites and the additional conditions recommended by Council officers in relation to these changes, the licence needs to be reviewed and approved by Council before being re-issued (refer to **Attachment 5**).

## **CONSULTATION**

Nil

## **STATUTORY ENVIRONMENT**

Caravan Parks and Camping Grounds Act 1995

Caravan Parks and Camping Grounds Regulations 1997

Health (Temporary Sanitary Conveniences) Regulations 1997; and

Shire of Exmouth Health Local Laws.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Social

Objective 3: To be a dynamic, passionate and safe community valuing natural and cultural heritage.

- Outcome 3.2: Excellent lifestyle, recreational and cultural facilities.

Civic Leadership

Objective 4: To work together as custodians for now and the future.

- Outcome 4.1: To be a collaborative community with the capacity to manage the current and future direction of Exmouth.
- Outcome 4.2: A local government that is respected, professional, trustworthy and accountable.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION – 10.5.2**

*That Council approve the issuing of a revised Caravan Parks and Camping Grounds Licence for Yardie Homestead Caravan Park valid until 30 September 2015 as presented in Attachment 5, for signing by the Chief Executive Officer.*

**COUNCIL DECISION – 18-0415 – 11.5.2**

Moved Councillor Hood, Seconded Councillor Todd.

*That Council approve the issuing of a revised Caravan Parks and Camping Grounds Licence for Yardie Homestead Caravan Park valid until 30 September 2015 as presented in Attachment 5, for signing by the Chief Executive Officer.*

**CARRIED 5/0**



**11. REPORTS OF OFFICERS****11.6 Executive Manager Town Planning****11.6.1 General Report**

Location: Exmouth  
 Applicant: Nil  
 File Reference: LP.PL.0  
 Disclosure of Interest: Nil  
 Date: 22 April 2015  
 Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer:

Chief Executive Officer, Bill Price

**SUMMARY**

The following report contains a brief summary of significant activities, events or issues that were raised during the last month.

**BACKGROUND****Planning Applications and Approvals**

Below is a summary of planning applications and approvals up to up to 22 April 2015.

Applic No	Lodgement Date	Lot	Property Address	Description	Decision	Date Determined
PA200/15	21/11/2014	332	6 Kestrel Place	Dwelling	Awaiting information from applicant	
PA27/15	26/02/2015	3	5 Ningaloo Street	Lean to	Approved	26/03/2015
PA28/15	03/03/2015	63	29 Inggarda Lane	Dwelling	Approved	09/04/2015
PA31/15	10/03/2015	1293	2 Trout Place	Holiday Accommodation	April OCM	
PA35/15	19/03/2015	33	Unit 18 2 Welch Street	Short stay Accommodation	Approved	07/04/2015
PA36/15	19/03/2015	13	Unit 31 2 Welch Street	Short stay Accommodation	Approved	07/04/2015
PA38/15	19/03/2015	331	4 Kestrel Place	Holiday Accommodation	April OCM	
PA42/15	24/03/2015	224	41 Nimitz Street	Shed	Processing	
PA43/15	24/03/2015	347	4 Lockwood Street	Patio And Outbuilding	Processing	
PA44/15	24/03/2015	149 & 150	Hunt Street	Scheme Amendment 31	April OCM	
PA45/15	24/03/2015	1481	Neale Cove	Fuel Depot	April OCM	
PA47/15	26/03/2015	344	30 Kestrel Place	Jetty	Processing	
PA48/15	30/03/2015	1284	3 Tambor Drive	Home Occupation	Approved	17/04/2015
PA50/15	09/04/2015	447	41 Madaffari Drive	Dwelling	Processing	
PA51/15	10/04/2015	386	27 Corella Court	Dwelling	Processing	
PA52/15	10/04/2015	320	17 Gnulli Court	Dwelling	Processing	
PA54/15	14/04/2015	152	23 Hunt Street	Sea Containers	Approved	17/04/2015
PA55/15	14/04/2015	102	23 Ingram Street	Amendment to PA167/14	Approved	22/04/2015
PA60/15	17/04/2015	410	34 Madaffari Drive	Dwelling	Processing	
PA62/15	20/04/2015	458	15 Lyon St	Ancillary Accommodation	Processing	

Summary of Total Planning Application/Codes Variations	
Year	No. Applications
2010-2011	149
2011-2012	163
2012-2013	175
2013-2014	87
2014-2015	103

Permits issued for an Activity on Local Government Property	
Month	No. Applications
November	4
December	4
January	5
February	1
March	8

## **BACKGROUND**

### **Local Planning Strategy and Scheme**

The preparation of the Local Planning Strategy and Local Planning Scheme No. 4 is progressing well. Taylor Burrell Barnett (TBB) are currently finalising the Local Planning Scheme No. 4. Executive staff are currently going through the draft Local Planning Strategy. It is envisaged that the documents will be presented to Council during the June Ordinary Council Meeting.

### **Civil Construction - Special Rural Subdivision of Lot 300 Heron Way, Exmouth**

Construction of the above project is near completion. It is expected that the subdivision will be completed by May 2015 and titles issued by 30 June 2015. Exmouth Cape Real Estate and Exmouth Experience Real Estate are undertaking the marketing on behalf of Council.

## **RANGER SERVICES**

Below is a summary of the activities performed by Ranger Services during March 2015.

	Dogs	Camping	Parking	Litter	Fire	Off road	Other
Warning/caution	5	0	2	1	0	0	7
Infringement	0	10	0	0	0	0	0
Court	0	0	0	0	0	0	0
<b>February Total</b>	<b>5</b>	<b>10</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>7</b>
<b>2014-2015 Totals</b>	<b>42</b>	<b>123</b>	<b>33</b>	<b>14</b>	<b>229</b>	<b>2</b>	<b>14</b>

### **Dog Control Survey**

Due to the impact of Tropical Cyclone Olwyn, a report for the Dog Control Survey has been postponed until the May 2015 Ordinary Council Meeting.

### **Local Law Review**

Local Law Review 2014											
Local Law	Approve by Council to Initiate	Advertising		Sent to Minister	Advertising Closes	Schedule of Submission	Final Adoption Council	Gazettal	Gazettal to Minister	Local Public Notice	Submit to JSC
		West Australian	Northern Guardian								
Dog	21/08/14	30/08/14	3/09/14	2/09/14	20/10/14	11/11/14	18/12/14	23/01/15	23/01/15	28/01/15	03/02/15
Cemetery	21/08/14	30/08/14	3/09/14	2/09/14	20/10/14	11/11/14	20/11/14	12/12/14	17/12/14	22/12/14	05/01/15
Meeting Procedure	18/09/14	27/09/14	1/10/14	24/10/14	17/11/14	11/12/14	19/02/2015	01/04/15	07/04/15	08/04/15	14/04/15
Fencing	18/09/14	27/09/14	1/10/14	24/10/14	17/11/14						
Cat	23/10/14	1/11/14	5/11/14	6/11/14	22/12/14		26/03/2015				
Parking	23/10/14	1/11/14	5/11/14	6/11/24	22/12/14	11/12/14	19/02/2015	01/04/15	07/04/15	08/04/15	14/04/15
Public Places											
Marina Waterways											

## **COMMENT**

Nil

## **CONSULTATION**

Nil

## **STATUTORY ENVIRONMENT**

Planning and Development Act 2005

Shire of Exmouth Town Planning Scheme No 3  
Local Government Act 1995

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Economic

Objective 1: To be a diverse and innovative economy with a range of local employment opportunities.

- Outcome 1.2 - Planned and balanced economic growth.

Environment

Objective 2: To have a balanced respect for our environment and heritage, both natural and built.

- Outcome 2.2: Our pristine natural environment and biodiversity will be understood, maintained and protected.
- Outcome 2.4: To be a leader in eco-friendly initiatives and innovations.

Social

Objective 3: To be a dynamic, passionate and safe community valuing natural and cultural heritage.

- Outcome 3.2: Excellent lifestyle, recreational and cultural facilities.
- Outcome 3.3: An inclusive, responsible and cohesive community.
- Outcome 3.4: A community that is well informed and educated about our natural, cultural and built environment.
- Outcome 3.5 - Maintain and increase the participation levels in local community organisations and clubs.

Civic Leadership

Objective 4: To work together as custodians for now and the future.

- Outcome 4.1: To be a collaborative community with the capacity to manage the current and future direction of Exmouth.
- Outcome 4.2: A local government that is respected, professional, trustworthy and accountable.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION – 11.6.1**

*That Council receive the Executive Manager Town Planning Report for the month of April 2015.*

**COUNCIL DECISION – 19-0415 – 11.6.1**

Moved Councillor Todd, Seconded Councillor Winzer.

*That Council receive the Executive Manager Town Planning Report for the month of April 2015.*

**CARRIED 5/0**

**11. REPORTS OF OFFICERS****11.6 Executive Manager Town Planning****11.6.2 Exmouth Community Markets – Federation Park**

Location: Federation Park  
 Applicant: Exmouth Community Markets Inc.  
 File Reference: PA14/15  
 Disclosure of Interest: Nil  
 Date: 13 April 2015  
 Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

**SUMMARY**

This report recommends that Council give in principle support for the Exmouth Community Markets to operate in Federation Park (refer *Attachment 1*).

**BACKGROUND**

Exmouth Community Markets Inc. has lodged their annual Permit Application to conduct the Exmouth Community Markets at Niblett Oval. In previous years the markets have been held at Niblett Oval. However, with the Ningaloo Centre being approved future construction will prevent the markets from being held in this location. Therefore, the applicants are seeking in principle support to relocate the markets to Federation Park (refer *Attachment 2*).

Previously an application for the Markets to be held in Federation Park was determined by Council at the Ordinary Meeting held on the 19 December 2013. Council resolved the following:

***That the Council of the Shire of Exmouth refuse the application for a permit for the establishment of Community Markets upon Federation Park, Exmouth at this time for the following reasons:***

- 1. The proposal does not comply with the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law. The application does not comply with section 6.8 Conduct of Stallholders and Traders:***

***(2) A stallholder or trader shall not –***

- (a) attempt to conduct a business within a distance of 300m of any shop or permanent place of business and has for sale any goods or services of the kind being offered for sale by the stallholder or trader.***

- 2. The recently planted lawn in Federation Park requires time to fully develop and a lot of care and maintenance is still required to fully grow.***

**Advice**

***The Shire is currently undertaking of review of all local laws including the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law. The applicant is advised to resubmit an application for a permit for the establishment Community Markets upon Federation Park, following completion of revised local laws.***

The applicant has again requested that the Community Markets be held at Federation Park, given that it is a central focal point of Exmouth and provided the following reasons in support of the proposal:

- The Markets experience a predominantly family atmosphere which would benefit from the local facilities and amenities of Federation Park such as the location holding primacy for picnics and also the new Water Spray Park.
- Successful local Markets invigorate town centres and enrich visitor experience.

- The Markets would generate significant tourism for the town centre.
- The Exmouth Community Markets have a proven track record of substantial visitation which would become visitation to the Town Centre.
- Local Markets are a major part of a town's identity which would be more focused around the Town Centre if the Exmouth Community Markets are held in Federation Park.

### **COMMENT**

The proposal has been assessed against Council's *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law* and *Local Government Property Local Law*. Federation Park is located within 300m of the Town Centre and businesses selling goods similar to those sold at the market. Therefore, as per Council's previous resolution on the 19 December 2013 the proposal does not currently comply with Law 6.8 of the Trading in Thoroughfares Local Law as follows:

#### *6.8 Conduct of stallholders and traders*

(2) *A stallholder or trader shall not –*

- (a) *attempt to conduct a business within a distance of 300m of any shop or permanent place of business and has for sale any goods or services of the kind being offered for sale by the stallholder or trader.*

Currently the *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law* is under review. Through the review process the 300m separation requirement has been identified as being inconsistent with Federal competition legislation. Therefore, it is likely the review will result in the 300m separation required being removed leaving Council to consider other avenues in assuming a position on non-community orientated temporary businesses/activities operating in the Town Centre and Federation Park. Given the above and that Exmouth Community Markets is a community orientated event it is considered reasonable to allow the variation of the current 300m separation requirement in supporting the relocation to Federation Park.

The other issue outlined as a reason for previously refusing the Markets in Federation Park was the impact on the grass within the proposed location. At the time the lawn within the Park was newly planted and holding a regular event such as the Markets would have had a detrimental impact on the lawns establishment. A substantial amount of time has passed since the resolution (16 months), therefore this is no longer considered an issue as the lawn is well established. Furthermore, a standard condition of Permits for Activities on Local Government Property is the applicant being responsible for making good any damage caused.

### **CONSULTATION**

The proposal was forwarded to Exmouth Chamber of Commerce for comment. No comments were received.

### **STATUTORY ENVIRONMENT**

Local Government Act 1995

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

Local Government Property Local Law

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

#### Economic

Objective 1: To be a diverse and innovative economy with a range of local employment opportunities.

- Outcome 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
- Outcome 1.2: Planned and balanced economic growth
- Outcome 1.3: Diverse Tourism opportunities

Environment

Objective 2: To have a balanced respect for our environment and heritage, both natural and built.

- Outcome 2.1: To maintain and improve access and connectivity to our natural assets
- Outcome 2.5: To make Exmouth an attractive town that is a comfortable and welcoming place to live and visit, and reflects the lifestyle values and unique natural environment

Civic Leadership

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

- Outcome: 4.1: To be a collaborative community with the capacity to manage the current and future direction of Exmouth
- Outcome: 4.2: A local government that is respected, professional, trustworthy and accountable

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION – 11.6.2**

*That Council resolves to approve the Exmouth Community Markets to operate in Federation Park subject to standard conditions as imposed by the Executive Manager Town Planning.*

**COUNCIL DECISION – 20-0415 – 11.6.2**

Moved Councillor Todd, Seconded Councillor McHutchison.

*That Council resolves to approve the Exmouth Community Markets to operate in Federation Park subject to standard conditions as imposed by the Executive Manager Town Planning.*

**CARRIED 5/0**

**11. REPORTS OF OFFICERS****11.6 Executive Manager Town Planning****11.6.3 Activity on Local Government Property – Proposed Food Van at Town Beach**

Location: Lot 447 (41) Madaffari Drive, Exmouth  
 Applicant: Phillip Short  
 File Reference: PA40/15  
 Disclosure of Interest: Nil  
 Date: 13 April 2015  
 Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer:

Chief Executive Officer, Bill Price

**SUMMARY**

This report recommends that Council approve the Permit Application for Activity on Local Government Property for a mobile food van for a period of (1) one year at the Town Beach Carpark (refer *Attachment 3*).

**BACKGROUND**

The applicant has applied to Council to use the Town Beach car park for the operation of a temporary food van. The proposal is to sell curry operating from 6pm to 11pm seven (7) days a week. The applicant also advised that he may do breakfast from 6am to 10am; however the primary service provided will be the sale of curry during the evening.

In December 2011, Council noted “*any application from a trader wishing to operate longer than two weeks will be referred to the full Council for consideration.*” This proposal is to operate a mobile food van selling curries for a period of one (1) year; therefore it has to be determined by Council.

**COMMENT**

The proposal has been assessed against Council’s *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law*. In determining the sale of curries the Council must consider the following relevant clauses:

Local Law Provisions	Officer Comment
<p><i>In determining an application for a permit for the purposes of this Division, the local government is to have regard to –</i></p> <p><i>(a) any relevant policies of the local government;</i></p> <p><i>(b) the desirability of the proposed activity;</i></p> <p><i>(c) the location of the proposed activity;</i></p> <p><i>d) the principles set out in the Competition Principles Agreement;</i></p>	<p>The proposed activity will complement the Town Beach area. And provide an agglomeration of temporary food businesses given Council’s recent approval of the sale of pizza from the same location.</p> <p>The proposed activity provides an additional service to the town. The sale of curry is partly catered for by some existing restaurants in town; however, they are not located within 300m of the Town Beach Car park.</p> <p>The key guiding principle is that “<i>legislation should not restrict competition unless it can be demonstrated that:</i></p> <p><i>a) the benefits of the restriction to the community as a</i></p>

<p><i>(e) such other matters as the local government may consider to be relevant in the circumstances of the case.</i></p>	<p><i>whole outweigh the costs; and b) the objectives of the legislation [Local Law] can only be achieved by restricting competition.”</i></p> <p>Council should consider the implications of approving long term permits on the Town Beach car park.</p> <p>The proposed period of operation although all year round, also coincides with the tourist season when there is increased use of the Town Beach. The proposed activity will encourage more use of the area.</p>
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The application is recommended for approval to operate in the proposed time period for the following reasons:

- The sale of curry will encourage more use of the Town Beach Carpark.
- The location is suitable for the activity as it is a popular area with locals and tourists.

It is recommended that approval is granted subject to standard conditions applied to approve Permits for activities operating on Local Government property and that authority is delegated to the Executive Manager of Town Planning to issue the Permit with the appropriate conditions.

### **CONSULTATION**

Nil

### **STATUTORY ENVIRONMENT**

Local Government Act 1995

Local Government Property Local Law

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

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

#### Economic

Objective 1: To be a diverse and innovative economy with a range of local employment opportunities.

- Outcome 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
- Outcome 1.2: Planned and balanced economic growth
- Outcome 1.3: Diverse Tourism opportunities

#### Environment

Objective 2: To have a balanced respect for our environment and heritage, both natural and built.

- Outcome 2.1: To maintain and improve access and connectivity to our natural assets
- Outcome 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

Objective 3: To be a dynamic, passionate and safe community valuing natural and cultural heritage.

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

#### Civic Leadership

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



- Outcome: 4.1: To be a collaborative community with the capacity to manage the current and future direction of Exmouth
- Outcome: 4.2: A local government that is respected, professional, trustworthy and accountable
- Outcome: 4.3: To be strong advocates representing the region's interests

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION – 11.6.3**

*That Council approve the Permit Application for Activity on Local Government Property for a Temporary Food Van at the Town Beach Carpark for a maximum period of twelve (12) months from the date of this resolution subject to standard conditions as imposed by the Executive Manager Town Planning.*

**COUNCIL DECISION – 21-0415 – 11.6.3**

Moved Councillor Winzer, Seconded Councillor McHutchison.

*That Council approve the Permit Application for Activity on Local Government Property for a Temporary Food Van at the Town Beach Carpark for a maximum period of twelve (12) months from the date of this resolution subject to standard conditions as imposed by the Executive Manager Town Planning.*

**CARRIED 5/0**

**11. REPORTS OF OFFICERS**

**11.6 Executive Manager Town Planning**

**11.6.4 Holiday Accommodation – Lot 1293 (2) Trout Place Exmouth**

Location: Lot 1293 (2) Trout Place Exmouth  
 Applicant: Ray White t/a Exmouth Holidays  
 File Reference: A1030 (PA31/15)  
 Disclosure of Interest: Nil  
 Date: 14 April 2015  
 Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

**SUMMARY**

This report recommends that Council grant conditional planning approval for Holiday Accommodation upon Lot 1293 (2) Trout Place, Exmouth (Refer *Attachment 4*).

**BACKGROUND**

The subject lot has a substantially constructed dwelling, is approximately 842m<sup>2</sup> in area and zoned Residential (R17.5) in the Scheme. It has planning approval for an oversized outbuilding (July 2005) and holiday accommodation (PA02/08). The aerial image below identifies Lot 1293 (2) Trout Place where the proponent seeks planning approval for Holiday Accommodation use.

Lot 1293 (2) Trout Place, Exmouth



**COMMENT**

The proposal has been assessed against the Town Planning Scheme No. 3 (Scheme) and Policy 6.12: Holiday Accommodation. Table 1 of the Scheme defines Holiday Accommodation as an ‘SA’ use in the residential zone meaning the use is not permitted unless the Council has granted planning approval after

giving notice in accordance with clause 9.3. The relevant Outline Development Plan states land uses to be in accordance with the residential zone of the scheme.

Policy 6.12 objectives sought to:

- *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;*
- *Ensure that holiday accommodation establishments comply with the Building Code of Australia and Regulations and Health Act 1911.*

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

#### Number of Occupants

The number of allowable occupants is restricted by the ventilation requirements under the Health Act 1911, which defines the following:

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

Officers have calculated the permissible number of occupants per bedroom:

<b>Schedule 1: Allowable Occupants: Lot 1293 (2) Trout Place, Exmouth</b>
Bedroom 1: Total floor space: 15.12m <sup>2</sup> , Approximate Air Space: 41.58m <sup>3</sup> Allowable occupants: 2 adults <b>OR</b> 2 adults and 1 child <b>OR</b> 1 adult and 3 children <b>OR</b> 5 children
Bedroom 2: Total floor space: 15.12m <sup>2</sup> , Approximate Air Space: 41.58m <sup>3</sup> Allowable occupants: 2 adults <b>OR</b> 2 adults and 1 child <b>OR</b> 1 adult and 3 children <b>OR</b> 5 children
Bedroom 3: Total floor space: 15.12m <sup>2</sup> , Approximate Air Space: 41.58m <sup>3</sup> Allowable occupants: 2 adults <b>OR</b> 2 adults and 1 child <b>OR</b> 1 adult and 3 children <b>OR</b> 5 children
Bunks : Total floor space: 25.2m <sup>2</sup> , Approximate Air Space: 69.3m <sup>3</sup> Allowable occupants: 4 adults <b>OR</b> 2 adults and 5 children <b>OR</b> 8 children
*Note: All persons over the age of 10 years require a minimum of 14 cubic metres of air space per person. Children aged up to 10 years require a minimum of 8 cubic metres of air space each. As such, the term 'adult' has been used for persons over the age of 10 years.
**The air space is calculated with a 2.75m ceiling height.

#### Occupancy Levels

Following the assessment by officers to calculate the number of guests permissible, the maximum number of overnight occupants allowed within the dwelling at the same time shall be twelve (12) persons. This includes no more than ten (10) occupants over the age of 10 at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy. Potential occupants shall be advised of this prior to booking.

#### Number of Vehicles

The application states the number of vehicles to be accommodated on site is two (2) vehicles and two (2) trailers. The maximum permissible number allowed under the Holiday Accommodation Policy is three (3) vehicles and two (2) trailers. The policy states that car parking shall be calculated on the basis of four

persons per vehicle. The property has space to accommodate two (2) vehicles and two (2) trailers. Considering the above officer recommends parking for 2 vehicles and 2 trailers to avoid traffic issues.

#### Management Plan and Code of Conduct

The applicant has submitted a copy of the House Rules for Guests and Visitors and a Fire Evacuation Plan as per the Holiday Accommodation Policy 6.12. The documentation is considered sufficient to achieve the desired management framework. A condition shall be applied to ensure the occupancy numbers are written clearly to reflect the relevant Scheme provisions and approval by Council.

#### CONSULTATION

In accordance with the requirements of the Scheme adjoining impacted neighbours were invited to comment on the proposal from **Thursday 19 March 2015 to Thursday 9 April 2015** for a period of 21 days. A summary is tabled below:

Property	Response	Officer Comments
Lot 1292 (4) Trout Place	Nil	
Lot 1294 (1) Sargo Court	Nil	
Lot 1286 (1) Saury Place	Nil	
Lot 1285 (5) Tambor Drive	Nil	
Lot 1302 (6) Tambor Drive	Nil	
Lot 1303 (8) Tambor Drive	The Department of Housing has no objections to this proposal.	Noted
Lot 1304 (10) Tambor Drive	The Department of Housing has no objections to this proposal.	Noted
Lot 1303 (8) Tambor Drive – (The householder)	Nil	
Lot 1304 (10) Tambor Drive – (The householder)	Do not object	Noted

#### STATUTORY ENVIRONMENT

Planning and Development Act  
Town Planning Scheme No. 3

#### POLICY IMPLICATIONS

Policy 6.12: Holiday Accommodation

#### FINANCIAL IMPLICATIONS

Nil

#### STRATEGIC IMPLICATIONS

##### Economic

Objective 1: To be a diverse and innovative economy with a range of local employment opportunities.

- Outcome 1.2 - Planned and balanced economic growth.

##### Civic Leadership

Objective 4: To work together as custodians for now and the future.

- Outcome 4.1: To be a collaborative community with the capacity to manage the current and future direction of Exmouth.
- Outcome 4.2: A local government that is respected, professional, trustworthy and accountable.

#### VOTING REQUIREMENTS

Simple Majority

#### **OFFICER'S RECOMMENDATION – 11.6.4**

*That Council grant planning approval for holiday accommodation upon Lot 1293 (2) Trout Place, Exmouth subject to the following conditions:*

1. *The approved use shall accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA31/15) and Local Planning Policy No. 6.12: Holiday Accommodation;*
2. *The maximum number of overnight occupants allowed within the dwelling at the same time shall be twelve (12) persons. This includes no more than ten (10) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Local Planning Policy 6.12: Holiday Accommodation;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be two (2) and two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
4. *The property shall provide at least three (3) 240 litre rubbish bins prior to the use commencing;*
5. *The Terms and Conditions, Tenant Code of Conduct, Management Statement, and Emergency Response Plan shall be clearly displayed in the premises in accordance with Council's Holiday Accommodation Policy;*
6. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:
 
  - *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
  - *no fires are to be lit outside with the exception of a gas or electric barbeque.**
7. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
8. *An approved smoke alarm must be installed on or near the ceiling in each guest bedroom; and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms and the remainder of the building. Where the building is more than one storey, approved smoke alarms must be installed on each storey. The smoke alarms must be installed in accordance with Australian Standards and be connected to the consumer mains power;*
9. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighboring properties, or causes a nuisance to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;*
10. *The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with;*
11. *Should this residential premises be used for Holiday Accommodation purposes and provide a swimming pool/spa pool for the use of guests or should the owners intend to install a swimming pool/spa pool in the future, the owners are hereby advised of the following:-*
  1. *The Health (Aquatic Facilities) Regulations 2007 require that a Certificate of Compliance and a Permit to Operate from the Executive Director, Public Health (EDPH) for the 'aquatic facility' be obtained i.e. the Department of Health (WA) is the approving authority, not the Shire of Exmouth;*
  2. *Whether an aquatic facility is approved by the EDPH or not, regulation 21 prescribes that an Environmental Health Officer, or a person under the direction of an Environmental Health Officer, collects 2 water samples (one for bacteria, one for amoeba) from each water body of each aquatic facility in the district at least once per month. The owner/property manager must therefore make suitable arrangements for the Shire's Water Sampling Officer to access the property to obtain the water samples.*

12. This approval is valid until 30 September 2015. Following planning approval an annual permit will be issued after paying the prescribed fee. Upon this period lapsing, Council 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.

Advice

- i). In regards to Condition (2) above, 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.

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of twelve (12) persons. This includes no more than ten (10) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

Schedule 1: Allowable Occupants: Lot 1293 (2) Trout Place, Exmouth

Bedroom 1: Total floor space: 15.12m<sup>2</sup>, Approximate Air Space: 41.58m<sup>3</sup>  
Allowable occupants: 2 adults OR 2 adults and 1 child OR 1 adult and 3 children OR 5 children

Bedroom 2: Total floor space: 15.12m<sup>2</sup>, Approximate Air Space: 41.58m<sup>3</sup>  
Allowable occupants: 2 adults OR 2 adults and 1 child OR 1 adult and 3 children OR 5 children

Bedroom 3: Total floor space: 15.12m<sup>2</sup>, Approximate Air Space: 41.58m<sup>3</sup>  
Allowable occupants: 2 adults OR 2 adults and 1 child OR 1 adult and 3 children OR 5 children

Bunks: Total floor space: 25.2m<sup>2</sup>, Approximate Air Space: 69.3m<sup>3</sup>  
Allowable occupants: 4 adults OR 2 adults and 5 children OR 8 children

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

\*\*The air space is calculated with a 2.75m ceiling height.

- ii). Should the holiday accommodation be viewed as a 'Lodging House' at any time under the Health Act 1911, a permit pursuant to the Shire of Exmouth Health Local Laws will be required. For further Information, please contact the Shire of Exmouth's Health Services on 9949 3000.
- iii). An applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with the rules and regulations made pursuant to the Planning and Development Act 2005 (as amended). Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).

**COUNCIL DECISION – 22-0415 – 11.6.4**

Moved Councillor Todd, Seconded Councillor Hood.

**That Council grant planning approval for holiday accommodation upon Lot 1293 (2) Trout Place, Exmouth subject to the following conditions:**

1. The approved use shall accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA31/15) and Local Planning Policy No. 6.12: Holiday Accommodation;
2. The maximum number of overnight occupants allowed within the dwelling at the same time shall be twelve (12) persons. This includes no more than ten (10) persons over the age of ten at any one

*time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Local Planning Policy 6.12: Holiday Accommodation;*

3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be two (2) and two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
4. *The property shall provide at least three (3) 240 litre rubbish bins prior to the use commencing;*
5. *The Terms and Conditions, Tenant Code of Conduct, Management Statement, and Emergency Response Plan shall be clearly displayed in the premises in accordance with Council's Holiday Accommodation Policy;*
6. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:
 
  - *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
  - *no fires are to be lit outside with the exception of a gas or electric barbeque.**
7. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
8. *An approved smoke alarm must be installed on or near the ceiling in each guest bedroom; and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms and the remainder of the building. Where the building is more than one storey, approved smoke alarms must be installed on each storey. The smoke alarms must be installed in accordance with Australian Standards and be connected to the consumer mains power;*
9. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighboring properties, or causes a nuisance to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;*
10. *The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with;*
11. *Should this residential premises be used for Holiday Accommodation purposes and provide a swimming pool/spa pool for the use of guests or should the owners intend to install a swimming pool/spa pool in the future, the owners are hereby advised of the following:-*
  1. *The Health (Aquatic Facilities) Regulations 2007 require that a Certificate of Compliance and a Permit to Operate from the Executive Director, Public Health (EDPH) for the 'aquatic facility' be obtained i.e. the Department of Health (WA) is the approving authority, not the Shire of Exmouth;*
  2. *Whether an aquatic facility is approved by the EDPH or not, regulation 21 prescribes that an Environmental Health Officer, or a person under the direction of an Environmental Health Officer, collects 2 water samples (one for bacteria, one for amoeba) from each water body of each aquatic facility in the district at least once per month. The owner/property manager must therefore make suitable arrangements for the Shire's Water Sampling Officer to access the property to obtain the water samples.*
12. *This approval is valid until 30 September 2015. Following planning approval an annual permit will be issued after paying the prescribed fee. Upon this period lapsing, Council 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.*

**Advice**

- i). *In regards to Condition (2) above, 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.*

*Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of twelve (12) persons. This includes no more than ten (10) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.*

**Schedule 1: Allowable Occupants: Lot 1293 (2) Trout Place, Exmouth**

Bedroom 1: Total floor space: 15.12m<sup>2</sup>, Approximate Air Space: 41.58m<sup>3</sup>  
 Allowable occupants: 2 adults **OR** 2 adults and 1 child **OR** 1 adult and 3 children **OR** 5 children

Bedroom 2: Total floor space: 15.12m<sup>2</sup>, Approximate Air Space: 41.58m<sup>3</sup>  
 Allowable occupants: 2 adults **OR** 2 adults and 1 child **OR** 1 adult and 3 children **OR** 5 children

Bedroom 3: Total floor space: 15.12m<sup>2</sup>, Approximate Air Space: 41.58m<sup>3</sup>  
 Allowable occupants: 2 adults **OR** 2 adults and 1 child **OR** 1 adult and 3 children **OR** 5 children

Bunks: Total floor space: 25.2m<sup>2</sup>, Approximate Air Space: 69.3m<sup>3</sup>  
 Allowable occupants: 4 adults **OR** 2 adults and 5 children **OR** 8 children

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

\*\*The air space is calculated with a 2.75m ceiling height.

- ii). *Should the holiday accommodation be viewed as a 'Lodging House' at any time under the Health Act 1911, a permit pursuant to the Shire of Exmouth Health Local Laws will be required. For further Information, please contact the Shire of Exmouth's Health Services on 9949 3000.*
- iii). *An applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with the rules and regulations made pursuant to the Planning and Development Act 2005 (as amended). Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).*

**CARRIED 3/2**

Councillor Winzer and Councillor McHutchison voted against.



## 11. REPORTS OF OFFICERS

### 11.6 Executive Manager Town Planning

#### 11.6.5 Holiday Accommodation – Lot 331 (4) Kestrel Place Exmouth

Location: Lot 331 (4) Kestrel Place Exmouth  
 Applicant: Barry & Jenny Adamson  
 File Reference: A1445 (PA38/15)  
 Disclosure of Interest: Nil  
 Date: 14 April 2015  
 Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer:

Chief Executive Officer, Bill Price

### SUMMARY

This report recommends that Council grant conditional planning approval for Holiday Accommodation upon Lot 331 (4) Kestrel Place, Exmouth (refer *Attachment 5*).

### BACKGROUND

The subject lot has a substantially constructed dwelling, is approximately 915m<sup>2</sup> in area and zoned Marina in the Scheme. It has planning approval for a decking and retaining wall (PA109/08), single storey dwelling (PA99/08), swimming pool (CV27/10) and a jetty (PA08/13). The area has an Outline Development Plan which identifies the lot within Marina Precinct A. Detailed Design Guidelines have been prepared and adopted by Council as Policy 6.16: Design Guidelines for Exmouth Marina Village Precinct A. The aerial image below identifies Lot 331 (4) Kestrel Place where the proponent seeks planning approval for Holiday Accommodation use.

Lot 331 (4) Kestrel Place, Exmouth



### COMMENT

The proposal has been assessed against the Town Planning Scheme No. 3 (Scheme), Policy 6.12: Holiday Accommodation and Policy 6.16: Design Guidelines for Exmouth Marina Village Precinct A. Table 1 of the Scheme defines Holiday Accommodation as an 'SA' use in the residential zone meaning the use is not

permitted unless the Council has granted planning approval after giving notice in accordance with clause 9.3. The relevant Outline Development Plan states land uses to be in accordance with the residential zone of the scheme.

Policy 6.12 objectives sought to:

- *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;*
- *Ensure that holiday accommodation establishments comply with the Building Code of Australia and Regulations and Health Act 1911.*

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

#### Number of Occupants

The number of allowable occupants is restricted by the ventilation requirements under the Health Act 1911, which defines the following:

- a. For every person over the age of 10 years, there is to be a minimum of 14 cubic metres of air space per person
- c. 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:

<b>Schedule 1: Allowable Occupants: Lot 331 (4) Kestrel Place, Exmouth</b>
<p>Bedroom 1: Total floor space: 16.8m<sup>2</sup>, Approximate Air Space: 40.32m<sup>3</sup>  Allowable occupants: 2 adults <b>OR</b> 2 adults and 1 child <b>OR</b> 5 children</p>
<p>Bedroom 2: Total floor space: 15.66m<sup>2</sup>, Approximate Air Space: 37.58m<sup>3</sup>  Allowable occupants: 2 adults <b>OR</b> 2 adults and 1 child <b>OR</b> 4 children</p>
<p>Bedroom 3: Total floor space: 13.86m<sup>2</sup>, Approximate Air Space: 33.26m<sup>3</sup>  Allowable occupants: 2 adults <b>OR</b> 4 children</p>
<p>Bedroom 4: Total floor space: 8.955m<sup>2</sup>, Approximate Air Space: 21.49m<sup>3</sup>  Allowable occupants: 1 adult <b>OR</b> 2 children</p>
<p>*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.</p>
<p>**The air space is calculated with a 2.4m ceiling height.</p>

#### Occupancy Levels

Following the assessment by officers to calculate the number of guests permissible, the maximum number of overnight occupants allowed within the dwelling at the same time shall be ten (10) persons. This includes no more than seven (7) occupants over the age of 10 at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy. Potential occupants shall be advised of this prior to booking.

#### Number of Vehicles

The application states the number of vehicles to be accommodated on site is two (2) vehicles and two (2) trailers. The maximum permissible number allowed under the Holiday Accommodation Policy is three (3)

vehicles and two (2) trailers. The policy states that car parking shall be calculated on the basis of four persons per vehicle. The property has a carport to accommodate two (2) vehicles in tandem and two (2) trailers side by side directly in front of the carport. Considering the above officer recommends that the Council of the Shire of Exmouth grant conditional planning approval for Holiday Accommodation upon Lot 331 (4) Kestrel Place, Exmouth.

#### Management Plan and Code of Conduct

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

Currently, there are **eight (8)** approved Holiday Accommodation premises in Kestrel Place (refer **Attachment 6**). Having regard to the above, Officers recommend that Council grant conditional planning approval for holiday accommodation upon Lot 331 (4) Kestrel Place.

#### CONSULTATION

In accordance with the requirements of the Scheme adjoining impacted neighbours were invited to comment on the proposal from **Monday 23 March 2015 to Monday 13 April 2015** for a period of 21 days. A summary is tabled below:

Property	Response	Officer Comments
Lot 330 (2) Kestrel Place	Nil	
Lot 332 (6) Kestrel Place	Nil	
Lot 360 (7) Kestrel Place	Nil	
Lot 361 (5) Kestrel Place	Nil	
Lot 362 (3) Kestrel Place	Nil	
Lot 327 (3) Gnulli Court	Nil	
Lot 328 91) Gnulli Court	Nil	

#### STATUTORY ENVIRONMENT

Planning and Development Act  
Town Planning Scheme No. 3

#### POLICY IMPLICATIONS

Policy 6.12: Holiday Accommodation  
Policy 6.16: Design Guidelines for Exmouth Marina Village Precinct A

#### FINANCIAL IMPLICATIONS

Nil

#### STRATEGIC IMPLICATIONS

##### Economic

Objective 1: To be a diverse and innovative economy with a range of local employment opportunities.

- Outcome 1.2 - Planned and balanced economic growth.

##### Civic Leadership

Objective 4: To work together as custodians for now and the future.

- Outcome 4.1: To be a collaborative community with the capacity to manage the current and future direction of Exmouth.
- Outcome 4.2: A local government that is respected, professional, trustworthy and accountable.

#### VOTING REQUIREMENTS

Simple Majority

<b>OFFICER'S RECOMMENDATION – 11.6.5</b>
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*That Council grant planning approval for holiday accommodation upon Lot 331 (4) Kestrel Place, Exmouth subject to the following conditions:*

1. *The approved use shall accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA38/15) and Local Planning Policy No. 6.12: Holiday Accommodation;*
2. *The maximum number of overnight occupants allowed within the dwelling at the same time shall be ten (10) persons. This includes no more than seven (7) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Local Planning Policy 6.12: Holiday Accommodation;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be two (2) and two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
4. *The property shall provide at least two (2) 240 litre rubbish bins prior to the use commencing;*
5. *The Terms and Conditions, Tenant Code of Conduct, Management Statement, and Emergency Response Plan shall be clearly displayed in the premises in accordance with Council Holiday Accommodation Policy;*
6. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:
 
  - a. *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
  - b. *no fires are to be lit outside with the exception of a gas or electric barbeque.**
7. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
8. *An approved smoke alarm must be installed on or near the ceiling in each guest bedroom; and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms and the remainder of the building. Where the building is more than one storey, approved smoke alarms must be installed on each storey. The smoke alarms must be installed in accordance with Australian Standards and be connected to the consumer mains power;*
9. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighboring properties, or causes a nuisance to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;*
10. *The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with;*
11. *Should this residential premises be used for Holiday Accommodation purposes and provide a swimming pool/spa pool for the use of guests or should the owners intend to install a swimming pool/spa pool in the future, the owners are hereby advised of the following:-
 
  1. *The Health (Aquatic Facilities) Regulations 2007 require that a Certificate of Compliance and a Permit to Operate from the Executive Director, Public Health (EDPH) for the 'aquatic facility' be obtained i.e. the Department of Health (WA) is the approving authority, not the Shire of Exmouth;*
  2. *Whether an aquatic facility is approved by the EDPH or not, regulation 21 prescribes that an Environmental Health Officer, or a person under the direction of an Environmental Health Officer, collects 2 water samples (one for bacteria, one for amoeba) from each water body of each aquatic facility in the district at least once per month. The owner/property manager must**

*therefore make suitable arrangements for the Shire's Water Sampling Officer to access the property to obtain the water samples.*

12. *This approval is valid until 30 September 2015. Following planning approval an annual permit will be issued after paying the prescribed fee. Upon this period lapsing, Council 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.*

Advice

- i). *In regards to Condition (2) above, 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.*

*Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of ten (10) persons. This includes no more than seven (7) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.*

Schedule 1: Allowable Occupants: Lot 331 (4) Kestrel Place, Exmouth

Bedroom 1: Total floor space: 16.8m<sup>2</sup>, Approximate Air Space: 40.32m<sup>3</sup>  
Allowable occupants: 2 adults OR 2 adults and 1 child OR 5 children

Bedroom 2: Total floor space: 15.66m<sup>2</sup>, Approximate Air Space: 37.58m<sup>3</sup>  
Allowable occupants: 2 adults OR 2 adults and 1 child OR 4 children

Bedroom 3: Total floor space: 13.86m<sup>2</sup>, Approximate Air Space: 33.26m<sup>3</sup>  
Allowable occupants: 2 adults OR 4 children

Bedroom 4: Total floor space: 8.955m<sup>2</sup>, Approximate Air Space: 21.49m<sup>3</sup>  
Allowable occupants: 1 adult OR 2 children

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

*\*\*The air space is calculated with a 2.4m ceiling height.*

- ii). *Should the holiday accommodation be viewed as a 'Lodging House' at any time under the Health Act 1911, a permit pursuant to the Shire of Exmouth Health Local Laws will be required. For further Information, please contact the Shire of Exmouth's Health Services on 9949 3000.*
- iii). *An applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with the rules and regulations made pursuant to the Planning and Development Act 2005 (as amended). Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).*

**COUNCIL DECISION – 23-0415 – 11.6.5**

Moved Councillor Hood, Seconded Councillor Todd.

***That Council grant planning approval for holiday accommodation upon Lot 331 (4) Kestrel Place, Exmouth subject to the following conditions:***

1. ***The approved use shall accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA38/15) and Local Planning Policy No. 6.12: Holiday Accommodation;***

2. *The maximum number of overnight occupants allowed within the dwelling at the same time shall be ten (10) persons. This includes no more than seven (7) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Local Planning Policy 6.12: Holiday Accommodation;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be two (2) and two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
4. *The property shall provide at least two (2) 240 litre rubbish bins prior to the use commencing;*
5. *The Terms and Conditions, Tenant Code of Conduct, Management Statement, and Emergency Response Plan shall be clearly displayed in the premises in accordance with Council Holiday Accommodation Policy;*
6. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:
 
  - a. *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
  - b. *no fires are to be lit outside with the exception of a gas or electric barbeque.**
7. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
8. *An approved smoke alarm must be installed on or near the ceiling in each guest bedroom; and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms and the remainder of the building. Where the building is more than one storey, approved smoke alarms must be installed on each storey. The smoke alarms must be installed in accordance with Australian Standards and be connected to the consumer mains power;*
9. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighboring properties, or causes a nuisance to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;*
10. *The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with;*
11. *Should this residential premises be used for Holiday Accommodation purposes and provide a swimming pool/spa pool for the use of guests or should the owners intend to install a swimming pool/spa pool in the future, the owners are hereby advised of the following:-
 
  1. *The Health (Aquatic Facilities) Regulations 2007 require that a Certificate of Compliance and a Permit to Operate from the Executive Director, Public Health (EDPH) for the 'aquatic facility' be obtained i.e. the Department of Health (WA) is the approving authority, not the Shire of Exmouth;*
  2. *Whether an aquatic facility is approved by the EDPH or not, regulation 21 prescribes that an Environmental Health Officer, or a person under the direction of an Environmental Health Officer, collects 2 water samples (one for bacteria, one for amoeba) from each water body of each aquatic facility in the district at least once per month. The owner/property manager must therefore make suitable arrangements for the Shire's Water Sampling Officer to access the property to obtain the water samples.**
12. *This approval is valid until 30 September 2015. Following planning approval an annual permit will be issued after paying the prescribed fee. Upon this period lapsing, Council 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.*

**Advice**

- i). ***In regards to Condition (2) above, 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.***

***Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of ten (10) persons. This includes no more than seven (7) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.***

**Schedule 1: Allowable Occupants: Lot 331 (4) Kestrel Place, Exmouth**

Bedroom 1: Total floor space: 16.8m<sup>2</sup>, Approximate Air Space: 40.32m<sup>3</sup>  
 Allowable occupants: 2 adults **OR** 2 adults and 1 child **OR** 5 children

Bedroom 2: Total floor space: 15.66m<sup>2</sup>, Approximate Air Space: 37.58m<sup>3</sup>  
 Allowable occupants: 2 adults **OR** 2 adults and 1 child **OR** 4 children

Bedroom 3: Total floor space: 13.86m<sup>2</sup>, Approximate Air Space: 33.26m<sup>3</sup>  
 Allowable occupants: 2 adults **OR** 4 children

Bedroom 4: Total floor space: 8.955m<sup>2</sup>, Approximate Air Space: 21.49m<sup>3</sup>  
 Allowable occupants: 1 adult **OR** 2 children

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

\*\*The air space is calculated with a 2.4m ceiling height.

- ii). ***Should the holiday accommodation be viewed as a 'Lodging House' at any time under the Health Act 1911, a permit pursuant to the Shire of Exmouth Health Local Laws will be required. For further Information, please contact the Shire of Exmouth's Health Services on 9949 3000.***
- iii). ***An applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with the rules and regulations made pursuant to the Planning and Development Act 2005 (as amended). Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).***

**CARRIED 5/0**

**11. REPORTS OF OFFICERS**

**11.6 Executive Manager Town Planning**

**11.6.6 Proposed Fuel Depot – Lot 1481 Neale Cove, Exmouth**

Location: Lot 1481 Neale Cove, Exmouth  
Applicant:  
File Reference: A1575 - PA45/15  
Disclosure of Interest: Nil  
Date: 13 April 2015  
Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

**SUMMARY**

This report recommends that Council grant conditional approval for a Fuel Depot at Lot 1481 Neale Cove, Exmouth (refer *Attachment 7*).

**BACKGROUND**

The applicant is seeking to develop a Fuel Depot at the above property. The proposal is for 110Kl of storage capacity in tanks for its Exmouth facilities to supply local operators with fuel (refer *Attachment 8*).

Currently the site is operated for the purpose of Marine Industry and the fuel provision will further expand this current land use.





**COMMENT**

The Proposal has been assessed against Council's *Town Planning Scheme No. 3* and Exmouth Marina Village Outline Development Plan. The subject property is zoned 'Marina'. The objectives of the zone are as follows:

- *to provide for residential, tourist, commercial, and marine industrial development with waterfront access adjacent to the Exmouth small-boat harbour.*
- *to complement and not compete with the town centre for civic, cultural, and commercial uses.*
- *to provide for marine research educational facilities to an appropriate scale and character.*
- *to create an attractive and viable project.*
- *promote and safeguard health, safety, convenience, environmental quality and the general welfare and amenity of the locality.*
- *to encourage a high standard of development within the zone.*
- *to promote a high standard of maintenance of artificial waterways and other waterways through cooperation with the Waterways Manager and the Department for Planning and Infrastructure.*

A 'Fuel Depot' is a use not listed in the Zone. Therefore, Clause 3.2.4 of the Scheme applies as follows:

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

- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted; or*
- (b) determine that the proposed use may be consistent with the objectives of the zone and thereafter follow the "SA" advertising procedures of clause 9.3 in considering an application for planning approval; or*
- (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.*

The proposal is considered to be consistent with the objectives of the zone in providing for Marine Industry within the Marina Zone. Furthermore, the proposal is also consistent with the nature of the current Marine Industry land use and therefore will not undermine the amenity of the area. There is adequate separation from residential land uses to minimise land use conflict. In addition, the proposed use conforms with the intention of the Exmouth Marina Village Outline Development Plan in facilitating Marine Industry in the immediate area of the subject property (Precinct E of the Marina).

**Draft Exmouth Boat Harbour Detailed Design Guidelines**

Draft detailed design guidelines have been prepared to define the desired character of the Exmouth Boat Harbour in terms of land use, built form and streetscape and interface with the Harbour edges. It is important to note that this document does not have effect as it has not been formally adopted by Council. However, it lays out the intended development within the Harbour Area of the Marina, particularly for Marine Industry. The proposed land use is defined as a 'Refuelling Facility' which is permissible at the subject property. Therefore, the proposal is consistent the intended development of the immediate area.

Instead of being implemented as a separate document the provisions of the detailed design guidelines will be included in Town Planning Scheme No. 4 which is currently in the process of drafting with the intention to have it come into full effect by the end of 2015.

It is recommended that Council approves the proposed Fuel Depot as it is considered to be consistent with the objectives of the zone and therefore permitted pursuant to clause 3.2.4 of the Scheme. Standard conditions have been included in the Officers Recommendation based on the merits of the proposal. Matters such as landscaping, fencing, parking, noise and stormwater have been addressed through conditions of the previous approval of the Marine Industry currently operating at the site.

**CONSULTATION**

Uses not listed in the zoning table of the Scheme are required to be referred as if they were a 'SA' use which means that the use is not permitted unless the Council has granted planning approval after giving notice in accordance with clause 9.3. Therefore, notice of the proposed development was served on the

surrounding landowners likely affected by the proposal allowing submissions to be lodged within 21 days of the date of notice.

The proposal was referred to the Department of Transport who is responsible for the land and waterways surrounding the subject property. In addition, given the proposal involves the storage of a flammable/combustible liquid, which is also a dangerous good, in a large quantity the proposal was referred to the Department of Mines and Petroleum.

No submissions were received as a result of the consultation process.

### **STATUTORY ENVIRONMENT**

Planning and Development Act 2005

Town Planning Scheme No. 3

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

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

#### Economic

Objective 1: To be a diverse and innovative economy with a range of local employment opportunities.

- Outcome 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
- Outcome 1.2: Planned and balanced economic growth
- Outcome 1.3: Diverse Tourism opportunities

#### Environment

Objective 2: To have a balanced respect for our environment and heritage, both natural and built.

- Outcome 2.1: To maintain and improve access and connectivity to our natural assets
- Outcome 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
- Outcome 2.6: Incorporate Climate Change impacts into current and future planning and policy of Land Developments

#### Social

Objective 3: To be a dynamic, passionate and safe community valuing natural and cultural heritage.

- Outcome 3.4: A community that is well informed and educated about our natural, cultural and built environment.
- Outcome 3.8: There is diverse range of residential land options available

#### Civic Leadership

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

- Outcome: 4.1: To be a collaborative community with the capacity to manage the current and future direction of Exmouth
- Outcome: 4.2: A local government that is respected, professional, trustworthy and accountable
- Outcome: 4.3: To be strong advocates representing the region's interests

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER'S RECOMMENDATION – 11.6.6**

*That Council grants planning approval for the proposed 'Fuel Depot' at Lot 1481 Neale Cove, Exmouth subject to the following conditions:*

1. *The development shall be carried out in accordance with the approved plans (PA45/15) and the Shire of Exmouth Town Planning Scheme No. 3 to the satisfaction of Council Officers;*
2. *The storage of fuel shall comply with Australian Standard 'AS1940-2004 The storage and handling of flammable and combustible liquids';*
3. *An emergency response plan and spill and leak containment areas shall be prepared in accordance with the Department of Mines and Petroleum (DMP) emergency planning code. The emergency response plan shall be clearly displayed within the immediate locality of the fuel depot to the satisfaction of Council;*
4. *The approval granted is valid up to two (2) years of the date of this approval. Should the use approved not substantially commence within this time, the approval will lapse;*

Advice

- i. *Any additional development not being in accordance with the original application or conditions of approval, as outlined above will require further approval by the Shire of Exmouth. Any commencement of development not subject of a current approval is an offence under the Shire of Exmouth Town Planning Scheme No.3;*
- ii. *Any substantial variation from the approved plans contained herein requires a separate planning approval. Should your plans for a building licence differ from these plans, a building licence may not be issued until such time as fresh planning approval is granted;*
- iii. *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. Prior to Sea Container being located at the property an approved Building Permit is required. The Shire's Building Surveyor can be contacted on (08) 9949 3000 for further clarification if required.*
- iv. *This approval is not an authority to ignore any constraint to development on the land, which may exist through any lease agreement, contract or on the Certificate of Title, such as an easement, restrictive covenant or condition of lease. It is the responsibility of the applicant and not the Shire to investigate any such constraints prior to commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been brought to the Shire's attention; and*
- v. *An applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with the rules and regulations made pursuant to the Planning and Development Act 2005 (as amended). Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).*

<b>COUNCIL DECISION – 24-0415 – 11.6.6</b>
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Moved Councillor Todd, Seconded Councillor Hood.

***That Council grants planning approval for the proposed 'Fuel Depot' at Lot 1481 Neale Cove, Exmouth subject to the following conditions:***

1. ***The development shall be carried out in accordance with the approved plans (PA45/15) and the Shire of Exmouth Town Planning Scheme No. 3 to the satisfaction of Council Officers;***
2. ***The storage of fuel shall comply with Australian Standard 'AS1940-2004 The storage and handling of flammable and combustible liquids';***
3. ***An emergency response plan and spill and leak containment areas shall be prepared in accordance with the Department of Mines and Petroleum (DMP) emergency planning code. The emergency response plan shall be clearly displayed within the immediate locality of the fuel depot to the satisfaction of Council;***

4. *The approval granted is valid up to two (2) years of the date of this approval. Should the use approved not substantially commence within this time, the approval will lapse;*

Advice

- i. *Any additional development not being in accordance with the original application or conditions of approval, as outlined above will require further approval by the Shire of Exmouth. Any commencement of development not subject of a current approval is an offence under the Shire of Exmouth Town Planning Scheme No.3;*
- ii. *Any substantial variation from the approved plans contained herein requires a separate planning approval. Should your plans for a building licence differ from these plans, a building licence may not be issued until such time as fresh planning approval is granted;*
- iii. *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. Prior to Sea Container being located at the property an approved Building Permit is required. The Shire's Building Surveyor can be contacted on (08) 9949 3000 for further clarification if required.*
- iv. *This approval is not an authority to ignore any constraint to development on the land, which may exist through any lease agreement, contract or on the Certificate of Title, such as an easement, restrictive covenant or condition of lease. It is the responsibility of the applicant and not the Shire to investigate any such constraints prior to commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been brought to the Shire's attention; and*
- v. *An applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with the rules and regulations made pursuant to the Planning and Development Act 2005 (as amended). Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).*

**CARRIED 5/0**

## 11. REPORTS OF OFFICERS

### 11.6 Executive Manager Town Planning

#### 11.6.7 Update of Council's Reserved Road Names List

Location: Exmouth  
 Applicant: Shire of Exmouth  
 File Reference: RD.NA.0  
 Disclosure of Interest: Nil  
 Date: 20 April 2015  
 Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

#### **SUMMARY**

This report recommends that Council resolve to update its reserved road names list of eligible names that can be used to name road reserves in the Shire.

#### **BACKGROUND**

During February 2015 an item was put to Council requesting the naming of a new road reserve created through a subdivision. Through Council Officers investigation into appropriate road reserve names consultation with the Geographic Names Committee (GNC) identified that the list of names reserved has become outdated.

The last time the list was updated was during 2006 and some of the names still on the list were reserved as long ago as 1971. Resultantly, the GNC advised that some of the names were no longer suitable for use due to reasons such as overuse and duplication.

The names no longer considered suitable by the GNC are as follows:

- Watson
- Isobel
- Perth
- Kate Florence
- Fin
- Holland
- Grevillea
- Brockman

The remaining Operation Jaywick Officers who have not had a road named after them are as follows:

- Carse
- Crilley
- Morris
- Cain
- McDowell
- Berryman

Operation Jaywick is of World War II historical significance. Of the fourteen (14) Officers involved currently eight (8) have had roads named after them (refer ***Attachment 9***) within the Shire. Many of the road names in Exmouth are derived from similar World War II historical events and identities. Therefore identifying the remaining Officers as eligible names would be fitting in with a major place and road naming theme of the town.

**COMMENT**

Pursuant to Section 26 of the *Land Administration Act 1997*, road reserves for use by the public are required to be given a name. The Minister for Lands has delegated authority to the Geographic Names Committee, which operates through Landgate, to approve road reserve names.

The GNC assesses the permissibility of road names against their *Policies and Standards for Geographical Naming in Western Australia*. Local Governments can request that eligible road names are reserved for future use. It is not a requirement to name a road using this list; however it removes the need for the assessment of the road name each time if the name has already been identified as being eligible through its reservation. The GNC advised that all the remaining names of the Operation Jaywick Officers that have not had a road named after them are suitable to be added to the list.

In addition, Council has adopted *Policy No. 6.14 - Naming of Roads, Public Places and Streets* which outlines requirements for the naming of roads and places within the Shire as follows:

- *Council is to maintain an ongoing list of appropriate names to be used for allocation to public places, reserves, roads and streets.*
- *The list is to comprise names already registered with DPI - Land Assets Management Services (Now Geographic Names Committee) on the approved names register and of names submitted by Council for inclusion on the register. This register contains names of significance to the region and pioneers of the area.*
- *Names not to be included would be incongruous names, First name or First name/surname combinations, corrupted names, names that are unduly cumbersome or difficult to pronounce, obscene or derogatory names, racist or discriminatory names and company or commercialised names.*
- *Names that exist in surrounding Local Government Authorities, within a 50km radius, would be refused.*
- *Any offerings of pioneers or early settlers names would have to be supported by the explanation of the significance and applicability of such names offered.*
- *No duplication of existing names would be approved, including similar sounding names, names created by the addition/subtraction of 's' or similar names with different suffixes.*
- *Names of living persons will only be considered in exceptional circumstances.*
- *No commercial names will be considered (eg businesses, products, commercial services).*

Notwithstanding GNC's advice to remove the above list of names, determined by them to be no longer suitable, it is recommended that Council request to retain them due to their historical relevance to the region. The use of these names by other local governments is not considered relevant, given our geographical isolation. In addition the remaining Operation Jaywick Officer names which have not already had a road named after them, are requested to be added.

The proposed names are considered to be consistent with the Policy.

**CONSULTATION**

Consultation was undertaken with the Geographic Names Committee (Landgate) regarding the current reserved road names list.

**STATUTORY ENVIRONMENT**

Land Administration Act 1997

Policies and Standards for Geographical Naming in Western Australia

**POLICY IMPLICATIONS**

Policy No. 6.14 – Naming of Roads, Public Places and Streets

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS****Environment**

Objective 2: To have a balanced respect for our environment and heritage, both natural and built.

- Outcome 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**

Objective 3: To be a dynamic, passionate and safe community valuing natural and cultural heritage.

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

**Civic Leadership**

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

- Outcome: 4.1: To be a collaborative community with the capacity to manage the current and future direction of Exmouth
- Outcome: 4.2: A local government that is respected, professional, trustworthy and accountable
- Outcome: 4.3: To be strong advocates representing the region's interests

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION – 11.6.7**

*In relation to the reserved road names list of eligible names for the Shire of Exmouth, Council resolves to request the Geographical Names Committee to:*

1. *Retain the following road names due to their historical significance to this area:*
  - *Watson*
  - *Isobel*
  - *Perth*
  - *Kate Florence*
  - *Fin*
  - *Holland*
  - *Grevillea*
  - *Brockman; and*
2. *Add the remaining names of the Operation Jaywick Officers who have not had a road named after them as follows:*
  - *Carse*
  - *Crilley*
  - *Morris*
  - *Cain*
  - *McDowell*
  - *Berryman*

**COUNCIL DECISION – 25-0415 – 11.6.7**

Moved Councillor Hood, Seconded Councillor Todd.

*In relation to the reserved road names list of eligible names for the Shire of Exmouth, Council resolves to request the Geographical Names Committee to:*

1. *Retain the following road names due to their historical significance to this area:*
  - *Watson*
  - *Isobel*
  - *Perth*
  - *Kate Florence*
  - *Fin*
  - *Holland*

- *Grevillea*
- *Brockman; and*

2. *Add the remaining names of the Operation Jaywick Officers who have not had a road named after them as follows:*

- *Carse*
- *Crilley*
- *Morris*
- *Cain*
- *McDowell*
- *Berryman*

**CARRIED 5/0**



**11. REPORTS OF OFFICERS**

**11.6 Executive Manager Town Planning**

**11.6.8 Scheme Amendment No. 31 – Adoption for Advertising**

Location: Lots 149 (1) and 150 (13) Hunt Street, North West Cape  
 Applicant: Dynamic Planning  
 File Reference: LP.PL.3.31  
 Disclosure of Interest: Nil  
 Date: 14 April 2015  
 Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

**SUMMARY**

This report recommends that Council initiate Scheme Amendment No 31 to Local Planning Scheme No. 3 for the purpose of initiating formal advertising pursuant to Section 75 of the Planning and Development Act 2005 (refer *Attachment 10* and Tabled Document).

**BACKGROUND**

Council is in receipt of a scheme amendment which seeks to rezone Lots 149 (1) and 150 (13) Hunt Street, North West Cape in the Mowbowra Industrial Estate from ‘Special Use Zone 5’ to ‘Tourism’. The application was lodged by Dynamic Planning on behalf of the Registered Proprietors Whitegold Corporation Pty Ltd.

Lot 149 is currently outlined as a ‘Development Investigation Area’ for the purpose of Tourist related activities under Special Use Zone 5. The Purpose of the proposed Scheme Amendment is to rezone the land to the ‘Tourist’ zone to allow the development of the site into short stay accommodation as a tourist activity. The intention is to also rezone Lot 150, which is currently a composite lot for industrial and residential development, to include it as a part of the short stay accommodation development. Currently the properties are subject to the requirements of Special Use Zone 5 in Schedule 3 of Council’s *Town Planning Scheme No. 3*.

The applicant has provided a lot of information regarding a future development application for short stay accommodation at the site. It is important to note that this item is for the Scheme Amendment only which is in regard to the change in zoning to allow Tourist development in the future. The development of the site is not restricted to the current development proposal which may be modified or alternative proposals may be put forward which comply with the requirements of the Tourist zone.



Lots 149 (1) and 150 (13)  
 Hunt Street, North West Cape

**COMMENT**

Pursuant to the *Planning and Development Act 2005*, a local government may amend a Local Planning Scheme on request of an owner of the land. The Act requires that upon resolution to amend a Scheme the Scheme Amendment documents shall be forward to the Environmental Protection Agency (EPA) and the Western Australian Planning Commission. The EPA determines whether an Environmental Impact Assessment (EIA) is required in accordance with Section 48 of the *Environmental Protection Act 1986* and advises the Commission accordingly.

Upon compliance with Section 48 the Commission may grant consent for the Scheme to be advertised for public inspection in accordance with the *Town Planning Regulations 1967* (refer to consultation below). Upon conclusion of the advertising process the Scheme Amendment is presented to Council in light of any submissions where Council may adopt, with or without modification, or refuse to proceed with the proposed Scheme Amendment.

It should be noted that only the Council can initiate/refuse an amendment having due regard to the purpose and objectives outlined in regional and local planning strategies and the purpose of public advertising.

**Town Planning Scheme No 3**

Special Use Zone 5 outlines that the prior to the development and use of the Development Investigation Area the site is to be the subject of analysis of flood risk and environmental impacts. Therefore, the Applicant has lodged a Flood Risk Assessment, Environmental and Foreshore Management Plan, Infrastructure Servicing Report and a Traffic Impact Statement to support the proposal. These supporting documents justify that there are no environmental issues, such as clearing and drainage, which cannot be sufficiently addressed during the development application process.

**Exmouth South Structure Plan**

The subject properties fall with the *Exmouth South Structure Plan* area. The Structure Plan mentions the Development Investigation Area as a part of Strategic Industrial Area (Special Use Zone 5). However, all recommendations regarding Special Use Zone 5 regard further industrial development, excluding the subject properties. Therefore, the proposal is not inconsistent with Structure Plan but consistent with the *Town Planning Scheme No. 3*. It is recommended that Council support the proposal given it is in accordance with *Town Planning Scheme No. 3*.

Based on the above strategic document, the Town Planning Scheme No 3, Council is requested to support the initiation of the scheme amendment. It is recommended that Council support the proposed Scheme Amendment as it seeks to fulfil the intended purpose of the subject land in allowing Tourism development as currently outlined under Special Use Zone 5.

Through the rezoning the lots will instead become subject to the requirements relating to the Tourist Zone. Resultantly, the text relating to the Development Investigation Area will be deleted from Special Use Zone 5.

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

Planning and Development Act 2005  
 Town Planning and Development Regulations 1967  
 Town Planning Scheme No. 3  
 Exmouth South Structure Plan  
 Environmental Protection Act 1986

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS****Economic**

Objective 1: To be a diverse and innovative economy with a range of local employment opportunities.

- Outcome 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
- Outcome 1.2: Planned and balanced economic growth
- Outcome 1.3: Diverse Tourism opportunities

**Environment**

Objective 2: To have a balanced respect for our environment and heritage, both natural and built.

- Outcome 2.1: To maintain and improve access and connectivity to our natural assets
- Outcome 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
- Outcome 2.6: Incorporate Climate Change impacts into current and future planning and policy of Land Developments

**Civic Leadership**

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

- Outcome: 4.1: To be a collaborative community with the capacity to manage the current and future direction of Exmouth
- Outcome: 4.2: A local government that is respected, professional, trustworthy and accountable
- Outcome: 4.3: To be strong advocates representing the region's interests

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER'S RECOMMENDATION – 11.6.8**

*That the Council initiate Amendment 31 to Local Planning Scheme No. 3 and advertise pursuant to Section 75 of the Planning and Development Act 2005 for the purposes of:*

1. *Rezoning Lot 149 (1) and Lot 150 (13) Hunt Street, North West Cape from Special Use 5 to Tourist and delete Conditions relating to the Development Investigation Area text in Special Use Zone 5 of Schedule 3 accordingly; and*
2. *Amending the Scheme Map accordingly as depicted on the Scheme Amendment Map.*

**COUNCIL DECISION – 26-0415 – 11.6.8**

Moved Councillor Winzer, Seconded Councillor Todd.

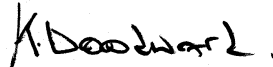
*That the Council initiate Amendment 31 to Local Planning Scheme No. 3 and advertise pursuant to Section 75 of the Planning and Development Act 2005 for the purposes of:*

1. *Rezoning Lot 149 (1) and Lot 150 (13) Hunt Street, North West Cape from Special Use 5 to Tourist and delete Conditions relating to the Development Investigation Area text in Special Use Zone 5 of Schedule 3 accordingly; and*
2. *Amending the Scheme Map accordingly as depicted on the Scheme Amendment Map.*

**CARRIED BY ABSOLUTE MAJORITY 5/0**

**11. REPORTS OF OFFICERS****11.7 Executive Manager Engineering Services****11.7.1 General Report**

Location: Exmouth  
 Applicant: Keith Woodward  
 File Reference: GV.CM.0  
 Disclosure of Interest: Nil  
 Date: 23 April 2015  
 Author: Executive Manager Engineering Services, Keith Woodward  
 Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

**SUMMARY**

The following report contains a brief summary of significant activities, events and issues that were raised during the last month.

**BACKGROUND****Cyclone Olwyn**

Following Tropical Cyclone Olwyn, a report has been prepared detailing the damage incurred throughout the Shire including estimated reinstatement costs (refer to *Attachment 1*).

**Works Program**

Engineering staff have initiated works at Exmouth Aerodrome constructing a new road network around the general aviation and helicopter precinct as well as scheduled maintenance works.

**COMMENT**

Nil

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

As per Shire 2014-2015 Budget

**STRATEGIC IMPLICATIONS****Economic**

Objective 1: To be a diverse and innovative economy with a range of local employment opportunities.

- Outcome 1.5: Maintain & Improve Shire Infrastructure

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION – 11.7.1**

*That Council receives the Executive Manager Engineering Services Report for the month of April 2015.*

**COUNCIL DECISION – 27-0415 – 11.7.1**

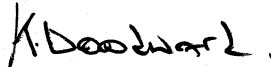
Moved Councillor Todd, Seconded Councillor Winzer.

*That Council receives the Executive Manager Engineering Services Report for the month of April 2015.*

**CARRIED 5/0**

**11. REPORTS OF OFFICERS****11.7 Executive Manager Engineering Services****11.7.2 Tender 02/2015 Tantabiddi Dredging**

Location: Exmouth  
 Applicant: Keith Woodward  
 File Reference: ED.PJ.0.112  
 Disclosure of Interest: Nil  
 Date: 23 April 2015  
 Author: Executive Manager Engineering Services, Keith Woodward  
 Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

**SUMMARY**

This report recommends Council award Tender 02/2015 Tantabiddi Dredging to CGC Dredging and authorise the Executive Manager of Engineering Services to make minor changes to the scope of works and consequently the price of works during the course of construction.

**BACKGROUND**

At the Ordinary Council Meeting held 18 December 2014 Council resolved:

***That Council:***

- 1. Approve unbudgeted dredging expenditure of \$147,993 against Tantabiddi. This proposal will have a material impact on Council's 2014/15 Budget by decreasing the estimated closing surplus from \$11,851 to an estimated deficit of (\$135,035);***
- 2. Approve the release of the Tender for Dredging at Tantabiddi;***
- 3. Retrospectively approve the Recreational Boating Facility Scheme Round 19 Submission (refer Attachment 3); and***
- 4. Retrospective approval of \$40,000 unbudgeted expenditure associated with the formulation of the Tantabiddi Sand Bypass Environmental Management Plan and the dredge tender (refer Attachment 4).***

At the February 2015 Ordinary Council Meeting Council was advised about the Financial Assistance Agreement (FAA) between the Department of Transport, Recreational Boating Facility Scheme (RBFS) and the Shire of Exmouth (SoE) funding the dredging at Tantabiddi Boat Ramp. Council resolved:

***That Council authorises:***

- 1. Unbudgeted dredging expenditure of \$189,792 against Tantabiddi. This proposal will have a material impact on Council's 2014/2015 budget by decreasing the estimated closing deficit position by (\$189,972).***
- 2. Authorise the Shire President and the Chief Executive Officer to sign and apply the Common Seal to the FAA.***
- 3. Approve formal correspondence being sent to the Minister for Transport (DoT) requesting DoT take over the management of the Tantabiddi and Bundegi boat ramps as part of their Exmouth Coastal Facilities.***

## **COMMENT**

Tender 02/2015 *Shire of Exmouth Tantabiddi Boat Ramp Sand Bypass Dredging and Revetment Repairs* was released on the 14 February 2015 in the Western Australian newspaper. In total, eighteen (18) suppliers request and were supplied with tender documents.

The tender evaluation process was conducted in accordance with the process detailed in the Tender Document. Tenders were evaluated by Nello Siragusa, Senior Principal Maritime URS and Keith Woodward, Executive Manager Engineering Services Shire of Exmouth. The Tender Assessment report and other relevant information has been included as *Confidential Attachment 2*.

The evaluation panel recommends that CGC Dredging be awarded the contract for Tantabiddi Sand Bypass Dredging and Revetment Repair at the estimated total cost of \$536,076 exclusive of GST. This is a Schedule of Rates contract; firm (lump Sum) prices apply to Schedule 6.1 (Mobilisation/Demobilisation, Insurances etc.), however dredging and revetment repairs will be paid for at the rates provided in Schedules 6.2 and 6.3. The contract can be terminated at any time to avoid budget over-runs. Work will be prioritised as set out in the specification with priority given to dredge Area 1 which provides direct access to the boat ramp as per attached drawing 42908753-MA-002.

The complexity of works and environmental approvals costs associated with this project have resulted in the overall cost being \$70,026 over the projected budget. Work will be managed to achieve a nil financial impact to Council which may result in a reduced area of dredging.

## **CONSULTATION**

The Department of Transport (Coastal)  
The Department of Transport (RBFS)  
The Department of Parks and Wildlife  
The Marines Parks and Reserves Authority  
Government of Australia Department of Environment  
Government of Australia Environmental Protection Authority  
URS  
URS Survey

## **STATUTORY ENVIRONMENT**

Local Government (Functions and General Regulation 1996 Part 4 (s.3.57)  
Local Government Act 1995 Division 4 General Financial Provisions  
Government of Australia Department of Environment Act  
Government of Australia Environmental Protection Authority Act  
Financial Assistance Agreement (FAA) between the Department of Transport, Recreational Boating Facility Scheme (RBFS) and the Shire of Exmouth (SoE)

## **POLICY IMPLICATIONS**

Policy 2.10 – Purchasing Policy  
Policy 2.17 - Regional Price Preference

## **FINANCIAL IMPLICATIONS**

The budget of \$632,640 will be achieved by reducing the scope of works leaving a nil impact on the estimated surplus/(deficit) at the end of the financial year.

## **STRATEGIC IMPLICATIONS**

### Economic

Objective 1: To be a diverse and innovative economy with a range of local employment opportunities.

- Outcome 1.5: Maintain & Improve Shire Infrastructure

### Social

Objective 3: To be a dynamic, passionate and safe community valuing natural and cultural heritage.

- Outcome 3.2: Excellent lifestyle, recreational and cultural facilities.

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER'S RECOMMENDATION – 11.7.2**

*That Council award Tender 02/2015 to CGC Dredging for \$536,076 (excl GST) and authorise the Executive Manager of Engineering Services to make minor changes to the scope of works and consequently the price of works during the course of construction.*

**COUNCIL DECISION – 28-0415 – 11.7.2**

Moved Councillor Todd, Seconded Councillor McHutchison.

*That Council award Tender 02/2015 to CGC Dredging for \$536,076 (excl GST) and authorise the Executive Manager of Engineering Services to make minor changes to the scope of works and consequently the price of works during the course of construction.*

**CARRIED By ABSOLUTE MAJORITY 5/0**



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

Nil

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

**COUNCIL DECISION – 29-0415 – ITEM 13**

Moved Councillor Hood, Seconded Councillor Todd.


*That Council accept the New Business of an Urgent Nature Items 13.1 – Ningaloo Coast Pastoral Lease Exclusions and 13.2 - Multi-purpose Deep Water Wharf - Exmouth Gulf.*

**CARRIED 5/0**

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**13.1 Ningaloo Coast Pastoral Lease Exclusions**


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Location:	Exmouth
Applicant:	Department of Parks & Wildlife
File Reference:	ED.EM.0
Disclosure of Interest:	Nil
Date:	28 April 2015
Author:	Chief Executive Officer, Mr B Price
Signature of Author:	

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**SUMMARY**

This report recommends that Council adopt the following policy position in relation to the proposed Ningaloo Coast Pastoral Lease Exclusion process.

- That Council supports the government's intention to establish a public reserve under the *Conservation & Land Management Act 1984* along the Ningaloo Coast;
- That Council supports the government's intention to establish joint management agreements with traditional owners/operators for the continued management of regulated wilderness camping within the newly established reserve;
- That Council does not support the establishment of any additional recreation and tourism nodes within the reserve, with larger style/impact developments being restricted to the Exmouth & Coral Bay townsites.

**BACKGROUND**

The Government of WA has, since 1974, proposed to excise land adjoining the Ningaloo Reef from existing pastoral stations to create a public (conservation & recreation) reserve that will guarantee public access to all West Australians and visitors for generations to come.

In 2004, the lessees of five of the six pastoral leases along the Ningaloo signed formal Exclusion Agreements to exclude a one to two kilometre wide coastal area from their pastoral leases after 30 June 2015 being the expiration date of existing leases. Since this time further negotiations have been undertaken and it has been determined that the excise area be reduced by @ 65% of the original concept to be all coastal land to the west of the coastal access roads that service the area. The access roads serve as a distinguishable boundary line.

A Fact Sheet answering frequently asked questions about the process is included as an attachment for Councillor information (Refer *Attachment 1*)

**COMMENT**

Nil

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

*Conservation & Land Management Act 1984*

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Environment

Objective 2: To have a balanced respect for our environment and heritage, both natural and built.

- Outcome 2.1: To maintain and improve access and connectivity to our natural assets
- Outcome 2.2: Our pristine natural environment and biodiversity will be understood, maintained and protected
- Outcome 2.3: To have a town and community that takes pride in its world heritage
- Outcome 2.4: To be a leader in eco-friendly initiatives and innovations
- Outcome 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
- Outcome 2.6: Incorporate Climate Change impacts into current and future planning and policy of Land Developments

Civic Leadership

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

- Outcome: 4.1: To be a collaborative community with the capacity to manage the current and future direction of Exmouth
- Outcome: 4.2: A local government that is respected, professional, trustworthy and accountable
- Outcome: 4.3: To be strong advocates representing the region's interests

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION – 13.1**

*That Council adopt the following policy position in relation to the proposed Ningaloo Coast Pastoral Lease Exclusion process.*

- *That Council supports the government's intention to establish a public reserve under the Conservation & Land Management Act 1984 along the Ningaloo Coast;*
- *That Council supports the government's intention to establish joint management agreements with traditional owners/operators for the continued management of regulated wilderness camping within the newly established reserve;*
- *That Council does not support the establishment of any additional recreation and tourism nodes within the reserve, with larger style/impact developments being restricted to the Exmouth & Coral Bay townsites.*

**COUNCIL DECISION – 30-0415 – 13.1**

Moved Councillor Todd, Seconded Councillor Winzer.

*That Council adopt the following policy position in relation to the proposed Ningaloo Coast Pastoral Lease Exclusion process.*


- *That Council supports the government's intention to establish a public reserve under the Conservation & Land Management Act 1984 along the Ningaloo Coast;*
- *That Council supports the government's intention to establish joint management agreements with traditional owners/operators for the continued management of regulated wilderness camping within the newly established reserve;*
- *That Council does not support the establishment of any additional recreation and tourism nodes within the reserve, with larger style/impact developments being restricted to the Exmouth & Coral Bay townsites.*

**CARRIED 5/0**

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## 13.2 Multi-purpose Deep Water Wharf - Exmouth Gulf

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Location: Exmouth  
 Applicant: Shire of Exmouth  
 File Reference: ED.PJ.11  
 Disclosure of Interest: Nil  
 Date: 28 April 2015  
 Author: Chief Executive Officer, Bill Price  
 Signature of Author: 

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### **SUMMARY**

This report recommends that Council endorse the following

- That Council enter into the Financial Assistance Agreement (FAA) with the Gascoyne Development Commission (GDC) for the sum of \$ 71,750 plus GST to assist the Council in investigating the opportunity of establishing a Multi-purpose Deep Water Wharf within the Exmouth Gulf;
- That Council engage the services of Mr Greg Miller, Poondino Project Services, to undertake the investigation on the existing Barge Load-out Facility (BLF) proposed for Mowbowra Creek Strategic Industrial precinct.

### **BACKGROUND**

The Shire of Exmouth, as part of its Strategic Plan, is investigating the opportunity for the establishment of a Multi-purpose Deep Water Wharf within the Exmouth Gulf to service a range of larger shipping activities such as Cruise Ships, Naval and Resource sector vessels.

Council has secured the release of \$ 71,750 plus GST remaining funds from the Gascoyne Development Commission (GDC) R4R Strategic Fund to undertake this investigation. A Financial Assistance Agreement (FAA) has been developed for the project.

It is proposed that a Coastal Engineering Consultancy be engaged to further develop the conceptual/construction design work already undertaken for the establishment of a Barge Load-out Facility (BLF) planned for Mowbowra Creek, 8km South of the Exmouth townsite.

Council is aware that both planning and environmental approvals have been granted for the construction of a Barge Load-out Facility (BLF) servicing Lot 50 Mowbowra Creek. Whilst this facility was originally designed for the export of limestone and limestone products, there is significant potential resulting in greater regional economic advantage if the design was modified, resulting in a multi-purpose facility that can cater for a range of port services including cruise shipping (tourism), resource sector, agriculture, and defence purposes.

The strategic advantage of this facility over the existing Exmouth Boat Harbour (EBH) is that the proposed BLF offers greater draft potential for larger vessels.

The funds requested from the GDC will assist the Council in engaging an appropriate coastal engineer consultancy to expand the investigation work already undertaken for the BLF and to provide a conceptual design and business case for a multi-purpose deep water wharf. The scope of works will include

- Undertake a feasibility study to determine the basic requirements for the facilities required for a multipurpose berth facility;
- Produce Preliminary Engineering, Drawings, Specifications, Bill of Quantities for the proposed off shore facilities;
- Formulation of an implementation strategy to determine the most cost effective method of construction;
- to undertake a review of existing documents to ascertain the best navigational routes, vessel characteristics, cargo handling procedures, terminal design and operational procedures including a comprehensive vessel safety risk analysis.

- Review of the existing site geophysical and bathymetric data, met ocean data collection and analysis, and conceptual design of the marine structures.
- Identify all of the environmental permit and other approvals required for the facility.
- Provide a business case/prospectus for the proposed multi-purpose facility that can be utilised for funding opportunities and advocacy.

### **COMMENT**

The Shire of Exmouth have had a strategic aim for a deep water wharf located in the Gulf to develop the local and regional economy and to tap into significant opportunities such as the tourism benefits derived from Cruise shipping. Hence, Council recently provided a submission to the Federal Governments 'Developing Northern Australia Inquiry'. The final report of the government inquiry acknowledged this potential below:-

#### ***'Recommendation 26***

*5.83 The Committee recommends that the Australia Government in conjunction with the Northern Australia Strategic Partnership, design and implement a 20 year strategy for the staged development of capital infrastructure in Northern Australia, including:*

- *increasing the capacity of ports and airports to facilitate an increase in volumes of traffic and trade; and*

*5.86 There are significant opportunities to upgrade existing port and airport facilities with a view to increasing access to international markets for Australian commodities and international tourism. Port developments, with associated transport infrastructure, have the potential to increase the export of resources and agricultural commodities, while the development of additional deep-water capacity at several ports will facilitate the entry of large cruise ships, providing a significant new avenue for international tourism.'*

With this acknowledgement Council feel that there is a real opportunity to seek funding from the Australian Governments *National Stronger Regions Fund* which has a focus on promoting Economic Development in Australia's Regions.

The desired outcomes of the programme are

- improved level of economic activity in regions;
- increased productivity in the regions;
- increased employment and a more skilled workforce in regions;
- increased a capacity and improved capability of regions to deliver major projects, and to secure and manage investment funding;
- improved partnerships between local, state and territory governments, the private sector and community groups; and
- more stable and viable communities, where people choose to live.

A multi-purpose facility servicing the Exmouth Gulf would address all of these strategies.

### **CONSULTATION**

Gascoyne Development Commission

### **STATUTORY ENVIRONMENT**

Nil

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS****Economic**

Objective 1: To be a diverse and innovative economy with a range of local employment opportunities.

- Outcome 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
- Outcome 1.2: Planned and balanced economic growth
- Outcome 1.3: Diverse Tourism opportunities
- Outcome 1.4: Maintain and increase defence presence
- Outcome 1.5: Maintain & Improve Shire Infrastructure

**Civic Leadership**

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

- Outcome: 4.1: To be a collaborative community with the capacity to manage the current and future direction of Exmouth
- Outcome: 4.2: A local government that is respected, professional, trustworthy and accountable
- Outcome: 4.3: To be strong advocates representing the region's interests

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION – 13.2**

*That Council endorse the following*

- *That Council enter into the Financial Assistance Agreement (FAA) with the Gascoyne Development Commission (GDC) for the sum of \$ 71,750 plus GST to assist the Council in investigating the opportunity of establishing a Multi-purpose Deep Water Wharf within the Exmouth Gulf:*
- *That Council engage the services of Mr Greg Miller, Poondino Project Services, to undertake the investigation on the existing Barge Load-out Facility (BLF) proposed for Mowbowra Creek Strategic Industrial precinct.*

**COUNCIL DECISION – 31-0415 – 13.2**

Moved Councillor Todd, Seconded Councillor Winzer.

*That Council endorse the following*

- *That Council enter into the Financial Assistance Agreement (FAA) with the Gascoyne Development Commission (GDC) for the sum of \$ 71,750 plus GST to assist the Council in investigating the opportunity of establishing a Multi-purpose Deep Water Wharf within the Exmouth Gulf:*
- *That Council engage the services of Mr Greg Miller, Poondino Project Services, to undertake the investigation on the existing Barge Load-out Facility (BLF) proposed for Mowbowra Creek Strategic Industrial precinct.*

**CARRIED 5/0**

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

Nil

**15. CLOSURE OF MEETING**

The Shire President declared the meeting closed at 5:00pm.