



Ordinary Council Meeting Minutes 18 December 2014

CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on 19 February 2015 as a true and accurate record of the Ordinary Council Meeting held on 18 December 2014.

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


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

DISCLAIMER

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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 4.00pm. He welcomed Mark Johnston to the Shire as the newly appointed Planning Officer.

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
Mr K Perraudin
Mrs J Kox
Mr R Kempe
Mr R Manning
Mr J Trimble
Mrs J Gordon

Shire President
Deputy Shire President

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

GALLERY

Visitors:

3

APOLOGIES

Mrs S O'Toole
Mr R Mhasho
Mr K Woodward

Executive Manager Corporate Services
Executive Manager Town Planning
Executive Manager Engineering Services

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTIONS TIME

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

Council Consideration Towards Public

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

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

Nil

5. DECLARATIONS OF INTEREST

Item/Description	Name	Detail of Interest	Extent of Interest
11.6.3 Mining Lease	C (Turk) Shales	Indirect Financial	Son in Law has another Mining Lease
13.2 Outbuilding – Lot 204 (24) Kennedy Street, Exmouth	B Todd	Proximity Interest	Neighbour of Applicant

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.

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

That the Minutes of the Ordinary Meeting of the Shire of Exmouth held on the 20 November 2014 be confirmed as a true and correct record of proceedings.

COUNCIL DECISION – 01-1214 - ITEM 7

Moved Councillor Hood, Seconded Councillor Todd.

That the Minutes of the Ordinary Meeting of the Shire of Exmouth held on the 20 November 2014 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 Council and the Gallery that Exmouth had been listed in the top 5 in Australia for the Friendliest Town Category in this year's Australian Traveller Magazine Award Nominations.

The Shire President wished Professor Carlos Duarte all the best for him and his family on their return to his home country of Spain. Professor Duarte was instrumental in coordinating the establishment of the Ningaloo Alliance.

The Shire President also advised of Exmouth District High School Principal Mr Alf Iasky's retirement. He spent 7 years at EDHS for which the town and students are extremely grateful for his contribution and we wish him all the best for his retirement.

The Shire President informed the Gallery of the recent visit from Hon Colin Barnett MLA, Premier of Western Australia. He officially opened the Exmouth Volunteer Marine Rescue Building Extensions that had recently been completed.

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:

- 24/11/12 - Met with Robert Ladyman regarding the Barge Load-out Facility at Mowbowra Creek
- 8/12/14 - Official Opening of the EVMR Building Extensions by the Premier.
- 10/12/12 - High School Graduation Awards Evening

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

- 20/11/14 - Red Cross Training (Psychological First Aid).
- 3/12/14 - Durabi Turtle Watching Information Night.
- 6/12/14 - Youth Music Concert - opportunity for young artists trained in Exmouth aged 5 - 10 to perform together - two performances a year.
- 7/12/14 - Ballet Concert - local ballet school.
- 8/12/14 - Official Opening of the EVMR Building Extensions by the Premier.
- 10/12/12 - High School Graduation Awards Evening
- 11/12/14 - ECAC meeting - announcement of \$5000 Chevron Grant to provide 6 free music concerts "Music in the Park" between February and June 2015 - featuring local bands and musicians.
- 13/12/14 - Carols by Candlelight

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

- 25/11/14 - Joint Industry Meeting – hosted by Apache Petroleum
- 8/12/14 - Official Opening of the EVMR Building Extensions by the Premier.
- 8/12/14 - Mens Shed meeting which is now officially Exmouth Mens Shed Inc
- 10/12/14 - Attended a meeting with Senator Dean Smith
- 12/12/14 Shire staff farewell to Alexandra Donnelly and James Trimble

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

- 27/11/14 - Gascoyne Zone meeting held in Shark Bay.

Topics for discussion included illegal camping, greater enforcement powers for illegal camping, develop links between towns particularly along the coast to facilitate tourism, Aviation - The frequency of regulated services e.g. Shark Bay and Carnarvon and the meeting dates for 2015.

Regional Road Group Meeting - Completion of solar lights at the Overlander junction, the old Shell site on NWCH in Carnarvon will be a Caltex card system for commercial vehicles, solar lights to be installed on the NWCH and Exmouth roads (by April 2015), Black Water tank installed on the area of the Lyndon River along with additional furniture, the Zone

incorporates a larger area, called MidWest/ Gascoyne, discussions on road fencing and animal strikes (140 in 3. Months) and Paul Anderson proudly showed of the new Shark Bay \$1.2Mil Emergency Services Building.

- 3/12/14 – State Council Meeting
- 5/12/14 - Keep Australia Beautiful Seminar (Town of Cambridge) Perth
- 8/12/14 - Official Opening of the EVMR Building Extensions by the Premier.
- 10/12/14 - Meeting with Senator Dean Smith in Exmouth, followed by a tour of EVMR Building.

Councillor Winzer also extended his appreciation to Council for their assistance with the Official Opening of the Volunteer Marine Rescue Building Extensions, with special thanks to Brooke Shales and Keith Woodward.

10.1 Shire Presidents Report

Location: Exmouth
 Applicant: Cr C (Turk) Shales
 File Reference:
 Disclosure of Interest: Nil
 Date: 11 December 2014
 Signature of Author:



SUMMARY

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

BACKGROUND

- 24 Nov 2014 – Met with Rob Ladyman regarding the Barge Loadout Facility
- 25 Nov 2014 – Met with Nick Tutty and Shane Coote regarding the Thevenard Retirement Project.
- 26 Nov 2014 – Met with representatives from Apache regarding the Outrim East, they also advised that they are sponsoring the 2015 Whaleshark Festival, Gamex and the 2015 State Country Pennants Swimming Championships.
- 2 Dec 2014 – Met with representatives from Hess.
- 2 Dec 2014 – Met with Cameron Gillard from Pindan Pty Ltd regarding the Hospital Upgrade and the Telescope, Radar and Laser projects happening at the Harold E Holt Naval Communications Station.
- 8 Dec 2014 – Attended the Exmouth Volunteer Marine Rescue Building Extension Opening with the Premier of Western Australia, Hon Colin Barnett MLA and also took him on a tour of the town to showcase the completed projects since his last visit back in February 2012.
- 9 & 10 Dec 2014 – Attended Ningaloo Management Committee and Stakeholder Meetings with the Project Officer Andrew Forte and Acting Chief Executive Officer Rogé Kempe.
- 10 Dec 2014 – Councillors and myself met with Senator Dean Smith, Senator for Western Australia.

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

COUNCILLOR'S RECOMMENDATION – 10.1

That Council receive the Shire Presidents Report for the month of December 2014.

COUNCIL DECISION – 02-1214 – 10.1
--

Moved Councillor Hood, Seconded Councillor Todd.


That Council receive the Shire Presidents Report for the month of December 2014.

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:	8 December 2014
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

Ningaloo Centre

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

Site Architecture consulted with user groups on 9 & 10 December 2014 to finalise room layouts for fixtures. A level of satisfaction was achieved with all.

Matera Construction await formal approval from the Principal to commence forward works. Cabinet approval of the \$19.92m (second business case) has been protracted so this notification has been held over. Matera is contract ready to commence effective receipt of approval.

In the interim their construction package of works are with their building surveyor for certification who will report back 17 December 2014. Matera will then submit complete set of plans and specifications mid to end of January 2015 for the construction building permit.

Department of Regional Development (DRD)

Ningaloo Centre Stage 2 Business Case, in support of \$19.82 million of R4R funding, is currently with the Minister for Regional Development and it is hoped to be considered by Cabinet at their final meet of the year.

It is unfortunate that the process handled by the DRD has taken 12 months since the Shire originally submitted its comprehensive business case. Some half of the period being spent meeting DRD satisfaction with the scripting and attachments and the other six months spent satisfying the comments arising from 24 Government agencies.

Community Development Grant (CDG) Funding

The variation request for a 3 month roll back in program lodged last month with the Contracts Manager for the Commonwealth's CDG has been accepted. Subject to timing of notification of State funding this may again be subject to a second variation. A new contract manager has been appointed.

Freeman Ryan Design (FRD)

FRD were briefed on the capped area and budget allocated for design and construct of the exhibition spaces. A revised concept is being presented by FRD to Site Architecture and the Shire the week of 15 December 2014 to outline the proposed content and spread of exhibition to capture the essence of the 'reef to range' journey brief.

A couple of brilliant exhibition items have been offered and are of potential use. They are the HEH 'lighthouse' lights recently replaced with more contemporary fittings. The other is the replica 'sleeping beauty' canoe built by Joined Up Films Pty Ltd and used in the production of 'Australia's Secret Heroes'.

FRD have been provided with the contacts. Suitable storage facilities will need to be found for the objects that are being accumulated.

Ningaloo Alliance

Minutes of meeting have been circulated and nominations are being sought for the member organisation to provide chair of the Ningaloo Alliance and also names of persons to represent their respective organisation.

Premier's Visit

The Hon Colin Barnett MLA, Premier for Western Australia visited Exmouth on Monday 8 December 2014 to officially open the building extensions to the Exmouth Volunteer Marine Rescue Building. The extension was an election promise from the Premier of which here announced back in May 2014 at a function at the Novotel Ningaloo Resort.

The building extensions were completed just in time for the opening, the timing for full construction a credit to local builder Pebblebeach Construction and his local sub-contractors. Shire Engineering Staff also performed exceptional work over the last weeks to complete the front garden beds and clean up the site ready for the Premier.

The function was attended by approximately 40 people including Mr Vincent Catania MLA Member for North West, other parliamentary dignitaries, Emergency Service Volunteers and community members.

In addition to the opening, the Shire President took the Premier for a tour of the town showcasing the various completed projects since his last visit in February 2012. Further discussion included the vision for the future of the town in becoming self-sustainable.

Tidy Towns State Awards

Myself, Brooke Shales, Jaci Cutler and Joanne Gordon attended the Tidy Towns State Awards Ceremony on Friday 21 November 2014. We are delighted to announce that Exmouth won the State Award for the 'Young Legends' category, for our youth program, Youth Action Exmouth. Congratulations to our young legends! More information is provided to Councillors in the Executive Manager Community Engagement's general report Item 11.4.1.

Tidy Towns 2015

An Exmouth Tidy Towns Facebook page has been initiated to encourage more community buy in and support towards the program. Shire Officers along with other members of the community are working on a number of projects for the new-year to include in our 2015 Submission. Some ideas include a marina/canal clean-up day, a 'My Street Rules' competition and a community garden project. Visit the Exmouth Tidy Towns Facebook Page to stay informed at <https://www.facebook.com/exmouthtidytowns>.

More information on Exmouth Tidy Towns can be obtained by contacting Brooke Shales on 08 9949 3004 or email shirex@exmouth.wa.gov.au

Shire Office Christmas and New Year Break

The Shire Office will be closed from Thursday 25 December 2014 until Sunday 4 January 2015, reopening on Monday 5 January 2015. I would like to wish everyone a safe and happy Christmas and New Year.

Staffing Matters

There are no new staffing issues since the last Council Meeting.

Other Meetings & Functions attended by the Acting CEO

1. Acting CEO had separate meetings with representatives from Apache Energy Ltd, BHP Billiton and Woodside Energy Ltd on Wednesday 26 November 2014 to discuss community programs.
2. On Wednesday 26 November 2014, Councillor Todd and the Acting CEO attended the Joint Industry Exmouth Community Reference Group Meeting.
3. Shire President and the Acting CEO met with Mr Stephen Webster CEO of the Gascoyne Development Commission on Thursday 27 November 2014.
4. Acting CEO, EMHB and CAO attended Ningaloo Centre key stakeholder meetings on Tuesday 9 December 2014.

5. Acting CEO, EMHB, EMES and CERS met with two Horizon Power representatives on Thursday 11 December regarding site remediation of the old power station site.

Meetings Scheduled for Next Month

There are currently no meetings scheduled for January 2015.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Civic Leadership

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VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.1.1
--

That Council receive the Chief Executive Officers Report for the month of December 2014.

COUNCIL DECISION – 03-1214 – 11.1.1
--

Moved Councillor Winzer, Seconded Councillor Todd.


That Council receive the Chief Executive Officers Report for the month of December 2014.

CARRIED 5/0

11. REPORTS OF OFFICER

11.1 Chief Executive Officer

11.1.2 Council Policy Review 1.44 EX-Factor Allowance (Cost of Living Assistance)

Location:	Exmouth
Applicant:	S O'Toole
File Reference:	CM.PO.1
Disclosure of Interest:	Nil
Date:	27 November 2014
Author:	Chief Executive Officer, Bill Price
Signature of Author:	

SUMMARY

This report recommends Council consider revised Policy 1.44 EX-factor Allowance (Cost of Living Assistance) under the Corporate Services sphere of the Council Policy Manual.

BACKGROUND

It is the policy of the Council to maintain a manual recording the various policies of the Council. Policies are to relate to issues of an on-going nature, policy decisions on single issues are not to be recorded in the manual.

The objectives of the Council's Policy Manual are:

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

COMMENT

Policy 1.44 EX-factor Allowance has been reviewed in line with current best practice and the proposed:

- Increase allowance from \$14,000 to \$15,000
- Recognition the allowance is paid as a privilege subject to Council's long term financial sustainability;
- Aviation staff who work beyond 1500 hours per annum will receive the full allowance, however if hours do not exceed this threshold, the allowance will be paid on a pro-rata basis.

There were some other minor word changes, but nothing of any consequence.

A copy of the changes to original policy is provided at ***Attachment 1***.

CONSULTATION

CEO

Executive Manager Corporate Services

STATUTORY ENVIRONMENT

Section 2.7 of the Local Government Act 1995 states that one of the roles of a Council is to determine the Local Government's policies.

POLICY IMPLICATIONS

Council Policy 1.44 EX-factor Allowance (Cost of Living Assistance)

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Civic Leadership

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VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION – 11.1.2
--

That Council adopt the revised Policy 1.44 Ex-Factor Allowance (refer Attachment 1).

COUNCIL DECISION – 04-1214 – 11.1.2
--

Moved Councillor Todd, Seconded Councillor Winzer.

That Council adopt the revised Policy 1.44 Ex-Factor Allowance (refer Attachment 1).

CARRIED by ABSOLUTE MAJOIRTY 5/0

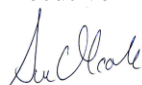
11. REPORTS OF OFFICERS

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: 2 December 2014
 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 the last month.

BACKGROUND

Staff Movements

Alexandra Donnelly has resigned from her position as Administrator effective 12 December 2014 as she will be returning back home to Ireland. Recruitment for the Administration Officer's position has started with Alexandra's replacement to commence in January 2015.

Financial Workshops

Our Senior Finance Officer attended a 1 day training course in Perth during November 2014 which covered topics including Assets, Reconciliation, Reporting, and fundamental accounting in Local Government.

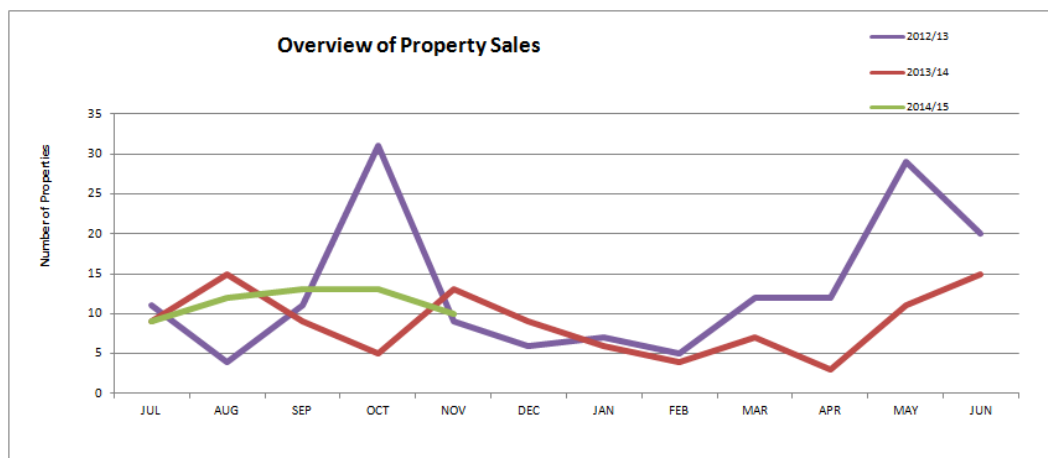
Rating

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
29	Vacant Land	\$8,232,500	\$283,879
25	Residential	\$12,958,000	\$518,320
2	Industrial	\$880,000	\$440,000
1	Mixed Use	\$330,000	\$0
0	Composite Devel	\$0	\$0
0	Special Use	\$0	\$0
0	Tourism	\$0	\$0
57		\$22,400,500	

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		9	6
JAN		6	7
FEB		4	5
MAR		7	12
APR		3	12
MAY		11	29
JUN		15	20
	57	106	157

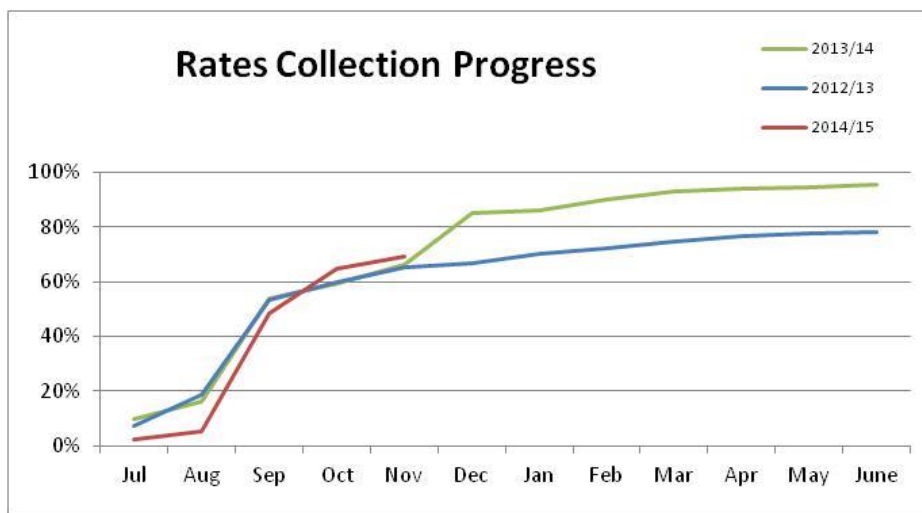


Rates Collection

Summary of Rates and Charges Collection		
Rates Collection Analysis		
		\$
Rates & Charges Levied 2014/15		3,887,727
Arrears 1 July 2014		275,052
Less Collections		(2,847,973)
Total Rates & Charges Outstanding		1,314,805
Less Pensioner Deferred Rates		(24,024)
Total Rates Collectable		1,290,782
% Collected to Date		69.0%
Notices Sent		26/08/2014
Due Date		30/09/2014
Reminder Notice Sent		21/10/2014
Final Notice Sent		
Notice of Intention to Summons Sent		
Summons Issued		

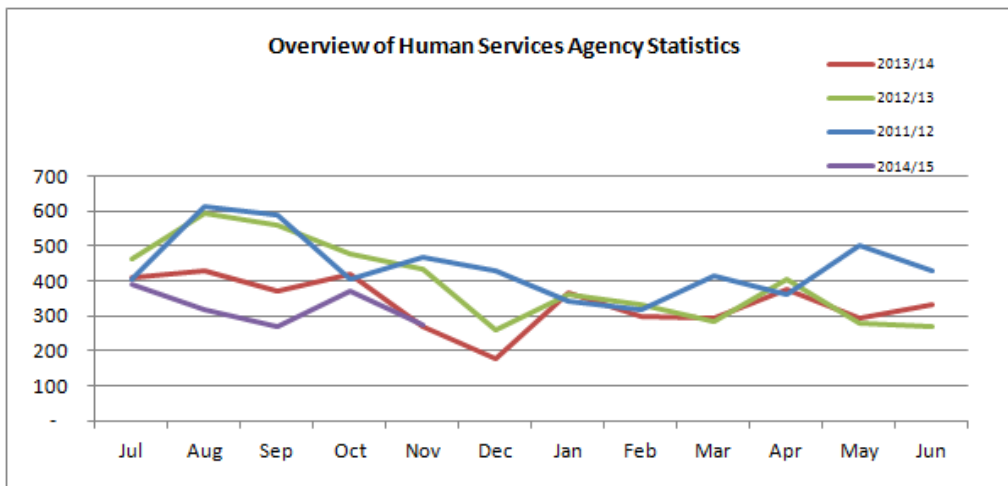
Comparative percentage of rates collected monthly

	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		85%	67%
Jan		86%	70%
Feb		90%	72%
Mar		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

						Hours of Operation/week		
						12.5	12.5	15
	Lodgement of Forms/Assist with Completion	Referrals to Call Centre & CSC	Assist with use of Equipment & Computer	Respond to General Enquiries	TOTAL	2014/15	2013/14	2012/13
Jul	82	51	62	195	390	Jul	390	411
Aug	68	50	54	145	317	Aug	317	427
Sep	85	44	48	95	272	Sep	272	373
Oct	87	55	86	141	369	Oct	369	422
Nov	69	31	57	116	273	Nov	273	268
Dec	-	-	-	-	-	Dec	-	178
Jan	-	-	-	-	-	Jan	-	367
Feb	-	-	-	-	-	Feb	-	299
Mar	-	-	-	-	-	Mar	-	296
Apr	-	-	-	-	-	Apr	-	377
May	-	-	-	-	-	May	-	296
Jun	-	-	-	-	-	Jun	-	331
TOTAL	391	231	307	692	1,621		1,621	4,045

**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 December 2014.

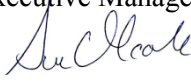
COUNCIL DECISION – 05-1214 – 11.2.1

Moved Councillor Hood, Seconded Councillor McHutchison.

That Council receive the Executive Manager Corporate Services Report for the month of December 2014.

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:	2 December 2014
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 30 November 2014 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 November 2014; and*
2. *The accounts as listed in the monthly financial report be received for;*
Municipal Fund ~ November 2014 \$1,066,598.07 incorporating 12915 to 12941 and direct debits
Trust Fund – November 2014 \$6,834.71 incorporating 400799 to 400801 cheques and direct debits
Outstanding Creditors as at November 2014 ~ \$573,003.77

COUNCIL DECISION – 06-1214 – 11.2.2
--

Moved Councillor Todd, Seconded Councillor Hood.

That Council:

- 1. Accept the monthly financial reports for period ended November 2014; and***
- 2. The accounts as listed in the monthly financial report be received for;***
Municipal Fund ~ November 2014 \$1,066,598.07 incorporating 12915 to 12941 and direct debits
Trust Fund – November 2014 \$6,834.71 incorporating 400799 to 400801 cheques and direct debits
Outstanding Creditors as at November 2014 ~ \$573,003.77

CARRIED 5/0

11. REPORTS OF OFFICERS

11.3 Executive Manager Aviation Services

11.3.1 General Report

Location:	Exmouth
Applicant:	J Kox
File Reference:	TT.SP.0
Disclosure of Interest:	Nil
Date:	10 December 2014
Author:	Executive Manager Aviation Services, Jenny Kox

Signature of Author:



Senior Officer:

Chief Executive Officer, Bill Price

SUMMARY

The following Aviation Services Department report contains a brief summary of significant activities and issues arising since the November 2014 Council Meeting agenda report.

BACKGROUND

Defence

A meeting was held with Defence leasing representatives on 9 December 2014 to discuss outstanding leasing approvals from Defence and registration of the Head Lease extension with Landgate.

At the Australian Airports Association National Conference, EMAS met with SqdLdr Ian Roberts to discuss operations at Learmonth. It was proposed that an informal forum be established with representatives from Defence base civil operators and defence representatives to discuss common issues such as leasing & sub-leasing, operational requirements, master planning etc.

Regulatory

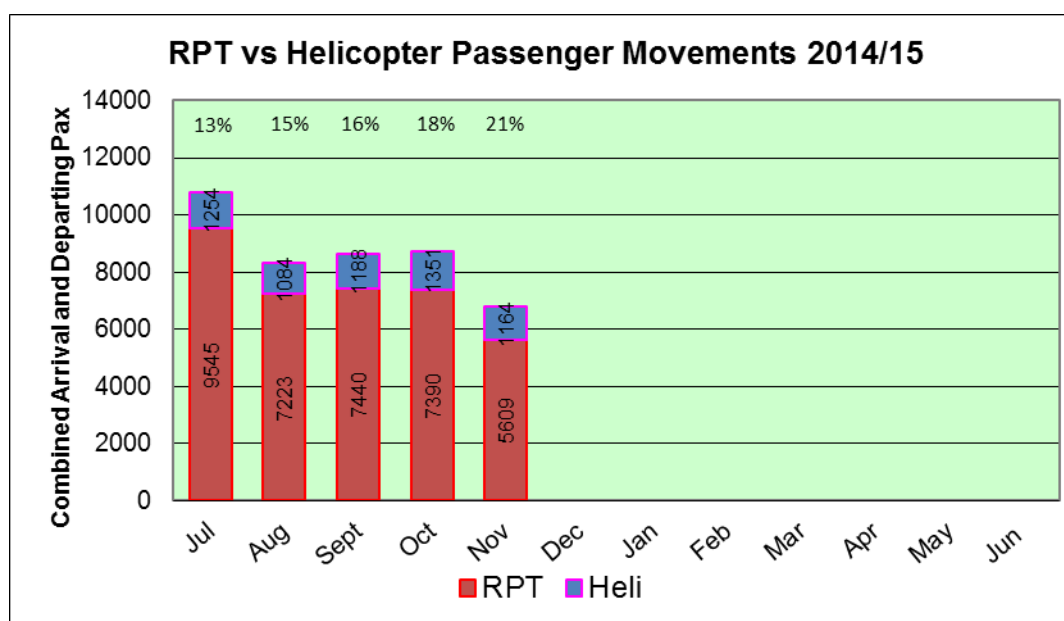
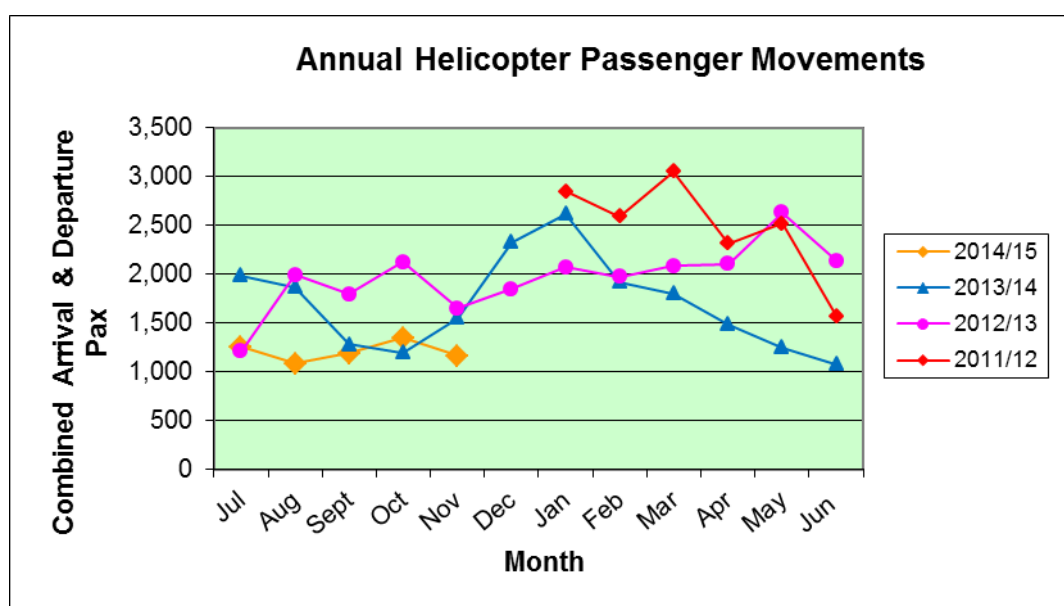
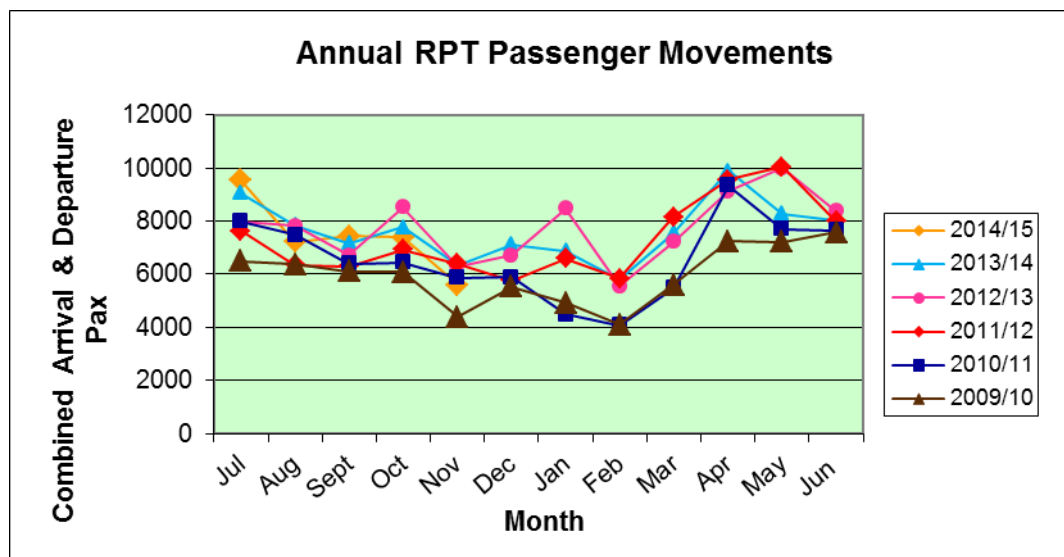
An application for ABS-D towers to be installed within the Airservices Australia sublease area at Learmonth Airport has been received and is with Defence for consideration.

Airlines/Air Operators/Industry

Qantas announced on 25 November 2014 the removal of Q-400 aircraft from Western Australia. Effective 29 March 2015, jet services will operate on all Qantas/QantasLink Perth-Learmonth services representing an increase in capacity of 17% on the current schedule. Consideration is also being given to upcoming events such as Gamex, Swimming Championships and the Ningaloo Whaleshark Festival to ensure sufficient seats are available.

November RPT passenger numbers were down when compared to previous years but in line with quiet heliport operations.

See the graphical presentation of statistics below.



Airport

Cobham Air Services, who operate some Learmonth services on behalf of Qantas, will be undertaking an audit of operations at Learmonth on 17 & 18 December 2014. In addition, Cobham have advised that they have purchased an Embraer E190 aircraft for operations in Western Australia. Familiarisation training and possible emergency services familiarisation is currently being discussed.

Heliport

An audit of ramp and refuelling procedures at the Heliport by Bristow Helicopters was undertaken on 19 November 2014 with three minor findings identified for improvement.

Seismic vessel crew changes continue one weekend each month with Bristow and CHC Helicopters undertaking the transfers.

Atwood Eagle will commence drilling operations for Woodside in the week commencing 15 December 2014 for all of cyclone season.

Staffing

A further two resignations have been received in the last month with Allen Ladhams and Dion A'Hearn both leaving the organisation on Friday 12 December 2014 and Thursday 11 December 2014 respectively.

Brooklyn Foster, Sheonie Quayle and Roger Wren have all commenced and are busily learning heliport operations and are already a welcome addition to the team.

Leasing

Nil

Projects

Rental car counter refurbishments are underway with delivery expected prior to Christmas.

Requests for quotations for toilet refurbishment, terminal painting and kitchenette development have been received and are in the process of being reviewed and contractors appointed.

The new scissor lift and trailer have arrived and will be put to work shortly to hang the 2013 and 2014 Exmouth 'banners in the terrace' within the terminal.

Exmouth Aerodrome

Reassessment of the WANDRRA claim for repair works to Exmouth Aerodrome by NDRRA has again seen Exmouth Aerodrome not being recognised as an essential public asset and therefore not eligible for WANDRRA funding.

Correspondence has been received from Norwest Air Works requesting an extension on the installation of fire response systems.

Other Items

Nil

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 December 2014.

COUNCIL DECISION – 07-1214 – 11.3.1
--

Moved Councillor Hood, Seconded Councillor McHutchison.


That Council receive the Executive Manager Aviation Services Report for the month of December 2014.

CARRIED 5/0

11. REPORTS OF OFFICERS

11.4 Executive Manager Community Engagement

11.4.1 General Report

Location:	Exmouth
Applicant:	R Kempe
File Reference:	GV.CM.0
Disclosure of Interest:	Nil
Date:	3 December 2014
Author:	Executive Manager Community Engagement, Rogé Kempe
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

Tourism

Australian Traveller Magazine Award Nominations

Coral Bay, Exmouth and the Ningaloo have achieved finalist nominations in seven categories of Australian Traveller magazine's prestigious People's Choice Awards.

Coral Bay was nominated in the 'Best Beach Town' and 'Best Campsite' categories, while Exmouth has been nominated in the 'Friendliest Town' and 'Best Kept Secret Town' categories. The Ningaloo region as a whole was also nominated in the 'Best Glampsite' and 'Best Cruising Experience' categories, while swimming with Ningaloo whale sharks was nominated for the major award, 'Best Overall travel Experience'.

Although none of the categories was won, it shows that our region was present in many categories and scored within the top 5 of Australia with these.

Perth Royal Show - evaluation

A meeting was held on 24 November to evaluate the Perth Royal Show Gascoyne District Display. This year the Gascoyne District Display won two awards, *Best Display of Honey Northern Region* and *Best Display of Aquatic Products Northern Region*.

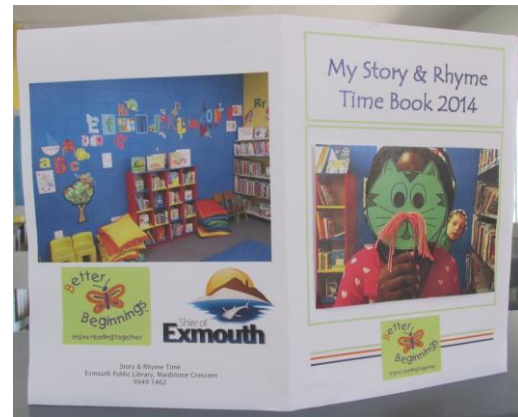
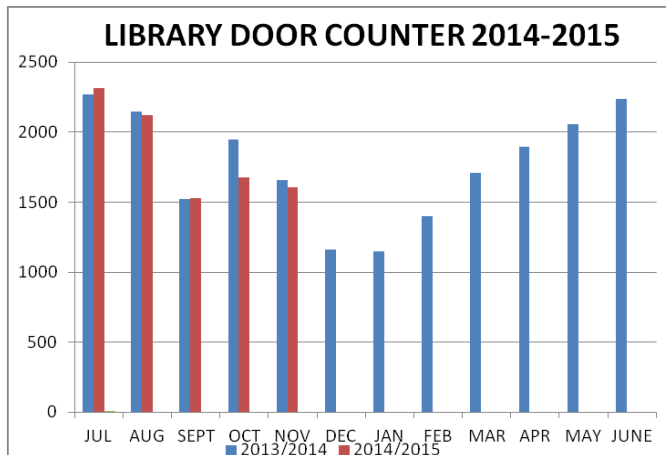
During the Royal Show we asked both visitors to the display and volunteers working on the stand to provide feedback on the display and to highlight areas for improvement to help with developing the display in 2015. In addition, the Royal Agricultural Society (RAS) is currently working through their vision and ideas for the future of the district displays.

A Working Group will be established to investigate and include opportunities for:

- Identifying and involving key stakeholders
- Development of a project brochure/flyer
- Development of an Action Plan
- Production of a Regional Activity Book/Planner

Shire staff raised concerns that the Royal Show was not necessarily a tourist show and if the main aim was attracting tourists to the area it may not be the best value for money.

Library and Community Resource Centre (CRC)



About 1330 people made use of library facilities in the month of November, with 1605 items being issued and returned. The library was joined by 15 new members; 10 adult, 3 juniors and 2 travellers.

Refreshing of the collection is continuing with items being removed from shelves, packed and returned to State Library, with a new exchange arriving at the Library in December.

Story and Rhyme time has concluded for the year and will recommence in February 2015. The theme for story and craft time has focused around the Alphabet and counting. Our final session concluded with the children making a "Story time Booklet" using the photographs taken of them at story time throughout the year.

Community Development

Tidy Town Awards – State Level Award

Exmouth won a Tidy Town State Award for the Category 'Young Legends' at the WA Tidy Towns Sustainable Communities ceremony in Perth on 21 November 2014. The overall title was won by Toodyay who will go further to compete for the national title.

The awards recognise regional communities for their achievements in working towards sustainability, protecting their environments and preserving and celebrating their cultural heritage.



The Category Award is for an outstanding youth engagement programme run by Shire staff, but only made possible through the hands-on participation by young people in our community. This combination made Exmouth a strong contender and a worthy State winner in the Young Legends category of the competition.

Youth Action Exmouth, or YAE, as the young people call it, contributed to a range of events throughout the year. This included the Whaleshark Festival, the opening of Federation Park and the celebrations for 'Exmouth 50 years' to which YAE added programme elements that made the events more attractive and relevant for young people.

YAE also made the documentary 'My Place' which features YAE members filmed at their favourite locations in the Ningaloo World Heritage area, expressing their thoughts and feelings on the natural environment and conservation. Earlier this month this documentary was presented to 6,500 people from 160 countries at the World Parks Congress held in Sydney as an example of young people inspired by their natural environment. BHP Billiton supports the programme.

Youth Action Exmouth (YAE) - update

Following on from Youth Action Exmouth (YAE) receiving the State Young Legends Award within the Tidy Towns categories, The CDO has been preparing a grant application seeking financial support from BHP

Billiton for the YAE program. The grant submission is seeking \$30,000 over a three year period which would be matched by a Shire contribution.

Future funding will assist the continuation of this youth programme and officers look forward to assisting YAE to develop this program over the next several years. Recruitment of new YAE members will be the first activity in the New Year.

Australia Day Citizenship Awards

The Australia Day Active Citizenship Award committee met on the 28 November 2014. Members of the committee, who included two Shire representatives and an Award winner from last year decided on the winners in all three categories for the 2015 Awards. These winners will be announced at 10:30am on 26 January 2015 during a free Australia Day community event at Partridge Memorial Pool.

Club Development Conference in Perth

The CDO attended a two day Club Development Networking meeting at the Department of Sport & Recreation (DSR) in Perth. The itinerary for the networking event included workshops on how to develop high performance teams and how to assist clubs to be empowered, sustainable and successful. Representatives from Inclusion WA spoke about the legal and ethical obligations for communities and groups to implement inclusion and access strategies and a representative from Volunteering WA was on hand to field questions and queries surrounding managing and supporting volunteers.

The CDO took the opportunity to meet and network with other Club Development Officers throughout the state and was able to liaise with consultants and staff from the DSR. The CDO obtained new promotional material that will be sent out to clubs and groups in Exmouth in early 2015 in relation to programs and tools supported by DSR.

Shows on the Go

The Shire received a Memorandum of Understanding confirming Country Arts WA's regional tour of band B2M (*Bathurst to Melville*). B2M are scheduled to perform in Exmouth on Thursday 19 April 2015. B2M offer a family friendly performance that includes a blend of pop, RnB and Tiwi influenced music. The venue and other details are to be advised.

Clontarf Foundation

The CDO has facilitated two community engagement activities linking children in Exmouth with talented athletes from the Clontarf Foundation. The Clontarf Foundation is a national, not-for-profit organisation that runs a Footy academy for Aboriginal young people. Several of their campuses throughout the Mid-west and Pilbara are coming to Exmouth in December for their annual cricket carnival.

The Clontarf foundation will facilitate footy clinics for children in Exmouth and visit the local school and Bernice McCloud Childcare centre. Working with Clontarf offers opportunities for respectful, strength-based, genuine partnerships. It is the intention that the children and community of Exmouth will be able to learn more about the sporting endeavours and culture of the Clontarf students.

Message in a Bottle

The Shire of Exmouth has been successful in our submission for funding from Woodside for our project, *Message in a Bottle* to be rolled out in 2015. The community will start to collect plastic bottles over the next 6 months and run a plastic bottle sculpture competition for all ages to enter. Two artists will come to Exmouth to work with the school and the wider community to help create the sculptures and also produce a large art piece. The results will be showcased at the Whaleshark festival 2015. '*Message in a Bottle*' refers to the aim to raise awareness about the amount of plastic that people use in our community.



Anzac 100 Years

The Shire is working in partnership with the Exmouth RSL, Pilbara Regiment, RAAF, HEH and WA Museum to honour 100 years Anzac and all who have served in the forces. Tea & coffee will be served along with fruit cake and Anzac biscuits after the dawn and morning services. Research has started to create an exhibition in the Shire Hall foyer to display old photos and memorabilia on Anzac Day 2015.

Media and Community Information

- Media release regarding Exmouth winning a Tidy Town category award (Northern Guardian and social media).
- Shire Newsletter of December.

COMMENT

Nil

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONSEconomic

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 Executive Manager Community Engagement Report for the month of December 2014.

COUNCIL DECISION – 08-1214 – 11.4.1

Moved Councillor Todd, Seconded Councillor McHutchison.

That Council receive the Executive Manager Community Engagement Report for the month of December 2014.

CARRIED 5/0

11. REPORTS OF OFFICERS

11.4 Executive Manager Community Engagement

11.4.2 Gascoyne Regional Tourism Strategy – Shire Support

Location:	Exmouth
Applicant:	R Kempe
File Reference:	GR.LO.1
Disclosure of Interest:	Nil
Date:	5 December 2014
Author:	Executive Manager Community Engagement, Rogé Kempe
Signature of Author:	
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY

The Gascoyne Development Commission (GDC) is seeking a financial contribution from Council over the next two years in support of a funding application for the implementation of the Gascoyne Regional Tourism Strategy that was recently endorsed by the GDC Board.

Officers recommend for Council to provide in-principle support for the request for financial support in the 2015/16 and 2016/17 financial years.

BACKGROUND

The Gascoyne Regional Tourism Strategy (GRTS) was developed in the nine months and recently been endorsed by the Gascoyne Development Commission (GDC) Board. A copy of the document is available for Council to view, but the Strategy itself is not subject to the Council resolution relating to this report.

The GDC employed tourism consultants who involved a wide range of key stakeholders and industry representatives from the Gascoyne, including Shire of Exmouth officers, in the preparation of the final Strategy which includes a list of Strategic Priorities.

The Strategy also highlights a wide range of projects and initiatives aimed at growing and developing the industry into the future. Some of the Key projects from the GRTS that would add significant value to the region's tourism industry include:

- Regional 'Value of Tourism / Advocacy for Tourism Campaign to build business and community sentiment towards tourism
- Establish suitable berthing facilities for cruise ships in Exmouth
- Regional marketing opportunities and positioning, supported by reliable data
- Grow existing markets and develop higher yield market segments
- Enhancement of caravan and camping infrastructure across the region
- Improve air access to and across the region
- Develop Mt Augustus Tourist Park
- Develop Regional Heritage and Cultural Trails
- Develop new and innovative events and continue to grow and build the capacity of existing events that are unique to the Gascoyne region.

In addition there are a range of initiatives linked to regional training, packaging of products at a regional level, sharing of information and data, and support for Aboriginal tourism products. These and other innovative themes will be used to build the scale, scope, diversity and coherence of the regional tourism industry.

In order to implement these Strategic Priorities, the formation of a Gascoyne Tourism Board and recruitment of a Tourism Development Officer were identified as critical first steps.

COMMENT

The GDC is preparing a Gascoyne Regional Grant Scheme application for funding to assist a future Gascoyne Tourism entity with the employment of a Regional Tourism Officer for a period of 2 years and associated project implementation costs.

To assist this application, the Gascoyne Development Commission is now seeking a financial contribution from the Gascoyne Councils to support the implementation of Gascoyne Regional Tourism Strategy.

Council of the Shire of Exmouth received a request from the GDC for Council to contribute \$5,000 per year for the next two years, commencing in the 2015/16 financial year (refer *Attachment 1*).

Of all the economic prospects that have been identified for the Gascoyne, tourism is consistently recognised as having the largest potential for significant long term and sustainable growth. To ensure the region achieves the best outcome, a collaborative intra-regional approach to sustainable tourism investment and growth is essential.

In the past year, the Shire of Exmouth has been supportive and closely involved in the development of 2 regional plans, the Experience Development Strategy through National Landscapes and this Gascoyne Regional Tourism Strategy.

Considering this past involvement in the planning stages, an ongoing contribution into the implementation stage is advantageous. In addition, officers recommend for Council to support the request by GDC because of the potential benefits derived from a regional approach to tourism and the possibility of a regional Tourism Officer to assist Exmouth and the Gascoyne region.

Council is informed that the deadline for submitting the grant application was on 11 December 2014 and that the EMCE has already provided the GDC with a letter of in-principle support.

If Council decide that it supports the request, officers will confirm this with GDC; should Council decide not to support the request, officers will retract the letter of support.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

An amount of \$5,000 in the next financial year and the year after that, can be notionally allocated, but will need to be further considered as part of the formal budget deliberations for the 2015/2016 financial year and the year after.

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 – 11.4.2
--

That Council advise the Gascoyne Development Commission it agrees in principle to the contribution of \$5,000 in the 2015/16 financial year in support of the implementation of the Gascoyne Regional Tourism Strategy, and a further \$5,000 to be considered in the 2016/2017 financial budget.

COUNCIL DECISION – 09-1214 – 11.4.2
--

Moved Councillor Winzer, Seconded Councillor Todd.

That Council advise the Gascoyne Development Commission it agrees in principle to the contribution of \$5,000 in the 2015/16 financial year in support of the implementation of the Gascoyne Regional Tourism Strategy, and a further \$5,000 to be considered in the 2016/2017 financial budget.

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: 3 December 2014
 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

Below is a summary of building licence and building certificate applications and approvals up to 30 November 2014.

Building Applications						
Application No	Date Received	Lot No	Development Location	Description	Decision	Decision Date
14/70	29/05/14	351	25 Kestrel Place	Single dwelling	Approved	03/12/14
14/103	02/09/14	117	9 Tautog Street	Outbuilding	Approved	13/11/14
14/109	16/09/14	119	26 Ingram Street	Building Approval Certificate	Awaiting information from applicant	
14/116	18/09/14	362	3 Kestrel Place	Swimming Pool	Awaiting information from applicant	
14/124	08/10/14	30	Unit 22 Dugong Close	Single Dwelling	Approved	17/11/14
14/134	24/10/14	166	Lyndon Location	Extensions	Approved	17/11/14
14/135	24/10/14	1131	23 Koolinda Way	Carport	Awaiting information from applicant	
14/140	06/11/14	1392	11 Grenadier Street	Patio	Approved	07/11/14
14/141	06/11/14	419	9 Fitzgerald Street	Patio	Approved	07/11/14
14/142	11/11/14	R50807	2 Willersdorf Road	Ningaloo Centre	Approved	19/11/14
14/143	18/11/14	474	9 Osprey Way	Fence	Approved	19/11/14
14/144	18/11/14	9	108 Madaffari Drive	Single Dwelling	Awaiting information from applicant	
14/145	19/11/14	R37644	118 Milya Exmouth Rd	Sea Container	Approved	21/11/14
14/146	20/11/14	925	9 Ningaloo Street	Carport	Approved	05/12/14
14/147	20/11/14	164	11 Maidstone Crescent	Swimming Pool	Approved	24/11/14
14/150	26/11/14	999	1 Griffiths Way	Industrial	Approved	05/12/14

Summary of Building Licence/Permit Applications
2007 to Year to date 30 November 2014

Year	No. Applications for the Year	Total Value of Works for the Year	No. Applications up to 30 November 2014	Value up to 30 November 2013
2007- 2008	114	\$13,465,725.00	54	\$6,847,676
2008- 2009	132	\$26,600,941.00	67	\$16,579,473
2009 - 2010	198	\$26,916,869.00	75	\$12,413,656
2010 - 2011	188	\$24,816,605.00	72	\$11,746,359
2011-2012	144	\$23,057,154.00	74	\$13,051,255
2012- 2013	150	\$19,931,790.00	65	\$10,854,853
2013-2014	159	\$23,404,990.00	79	\$12,927,999
2014-2015			65	\$7,290,773

COMMENT

BUILDING

There are no new matters of building compliance to report on in this period.

ENVIRONMENTAL HEALTH

Public Health Bill 2014

The Public Health Bill 2014 (the Bill) was introduced into WA Parliament on the 26 November 2014 after many years in development. The Bill is a major public health initiative and regulatory reform project for Western Australia, which proposes to replace the existing Health Act 1911, now over 100 years old.

The Bill is supported by the Public Health (Consequential Provisions) Bill 2014, which provides for amendments to the Health Act 1911 and a range of other Acts as a consequence of the Bill's passage.

In short, the key features of the Bill are as follows:-

- A risk based framework
- Binding the Crown
- Administrative framework
- A modern framework for infectious diseases
- A modern framework for public health emergencies
- Public health planning
- Public health assessment
- A streamlined and coordinated framework of regulation
- Appropriate penalties

An extract of the Public Health Bill 2014 Explanatory Memorandum is provided at ***Attachment 1***. A full copy of the above (all 65 pages) may be viewed on the Parliament WA website at:

[www.parliament.wa.gov.au/Parliament/Bills.nsf/66CD0054B9BC3C4448257D9B003292E0/\\$File/EM%2B103-1.pdf](http://www.parliament.wa.gov.au/Parliament/Bills.nsf/66CD0054B9BC3C4448257D9B003292E0/$File/EM%2B103-1.pdf)

A copy of the current Bill (249 pages) may be viewed via the following link:

[www.parliament.wa.gov.au/Parliament/Bills.nsf/66CD0054B9BC3C4448257D9B003292E0/\\$File/Bill103-1.pdf](http://www.parliament.wa.gov.au/Parliament/Bills.nsf/66CD0054B9BC3C4448257D9B003292E0/$File/Bill103-1.pdf)

I'm Alert On-line Food Safety Program

The I'm Alert Food Safety Program has been well utilised since its initial start in November 2010. Since this time there have been 600 users to date with 134 users in the last 12 months. The Council pays an annual subscription fee of \$300 to Environmental Health Australia to provide access to the program via the Shire of Exmouth website. Use of the training program is free of charge.

Recreational Water Sampling 2014-2015

The Department of Health (DOH) Recreation Waters Bacterial Sampling Program has started with water samples being taken fortnightly from 3 November 2014 to 30 April 2015. The aim of conducting inspections and undertaking bacterial water sampling is to generate risk classifications for popular recreational water sites. These classifications are then published onto maps and tables on the DOH website.

Waste Management and Recycling**National TV & Computer Recycling Scheme**

The above scheme is currently being reviewed and the draft review paper is out for public comment. The initial roll-out of the scheme has experienced quite a few short comings. The scheme offered subsidised cost of recycling of old televisions, computers and computer peripherals and set very conservative industry targets for percentage of return of the same. These targets were achieved very quickly and so ended the industry subsidised recycling. The scheme also did not offer a consistent service to remote regional towns such as Exmouth.

The above has resulted in a build-up of expectations in the community (business community included) that e-waste has an affordable recycling pathway. However, that is not currently the case and many local governments in Perth and the South West are now faced with stockpiles of e-waste and no affordable recycling option.

The draft paper provides a number of options relating to a significant short-term increase in the recycling targets and a further gradual increase in the recycling targets over a number of years. Whilst the above is welcomed the paper does not offer any better outreach to remote regional centres.

Security at the Tip

Security at the tip is still a major issue with fuel being stolen and the chains been cut. The cost of regularly losing fuel and the risk to those accessing the site at night is a concern. In the most recent incident one of the cat traps on loan from DPaW was stolen.

For the time being known access points are being blocked and staff are trying to make it as difficult as possible to access machinery on site. Council staff are also looking at security cameras being placed onsite.

Sentinel Chickens & Mosquito Borne Diseases

The University of Western Australia's Sentinel Chicken Bleeding Program is continuing. There were no new positives blood tests to report of for Murray Valley Encephalitis, Kunjin Virus or other flaviviruses from the rounds of testing up to 28 November.

Paltridge Memorial Swimming Pool

Usage For November	<u>2014</u>	<u>2013</u>	<u>2012</u>
Pool Users	5426	4461	5440

Pool patronage has increased from last month and the Sunday usage is also still increasing with a significant jump in numbers for November to 407 by comparison approximately 250 entering the pool on a Sunday during September and October this year.

Christmas Period Opening Hours

The pool will be closed on Christmas Day and there will be no early morning swimming on 26, 29 and 31 December 2014.

Interim Swimming Lessons

160 children from pre-primary to year 3 participated in Interim Swimming lessons for 9 days between 10 - 20 November 2014. Lessons normally run for 10 days but were cut short by 1 day this season to allow some of the swimming teachers to participate in the Pilbara Swimming Championships.

Austswim Course

On the 29 and 30 November 2014 an Austswim Course for swimming teaching and water safety was held. The course saw 9 new swimming teachers receive their qualifications, ensuring a solid future for swimming lessons and water safety for children of the community over the coming years.

However, the newly trained swim instructors first need to complete a minimum number of practical hours so they are not able to run the coming school holidays Vac-Swim without supervision of experienced instructors. Fortunately a few experienced instructors came forward at the 11th hour and the Vac-Swim will be going ahead and the newly trained instructors will become fully qualified.

2015 WA Country Pennants Swimming Championships: 28 Feb - 1 March 2015

Council Officers have commenced meetings and consultation with the Exmouth Amateur Swimming Club in relation to the above event. The club have advised that this stage there has been confirmation by 27 country swimming clubs that they will be attending and the club is still waiting to hear from 3 of the clubs in the North West for final confirmation that they will be attending. The club is confident that they will reach the maximum team nominations of 30 for the event. This will bring approximately 900 competitors to town plus coaches, parents, officials and spectators. Visitor numbers are expected to reach around 1,200.

With approximately 1,200 visitors from out of town plus the local interest in the proceedings, the event may attract up to 1,500 people in the Federation Park and Paltridge Memorial Pool grounds at any one time. Such numbers require a lot of planning and organising. The club set up a sub-committee specifically for the event about 12 months ago and are reasonably well advanced in the planning at this stage.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONSEnvironment

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.
- 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 – 11.5.1
--

That Council receives the Executive Manager Health & Building Report for the month of December 2014.

COUNCIL DECISION – 10-1214 – 11.5.1
--

Moved Councillor Hood, Seconded Councillor McHutchison.

That Council receives the Executive Manager Health & Building Report for the month of December 2014.

CARRIED 5/0

11. REPORTS OF OFFICERS

11.5 Executive Manager Health & Building

11.5.2 Tourism WA Grant for Overflow Camping (Mobile) Ablutions and Relocate Dump Point

Location:	Exmouth
Applicant:	R M Manning
File Reference:	GS.AP.2 and ED.PG.1
Disclosure of Interest:	Nil
Date:	8 December 2014
Author:	Executive Manager Health & Building, R M Manning

Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends that the Council approve the signing of the Grant Agreement between Tourism WA and the Shire of Exmouth (November 2014) to fund the purchase and installation of a mobile public ablutions facility and grey-water disposal system and the relocation of the black-water dump point and associated Recreation Centre sewerage pump station. The Council approval of unbudgeted expenditure for the above is also recommended.

BACKGROUND

The Western Australian Caravan and Camping Action Plan: 2013-2018 details an integrated suite of recommendations, included in which is the development and enhancement of public infrastructure to improve the caravan and camping experience for residents and visitors to WA. In addition to the above, in 2012 a study initiated by Tourism WA¹ identified a number of towns that it were considered strategically important for an improvement of Overflow Camping Facilities, Exmouth was one such town.

Following on from the above, Tourism WA (TWA) received an Royalties for Regions \$3m funding allocation for 2014 to 2016 to implement a funding program to support local government with the upgrade of existing or installation of new facilities to meet overflow camping demands in priority areas.

TWA recently invited the Shire of Exmouth to submit an expression of interest (EOI) for financial support towards infrastructure upgrades that would improve overflow camping facilities and facilities/services generally to the caravanning and camping public.

¹ *Strategic Approach to Caravan and Camping Tourism in WA, Brighthouse Consulting (2012).*

COMMENT

Following discussion with Council's Executive Management team Council Officers submitted an EOI to TWA additional (mobile ablution) facilities for the overflow caravan and camping area and the relocation and upgrade of the chemical toilet dump point and associated sewerage pump station. A copy of the EOI is provided at **Attachment 2**.

The above EOI is self-explanatory and in summary it requested funding assistance of \$100,000 for the purchase and delivery of a mobile (caravan type) ablution facility. Funding of \$58,000 was also requested for the re-location of the existing Recreation Centre chemical toilet dump point and the relocation and upgrade of the Recreation Centre sewerage pump station. The Shire's contribution to the proposal was specified as \$10,821 relating to earth works and the purchase and installation of an on-site grey water treatment and disposal system at the northern end of the overflow camping ground.

A mobile (caravan type) ablution facility was considered a much more versatile option than constructing a fixed building that would only be used for 4-6 weeks of the year. A mobile ablution facility could be used for large community and sporting events such as the annual Whale Shark Festival and one-off events like the 2015 WA Country Pennants Swimming Championships.

The EOI was successful and TWA have sent the Shire of Exmouth a Grant Agreement for signing. However, as this project involves a Council commitment to unbudgeted expenditure, the Council must first approve such expenditure before the Grant Agreement can be signed and returned to TWA.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

In the 2014/15 Budget the Council currently has an expenditure allocation of \$1,000 for Maintenance - Overflow Caravan Park (Account E134520). The purchase and installation of the on-site grey water treatment and disposal system for the showers in the mobile ablutions to be connected to while the caravan is use at the overflow camping area is estimated to cost \$9,020.

In consultation with the Executive Manager Engineering Services (EMES), the same general area of the 2014/15 Budget (Tourism & Area Promotion) has an allocation of \$40,864 for Vlamingh Head Lighthouse Maintenance (Account E134515). To date less than \$2,500 of the above has been spent and the EMES has advised that given the current works program they will not be completing all the previously planned works and that should \$9,020 be required to secure the \$158,000 from TWA then Engineering Services can adapt the planned works to suit.

The \$1,801 balance of the Council contribution for the project relates to excavation and levelling works associated with the relocation and upgrade of the dump point and Rec Centre sewerage pump station. Such works can be considered as 'in-kind' and/or covered under the current Recreation Centre Building Maintenance budget (Account E112900).

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

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.

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.

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
- Outcome: 4.3: To be strong advocates representing the region's interests

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION – 11.5.2

That Council:-

- 1. Accept the grant funding offered by Tourism WA for the purchase and installation of a mobile public ablutions facility including a grey-water disposal system and the relocation of the black-water dump point and associated Rec Centre sewerage pump station; and*
- 2. Approve the total unbudgeted expenditure associated with the above of \$168,821 inclusive of:-*
 - a) a contribution by TWA of \$158,000 (GST exclusive); and*
 - b) a Council contribution of \$9,020 which will be sourced from account E134515 - Vlamingh Head Lighthouse Maintenance and \$1,801 sourced from account E112900 - Rec Centre Building Maintenance.*

COUNCIL DECISION – 11-1214 – 11.5.2

Moved Councillor Todd, Seconded Councillor Winzer.

That Council:-

- 1. Accept the grant funding offered by Tourism WA for the purchase and installation of a mobile public ablutions facility including a grey-water disposal system and the relocation of the black-water dump point and associated Rec Centre sewerage pump station; and*
- 2. Approve the total unbudgeted expenditure associated with the above of \$168,821 inclusive of:-*
 - a) a contribution by TWA of \$158,000 (GST exclusive); and*
 - b) a Council contribution of \$9,020 which will be sourced from account E134515 - Vlamingh Head Lighthouse Maintenance and \$1,801 sourced from account E112900 - Rec Centre Building Maintenance.*

CARRIED by ABSOLUTE MAJORITY 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: 8 December 2014
 Author: A/Executive Manager Town Planning, James Trimble
 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 9 December 2014.

Applic No.	Lodgement	Lot	Property Address	Description	Decision	Date Determined
PA141/14	06/08/2014	462	16 Osprey Way	Garage	Awaiting information from applicant	
PA185/14	24/10/2014	344	30 Kestrel Place	Holiday Accommodation	Awaiting information from applicant	
PA186/14	24/10/2014	631	6 Fletcher Street	Outbuilding	December OCM	
PA187/14	24/10/2014	166	Lyndon Location	Change of Use	December OCM	
PA189/14	27/10/2014	462	16 Osprey Way	Holiday Accommodation	December OCM	
PA194/14	03/11/2014	164	11 Maidstone Crescent	Swimming Pool	Approved	13/11/2014
PA198/14	19/11/2014	61	22 Searaven Crescent	Outbuilding	Processing	
PA199/14	21/11/2014	833	6 Nimitz Street	Mechanic	Processing	
PA200/14	21/11/2014	332	6 Kestrel Place	Single Dwelling	Awaiting information from applicant	
PA201/14	24/11/2014	204	24 Kennedy Street	Outbuilding	December OCM	
PA202/14	24/11/2014	204	24 Kennedy Street	Home Occupation	Approved	25/11/2014
PA203/14	25/11/2014	350	27 Kestrel Place	Jetty	Approved	27/11/2014
PA204/14	25/11/2014	462	16 Osprey Way	Swimming Pool	Approved	28/11/2014
PA205/14	02/12/2014	12	114 Madaffari Drive	Change Of Use (Holiday Accommodation)	Processing	
PA206/14	02/12/2014	374	20 Corella Court	Single Dwelling	December OCM	
PA207/14	03/12/104	150	25 Dugong Close	Fence	Approved	04/12/2014
PA209/14	04/12/104	347	4 Lockwood Street	Ancillary Accommodation	Processing	
PA210/14	08/12/104	662	9 Stewart Street	Outbuilding	Processing	

Summary of Total Planning applications and Local Government Property Permits

Summary of Total Planning Application/Codes Variations	
Year	No. Applications
2009-2010	131
2010-2011	149
2011-2012	163
2012-2013	175
2013-2014	149
2014/2015 (to date)	56

Permits issued for an Activity on Local Government Property	
Month	No. Applications
June	3
July	1
August	5
September	4
October	4
November	4

BACKGROUND

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

KCTT (Trading as KC Traffic and Transport Pty Ltd) and Shire Officers are finalizing the contract tender in consultation with Exmouth Civil. Works are expected to commence mid-January 2015.

Staff Changes

The new Planning Officer Mark Johnston has commenced work with the Shire, replacing the previous Planning Officer James Trimble.

Ranger Services

A summary of the activities performed by Ranger Services during November 2014.

	Dogs	Camping	Parking	Litter	Fire	Off road	Other
Warning/caution	0	0	2	1	157	0	0
Infringement	0	0	0	0	0	0	0
Court	0	0	0	0	0	0	0
October Total	0	0	2	1	157	0	0
2014 - 2015 Totals	8	109	28	11	229	2	5

Local Laws Review

In accordance with Council Decision – 20-1114 – 11.6.5 and Council Decision – 21-1114 – 11.6.6 during the November Ordinary Council Meeting 2014, the Dog Amendment Local Law and the Exmouth Public Cemetery Amendment Local Law were published in the Government Gazette and a copy sent to the Minister for Local Government. Whilst the advertising period for the Meeting Procedures and Fencing Local Laws closed on 17 November 2014, Council is waiting for comments to be provided by the Department of Local Government to ensure the adopted local laws meet the Departments recommendations.

Local Law Review 2014												
Local Law	Approve by Council to Initiate	Advertising		Sent to Minister	Advertising Closes	Schedule of Submission	Final Adoption Council	Minister Approved/ Refused	Gazettal	Gazettal to Minister	Local Public Notice	Submit to JSC
		West Australian	Northern Guardian									
Dog	21/08/14	30/08/2014	3/09/2014	2/09/2014	20/10/2014	11/11/2014						
Cemetery	21/08/14	30/08/2014	3/09/2014	2/09/2014	20/10/2014	11/11/2014	20/11/14					
Meeting Procedures	18/09/14	27/09/2014	1/10/2014	24/10/2014	17/11/2014							
Fencing	18/09/14	27/09/2014	1/10/2014	24/10/2014	17/11/2014							
Cat	23/10/14	1/11/2014	5/11/2014	6/11/2014	22/12/2014							
Parking	23/10/14	1/11/2014	5/11/2014	6/11/2014	22/12/2014							
Public Places												
Marina Waterways												

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 1.2 - 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 receives the Executive Manager Town Planning Report for the month of December 2014.

COUNCIL DECISION – 12-1214 – 11.6.1
--

Moved Councillor Hood, Seconded Councillor McHutchison.

That Council receives the Executive Manager Town Planning Report for the month of December 2014.

CARRIED 5/0

11. REPORTS OF OFFICERS

11.6 Executive Manager Town Planning

11.6.2 Holiday Accommodation – Lot 462 (16) Osprey Way Exmouth

Location: Lot 462 (16) Osprey Way, Exmouth
 Applicant: Ray White Exmouth
 File Reference: A1363 (PA189/14)
 Disclosure of Interest: Nil
 Date: 18 November 2014
 Author: A/Executive Manager Town Planning, James Trimble
 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 462 (16) Osprey Way, Exmouth.

BACKGROUND

The subject lot has a substantially constructed dwelling, is approximately 938m² in area and zoned Marina in the Scheme. The area has an Outline Development Plan which identifies the lot within 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 462 (16) Osprey Way where the proponent seeks planning approval for Holiday Accommodation use (refer *Attachment 1*).



Lot 462 (16) Osprey Way, 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
- b. For every person between the ages of 1 & 10 years, there is to be a minimum of 8 cubic metres of air space per person.

Officers have calculated the permissible number of occupants per bedroom:

Schedule 1: Allowable Occupants: Lot 462 (16) Osprey Way, Exmouth

Bedroom 1: Total floor space: 14.06m², Approximate Air Space: 37.96m³
Allowable occupants: 2 adults **OR** 2 adult and 1 children **OR** 4 children

Bedroom 2: Total floor space: 14.06m², Approximate Air Space: 37.96m³
Allowable occupants: 2 adults **OR** 2 adult and 1 children **OR** 4 children

Bedroom 3: Total floor space: 14.21m², Approximate Air Space: 38.37m³
Allowable occupants: 2 adults **OR** 2 adult and 1 children **OR** 4 children

Bedroom 4: Total floor space: 14.21m², Approximate Air Space: 38.37m³
Allowable occupants: 2 adults **OR** 2 adult and 1 children **OR** 4 children

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

**The air space is calculated with a 2.71m ceiling height.

Occupancy Levels

In consideration of the above Schedule, the maximum number of overnight occupants is twelve (12) persons, with no more than eight (8) people over the age of 10. Further, 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) and two (2). There is adequate space within the lot to accommodate 2 vehicles and 2 trailers. The Policy states that car parking shall be calculated on the basis of four persons per vehicle.

Management Plan and Code of Conduct

The applicant has submitted a copy of the House Rules for Guests and Visitors 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.

There are 2 approved Holiday Homes in the Exmouth Marina Village Precinct A dry lots, however they do not directly abut Lot 462 (16) Osprey Way (refer ***Attachment 2***). Having regard to the above, officer recommends that Council grant conditional planning approval for holiday accommodation upon Lot 462 (16) Osprey Way.

CONSULTATION

In accordance with the requirements of the Scheme adjoining impacted neighbours were invited to comment on the proposal from Tuesday 28 October 2014 to Tuesday 18 November 2014 for a period of 21 days. A summary is tabled below:

Property	Response	Officer Comment
Lot 440 Osprey Way	Nil	Nil
Lot 447 Madaffari Drive	Nil	Nil
Lot 448 Madaffari Drive	Nil	Nil
Lot 449 Madaffari Drive	Nil	Nil
Lot 451 Gndaroo Road	Yes, Do Not Object	Nil
The Resident – Lot 451 Gndaroo Road	Nil	Nil
Lot 461 Osprey Way	Yes, Object, Prior to the purchase of Lot 461 Osprey Way, the then managing agents (City Life) assured me that all blocks sold in the area identified as “Sunrise Estate” were for residential purposes only and not for any commercial use.	The then managing agents (City Life) are not the approval authority for land uses and development in the area. Formal written advice should have been sought from the Shire of Exmouth at the time of purchase.
Lot 463 Osprey Way	Nil	Nil

STATUTORY ENVIRONMENT

Exmouth Town Planning Scheme No.3
Planning and Development Act 2005

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

OFFICER'S RECOMMENDATION – 11.6.2
--

That Council grant planning approval for holiday accommodation upon Lot 462 (16) Osprey Way, Exmouth subject to the following conditions:

- 1. The approved use shall accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA189/14) and 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 eight (8) 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 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. House Rules for Guests and Visitors, 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 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:-*

- *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;*
- *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; and*

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 eight (8) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

Schedule 1: Allowable Occupants: Lot 462 (16) Osprey Way, Exmouth

Bedroom 1: Total floor space: 14.06m², Approximate Air Space: 37.96m³
Allowable occupants: 2 adults **OR** 2 adult and 1 children **OR** 4 children

Bedroom 2: Total floor space: 14.06m², Approximate Air Space: 37.96m³
Allowable occupants: 2 adults **OR** 2 adult and 1 children **OR** 4 children

Bedroom 3: Total floor space: 14.21m², Approximate Air Space: 38.37m³
Allowable occupants: 2 adults **OR** 2 adult and 1 children **OR** 4 children

Bedroom 4: Total floor space: 14.21m², Approximate Air Space: 38.37m³
Allowable occupants: 2 adults **OR** 2 adult and 1 children **OR** 4 children

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

***The air space is calculated with a 2.7m 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 – 13-1214 – 11.6.2

Moved Councillor Hood, Seconded Councillor Todd.

That Council grant planning approval for holiday accommodation upon Lot 462 (16) Osprey Way, Exmouth subject to the following conditions:

1. *The approved use shall accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA189/14) and 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 eight (8) 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 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. *House Rules for Guests and Visitors, 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 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:-*
 - *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;*
 - *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; and*
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 eight (8) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

Schedule 1: Allowable Occupants: Lot 462 (16) Osprey Way, Exmouth

Bedroom 1: Total floor space: 14.06m², Approximate Air Space: 37.96m³
Allowable occupants: 2 adults **OR** 2 adult and 1 children **OR** 4 children

Bedroom 2: Total floor space: 14.06m², Approximate Air Space: 37.96m³
Allowable occupants: 2 adults **OR** 2 adult and 1 children **OR** 4 children

Bedroom 3: Total floor space: 14.21m², Approximate Air Space: 38.37m³
Allowable occupants: 2 adults **OR** 2 adult and 1 children **OR** 4 children

Bedroom 4: Total floor space: 14.21m², Approximate Air Space: 38.37m³
Allowable occupants: 2 adults **OR** 2 adult and 1 children **OR** 4 children

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

**The air space is calculated with a 2.7m 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 4/1

Councillor Winzer voted against

The Shire President declared an indirect financial interest in the following report and left the Chambers at 4.35pm.

11. REPORTS OF OFFICERS

11.6 Executive Manager Town Planning

11.6.3 Notification of Mining Lease – Unallocated Crown Land South of Reserve 41975

Location:	Unallocated Crown Land south of Reserve 41975
Applicant:	McMahon Mining Title Services Pty Ltd
File Reference:	R41975
Disclosure of Interest:	C (Turk) Shales
Date:	8 December 2014
Author:	A/Executive Manager Town Planning, James Trimble
Signature of Author:	



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends that Council support the application for a mining lease 08/510 upon Unallocated Crown Land south of Reserve 41975 subject to the provision of adequate vehicular access to Murat Road Reserve at the applicants cost (refer *Attachment 3*).

BACKGROUND

The Shire is in receipt of a letter from McMahon Mining Title Services Pty Ltd providing notification of proposed mining lease 08/510 upon Unallocated Crown Land south of Reserve 41975 for an area of 55.33 hectares, as per the requirements set out in the Mining Act 1978 (WA). Under the Mining Act 1978 (WA), the proponent of a mining lease is required to notify the local government authority of their intent to lodge an application for a mining lease with the Department of Mines and Petroleum.



Approximate location of proposed Mining Lease 08/510.

COMMENT

The proposed Mining Lease comprises an area 55.33 hectares and is located south of Reserve 41975, Pindan Pit. The proposed area is located immediately south of two existing Mining Leases, and approximately 5km north from the Exmouth Townsite.

The Mining Lease if approved will be landlocked with no vehicular access from the Murat Road Reserve the closest road. Access to the proposed Mining Lease is therefore restricted.

Considering the above, the Officer recommendation is that Council supports the application for mining lease 08/510 upon Unallocated Crown Land south of Reserve 41975 subject to the provision of adequate vehicular access to Murat Road Reserve at the applicants cost.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Mining Act 1978 (WA)

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.

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 – 11.6.3

That Council provide comments to McMahon Mining Title Services Pty Ltd supporting the application for mining lease 08/510 upon Unallocated Crown Land south of Reserve 41975 subject to the provision of adequate vehicular access to Murat Road Reserve at the applicants cost.

COUNCIL DECISION – 14-1214 – 11.6.3

Moved Councillor Winzer, Seconded Councillor McHutchison.

That Council provide comments to McMahon Mining Title Services Pty Ltd supporting the application for mining lease 08/510 upon Unallocated Crown Land south of Reserve 41975 subject to the provision of adequate vehicular access to Murat Road Reserve at the applicants cost.

CARRIED 4/0

The Shire President re-entered the Chambers at 4.39pm.

11. REPORTS OF OFFICERS

11.6 Executive Manager Town Planning

11.6.4 Temporary Workers Accommodation and Holiday Accommodation – Bullara Pastoral Station, Exmouth

Location: Lyndon Location 166, Bullara Pastoral Station, Exmouth
 Applicant: Tim Shallcross
 File Reference: A514 (PA187/14)
 Disclosure of Interest: Nil
 Date: 9 December 2014
 Author: A/Executive Manager Town Planning, James Trimble
 Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

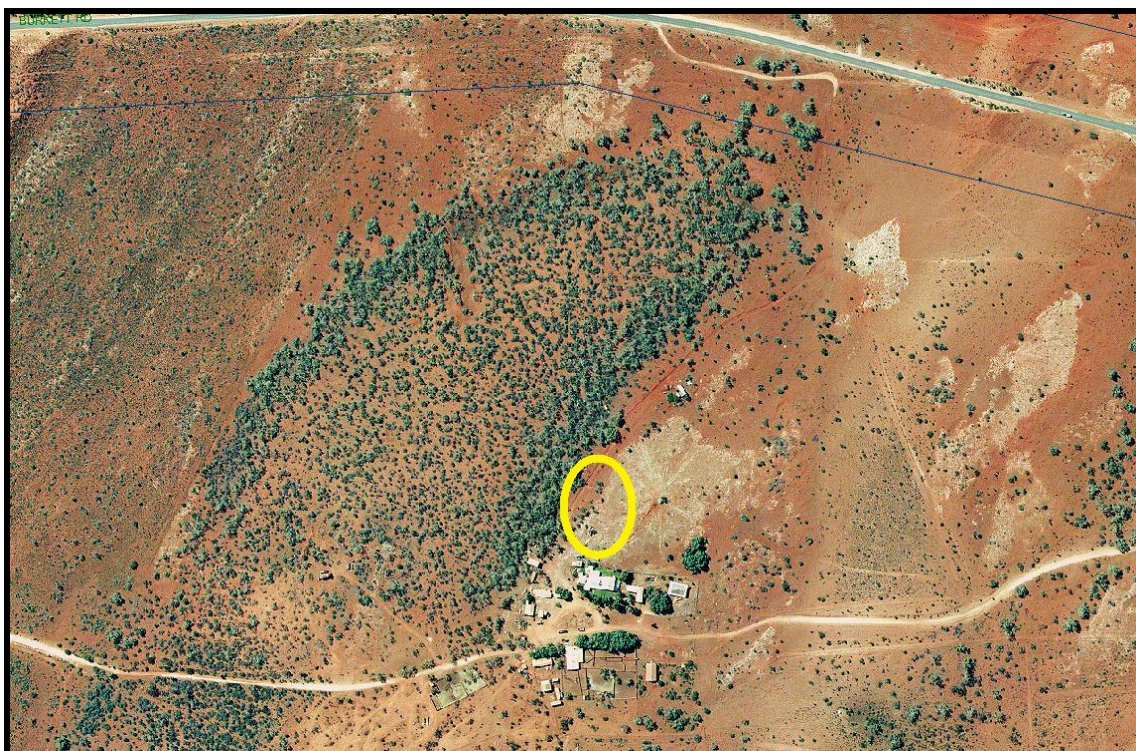
SUMMARY

This report recommends that Council grant conditional planning approval for holiday accommodation and temporary workers accommodation upon Lyndon Location 166, Bullara Pastoral Station, Exmouth.

BACKGROUND

The subject lot has a Temporary Homestead Nature Based Park, Homestead, Temporary Workers Accommodation, Commercial Kitchen, Check in Office, Holiday Accommodation, Observation Deck and Lodging House, is approximately 109,947ha in area and zoned Pastoral in the Scheme. The aerial image below identifies Bullara Station Homestead where the proponent seeks planning approval for Holiday Accommodation use and Temporary Workers Accommodation (refer *Attachment 4*).

At the April 2014 Ordinary Council Meeting, Council granted temporary planning approval for Temporary Workers Accommodation (Accommodation Complex East) for a maximum period of one (1) year from the date of approval being 24 April 2014. The workers accommodation was approved to cater for Telstra who were undertaking works to install a new fibre optic cable.



Location of Proposed Development Bullara Station Homestead

COMMENT

The proposal has been assessed against the Shire of Exmouth Town Planning Scheme No. 3, Policy 6.12: Holiday Accommodation and Policy 6.13 Temporary Workers Accommodation.

The Scheme defines Holiday Accommodation as an 'AA' use within the Pastoral zone meaning that the use may be permitted subject to planning approval. The Scheme does not define the proposed Temporary Workers Accommodation use, therefore Council determination is required.

The objectives of the Pastoral zone include:

1. To support the continuation of the pastoral industry in the district;
2. To protect the pastoral industry from land use conflicts by location of high intensity uses;
3. To allow for diversification of uses as may be endorsed by the Pastoral Lands Board.

Holiday Accommodation – Accommodation Complex West

Policy 6.12 objectives seek 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.*

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.
- c) Officers have calculated the permissible number of occupants per bedroom of the submitted floor layout as follows (Schedule 1):

Schedule 1: Allowable Occupants: Accommodation Complex West, Bullara Pastoral Station, Lyndon Location 166, Exmouth

Bedroom 1: Total floor space: 12.71m², Approximate Air Space: 30.52m³
Allowable occupants: 2 adults **OR** 1 adult and 2 children **OR** 3 children

Bedroom 2: Total floor space: 10.66m², Approximate Air Space: 25.58m³
Allowable occupants: 1 adult **OR** 1 adult and 1 children **OR** 3 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.

Occupancy Levels

Following the assessment by officers to calculate the number of guests permissible, the maximum number of overnight occupants allowed within the structure at the same time shall be six (6) persons. This includes no more than three (3) 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 Policy states that car parking shall be calculated on the basis of four persons per vehicle. The property has adequate space to accommodate two (2) vehicles.

Management Plan and Code of Conduct

The applicant has not submitted a Management Statement and Occupant Rules of Conduct in accordance with the requirements of Policy 6.12. Additional condition included.

Low Key Tourism Diversification Permit

The subject land has a low key tourism diversification permit granted by the Department of Regional Development and Lands, pastoral Lands Board in January 2003. Condition 2 of the permit states “no facilities associated with the permit activity shall be constructed without the prior approval of the Pastoral Lands Board Western Australia”. Additional condition included.

Considering the above officers recommend that Council grant conditional planning approval for Holiday Accommodation for Accommodation Complex West upon Bullara Pastoral Station.

Temporary Workers Accommodation – Accommodation Complex East

Accommodation Complex East is an existing onsite structure, and approved by Council at the April 2014 Ordinary Meeting for a maximum period of 1 year.

	Policy Provisions	Officer Comment
Function/End Use	Preference shall be given to proposals which demonstrate that the resulting infrastructure will facilitate or not impede current or future development.	Sewerage controlled by Septic tanks and leach drains. Water and Power issues will be addressed in the management statement
Form	Each accommodation unit shall contain no more than one (1) bedroom.	Non-complaint, four (4) bedrooms per donga, refer below.
Management	All developments are required to supply a management statement for the complex for consideration by Council. The management statement is required to demonstrate how the following issues will be addressed: - Transport of workers (to and from site out of hours) - Site access and egress - Catering and hygiene - Emergency management (cyclone prep plan) - Security - Occupant rules of conduct	Conditioned

Temporary Planning Approval

In accordance with the provisions of the Scheme temporary planning approval can be granted. Officer recommends granting temporary planning approval for a maximum period of two (2) years from 24 April 2015. Accommodation Complex East was approved as temporary workers accommodation for one (1) year by Council at its April 2014 OCM. In accordance with Policy 6.13 temporary workers accommodation can be granted for a maximum period of three (3) years.

Temporary planning approval is recommended for the following reasons:

1. It will ensure the workers accommodation is temporarily used;
2. It will ensure all structures are used by workers, and not tourists;

3. Town Planning Scheme Number 3 does not define workers accommodation as a permissible land use within the pastoral zone; and
4. Workers accommodation is land use not listed in Bullara Station's pastoral lands diversification permit.

More than One Bedroom Per Unit

In accordance with the provisions of Policy 6.13 each workers accommodation unit shall contain no more than one (1) bedroom. The applicant is proposing four (4) bedrooms per donga/unit. To prevent the development of many transportable dongas (12) and as the dongas will have no visual impact from Minilya-Exmouth Road and Burkett Road officer recommends conditional temporary approval.

As this structure has already been approved by Council for temporary workers accommodation and the applicant seeks approval for temporary workers accommodation officer recommends Council grant approval for Accommodation Complex East to be used for temporary workers accommodation for a further 2 years in accordance with Council Policy 6.13.

CONSULTATION

In accordance with Policy 6.13 all applications for temporary workers accommodation shall be advertised in accordance with Town Planning Scheme Number 3 for a period of 21 days. As the closest affected neighbour is more than 5km away and due to timing for determination at Council meeting, officers have not advertised the application to adjoining property owners.

The Department of Lands were invited to comment on the proposal from Monday 27 October 2014 to Monday 8 December 2014 for a period of 42 days. No comments were received.

STATUTORY ENVIRONMENT

Planning and Development Act 2005
Exmouth Town Planning Scheme No. 3
Land Administration Act 1997

POLICY IMPLICATIONS

Policy 6.12: Holiday Accommodation
Policy 6.13: Temporary Workers 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.

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 3.4: 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 – 11.6.4

That Council grant planning approval for holiday accommodation (accommodation complex west) and grant temporary planning approval for temporary workers accommodation (accommodation complex east) upon Lyndon Location 166, Bullara Pastoral Station subject to the following conditions;

- 1. The development being carried out in accordance with the Shire of Exmouth Town Planning Scheme No. 3 and the approved plans (PA187/14);*

Holiday Accommodation (Accommodation Complex West)

- 2. The maximum number of overnight occupants allowed within the development at the same time shall be six (6) persons. This includes no more than three (3) 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 Policy 6.12: Holiday Accommodation;*
- 3. A Management Statement and Occupant Rules of Conduct shall be prepared in accordance with Policy 6.12: Holiday Accommodation and clearly displayed within the development at all times;*
- 4. 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.*
- 5. The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
- 6. 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;*
- 7. If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighbouring 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;*
- 8. 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;*
- 9. Accommodation Complex West shall not be constructed or used without the prior approval of the Pastoral Lands Board for Western Australia;*
- 10. The Holiday Accommodation 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.*

Temporary Workers Accommodation (Accommodation Complex East)

- 11. The maximum number of occupants vehicles and trailers (including boats on trailers) permitted on the property shall be one standard vehicle for every two sleeping units. All vehicle parking, maneuvering and circulation areas are to be suitably constructed and marked to the specification and satisfaction of Council Officers;*
- 12. Laundry, sanitary and ablution facilities shall be provided or accessible within the lot;*

13. *The temporary workers accommodation land use shall not prejudice the amenity of the pastoral station;*
14. *A Management Statement and Occupant Rules of Conduct shall be prepared in accordance with Policy 6.13 and clearly displayed in all structures at all times;*
15. *The applicant is required to submit an application to construct or install an apparatus for the treatment of sewerage;*
16. *The applicant is required to submit an application for a lodging house;*
17. *The applicant is required to submit an application for registration of a commercial kitchen;*
18. *The applicant is required to install an apparatus to disinfect water supply to the commercial kitchen and shall be to the approval standard of the Shire of Exmouth Environmental Health Officer;*
19. *If in the opinion of Council the approved use causes a nuisance or annoyance 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 withdraw its approval;*
20. *The temporary workers accommodation approval is valid for a maximum period of two (2) years from 24 April 2015 until 24 April 2017;*
21. *All structures shall not be used as Temporary Workers Accommodation after the approval period has lapsed;*
22. *The development having external colours consistent with Council's Policy (6.2) Colour Palette for Developments (attached);*
23. *Storm water being managed on site and/or discharged into the Shire's road drainage system, in accordance with Council Policy, the Building Code of Australia and to satisfaction of Council Officers;*
24. *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;*
25. *Any substantial variation from the approved plans contained herein requires a separate planning approval. Should your plans for a building permit differ from these plans, a building permit may not be issued until such time as fresh planning approval is granted; and*
26. *The approval granted is valid up to two (2) years from the date of this approval. Should the development approved not substantially commence within this time, the approval will lapse.*

Advice

- i). *Prior to any construction, the applicant being required to obtain a building permit approval from the Shire of Exmouth. The Shire of Exmouth Building Surveyor can be contacted on 9949 3000.*
- ii). *No directional signs are permitted.*
- iii). *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 six (6) persons. This includes no more than three (3)

persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

Schedule 1: Allowable Occupants: Accommodation Complex West, Bullara Pastoral Station, Lyndon Location 166, Exmouth

Bedroom 1: Total floor space: 12.71m², Approximate Air Space: 30.52m³
Allowable occupants: 2 adults **OR** 1 adult and 2 children **OR** 3 children

Bedroom 2: Total floor space: 10.66m², Approximate Air Space: 25.58m³
Allowable occupants: 1 adults **OR** 1 adult and 1 children **OR** 3 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.

- iv). *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.*
- v). *Should this 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:-*
 - *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;*
 - *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*
- vi). *The approval granted is not to be construed as approval granted under the Building Act 2011, Building Regulations 2012 or any other relevant statutory approval.*
- vii). *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 – 15-1214 – 11.6.4

Moved Councillor Todd, Seconded Councillor Winzer.

That Council grant planning approval for holiday accommodation (accommodation complex west) and grant temporary planning approval for temporary workers accommodation (accommodation complex east) upon Lyndon Location 166, Bullara Pastoral Station subject to the following conditions;

- 1. The development being carried out in accordance with the Shire of Exmouth Town Planning Scheme No. 3 and the approved plans (PA187/14);***

Holiday Accommodation (Accommodation Complex West)

- 2. The maximum number of overnight occupants allowed within the development at the same time shall be six (6) persons. This includes no more than three (3) 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 Policy 6.12: Holiday Accommodation;***

3. *A Management Statement and Occupant Rules of Conduct shall be prepared in accordance with Policy 6.12: Holiday Accommodation and clearly displayed within the development at all times;*
4. *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.*
5. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
6. *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;*
7. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighbouring 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;*
8. *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;*
9. *Accommodation Complex West shall not be constructed or used without the prior approval of the Pastoral Lands Board for Western Australia;*
10. *The Holiday Accommodation 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.*

Temporary Workers Accommodation (Accommodation Complex East)

11. *The maximum number of occupants vehicles and trailers (including boats on trailers) permitted on the property shall be one standard vehicle for every two sleeping units. All vehicle parking, maneuvering and circulation areas are to be suitably constructed and marked to the specification and satisfaction of Council Officers;*
12. *Laundry, sanitary and ablution facilities shall be provided or accessible within the lot;*
13. *The temporary workers accommodation land use shall not prejudice the amenity of the pastoral station;*
14. *A Management Statement and Occupant Rules of Conduct shall be prepared in accordance with Policy 6.13 and clearly displayed in all structures at all times;*
15. *The applicant is required to submit an application to construct or install an apparatus for the treatment of sewerage;*
16. *The applicant is required to submit an application for a lodging house;*
17. *The applicant is required to submit an application for registration of a commercial kitchen;*
18. *The applicant is required to install an apparatus to disinfect water supply to the commercial kitchen and shall be to the approval standard of the Shire of Exmouth Environmental Health Officer;*

19. *If in the opinion of Council the approved use causes a nuisance or annoyance 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 withdraw its approval;*
20. *The temporary workers accommodation approval is valid for a maximum period of two (2) years from 24 April 2015 until 24 April 2017;*
21. *All structures shall not be used as Temporary Workers Accommodation after the approval period has lapsed;*
22. *The development having external colours consistent with Council's Policy (6.2) Colour Palette for Developments (attached);*
23. *Storm water being managed on site and/or discharged into the Shire's road drainage system, in accordance with Council Policy, the Building Code of Australia and to satisfaction of Council Officers;*
24. *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;*
25. *Any substantial variation from the approved plans contained herein requires a separate planning approval. Should your plans for a building permit differ from these plans, a building permit may not be issued until such time as fresh planning approval is granted; and*
26. *The approval granted is valid up to two (2) years from the date of this approval. Should the development approved not substantially commence within this time, the approval will lapse.*

Advice

- i). *Prior to any construction, the applicant being required to obtain a building permit approval from the Shire of Exmouth. The Shire of Exmouth Building Surveyor can be contacted on 9949 3000.*
- ii). *No directional signs are permitted.*
- iii). *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 six (6) persons. This includes no more than three (3) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

Schedule 1: Allowable Occupants: Accommodation Complex West, Bullara Pastoral Station, Lyndon Location 166, Exmouth

Bedroom 1: Total floor space: 12.71m², Approximate Air Space: 30.52m³
 Allowable occupants: 2 adults **OR** 1 adult and 2 children **OR** 3 children

Bedroom 2: Total floor space: 10.66m², Approximate Air Space: 25.58m³
 Allowable occupants: 1 adults **OR** 1 adult and 1 children **OR** 3 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.

- iv). *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.*
- v). *Should this 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:-*
 - *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;*
 - *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*
- vi). *The approval granted is not to be construed as approval granted under the Building Act 2011, Building Regulations 2012 or any other relevant statutory approval.*
- vii). *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

11.6.5 Outbuilding – Lot 631 (6) Fletcher Street, Exmouth

Location: Lot 631 (6) Fletcher Street, Exmouth
 Applicant: Wayne Finlay
 File Reference: A572 (PA186/14)
 Disclosure of Interest: Nil
 Date: 8 December 2014
 Author: A/Executive Manager Town Planning, James Trimble
 Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends that Council grant conditional planning approval for an Outbuilding upon Lot 631 (6) Fletcher Street, Exmouth.

BACKGROUND

The subject lot has an existing dwelling, is approximately 911m² in area and zoned Residential R17.5 in the Scheme. The applicant proposes a 54m² outbuilding with a nil rear setback and 0.9m setback from the side boundary. Council determination is required as the proposed nil rear setback varies the provisions of the Shire's Outbuilding's Policy. The aerial image below identifies Lot 631 (6) Fletcher Street where the proponent seeks planning approval for an Outbuilding (refer *Attachment 5*).



Lot 631 (6) Fletcher Street, Exmouth

COMMENT

The proposal has been assessed under the Shire of Exmouth Town Planning Scheme No. 3 (Scheme), Western Australian Residential Design Codes (R-Codes); and Policy 6.6: Outbuildings. Under the Scheme, the subject site is zoned Residential R17.5 and it's considered that the proposed outbuilding subject to this planning application is consistent with the zone objectives.

The application varies the provisions of the Shire's adopted Outbuildings Policy with a nil rear setback in lieu of 1m, therefore Council determination is required.

The proposed Outbuilding meets the siting and design requirements of all other aspects of the Shire's Outbuildings Policy. The outbuilding is sited at the rear of the lot and will abut the rear boundary of Lot 636 (5) Stokes Hughes Street and UCL Lot 630 which is reserved for drainage purposes. The proposed outbuilding has minimal impact on both the streetscape and adjoining properties.

Having regard to the above, officer recommends that the Council grant conditional planning approval for the outbuilding for the following reasons:

1. The nil rear setback is considered negligible and does not conflict with the intent of the provision which is to not detract from the streetscape or the visual amenity of residents or neighbouring properties;
2. The Outbuilding complies with all other requirements of the Shires Outbuilding Policy; and
3. No objections have been received from neighbouring properties.

CONSULTATION

In accordance with the requirements of the Scheme adjoining impacted neighbours were invited to comment on the proposal from **Thursday 20 November 2014 to Thursday 11 December 2014** for a period of 21 days. A summary is tabled below:

Property	Response	Officer Comment
Lot 636 (5) Stokes Hughes St	Yes, Do not object	Nil

STATUTORY ENVIRONMENT

Planning and Development Act 2005
Town Planning Scheme No. 3
Residential Design Codes WA

POLICY IMPLICATIONS

Policy 6.2: Colour Palette for Developments
Policy 6.6: Outbuildings

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.

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 3.4: 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 – 11.6.5

That Council grant planning approval for an Outbuilding upon Lot 631 (6) Fletcher Street, Exmouth subject to the following conditions;

- 1. The development being carried out in accordance with the Shire of Exmouth Town Planning Scheme No. 3 and the approved amended plans (PA186/14);*
- 2. The external cladding of the outbuilding to be consistent with Council Policy 6.2 – Colour Palette for Developments;*
- 3. The outbuilding shall have a nil rear setback and a minimum 900mm side boundary setback;*
- 4. The outbuilding shall not be used for habitable purposes;*
- 5. Zincalume shall not be used as a building material;*
- 6. Concrete footings shall not encroach beyond the limits of the site;*
- 7. Storm water being managed on site and/or discharged into the Shire's road drainage system, in accordance with Council Policy, the Building Code of Australia and to satisfaction of Council Officers;*
- 8. Vehicle crossovers between the road carriageway and the property boundary being in accordance with Council Policy and the Residential Design Codes of Western Australia. Formed driveways shall be setback a minimum of 0.5m from the side boundary;*
- 9. 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;*
- 10. 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; and*
- 11. 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). The adjacent Unallocated Crown Land, Lot 630 on Plan P172488 is reserved for drainage purposes and shall not be used for vehicle access.*
- ii). Prior to any construction, the applicant being required to obtain a building permit approval from the Shire of Exmouth.*
- 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.*
- iv). This approval is not an authority to ignore any constraint to development on the land, which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the*

applicant and not the Shire to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire's attention.

- v). In accordance with Shire of Exmouth Local Laws a person shall not park a service vehicle, commercial vehicle or trailer on a street verge for more than 4 hours consecutively or on a street verge for the purpose of repairing, servicing or cleaning that vehicle.*
- vi). 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 – 16-1214 – 11.6.5
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Moved Councillor McHutchison, Seconded Councillor Hood.

That Council grant planning approval for an Outbuilding upon Lot 631 (6) Fletcher Street, Exmouth subject to the following conditions;

- 1. The development being carried out in accordance with the Shire of Exmouth Town Planning Scheme No. 3 and the approved amended plans (PA186/14);***
- 2. The external cladding of the outbuilding to be consistent with Council Policy 6.2 – Colour Palette for Developments;***
- 3. The outbuilding shall have a nil rear setback and a minimum 900mm side boundary setback;***
- 4. The outbuilding shall not be used for habitable purposes;***
- 5. Zincalume shall not be used as a building material;***
- 6. Concrete footings shall not encroach beyond the limits of the site;***
- 7. Storm water being managed on site and/or discharged into the Shire's road drainage system, in accordance with Council Policy, the Building Code of Australia and to satisfaction of Council Officers;***
- 8. Vehicle crossovers between the road carriageway and the property boundary being in accordance with Council Policy and the Residential Design Codes of Western Australia. Formed driveways shall be setback a minimum of 0.5m from the side boundary;***
- 9. 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;***
- 10. 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; and***
- 11. 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). The adjacent Unallocated Crown Land, Lot 630 on Plan P172488 is reserved for drainage purposes and shall not be used for vehicle access.***
- ii). Prior to any construction, the applicant being required to obtain a building permit approval from the Shire of Exmouth.***

- 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.*
- iv). *This approval is not an authority to ignore any constraint to development on the land, which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and not the Shire to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire's attention.*
- v). *In accordance with Shire of Exmouth Local Laws a person shall not park a service vehicle, commercial vehicle or trailer on a street verge for more than 4 hours consecutively or on a street verge for the purpose of repairing, servicing or cleaning that vehicle.*
- vi). *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 4/1

Councillor Winzer voted against

11. REPORTS OF OFFICERS

11.6 Executive Manager Town Planning

11.6.6 Final Adoption Dogs Local Law

Location:	Exmouth
Applicant:	Nil
File Reference:	LE.LO.4
Disclosure of Interest:	Nil
Date:	9 December 2014
Author:	A/Executive Manager Town Planning, James Trimble
Signature of Author:	

Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends that the Council of the Shire of Exmouth revoke Council Decision – 20-1114 – 11.6.5 from the November Ordinary Council Meeting and adopt the Shire of Exmouth Dogs Amendment Local Law (refer *Attachment 6*).

BACKGROUND

Local governments are able to make local laws about dogs under s49 of the Dog Act 1976. The Act is prescriptive, in that it limits those matters about which local laws can be made. Most matter relating to the keeping of dogs are dealt with by the Act itself and its associated Regulations, with relatively minor issues to be dealt with by local laws.

The Act and Regulations were amended in October 2013, and had the effect of requiring a consequential change to the Shire's Dogs Local Law in relation to how areas where dogs are prohibited absolutely are established, and where dogs can be exercised off lead:

- Under s31(2B) of the Act local governments can now stipulate places where dogs to be prohibited absolutely from being in, entering or being in by giving local public comment for a period of at least 28 days and considering the results.
- Similarly, pursuant to s31 (3A) of the Act the Shire can designate or amend off leash exercise areas in a similar fashion.

It is not proposed to change these areas at present and community consultation will be undertaken to establish these areas in the coming months.

There are a number of minor amendments and corrections also required, and as modified penalties in the local law have not been amended for some time, the Shire should take the opportunity to do so.

At its meeting held on 18 August 2014, Council Decision – 15-0814 – 11.6.2 resolved to adopt a draft Dogs Amendment Local Law dealing with these matters, and advertise it for public comment. A copy of the proposed local law was also sent to the Minister for Local Government as required by s3.12 of the Local Government Act 1995.

At its meeting held on 20 November 2014, Council Decision – 20-1114 – 11.6.5 resolved to adopt the Dogs Amendment Local Law 2014. An incorrect version of the local law was attached to that meeting and as such Council resolved to adopt the incorrect version of the local law. Council will need to revoke the above decision and resolve to adopt the correct version of the local law.

COMMENT

No comments were received from the public. The Department of Local Government and Communities, which deals with local law issues on the Minister's behalf made some minor suggestions in relation to the

formatting of the amendment local law, and requested that Clause 2.4 be (which made it an offence to break into a pound) be deleted as this issue is now dealt with in the Dog Act, and similarly the associated modified penalties in Schedule 3 also be deleted.

Other than these minor changes, no other changes are required to the draft local law, which can now be adopted.

The amendments will come into effect on their publication in the Government Gazette, and will be subject to scrutiny and review by the Parliamentary Joint Standing Committee on Delegated Legislation.

CONSULTATION

Section 3.12(3) of the Act requires the local government to give State-wide and local public notice stating that it proposes to make a local law, the purpose and effect of which is summarized in the notice for a period of 6 weeks after it first appears.

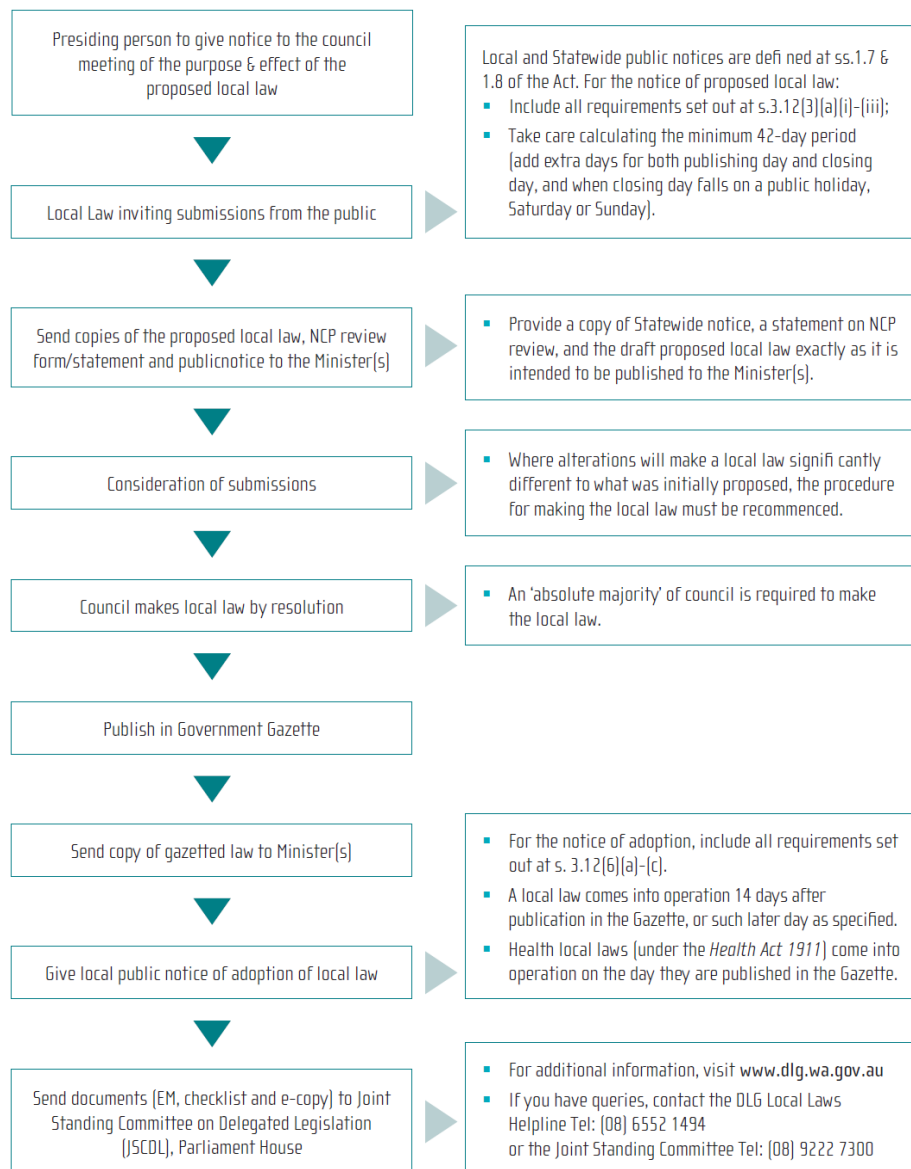
An advertisement calling for submissions was published on 30 August 2014, closing on 20 October 2014. After Gazettal, the Shire must also publish a further notice advising when the amendment local law is to come into effect.

STATUTORY ENVIRONMENT

Section 49 of the Dog Act specifies that local laws to regulate dogs are to be made in accordance with the process set out by sections 3.11 to 3.17 of the Local Government Act 1995.

Section 3.12 of the Local Government Act and Regulation 3 of the Local Government (Functions & General) Regulations 1996 set out the procedural requirements to amend a local law, and which are the same as that required for the making of a local law.

A summary of s3.12 is:



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

Absolute Majority

OFFICER'S RECOMMENDATION – 11.6.6

That Council revoke Council Decision – 20-1114 – 11.6.5 from the November Ordinary Council Meeting.

COUNCIL DECISION – 17-1214 – 11.6.6

Moved Councillor Todd, Seconded Councillor McHutchison.

That Council revoke Council Decision – 20-1114 – 11.6.5 from the November Ordinary Council Meeting.

CARRIED by ABSOLUTE MAJORITY 5/0

OFFICER'S RECOMMENDATION – 11.6.6

That Council:

1. *In accordance with section 3.12(4) of the Local Government Act 1995, adopt the Shire of Exmouth Dogs Amendment Local Law 2014 as attached (refer Attachment 8);*
2. *In accordance with s3.12(5) of the Local Government Act 1995, the local law be published in the Government Gazette and a copy sent to the Minister for Local Government;*
3. *In accordance with s3.12(6) of the Local Government Act 1995, give local public notice —*
 - a) *Stating the title of the local law;*
 - b) *Summarising the purpose and effect of the local law (specifying the day in which it comes into operation); and*
 - c) *Advising that copies of the local law may be inspected or obtained from the Shire office.*
4. *In accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010, a copy of the local law and a duly completed explanatory memorandum signed by the President and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation within 10 working days of Gazettal.*

COUNCIL DECISION – 18-1214 – 11.6.6

Moved Councillor Winzer, Seconded Councillor Todd.

That Council:

1. *In accordance with section 3.12(4) of the Local Government Act 1995, adopt the Shire of Exmouth Dogs Amendment Local Law 2014 as attached (refer Attachment 8);*
2. *In accordance with s3.12(5) of the Local Government Act 1995, the local law be published in the Government Gazette and a copy sent to the Minister for Local Government;*
3. *In accordance with s3.12(6) of the Local Government Act 1995, give local public notice —*
 - a) *Stating the title of the local law;*
 - b) *Summarising the purpose and effect of the local law (specifying the day in which it comes into operation); and*
 - c) *Advising that copies of the local law may be inspected or obtained from the Shire office.*
4. *In accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010, a copy of the local law and a duly completed explanatory memorandum signed by the President and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation within 10 working days of Gazettal.*

CARRIED by ABSOLUTE MAJORITY 5/0

11. REPORTS OF OFFICERS

11.6 Executive Manager Town Planning

11.6.7 Request to Keep Three (3) Dogs

Location:	Lot 50 (21) Learmonth Street, Exmouth
Applicant:	Johannes Grobbelaar
File Reference:	LE.RE.6
Disclosure of Interest:	Nil
Date:	9 December 2014
Author:	A/Executive Manager Town Planning, James Trimble

Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends Council approve an application to keep 3 dogs at Lot 50 (21) Learmonth Street, Exmouth subject to conditions.

BACKGROUND

Council is in receipt of an application to keep more than 3 dogs at 21 Learmonth Street, Exmouth (refer *Attachment 7*).

COMMENT

Policy 4.9 – Multiple Dogs was adopted 15 November 2012 seeks to ensure that multiple dog applications are treated in a fair and consistent manner having regard to other relevant Acts, Regulations, Local Laws and not to create disharmony in the immediate neighbourhood due to problems that could occur through having multiple dogs on a single property.

The Policy does not generally allow more than 2 dogs on a property unless the property has sufficient open space capable of housing a 3rd dog or the 3rd dog is to replace another dog which is likely to die within the next 12 months.

In accordance with Council Policy 4.9, the Chief Executive Officer is the delegated authority where the applications meet all the requirements of the policy, the Shire of Exmouth Dogs Local Law and no written objection has been received from adjoining properties. Any application not considered to fall within the delegation parameters defined in Section 9 of the Policy will be referred to Council.

There is no record that any of the dogs have breached any section of the Dog Act 1976 and the Shire of Exmouth Dog Local Law. An inspection of the property by a Council Officer noted that the property has sufficient open space and fencing suitable to house and contain more than 2 dogs.

All dogs are registered with Council as follows:

- Sheba: Registration Number 1500020. A sterilised female Chihuahua which is microchipped and owned by Herdina Grobbelaar;
- Charlie Brown: Registration Number 1600308. A sterilised male Chihuahua which is microchipped and owned by Johannes Grobbelaar; and
- Doma: Registration Number 1700021. A sterilised female Jack Russell which is not microchipped and owned by Hans Grobbelaar.

CONSULTATION

In accordance with Council Policy, all adjoining landowners have been given the opportunity to object to the application.

One objection was received by a neighboring resident who has advised that the dogs at 21 Learmonth Street bark incessantly for long periods and for no apparent reason when outside, including during the night.

No other objections were received, however other comments received from other neighbours reported that the dogs bark during the night and requested the applicant control the nuisance caused by barking.

A search of Council records shows that no formal complaints have been received by Council regarding the applicant's dogs and the above objection and comments would be the first complaints regarding the nuisance caused by barking.

STATUTORY ENVIRONMENT

Dog Act 1976

Shire of Exmouth Dog Local Law

POLICY IMPLICATIONS

Policy 4.9 – Multiple Dogs

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 – 11.6.7

That Council approves the application to keep three dogs at Lot 50 (21) Learmonth Street, Exmouth, subject to the following conditions:

1. *All dogs must be registered at all times;*
2. *All dogs must be adequately confined to the property at all times;*
3. *Any breach of the Dog Act 1976 may result in the approval being withdrawn;*
4. *The approval is subject to a 12 month review;*
5. *The approval relates only to Lot 50 (21) Learmonth Street, Exmouth and*
6. *In the event that one or more of the dogs in question for any reason no longer resides at Lot 50 (21) Learmonth Street, Exmouth, the approval to keep 3 dogs will be withdrawn.*

COUNCIL MOTION – 11.6.7

Moved Councillor Todd.

That an amendment be made to the Officers resolution to include a clause that the applicant must keep their dogs inside at night.

Councillor Todd failed to receive a seconder in support of his motion.

MOTION LOST

COUNCIL DECISION – 19-1214 – 11.6.7

Moved Councillor McHutchison, Seconded Councillor Winzer.

That Council approves the application to keep three dogs at Lot 50 (21) Learmonth Street, Exmouth, subject to the following conditions:

- 1. All dogs must be registered at all times;*
- 2. All dogs must be adequately confined to the property at all times;*
- 3. Any breach of the Dog Act 1976 may result in the approval being withdrawn;*
- 4. The approval is subject to a 12 month review;*
- 5. The approval relates only to Lot 50 (21) Learmonth Street, Exmouth and*
- 6. In the event that one or more of the dogs in question for any reason no longer resides at Lot 50 (21) Learmonth Street, Exmouth, the approval to keep 3 dogs will be withdrawn.*

CARRIED 4/1

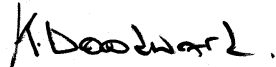
Councillor Todd voted against

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: 9 December 2014
 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

Construction Program 2014/2015

The Engineering Services Project Status Schedule 2014/2015 provides an overview of the project start, progress and completion dates.

It is important to note that staffing levels, contractor availability, private works and environmental conditions such as cyclone/floods influence the project timeframes.

Table 1	Start Date	Completion Date	% Complete	Budget
Engineering Services 2013-2014	1/07/2014	30/06/2015		\$8,427,063.05
Learmonth (Storm Damage)	1/09/2014	4/09/2014	100%	\$10,809.53
Exmouth Aerodrome	8/09/2014	12/09/2014	100%	\$14,978.56
Fire Breaks	15/09/2014	22/09/2014	100%	\$11,239.04
Town Street (Town Centre Opening)	22/09/2014	21/10/2014	100%	\$16,471.00
Charles Knife Road	21/10/2014	3/12/2014	97%	\$199,560.30
Cyclone Verge Clean-up	3/11/2014	17/11/2014	100%	\$15,643.20
Ningaloo Access Road	31/10/2014	21/11/2014	100%	\$44,331.57
Murat Road	25/11/2014	8/12/2014	90%	\$503,779.10
Yardie Creek Road-Beach Accesses	8/12/2014	25/12/2014	5%	\$275,309.20
Learmonth Jetty	6/01/2015	21/01/2015	0%	\$57,400.00
Urban Storm Water	20/01/2015	5/02/2015	0%	\$0.00
Gravel Rural	5/02/2015	23/02/2015	0%	\$0.00
Town Streets	23/02/2015	11/03/2015	0%	\$0.00
Murat Rd & Pool Carpark Street Trees, Oval Fencing, Maidstone Islands	20/10/2014	13/04/2015	0%	\$212,576.76
Exmouth Aerodrome	21/04/2015	10/06/2015	0%	\$34,964.80
				\$1,397,063.05

Projects	15/09/2014	30/06/2015		
Kennedy Street Mall	15/09/2014	26/09/2014	100%	\$130,000.00
LIA/Reid Street Flood Mitigation	27/01/2015	6/05/2015	0%	\$1,500,000.00
Dredging Tantabiddi	1/12/2014	16/12/2014	0%	\$400,000.00
April 2014 WANDRRA	16/09/2014	30/06/2015	90%	\$5,000,000.00
WANDRRA Bitumen and Stone	1/12/2014	8/12/2014	100%	\$0.00
DPaW Bitumen and Stone	1/12/2014	8/12/2014	100%	\$0.00
Main Roads projects	1/9/2014	2/12/14	100%	
				\$7,030,000.00

COMMENT

Nil

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

As per Shire 2014/2015 Budget

STRATEGIC IMPLICATIONSEconomic

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

- Outcome 1.5: Maintain & Improve Shire Infrastructure

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 3.2: Excellent lifestyle, recreational and cultural facilities.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.7.1*That Council receives the Executive Manager Engineering Services Report for the month of December 2014.***COUNCIL DECISION – 20-1214 – 11.7.1**

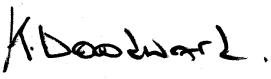
Moved Councillor McHutchison, Seconded Councillor Hood.

*That Council receives the Executive Manager Engineering Services Report for the month of December 2014.***CARRIED 5/0**

11. REPORTS OF OFFICERS

11.7 Executive Manager Engineering Services

11.7.2 Tantabiddi Boat Ramp Dredging

Location:	Exmouth
Applicant:	Keith Woodward
File Reference:	TT.MA.BR
Disclosure of Interest:	Nil
Date:	9 December 2014
Author:	Executive Manager Engineering Services, Keith Woodward
Signature of Author:	

Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends that the Council approve the following regarding the dredging at Tantabiddi Boat Ramp:

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; 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.

BACKGROUND

On 26 April 2014, a heavy rainfall event was caused by the passage of a surface trough over the west of the State. Anecdotal evidence suggests that as much as 400mm may have fallen in the Cape Range area to the West of Exmouth. Exmouth recorded 206mm in the 24-hour period to 9am on 27 April 2014. The creek adjacent to the Tantabiddi boat ramp burst through the sand dune resulting in the undermining of the rock armour on the southern side of the ramp and the deposition of sand in front of and adjacent to the ramp. The sand shoal comprises of approximately 3,600 m³ which is still present offshore from the ramp - the majority of which is outside the reach of land based plant including a long reach excavator. The dredging volume is 3,600 m³ which will be dredged, pumped and deposited on the beach to the north of the Tantabiddi boat ramp assisting in the accretion of sand to the north.

In addition to the formation of the sand shoal the rock armour on the southern side of the boat ramp manoeuvring area has been undermined as a result of the scouring caused by the creek flow. It is recommended that additional armour is placed along the toe of the manoeuvring area.

The cost to remove the sand shoal is estimated at \$540,582 and to repair the revetment \$51,150.

The Hon. Dean Nalder, MLA Minister for Transport, Finance and the Department of Transport advised the Shire that the Tantabiddi dredging project could be managed through the Department of Transport Recreational Boating Facility Scheme (RBFS) Round 19 with special ministerial approval to facilitate expedient approval.

The RBFS Round 19 Dredging application has been submitted and should the Shire's application be successful our contribution towards the dredging and revetment works will be \$147,993 (refer *Attachment I*).

The following project planning activities have been completed:

- Pre: Hydrographical survey obtained
- Post: Hydrographical flood deposit survey completed
- RBFS Round 19 funding works submission submitted
- The formulation of the dredging Environmental Management Plans completed
- The Marines Parks and Reserves Authority application submitted
- Tender specification and tender documents formulated
- Project cost established
- Potential dredge sourced and available in December 2014 / January 2015 (CGC Dredging)

To provide Council with an overview of the dredging project please note the following facts:

Introduction

The Shire is proposing to use a small bucket wheel dredger to remove an accumulation of sand that was deposited in the vicinity of the Tantabiddi Boat Ramp during a severe rainfall event in 2014.

Background

The severe rainfall event in 2014 caused Tantabiddi Creek (adjacent to the Tantabiddi Boat Ramp) to burst through the coastal sand dune, resulting in the undermining of the rock armour on the southern side of the ramp and the deposition of sand in front of and adjacent to the ramp. The boat ramp is currently acting as a barrier to the natural process of sand movement from south to north along the coastline. The Shire of Exmouth has already removed approximately 1,500 m³ of sand (visual estimate only) using an excavator in order to make the ramp useable. This sand has been stockpiled on the overflow parking area to the north of the boat ramp. A recent survey shows that approximately 3,500 m³ of deposited sand remains within the ramp area; this reduces the depth available for safe navigation. Much of this remaining accumulation is beyond the reach of a long reach excavator.

Activity Location and Tenure

The Tantabiddi Boat Ramp is a major boat launching facility for the northern part of Ningaloo Marine Park and is located in a WA State miscellaneous reserve. The miscellaneous reserve is vested with the Shire of Exmouth and the (former) WA Department of Conservation and Land Management (now the Department of Parks and Wildlife [DPAW]). The boat ramp is also partially located within the Jurabi Coastal Park. In addition, the Ningaloo Coast World Heritage Area extends over the entire project area and is managed by the Commonwealth Department of the Environment (DoE).

Activity Summary

In order to restore the navigable depths at the Tantabiddi Boat Ramp it is proposed to undertake mechanical sand bypassing whereby the accumulation of sand will be used to renourish the beach immediately to the north of the boat ramp.

The accumulation of 3,500 m³ of sand will be removed from an area of approximately 14,000 m² by a small floating bucket wheel dredge vessel. An example of this type of dredger is depicted in photo 1. The average depth of excavation will be less than 1 m. Mobilisation of the dredge vessel is proposed to be by low loader truck via the existing boat ramp; positioning and movement of the dredge is by spuds and anchors. The dredge vessel will be anchored within nearshore waters over the duration of this activity. Lighting will be required on the vessel for safety and navigational purposes.

The accumulated sediment will be transferred to the adjacent beach location via a small submerged pipe. Ocean water taken *in situ* will be used to create the sediment slurry. All equipment will be stored in the adjacent car park; fuel will be stored in a locked bunded container in the car park. The proposed works will also include the removal of rocks that have washed into the area by the storm event and have become a safety hazard.

Timing

The sand bypassing activity is planned to commence in January/February 2015. As most of the proposed dredging entails shallow cuts, productivity will be at the lower end, with a maximum of 350 m³ of material dredged per day. Due to this low productivity, the proposed works will take up to 10 weeks to complete.



Photo 1: Typical Bucket Wheel Dredger

Existing environment

Ningaloo Reef is the largest fringing reef in Australia; it is recognised as an area of high biodiversity with over 200 coral species, 600 different molluscs and 500 tropical fish species inhabiting the 300 km long reef. Ningaloo is also an important feeding and breeding area for conservation of significant marine species such as manta rays, sea turtles, dugongs, whale sharks, sea birds and several different cetaceans such as humpback and southern right whales. In order to preserve its extraordinary ecological and social values, Ningaloo has been declared a Marine Park, protected under the DPaW Ningaloo Marine Park Management Plan. The Ningaloo Coast has also been declared a World Heritage Area for containing important and significant habitats for conservation of biological diversity, superlative natural phenomena, areas of exceptional natural beauty and aesthetic importance, and significant geomorphic features.

The Tantabiddi boat ramp is located within the Ningaloo Marine Park and World Heritage Area and it is likely that some of the significant marine species that occur in the region may also occur near or within the project area; these species include rays, dugongs and dolphins.

According to the DoE Conservation Values Atlas, the project area is considered to contain biologically important areas for the following species that are listed under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) :

- foraging area for dugongs on areas of high density seagrass beds
- inter-nesting area for green, loggerhead, hawksbill and flatback turtles
- breeding area for fairy wrens
- breeding and foraging area for wedge-tailed shearwater
- breeding and calving area for humpback whales, however it is unlikely that whales would be found in the shallow nearshore waters surrounding the boat ramp.

The benthic habitat within the project area comprises predominantly areas of sparse macroalgae with limestone pavement and patches of sand. The benthic habitat within the project area is likely to have been smothered by the sediment deposited during the storm event.

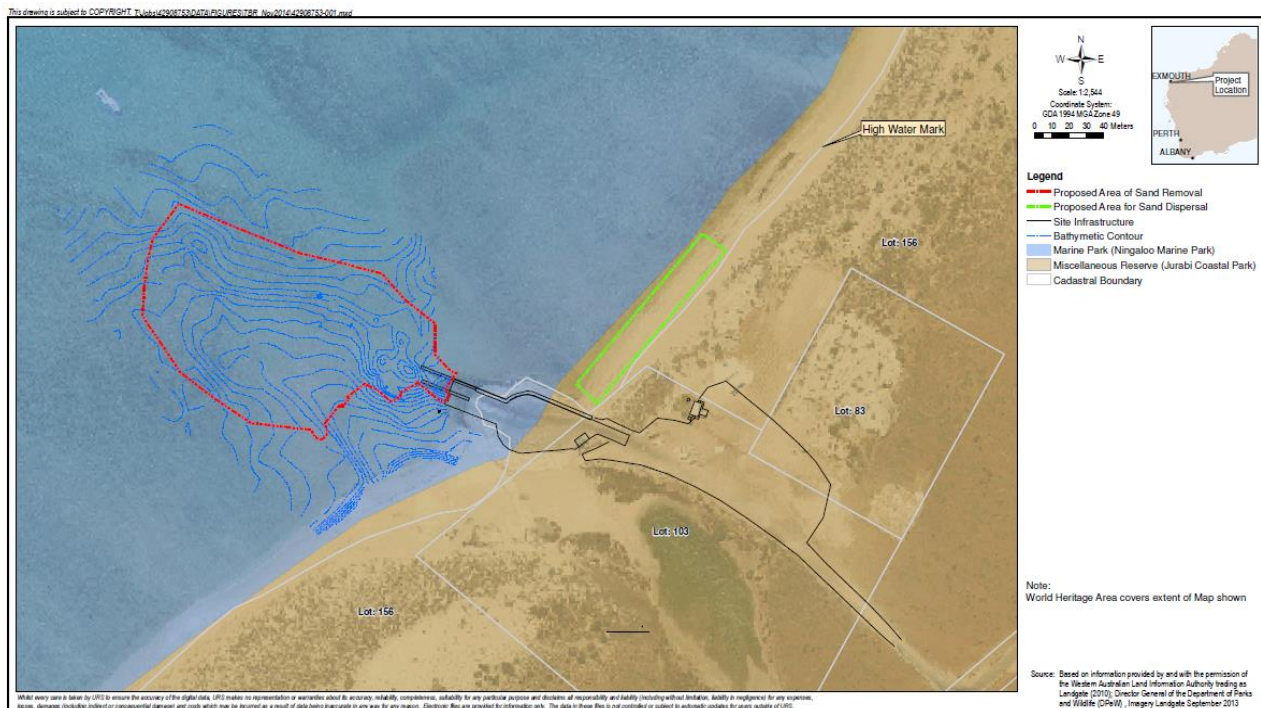
The sediment and water quality is likely to be relatively pristine; however the area is used as a commercial and recreational boat ramp and may have some level of impact due to its regular use. The predominant littoral drift is from south to north. The boat ramp is impeding the natural process of sand movement down the beach, causing an accumulation of sand on the southern side of the ramp. Placing the clean sand that has come from the Tantabiddi Creek to the north of the boat ramp will facilitate this natural process of littoral drift to the north.

Tantabiddi boat ramp is located within the 'recreation zone' of the Ningaloo Marine Park and is very popular with the recreation boating fraternity, the whale shark operators, government agencies who use the ramp for coastal compliance related issues, research vessels and locals.

Environmental Management

A number of mitigation and management measures will be implemented during the proposed dredging works to prevent environmental impact to the Marine Park and safety impacts to visitors:

- An environmental risk assessment and environmental management plan will be prepared and approved via appropriate regulators prior to commencement of the activity.
- Fuel will be stored in a bunded and locked sea container in the adjacent car park. The sea container is fitted with an internal containment compartment designed to contain all internal spills. A spill kit will be available on site.
- Refuelling procedures will be followed and requested from the dredge contractor to prevent spills to the marine environment during bunkering activities.
- The water used to create the slurry will be ocean water taken *in situ*, and there will be no additional chemicals or additives used.
- Measures will be taken to protect marine fauna from dredge activity; including but not limited to; speed limits of the support vessel and the suspension of dredging operations if protected marine species encroach to within defined safety zones around the dredger.
- Safety lighting will be used on the dredger when anchored in nearshore waters.
- Dredging will occur during the off-peak tourist season. If required, an exclusion zone surrounding the dredge works may be marked via buoys to prevent recreational and commercial vessels from entering the area.
- A Notice to Mariners will be issued prior to the commencement of the activity.
- The pipe used to transfer the dredge material to Tantabiddi beach will be submerged to minimise impacts to boat ramp access.
- Two dredging staff will be on site at all times during the dredging activity.



Long Term Solutions

Long term solutions have been investigated.

The boat ramp presents an obstacle to longshore sediment transport and will trap sediment until such time as the “trap” is saturated and sand will bypass naturally, in doing so the end of the ramp will become shallower. In order to properly understand and quantify the sediment transport regime it would be necessary to undertake a hydrodynamic study and sediment transport modelling. Without the benefit of a comprehensive hydrodynamic and sediment transport study it would be unwise to contemplate “hard” solutions such as the construction of groynes. Therefore it is recommended that six monthly beach transect surveys of both sides of the boat ramp be undertaken for the next 2 – 3 years which will help quantify the nett sediment accumulation on the southern side of the ramp.

The accumulation of sand can be managed by mechanical bypassing using land based equipment such as excavator, loaders and trucks. The sand would be intercepted and removed from the southern side of the boat ramp effectively keeping open Tantabiddi Creek. At current market rate the annual cost of this service would be \$110,000 (refer **Attachment 2**).

The Shire may consider reserving \$130,000 to \$150,000 for dredging. These reserve funds would be used as the Shire’s RBFS 1/3 contribution. It is envisaged that the reserve fund could be built-up over 5 years.

Future dredging arrangements will be managed through the Department of Transport Recreational Boating Facility Scheme Dredging Works program. Under these arrangements it would be reasonable to expect dredging delays of 6 months associated with dredge mobilisation and the RBFS approval times.

In the metropolitan area the ‘user pays’ principle applies to many boat ramps and the associated parking. Council should consider fees and charges at Tantabiddi boat ramp to cover ongoing facility maintenance and dredging costs.

COMMENT

At this current time the only known dredge funding is available through the Department of Transport Recreational Boating Facility Scheme. The officer would suggest that approval will be given by the RBFS administrator for this project.

With Council’s support it is planned that URS will manage the tender process on behalf of the Exmouth Shire of which they will do so through the Christmas and New Year period. The officer investigated other options regarding the tender/engagement of the dredge. URS on behalf of the Shire explored dredge companies that are equipped to work this type of Tantabiddi coastal environment. URS has advised that in Western Australia the most appropriate dredge would likely be supplied by CGC Dredging who is the Department of Transport (DoT) dredging contractor. The same dredge recently worked in Carnarvon for DoT. There is provision within the Local Government Act 1995 to engage State Governments services and goods. The officer asked DoT if the Shire of Exmouth could engage CGC Dredging at the State Government Rates referencing the State Government Tender. It is envisaged that under this provision we could engage CGC for January 2015 works. The DoT advised:

“Unfortunately, the DoT Dredging Contract is not currently available to external agencies. The reason for this was made clear to DoT following a recent dredging campaign elsewhere. However this does not mean that the Shire cannot make a direct approach to our dredging contractor and seek arrangements on commercial terms. While we are always happy to assist with technical advice where we can, there is a problem in external agencies undertaking dredging works under our dredging contract. It has been discovered that the value of the external (Shire) works will affect approved DoT expenditure limits. Even though the Shire would pay for the works, the value of the works must fit within our approved expenditure limits. This means that if external works are undertaken under our contract, then the same value of internal works cannot be undertaken by DoT. And our dredging program is fully committed for the next several budget years”.

The officer did contact the Department of Local Government seeking advice on the following question: *Should the LG require specialised services only provided by one contractor can we engage without tender when the works are projected to exceed \$100,000?* The officer was advised that with Council support this

could occur only if you're able to prove categorically that no one else could provide the same service. In the absence of unfaultable proof Council could be in breach of the Local Government Act and Regulation.

The proposed dredging and revetment works for Tantabiddi boat ramp have not been included in the Shire 2014/2015 budget. Council will be requested to support the following course of action:

1. Approve unbudgeted 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 Sand Bypass Environmental Management Plan and the dredge tender (refer *Attachment 4*).

CONSULTATION

Department of Transport

Department of Local Government

Should Council approve the project, the following stakeholder engagement will be undertaken on sand bypassing activity:

- Public Council minutes December 2014, February and March 2015
- Public Notice Boards
- A fact sheet will be available on the Shire of Exmouth website
- A Notice to Mariners will be issued prior to the activity commencing.
- Meeting appointments with the local DPaW staff

STATUTORY ENVIRONMENT

Local Government Act 1995 section 3.57 and Functions and General Regulations, 11 to 24G.

POLICY IMPLICATIONS

Policy 2.10: Purchasing

Policy 2.17: Regional Price Preference

FINANCIAL IMPLICATIONS

The Recreational Boating Facilities Scheme (RBFS) is a State Government grants program administered by the Department of Transport (DoT). The RBFS provides grants to eligible authorities for the planning and construction of public boating infrastructure and dredging in Western Australia that benefit recreational boat registration fee paying vessels. The Shire has submitted a RBFS application and the overall project cost are \$591,732. It is proposed that the RBFS will fund 75% \$443,799 with 25% \$147,933 funded by the Shire.

The RBFS 25% shire contribution of \$147,933 was not included in the Shire 2014/2015 Budget. The officer will be requesting that Council approve unbudgeted dredging expenditure of \$147,993 against the Tantabiddi Boat Ramp. 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) (refer *Attachment 1*).

The planning and environmental management plan will cost \$35,000 to \$40,000 subject to potential additional conditions/reports required by the Marines Parks and Reserves Authority and the EPA. The officer is requesting retrospective expenditure approval of \$40,000 associated with the formulation of the Tantabiddi Sand Bypass Environmental Management Plan and the dredge tender. The RBFS have advised that they will not retrospectively approve planning works.

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

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 3.2: Excellent lifestyle, recreational and cultural facilities.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION – 11.7.2

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).*

COUNCIL DECISION – 21-1214 – 11.7.2

Moved Councillor Winzer, Seconded Councillor Todd.

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).*

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 – 22-1214 – ITEM 13**

Moved Councillor Todd, Seconded Councillor Winzer.

That Council accept the New Business of an Urgent Nature Items 13.1 – Dwelling and Swimming Pool – Lot 374 (20) Corella Court, Exmouth and 13.2 – Outbuilding – Lot 204 (24) Kennedy Street, Exmouth.

CARRIED 5/0

13.1 Dwelling and Swimming Pool – Lot 374 (20) Corella Court, Exmouth

Location:	Lot 374 (20) Corella Court, Exmouth
Applicant:	John and Jan Saxton
File Reference:	A1506 (PA206/14)
Disclosure of Interest:	Nil
Date:	8 December 2014
Author:	A/Executive Manager Town Planning, James Trimble
Signature of Author:	

Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends Council grant conditional planning approval for a dwelling and swimming pool upon Lot 374 (20) Corella Court, Exmouth.

BACKGROUND

The subject lot received planning approval for a jetty from Council at its Ordinary meeting held in October 2013. Construction of the jetty has substantially commenced. The remainder of the lot is vacant, is approximately 906m² in area and zoned Marina in the Scheme. The area has an Outline Development Plan which identifies the lot within 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 374 (20) Corella Court where the proponent seeks planning approval for a dwelling and swimming pool (refer *Attachment 1*).



Lot 374 (20) Corella Court, Exmouth

COMMENT

The development has been assessed against the Shire of Exmouth Town Planning Scheme No. 3, Policy 6.16: Design Guidelines for Exmouth Village Precinct A and the R-Codes where the provisions of Policy 6.16 are silent. A dwelling within the Marina Zone is a 'P' use, meaning the use is permitted. The Exmouth Marina Precinct A Detailed Design Guidelines identifies the subject land as within the Canal lots.

Policy 6.16 objectives seek to:

- *To ensure a consistently high standard of development is maintained within the Marina Village with quality dwelling elevations that highlight and provide visual interest to the detail and scale of the design, and positively contribute to the streetscape and canal environment;*
- *To facilitate a harmonious and attractive living environment which can be appreciated by both residents of the Precinct and the wider community;*
- *To promote high quality and attractive dwellings with a consistency of more uniformed setbacks while allowing flexibility for innovative design.*

The application varies the provisions of Policy 6.16 with:

- 1.5m side setback in the conditional development area in lieu of 3.75m; and
- 1.85m high retaining wall in lieu of 0.75m.

Over Height Retaining Wall

The applicant is proposing a 1.85m high retaining wall in lieu of 0.75m in accordance with the provisions of Policy 6.16. The proposed 1.85m retaining wall is setback 6m from the canal side of the secondary retaining wall. The retaining wall is considered to have minimal visual impact from adjoining properties as it only extends for a portion of the width of the lot. Further the applicant is proposing landscaping between the retaining walls thereby reducing visual impact from the canal waterway. The setback of the over height retaining wall from the canal waterway meets the objective of the Policy which provides for a 0.75m high retaining wall every 2m within the CDA. Colours of the retaining wall shall be consistent with the adopted colour palette.

Reduced Side Setback of Pool Area in the CDA

The applicant is proposing to have portion of the alfresco area which is 5.35m AHD setback 1.5m from the side boundary in lieu of 3.75m as required in Policy 6.16: Design Guidelines Precinct A.

The reduced side setback in the CDA is recommended for approval as:

1. Fencing and balustrades can be controlled through conditions to ensure view corridors from adjoining properties are maintained;
2. The alfresco is entirely open on all sides;
3. It creates more useable area within the Conditional Development Area; and
4. Land at 5.35m AHD is setback from the canal waterway in accordance with the Design Guidelines.

Considering the above officer recommends that Council grant conditional planning approval for a dwelling and swimming pool upon Lot 374 (20) Corella Court, Exmouth.

CONSULTATION

In accordance with the requirements of Policy 6.16 adjoining neighbours were invited to comment on the proposal from Wednesday 3 December 2014 to Wednesday 17 December 2014 for a period of 14 days. A summary is tabled below:

Address	Received	Officer Comment
Lot 375 (22) Corella Court	Nil	Nil
Lot 373 (18) Corella Court	Nil	Nil
The Resident – Lot 375 (22) Corella Court	Nil	Nil

STATUTORY ENVIRONMENT

Exmouth Town Planning Scheme No.3
 Planning and Development Act 2005
 Residential Design Codes of Western Australia

POLICY IMPLICATIONS

Policy 6.2: Colour Palette for Developments
 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.

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.

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 3.4: 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 – 13.1

That Council grant planning approval for a dwelling and swimming pool upon Lot 374 (20) Corella Court, Exmouth subject to the following conditions:

- 1. The development being carried out in accordance with the approved plans (as amended) (PA206/14) and Policy 6.16 to the satisfaction of Council Officers;*
- 2. Storm water being managed on site and/or discharged into the Shire's road drainage system, in accordance with Council Policy, the Building Code of Australia and to satisfaction of Council Officers;*
- 3. Retaining walls in the Conditional Development Area shall not exceed a maximum height of 1.85m;*
- 4. The area within the Conditional Development Area at an RL 5.35m shall maintain a minimum side setback of 1.5m;*
- 5. All habitable rooms shall have a minimum finished floor level of RL 5.25m;*
- 6. The upper floor study windows fronting adjoining Lot 373 (18) Corella Court shall be obscured to prevent overlooking in accordance with the requirements of the Residential Design Codes for WA;*
- 7. The development having external colours consistent with Council's Policy (6.2) Colour Palette for Developments;*
- 8. Development within 2 metres of the Conditional Development Area shall be certified by a structural engineer;*
- 9. The Nutrient Retention Area shall not be paved/sealed, but being used for garden purposes or covered with grated/permeable materials that allow for nutrient run off to be contained on-site;*
- 10. No fertilisers, other than slow release granular fertilisers specially formulated to reduce nutrient run-off and nutrient infiltration into the water table, being used. No fertilizers being used in the Nutrient Retention Area;*
- 11. Balustrades within the Conditional Development Area shall be a maximum height of one (1) metre above the finished floor level;*
- 12. Lot owners being responsible for ensuring that no materials deleterious to the water quality shall enter the canals;*
- 13. In accordance with the Exmouth Vessel Management Plan, no toilet water, sewerage, bilge or other pollutant wastes being discharged into the canal waters. Boat wastes being disposed of at boat water disposal units provided by the relevant authorities or otherwise where permitted and specified by the authorities;*
- 11. The owner treating the surface of the swimming pool to reduce glare if, in the opinion of Council, the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development;*
- 12. The pool pump will be enclosed in appropriate housing with noise with noise attenuation materials and/or dampeners;*
- 13. Pool fencing shall be in accordance with Building Code Australia and shall be a minimum 90% visually permeable;*

14. *The underside of the canal side outdoor alfresco area at RL 5.35m within the Conditional Development Area shall be screened appropriately from the canal waterway to the satisfaction of Council Officers;*
15. *Landscaping shall be established prior to occupation of the new building/s;*
16. *No obstructions are permitted to restrict and/or hinder access along the canal edge footpath or the shared stairway providing access to the path any is subject to Council local laws;*
17. *The owner of any canal frontage lot being responsible for the ongoing maintenance of the stabilised surfaces and revetment walls and private jetties within their lot. Each owner being responsible for the ongoing maintenance of any pontoon or jetty that gives access to that lot;*
18. *All canal revetment walls along the canal frontage being kept in a structurally sound condition and not being altered, extended or removed without the prior written approval of the Council and the Department of Transport;*
19. *Fencing and retaining walls where provided by the developer may not be altered in any way;*
20. *Any future fencing within the front street setback area (including the street front boundary) shall not exceed 0.9 metres in height;*
21. *Any graffiti or paint or other un-natural markings shall be removed. The Council may direct the owners of lots adjoining/abutting the canals to maintain the canal interface to the requirements of the Department of Planning and Infrastructure;*
22. *Any future canal frontage fencing shall be open style fencing (minimum of 90% visually permeable) and not exceed 1.2 metres in height. The minimum canal setback for fencing is on top of the Secondary (Upper) Retaining Wall;*
23. *No fencing shall be permitted within two (2) metres of any shared stair access to the canals;*
24. *Boundary fencing located along the Net Developable Area not exceeding 1.8m in height;*
25. *Any fencing above 0.9 metres within the Conditional Development Area shall be open style fencing (minimum 90% visually permeable) and a maximum height of 1.5m;*
26. *External clothes drying facilities, rubbish bin and all service fittings and fixtures shall not be visible from the public road and canal waterway;*
27. *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;*
28. *Any substantial variation from the approved plans contained herein requires a separate planning approval. Should your plans for a building permit differ from these plans, a building permit may not be issued until such time as fresh planning approval is granted; and*
29. *The approval granted being valid for a period of two (2) years from the date of this approval. Should the use approved not substantially commence within this time, the approval will lapse.*

Advice

- i. *Prior to any construction, the applicant being required to obtain a building permit approval from the Shire of Exmouth.*

- ii. *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:*
- *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;*
 - *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.*
- iii. *Due to proximity of the development to the Exmouth Gulf and the possible exposure to high salt laden winds, it is recommended that all structural steel members and external steel cladding be of a type suitable for high saline environments in accordance with the BCA Volume 2.*
- iv. *Moorings, jetties and similar structures shall not be erected or attached to the canal walls without the prior approval being obtained from the Shire of Exmouth and the Department of Transport*
- v. *This approval is not an authority to ignore any constraint to development on the land, which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and not the Shire to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire's attention.*
- vi. *The 'Nutrient Retention Area' (NRA) is located above the top of the first (highest) retaining wall, and serves to ensure that nutrient run off from domestic uses is retained on site rather than entering the canal system. The NRA comprises an area 1.6m wide area located along the edge of the highest retaining wall constructed by the developer.*
- vii. *The applicant is advised that landscaping is to comprise of species of plants as defined within Councils Landscaping Policy.*
- viii. *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.*
- ix. *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 – 23-1214 – 13.1
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Moved Councillor Todd, Seconded Councillor McHutchison.

That Council grant planning approval for a dwelling and swimming pool upon Lot 374 (20) Corella Court, Exmouth subject to the following conditions:

- 1. The development being carried out in accordance with the approved plans (as amended) (PA206/14) and Policy 6.16 to the satisfaction of Council Officers;***
- 2. Storm water being managed on site and/or discharged into the Shire's road drainage system, in accordance with Council Policy, the Building Code of Australia and to satisfaction of Council Officers;***

3. *Retaining walls in the Conditional Development Area shall not exceed a maximum height of 1.85m;*
4. *The area within the Conditional Development Area at an RL 5.35m shall maintain a minimum side setback of 1.5m;*
5. *All habitable rooms shall have a minimum finished floor level of RL 5.25m;*
6. *The upper floor study windows fronting adjoining Lot 373 (18) Corella Court shall be obscured to prevent overlooking in accordance with the requirements of the Residential Design Codes for WA;*
7. *The development having external colours consistent with Council's Policy (6.2) Colour Palette for Developments;*
8. *Development within 2 metres of the Conditional Development Area shall be certified by a structural engineer;*
9. *The Nutrient Retention Area shall not be paved/sealed, but being used for garden purposes or covered with grated/permeable materials that allow for nutrient run off to be contained on-site;*
10. *No fertilisers, other than slow release granular fertilisers specially formulated to reduce nutrient run-off and nutrient infiltration into the water table, being used. No fertilizers being used in the Nutrient Retention Area;*
11. *Balustrades within the Conditional Development Area shall be a maximum height of one (1) metre above the finished floor level;*
12. *Lot owners being responsible for ensuring that no materials deleterious to the water quality shall enter the canals;*
13. *In accordance with the Exmouth Vessel Management Plan, no toilet water, sewerage, bilge or other pollutant wastes being discharged into the canal waters. Boat wastes being disposed of at boat water disposal units provided by the relevant authorities or otherwise where permitted and specified by the authorities;*
14. *The owner treating the surface of the swimming pool to reduce glare if, in the opinion of Council, the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development;*
15. *The pool pump will be enclosed in appropriate housing with noise with noise attenuation materials and/or dampeners;*
16. *Pool fencing shall be in accordance with Building Code Australia and shall be a minimum 90% visually permeable;*
17. *The underside of the canal side outdoor alfresco area at RL 5.35m within the Conditional Development Area shall be screened appropriately from the canal waterway to the satisfaction of Council Officers;*
18. *Landscaping shall be established prior to occupation of the new building/s;*
19. *No obstructions are permitted to restrict and/or hinder access along the canal edge footpath or the shared stairway providing access to the path any is subject to Council local laws;*
20. *The owner of any canal frontage lot being responsible for the ongoing maintenance of the stabilised surfaces and revetment walls and private jetties within their lot. Each owner being responsible for the ongoing maintenance of any pontoon or jetty that gives access to that lot;*

21. *All canal revetment walls along the canal frontage being kept in a structurally sound condition and not being altered, extended or removed without the prior written approval of the Council and the Department of Transport;*
22. *Fencing and retaining walls where provided by the developer may not be altered in any way;*
23. *Any future fencing within the front street setback area (including the street front boundary) shall not exceed 0.9 metres in height;*
24. *Any graffiti or paint or other un-natural markings shall be removed. The Council may direct the owners of lots adjoining/abutting the canals to maintain the canal interface to the requirements of the Department of Planning and Infrastructure;*
25. *Any future canal frontage fencing shall be open style fencing (minimum of 90% visually permeable) and not exceed 1.2 metres in height. The minimum canal setback for fencing is on top of the Secondary (Upper) Retaining Wall;*
26. *No fencing shall be permitted within two (2) metres of any shared stair access to the canals;*
27. *Boundary fencing located along the Net Developable Area not exceeding 1.8m in height;*
28. *Any fencing above 0.9 metres within the Conditional Development Area shall be open style fencing (minimum 90% visually permeable) and a maximum height of 1.5m;*
29. *External clothes drying facilities, rubbish bin and all service fittings and fixtures shall not be visible from the public road and canal waterway;*
30. *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;*
31. *Any substantial variation from the approved plans contained herein requires a separate planning approval. Should your plans for a building permit differ from these plans, a building permit may not be issued until such time as fresh planning approval is granted; and*
32. *The approval granted being valid for a period of two (2) years from the date of this approval. Should the use approved not substantially commence within this time, the approval will lapse.*

Advice

- i. *Prior to any construction, the applicant being required to obtain a building permit approval from the Shire of Exmouth.*
- ii. *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:*
 - *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;*
 - *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.

- iii. *Due to proximity of the development to the Exmouth Gulf and the possible exposure to high salt laden winds, it is recommended that all structural steel members and external steel cladding be of a type suitable for high saline environments in accordance with the BCA Volume 2.*
- iv. *Moorings, jetties and similar structures shall not be erected or attached to the canal walls without the prior approval being obtained from the Shire of Exmouth and the Department of Transport*
- v. *This approval is not an authority to ignore any constraint to development on the land, which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and not the Shire to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire's attention.*
- vi. *The 'Nutrient Retention Area' (NRA) is located above the top of the first (highest) retaining wall, and serves to ensure that nutrient run off from domestic uses is retained on site rather than entering the canal system. The NRA comprises an area 1.6m wide area located along the edge of the highest retaining wall constructed by the developer.*
- vii. *The applicant is advised that landscaping is to comprise of species of plants as defined within Councils Landscaping Policy.*
- viii. *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.*
- ix. *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

Councillor Todd declared a Proximity Interest in the following report and left the Chambers at 4.54pm.

13.2 Outbuilding – Lot 204 (24) Kennedy Street, Exmouth

Location:	Lot 204 (24) Kennedy Street, Exmouth
Applicant:	DLR Building Co Pty Ltd
File Reference:	A887 (PA201/14)
Disclosure of Interest:	Councillor B Todd
Date:	8 December 2014
Author:	A/Executive Manager Town Planning, James Trimble
Signature of Author:	



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends that Council grant conditional planning approval for an Outbuilding upon Lot 204 (24) Kennedy Street, Exmouth.

BACKGROUND

The subject lot has an existing dwelling, is approximately 974m² in area and zoned Residential R17.5 in the Scheme. In October 2014 planning approval was granted under delegation for an outbuilding upon the lot which varied the requirements of the R-Codes, but was consistent with Council adopted Outbuilding Policy.

The applicant has since made changes to the proposed design increasing the approved wall height of 3.6m to 3.8m. Council determination is required as the proposed new wall height varies the provisions of the Shires Outbuilding Policy. The aerial image below identifies Lot 204 (24) Kennedy Street where the proponent seeks planning approval for an Outbuilding (refer *Attachment 6*).



Lot 204 (24) Kennedy Street, Exmouth

COMMENT

The proposal has been assessed under the Shire of Exmouth Town Planning Scheme No.3 (Scheme), Western Australian Residential Design Codes (R-Codes); and Policy 6.6: Outbuildings. Under the Scheme, the subject site is zoned Residential and it's considered that the proposed outbuilding subject to this planning application is consistent with the zone objectives

The application varies the provisions of the Shires adopted Outbuilding Policy with a 3.8m wall height in lieu of 3.6m, therefore Council determination is required. The increase in wall height is proposed to accommodate an oversize boat.

The proposed Outbuilding meets the siting and design requirements of all other aspects of the Shire's Outbuilding Policy including a maximum pitched roof height of 4.5m. The Outbuilding is sited at the rear of the lot and will abut two (2) existing outbuildings upon Lot 205 (22) Kennedy Street and Lot 208 (3) Carpenter Street having minimal impact on both the streetscape and adjoining properties.

Having regard to the above, officer recommends that the Council grant conditional planning approval for the outbuilding for the following reasons:

1. The increase in the wall height is considered negligible and does not conflict with the intent of the provision which is to not detract from the streetscape or the visual amenity of residents or neighbouring properties.
2. The Outbuilding complies with all other requirements of the Shires Outbuilding Policy.

CONSULTATION

In accordance with the requirements of the Scheme adjoining impacted neighbours were invited to comment on the proposal from Tuesday 25 November 2014 to Tuesday 16 December 2014 for a period of 21 days. A summary is tabled below:

Property	Response	Officer Comment
Lot 205 (22) Kennedy St	Nil	Nil
Lot 209 (5) Carpenter St	Yes, Do not object	Nil
Lot 208 (3) Carpenter St	Yes, Do not object	Nil

STATUTORY ENVIRONMENT

Planning and Development Act 2005
Town Planning Scheme No. 3
Residential Design Codes WA

POLICY IMPLICATIONS

Policy 6.6: Outbuildings

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.

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 3.4: 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 – 13.2

That Council grant planning approval for an Outbuilding upon Lot 204 (24) Kennedy Street, Exmouth subject to the following conditions;

- 1. The development being carried out in accordance with the Shire of Exmouth Town Planning Scheme No. 3 and the approved plans (PA201/14);*
- 2. The outbuilding shall have a minimum 1.2m side and rear boundary setback;*
- 3. The outbuilding shall have a maximum wall height of 3.8m and a maximum pitched roof height of 4.5m;*
- 4. The outbuilding shall not be used for habitable purposes;*
- 5. Zincalume shall not be used as a building material;*
- 6. Storm water being managed on site and/or discharged into the Shire's road drainage system, in accordance with Council Policy, the Building Code of Australia and to satisfaction of Council Officers;*
- 7. Vehicle crossovers between the road carriageway and the property boundary being in accordance with Council Policy and the Residential Design Codes of Western Australia. Formed driveways shall be setback a minimum of 0.5m from the side boundary;*
- 8. 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;*
- 9. 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; and*
- 10. 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). Prior to any construction, the applicant being required to obtain a building permit approval from the Shire of Exmouth.*
- ii). The approval granted is not to be construed as approval granted under the Building Act 2011, Building Regulations 2012 or any other relevant statutory approval.*
- iii). This approval is not an authority to ignore any constraint to development on the land, which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and not the Shire to investigate any such constraints before commencing development. This*

approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire's attention.

- iv. *In accordance with Shire of Exmouth Local Laws a person shall not park a service vehicle, commercial vehicle or trailer on a street verge for more than 4 hours consecutively or on a street verge for the purpose of repairing, servicing or cleaning that vehicle.*
- 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).*

COUNCIL DECISION – 24-1214 – 13.2
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Moved Councillor McHutchison, Seconded Councillor Hood.

That Council grant planning approval for an Outbuilding upon Lot 204 (24) Kennedy Street, Exmouth subject to the following conditions;

1. *The development being carried out in accordance with the Shire of Exmouth Town Planning Scheme No. 3 and the approved plans (PA201/14);*
2. *The outbuilding shall have a minimum 1.2m side and rear boundary setback;*
3. *The outbuilding shall have a maximum wall height of 3.8m and a maximum pitched roof height of 4.5m;*
4. *The outbuilding shall not be used for habitable purposes;*
5. *Zincalume shall not be used as a building material;*
6. *Storm water being managed on site and/or discharged into the Shire's road drainage system, in accordance with Council Policy, the Building Code of Australia and to satisfaction of Council Officers;*
7. *Vehicle crossovers between the road carriageway and the property boundary being in accordance with Council Policy and the Residential Design Codes of Western Australia. Formed driveways shall be setback a minimum of 0.5m from the side boundary;*
8. *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;*
9. *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; and*
10. *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. *Prior to any construction, the applicant being required to obtain a building permit approval from the Shire of Exmouth.*
- ii. *The approval granted is not to be construed as approval granted under the Building Act 2011, Building Regulations 2012 or any other relevant statutory approval.*

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- vi). *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 4/0

Councillor Todd re-entered the Chambers at 4.55pm.

14. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS

Nil

15. CLOSURE OF MEETING

The Shire President wished everyone a Merry Christmas and a Happy New Year. He then closed the meeting at 4.56pm.