



Ordinary Council Meeting Minutes 23 October 2014

CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on 20 November 2014 as a true and accurate record of the Ordinary Council Meeting held on 23 October 2014.

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

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

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

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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.

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

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

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

Shire President
Deputy Shire President

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

GALLERY

Visitors:

7

APOLOGIES

Nil

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTIONS TIME

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

Council Consideration Towards Public

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

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

Nil

5. DECLARATIONS OF INTEREST

Item/Description	Name	Detail of Interest	Extent of Interest
11.7.2– Mining Proposal M08/508 Sand Quarry	Cr C (Turk) Shales	Indirect Financial	Family Relationships

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.

Cr McHutchison advised that she would no longer require the leave of absence for the November Ordinary meeting as approved at the September Council meeting.

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

That the Minutes of the Ordinary Meeting of the Shire of Exmouth held on 18 September 2014 and the Special Meeting of Council held on 29 September 2014 be confirmed as a true and correct record of proceedings.

COUNCIL DECISION – 01-1014 - ITEM 7

Moved Councillor Hood, Seconded Councillor Todd.

That the Minutes of the Ordinary Meeting of the Shire of Exmouth held on 18 September 2014 and the Special Meeting of Council held on 29 September 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 of the very successful Official Opening ceremony for the CBD/Foreshore project conducted by the Hon. Terry Redman, Minister for Regional Development & Lands, which included the very exciting announcement of \$20m funding towards the Exmouth Boat Harbour Expansion Project.

The Shire President also advised that he has been endorsed as a Justice of the Peace (JP) by the Department of Justice.

9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

10. REPORT OF COUNCILLORS

All Councillors advised of their attendance at the various Ministerial meetings and Official Opening ceremony of the CBD held on Saturday 11 October 2014.

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

- Participation in the Great Northern Clean-up Day.
- Representation at the Royal Perth Show. The following Report was provided.

“The Gascoyne Region Display won two awards – Best Display of Aquatic Products, Northern Region and Best Display of Honey, Northern Region.

Overall there were excellent comments from the crowds who visited the Display. The most sought after information was for Shark Bay and Exmouth. It was a wonderful opportunity to get information to thousands of people in a short amount of time.

Exmouth, Upper Gascoyne and Carnarvon only had their information booklets to hand out. Shark Bay included a large World Heritage poster, World Heritage stickers and an activity book for children. All these were very popular to the point that at times I felt I was only promoting Shark Bay.

Suggestions for next year from attending personnel are:

More free giveaways...this is what people expect and children love it. You engage the child and get to the adult as well.

1. *An activity book to include all the Gascoyne Shires and this can be an advertising showcase of experiences for each area in the form of colouring in, games and competitions etc*
2. *An A3 poster for each Shire to showcase attractions of each area (no bigger than A3 because people cannot carry it). Shark Bay had 1000 huge posters and we ran out on Monday 29 with the rest of the week to go.*
3. *Stickers, stickers, stickers*

Feedback from me:

If DVD's are used next year, that the word Exmouth be shown at the bottom of each slide/video. As people file through and they miss the first slide, the rest of the video could be from anywhere along the Ningaloo/Shark Bay coast. The other Shires took this opportunity to advertise their areas.

More thought into the display with local cottage industries to be encouraged to participate (jewellery and soap making). Artists encouraged to paint works with an agricultural flavour supporting the fishing/prawning/honey and any other appropriate industries we have.

It was great to stay close to the Show Grounds in a B & B 2kms away. Also staying there were reps from Broome Shire and it was great to be able to network with them. They were the Showcase Region and had a huge display. I would not recommend anyone having to commute from the city as the Upper Gascoyne rep did.

I would also recommend our rep staying the whole week not only to help out with the roster but it is a wonderful opportunity to talk to people about our area and advertise Exmouth and the Gascoyne region.”

Councillor Winzer advised Council of his attendance at the Space Surveillance Telescope Facilities Project Community Forum.

10.1 Shire Presidents Report

Location:	Exmouth
Applicant:	Cr C (Turk) Shales
File Reference:	GV.CM.0
Disclosure of Interest:	Nil
Date:	16 October 2014
Signature of Author:	

SUMMARY

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

BACKGROUND

Following is a list of meetings etc attended since the last Council Meeting:

- 22 September 2014 – Teleconference (GDC) Land Amalgamation in Horticultural Area. Presentation by Tony Della Bosca. D.A.F.W.A. and Tony Sinclair D.O.W.
- 23 September 2014 – ABC interview regarding WANDRRA and CBD
- 23 September 2014 – Meeting with Commodore Lockwood, Senior Officer Defence Force WA regarding the future of the Defence force in Exmouth
- 24 September 2014 – Teleconference with Durack regarding Ningaloo Centre
- 24 September 2014 – Meeting with GDC, CEO and Karen Thompson regarding new officer position in Exmouth
- 29 September 2014 – Special Council Meeting re Councillor position
- 1 October 2014 – Meeting with Hon. Dean Nalder Department of Transport Minister regarding transport issues in town
- 3 October 2014 – Base Marine regarding future in Exmouth
- 5 October 2014 – Meeting with prospective private practitioner Mikeal Mbaogu
- 6 October 2014 – Phone call with Vince Catania MLA to arrange meeting with Hon Terry Redman, Minister for Regional Development and Lands
- 9 October 2014 – RAAF regarding Exmouth going forward
- 10 October 2014 – Exmouth Land Group Meeting
- 11 October 2014 – CBD opening and announcement of \$20 million upgrade to marina by Hon. Terry Redman, Minister for Regional Development
- 13 October 2014 – ABC radio interview
- 14-15 October 2014 – GDC board meeting, Gascoyne Junction
- 17 October 2014 – Visit by Minister for Local Government Hon. Tony Simpson including presentation of \$3.5 million cheque towards Ningaloo Centre.

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 October 2014.

COUNCIL DECISION – 02-1014 – 10.1
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Moved Councillor Hood, Seconded Councillor Winzer.


That Council receive the Shire Presidents Report for the month of October 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:	14 October 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

1. Contract 04/2013 ‘Design and Construction of the Ningaloo Centre’ Activity

The project has progressed to Construction Documentation Stage 4. This work is managed by Site Architecture and their sub-consultants who are preparing detailed design plans and layouts.

Matera Construction is currently pricing for the base building construction with sub-contractor quotes. This component of work is subject to the tendered Guaranteed Maximum Price and of keen interest to Shire and Matera to be a sustainable outcome. Matera will present outcome at a pricing meeting to be convened on 28 October 2014, attended by SPO and CEO.

Contract preliminaries are being furnished to SPO, namely insurance and management plans, for review in preparation for a forward works construction package start, notionally set by Matera for 11 November 2014. Forward works being mobilisation, bulk earthworks, power, sewer and water services. Approval being subject to price acceptance for the base building construction and Cabinet’s agreement to release of Business Case 2 funding.

Freeman Ryan Design approval to undertake detailed design (concept completed) of exhibition space will be given once pricing for construction is locked in to enable their scope to be managed to budget available. 3D rendered external and internal drawings of the Ningaloo Centre building are under preparation for public information, signage and promotion.

2. Department of Regional Development (DRD)

The Ningaloo Centre Stage 2 Business Case in support of \$19.82 million of R4R funding still awaits movement to Treasury, being its final review before the Minister receives it. Tenancy arrangements with Durack were subject to detailed scrutiny by DTWD and DRD. Extensive dialogue has occurred between all parties and the Shire. The matter is now considered resolved and subject to DRD’s satisfaction the Business Case will now progress to finality.

DRD will be providing correspondence that outlines expectations of funding release and that project funds have been preserved for the project to table with the Commonwealth as it is a 30 October 2014 milestone that all funding for the project were to have been secured at this time.

3. Community Development Grant (CDG) Funding

Next CDG reporting milestone is 30 October 2014, where evidence of building approval is to have been obtained, all funding contributions confirmed and construction commenced.

4. Lotterywest

Acknowledgement of the \$3.5 million Lotterywest grant to the Shire of Exmouth toward the community facilities component of the Ningaloo Centre will be made by the Minister for local Government on 17 October 2014 in Council Chambers and local media have been advised.

Lotterywest advise they will place advertisement of their financial support for the Ningaloo Centre in local and state papers in November.

5. Ningaloo Alliance

A meeting of Ningaloo Alliance members has been scheduled for 28 October 2014.

Councillor Position Vacancy

At the Special Meeting of Council on Monday 29 September 2014, Council resolved to accept the resignation of Graeme Thompson as Councillor effective from 18 September 2014 and request approval from the Electoral Commissioner as per S 4.17(3) of the Local Government Act to defer filling the vacancy until the ordinary election day on Saturday 17 October 2015.

Council is in receipt of correspondence from the Electoral Commissioner, received 7 October 2014, advising that the Commissioner has granted approval under *section 4.17(3) of the Local Government Act 1995* to defer the filling of the vacancy.

Minister for Regional Development & Lands Visit

Council hosted the Hon. Terry Redman MLA, Minister for Regional Development & Lands, and Vince Catania MLA, Member for North West Central, on Saturday 11 October 2014 to formally reside over the Official Opening ceremonies for the CBD/Foreshore Revitalisation Project.

It was extremely pleasing that the Minister, in his address, made the official announcement that Royalties for Regions R4R would be funding a \$20m upgrade of the service wharf at the Exmouth Boat Harbour. This project has had strong advocacy from the Council over several years and has been recognised as a long term Strategic Project for the Exmouth community.

During his visit the Council also took the opportunity to make a formal presentation on the Ningaloo Centre Project and the importance of its role in the long term future of Exmouth.

Attached are the Media Releases for the Exmouth Boat Harbour and CBD/Foreshore Revitalisation projects from the Minister for information. (Refer *Attachment 1 & 2*)



Hon Terry Redman MLA, Cr Turk Shales, Vince Catania MLA

Minister for Transport Visit

Council hosted the Hon. Dean Nalder MLA, Minister for Transport & Finance, Vince Catania MLA, Member for North West Central, Mark Lewis MLC, Member for the Mining & Pastoral Region, Jim Chown MLC, Parliamentary Secretary to the Minister for Transport, Finance, on Wednesday 1 October 2014, to discuss issues being experienced by Exmouth relevant to his portfolio.

Matters raised by the Council included:

- Exmouth Boat Harbour Upgrade;
- Murat Road & Mortiss Street Upgrade – Servicing Exmouth Boat Harbour;
- Flood Mitigation Works – Exmouth Minilya Road;
- Learmonth Airport & Exmouth Aerodrome;
- Deregulation of the Learmonth – Perth Air route; and
- Public Boat Ramps in particular Tantabiddi.

Minister for Local Government Visit

Council hosted the Hon Tony Simpson, Minister for Local Government on Friday 17 October 2014, whereby the Minister presented the Council a cheque on behalf of Lotterywest for \$3.5m towards the community component of the Ningaloo Centre project.

Council also took the opportunity to showcase the Minister the following projects:

- Ningaloo Centre;
- CBD/Foreshore Revitalisation Project; and
- YAE Achievements.

The Shire President & CEO travelled with the Minister to Coral Bay to meet with representatives from the Carnarvon Shire Council to discuss the various issues being experienced by the settlement.

Community Information Forum

A Community Information Forum is proposed to be held on Tuesday 21 October 2014 at the Shire Hall commencing at 6.00pm. The program proposes the following presentations:

- Ningaloo Centre Project update;
- Aviation Routes Deregulation Review;
- Tidy Towns Presentation;
- Exmouth Service Workers Housing Project (Department of Housing); and
- Exmouth Health Centre Upgrade Project (Department of Health – to be confirmed).

Exmouth Boat Harbour Service Wharf Upgrade

As advised the Minister for Regional Development, Hon Terry Redman MLA, announced that the Exmouth Boat Harbour was to receive \$20m funding from the Royalties for Regions Fund to upgrade the Service Wharf.

A meeting of the Exmouth Harbour Upgrade Steering Group Meeting is proposed to be held in Exmouth on 24 October 2014 to further progress the project now that the funding has been secured.

Attached is a copy of an article in the finance section of the West Australian on Saturday 11 October 2014 for Councillor information. (Refer *Attachment 2*)

Space Surveillance Telescope Facilities Project

The Australian Government has referred a proposal for a Space Surveillance Telescope Facilities Project (the Project) to the Parliamentary Standing Committee on Public Works (PWC):

http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Public_Works/JP3029

The PWC will consider a proposal by the Department of Defence to construct a new telescope facility and associated infrastructure at Harold E Holt Naval Communication Station, Exmouth, WA. Pending PWC

approval, the Project's construction activities are scheduled to commence in early 2015 for completion by mid 2016.

As part of the PWC process, the Department of Defence is required to advise and consult the community, including corporate and government bodies in the region.

An overview of the project is detailed within the attached Statement of Evidence. (Refer **Attachment 3**)

National Stronger Regions Fund (NSRF)

The Federal Government's Department of Infrastructure & Regional Development, have recently announced the new National Stronger Regions Fund (NSRF). NSRF funding will be provided for capital projects which involve the construction of new infrastructure, or the upgrade, extension or enhancement of existing infrastructure.

The National Stronger Regions Fund (NSRF) is an initiative to boost social and economic development in Australia's regions by funding priority infrastructure projects in local communities. The Australian Government has committed \$1 billion to the fund over five years commencing from 2015–16.

Funding will be provided for capital projects which involve construction of new infrastructure, or the upgrade, extension or enhancement of existing infrastructure. Projects selected for funding should deliver an economic benefit to the region beyond the period of construction, and should support disadvantaged regions or areas of disadvantage within a region.

Local Government and incorporated not-for-profit organisations are eligible to apply for grants of between \$20,000 and \$10 million. Grant funding must be matched in cash on at least a dollar for dollar basis, and the funded part of the project must be completed on or before 31 December 2019.

Applications for Round One funding will be accepted between 1 October 2014 and 5pm applicant's local time on 28 November 2014, using the Department's secure Grants Management System (GMS) Portal.

<http://investment.infrastructure.gov.au/funding/NSRF/index.aspx>

Additional eligibility requirements

Applications must comply with all of the following requirements to be considered for grant funding:

- the Applicant must seek a grant of at least \$20,000 and up to a maximum of \$10 million;
- the Applicant must match the NSRF grant in cash on at least a dollar for dollar basis;
- the NSRF funded component of the project must be completed on or before 31 December 2019;
- the project must deliver an economic benefit to the region beyond the period of construction; and
- the Applicant must submit a completed application, including the mandatory documents listed at Section 4.1.

Cash partner funding can be provided by any organisation including, but not limited to, the Applicant, local government, state or territory government, not-for-profit organisations and private sector companies.

An NSRF grant can be one component of a larger package of Australian Government funding. Grants from other Australian Government initiatives cannot be included as part of the Applicant's matching funding. Total funding for the project from the Australian Government cannot exceed 50 per cent of the total project cost.

Council will need to discuss the opportunities of some of the identified Strategic Projects for Exmouth.

Staffing Matters

Council's 2014 'All of Staff Collective Agreement' has been lodged with Fairwork Commission on 1 September 2014. Council received notification on Wednesday 15 October 2014 that the Agreement has been approved effective from 22 October 2014.

Anne Lake, HR Consultant, has been in Exmouth providing training to Executives and middle Managers on the issue of Handling Perceived Bullying/Performance Management issues that seem to arise on numerous occasions within the workforce. Solid procedural processes have been adopted to assist Managers in future incidences.

Since the last meeting I have commenced contract negotiations with the EMHB, EMAS and SPO.

I will be attending the 2014 AAA National Conference with the EMAS being held on the Gold Coast between 23-27 November 2014. (This is in lieu of the LGMA conference being held at the same time). Following this conference I intend to take further LSL from 1 December until 12 December 2014.

Other Meetings & Functions attended by the CEO

1. EMAS and myself met with Jock Gillespie, CEO, and Ian McCabe from PCYC Headquarters in Exmouth on Tuesday 23 September 2014, to discuss the future operations of the local branch.
2. Shire President and myself met with Commodore Peter Lockwood RANR, Chief of Defence Force WA, in Exmouth on Tuesday 23 September 2014, for introductions and discuss the future potential of Defence in Exmouth.
3. Shire President, SPO and myself held teleconference with Chairman and CEO of Durack on Wednesday 24 September 2014, to discuss tenancy commitments to the Ningaloo Centre project.
4. Shire President and myself met with Steve Webster, CEO, and Karen Thompson, Exmouth Officer, on Thursday 25 September 2014, to discuss the position vacancy and other local projects. A lunch send-off was then held as recognition of Karen's contribution to the Community.
5. Shire President & myself met with representatives from RAAF Learmonth on Thursday 9 October 2014, to discuss local operating issues.
6. EMAS and myself met with Bernie Miller, Regional Manager Midwest Gascoyne, and Ernie Reynolds, Manager Gascoyne, of MRWA in Exmouth on Friday 10 October 2014, for introductions and to discuss local road issues.
7. Shire President, EMTP and myself attended the Exmouth Land Group meeting held in Exmouth on Friday 10 October 2014.
8. I met with Colleen Hardy, Small Business Centre, in Exmouth on Tuesday 15 October 2014 to discuss local small business issues.

Meetings Scheduled for Next Month

1. Shire President & myself to attend Gascoyne Collaborative Meeting being held in Denham on Wednesday 22 October 2014, to discuss regional local government issues.
2. Shire President and myself are meeting with representatives of Rio Tinto in Exmouth on Thursday 23 October 2014, as part of the official opening night of the Emergency Response Skills Challenge.
3. Shire President, EMCE, SPO and myself will be holding various meetings involving the Ningaloo Centre in Perth on Tuesday 28 and Wednesday 29 October 2014.

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

OFFICER'S RECOMMENDATION – 11.1.1
--

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

COUNCIL DECISION – 03-1014 – 11.1.1
--

Moved Councillor Winzer, Seconded Councillor Todd.


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

CARRIED 5/0

11. REPORTS OF OFFICER

11.1 Chief Executive Officer

11.1.2 Council Submission to 2015 Defence Force White Paper

Location:	Exmouth
Applicant:	Shire of Exmouth
File Reference:	ED.IN.4
Disclosure of Interest:	Nil
Date:	15 October 2014
Author:	Chief Executive Officer, Mr B Price
Signature of Author:	

SUMMARY

This report recommends that Council endorse their submission to the Australian Governments 2015 Defence Force White Paper.

BACKGROUND

Council would be aware of their previous submission to the 2013 ADF Posture Review under the previous Federal Labor Government. As advised previously the Prime Minister Hon. Tony Abbott and Defence Minister Hon. David Johnston have announced that the Coalition Government is developing a new Defence White Paper to be released in 2015.

Submissions have been invited on the following suggested topics including:

- Australia's Strategic Interests;
- Objectives of the ADF;
- Force Posture and Bases;
- Force Structure and Preparedness;
- Defence Culture & Personnel;
- Budget & Finances; and
- Organisational Reform.

As determined at the August meeting, Council resolved to update their previous submission and again make a formal proposal for Exmouth to be a Defence Hub for the North West of Australia in the 2015 White Paper.

Attached is a copy of Council's submission for Councillor information. (Refer *Attachment 4*)

The Submission was provided to the 2015 Defence White Paper by the closing date of 26 September 2014.

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 1.4: Maintain and increase defence presence

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.1.2
--

That Council endorse their submission to the Australian Governments 2015 Defence Force White Paper.

COUNCIL DECISION – 04-1014 – 11.1.2
--

Moved Councillor Winzer, Seconded Councillor McHutchison.


That Council endorse their submission to the Australian Governments 2015 Defence Force White Paper.

CARRIED 5/0

11. REPORTS OF OFFICER

11.1 Chief Executive Officer

11.1.3 WALGA's Poll Provisions Advocacy Position

Location:	Exmouth
Applicant:	WALGA
File Reference:	GV.CM.0
Disclosure of Interest:	Nil
Date:	15 October 2014
Author:	Chief Executive Officer, Bill Price
Signature of Author:	

SUMMARY

This report recommends that Council, in relation to Boundary Changes, supports that the *Local Government Act 1995* be amended so that the community of a Local Government could demand a poll subject to at least 25% variation in population, rateable properties or revenue is affected.

BACKGROUND

Input is sought to define WALGA's position regarding advocacy for amendments to the poll provisions contained in Schedule 2.1 of the *Local Government Act 1995* to enable electors of a Local Government that will be abolished or significantly affected by a boundary change proposal to demand a poll.

At the 2 July 2014 State Council meeting, State Council resolved to adopt, and advocate for, a policy position that the poll provisions should be amended so that electors of a Local Government where one or more Local Governments will be abolished or significantly affected by a boundary change proposal are able to demand a poll on the proposal, with 'significantly affected' being specifically defined as causing a fifty percent variation in:

- i. Population; or,
- ii. Rateable properties; or,
- iii. Revenue.

At WALGA's Annual General Meeting, held on **6 August**, the meeting resolved:

That this Annual General Meeting, recognising the current approach by the State Government to the manipulation of the principles of the 'Dadour' poll provisions:

- a) *endorse WALGA's position of providing community access to the poll provisions where 1 or more districts are to be abolished rather than the 2 or more districts as currently provided for in the Local Government Act 1995;*
- b) *endorse WALGA's proposed extension of the poll provisions to significant boundary adjustments subject to any associated criteria and any percentages being agreed to by a majority of all local governments in Western Australia, and*
- c) *reaffirm as policy, that WALGA is opposed to the removal or dilution of the 'Dadour' poll provisions including the temporary dilution or removal of those provisions.* State Council, at their 3 September 2014 meeting, endorsed parts (a) and (c) of the AGM resolution above and resolved the following in relation to part (b):

Feedback is sought by 31 October 2014 from all Local Governments to refine WALGA's advocacy position relating to the poll provisions contained in Schedule 2.1 of the *Local Government Act 1995*;

- Options are provided: that all boundary change proposals could be eligible for a poll or,
- That a percentage variation – 10, 25 or 50% – in population, rateable properties, or revenue could define 'significantly affected' that would enable the community to request a poll. General feedback or alternative suggestions are also welcome.

COMMENT

Defining the criteria for whether a boundary change significantly affects a Local Government is difficult and there are divergent views in the Local Government sector. There is a general view that a minor boundary change, perhaps to fix an anomaly, should not be the subject of a potential poll of electors. There is also a general view that, where one or more Local Governments will be abolished or a Local Government's viability could be affected by a boundary change proposal, electors should have the right to demand a poll.

Criteria defining whether a Local Government would be 'significantly affected' could be defined in the Local Government Act. This was State Council's original approach where it was resolved that a 50% variation in population, or rateable properties or revenue would be the trigger for the community to have the option to call a poll. In addressing this matter it needs to be determined whether these are the appropriate criteria or whether there should be an alternative method to determine whether a Local Government would be 'significantly affected' by a boundary change proposal.

Options to address this issue are presented:

1. All boundary change proposals could be the subject of a poll. While there is a general view that minor boundary changes should not be subject to a poll of the community, it could be argued that a minor boundary change that only affects a small number of properties would be unlikely to attract enough interest from the community for a poll to be called or to ultimately be successful in overturning the proposal. This would remove the need for criteria to be established to define 'significantly affected'.
2. Criteria defining whether a Local Government would be 'significantly affected' could be defined in the Local Government Act. It is suggested that a percentage variation in population, or rateable properties, or revenue could be defined as the appropriate criteria to trigger the community's right to call a poll. Three percentages are presented as options to define these criteria in the Local Government Act:
 - a. 10 %.
 - b. 25 %
 - c. 50 %

Feedback will guide a State Council agenda item to be considered by Zones in late November and then State Council at their 3 December 2014 meeting.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Schedule 2.1 of the *Local Government Act 1995*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS**Civic Leadership**

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.1.3
--

That Council, in relation to Boundary Changes, supports that the Local Government Act 1995 be amended so that the community of a Local Government could demand a poll subject to at least 25% variation in population, rateable properties or revenue is affected.

COUNCIL DECISION – 05-1014 – 11.1.3
--

Moved Councillor Todd, Seconded Councillor Hood.

That Council, in relation to Boundary Changes, supports that the Local Government Act 1995 be amended so that the community of a Local Government could demand a poll subject to at least 25% variation in population, rateable properties or revenue is affected.

CARRIED 5/0

11. REPORTS OF OFFICERS

11.2 Executive Manager Corporate Services

11.2.1 General Report

Location: Exmouth
 Applicant: S O'Toole
 File Reference: CM.RE.0
 Disclosure of Interest: Nil
 Date: 1 October 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 Changes

Kevin Perraudin commenced on 13 October 2014 as Accountant, replacing Durga Ojha who resigned in July 2014.

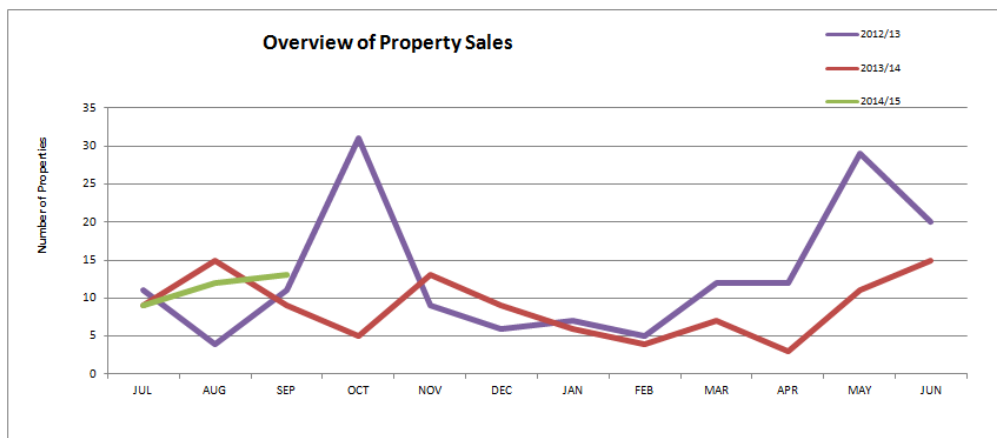
Rating

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
18	Vacant Land	\$5,158,000	\$286,556
15	Residential	\$7,993,000	\$532,867
1	Industrial	\$740,000	\$740,000
0	Mixed Use	\$0	\$0
0	Composite Devel	\$0	\$0
0	Special Use	\$0	\$0
0	Tourism	\$0	\$0
34		\$13,891,000	

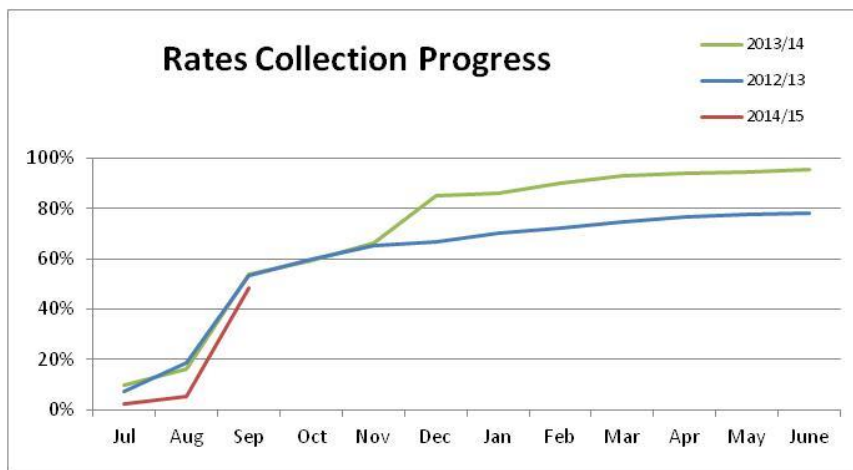
Property Sales	2014/15	2013/14	2012/13
JUL	9	9	11
AUG	12	15	4
SEP	13	9	11
OCT		5	31
NOV		13	9
DEC		9	6
JAN		6	7
FEB		4	5
MAR		7	12
APR		3	12
MAY		11	29
JUN		15	20
	34	106	157

Property Sales (cont.)**Rates Collection**

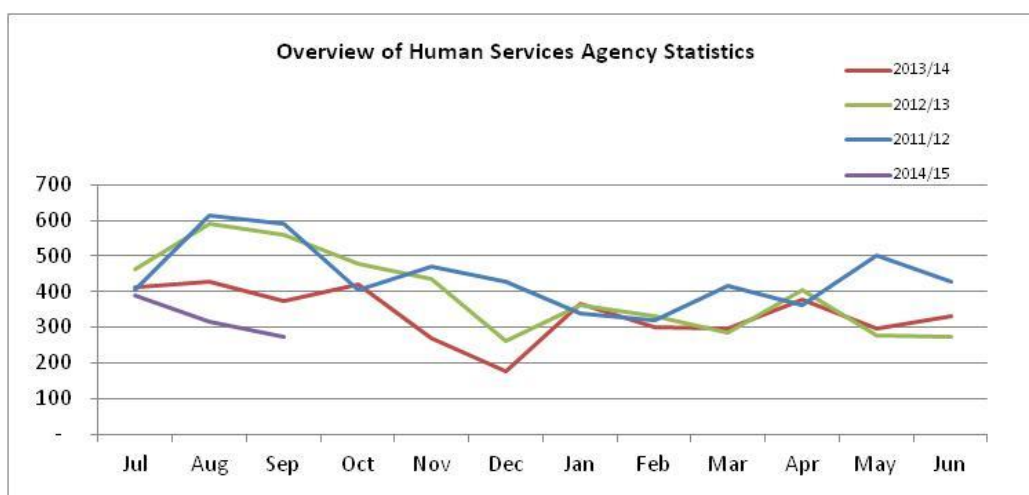
Summary of Rates and Charges Collection			
Rates Collection Analysis			
			\$
Rates & Charges Levied 2014/15			3,850,047
Arrears 1 July 2014			275,052
Less Collections			(1,968,628)
Total Rates & Charges Outstanding			2,156,471
Less Pensioner Deferred Rates			(24,024)
Total Rates Collectable			2,132,447
% Collected to Date			48.3%
Notices Sent			26/08/2014
Due Date			30/09/2014
Reminder Notice Sent			
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		59%	60%
Nov		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	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	2011/12	2010/11
Jul	82	51	62	195	390	390	411	464	403	637
Aug	68	50	54	145	317	317	427	592	615	595
Sep	85	44	48	95	272	272	373	560	590	567
Oct					-		422	478	406	383
Nov					-		268	436	469	402
Dec					-		178	262	427	521
Jan					-		367	364	340	424
Feb					-		299	332	320	441
Mar					-		296	285	416	409
Apr					-			377	403	364
May					-			296	278	500
Jun					-			331	272	428
TOTAL	235	145	164	435	979	979	4,045	4,726	5,278	5,384

**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 October 2014.

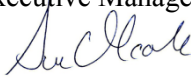
COUNCIL DECISION – 06-1014 – 11.2.1
--

Moved Councillor Todd, Seconded Councillor McHutchison.

That Council receive the Executive Manager Corporate Services Report for the month of October 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:	1 October 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 September 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 September 2014; and*
2. *The accounts as listed in the monthly financial report be received for;*
Municipal Fund ~ September 2014 \$1,331,660.77 incorporating 12847 to 12879 and direct debits
Trust Fund – September 2014 \$6,312.89 incorporating 400793 to 400796 cheques and direct debits
Outstanding Creditors as at September 2014 ~ \$921,218.79

COUNCIL DECISION – 07-1014 – 11.2.2
--

Moved Councillor Todd, Seconded Councillor Hood.


That Council:

- 1. Accept the monthly financial reports for period ended September 2014; and***
- 2. The accounts as listed in the monthly financial report be received for;***
Municipal Fund ~ September 2014 \$1,331,660.77 incorporating 12847 to 12879 and direct debits
Trust Fund – September 2014 \$6,312.89 incorporating 400793 to 400796 cheques and direct debits
Outstanding Creditors as at September 2014 ~ \$921,218.79

CARRIED 5/0

11. REPORTS OF OFFICERS**11.2 Executive Manager Corporate Services**

11.2.3 Request to Write Off Bad Debt

Location:	Exmouth
Applicant:	Neville Williams & Jon Jessop
File Reference:	FM.DB.3
Disclosure of Interest:	Nil
Date:	1 October 2014
Author:	Executive Manager Corporate Services, Sue O'Toole
Signature of Author:	
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY

This report recommends that Council write off outstanding Debtor Account 177 Invoice #28 dated 24 June 2011 for the amount of \$1,500.

BACKGROUND

A planning application was received from Mr Neville Williams and Mr Jon Jessop on 8 August 2005 to rezone Portion Lot 309 Murat Road from Mixed Use to Tourist. Over a period of years, Planning Officers processed the application including consultation and advertising to initiate Town Planning Scheme No 3, Amendment No 16. A debtors invoice was raised in June 2011 for this work, totalling \$1,500.00.

COMMENT

Debt recovery on this outstanding invoice has been attempted since late 2011 with no response from the debtor, and their monthly statements are being returned to the Shire of Exmouth marked "Return to Sender".

All reasonable recovery actions have been undertaken by Council to secure payment, however this property was sold in 2010 prior to the invoice being raised. Very few details exist on file regarding the applicants, and this has made it difficult to place with our Debt Collection Agency.

To prevent a similar occurrence happening in the future, Council Officers have implemented new procedures whereby the applicant must pay all fees and charges prior to any applications being processed.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Section 6.12 Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

As this debt has already been considered a doubtful debt, there is no financial impact on the estimated closing surplus as at 30 June 2015.

STRATEGIC IMPLICATIONS**Civic Leadership**

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

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

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION – 11.2.3
--

That Council write off bad debt of Debtors account 177 Invoice #28 dated 24 June 2011 for the amount of \$1,500.

COUNCIL DECISION – 08-1014 – 11.2.3
--

Moved Councillor Hood, Seconded Councillor McHutchison.


That Council write off bad debt of Debtors account 177 Invoice #28 dated 24 June 2011 for the amount of \$1,500.

CARRIED BY ABSOLUTE MAJORITY 5/0

11. REPORTS OF OFFICERS

11.2 Executive Manager Corporate Services

11.2.4 Asset Management Plan

Location:	Exmouth
Applicant:	S O'Toole
File Reference:	CM.IP.1
Disclosure of Interest:	Nil
Date:	1 October 2014
Author:	Executive Manager Corporate Services, Sue O'Toole
Signature of Author:	
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY

That Council adopt the Draft Asset Management Plan prepared by Consultants, UHY Haines Norton.

BACKGROUND

The preparation of an Asset Management Plan is an important component of the integrated planning process as it defines the processes that Council will use to manage each asset class.

The Plan identifies Council's current asset base, considers current and desired levels of service and provides financial projections for the management of its assets for a ten year period. The capital costs identified by the Plan are reflected in the Long Term Financial Plan and then in turn, the Corporate Business Plan and Annual Budget.

COMMENT

Council manages community owned infrastructure and assets with a replacement value of approximately \$104 million. The management of these assets represents a large portion of Council's operating budget and so it is critical that Council has long term plans and strategies in place to manage them efficiently and effectively.

It is expected that with the development of improving data quality, the Asset Management Plan will undergo continuous review. This is also necessary to keep Council's Long Term Financial Plan current and relevant for the future. (Refer *Attachment 3*)

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

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

Economic

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

- Outcome: 1.5: Maintain and improve Shire Infrastructure

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.2.4
--

That Council adopt the Asset Management Plan - 2014.

COUNCIL DECISION – 09-1014 – 11.2.4
--

Moved Councillor Hood, Seconded Councillor Todd.

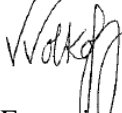
That Council adopt the Asset Management Plan - 2014.

CARRIED 5/0

11. REPORTS OF OFFICERS

11.2 Executive Manager Corporate Services

11.2.5 Surrender of Laurance Retirement Village to Department of Housing

Location:	Exmouth
Applicant:	Department of Housing
File Reference:	CP.AD.2 & R40485
Disclosure of Interest:	Nil
Date:	1 July 2014
Author:	Administration Manager, Vanessa Volkoff
Signature of Author:	
Senior Officer:	Executive Manager Corporate Services, Ms S O'Toole

SUMMARY

This report recommends that Council surrender equity and management of the Laurance Retirement Village (LRV) to the Department of Housing.

BACKGROUND

The Shire of Exmouth and Department of Housing (DoH) (formerly State Housing Commission Homeswest) commenced a project to construct Aged Persons Accommodation in 1987. A Joint Venture Agreement was signed pooling both organisation's resources and skills to manage the project, such as DoH equity and the Council's land & services resulting in a 50 year term expiring in 2041.

The Council obtained the land through a Vesting Order from the Department of Lands (formerly DOLA: Department of Land Administration) for Crown Land. Originally situated on the Hospital Reserve 27411, later converting to its current Reserve 40485 which now comprises of Lot 1026 Stokes Hughes Street (7,703m³), Lot 1453 Stokes Hughes Street (3,149m³) and Lot 1449 Lyon Street (4,652m³). The Vesting Order on the Land was issued to the Shire to manage for the purpose of Aged Persons Accommodation with Power to Lease not exceeding 40 years and under approval of the Minister for Lands.



Construction commenced in 1988 and over the years further applications were granted for more units under contract of a Joint Venture for each stage. The table below details construction stages and equity of the project:

Project	DoH Equity	Shire Costs	Shires Interest	Details of Build	Age of Units
Stage 1	\$502,746	\$123,125	19.67%	1988 - 6 one bedroom units (units #1-6)	26 years old
Stage 2	\$511,322	\$83,950	14.10%	1992- 6 one bedroom units (units #7-12)	22 years old
Stage 3	Data unavailable			1996-6 one bedroom units (units #13-18)	18 years old
Stage 4	\$805,402	\$62,237	7.2%	1998-5 two bedroom units & 3 one bedroom units (units #19-26)	16 years old
Stage 5	\$1,343,309	\$261,123	16.28%	2001-8 two bedroom units plus 1 x three bedroom residence for caretaker. (units #27 – 35)	13 years old
Totals	\$3,162,779	\$530,435		35 Units	

Major upgrades that have occurred over the life of the properties requiring a Building Licence, include: Patio at Unit 13, replacement of Colorbond Fencing surrounding the property, a patio at Unit 16, construction of a seven (7) Bay free standing undercover carport, a garden shed at Unit 24 and a 2 Bay Carport.

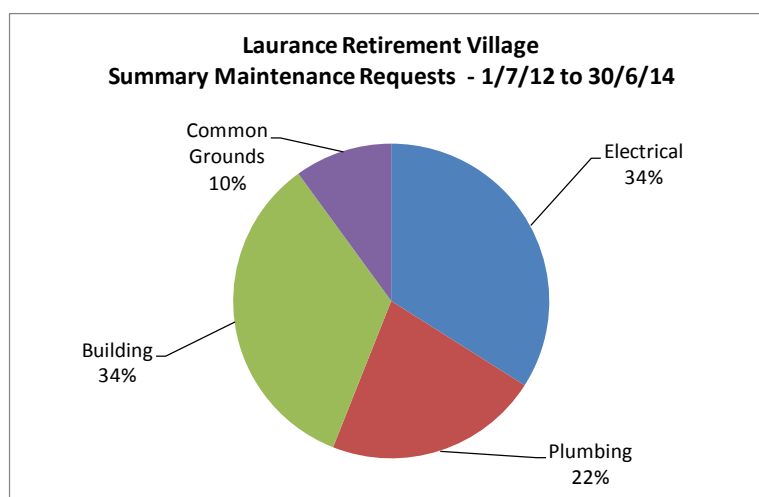
The Joint Venture Agreement recites:

‘in conjunction with the Shire of Exmouth, rental accommodation would be provided for senior citizens who are eligible by virtue of their low personal income and their compliance with eligibility criteria adopted by Homeswest from time to time to rent public housing from Homeswest.’

The Shire control a waitlist for tenancy, which currently comprises of 7 eligible tenants of which 3 are Exmouth residents. Eligibility is rechecked on offer of a unit. The oldest entry on the list is 12 March 2013.

Maintenance – There are 13 x 2 bedroom Units, 21 x 1 bedroom units and 1 x 3 bedroom unit, all properties are in a safe and clean condition. Requested and regular maintenance is carried out on the property with 988 hours allocated per annum. This was previously carried out by a live-in caretaker employed by Council, however he has since resigned and those duties are now being shared by Engineering Staff.

The following graph emphasises the percentage of reports received for common maintenance issues from financial years 2012 to 2014:



Rent - The amount payable by the tenants is considered as part of the annual budget adoption under the Fees and Charges Schedule. In 2014/15, a CPI increase of 2.9% was applied and the increase is effective from 1 October each year. Rent is based on the number of bedrooms and tenants occupied for each unit per fortnight as outlined below:

	\$
1 Bedroom Unit (Single Person)	141.10
1 Bedroom Unit (Two Persons)	196.70
2 Bedroom Unit (Single Person)	154.50
2 Bedroom Unit (Two Persons)	219.40

COMMENT

The Department of Housing has informed the Shire about a new proposal being drafted by the Department to consolidate all agreements for affordable housing. The new agreements will introduce modern terms and conditions to outline the rights, roles and responsibilities of the parties for an ongoing 20 year term as well as to clearly identify the properties managed or in a joint venture with the Department.

In conjunction with the above, as a Community Housing Provider in joint venture with Department of Housing the Shire have been notified informally of an opportunity to surrender its equity and Management Order over Reserve 40485 to the Department of Housing for no monetary consideration and subject to the approval by the Minister for Housing.

To assess this acquisition the Department of Housing will require a Property Condition Report, costs associated to the property and details of any contingency funds held against major maintenance. If the Minister for Housing approves the submission, the Property will be leased to a reputable Community Housing Organisation for professional management of the property without interruption to the residents. In short, Council would surrender the property to Department of Housing affording them full ownership and management. Community Housing Organisations (CHA/CHOs) are large, regulated, professional managers of community housing properties.

Should Council agree to surrender the management of the LRV, there are a number of factors to consider:

Financial Impact on the Shire

There is an ongoing financial obligation by Council for the short term and long term maintenance of the units. Unfortunately when the units were first constructed, no financial provision for long term maintenance was considered, and as costs are exceeding rental received from tenants each year, this balance is being funded from general funds.

There is a general perception from the existing tenants that Council does not commit sufficient resources to manage the units.

Another issue is the age of the units, as costs continue to rise each year, an increase in expenditure will need to be included in the 10 Year Long Term Financial Budget.

To demonstrate the impact on Council's financial position for the previous four years, the following summary shows the net result to Council for the operation of the Laurence Retirement Village from 1 July 2010 to 30 June 2014:

	2013/14 \$	2012/13 \$	2011/12 \$	2010/11 \$
Revenue	158,189	135,522	131,145	128,315
Expenditure	(305,526)	(319,749)	(253,466)	(248,649)
Net Result	(147,337)	(184,227)	(122,321)	(120,334)

As this retirement village has never operated as a cost neutral operation, potential savings on average of \$143,000 per annum could be achieved should Council agree to surrender their rights.

The Role of Community Housing

Although Council formed a joint venture partnership with the Department of Housing through the Joint Venture Housing Program, community housing should be the role of State Government. Although

supportive of affordable housing, Local Governments should have no direct involvement in the management of residential properties as it is not considered Councils core business.

Rental Payments

DoH recommend the rent payable should comply with Community Housing guidelines, based on the assumption that the tenants fit within the eligibility criteria for Community Housing.

To calculate what the estimated rent is for Exmouth, DoH determined rent is based on a maximum of 25% of the Age Pension, plus includes the maximum allowed under the Commonwealth Rental Assistance Scheme (CRA). To receive Rent Assistance, the person must also meet the residency requirements of their pension, allowance or benefit.

An example of how this applies can be seen in the table below:

Tenancy/ Accommodation Type	Current Rent Payable per fortnight	Aged Pension	25% maximum rent to be charged	C'wealth Rental Assistance (Maximum 100%)	DoH Recommended Rent for Exmouth	Rent Adjustment Gap
1 Bed/Single	\$141.10	\$766.00	\$191.50	\$126.40	\$317.90	\$50.40
1 Bed/Double	\$196.70	\$1154.80	\$288.70	\$118.80	\$407.50	\$92.00
2 Bed/Single	\$154.50	\$766.00	\$191.50	\$126.40	\$317.90	\$37.00
2 Bed/Double	\$219.40	\$1154.80	\$288.70	\$118.80	\$407.50	\$69.30

If LRV was operated by a Community Housing Provider, they would be entitled to 100% of the subsidy from the CRA to assist with their ongoing maintenance and management responsibilities. Housing Providers are considered as growth providers in the Commonwealth Government strategies as they use those funds to build more houses. Unfortunately the Commonwealth doesn't recognise Local Governments, so Councils are unable to claim this rental assistance to offset costs of management.

Instead, tenants are claiming a percentage of CRA and have this paid in addition to their pension amount. Details of how many tenants claim this assistance or what amount is paid to them is unknown as Human Services privacy laws prevent any disclosure to Council.

To address the issue of how to surrender management to a Community Housing Provider so the tenants are not disadvantaged is to firstly acknowledge that tenants are not entitled to a percentage of the CRA. The expectation is they pay 25% of their pension in rent, however currently Council are charging below the recommended 25% threshold. It therefore seems unreasonable that the individual is being subsidised by the CRA where no other pensioner receives this subsidy who resides in Joint Venture Housing throughout Australia.

If a Community Housing Provider were to manage these units, they would be expected to charge rents in line with DoH guidelines. They would need to provide a lawful strategy (meaning no more than every 6 months) to increase rent and using a reasonable method either a percentage or monetary value keeping other living expense increases in mind when determining the amount. Rent increases would therefore need to be phased in over an agreed timeframe.

Notwithstanding, if Council continue to operate LRV and increase rents by CPI annually, over time it will become increasingly difficult to meet our costs, therefore Council would also need a strategy to increase rents so we would also comply with DoH guidelines.

Conclusion

Additional affordable accommodation for service workers is planned to be constructed in Lefroy Street Exmouth, and management of those units through DoH may be transferred to a Community Housing

Provider. DoH have indicated that increasing the total number of affordable accommodation units (aged and workers) managed by one provider, is more efficient and cost effective and justifies the cost for employment of staff and basing their operations in Exmouth.

Taking all of the above points into consideration, it is recommended that Council submit an application in writing to surrender Laurance Retirement Village and Reserve 40485 for no monetary consideration to the Department of Housing, subject to approval from the Minister for Housing.

CONSULTATION

Department of Housing

STATUTORY ENVIRONMENT

Housing Act 1980

Section 3.58 Local Government Act 1985

POLICY IMPLICATIONS

Policy 2.4 – Leases

Policy 2.16 – Joint Venture Aged Pension Units

FINANCIAL IMPLICATIONS

There are short and long term financial benefits for Council if the management of the Laurance Retirement Village resided with the State Government.

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 – 11.2.5
--

That Council submit an application in writing to surrender Laurance Retirement Village and Reserve 40485 for no monetary consideration to the Department of Housing, subject to approval from the Minister for Housing.

COUNCIL DECISION – 10-1014 – 11.2.5
--

Moved Councillor Todd, Seconded Councillor Hood.


That Council submit an application in writing to surrender Laurance Retirement Village and Reserve 40485 for no monetary consideration to the Department of Housing, subject to approval from the Minister for Housing.

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:	13 October 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 September 2014 Council Meeting agenda report.

BACKGROUND

Defence

Monthly Learmonth Advisory Committee Meetings continue to raise no significant issues. Defence have provided correspondence around general aviation (GA) operations at Learmonth and their preference for tourist and small commercial GA to operate out of Exmouth Aerodrome.

Regulatory

An Airport Security Committee meeting was held on 24 September 2014 to discuss the current National Public Terrorism Alert Level and proposed changes to the Transport Security Program. A systems audit of the screening point was also undertaken by Office of Transport Security inspectors.

Submission to the Department of Transport's Regulated Air Route Review has been prepared and awaits Council endorsement at Item 11.3.2.

Airlines/Air Operators/Industry

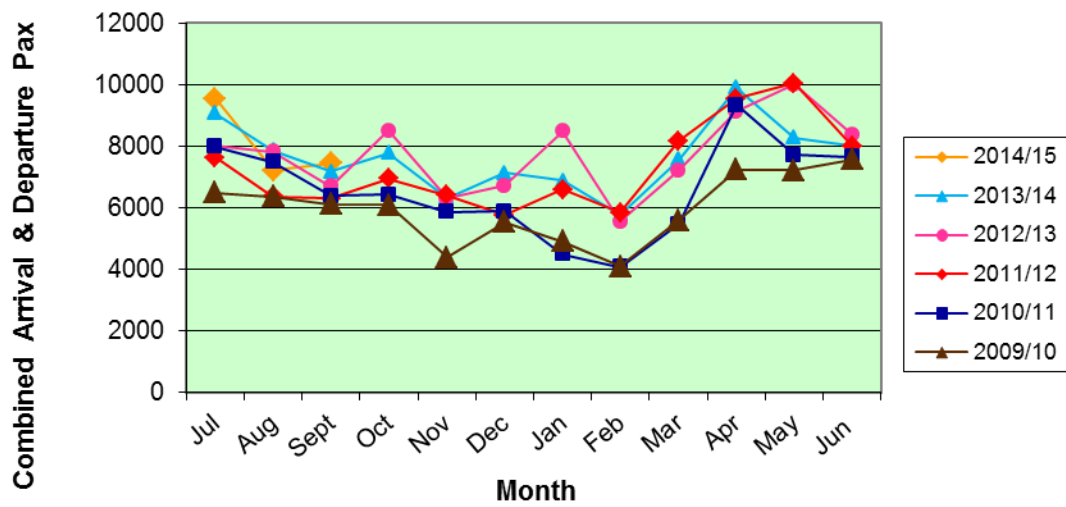
Saturday 11 October 2014 saw the last Virgin Australia Regional Airlines (VARA) into Learmonth. Pricing on these flights for their last month of operations were lower than their competitor, which attracted some additional travellers.

From 18 October 2014, Qantas has replaced the Saturday Q400 with a F100 (74 seats to 100 seats).

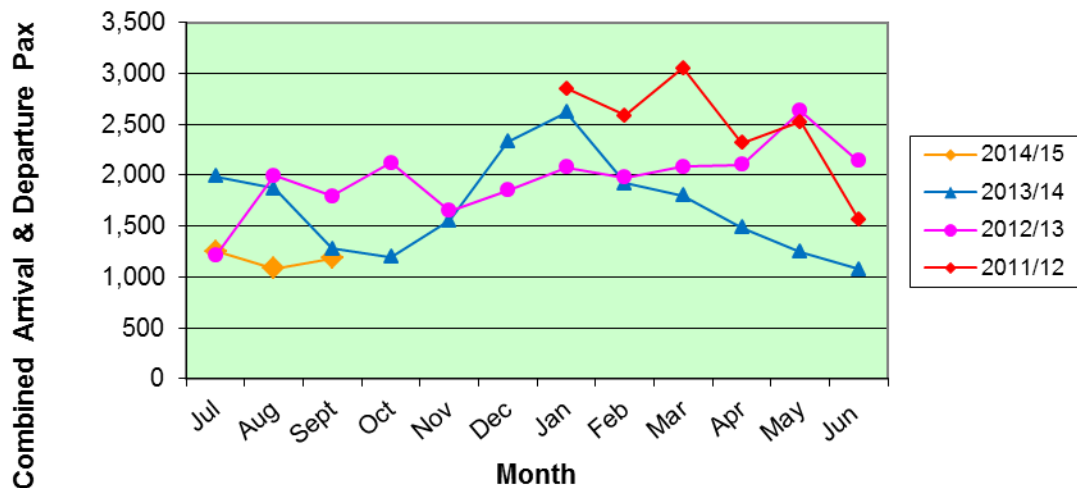
September RPT passenger numbers were the highest seen, most likely due to school holiday traffic. Helicopter passenger numbers are still down, but reflective of a production market.

See the graphical presentation of statistics below.

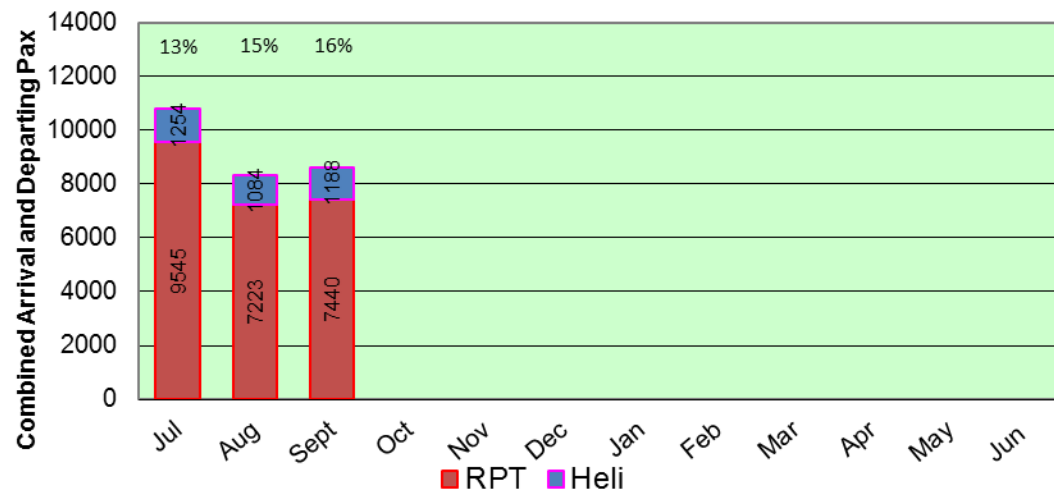
Annual RPT Passenger Movements



Annual Helicopter Passenger Movements



RPT vs Helicopter Passenger Movements 2014/15



Airport

Airport Safety Week was celebrated at Learmonth Airport with a 'High Flying Afternoon Tea'. Staff and guests were shown a couple of the videos produced for the Airport Safety Week campaign, undertook a FOD (foreign object debris) walk of the apron and participated in a PPE parade (with prizes given for good, glam/innovative and bad PPE). Staff also went on a scenic flight of the Ningaloo coast and town, having a chance to see our airports from above.

**Heliport**

Ad-hoc flights for seismic survey vessel on behalf of Shell commenced 18 October 2014. Atwood Eagle is back with Woodside but currently operating out of Karratha. It is unknown when it will be on site for their drilling campaign.

Staffing

Neil Linthorne has resigned from his position at the heliport with his last day being 10 October 2014. Given recent resignations and proposed drilling campaigns in the coming months, the process of recruiting a couple of new staff has commenced.

The Executive Manager Aviation Services and the Airport Manager will be attending the Australian Airports Associations' National Conference and Technical Workshop in the Gold Coast from 23 November 2014 with a weeks' annual leave either side. The Heliport Coordinator will be the acting EMAS and the senior ARO the acting Airport Manager during this period.

Leasing

Virgin Australia Regional Australia formally notified of its intention to vacate its leased premises (office and check-in counters) at Learmonth Airport on 17 September 2014. As the lease requires a minimum of six (6) months' notice of intention to vacate, an invoice for lease fees for 6 months up till 16 March 2015 has been issued.

Projects

Civil works on the car park are now complete with installation of signs and additional markings to occur.

Exmouth Aerodrome

Correspondence has been sent to Bristow Helicopters and Norwest Air Works advising the surveyed location of the water tanks to which they are connect for fire response capabilities for their buildings. Preliminary design is to be received by 12 December 2014, final design by 20 February 2015 and installation ideally completed by 30 June 2015.

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 October 2014.

COUNCIL DECISION – 11-1014 – 11.3.1
--

Moved Councillor Todd, Seconded Councillor Hood.

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

CARRIED 5/0

The Shire President stated that the presentation of Learmonth Airport is looking fantastic with the various upgrades it has received throughout the year.

11. REPORTS OF OFFICERS

11.3 Executive Manager Aviation Services

11.3.2 Review of Regulated Public Transport Air Routes in WA - Council Submission

Location:	Exmouth
Applicant:	Department of Transport
File Reference:	GR.SL.24 / TT.LI.1
Disclosure of Interest:	Nil
Date:	9 October 2014
Author:	Executive Manager Aviation Services, Jenny Kox

Signature of Author:



Senior Officer:

Chief Executive Officer, Bill Price

SUMMARY

This report recommends that Council endorse its submission to the Department of Transport's 'Review of Regulated Public Transport Air Routes in Western Australia' position paper.

BACKGROUND

In 2011, the Western Australian Department of Transport (DoT) entered into deed arrangements with three airlines on protected air routes within Western Australia. The deeds are in place until 27 February 2016 and each has an option for an extension of up to five (5) years.

At commencement of the current deed, the Perth-Learmonth (Exmouth) route was partially deregulated to allow two airlines to operate on the route in competition - QantasLink and Virgin Australia Regional Airlines (VARA, formerly Skywest Airlines).

The Department of Transport released a position paper 'Review of Regulated Public Transport Air Routes in Western Australia' (the Position Paper) at the end of August 2014 seeking public comment on proposed recommendations to the regulated air routes at the end of the current deed period. Submissions close 31 October 2014.

The Position Paper states that the State Government's preference is that government intervention by way of regulation is only required when there is an unacceptable risk of market failure and it supports reduced regulation of RPT air routes deemed capable of sustaining competition either currently or in the future.

For the Perth-Learmonth (Exmouth) route, DoT recommends full deregulation of the air route after February 2016. This means that any RPT operator could service the Perth-Learmonth route without DoT permission being required to do so. Normal Defence approvals to operate into Learmonth would still be required.

The success or otherwise of partial deregulation can be measured via assessing service frequency, airframe type/load factors and pricing.

During the deed period to date, the number of services has changed with 14 services at commencement of deed, to 18 services in 2012 (prior to VARA acquiring Skywest) and now back to 12 services per week following the withdrawal of VARA from 13 October 2014. The services are timed to support off shore oil and gas activities in the morning and visitors/tourists in the afternoon. Service frequency is also affected by the airframe type. For Learmonth, we have seen over the deed period QantasLink move from one daily Q400 (74 seat) turboprop service to morning B717 (125 seat) or F100 (100 seat) jet services in addition to the Q400 afternoon service. Following the cessation of VARA, QantasLink will be operating a F100 jet service each Saturday to pick up the VARA passenger numbers, and it is likely that we will see jet operations throughout the tourism months.

Load factors fluctuate across the year but there are sufficient passenger numbers to support more than one airline during periods of higher resource company activity. Having options in the marketplace is good for the travelling public, especially if an aircraft becomes unserviceable.

Having more than one airline of the Perth-Learmonth route for the past 4 years has seen competitive pricing, driven by not only competition between airlines but also resource sector pricing.

In 2011 the Perth-Geraldton air route was deregulated by DoT. At that time, Geraldton passenger numbers were around 100,000 per annum. Deregulation of this port has seen passenger numbers increase to around 125,000 per annum and competition on the air route.

Deregulation provides an opportunity for other RPT airlines to enter the market, particularly on the back of resource-sector air service contracts. The resource sector passenger numbers are not sufficient to operate a charter service for their customers only (noting that charter service operations are restricted into RPT ports), with RPT services being the most workable option for movement of their staff. Deregulation therefore gives flexibility to the resource companies and those tendering for their work whilst potentially bringing another operator into our market.

There are some concerns that deregulation may lead to higher ticket prices or even no airline due to the lack of government oversight. DoT have committed in the Position Paper and through their discussions with Council and the Community Consultation Group that they will continue to have a level of oversight on fares and services whilst there is only one RPT operator into Learmonth. Similarly, should that airline completely remove their service for whatever reason, DoT will look to reinstate regulation of the air route to ensure RPT services continue. The level of DoT oversight would reduce once a second airline operates on the air route.

There are similar concerns should Council support remaining in the current semi-regulated framework. If supported, DoT could offer a 5 year extension contract to the incumbent airline, or go to the market via tender for the service. If the service went to tender, it is unknown whether another airline would tender. If the extension contract is offered, we then revert to being a one-airline port. Whilst this gives a level of certainty to the airline and guarantee of market share, this means there can be no expansion of airline operators until February 2021.

Consideration in this review of air routes could also be given to how Learmonth can support the 'Coral Coast' air route (Shark Bay/Monkey Mia and Carnarvon). The main advantages for linkage into Learmonth for Carnarvon and Monkey Mia passengers are: connectivity; that the RPT providers servicing Learmonth operate out of the main Perth Airport terminals; and that those ports wouldn't have to introduce security services if the contracted airline operated services above 20T. It is not suggested that Learmonth be at the end of a 'milk run' service, rather that there be an option for travellers to either fly the direct route from their port to Perth, or transit via Learmonth on a different service to connect onto a larger RPT operator.

COMMENT

Attached is a draft copy of the Shire of Exmouth's submission to the Position Paper for Council consideration and endorsement. (Refer *Attachment 1*)

The submission supports the Perth-Learmonth air route being deregulated with continued oversight by DoT until such time as a second airline operates on the air route.

The submission also provides comment on the 'Coral Coast Air Route' and what Learmonth Airport could offer to support those customers.

CONSULTATION

Resource Companies

Community Consultation Group

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.3.2
--

That Council endorse it's submission to the Department of Transport's 'Review of Regulated Public Transport Air Routes in Western Australia' position paper.

COUNCIL DECISION – 12-1014 – 11.3.2
--

Moved Councillor Winzer, Seconded Councillor McHutchison.

That Council endorse it's submission to the Department of Transport's 'Review of Regulated Public Transport Air Routes in Western Australia' position paper.

CARRIED 5/0

11. REPORTS OF OFFICERS

11.3 Executive Manager Aviation Services

11.3.3 Request for Tender – RFT 07/2014 - Lease of Property for Aviation Fuel Storage and Refuelling Services at Learmonth Airport and Exmouth Aerodrome and Provision of Hot Refuelling at Learmonth Airport

Location:	Exmouth
Applicant:	Nil
File Reference:	CM.TE.072014
Disclosure of Interest:	Nil
Date:	9 October 2014
Author:	Executive Manager Aviation Services, Jenny Kox

Signature of Author:

Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends that Council endorses to call tenders for Request for Tender 07/2014 - Lease of Property for Aviation Fuel Storage and Refuelling Services at Learmonth Airport and Exmouth Aerodrome and Provision of Hot Refuelling at Learmonth Airport.

BACKGROUND

At the February 2012 Ordinary Council Meeting, the following was advised in the Executive Manager Aviation Services' General Report (Item 10.3.1):

“Lease discussions have commenced with Mobil Aviation and Air BP as the current operator’s site lease is at an end from August 2012. Both parties have expressed their interest in operating, which is timely as the site requires upgrade for fuel holding capacity and compliance environmentally and also a new lease is required to reflect the intent of the Deed of Operations.”

Meetings with aviation fuel companies at that time and since have proposed relocation of the existing fuel facility at Learmonth Airport to a new site to the south of the heliport, offering an airside/landside interface which is preferable for such operations.

Provision of increased fuel holding capacity at Learmonth was required by the Department of Defence following bush fires and cyclones prevented fuel truck access in early 2012. At that time, fuel reserves were low and access to Defence fuel stores was requested. Whilst Defence support was limited to ‘urgent and special needs’ and fuel was not required in this instance, Defence have clearly stated since that their fuel is not available to civilian operations.

Similarly, the lack of provision of aviation fuels at Exmouth Aerodrome is seen as a limiting factor in attracting the private general aviation market to Exmouth. The tender proposes to lease land for the provision of Jet-A1 and Avgas fuel storage and bowsers.

Request for Tender (RFT) 07/2014 has therefore been prepared in three (3) parts, these being:

- to lease one lot of land at Learmonth Airport (Part A) for the development of aviation fuel facilities to meet the above needs;
- to lease one lot of land (Lot 15) at Exmouth Aerodrome (Part B) for the development of aviation fuel facilities to meet the above needs; and
- to formalise an agreement to provide ‘hot refuelling’ of helicopters at Learmonth Airport (Part C).

Currently, hot refuelling is only provided to Bristow Helicopters through a sub-contracting agreement between Bristow Helicopters and Learmonth Refuelling Services. As Council Officers are involved in the refuelling process (e.g. coupling of the hose lines), the agreement should be executed by the Shire of Exmouth and the fuel provider to cover their role. Further, this tender requires hot refuelling be provided to

all helicopter providers operating through Learmonth, which is strongly supported by the Oil and Gas industry.

It is noted that ExxonMobil Aviation currently have a fuel facility located at Learmonth Airport. There is no lease currently in place for this facility, although a retrospective lease is under development to satisfy Department of Defence requirements.

ExxonMobil Aviation provided correspondence dated 6 November 2013 on the proposed tender for new fuel facilities at Learmonth & Exmouth Airports (Refer ***Attachment 2***). In essence, ExxonMobil seeks to retain its existing facility at Learmonth Airport and work with Council to map an agreed pathway to future relocation whilst ensuring that return on capital investment is not to the detriment of fuel prices.

Council therefore has an opportunity to either continue with the calling of tenders to test the market, or to not call tenders and enter into a new lease for the existing lot with the incumbent aviation fuel provider. It is the Officers recommendation that the market be tested by way of tender as the relocated fuel facility is in line with the Learmonth Airport Master Plan and development plans for Exmouth Aerodrome. Should the tenders received not meet Council's expectations, then negotiations with the incumbent fuel provider can recommence.

COMMENT

Attached is a copy of the tender document and supporting specifications for Council consideration and endorsement (refer ***Confidential Attachment 3***).

Department of Defence have given approval for the relocated fuel facility site at Learmonth Airport provided a number of criteria are met. These criteria have been included in the tender documentation. It is noted that one of these criteria is the removal of the existing fuel facility within 12 months of the commencement of a new facility. The draft sub-lease document that forms part of this tender has also been endorsed by Defence, although the tender allows for suggested amendments to lease documents.

The proposed tender, if endorsed, will close at 2pm on 30 January 2015 with a view to bring a report recommending award of tenderer to the February 2015 Ordinary Council Meeting.

CONSULTATION

Resource Companies
Department of Defence
Airservices Australia

STATUTORY ENVIRONMENT

The leasing of property is provided within Section 3.58 Disposal of Property of the *Local Government Act 1995*. This section permits the disposal or lease of property to third parties for appropriate consideration as deemed by Council whilst assessed against commercial market values and requires public advertising of the intent to dispose of property.

Tenders are to be called in accordance with Section 3.57 of the *Local Government Act 1995*.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The annual lease fee will be proposed by the tenderer as part of the tender process. Tender documentation includes Valuation figures for each lot. The proposed lease rentals are exclusive to all outgoing costs and connections to utilities.

An access road will be required to be constructed between the main entrance road and the new fuel site at Learmonth Airport. This cost has been identified in the 10-year financial plan for construction in the 2015/16 financial year.

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.3.3
--

That Council, pursuant to Section 3.57 of the Local Government Act 1995, endorses to:

1. *Call tenders for Request for Tender 07/2014 - Lease of Property for Aviation Fuel Storage and Refuelling Services at Learmonth Airport and Exmouth Aerodrome and Provision of Hot Refuelling at Learmonth Airport; and*
2. *Note that a further report will be presented to Council to consider award of tender after the tender closing period.*

COUNCIL DECISION – 13-1014 – 11.3.3
--

Moved Councillor Todd, Seconded Councillor McHutchison.

That Council, pursuant to Section 3.57 of the Local Government Act 1995, endorses to:

1. *Call tenders for Request for Tender 07/2014 - Lease of Property for Aviation Fuel Storage and Refuelling Services at Learmonth Airport and Exmouth Aerodrome and Provision of Hot Refuelling at Learmonth Airport; and*
2. *Note that a further report will be presented to Council to consider award of tender after the tender closing period.*

CARRIED 5/0

11. REPORTS OF OFFICERS

11.3 Executive Manager Aviation Services

11.3.4 Lease of Lot 2 Exmouth Aerodrome to Ningaloo Aviation

Location:	Lot 2 Lyndon Location 73, Exmouth Aerodrome
Applicant:	Ningaloo Aviation
File Reference:	TT.SP.1, CP.OP.2
Disclosure of Interest:	Nil
Date:	14 October 2014
Author:	Executive Manager Aviation Services, Jenny Kox

Signature of Author:



Senior Officer:

Chief Executive Officer, Bill Price

SUMMARY

This report seeks Council's approval to enter into a new lease for Lot 2 at Exmouth Aerodrome (Lyndon Location 73) for the purpose of general aviation operations.

BACKGROUND

The Exmouth Aerodrome Lease Allocation Plans provide for planned development of land and operational areas and improved access and will form part of the Master Plan.

At the 19 June 2014 Ordinary Council Meeting, Council resolved (by Resolution 11-0614-10.3.2) to sub-let a portion of the hangar on Lot 11 to Ningaloo Aviation (previously known as Three Islands Whale Shark Dive) as below:

1. *Approve a sub-lease being a portion of the hangar situated at Exmouth Aerodrome (Lyndon Lot 73) between Birds Eye View Ningaloo (ABN 400 72 522 037) and Three Islands Whaleshark Dive (ABN 131 287 968) until 30 September 2014 provided that;*
 - (a) *All of the conditions of the head-lease are met in the sub-lease;*
 - (b) *The Shire of Exmouth is a signatory to the sub-lease document;*
2. *Delegate Authority to the Chief Executive Officer to execute a sub-lease document (to be prepared by the Lessee) subject to sub-leasing conditions being to the satisfaction of the Chief Executive Officer.*

This sub-lease approval ceased on 30 September 2014.

COMMENT

The Exmouth Aerodrome is Reserved Land on which a Management Order exists for the purpose of aviation related activities managed by the Shire of Exmouth.

By correspondence dated 18 September 2014, Ningaloo Aviation formally submitted an Expression of Interest for Lot 2 (refer *Attachment 4*). On 9 October 2014, a rental rate proposal for Lot 2 was provided to Ningaloo Aviation which has CPI applied annually and allows for market rent review every 3 years. The indicative rates to be applied are summarised in the attached (refer *Confidential Attachment 5*).

On 15 October 2014, Ningaloo Aviation verbally confirmed its agreement to enter into a 5 year with a further term of 5 years lease with Council for Lot 2.

CONSULTATION

Ningaloo Aviation

STATUTORY ENVIRONMENT

The leasing of property is provided within Section 3.58 Disposal of Property of the *Local Government Act 1995*. This section permits the disposal or lease of property to third parties for appropriate consideration as deemed by Council whilst assessed against commercial market values and requires public advertising of the intent to dispose of property.

Reserve 32867 (the Light Aircraft Strip) is currently vested with the Shire of Exmouth for the purpose of “Aerial Landing Ground”. It consists of an area of 494.8598 hectares and is located adjacent to the Exmouth-Minilya Road approximately 1-15 kms south of the Exmouth townsite. Council has been provided the power to lease for this site up to 21 years, subject to the approval of the Minister.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

A valuation was undertaken on 8 February 2013 recommended a rate of \$6.25 per m² for the proposed Lot which equates to \$10,687.50 per annum plus GST for Lot 2.

Council will be responsible for development of the apron area which is budgeted in the current financial year.

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 – 11.3.4

That Council:

1. *Agree in principal to enter into a lease with Ningaloo Aviation (ABN 62 331 096 556) for Lot 2 at Exmouth Aerodrome (Lyndon Lot 73) being 1,710m² for a term of 5 years + 5 years at an initial rate of \$5,130 plus GST;*
2. *Endorse publicly advertising the above proposed lease to Ningaloo Aviation at the negotiated rate in accordance with Council policies;*
3. *Delegate Authority to the Chief Executive Officer to execute a lease document upon closure of the advertising period subject to no adverse submissions being received and leasing conditions being to the satisfaction of the Chief Executive Officer; and*
4. *Delegate Authority to the Chief Executive Officer to approve any further terms of the lease.*

COUNCIL DECISION – 14-1014 – 11.3.4
--

Moved Councillor Winzer, Seconded Councillor Hood.

That Council:


- 1. Agree in principal to enter into a lease with Ningaloo Aviation (ABN 62 331 096 556) for Lot 2 at Exmouth Aerodrome (Lyndon Lot 73) being 1,710m² for a term of 5 years + 5 years at an initial rate of \$5,130 plus GST;***
- 2. Endorse publicly advertising the above proposed lease to Ningaloo Aviation at the negotiated rate in accordance with Council policies;***
- 3. Delegate Authority to the Chief Executive Officer to execute a lease document upon closure of the advertising period subject to no adverse submissions being received and leasing conditions being to the satisfaction of the Chief Executive Officer; and***
- 4. Delegate Authority to the Chief Executive Officer to approve any further terms of the lease.***

CARRIED 5/0

11. REPORTS OF OFFICERS

11.3 Executive Manager Aviation Services

11.3.5 Amendment to Council's Fees and Charges – Learmonth Airport

Location:	Exmouth
Applicant:	Nil
File Reference:	TT.SP.0
Disclosure of Interest:	Nil
Date:	15 October 2014
Author:	Executive Manager Aviation Services, Jenny Kox
	
Signature of Author:	
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY

This report recommends that Council adopts amendments to the 2014/15 Fees and Charges relating to Taxi/Bus parking at Learmonth Airport by:

1. reducing the annual licence fee for Bus (greater than 8 seats) Stand;
2. amending wording of Bus (greater than 8 seats) Stand (Learmonth Airport) – Annual Licence to Ground Transport Operator (Learmonth Airport) – Annual Licence;
3. removing the occasional licence per visit fee for taxis; and
4. removing the occasional licence per visit fee for buses.

BACKGROUND

Annual and occasional licence fees for buses and taxis utilising Learmonth Airport have been included in previous budgets but have yet to be applied to any ground transport operator for the following reasons:

- The annual licence, by way of current wording, is only applicable to two regular operators, one of whom is contracted to provide airport bus shuttle services for Council. Both of these operators have marked bays in front of arrivals;
- Other operators with buses greater than 8 seats are infrequent users of the bus stand area, thus occasional use licences would be applicable, however, a system for recording visits is not readily available; and
- The parking layout, prior to redevelopment, does not support segregation of bus (ground transport) operations from the general public.

Bus & taxi parking and safety concerns around such vehicles were taken into consideration when preparing the Learmonth Airport Car Park Master Plan. One such concern was the unloading of passengers in front of the departures door, which creates a blind spot for through traffic due to the size of the buses. Similarly, general public vehicles have difficulty manoeuvring around buses in front of arrivals and often park in the bus bays.

Changes to the Learmonth Airport car park as endorsed by Council at the 17 July 2014 Ordinary Council Meeting will see ground transport operators embarking and disembarking their passengers within the authorised parking area in front of arrivals. The authorised parking area will be restricted to the general public by way of a cable drop gate, which utilises a key-fob to activate, thus fees can be applied to operations within this area.

Ground transport operations deemed 'Passenger transport vehicle services' by the Department of Transport WA require omnibus or taxi licences and include:

- Regular Public Transport bus services
- Private taxis
- Taxis
- Safari Tour & Charter

- Tour & Charter
- Omnibus
- Shuttle Service
- Tourism Transfer
- Novelty

Access to the authorised parking area will be for all of the above categories as well as other designated vehicles, such as airport tenants and contractors.

COMMENT

For safety reasons, it is intended that all ground transport operators will be restricted from disembarking or embarking passengers in front of the departures door. The authorised parking area in front of arrivals will be available for these functions. Free parking for ground transport vehicles will be available in the long vehicle parking area.

Ground transport operators will be deemed those to hold any of the licences above. For example, Exmouth Bus Charter, Coral Bay Bus Transfer, Sal Salis, Seebreeze and any other TC plated vehicles will therefore be required to use the authorised parking area.

The current fees adopted by Council for bus and taxi parking at Learmonth Airport for 2014/15 are:

Taxi/Bus Stand	FEE	GST	TOTAL
Bus (greater than 8 seats) Stand Fee (Learmonth Airport) - Annual Licence	\$580.00	\$58.00	\$638.00
Taxi Stand Fee (Learmonth Airport) - Occasional Licence per visit	\$6.36	\$0.64	\$7.00
Bus Stand Fee (Learmonth Airport) - Occasional Licence per visit	\$12.73	\$1.27	\$14.00
Taxi/Bus stand gate key fob replacement	\$60.00	\$6.00	\$66.00

The current fees and charges for taxis and buses are only applicable to two operators whom have marked bays in front of the arrivals area at Learmonth Airport.

The proposed fee changes are as below, noting removal of the occasional licence per visit fees:

Ground Transport Parking Area	FEE	GST	TOTAL
Ground Transport Operator Fee (Learmonth Airport) - Annual Licence	\$200.00	\$20.00	\$220.00
Taxi Stand Fee (Learmonth Airport) - Occasional Licence per visit	\$6.36	\$0.64	\$7.00
Bus Stand Fee (Learmonth Airport) - Occasional Licence per visit	\$12.73	\$1.27	\$14.00
Ground Transport Parking Area gate key fob - replacement / additional	\$60.00	\$6.00	\$66.00

The annual licence will include provision of a key-fob. It is intended that the Annual Licence will be applicable per company, not per vehicle. Additional key-fobs can be purchased where a company may have more than one vehicle.

CONSULTATION

Officers have advised the existing bus operators of changes to the authorised area, but not of proposed fee changes. Correspondence will be sent to all known ground transport operators utilising Learmonth Airport to advise the changes to parking conditions.

STATUTORY ENVIRONMENT

Sections 6.16, 6.17 and 6.19 of the *Local Government Act 1995*.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

By adopting the proposed fee changes, occasional licence fee per visit will be removed and more operators will be utilising the authorised use area, thus similar revenue that would be received from two operators is expected.

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

Absolute Majority

OFFICER'S RECOMMENDATION – 11.3.5

That Council:-

1. *Amend to the 2014/15 Fees and Charges relating to Taxi/Bus parking at Learmonth Airport by:-*
 - i) *Amending the annual licence fee for ground transport operators from “Bus (greater than 8 seats) Stand: \$638.00 (incl GST)” to “Ground Transport Operator (Learmonth Airport) – Annual Licence: \$220.00 (incl GST)”;*
 - ii) *Removing the occasional licence per visit fee for taxis: \$7.00 (incl GST);*
 - iii) *Removing the occasional licence per visit fee for buses: \$14.00 (incl GST);*
 - iv) *Amending the key fob wording from “Taxi/Bus stand gate key fob replacement” to “Ground Transport Parking Area gate key fob - replacement / additional”;* and
2. *In accordance with Section 6.19 of the Local Government Act 1995, give local public notice of the intent to introduce the above changes to the 2014-2015 Fees and Charges effective 1 December 2014.*

COUNCIL DECISION – 15-1014 – 11.3.5

Moved Councillor Todd, Seconded Councillor Hood.

That Council:

1. *Amend to the 2014/15 Fees and Charges relating to Taxi/Bus parking at Learmonth Airport by:-*
 - i) *Amending the annual licence fee for ground transport operators from “Bus (greater than 8 seats) Stand: \$638.00 (incl GST)” to “Ground Transport Operator (Learmonth Airport) – Annual Licence: \$220.00 (incl GST)”;*
 - ii) *Removing the occasional licence per visit fee for taxis: \$7.00 (incl GST);*
 - iii) *Removing the occasional licence per visit fee for buses: \$14.00 (incl GST);*
 - iv) *Amending the key fob wording from “Taxi/Bus stand gate key fob replacement” to “Ground Transport Parking Area gate key fob - replacement / additional”;* and
2. *In accordance with Section 6.19 of the Local Government Act 1995, give local public notice of the intent to introduce the above changes to the 2014-2015 Fees and Charges effective 1 December 2014.*

CARRIED by ABSOLUTE MAJORITY 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:	13 October 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

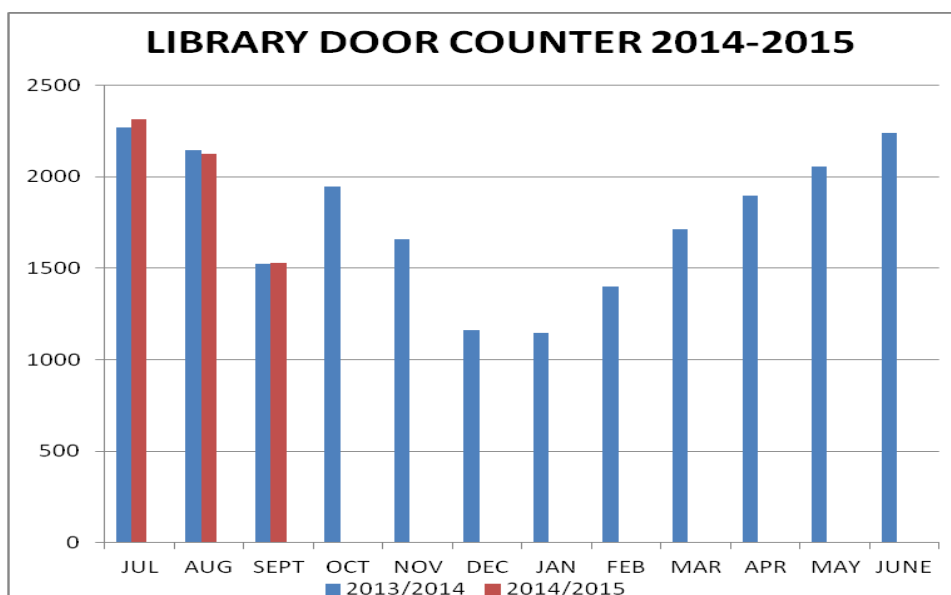
Exmouth Visitor Centre

- The Exmouth visitor Centre's AGM will be held on 29 October 2014 at the Golf Club.
- The Committee of the Exmouth Visitor Centre is holding a Strategic Planning day on 31 October 2014 to update the current Strategic Plan.
- EMCE assisted with the proposal for new KPI's for the Exmouth Visitor Centre. This is presented to Council under item 11.4.2

Australia's Coral Coast

- The EMCE attended the AGM of Australia's Coral Coast (ACC) which was held in Shark Bay this year. The EMCE continues to represent local governments on the ACC Board.

Library



About 1530 people made use of the library facilities for the month of September, 1990 items were issued and 52 items were lent to other public libraries.

The first Story & Rhyme Time session after the school holidays attracted a lot of children and their carers.

Community Development

Australasian Safari 2014

Australasian Safari arrived in town on 24 September to spend two evenings in Exmouth as part of their race.

Over 500 people were part of the race, including crew, competitors and officials. Talanjee Oval was transformed into a thriving events camp, complete with all the latest technology, self-contained kitchens and food tents.

Justin Hunt and his team were very professional and welcoming to the Exmouth community and welcoming them to have a look around and talk with the competitors. There were 100 competitors from all over the world and many commented that Exmouth is a beautiful town and they would love to return for a holiday.



School Holiday Programme

The Shire delivered 3 events this school holiday period of which two in partnership with DPAW.

Beach Craft attracted 34 people with parents getting involved with their kids to produce great craft pieces. 'Halloween Crafternoon' had low numbers with 8 people attending and sand sculpture was popular again this year with everyone having a great time.

CARNival – Town Centre Revitalisation opening

The CBD was awash with colour and vibrancy on Saturday 11 October with an estimated 400 people coming to the CBD to enjoy the CARNival atmosphere.

The official opening of the Stage 2 Town Centre & Foreshore Revitalisation project highlighted another successful upgrade to the town of Exmouth.

The Honourable Terry Redman, Minister for Regional Development, officially opened the revitalised town centre and said that "*Exmouth is set to become a dynamic and diverse region and projects such as this assist in attracting visitors and retaining residents, and building strong and vibrant regional communities*".



Great feedback was received from community members on all elements of the celebrations. This included the Go-Kart demonstrations, fashion shows, storytelling, fishing competitions, arts exhibitions and more than 20 activities offered by the Shire of Exmouth and the local businesses and shops.

The talk of the town must have been the quirky art piece that was created, which has turned out to be a fantastic centre piece in our new mall area. People love the images reflecting everything that makes our Ningaloo area so special and in combination with the community garden concept (herbs for everyone), it is believed to be a winner.

Whaleshark Festival – AGM

The Whaleshark Festival Committee had its AGM on 17 September 2014. There were some changes in the Office Bearers of the Committee as follows:

Chairperson:	Dani Chatfield
Vice Chairperson:	Cathy Godfrey
Treasurer:	Darren Cossill

Secretary: Vacant TBA
Coordinator: Branka King

This means that Darren Cossill has resigned as Chairperson after 5 years but he will stay on the Committee. The EMCE has resigned from the Committee as well but Jaci Cutler, the Shire's CAO will take his place to represent the Shire on the Committee and be the liaison officer.

The Community Development Team will continue to support the Whaleshark Festival on behalf of the Shire.

Staffing

Rebecca (Beck) Hammill is the new Community Development Officer who will fill in for Lauren while she is on maternity leave. Beck commenced on 20 October 2014.

On Sunday 5 October 2014 Lauren and Aaron had a baby girl, Olivia.

Media and Community Information

- Various media/community information about Dogs being baited
- Tidy Town Regional Winner – Northern Guardian
- Event Handbook; Youth Action Exmouth – Northern Guardian
- School Holiday programme – Northern Guardian
- Media Release Opening Event CBD (Northern Guardian, WALGA, DRD, Landcorp)
- Media Release Lotterywest re Ningaloo Centre

COMMENT

Nil

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Economic

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

- Outcome 1.3: Diverse Tourism opportunities.

Social

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

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

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.4.1
--

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

COUNCIL DECISION – 16-1014 – 11.4.1
--

Moved Councillor Winzer, Seconded Councillor Todd.


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

CARRIED 5/0

11. REPORTS OF OFFICERS

11.4 Executive Manager Community Engagement

11.4.2 Exmouth Visitor Centre Review of Key Performance Indicators

Location:	Exmouth
Applicant:	R Kempe
File Reference:	CS.SP.29
Disclosure of Interest:	Nil
Date:	17 September 2014
Author:	Executive Manager Community Engagement, Rogé Kempe
Signature of Author:	
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY

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

This report recommends that Council accepts the reviewed KPIs developed by the EVCMC so they can be utilised for future reporting requirements.

BACKGROUND

The Shire of Exmouth has entered into a formal Funding Agreement with the EVCMC outlining the support provided by the Shire of Exmouth and the conditions for this support. This includes the use of Key Performance Indicators to guide the deliverables by the EVC and specific reporting requirements for the Marketing Committee to Council.

Reporting requirements on Key Performance Areas/Indicators are embedded in the Funding Agreement between the two parties as follows:

Evaluation and reporting

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

At the April 2014 Council meeting officers reported that:

'The Committee is aware that many of the current KPIs have already been achieved or have become obsolete.

The newly formed Committee likes to determine the future planning and direction of the EVC which in turn will assist to update existing KPIs and incorporate new ones. A workshop will be planned to review and update the Strategic Plan and Business Plan and this also opens up the opportunity to include some new KPIs from the Marketing Strategy.

In accordance with the Funding Agreement, any proposed change in KPIs needs to be approved by Council and officers will bring this matter to Council in due course, but before the next bi-annual KPI report of November 2014'. [Officer's note: this should have been October 2014]

This Council item and attachment provides the reviewed KPIs as proposed by the EVCMC for Councils approval.

COMMENT

A full Report outlining the proposed Key Performance Indicators was submitted by the EVCMC (Refer *Attachment 1*), which includes:

Financial Performance

- Audited Annual Accounts re Profit and Loss and Balance Sheet
- Draft six monthly Financials
- Cash flow Forecast

Risk Management

- Compliance requirements for Shire Funding Agreement and Lease
- Compliance requirements re other stakeholders
- Risk Management Plan developed and implemented

Stakeholders Satisfaction

- Customer Satisfaction - Facebook, Trip Advisor, Annual Survey
- Member satisfaction - Annual Survey
- Partner satisfaction – including Shire, DPaW, CCI, TCWA, TWA, ACC,
- Staff Satisfaction

Governance

- Policies and procedures are in place and reviewed annually.
- Strategic Planning – develop and review Strategic Plan, Marketing Plan, and Business plan annually.

Projects

- Ningaloo Centre: input and preparations to move to Centre
- Overflow Caravan Park
- Statistics generated, including door statistics
- Partnerships re Cruise ships both at a local level and With TWA

The report provides the proposed KPI's for Council's endorsement, with the actual reporting on the KPI's to be tabled at the October 2014 Council meeting.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Economic

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

- Outcome 1.3: Diverse Tourism opportunities.

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.4.2
--

That Council:

- 1. Accepts the proposed KPIs for the operations of the Exmouth Visitor Centre, and*
- 2. Requests the Exmouth Visitor Centre to report on these KPIs at the November 2014 Council meeting.*

COUNCIL DECISION – 17-1014 – 11.4.2
--

Moved Councillor Todd, Seconded Councillor Hood.

That Council:

- 1. Accepts the proposed KPIs for the operations of the Exmouth Visitor Centre, and*
- 2. Requests the Exmouth Visitor Centre to report on these KPIs at the November 2014 Council meeting.*

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: 14 October 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 September 2014.

Building Applications						
Application No	Date Received	Lot No	Development Location	Description	Decision	Decision Date
14/39	07/04/2014	1	Burkett Road	3 x 4 bedroom transportable & 1 x commercial kitchen	Awaiting information from applicant	
14/47	30/04/2014	390	19 Corella Court	Single dwelling	Approved	12/09/2014
14/66	28/05/2014	40	40/2 Welch Street	Single dwelling	Awaiting information from applicant	
14/67	28/05/2014	15	15/2 Welch Street	Single dwelling	Awaiting information from applicant	
14/68	28/05/2014	41	41/2 Welch Street	Single dwelling	Awaiting information from applicant	
14/70	29/05/2014	351	25 Kestrel Place	Single dwelling	Awaiting information from applicant	
14/96	13/08/2014	66	20 Crevalle Way	Residence	Approved	05/09/2014
14/102	28/08/2014	26	50 Mortiss Street	Fence	Approved	01/09/2014
14/103	02/09/2014	117	9 Tautog Street	Outbuilding	Awaiting information from applicant	
14/104	05/09/2014	407	28 Madaffari Drive	Retaining Wall & Swimming Pool	Approved	08/09/2014
14/105	09/09/2014	1378	19 Preston Street	Outdoor Living Area	Approved	12/09/2014
14/106	09/09/2014	26	50 Mortiss Street	Single Dwelling	Approved	15/09/2014
14/107	10/09/2014	37	10 Searaven Crescent	Outbuilding	Approved	30/09/2014
14/108	16/09/2014	1499	20 Nimitz Street	Veranda	Awaiting information from applicant	
14/109	16/09/2014	119	26 Ingram Street	Building Approval Certificate	Awaiting information from applicant	
14/110	17/09/2014	406	26 Madaffari Drive	Jetty	Approved	23/09/2014
14/111	17/09/2014	429	78 Madaffari Drive	Jetty	Approved	18/09/2014
14/112	17/09/2014	419	58 Madaffari Drive	Jetty	Approved	22/09/2014
14/113	17/09/2014	422	64 Madaffari Drive	Jetty	Approved	18/09/2014
14/114	17/09/2014	363	1 Kestrel Place	Jetty	Approved	23/09/2014

14/115	17/09/2014	333	Kestrel Place	Jetty	Approved	23/09/2014
14/116	18/09/2014	362	3 Kestrel Place	Swimming Pool	Awaiting information from applicant	
14/117	22/09/2014	R32867	Aerodrome	Water Tanks	Approved	24/09/2014
14/118	22/09/2014	1375	50 Preston Street	Shed	Approved	30/09/2014
14/119	23/09/2014	671	65 Nimitz Street	Fence	Approved	30/09/2014
14/121	24/09/2014	1091	4 Campbell Way	Addition	Approved	01/10/2014
14/122	26/09/2014	759	102 Learmonth Street	Patio & Deck	Approved	30/09/2014
14/123	30/09/2014	61	22 Searaven Crescent	Carport	Approved	01/10/2014

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

Year	No. Applications	Total Value of Works	No. Applications up to 30 September 2014	Value up to 30 September 2014
2007- 2008	114	\$13,465,725.00	33	\$4,909,732.00
2008- 2009	132	\$26,600,941.00	28	\$3,592,252.00
2009 - 2010	198	\$26,916,869.00	39	\$3,017,705.00
2010 - 2011	188	\$24,816,605.00	31	\$7,075,825.00
2011-2012	144	\$23,057,154.00	38	\$9,413,385.00
2012- 2013	150	\$19,931,790.00	47	\$6,091,822.00
2013-2014	159	\$23,404,990.00	42	\$4,444,204.00
2014-2015			41	\$4,781,568.00

COMMENT

BUILDING

There are no new matters of building compliance to report on in this period. One past compliance matter relating to a rigid annex constructed without approval at a caravan park has been resolved and a Certificate of Building Compliance issued.

ENVIRONMENTAL HEALTH

Environmental Health Australia Conference 27-28 August 2014 : Perth

The EHA conference was held from the 26 to 28 August 2014. Environmental Health Officer, Carla Webster attended the above for the two days. The first day consisted of the conference with a topic of interest particularly for Exmouth, Maritime Environmental Emergencies and local government's role in the clean-up process should a maritime disaster occur. The presenter Matt Verney, Department of Transport highlighted a few challenges faced during a clean-up and the role Environmental Health Officers have in the process. He also highlighted training available to local governments which will provide the skills necessary during a maritime disaster.

Another topic of interest was mercury contamination from home gold extraction. The speaker went through a recent case where home gold extraction resulted in the contamination of a home in Kalgoorlie. The process resulted in the home being unfit for habitation and a massive clean-up operation to decontaminate the home. The key message was to be aware that this is occurring, what to look out for and the best course of action to take.

The second day consisted of a workshop on Risk Management in Events. This practical day covered many areas of risk management including guest speakers from other local government areas who focused on events in regional areas. The Department of Health advised they will be updating the Health (Public Building) Regulations 1992 and requested any comments or suggestions be emailed. They are also currently working on an Adventure Activities Guideline which will be released this financial year; this will capture racing events such as the recent Australasian Safari.

Asbestos – Old US Navy Houses

In 1976 the US Navy found that they had three dwellings surplus to their needs. These three dwellings were subsequently sold to members of the public, the three dwellings in question are:

- Lots 22 and 23 Kennedy Street
- Lot 36 Learmonth Street

In the early 1980's the US Navy removed asbestos insulating material from all of the housing stock that it still owned. From Council's historic records, it is apparent that the asbestos insulating material was never removed from the three houses the US Navy had previously sold. The dwellings all have false ceilings installed, but there still may remain a potential health hazard particularly in relation to home renovations affecting the false ceilings. The ceilings may also become deteriorated. The matter was placed before the Shire Council on the 21 November 1983 and Council resolved that the current owners of the three properties be advised of the potential health hazard, letters were sent on the 23 November 1983. On the 27 August 2010, the Shire submitted reports to the then Department of Environment and Conservation (DEC) Form 1 Report of a Known or Suspected Contaminated Site (Contaminated Sites Act 2003) to declare the properties as contaminated sites. The homes could not be deemed 'contaminated' as the Act applies to soil or groundwater not buildings or structures. A letter was then sent on the 13 October 2010 to DEC requesting further clarification and guidance on a course of action. A copy of this letter was also sent to Jim Dodds, Director, Environmental Health Directorate, Department of Health WA. On the 15 December 2010, Shire staff received a letter from the Department of Health outlining a recommended course of action (Refer **Attachment 1**).

Correspondence has been sent to the property owners (Refer **Attachment 2**) advising them of the above and a recommended course of action. In addition enclosed in the letter is a notice to tradesman to be placed in the meter box advising of presence of asbestos insulation and associated the risks.

Ideally a notice on the property title would help to manage the health risks, keeping everyone informed of the risks should the property be sold. This can't occur without the property owner's permission; at this stage the above will initiate contact with the property owners and options can be discussed.

Waste Management and RecyclingRecycling ServicesAluminium Can Recycling

Unfortunately Mr & Mrs Kiesey have given notice that they no longer wish to process (crush and bale) the aluminium cans collected by the CARE Group from the multitude of aluminium can collection cages in public places and commercial premises around town. The Kiesey's have provided this service for a few years now with little or negligible reward to themselves and more as a service to the community and environment. The Kiesey's have advised that they would like to cease as soon as possible but are prepared to continue processing the cans until the end of November 2014.

Unless an alternative arrangement can be put in place, it is likely that there will be a period of time that Exmouth will be without an aluminium can recycling scheme. That is until the R4R funds from the Department for Regional Development are released for the Waste and Recycling Infrastructure Project for the Gascoyne Region.

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

The Shire's of Carnarvon, Exmouth and Shark Bay are still waiting on the Department for Regional Development to release the Financial Assistance Agreement (FAA) for signing for the above project. Council Officers can not engage any consultancy services or commit to any expenditure relating to the development of the 'Bring Centre' (portion of the old power station site) until this occurs.

Council Officers have fielded numerous enquires as to when Exmouth will have the bring-to recycling centre operational. However, timelines cannot be estimated until the FAA is signed.

Great Northern Clean-up 20 September 2014



Top left: Toll staff who cleaned around the industrial area

Below left: Marine Rescue Group

Middle: 311g cigarette butts collected by Cape Conservation Group

Above: Shire and community volunteers

The Great Northern Clean-up was a great success with an estimated 10m³ of waste removed, in addition to this 311g of cigarette butts were collected by the Cape Conservation Group from around the Exmouth Boat Harbour. Overall there were 65 volunteers registered. Thank you to the Water Corporation for donating bottled water, Shire President Turk Shales for cooking the sausage sizzle and to all who participated.

Keep Australia Beautiful Litter Prevention Grants 2014 – No BUTTS cover your BEHIND Project

After the Clean-up it was highlighted to Shire staff, cigarette litter was a significant issue. Over the period of ½ hour cigarette butts were collected from 4 key gathering places within town. The following table details what was collected at each site:

Location	Quantity (g)
Hunters Beach Access	62
Tantabiddi Boat Ramp	25
Bundegi Beach Boat Ramp	56
Town Beach	94

To help aid in tackling this issue Council officers are currently applying for a Keep Australia Beautiful Litter Prevention Grant. The aim of the grant project is to reduce two litter streams, first one being cigarette butts and the second being litter from unsecured or uncovered loads. The campaign will be a two pronged approach consisting of promotion and signage. The litter from uncovered or unsecured loads will be addressed using the City of Karratha's "What's coming out your rear end" Clean Sweep campaign, permission has been granted by the City to use their artwork. The cigarette litter will entail the installation of cigarette butt bins in several key locations and the provision of portable cigarette ashtrays to the community and visitors. The cigarette ashtrays will have a QR code on them, which will provide a link to the Shire website page with the location of the cigarette butt bins.

E-waste

Arrangements for the removal of the e-waste has been denied as all arrangement providers are meeting their quotas. We will now be charged for the processing of the e-waste as well as transport down to Perth. At this stage the e-waste will be sorted through and stored in the sea container, meanwhile staff will actively seek alternatives and keep an eye on funding available to process the e-waste.

Sentinel Chickens & Mosquito Borne Diseases

The University of Western Australia's Sentinel Chicken Bleeding Program is continuing with bi-monthly bleeding of chicken flocks. There were no new positives blood tests to report of for Murray Valley Encephalitis, Kunjin Virus or other flaviviruses from the rounds of testing up to 10 October 2014.

New troops have arrived in the form of a new flock, with the old hens finding suitable retirement homes to live out their days in.

Paltridge Memorial Swimming Pool**Sunday Open Hours and Pool User Numbers**

This season has seen the start of Sunday openings. On the first opening day there were 153 users through. In total to date there have been 441 users at the pool on a Sunday. The below table shows the total usage for the month of September. Please note the 2014 numbers are inclusive of the open day which was the 31 August and the pool opened 2 weeks earlier than previous years.

	<u>2014</u>	<u>2013</u>	<u>2012</u>
Pool Users	1785	739	1032

Department of Sports and Recreation – Community Pool Revitalisation Program

The Shire was successful in obtaining a \$30,000 Community Pool Revitalisation Grant from the Department of Sports and Recreation. The funds will be used for a shed for storage of pool equipment, staff training and upgrade of pump shed to comply with current standards and increase efficiency.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS**Environment**

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

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

Social

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

- Outcome 3.2: Excellent lifestyle, recreational and cultural facilities.
- Outcome 3.3: An inclusive, responsible and cohesive community.
- Outcome 3.4: A community that is well informed and educated about our natural, cultural and built environment.
- 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 receive the Executive Manager Health & Building Report for the month of October 2014.

COUNCIL DECISION – 18-1014 – 11.5.1
--

Moved Councillor Winzer, Seconded Councillor Hood.

That Council receive the Executive Manager Health & Building Report for the month of October 2014.

CARRIED 5/0

11. REPORTS OF OFFICERS

11.6 Executive Manager Town Planning

11.6.1 General Report

Location: Exmouth
 Applicant: R Mhasho
 File Reference: LP.PL.0
 Disclosure of Interest: Nil
 Date: 13 October 2014
 Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

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

BACKGROUND

Planning Applications and Approvals

Below is a summary of planning applications and approvals up to 10 October 2014.

Applic No.	Lodgement	Lot	Property Address	Description	Decision	Date Determined
PA08/14	20/01/2014	1	4A Pellew Street	Open Carport	On Hold	
PA140/14	06/08/2014	462	16 Osprey Way	Outbuilding	Approved	30/09/2014
PA141/14	06/08/2014	462	16 Osprey Way	Garage	Processing	
PA142/14	06/08/2014	333	8 Kestrel Place	Holiday accommodation	Approved	18/09/2014
PA144/14	19/08/2014	1499	20 Nimitz Street	Sea container	Approved	10/10/2014
PA148/14	26/08/2014	1	28 Carr Way	Holiday accommodation	October OCM	
PA150/14	27/08/2014	52	16 Crevalle Way	Holiday accommodation	October OCM	
PA152/14	01/09/2014	900	Lot 900 Madaffari Drive	18 x two and three storey dwellings	Processing	
PA155/14	04/09/2014	403	20 Madaffari Drive	New single dwelling	October OCM	
PA156/14	08/09/2014	398	3 Corella Court	Two storey dwelling	October OCM	
PA158/14	11/09/2014	204	24 Kennedy Street	Outbuilding	Approved	30/09/2014
PA159/14	12/09/2014	363	1 Kestrel Place	Holiday accommodation	Neighbour consultation	
PA161/14	18/09/2014	29	4 Crevalle Way	Outbuilding	Approved	10/10/2014
PA162/14	18/09/2014	456	4 Osprey Way	Single dwelling	October OCM	
PA163/14	18/09/2014			Car wash	Cancelled	24//09/2014
PA165/14	22/09/2014	12	12 Madaffari Drive	Two storey dwelling	Processing	
PA167/14	22/09/2014	102	23 Ingram Street	Additional use of service station (fuel only)	Neighbour consultation	
PA170/14	01/10/2014	100	L100 Murat Road	Industrial development (office, storage, laydown and security gatehouse)	Processing	
PA172/14	03/10/2014	278	22 Christie Street	Shed and alfresco area	Neighbour consultation	
PA174/14	07/10/2014	39	26 Cooyou Close	4 x three storey townhouse development	Processing	

PA176/14	09/10/2014	115	13 Tautog Street	Outbuilding & Deck extension	Processing	
PA177/14	13/10/2014	966	17 Patterson Way	Three 12 x 3m transportable buildings	Processing	

Summary of Total Planning Applications/Codes Variations

Year	No. Applications
2009-2010	131
2010-2011	149
2011-2012	163
2012-2013	175
2013-2014	149
2014/2015 (to date)	44

BACKGROUND

Proposed Amendment to State Planning Policy 3.1

The Western Australian Planning Commission (WAPC) has invited stakeholders, including local governments to provide comments on the proposed amendment to State Planning Policy 3.1 - Residential Design Codes (R-Codes) in relation to multiple dwellings, parking and other incidental issues. Submissions are required by Friday 14 November 2014 (*Refer Attachment 1*).

Local Planning Strategy and Scheme

The preparation of the Local Planning Strategy and Local Planning Scheme No 4 is progressing well. Taylor Burrell Barnett (TBB) has submitted a draft Local Planning Strategy which is currently under review by Council staff. It is envisaged that the LPS and Strategy will be advertised together in the coming year after full review.

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

KCTT (Trading as KC Traffic and Transport Pty Ltd) acting on behalf of Shire of Exmouth have invited tenders from suitably experienced and qualified contractors for the civil engineering construction for development of Lot 300 Heron Way. Tenders must be received no later than 1pm Friday 31 October 2014.

Staff Changes

Planning Officer James Trimble has submitted his resignation with Council. James has been with the Shire for 2 ½ years and he will be going back to Perth. His last day of work will be 19 December 2014.

Ranger Services

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

	Dogs	Camping	Parking	Litter	Fire	Off road	Other
Warning/caution	1	0	2	0	0	0	1
Infringement	0	14	1	1	0	0	0
Court	0	0	0	0	0	0	0
September Total	1	14	3	1	0	0	1
2014 - 2015 Totals	7	102	24	11	0	2	3

Animal Welfare

Since the end of August, a number of dogs in Exmouth have died with others becoming seriously ill. Baits with suspicious substances have been found, but it is unknown what they are. There is strong evidence that this is a deliberate action by someone and the Exmouth Police are conducting further inquiries. Samples have been sent away for testing by the Vets to discover what the substance might be. The Exmouth Vets have advised that results should be known by 13 October 2014.

Ranger services assisted the Vets and Police with the issue and offered their assistance however possible. Patrols were conducted, in conjunction with the Police, around the areas in which baits were located to try and either find leftover baits or catch an offender.

Local Laws Review

In accordance with Council Decision – 18-0914 – 11.6.5 and Council Decision – 19-0914 – 11.6.6 at the September 2014 Ordinary Council Meeting, the Fencing Local Law and the Meeting Procedures Local Law were advertised for public comment in the Weekend West on Saturday 27 September 2014 and the Northern Guardian on Wednesday 1 October 2014. Copies have also been made available at the Shire of Exmouth Administration Office.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Shire of Exmouth Town Planning Scheme No 3

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Economic

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

- Outcome 1.2: Planned and balanced economic growth.

Environment

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

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

Social

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

- Outcome 3.4: 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 – 11.6.1
--

That Council receive the Executive Manager Town Planning Report for the month of October 2014.

COUNCIL DECISION – 19-1014 – 11.6.1
--

Moved Councillor Winzer, Seconded Councillor McHutchison.

That Council receive the Executive Manager Town Planning Report for the month of October 2014.

CARRIED 5/0

11. REPORTS OF OFFICERS

11.6 Executive Manager Town Planning

11.6.2 Road Closure of Portions of Kennedy Street and Crown Land Subdivision -Creation of 3 Lots

Location: Portions of Kennedy Street between Learmonth Street and Thew Street and Reserve 34924
 Applicant: Shire of Exmouth
 File Reference: RD.RO.0 and R34924
 Disclosure of Interest: Nil
 Date: 30 September 2014
 Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends that Council approve the proposed road closure of portions of Kennedy Street between Learmonth Street and Thew Street in accordance with the Town Centre Revitalisation Plan and the creation of 3 lots marked as areas 1, 2 and 3 (Refer **Attachment 2**).

BACKGROUND

The Exmouth Town Centre and Foreshore Revitalisation Plan brought together by the consultant team Hassel, the Shire of Exmouth and Townscape committee identified the need for the expansion of retail within the town centre along portions of Kennedy Street. The revitalisation plan was created to provide necessary amenities for local residents and visitors and to facilitate future growth and development of Exmouth.

Reserve 34924 has a management order issued to the Shire of Exmouth with a designated purpose of car park. Following recent completion of the new carpark in Lot 3000 and Reserve 37630 officers are implementing the recommendation of the revitalisation plan. The south-eastern portion of Reserve 34924 to excise will be offered to the adjoining owner of Lot 375 (31) Maidstone Crescent and Lot 381 (1) Ross Street Mall for amalgamation. This will facilitate redevelopment and expansion of the existing IGA supermarket, enabling re-design to activate the side fronting Maidstone Crescent with the western portion of Reserve 34924 to be excised to create a new lot for future development.



Portions of Kennedy Street to be Closed and Creation of New Lots

COMMENT

The proposed road closure and crown subdivision can be assessed under the *Land Administration Act 1997* (LAA) and Regulation 9 of the *Land Administration Regulations 1998*. These documents set the statutory procedure to be followed. The two proposals are discussed below;

Closure of a Portion of Kennedy Street

The portions of Kennedy Street to be closed are owned by the Crown. In accordance with section 58 of the *Land Administration Act 1997* (LAA) and Regulation 9 of the *Land Administration Regulations 1998* a submission must be made with the Department of Lands requesting the Minister for Lands or his/her delegate to permanently close the subject portions of Kennedy Street. Only Department of Lands can permanently close roads.

Below are some of the principles which will be considered by RDL for a road closure request:

RDL Principles	Officer Comment
<i>Road closure should not occur if there is current use, an expected requirement, or it provides the only dedicated access to a land parcel, or creates a land locked parcel of land.</i>	<p>The northern area of Kennedy Street to be closed is predominantly used for vehicle parking. Following recent completion of the new carpark development within Lot 3000 and Reserve 37630 adequate replacement parking has been provided within the town centre to cover the loss of bays from this proposal.</p> <p>The southern area of Kennedy Street to be closed is used for landscaping and pedestrian access. Following recent completion of the new carpark development within Lot 3000 and Reserve 37630 adequate pedestrian access and landscaping has been provided within the immediate area to cover the loss of landscaping and pedestrian access from this proposal.</p> <p>Considering the above there is no requirement for the portions to be closed to remain as it, and the proposal will not create any land locked parcels.</p>
<i>Closure that is likely to be detrimental to the value or utility of a land parcel should not be approved unless the landowner agrees.</i>	Closure is not likely to be detrimental to the value of a land parcel, as it will allow for revitalisation of the town centre.
<i>Proposed closures in urban areas of full widths of a road, or closures which would create landlocked parcels should be referred by the Local Government to the RDL for approval by the WAPC.</i>	The proposal will not create any land locked parcels.
<i>Services contained in a road should be protected. Written confirmation that arrangements have been made for the protection or relocation of the public utility services should be supplied by Local Government.</i>	The Shire will consult with all public utility services during the advertising process. Conditioned
<i>All proposals to close a road must be advertised by Local Government pursuant to section 58(3) of the LAA.</i>	The Shire will advertise the proposal in accordance with the requirements of the LAA and Department of Lands.
<i>Any rights to mine for minerals within the meaning of the Mining Act 1978 suspended.</i>	Noted

The application for closure of portions of Kennedy Street is considered to comply with the principles above, and the proposal will be advertised pursuant to section 58 of the LAA subject to Council approval. The road closure will not create any landlocked parcels of land.

Section 58 of the LAA outlines the process to be followed by Local Government during the road closure;

- (1) *When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*
- (2) *When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*
- (3) *A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*
- (4) *On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) -*
 - (a) *By order grant the request;*
 - (b) *direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or*
 - (c) *Refuse the request.*
- (5) *If the Minister grants a request under subsection (4) —*
 - (a) *The road concerned is closed on and from the day on which the relevant order is registered; and*
 - (b) *Any rights suspended under section 55(3)(a) cease to be so suspended.*
- (6) *When a road is closed under this section, the land comprising the former road —*
 - (a) *Becomes unallocated Crown land; or*
 - (b) *If a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.*

The above process will be followed for the closure of portions of Kennedy Street road reserve. Officer recommendations are in accordance with the requirements of fulfilling section 58 of LAA. The closure of portions of Kennedy Street road reserve and subsequent creation of lots for development will facilitate the intentions of the Exmouth Town Centre and Foreshore Revitalisation Plan prepared by Hassel and adopted by Council.

Creation of 3 Lots - Crown Land Subdivision

Reserve 34924 has a Management Order issued to the Shire, and is owned by the Crown. The reserve has a designated purpose of carpark. A formal request to the Department of Lands was submitted for the excision of portions of the reserve, via Crown Land subdivision for the excision of the south-eastern portion of Reserve 34924 to be amalgamated to the adjoining Lot 375 (31) Maidstone Crescent and Lot 381 (1) Ross Street Mall. This will facilitate redevelopment and expansion of the existing IGA supermarket, enabling re-design to activate the side fronting Maidstone Crescent.

The owner of the adjoining lots 375 Maidstone Crescent and 381 Ross Street Mall has formally expressed interest in purchasing this land (Refer **Attachment 3**). The proposed excision of portions of Reserve 34924 will be advertised for public notification together with the road closure of portions of Kennedy Street. The other two lots will be excised from the car park as shown on the plan.

Officer recommends that Council support the subsequent creation of 3 lots; (the excision of portions of Reserve 34924 via Crown Land subdivision, for amalgamation into adjoining lots 375 (31) Maidstone Crescent and 381 (1) Ross Street Mall, creation of a new lot market areas 3 and areas marked 2). The only impact of the proposal is the loss of car parking spaces. Approximately 12 bays will be lost. Following recent completion of the new carpark development within Lot 3000 and Reserve 37630 adequate replacement parking has been provided within the town centre to cover the loss of bays from this proposal. The new carpark includes 121 normal bays, 4 disabled bays, 4 loading bays and 12 long vehicle bays. The old carpark consisted of approximately 46 bays. The south-eastern excision of R34924 will facilitate redevelopment and upgrading of the existing adjoining IGA supermarket. It is proposed that two additional disabled bays will be accommodated to service the Kennedy Street shopping precinct to be accessed from Learmonth Street.

CONSULTATION

Consultation will be undertaken in accordance with requirements of the *Land Administration Act 1997* and advice received from the Department of Lands.

STATUTORY ENVIRONMENT

Land Administration Act 1997

Land Administration Regulation 1998

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.

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 – 11.6.2
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That Council:

1. *Proceed with the proposed road closure of portions of Kennedy Street Road Reserve between Learmonth Street and Thew Street as shown on attachment 2 subject to:*
 - i. *Publishing a public notice of intention to close portions of Kennedy Street road reserve, Exmouth between Learmonth and Thew Street in the local newspaper circulating in the relevant district and invite representations on the proposed closure within a period of 35 days from the publication; and*
 - ii. *Consulting with service infrastructure authorities including Water Corporation, Western Power, Telstra, and Department of Lands confirming their agreement to the proposed road closure.*
2. *Proceed with the 3 Lots Crown Land Subdivision as shown in attachment 2 to facilitate the creation of lots in the Town Centre for development subject to:*
 - i. *Publishing a public notice in the local newspaper circulating in the relevant district on the proposed Crown Land subdivision; and*
 - ii. *Consulting with service infrastructure authorities including Water Corporation, Western Power, Alinta Gas, and Telstra confirming their agreement to the proposed Crown Land subdivision.*

COUNCIL DECISION – 20-1014 – 11.6.2
--

Moved Councillor Winzer, Seconded Councillor Todd.

That Council:

- 1. Proceed with the proposed road closure of portions of Kennedy Street Road Reserve between Learmonth Street and Thew Street as shown on attachment 2 subject to:***
 - i. Publishing a public notice of intention to close portions of Kennedy Street road reserve, Exmouth between Learmonth and Thew Street in the local newspaper circulating in the relevant district and invite representations on the proposed closure within a period of 35 days from the publication; and***
 - ii. Consulting with service infrastructure authorities including Water Corporation, Western Power, Telstra, and Department of Lands confirming their agreement to the proposed road closure.***
- 2. Proceed with the 3 Lots Crown Land Subdivision as shown in attachment 2 to facilitate the creation of lots in the Town Centre for development subject to:***
 - i. Publishing a public notice in the local newspaper circulating in the relevant district on the proposed Crown Land subdivision; and***
 - ii. Consulting with service infrastructure authorities including Water Corporation, Western Power, Alinta Gas, and Telstra confirming their agreement to the proposed Crown Land subdivision.***

CARRIED 5/0

11. REPORTS OF OFFICERS

11.6 Executive Manager Town Planning

11.6.3 New Holiday Accommodation – Lot 52 (16) Crevalle Way, Exmouth

Location: Lot 52 (16) Crevalle Way, Exmouth
 Applicant: Cheryl Stinson
 File Reference: A1938 (PA150/14)
 Disclosure of Interest: Nil
 Date: 19 September 2014
 Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer:

Chief Executive Officer, Bill Price

SUMMARY

This report recommends that Council grant conditional planning approval for Holiday Accommodation upon Lot 52 (16) Crevalle Way, Exmouth. (Refer ***Attachment 4***).

BACKGROUND

The subject lot has a substantially constructed dwelling, an area of 466m² and is zoned Residential R20 in the Scheme. The area has an Outline Development Plan which has been adopted as Local Planning Policy 6.17: Design Guidelines for Lot 11 and 12 Market Street. The Outline Development Plan classifies the lot as Residential R20. The aerial image below identifies Lot 52 (16) Crevalle Way where the proponent seeks planning approval to use the existing dwelling as holiday accommodation



Lot 52 (16) Crevalle Way, Exmouth

COMMENT

The proposal has been assessed against the Town Planning Scheme No. 3 (Scheme), Local Planning Policy 6.12: Holiday Accommodation and Local Planning Policy 6.17: Design Guidelines for Lot 11 and 12 Market Street.

Policy 6.17 objective seeks to

- *To facilitate a harmonious and attractive environment between residential lots and lots that are permissible to operate a business*

Land Uses shall be in accordance with Residential, Table 1 of the Scheme. Table 1 of the Scheme defines Holiday Accommodation as an 'SA' use meaning the use is not permitted unless the Council has granted planning approval after giving notice in accordance with clause 9.3.

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.*

This application generally accords with Policy 6.12.

Number of Occupants

The number of allowable occupants is restricted by the ventilation requirements under the Health Act 1911, which defines 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
- 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 of the submitted floor layout as follows (Schedule 1):
- d)

Schedule 1: Allowable Occupants: Lot 52 (16) Crevalle Way, Exmouth

Bedroom 1: Total floor space: 21.51m², Approximate Air Space: 58.26m³
Allowable occupants: 4 adults **OR** 1 adult and 5 children **OR** 2 adult and 3 children **OR** 3 adult and 2 children

Bedroom 2: Total floor space: 11.02m², Approximate Air Space: 29.87m³
Allowable occupants: 2 adults **OR** 1 adult and 1 children **OR** 3 children

Bedroom 3: Total floor space: 16.5m², Approximate Air Space: 44.71m³
Allowable occupants: 3 adults **OR** 2 adult and 2 children **OR** 1 adult and 3 children **OR** 5 children

Bedroom 4: Total floor space: 11.02m², Approximate Air Space: 29.87m³
Allowable occupants: 2 adults **OR** 1 adult and 1 children **OR** 3 children

Bedroom 5: Total floor space: 19.8m², Approximate Air Space: 53.66m³
Allowable occupants: 3 adults **OR** 2 adult and 3 children **OR** 1 adult and 4 children

Bedroom 6: Total floor space: 19.8m², Approximate Air Space: 53.66m³
Allowable occupants: 3 adults **OR** 2 adult and 3 children **OR** 1 adult and 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

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

Number of Vehicles

The application states the number of vehicles to be accommodated on site is three (3) vehicles and two (2) trailers which is the maximum permissible number allowed under the Holiday Accommodation Policy. Policy states that car parking shall be calculated on the basis of four persons per vehicle. The property has a double garage with space to accommodate two (2) vehicles. Officer recommends a maximum of three (3) vehicles and two (2) trailers to reduce traffic issues as stated in the application.

Management Plan and Code of Conduct

The applicant has submitted a copy of the House Rules for Guests and visitors in accordance with the requirements of Local Planning Policy 6.12.

Having regard to the above officers recommend that Council grant conditional planning approval for holiday accommodation upon Lot 52 (16) Crevalle Way. The application meets the requirements of relevant Local Planning Policies and the potential issues identified from adjoining neighbours can be managed accordingly.

CONSULTATION

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

Address	Received	Officer Comment
Lot 51 (14) Crevalle Way	Yes, Please be advised that I object to holiday accommodation planning approval for Lot 52 (16) Crevalle Way, Exmouth. In consideration of Lot 52 Crevalle Way, Exmouth for holiday accommodation, the property has already demonstrated excessive noise during the day through to the late evening and there have been excessive vehicles and trailer boats being parked on the road verge in the vicinity. Furthermore, I have been brought to the attention of the community's concern for the lack of consideration for the surrounding environment by what appears to be caused by the periodic occupants of the subject premises. I will greatly appreciate it if council will acknowledge the merits of my objection for this particular application. I would like to emphasise that up until now, we have been given no opportunity to contribute to any of the decisions made for the buildings within our residential area during the development process and so would like to thank you for your consultation in relation to this matter.	Noise and vehicle parking can be controlled through enforcement of the submitted tenant code of conduct and vehicle parking plan. As per the submitted house rules for guests and visitors noise must be kept to a minimum between 10pm to 8am. The proposed number of vehicles and trailers can be accommodated within the lot.
Lot 53 (27) Searaven Crescent	Nil	Nil
Lot 65 (18) Crevalle Way	Nil	Nil
The Resident – Lot 65 (18) Crevalle Way	Nil	Nil

STATUTORY ENVIRONMENT

Town Planning Scheme No.3

Planning and Development Act 2005

POLICY IMPLICATIONS

Local Planning Policy 6.12: Holiday Accommodation

Local Planning Policy 6.17: Design Guidelines for Lot 11 and 12 Market Street

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
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That Council grant planning approval for holiday accommodation upon Lot 52 (16) Crevalle 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 (PA150/14) and Local Planning Policy No. 6.12: Holiday Accommodation;*
- 2. The maximum number of overnight occupants allowed within the dwelling at the same time shall be twelve (12) persons. This includes no more than twelve (12) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Local Planning Policy 6.12: Holiday Accommodation;*
- 3. The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be three (3) and two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
- 4. The property shall provide at least three (3) 240 litre rubbish bins prior to the use commencing;*
- 5. The House Rules for Guests and Visitors shall be clearly displayed in the premises in accordance with Council's Holiday Accommodation Policy;*
- 6. An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*
 - a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - no fires are to be lit outside with the exception of a gas or electric barbeque.*
- 7. The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*

8. *An approved smoke alarm must be installed on or near the ceiling in each guest bedroom; and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms and the remainder of the building. Where the building is more than one storey, approved smoke alarms must be installed on each storey. The smoke alarms must be installed in accordance with Australian Standards and be connected to the consumer mains power;*
9. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighboring properties, or causes a nuisance to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;*
10. *The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with;*
11. *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 twelve (12) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

Schedule 1: Allowable Occupants: Lot 52 (16) Crevalle Way, Exmouth

Bedroom 1: Total floor space: 21.51m², Approximate Air Space: 58.26m³
Allowable occupants: 4 adults **OR** 1 adult and 5 children **OR** 2 adult and 3 children **OR** 3 adult and 2 children

Bedroom 2: Total floor space: 11.02m², Approximate Air Space: 29.87m³
Allowable occupants: 2 adults **OR** 1 adult and 1 children **OR** 3 children

Bedroom 3: Total floor space: 16.5m², Approximate Air Space: 44.71m³
Allowable occupants: 3 adults **OR** 2 adult and 2 children **OR** 1 adult and 3 children **OR** 5 children

Bedroom 4: Total floor space: 11.02m², Approximate Air Space: 29.87m³
Allowable occupants: 2 adults **OR** 1 adult and 1 children **OR** 3 children

Bedroom 5: Total floor space: 19.8m², Approximate Air Space: 53.66m³
Allowable occupants: 3 adults **OR** 2 adult and 3 children **OR** 1 adult and 4 children

Bedroom 6: Total floor space: 19.8m², Approximate Air Space: 53.66m³
Allowable occupants: 3 adults **OR** 2 adult and 3 children **OR** 1 adult and 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.*

- 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) *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*
- iv) *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 – 21-1014 – 11.6.3
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Moved Councillor Todd, Seconded Councillor Hood.

That Council grant planning approval for holiday accommodation upon Lot 52 (16) Crevalle 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 (PA150/14) and Local Planning Policy No. 6.12: Holiday Accommodation;***
2. ***The maximum number of overnight occupants allowed within the dwelling at the same time shall be twelve (12) persons. This includes no more than twelve (12) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Local Planning Policy 6.12: Holiday Accommodation;***
3. ***The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be three (3) and two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;***
4. ***The property shall provide at least three (3) 240 litre rubbish bins prior to the use commencing;***
5. ***The House Rules for Guests and Visitors shall be clearly displayed in the premises in accordance with Council's Holiday Accommodation Policy;***
6. ***An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:***
 - ***a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and***
 - ***no fires are to be lit outside with the exception of a gas or electric barbeque.***
7. ***The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;***
8. ***An approved smoke alarm must be installed on or near the ceiling in each guest bedroom; and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms and the remainder of the building. Where the building is more than one storey, approved smoke alarms must be installed on each storey. The smoke alarms must be***

installed in accordance with Australian Standards and be connected to the consumer mains power;

- 9. If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighboring properties, or causes a nuisance to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;*
- 10. The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with;*
- 11. 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 twelve (12) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

Schedule 1: Allowable Occupants: Lot 52 (16) Crevalle Way, Exmouth

Bedroom 1: Total floor space: 21.51m², Approximate Air Space: 58.26m³
Allowable occupants: 4 adults **OR** 1 adult and 5 children **OR** 2 adult and 3 children **OR** 3 adult and 2 children

Bedroom 2: Total floor space: 11.02m², Approximate Air Space: 29.87m³
Allowable occupants: 2 adults **OR** 1 adult and 1 children **OR** 3 children

Bedroom 3: Total floor space: 16.5m², Approximate Air Space: 44.71m³
Allowable occupants: 3 adults **OR** 2 adult and 2 children **OR** 1 adult and 3 children **OR** 5 children

Bedroom 4: Total floor space: 11.02m², Approximate Air Space: 29.87m³
Allowable occupants: 2 adults **OR** 1 adult and 1 children **OR** 3 children

Bedroom 5: Total floor space: 19.8m², Approximate Air Space: 53.66m³
Allowable occupants: 3 adults **OR** 2 adult and 3 children **OR** 1 adult and 4 children

Bedroom 6: Total floor space: 19.8m², Approximate Air Space: 53.66m³
Allowable occupants: 3 adults **OR** 2 adult and 3 children **OR** 1 adult and 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.*

- 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) *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*

iv) *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

11.6.4 Holiday Accommodation – Lot 1 (28) Carr Way, Exmouth

Location: Lot 1 (28) Carr Way, Exmouth
 Applicant: Ray White Exmouth
 File Reference: A130 (PA148/14)
 Disclosure of Interest: Nil
 Date: 19 September 2014
 Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer:

Chief Executive Officer, Bill Price

SUMMARY

This report recommends that Council grant conditional planning approval for Holiday Accommodation upon Lot 1 (28) Carr Way, Exmouth (Refer *Attachment 5*).

BACKGROUND

The subject lot has a substantially constructed dwelling, an area of 981m², and is zoned Residential R17.5 in the Scheme. The aerial image below identifies Lot 1 (28) Carr Way where the proponent seeks planning approval to use the existing dwelling as holiday accommodation.



Lot 1 (28) Carr Way, Exmouth

COMMENT

The proposal has been assessed against the Town Planning Scheme No. 3 (Scheme), and Local Planning Policy 6.12: Holiday Accommodation.

Holiday Accommodation is listed as an ‘SA’ use within the residential zone. The use is not permitted unless the Council has granted planning approval after giving 21 days notification to all adjoining neighbours.

The proposed holiday accommodation use has been advertised to adjoining neighbours for a period of 21 days, and has generally been accepted as use which may be supported in Residential areas, subject to neighbour consultation and appropriate management.

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.*

This application generally accords with Policy 6.12.

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: Lot 1 (28) Carr Way, Exmouth

Bedroom 1: Total floor space: 14.15m², Approximate Air Space: 33.95m³
Allowable occupants: 2 adults **OR** 1 adult and 2 children **OR** 4 children

Bedroom 2: Total floor space: 12.74m², Approximate Air Space: 30.58m³
Allowable occupants: 2 adults **OR** 1 adult and 2 children **OR** 3 children

Bedroom 3: Total floor space: 9.06m², Approximate Air Space: 21.75m³
Allowable occupants: 1 adult **OR** 2 children

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

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

Occupancy Levels

In consideration of the above Schedule, the maximum number of overnight occupants is eight (8) persons, with no more than five (5) 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.

The application states the maximum number of overnight occupants allowed within this dwelling at the same time shall be eight (8) persons.

Number of Vehicles

The application states the number of vehicles to be accommodated on site is two (2) vehicles and two (2) trailers. The Policy states that car parking shall be calculated on the basis of four persons per vehicle. There is ample space within the lot to accommodate 2 vehicles and 2 trailers.

Management Plan and Code of Conduct

The applicant has submitted a copy of the House Rules for Guests and visitors in accordance with the requirements of Local Planning Policy 6.12.

Having regard to the above officers recommend that Council grant conditional planning approval for holiday accommodation upon Lot 1 (28) Carr Way. The application meets the requirements of relevant Local Planning Policies and no issues have been raised from adjoining neighbours.

CONSULTATION

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

Address	Received	Officer Comment
Lot 4 (7) Turnor Place	Nil	Nil
Lot 5 (5) Turnor Place	Nil	Nil
Lot 735 (30) Carr Way	Nil	Nil
The Resident – Lot 735 (30) Carr Way	Nil	Nil
Lot 810 (1) King Place	Nil	Nil
Lot 792 (17) Carr Way	Nil	Nil

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Town Planning Scheme No. 3

Health Act 1911

POLICY IMPLICATIONS

Local Planning Policy 6.12: Holiday Accommodation

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS**Economic**

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

- Outcome 1.2: Planned and balanced economic growth.

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.6.4

That Council grant planning approval for holiday accommodation upon Lot 1 (28) Carr 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 (PA148/14) and Local Planning Policy No. 6.12: Holiday Accommodation;*
- 2. The maximum number of overnight occupants allowed within the dwelling at the same time shall be eight (8) persons. This includes no more than five (5) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Local Planning Policy 6.12: Holiday Accommodation;*

3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be two (2) and two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
4. *The property shall provide at least two (2) 240 litre rubbish bins prior to the use commencing;*
5. *The House Rules for Guests and Visitors 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.*
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 eight (8) persons. This includes no more than five (5) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

Schedule 1: Allowable Occupants: Lot 1 (28) Carr Way, Exmouth

Bedroom 1: Total floor space: 14.15m², Approximate Air Space: 33.95m³
Allowable occupants: 2 adults **OR** 1 adult and 2 children **OR** 4 children

Bedroom 2: Total floor space: 12.74m², Approximate Air Space: 30.58m³
Allowable occupants: 2 adults **OR** 1 adult and 2 children **OR** 3 children

Bedroom 3: Total floor space: 9.06m², Approximate Air Space: 21.75m³
Allowable occupants: 1 adult **OR** 2 children

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

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

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

COUNCIL DECISION – 22-1014 – 11.6.4

Moved Councillor Hood, Seconded Councillor Todd.

That Council grant planning approval for holiday accommodation upon Lot 1 (28) Carr 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 (PA148/14) and Local Planning Policy No. 6.12: Holiday Accommodation;***
- 2. The maximum number of overnight occupants allowed within the dwelling at the same time shall be eight (8) persons. This includes no more than five (5) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Local Planning Policy 6.12: Holiday Accommodation;***
- 3. The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be two (2) and two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;***
- 4. The property shall provide at least two (2) 240 litre rubbish bins prior to the use commencing;***
- 5. The House Rules for Guests and Visitors 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.*
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 eight (8) persons. This includes no more than five (5) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

Schedule 1: Allowable Occupants: Lot 1 (28) Carr Way, Exmouth

Bedroom 1: Total floor space: 14.15m², Approximate Air Space: 33.95m³
Allowable occupants: 2 adults **OR** 1 adult and 2 children **OR** 4 children

Bedroom 2: Total floor space: 12.74m², Approximate Air Space: 30.58m³
Allowable occupants: 2 adults **OR** 1 adult and 2 children **OR** 3 children

Bedroom 3: Total floor space: 9.06m², Approximate Air Space: 21.75m³
Allowable occupants: 1 adult **OR** 2 children

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

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

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

CARRIED 5/0

11. REPORTS OF OFFICERS

11.6 Executive Manager Town Planning

11.6.5 Dwelling and Swimming Pool – Lot 403 (20) Madaffari Drive, Exmouth

Location: Lot 403 (20) Madaffari Drive
 Applicant: Martin Zuchetti
 File Reference: A1588 (PA155/14)
 Disclosure of Interest: Nil
 Date: 22 September 2014
 Author: Executive Manager Town Planning, Rhassel Mhasho

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 403 (20) Madaffari Drive, Exmouth. (Refer *Attachment 6*).

BACKGROUND

The subject lot received planning approval for a jetty from Council at its Ordinary meeting held in December 2013. Construction of the jetty has not substantially commenced. The remainder of the lot is vacant, is approximately 1059m² 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 Local Planning Policy 6.16: Design Guidelines for Exmouth Marina Village Precinct A. The aerial image below identifies Lot 403 (20) Madaffari Drive where the proponent seeks planning approval for a dwelling and swimming pool.

Lot 403 (20) Madaffari Drive, Exmouth



COMMENT

The development has been assessed against the Shire of Exmouth Town Planning Scheme No. 3, Local Planning 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 Local Planning Policy 6.16 with:

- 1.5m side setback in the conditional development area in lieu of 3.75m; and
- 1.9m high retaining wall in lieu of 0.75m.

Overheight Retaining Wall

The applicant is proposing a 1.9m high retaining wall in lieu of 0.75m in accordance with the provisions of Policy 6.16. The proposed 1.9m retaining wall is setback 8.6m 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 overheight 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 a portion of the pool area which is 5.4m AHD setback 1.5m from the side boundary in lieu of 3.75m as required in Local Planning 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. It creates more useable area within the Conditional Development Area; and
3. Land at 5.4m 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 403 (20) Madaffari Drive, Exmouth.

CONSULTATION

In accordance with the requirements of Policy 6.16 adjoining neighbours were invited to comment on the proposal from Monday 8 September 2014 to Monday 22 September 2014 for a period of 14 days. A summary is tabled below:

Property	Response	Officers Comments
Lot 402 (18) Madaffari Drive	Nil	Nil
Lot 404 (22) Madaffari Drive	Yes, do not object	Nil

STATUTORY ENVIRONMENT

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.

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 – 11.6.5
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That Council grant planning approval for a dwelling and swimming pool upon Lot 403 (20) Madaffari Drive, Exmouth subject to the following conditions:

- 1. The development being carried out in accordance with the approved plans (as amended) (PA155/14) and Local Planning 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 1.9m;*
- 4. The area within the Conditional Development Area at an RL 5.4m shall maintain a minimum side setback of 1.5m;*
- 5. The development having external colours consistent with Council's Policy (6.2) Colour Palette for Developments;*
- 6. Development within 2 metres of the Conditional Development Area shall be certified by a structural engineer;*
- 7. 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;*
- 8. 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;*
- 9. Lot owners being responsible for ensuring that no materials deleterious to the water quality shall enter the canals;*
- 10. 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. *Landscaping shall be established prior to occupation of the new building/s;*
15. *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;*
16. *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;*
17. *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;*
18. *Fencing and retaining walls where provided by the developer may not be altered in any way;*
19. *Any future fencing within the front street setback area (including the street front boundary) shall not exceed 0.9 metres in height;*
20. *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;*
21. *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;*
22. *No fencing shall be permitted within two (2) metres of any shared stair access to the canals;*
23. *Boundary fencing located along the Net Developable Area not exceeding 1.8m in height;*
24. *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;*
25. *External clothes drying facilities, rubbish bin and all service fittings and fixtures shall not be visible from the public road and canal waterway;*
26. *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;*
27. *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*
28. *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 – 23-1014 – 11.6.5

Moved Councillor Todd, Seconded Councillor Hood.

That Council grant planning approval for a dwelling and swimming pool upon Lot 403 (20) Madaffari Drive, Exmouth subject to the following conditions:

- 1. The development being carried out in accordance with the approved plans (as amended) (PA155/14) and Local Planning 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 1.9m;*
- 4. The area within the Conditional Development Area at an RL 5.4m shall maintain a minimum side setback of 1.5m;*
- 5. The development having external colours consistent with Council's Policy (6.2) Colour Palette for Developments;*
- 6. Development within 2 metres of the Conditional Development Area shall be certified by a structural engineer;*
- 7. 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;*
- 8. 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;*
- 9. Lot owners being responsible for ensuring that no materials deleterious to the water quality shall enter the canals;*
- 10. 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. Landscaping shall be established prior to occupation of the new building/s;*
- 15. 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;*
- 16. 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;*
- 17. 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;*
- 18. Fencing and retaining walls where provided by the developer may not be altered in any way;*

19. *Any future fencing within the front street setback area (including the street front boundary) shall not exceed 0.9 metres in height;*
20. *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;*
21. *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;*
22. *No fencing shall be permitted within two (2) metres of any shared stair access to the canals;*
23. *Boundary fencing located along the Net Developable Area not exceeding 1.8m in height;*
24. *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;*
25. *External clothes drying facilities, rubbish bin and all service fittings and fixtures shall not be visible from the public road and canal waterway;*
26. *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;*
27. *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*
28. *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

11. REPORTS OF OFFICERS

11.6 Executive Manager Town Planning

11.6.6 Dwelling and Swimming Pool – Lot 398 (3) Corella Court

Location: Lot 398 (3) Corella Court, Exmouth
 Applicant: John Devereux and Design Right
 File Reference: A1530 (PA156/14)
 Disclosure of Interest: Nil
 Date: 25 September 2014
 Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer:

Chief Executive Officer, Bill Price

SUMMARY

This report recommends that Council grant conditional planning approval for a dwelling and swimming pool upon Lot 398 (3) Corella Court, Exmouth. (Refer ***Attachment 7***).

BACKGROUND

The subject lot is vacant, is approximately 890m² 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 Local Planning Policy 6.16: Design Guidelines for Exmouth Marina Village Precinct A. The aerial image below identifies Lot 398 (3) Corella Court where the proponent seeks planning approval for a dwelling and swimming pool.



Lot 398 (3) Corella Court, Exmouth

COMMENT

The development has been assessed against the Shire of Exmouth Town Planning Scheme No. 3, Local Planning 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 Local Planning Policy 6.16 with:

- 1.95m side setback in the conditional development area in lieu of 3.75m; and
- 2m high retaining wall in lieu of 0.75m.

Overheight Retaining Wall

The applicant is proposing a 2m high retaining wall in lieu of 0.75m in accordance with the provisions of Policy 6.16. The proposed 2m high retaining wall is setback 6.6m 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 reducing visual impact from the canal waterway. The setback of the overheight 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 5.5m AHD setback 1.95m from the side boundary in lieu of 3.75m as required in Local Planning 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. It creates more useable area within the Conditional Development Area; and
3. Land at 5.5m 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 398 (3) Corella Court, Exmouth.

CONSULTATION

In accordance the requirements of Exmouth Marina Precinct A Detailed Design Guidelines adjoining neighbours are to be consulted where modification of the design guidelines are requested for a minimum period of 14 days. Adjacent properties were invited to comment on the proposed variation from Wednesday 10 September 2014 to Wednesday 24 September 2014. A summary is tabled below:

Property	Received	Officer Comment
Lot 399 (1) Corella Court	Nil	Nil
Lot 397 (5) Corella Court	Yes, do not object	Nil

STATUTORY ENVIRONMENT

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.

VOTING REQUIREMENTS

Simple Majority

OFFICER’S RECOMMENDATION – 11.6.6
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That Council grant planning approval for a dwelling and swimming pool upon Lot 398 (3) Corella Court, Exmouth subject to the following conditions:

- 1. The development being carried out in accordance with the as amended approved plans PA156/14 and the Exmouth Marina Village Precinct ‘A’ Design Guidelines to the satisfaction of Council officers;*
- 2. The retaining wall setback 6.6m from the canal side of the second (upper) retaining wall shall not exceed a maximum height of 2m;*
- 3. The alfresco area at 5.50m AHD within the Conditional Development Area shall have a minimum side setback of 1.95m;*
- 4. The upper floor south-south-eastern window fronting adjoining Lot 397 (5) Corella Court shall be obscured to prevent overlooking;*
- 5. The pool pump will be enclosed in appropriate housing with noise attenuation materials and/or dampeners;*
- 6. Fencing in the immediate area of the swimming pool shall be a minimum 90% visually permeable and have a maximum height of 1.2m. The minimum canal setback for canal frontage fencing is on top of the second retaining wall;*
- 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. The development having external colours generally in accordance with Council’s Policy (6.2) Colour Palette for Developments;*
- 9. Development within 2 metres of the Conditional Development Area shall be certified by a structural engineer;*

10. *The underside of the canal side outdoor alfresco area at 5.50m AHD within the Conditional Development Area shall be screened appropriately from the canal waterway to the satisfaction of Council Officers;*
11. *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;*
12. *Balustrades within the Conditional Development Area shall be a maximum height of one (1) metre above the finished floor level;*
13. *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;*
14. *Lot owners being responsible for ensuring that no materials deleterious to the water quality shall enter the canals;*
15. *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;*
16. *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;*
17. *Landscaping shall be established in accordance with the approved plans prior to occupation of the new building/s;*
18. *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;*
19. *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;*
20. *All canal revetment walls along the canal frontage being kept in a structurally sound condition and not being altered, extended or removed without the prior written approval of the Council and the Department of Transport;*
21. *Fencing and retaining walls where provided by the developer may not be altered in any way;*
22. *Any future fencing within the front street setback area (including the street front boundary) shall not exceed 0.9 metres in height;*
23. *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;*
24. *Any future canal frontage fencing (excludes retaining walls) shall be open style fencing (minimum of 90% visually permeable) and not exceed 1.2 metres. The minimum canal setback for fencing is on top of the Secondary Retaining Wall;*
25. *Boundary fencing located along the Net Developable Area not exceeding 1.8m in height;*
26. *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;*
27. *External clothes drying facilities, rubbish bin and all service fittings and fixtures shall not be visible from the public road and canal waterway; ;*

28. 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;
29. 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
30. 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. The Shire of Exmouth Building Surveyor can be contacted on 9949 3000.
- ii. Approval is required from the Environmental Health officer regarding sampling and testing of pool water. The Environmental Health Officer can be contacted on 9949 3000.
- iii. 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.
- iv. All fencing shall be of adequate structural design to meet cyclone requirements.
- v. 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.
- 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 – 24-1014 – 11.6.6

Moved Councillor Winzer, Seconded Councillor McHutchison.

That Council grant planning approval for a dwelling and swimming pool upon Lot 398 (3) Corella Court, Exmouth subject to the following conditions:

- 1. The development being carried out in accordance with the as amended approved plans PA156/14 and the Exmouth Marina Village Precinct 'A' Design Guidelines to the satisfaction of Council officers;*
- 2. The retaining wall setback 6.6m from the canal side of the second (upper) retaining wall shall not exceed a maximum height of 2m;*
- 3. The alfresco area at 5.50m AHD within the Conditional Development Area shall have a minimum side setback of 1.95m;*
- 4. The upper floor south-south-eastern window fronting adjoining Lot 397 (5) Corella Court shall be obscured to prevent overlooking;*
- 5. The pool pump will be enclosed in appropriate housing with noise attenuation materials and/or dampeners;*
- 6. Fencing in the immediate area of the swimming pool shall be a minimum 90% visually permeable and have a maximum height of 1.2m. The minimum canal setback for canal frontage fencing is on top of the second retaining wall;*
- 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. The development having external colours generally in accordance with Council's Policy (6.2) Colour Palette for Developments;*
- 9. Development within 2 metres of the Conditional Development Area shall be certified by a structural engineer;*
- 10. The underside of the canal side outdoor alfresco area at 5.50m AHD within the Conditional Development Area shall be screened appropriately from the canal waterway to the satisfaction of Council Officers;*
- 11. 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;*
- 12. Balustrades within the Conditional Development Area shall be a maximum height of one (1) metre above the finished floor level;*
- 13. 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;*
- 14. Lot owners being responsible for ensuring that no materials deleterious to the water quality shall enter the canals;*
- 15. 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;*
- 16. 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;*

- 17. Landscaping shall be established in accordance with the approved plans prior to occupation of the new building/s;*
- 18. 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;*
- 19. 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;*
- 20. All canal revetment walls along the canal frontage being kept in a structurally sound condition and not being altered, extended or removed without the prior written approval of the Council and the Department of Transport;*
- 21. Fencing and retaining walls where provided by the developer may not be altered in any way;*
- 22. Any future fencing within the front street setback area (including the street front boundary) shall not exceed 0.9 metres in height;*
- 23. 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;*
- 24. Any future canal frontage fencing (excludes retaining walls) shall be open style fencing (minimum of 90% visually permeable) and not exceed 1.2 metres. The minimum canal setback for fencing is on top of the Secondary Retaining Wall;*
- 25. Boundary fencing located along the Net Developable Area not exceeding 1.8m in height;*
- 26. 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;*
- 27. External clothes drying facilities, rubbish bin and all service fittings and fixtures shall not be visible from the public road and canal waterway; ;*
- 28. 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;*
- 29. 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*
- 30. 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. The Shire of Exmouth Building Surveyor can be contacted on 9949 3000.*
- ii. Approval is required from the Environmental Health officer regarding sampling and testing of pool water. The Environmental Health Officer can be contacted on 9949 3000.*
- iii. 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.*
- iv. *All fencing shall be of adequate structural design to meet cyclone requirements.*
 - v. *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.*
 - 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

11. REPORTS OF OFFICERS

11.6 Executive Manager Town Planning

11.6.7 Dwelling and Outbuilding – Lot 456 (4) Osprey Way, Exmouth

Location: Lot 456 (4) Osprey Way, Exmouth
 Applicant: David McClelland
 File Reference: A1356 (PA162/14)
 Disclosure of Interest: Nil
 Date: 7 October 2014
 Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends Council grant conditional planning approval for a dwelling and outbuilding upon Lot 456 (4) Osprey Way, Exmouth. (Refer to **Attachment 8**)

BACKGROUND

The subject lot is vacant, is approximately 693m² 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 Local Planning Policy 6.16: Design Guidelines for Exmouth Marina Village Precinct A. The aerial image below identifies Lot 456 (4) Osprey Way where the proponent seeks planning approval for a dwelling.



Lot 456 (4) Osprey Way, Exmouth

COMMENT

The development has been assessed against the Shire of Exmouth Town Planning Scheme No. 3, Local Planning Policy 6.16: Design Guidelines for Exmouth Village Precinct A and the R-Codes where the provisions of Policy 6.16 are silent.

The application varies the provisions of Local Planning Policy 6.16 with:

- 4m front setback of garage in lieu of 5.5m.

The application varies the deemed to comply provisions of Residential Design Codes for WA with:

- Garage on the side boundary within the front setback area; and
- 0.8m side and rear setback of the outbuilding in lieu of 1m.

Land uses within the Marina Precinct A are as per Residential zone in Table 1 of the Scheme. A dwelling within the Marina zone is a 'P' use meaning the landuse cannot be refused.

Garage

The proposed garage varies the provisions of Local Planning Policy 6.16: Design Guidelines Precinct A and the Residential Design Codes for WA with:

1. 4m front setback in lieu of 5.5m, and;
2. Nil setback on the side boundary in the front setback.

Reduced Front Setback

In accordance with design guidelines adopted by Council as a Policy, the size and scale of garages and carports are to remain residential in nature and not detract from the main dwelling. The reduced front setback of the garage increases its dominance on the streetscape over the main dwelling which is setback 6.7m from the front boundary. The intent of the design guidelines is for the dwelling to be closer to the street than a garage/carport as the minimum setback for a dwelling can be 3m.

The proposed 4m front setback of the garage detracts from the main dwelling. The dominance of the garage over the dwelling can be reduced with an increased front setback. Officers have investigated other approvals in the area and note that adjoining Lot 455 Gndaroo was approved with a garage setback 4.8m from the front boundary. To reduce the impact of the garage and positively contribute to the existing streetscape officer recommends that the garage have a minimum front setback of 4.8m. By increasing the front setback of the garage to 4.8m, the garage will have a length of 5.7m. In accordance with the Scheme standard parking bays shall have a minimum length of 5.5m. Standard size vehicles can fit within the amended garage size.

Further a standard size vehicle will not fit in the 4m setback area in front of the garage, detracting from the streetscape. In accordance with parking requirements of the Scheme the minimum length of a standard parking bay shall be 5.4m. The intended use of this area in front of a garage is to provide for visitor parking. A visitor cannot park in front of the garage without being on the verge.

On the Side Boundary in the Street Setback

In accordance with the Design Principles of the Residential Design Codes for Lot boundary Setbacks buildings shall be setback from lot boundaries so as to:

1. Not have any adverse impact on the amenity of the adjoining property; and
2. Reduce impacts of building bulk on adjoining properties.

The proposed garage on the side boundary within the front setback area will increase building bulk and have an adverse impact on the amenity of the adjoining Lot 457 Osprey Way. The wall on the boundary has a height of 3m and length of 6.5m. The proposed width of the garage is 7m. The width can be reduced to 6m as the minimum width of a standard parking bay in accordance with the scheme is 2.7m. By reducing the width of the garage from 7m to 6m a 1m side setback can be achieved reducing impacts of building bulk on the adjoining lot and ensures compliance with the deemed to comply requirements of the R-Codes which requires a minimum 1m side setback.

Considering the above, Officer recommends that the garage have a minimum side setback of 1m, and minimum front setback of 4.8m for the following reasons:

1. Increasing the front setback of the garage will reduce its visual dominance over the main dwelling and streetscape;
2. Other garages in the Marina Dry Lots have been approved with a minimum reduced front setback of 4.8m;
3. Increasing the front setback will enable vehicles to park in front of the garage within the lot rather than in the road reserve, detracting from the streetscape;
4. Increasing the side setback of the garage will reduce its impact on the amenity of the adjoining lot, reducing building bulk;
5. Reducing the width of the garage reduces its impact on the streetscape; and
6. The impacted adjoining neighbour has objected to the proposal.

Reduced Setbacks of Outbuilding

The proposed outbuilding varies the provisions of the Residential Design Codes for WA with 0.8m side and rear setback in lieu of 1m. Setbacks of the outbuilding do not meet the deemed to comply requirements of the R-Codes. An assessment has been undertaken against the Lot boundary setback design principles. The outbuilding has been setback from lot boundaries so as to reduce building bulk on adjoining properties and minimises the extent of loss of privacy. Further the 0.8m setback provides for adequate clearance of debris and material which may become a fire hazard.

Officer recommends approval of the reduced setbacks of the outbuilding for the following reasons:

1. Other outbuildings in the Marina dry lots have been approved with reduced side and rear setback of 0.6m;
2. Affected owners of adjoining lot 454 Gndaroo do not object to the proposal;
3. The setbacks meet the deemed to comply requirements of the R-Codes; and
4. There is adequate clearance for removal of fire hazards.

Considering the above officer recommends that Council grant conditional planning approval for a dwelling and Outbuilding upon Lot 456 (4) Osprey Way, Exmouth with an increased side and front setback of the garage.

CONSULTATION

In accordance with the provisions of the design guidelines the variations have been notified to adjoining neighbours to provide comment for a period of 14 days from Friday 19 September 2014 to Friday 3 October 2014. The consultation period was extended to Wednesday 8 October 2014 at request of an impacted neighbour.

Address	Received	Officer Comment
Lot 457 (6) Osprey Way	<p>Yes, Object</p> <p>The reduced front setback of the garage from 5.5m to 4m proposed increases its impact on the streetscape over the main dwelling, which will also detract from future development on my lot.</p> <p>The reduced front setback of the garage does not positively contribute to the streetscape with solid doors and vehicles. The reduced front setback of the garage will reduce passive surveillance of the street from future development of my lot.</p> <p>The garage on the side boundary within the front setback area will increase building bulk and have an adverse impact on the amenity and future development of my lot. The garage should be setback appropriately from the side boundary to reduce impacts on my lot.</p>	Agree, discussed in comments above.
Lot 458 (8) Osprey Way	Yes, do not object	Nil
Lot 454 (5) Gndaroo Road	Nil	Nil
The Resident – Lot 454 (5) Gndaroo Way	Yes, do not object	Nil

Lot 476 (5) Osprey Way	Yes, do not object	Nil
Lot 455 (3) Gnandaroo Road	Nil	Nil

STATUTORY ENVIRONMENT

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.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.6.7

That Council grant planning approval for a dwelling and outbuilding upon Lot 456 (4) Osprey Way, Exmouth subject to the following conditions:-

- 1. The development being carried out in accordance with the approved amended plans (PA162/14) and Local Planning Policy 6.16: Exmouth Marina Village Precinct 'A' Design Guidelines to the satisfaction of Council Officers;*
- 2. The outbuilding shall have a minimum 0.8m side and rear setback;*
- 3. The garage shall have a nil side setback from adjoining lot 457 (6) Osprey Way and a minimum front setback of 4.8m;*
- 4. The minimum finished floor level of all habitable rooms shall be 5.25 metres AHD;*
- 5. Fill of the lot shall not exceed 0.5m, except where necessary to provide for drainage works;*
- 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. The development having external colours consistent with Council's Policy (6.2) Colour Palette for Developments;*

8. *The total width of crossovers at street frontage between the road carriageway and the property boundary shall not exceed 40% (being 7.8m) of the frontage of the lot excluding the splay to the carriageway, and shall be setback a minimum of 0.5m from any side boundary;*
9. *A landscaping plan for the front setback area being submitted for the approval of Council and landscaping being established in accordance with that approved plan prior to occupation of the new building/s*
10. *Any future fencing within the front street setback area (including the street front boundary) shall not exceed 0.9 metres in height and boundary fencing shall not exceed 1.8m in height;*
11. *External clothes drying facilities, rubbish bin and all service fittings and fixtures shall not be visible from the public road;*
12. *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;*
13. *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*
14. *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. *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. *The applicant is advised that landscaping is to comprise of species of plants as defined within Councils Landscaping Policy.*

- 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 – 25-1014 – 11.6.7
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Moved Councillor McHutchison, Seconded Councillor Todd.

That Council grant planning approval for a dwelling and outbuilding upon Lot 456 (4) Osprey Way, Exmouth subject to the following conditions:-

- 1. The development being carried out in accordance with the approved amended plans (PA162/14) and Local Planning Policy 6.16: Exmouth Marina Village Precinct 'A' Design Guidelines to the satisfaction of Council Officers;***
- 2. The outbuilding shall have a minimum 0.8m side and rear setback;***
- 3. The garage shall have a nil side setback from adjoining lot 457 (6) Osprey Way and a minimum front setback of 4.8m;***
- 4. The minimum finished floor level of all habitable rooms shall be 5.25 metres AHD;***
- 5. Fill of the lot shall not exceed 0.5m, except where necessary to provide for drainage works;***
- 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. The development having external colours consistent with Council's Policy (6.2) Colour Palette for Developments;***
- 8. The total width of crossovers at street frontage between the road carriageway and the property boundary shall not exceed 40% (being 7.8m) of the frontage of the lot excluding the splay to the carriageway, and shall be setback a minimum of 0.5m from any side boundary;***
- 9. A landscaping plan for the front setback area being submitted for the approval of Council and landscaping being established in accordance with that approved plan prior to occupation of the new building/s***
- 10. Any future fencing within the front street setback area (including the street front boundary) shall not exceed 0.9 metres in height and boundary fencing shall not exceed 1.8m in height;***
- 11. External clothes drying facilities, rubbish bin and all service fittings and fixtures shall not be visible from the public road;***
- 12. 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;***
- 13. 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***

- 14. 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. 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. The applicant is advised that landscaping is to comprise of species of plants as defined within Councils Landscaping Policy.**
- 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

11.6.8 Review of Local Laws – Parking Local Law

Location:	Exmouth
Applicant:	Nil
File Reference:	LE.LO.7
Disclosure of Interest:	Nil
Date:	10 October 2014
Author:	Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends that Council adopt the proposed Parking Local Law Local Law 2014 for advertising and public notice (Refer *Attachment 9*).

BACKGROUND

The Shire has an existing Parking Local Law that was made in 1998. It requires a number of amendments to deal with issues that have arisen since then, including:

- References to the *Road Traffic Code* provisions are out of date and which include references to types of signage and symbols, colours, etc that have been updated;
- Impounding of vehicles is now dealt with in the Local Government Act 1995 itself;
- The local law contains provision about a number of fee categories which are able to be made or reviewed when Council adopts its annual budget;
- Providing an improved ability to deal with large vehicles, caravans and trailers (more on this is to come in a review of the Shire's *Local Government Property and Activities on Thoroughfares* Local Laws);
- Having a minimum penalty prescribed in the local law where a driver might elect for a court hearing instead of payment of a modified penalty;
- Reviewing the amounts set down as modified penalties;

Given the number of amendments required, and that the process to amend a local law is the same as making one, it is more efficient to make a new local law.

The Shire (and many local governments in the State) has based many of its local laws on models developed by the WA Local Government Association, modified to suit local needs. As the WALGA model was last updated in 2005, a number of local governments have further updated it.

COMMENT

The process to repeal and make a new local law to replace it is set out in s3.12 of the Local Government Act 1995 and is set out in detail below. Part of that process requires the person presiding at a Council meeting to give notice of the purpose and effect of the proposed local law by ensuring that the purpose and effect is included in the agenda for the meeting and that the minutes of the meeting include the purpose and effect of the proposed local law.

Purpose:

The purpose of this local law is to enable the Shire to regulate the parking of vehicles within the district and provide for the management and operation of parking facilities under the Shire's care, control and management.

Effect:

A person parking a vehicle within the parking region is to comply with the provisions of the Local Law.

Some features of the proposed local law are summarized below. (Note that while they do not form part of the proposed local law, relevant extracts from Acts and Regulations that affect the subject area have been included as notes and text boxes in the body of the draft local law to assist with gaining a full understanding):

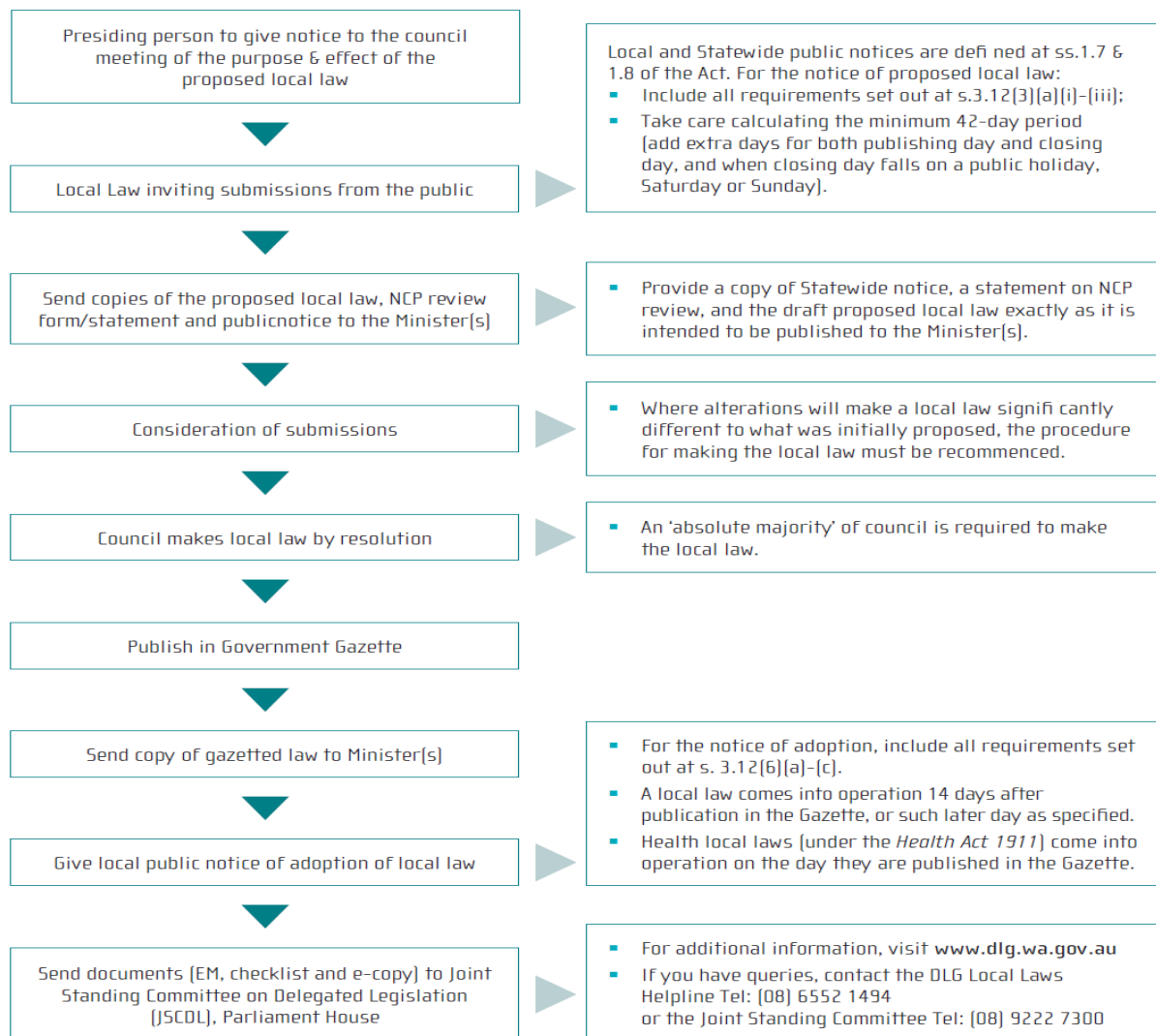
- Part 1 deals with preliminary matters and definitions. Clause 1.4(2) allows the local law to be extended to privately owned car parks, under the terms and conditions agreed between the parties;
- Part 2 deals with parking bays and parking stations;
- Part 3 relates to parking generally, event parking, parallel and angle parking, moving vehicles where directed to, prohibiting vehicles being left ‘for sale’ on thoroughfares, and parking on private land without the consent of the owner or occupier;
- Part 4 deals with ‘no stopping’ provisions (‘no stopping’ is the same in effect as ‘no standing’ provisions) and ‘no parking’;
- Part 5 sets out provisions dealing with particular parking zones such as loading, taxis, buses, and the like;
- Part 6 relates to other types of parking issues such as double parking, stopping on a footpath or median strip. Clause 6.11 allows long or heavy vehicles with a GVM of more than 4.5 tonnes to park for no more than 1 hour (unless engaged in the setting down or picking up of goods) to deal with parking of trucks and the like for extended periods;
- Part 7 deals with miscellaneous matters including special purpose or emergency vehicles;
- Part 8 sets out enforcement provisions.
- Schedule 1 sets out modified penalties. In the 1998 local law these were between \$40 and \$50, with one (misuse of a parking bay set aside for a person with a disability) at \$80, and a ‘catchall’ of \$25. New proposed penalties are between \$60 and \$80.

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.

STATUTORY ENVIRONMENT

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

The proposed new local law will require advertising for public submissions, as well as publishing in the Government Gazette if eventually adopted.

STRATEGIC IMPLICATIONS

Social

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

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

Civic Leadership

Objective 4: To work together as custodians 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 – 11.6.8

That Council:

1. *Adopt the proposed Shire of Exmouth Parking Local Law 2014 for advertising;*
2. *Give State-wide and local public notice stating that it proposes to make a Shire of Exmouth Parking Local Law 2014, and a summary of its purpose and effect;*
3. *Advertise the proposed Shire of Exmouth Parking Local Law 2014. This is to include notifying public authorities as the Council nominates, within an area determined by the Council as likely to be affected by the Local Law, and inviting a nominated public authority to make a submission to the Council within 6 weeks after the notice is given; and*
4. *The period of advertising is to be not less than six (6) weeks from the date of the publishing of notices and newspaper advertisements, and shall be in the form of:-*
 - a. *Placing an electronic copy of the draft document on (Council's website) the internet;*
 - b. *Making a copy of the draft document available for public viewing and comment at Council's Offices;*
 - c. *Publishing a notice in the 'West Australian' and the 'Northern Guardian' newspaper; and*
 - d. *Placing a notice on Council's notice board for a period of not less than 6 weeks after the notice is given.*

COUNCIL DECISION – 26-1014 – 11.6.8
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Moved Councillor Todd, Seconded Councillor Hood.
That Council:

1. *Adopt the proposed Shire of Exmouth Parking Local Law 2014 for advertising;*
2. *Give State-wide and local public notice stating that it proposes to make a Shire of Exmouth Parking Local Law 2014, and a summary of its purpose and effect;*
3. *Advertise the proposed Shire of Exmouth Parking Local Law 2014. This is to include notifying public authorities as the Council nominates, within an area determined by the Council as likely to be affected by the Local Law, and inviting a nominated public authority to make a submission to the Council within 6 weeks after the notice is given; and*
4. *The period of advertising is to be not less than six (6) weeks from the date of the publishing of notices and newspaper advertisements, and shall be in the form of:-*
 - a. *Placing an electronic copy of the draft document on (Council's website) the internet;*
 - b. *Making a copy of the draft document available for public viewing and comment at Council's Offices;*
 - c. *Publishing a notice in the 'West Australian' and the 'Northern Guardian' newspaper; and*
 - d. *Placing a notice on Council's notice board for a period of not less than 6 weeks after the notice is given.*

CARRIED 5/0

11. REPORTS OF OFFICERS

11.6 Executive Manager Town Planning

11.6.9 Review of Local Laws - Cats

Location:	Exmouth
Applicant:	Nil
File Reference:	LE.LO.2
Disclosure of Interest:	Nil
Date:	10 October 2014
Author:	Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends that Council adopt the proposed Cat Control Amendment Local Law 2014 for advertising and public notice (Refer ***Attachment 10***).

BACKGROUND

The Cat Act 2011 came into effect on 1 November 2013, and amongst other things provides for:

- Cats to be identified (by coloured tag and micro-chipped)
- Cats to be registered with the local government where they are normally kept;
- Cats to be sterilised (unless a permit to breed has been given and under other circumstances);
- Restrictions on breeding of cats;
- A local government to delegate authority to the CEO similar to the provisions in the Local Government Act;
- Appointment of authorised persons;
- A local government may issue a cat control notice to the owner of a cat requiring an owner to comply with provisions of the legislation (for example to sterilise, microchip or register their cats). If a cat owner does not comply with the notice, local governments can issue an infringement notice or proceed with court action.
- A requirement to issue cat control notices where a breach of the Act, regulations or a local law is alleged to have occurred
- A cat may be seized in a public place by an authorised person if they suspect it is the subject of an offence under the Act (for example is not registered, micro-chipped or sterilised).
- An authorised person is able to seize a cat on a private premises at the request or with the consent of the owner/occupier of the premises, or a under a Warrant.
- Operation of cat management facilities;
- An authorised person can issue an infringement notice for an offence against the Act, a regulation or local law made under the Act, within 28 days after the alleged offence;
- Local laws that can be made by local governments; and
- Appeals.

There are also two sets of Regulations that apply. The *Cat Regulations 2012* deal with a number of procedural matters, prescribed forms, and the like.

The *Cat (Uniform Local Provisions) Regulations 2012* provides that any cats owned before 1 November 2013 can continue to be kept, even if a local government introduces a local law limiting numbers. The Shire's 1997 local law already capped this at three, so no person within the district is able to keep more than three, but could continue to keep the same three cats owned on 1 November 2013 if at some stage the Shire reduced this to (say) two.

Where there is any inconsistency between the Cat Act and its associated regulations and a local law, the Act and regulations prevail.

Section 79 of the Act provides that local laws can be made ‘as to one or more of the following’:

- a) the registration of cats;
- b) removing and impounding cats;
- c) keeping, transferring and disposing of cats kept at cat management facilities;
- d) the humane destruction of cats;
- e) cats creating a nuisance;
- f) specifying places where cats are prohibited absolutely;
- g) requiring that in specified areas a portion of the premises on which a cat is kept must be enclosed in a manner capable of confining cats;
- h) limiting the number of cats that may be kept at premises, or premises of a particular type;
- i) the establishment, maintenance, licensing, regulation, construction, use, record keeping and inspection of cat management facilities;
- j) the regulation of approved cat breeders, including record keeping and inspection; or
- k) fees and charges payable in respect of any matter under the Act.

COMMENT

There are a number of small changes required to the local law. These relate to definitions, references to the Cat Act rather than Local Government Act, penalties, and modified penalties and are relatively minor.

The Shire has also been approached from the Department of Parks and Wildlife, who amongst other things have concerns about feral cat populations being increased via domestic cats and ideally would like to see the district being cat free. While this is not possible under the Cat Act, section 79(g) does allow for a local law to be made that requires a portion of the premises on which a cat is kept to be enclosed.

In June 2011, the Ningaloo Coast was added to the World Heritage List. The listing covers an area of 604,500ha and includes the State and Commonwealth Ningaloo Marine Parks, Cape Range National Park, the Learmonth Air Weapons Range, Bundegi and Jurabi coastal parks, the Muiron Islands and Muiron Islands Marine Management Area.

The concern by the Department of Parks and Wildlife relates to the presence of feral cats in the nature reserves which is not an issue the Shire is able to assist with, but the process whereby domestic cats can become feral, or contribute to the numbers of feral cats by breeding, may be.

In this regard, other local governments (albeit prior to the making of the Cat Act) have introduced provisions similar to those in the Dog Act, which requires cats to be held in a cage or tethered on public property. A suggested addition to the local law is clauses 5, 6 and 7, which if adopted would provide:

Places where cats prohibited

5) *A cat shall not be in a public place unless:*

- a) *it is held by a person over the age of 18 years; or*
- b) *it is securely tethered or contained in a receptacle; or*
- c) *it is in a motor vehicle.*

6) *If a cat is at any time in a public place in contravention of this provision, every keeper of the cat commits an offence unless the person satisfies the Court that he or she took all reasonable precautions and exercised all due diligence to avoid the contravention or in the case of a keeper that at the material time, the cat was in the possession or control of some other person without the consent of the keeper, express or implied.*

7) *A cat shall not be in any place that is not a public place unless consent to its being there has been given –*

- a) *by the occupier or a person apparently authorised to consent on behalf of the occupier; or*
- b) *if the place is unoccupied by the owner or a person apparently authorised to consent*

on behalf of the owner.

This arguably is provided for in s79 (f) of the Cat Act.

There are only 27 cats registered with the Shire as at the date of this report. This figure though may not be representative of the number of cats in the Shire as the requirement to register is relatively recent. There are no reliable estimates of cat populations in WA, registered or not.

The Shire's population was 2,393 (ABS 2011 Census) and it contains some 877 dwellings, comprising:

Separate house	652
Semi-detached, row or terrace house, townhouse	53
Flat, unit or apartment	54
Other dwelling	108

If 50% of the dwellings contain a cat, then the total population could be estimated at approximately 450. This is though, simply a guess. Research has not uncovered any other local government in WA that has introduced a local law that requires cats to be confined, although some have requirements in specific locations such as within 2km of a nature reserve. Enforcement appears to be rarely undertaken however.

The Shire of Exmouth is somewhat unique though in terms of the presence of the World Heritage area. Problems caused by domestic cats adding to the feral population are unlikely to be ever completely eliminated, but some measure of control may assist. In this regard, it is considered that the Cats local law should be amended to require cats to be confined.

A proposed draft Shire of Exmouth Cats Amendment Local Law is attached. Changes to the Shire's existing local law are also shown 'marked up' for ease of reference.

The Act requires the person presiding at a Council meeting to give notice of the purpose and effect of the proposed local law by ensuring that the purpose and effect is included in the agenda for the meeting and that the minutes of the meeting include the purpose and effect of the proposed local law.

Purpose

To amend the *Shire of Exmouth Local law – Cat Control 1997* to reflect the provisions of the Cat Act 2012 and to prohibit cats from being in public places or places that are not public without the owner or occupiers consent.

Effect

The Local Law is amended.

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.

STATUTORY ENVIRONMENT

Section 79 of the Act provides that local laws can be made in relation to the matters listed above in relation to cats.

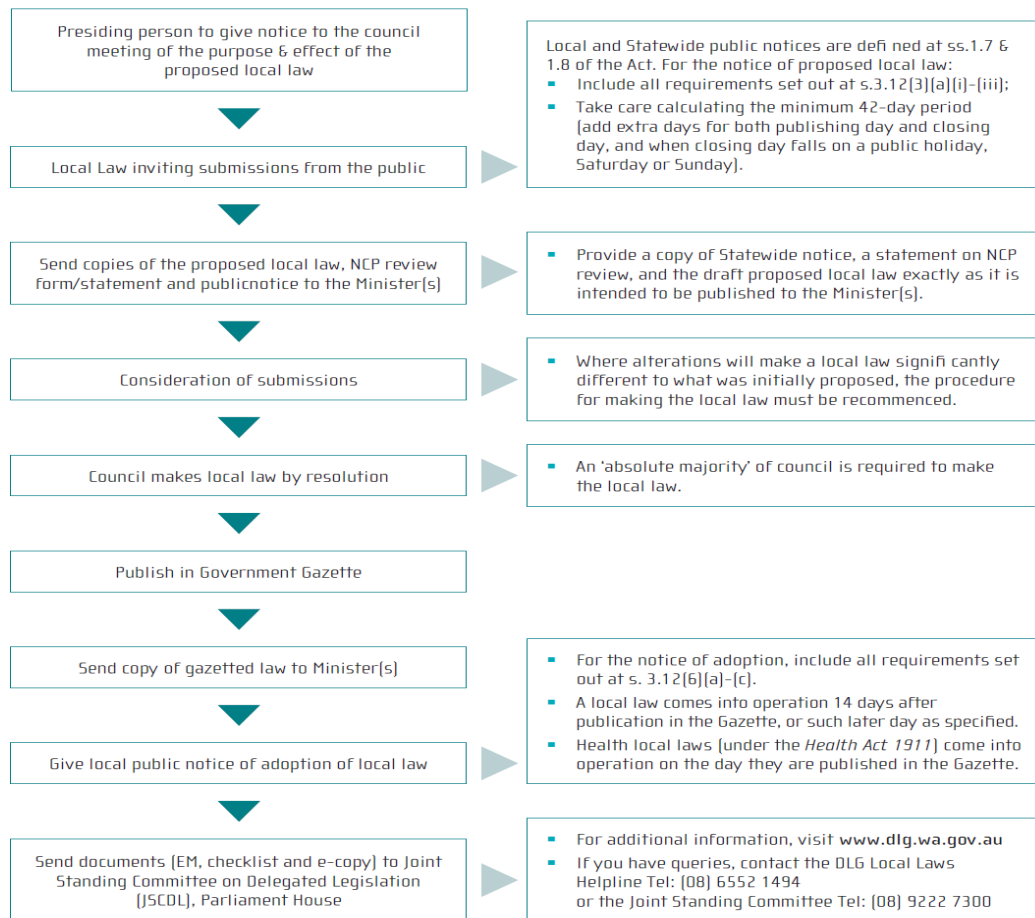
As this is a relatively new area of legislation there is some question as to:

- The scope of matters that local governments can make in relation to local laws under s79 of the Cat Act;
- Section 26 introduces a requirement for a local government to issue cat control notices where a breach of the Act, regulations or a local law is alleged to have occurred. If a requirement for confinement can be introduced under a local law, does the Shire also need to issue a notice requiring a cat to be confined to premises before issuing an infringement under the local law for failing to confine a cat, and if so, what changes might then be necessary to the draft Amendment Local Law;

- Whether or not the provisions of clause 4 of the existing local law (relating to nuisances caused by cats) are required – if confinement is successful, then it would seem that this provision is unnecessary.

Part of the process requires the Shire to refer a draft of the Amendment Local Law to the Minister for Local Government, who usually refers them to the Department of Local Government and Communities for comment. Responses to the above questions may arise from the referral, and in addition depending on the response, it may be that an entirely new local law is required.

For now though, section 3.12 of the *Local Government Act 1995* 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 3.4: 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 – 11.6.9*That Council:*

1. *Adopt the proposed Shire of Exmouth Cat Control Amendment Local Law 2014 for advertising;*
2. *Give State-wide and local public notice stating that it proposes to make a Shire of Exmouth Cat Control Amendment Local Law 2014, and a summary of its purpose and effect;*
3. *Advertise the proposed Shire of Exmouth Cat Control Amendment Local Law 2014. This is to include notifying public authorities as the Council nominates, within an area determined by the Council as likely to be affected by the Local law, and inviting a nominated public authority to make a submission to the Council within 6 weeks after the notice is given; and*
4. *The period of advertising is to be not less than six (6) weeks from the date of the publishing of notices and newspaper advertisements, and shall be in the form of:-*
 - a. *Placing an electronic copy of the draft document on (Council's website) the internet;*
 - b. *Making a copy of the draft document available for public viewing and comment at Council's Offices;*
 - c. *Publishing a notice in the 'West Australian' and the 'Northern Guardian' newspaper; and*
 - d. *Placing a notice on Council's notice board for a period of not less than 6 weeks after the notice is given.*

COUNCIL DECISION – 27-1014 – 11.6.9

Moved Councillor Todd, Seconded Councillor Winzer.

That Council:

1. *Adopt the proposed Shire of Exmouth Cat Control Amendment Local Law 2014 for advertising;*
2. *Give State-wide and local public notice stating that it proposes to make a Shire of Exmouth Cat Control Amendment Local Law 2014, and a summary of its purpose and effect;*
3. *Advertise the proposed Shire of Exmouth Cat Control Amendment Local Law 2014. This is to include notifying public authorities as the Council nominates, within an area determined by the Council as likely to be affected by the Local law, and inviting a nominated public authority to make a submission to the Council within 6 weeks after the notice is given; and*
4. *The period of advertising is to be not less than six (6) weeks from the date of the publishing of notices and newspaper advertisements, and shall be in the form of:-*
 - a. *Placing an electronic copy of the draft document on (Council's website) the internet;*
 - b. *Making a copy of the draft document available for public viewing and comment at Council's Offices;*
 - c. *Publishing a notice in the 'West Australian' and the 'Northern Guardian' newspaper; and*
 - d. *Placing a notice on Council's notice board for a period of not less than 6 weeks after the notice is given.*

CARRIED 5/0

11. REPORTS OF OFFICERS

11.6 Executive Manager Town Planning

11.6.10 Holiday Accommodation- Nimitz Street Subdivision Stage 1

Location: Lot 555 Nimitz Street, Exmouth
 Applicant: Nil
 File Reference: LP.PL.0
 Disclosure of Interest: Nil
 Date: 15 October 2014
 Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends that the Council advise LandCorp that Council supports a variation to condition 11 of the subdivision approval application No 145973 for Holiday Accommodation to be considered as an 'SA' use in stage 1 of the subdivision and request a minor amendment to be made to the Nimitz Street Outline Development Plan for 'Holiday Accommodation' to be considered as an 'SA' use in stage 1 of the subdivision application No 145973 only.

BACKGROUND

During the June 2012 Ordinary Council Meeting, Council resolved,

That the Council of the Shire of Exmouth advise the Western Australian Planning Commission that it supports the application for Subdivision No145973 for Proposed Residential subdivision- Lot 500, 5001,609,847 Reid Street , Exmouth subject to the following 17 conditions and advice being applied.

Condition 16 of the Council Decision – 14-0612 was:

*A Notification under S70A of the Transfer of Land Act 1893 be recorded on the property titles as follows
 "Holiday accommodation is not permitted within this area";*

Subsequently on 10 August 2012 the WAPC resolved to approve the Nimitz Street subdivision application number 145973 for stage 1 and stage 2 with the conditions and advice notes (***Refer Attachment 11***). Condition 11 of the approval states that;

"Notification in the form of a section 70A notification, pursuant to the transfer of the Lands ACT 1893 (as amended) is to be placed on certificate of title of the proposed lots advising that; Holiday accommodation is not permitted within this area. (Local Government)"

LandCorp are requesting Council to vary this subdivision condition for stage 1 of the subdivision application number 145973 as they are required to presell a minimum of 15 lots in stage 1 prior to getting approval from LandCorp Board for the start of the project. They feel that the holiday accommodation restriction will adversely affect their pre- sell.

The current Outline Development Plan relating to the Nimitz Street subdivision states land uses to be in accordance with the 'Residential Zone' of the Scheme with the additional provision that 'Holiday Accommodation' is an 'X' use, not permitted.

COMMENT

Holiday accommodation is currently controlled in the Town Planning Scheme No 3 and Local Planning Policy 6.12: Holiday Accommodation. Table 1 of the Scheme defines Holiday Accommodation as an 'SA' use in the Residential Zone meaning the use is not permitted unless the Council has granted planning

approval after giving notice in accordance with clause 9.3. It has been very difficult to approve/ refuse holiday accommodation use in residential areas. Condition 11 of WAPC subdivision application number 145973 was imposed by WAPC after Council recommended that the best way to limit holiday accommodation in new areas was to have a condition included on the title. Council recommended the restriction on Holiday Accommodation to preserve the residential use and nature of the subdivision.

The request by LandCorp should be favourably considered as it will help the Nimitz Street project begin as LandCorp have indicated that the project will not begin until they pre-sell lots. Council Officers recommends that Council rescind Condition 16 of Decision – 14-0612 for stage 1 only. The other stages to be considered later.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Planning and Development Act
Town Planning Scheme No. 3
Nimitz Street Outline Development Plan

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Economic

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

- Outcome 1.1: To increase the number of local businesses, industries and services that will provide a range of employment opportunities for the people of Exmouth
- Outcome 1.2: Planned and balanced economic growth
- Outcome 1.3: Diverse Tourism opportunities

Environment

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

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

Social

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

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

Civic Leadership

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

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

VOTING REQUIREMENTS

Absolute Majority/Simple Majority

OFFICER'S RECOMMENDATION – 11.6.10

That Council rescinds Condition 16 of the Council Decision – 14-0612 which states that

*“A Notification under S70A of the Transfer of Land Act 1893 be recorded on the property titles as follows
Holiday accommodation is not permitted within this area.”*

COUNCIL DECISION – 28-1014 – 11.6.10

Moved Councillor Todd, Seconded Councillor Hood.

That Council rescinds Condition 16 of the Council Decision – 14-0612 which states that

*“A Notification under S70A of the Transfer of Land Act 1893 be recorded on the property titles as follows
Holiday accommodation is not permitted within this area.”*

CARRIED BY ABSOLUTE MAJORITY 4/1

Councillor McHutchison voted against.

OFFICER'S RECOMMENDATION – 11.6.10

That Council;

- 1. Advise LandCorp and WAPC it supports the variation of condition 11 of subdivision approval application No 145973 for Holiday Accommodation to be considered as an ‘SA’ land use in Stage 1 only, and that a notification upon title is not required for lots in Stage 1 only; and*
- 2. Advise LandCorp that a minor amendment to the Nimitz Street Outline Development Plan is required to classify Holiday Accommodation as an ‘SA’ use within Stage 1 of the Nimitz Street subdivision.*

COUNCIL DECISION – 29-1014 – 11.6.10

Moved Councillor Todd, Seconded Councillor Hood.

That Council;

- 1. Advise LandCorp and WAPC it supports the variation of condition 11 of subdivision approval application No 145973 for Holiday Accommodation to be considered as an ‘SA’ land use in Stage 1 only, and that a notification upon title is not required for lots in Stage 1 only; and*
- 2. Advise LandCorp that a minor amendment to the Nimitz Street Outline Development Plan is required to classify Holiday Accommodation as an ‘SA’ use within Stage 1 of the Nimitz Street subdivision.*

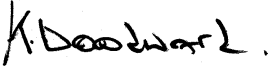
CARRIED 4/1

Councillor McHutchison 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.ME.0 & CP.US.2
Disclosure of Interest:	Nil
Date:	16 October 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 2013/2014 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.

- 2013/2014 Engineering Services Project Status Schedule. Tabled at the October 2014 Council Meeting.

WANDRRA

On 26 April 2014, a heavy rainfall event was caused by the passage of a surface trough over the west of the State. The event was activated as a WA Natural Disaster Relief and Recovery Arrangement (WANDRRA) event, AGRN627 Surface Trough and Associated Flooding.

As a result of this rain event, essential public infrastructure within the Exmouth Town Centre was damaged. There were three zones of activity as follows;

- Northern Zone – centred around the Exmouth Town Site
- Central Zone – centred around Shothole Canyon Road
- Southern Zone – centred around Yardie Creek Road

The Shire has awarded tenders to complete restoration works:

- RFT 01-2014 Minor Works Exmouth North
- RFT 02-2014 Minor Works Exmouth Central
- RFT 03-2014 Minor Works Exmouth South
- RFT 04-2014 Supply of Material Exmouth North
- RFT 05-2014 Supply of Material Exmouth Central
- RFT 06-2014 Supply of Material Exmouth South

The tenders were advertised on Saturday 19 July 2014. At the August 2014 Ordinary Council Meeting the associated tenders were awarded to Exmouth Civil and Exmouth Hire.

Both companies have been reconstructing the road network and Table 1 below provides a status (% Complete) update regarding road works.

COMMENT

Nil

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Council Policy 2.13 Disposal of Surplus Council Furniture and Equipment

FINANCIAL IMPLICATIONS

As per Shire 2014/2015 Budget

STRATEGIC IMPLICATIONS

Economic

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

- Outcome 1.5: Maintain & Improve Shire Infrastructure

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 October 2014.

COUNCIL DECISION – 30-1014 – 11.7.1
--

Moved Councillor Winzer, Seconded Councillor Todd.

That Council receives the Executive Manager Engineering Services Report for the month of October 2014.

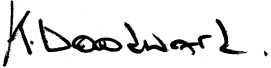
CARRIED 5/0

Cr Shales declared an indirect financial interest in the following report and left the Chambers at 5.15pm.
Cr Hood assumed the Chair.

11. REPORTS OF OFFICERS

11.7 Executive Manager Engineering Services

11.7.2 Mining Proposal M08/508 Exmouth Sand Quarry Reserve 41975 Murat Road Exmouth

Location:	Exmouth
Applicant:	Keith Woodward
File Reference:	R41975
Disclosure of Interest:	Cr C (Turk) Shales
Date:	16 October 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 endorse the following actions:

1. The acquisition of a formal Mining Tenement over Reserve 41975;
2. The correspondence sent to the Department of Lands on the 8 October 2014 requesting clarification on what are the permitted purpose for the Council under the existing Management Order for the Exmouth Pindan Pit (Reserve No. 41975) and seeking direction on what options are available to the Shire under the Land Legislation;
3. In the interim and until direction is provided by the Departments of Lands and the Department of Mines & Petroleum, the Pindan Pit operations will continue as normal; and
4. Inform the Pindan Action Group that the Shire Pindan Pit is a strategic Shire asset and will not be considered for divesting to the private sector.

BACKGROUND

The Shire of Exmouth obtained Reserve 41975 in 1990 for municipal and community sand extraction. These arrangements were authorised through the Department of Lands and subsequently sand was extracted for multiple civil purpose throughout the Shire. The Shire acted in good faith recognising that the Shire sand pit was the only sand pit available within the municipality and that sand was required for the continued civil development in Exmouth. Contractors paid for sand (at a concessional rate commensurate to site rehabilitation) and extracted volumes under the framework of an honour system.

However the sale of sand should have been managed under the provisions of a Mining Tenement that accorded with the *Mining Act 1978* with royalty payable to the State for any sand sold. This report is about correcting this anomaly.

The following is a historical overview regarding the Shire sand pit.

- 17 January 1990 the Shire made a formal application to the Department of Lands Administration for land to be set aside as a “Sand Pit” because the Shire’s other sandpits were almost exhausted.
- 21 March 1990 the Department of Lands and Administration recommended to the Department of Planning and Urban Development and the Mines Department that a reserve be set apart as requested by the Shire.

- 19 May 1990 the Department of Lands and Administration advised the Shire that orders directing that Reserve No.41975 (Lyndon Location 197) shall be vested in the Shire of Exmouth for the designated purpose of “Sand Pit”. Notice to this affect was published in the Government Gazette dated May 4, 1993.
- 30 October 1990 the Department of Land Administration advised the Shire that the Mines Department had raised no objections to the proposed “Sand Pit” subject to:
 1. The removal of sand being free of charge to local residents for their own domestic use
 2. Council using (and not selling) the sand in connection with its general administration and maintenance of the district.

The Officer believes that there have been only 2 locations within the Shire available for sand extraction since 1990. The first being located off Yardie Creek Road near Tantabiddi which was subsequently closed; and the Shire Pindan Pit off Murat Road. Until recently the Shire of Exmouth Pindan Pit has been the only sand available within the Shire for municipal works, utility services, concrete production, housing pads, and subdivisional bulk fill. Historically without comprehensive use of the Shire Pindan Pit, it is suggested that Exmouth development would have been restricted and civil development costs would have increased substantially.

The Department of Mines & Petroleum and the Department of Lands are aware of the complications associated with the Shire Pindan Pit. Correspondence has been provided to both agencies and both agencies have met with Council. Previously the Department of Mines & Petroleum and the Department of Lands has provided the following advice regarding land tenure use:

- If the Shire continues to sell sand from a Crown Land pit (the Pindan Pit) it will have to obtain a Mining Lease
- As the existing Management Order is vague on the operational requirements of the sand pit, Council is required to request clarification from the Department of Lands to address future use of the site. It is understood that this would require consultation with Department of Mines & Petroleum for comment under section 16(3) of the Mining Act 1978.
- Current advice is that the existing Department of Lands approval and a mining lease would likely co-exist over the future operations of the Sand Pit (Reserve 41975).

COMMENT

The Shire has submitted a mining tenement application to the Department of Mines & Petroleum which consisted of the following processes:

1. Marked out a Mining Lease in accordance with the *Western Australian Mining Act 1978* (Sec. 105 Reg.59) and submitted Form 20 within the prescribed time.
2. Paid the Department of Mines & Petroleum a security in the sum of \$5,000 with the lodgement of the application.
3. Provided the Shire’s Mining Proposal and Mine Closure Plan in accordance with *Western Australian Mining Act 1978* Part IV Division 3 s.74 section (1AA) within the prescribed time.

It is important that Council realises the Pindan Pit as a strategic Shire asset and that it is critical for the sustainability of the Shire’s assets.

The concept of the Local Government producing materials for municipal construction as cheaply as possible is appropriate and is connected with performing our functions under the *Local Government Act 1995*. The continued sale of pindan sand is typically historical to our function as a Local Government and that the extraction and production of materials for municipal works is not a major undertaking but appropriate and connected with performing Council functions.

Subject to approvals from Council, the Department of Mines & Petroleum and the Department of Lands, it is the Officer’s intention to investigate and report on commercial activities related to the sale of pindan sand

and the production of materials for municipal purpose. At this current time it is envisaged that the sale of sand will be secondary to the production of road base, gravels and rock for Local Government purpose which will include:

- Municipal road and aviation construction and maintenance
- Municipal drainage and marine construction and maintenance
- Municipal infrastructure reconstruction after flood and cyclone impact
- Municipal road base for the construction of new roads (by others) that will transfer to the Shire's roads inventory and become the Shire's property, maintenance and preservation responsibility.

The associated activities will be quantified and reported to Council once the Department of Mines and Petroleum have approved the Mining Tenement and ordered additional conditions.

Pindan Action Group

The Pindan Action Group presented to Council correspondence dated 1 September 2014 related to accessing the Shire Pindan Pit. The Action Group requested two proposals for Councils consideration:

- 1. The Shire applying for a relevant licensing, compliance and royalty agreements over the Pit and continuing on as is; and***
- 2. Allowing a consortium of local stakeholders to manage or take over the Pit with the Shire having unlimited access for Shire municipal works.***

In response to proposal 1:

The Shire has applied for the relevant licences and paid the required securities. The management of the Pindan Pit will change to accord with the Mining Act 1978, the Mines Safety and Inspection Act 1994, the Environmental Protection Act 1986, Environment Protection and Biodiversity Conservation Act 1999, Weights and Measures Act 1915 and the Mining Proposal and Mine Closure Plans. The statutory framework of the new arrangements will not allow the Pindan Pit operations to continue as it had previously.

In response to proposal 2:

No. Council recognises the Pindan Pit as a strategic Shire asset.

It is considered that the Mining Tenement operate to no advantage of any particular group with the exceptions of the Shire of Exmouth and State Government agencies. The Shire will produce materials for its own municipal and community use at cost. Should the Shire identify any opportunity to improve service and increase revenue for the betterment of the Shire in a manner that's competitively neutral the advantage will be taken.

The Shire is under no legal or statutory obligation to mark-out mining tenements, provide security and produce mining proposal and mine closure plans for the private sector. It would be inappropriate investing Shire resources in the aforementioned activities. The Pindan Pit is an important asset for the Shire and it should not consider divesting the management of the tenement to the private sector. The Pindan Pit belongs to the Shire and it is critical for the future sustainability of the Shire's civil assets. Council should note that the pindan sand is a valuable limited resource which should not be depleted through commercial activity.

Notwithstanding the above, the Shire has invested substantial financial and planning resources applying for a Mining Tenement. To operate and develop the Mining Tenement will require substantial continuous capital investment and stringent administration and reporting resources and experience. Any breach of the relevant Acts and Plans could result in the prosecution of the Shire. The Shire cannot transfer to other parties the associated legal responsibility and legal consequences.

The Officer considers that the sale of pindan sand will be a minor component of the tenement with the production of road bases, gravels and rock for municipal use being the greater. It is the Shire's intention to

expand the extraction operations for municipal works. The Shire will be minimising all production costs associated with the extraction of materials for municipal works.

The Shire will endeavour to provide the continuous access for commercial pindan sand supply subject to statutory approvals. It would be unrealistic to expect sand charges to remain as they are because the statutory framework of the new Mining Tenement arrangements, capital investment and operational costs are not yet quantified in the final pricing. Until the Department of Lands and the Department of Mines and Petroleum approve the submissions it is unknown how long the commercial pindan sand supply will continue.

It is recommended and appropriate that the private sector (Exmouth Pindan Action Group) commence their own acquisition of Crown Land for a Mining Lease in accordance with the *Western Australian Mining Act 1978*. This will provide the Exmouth Pindan Action Group members the ability to extract, charge and manage to best fit their business plan without continued reliance on another entity.

Documents tabled at the October 2014 Council Meeting:

- The correspondence sent to the Department of Lands on the 8 October 2014
- The Form 20 Mining Lease in accordance with the *Western Australian Mining Act 1978* (Sec. 105 Reg.59).
- Provided the Shire's Mining Proposal and Mine Closure Plan in accordance with the *Western Australian Mining Act 1978* Part IV Division 3 s.74 section (1AA).
- Pindan Action Group correspondence

CONSULTATION

The Department of Mines & Petroleum

The Department of Local Government

The Department of Lands

STATUTORY ENVIRONMENT

Sections 3.18, 3.59, 6.16 & 6.17 of the *Local Government Act 1995*

Sections 105 Reg.59, of the *Western Australian Mining Act 1978*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

At this current time the costs associated with developing the Mining Tenement cannot be quantified until the Department of Mines & Petroleum have approved the Mining Tenement and ordered additional conditions. Once this accrues a Behind Closed Door Agenda report which will be commercial in confidence will be presented to Council for consideration.

For general information please note the following data regarding the sale of pindan sand for the past 2 years.

	M³	Sales
2012-2013	6,047	\$30,235
2013-2014	4, 821	\$24,105

STRATEGIC IMPLICATIONS

Economic

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

- Outcome 1.5: Maintain & Improve Shire Infrastructure

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 11.7.2
--

That Council endorse:

1. *The acquisition of a formal Mining Tenement over Reserve 41975;*
2. *The correspondence sent to the Department of Lands on the 8 October 2014 requesting clarification on what are the permitted purpose for the Council under the existing Management Order for the Exmouth Pindan Pit (Reserve No. 41975) and seeking direction on what options are available to the Shire under the Land Legislation;*
3. *In the interim and until direction is provided by the Departments of Lands and the Department of Mines & Petroleum, the Pindan Pit operations will continue as normal; and*
4. *Inform the Pindan Action Group that the Shire Pindan Pit is a strategic Shire asset and will not be considered for divesting to the private sector.*

COUNCIL DECISION – 31-1014 – 11.7.2
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Moved Councillor Todd, Seconded Councillor McHutchison.

That Council endorse:

1. *The acquisition of a formal Mining Tenement over Reserve 41975;*
2. *The correspondence sent to the Department of Lands on the 8 October 2014 requesting clarification on what are the permitted purpose for the Council under the existing Management Order for the Exmouth Pindan Pit (Reserve No. 41975) and seeking direction on what options are available to the Shire under the Land Legislation;*
3. *In the interim and until direction is provided by the Departments of Lands and the Department of Mines & Petroleum, the Pindan Pit operations will continue as normal; and*
4. *Inform the Pindan Action Group that the Shire Pindan Pit is a strategic Shire asset and will not be considered for divesting to the private sector.*

CARRIED 4/0

Cr Winzer congratulated the EMES, Keith Woodward on his excellent and informative report.

Cr Shales re-entered the Chambers at 5.21pm and assumed the Chair.

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

Nil

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

Nil

14. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS

COUNCIL DECISION – 32-1014 – ITEM 14

Moved Councillor Winzer, Seconded Councillor Todd.

That Council move Behind Closed Doors at 5:22pm in accordance with the Local Government Act 1995 section 5.23 (2) (A) (C) and (D).

- Matter of Sensitivity

CARRIED 5/0

14.1 Gascoyne Development Commission

COUNCIL DECISION – 33-1014 – 14.1

Moved Councillor Winzer, Seconded Councillor Hood.

That Council write to the Minister for Regional Development, the Hon. Terry Redman MLA,

- 1. Expressing a vote of ‘No Confidence’ in the existing Gascoyne Development Commission (GDC) Board to perform effectively in an impartial and pro-active manner,*
- 2. Requesting a meeting with the four Shire Presidents from the Gascoyne Region to discuss the concerns outlined offering the following recommendations:*
 - a) The make-up of the GDC Board to consist of four (4) Local Government and four (4) community representatives (one for each LG), and at least 1 indigenous representative to achieve an equitable balance of representation;*
 - b) The appointment of an independent Chair (with support/endorsement of the Board) who has the best interest of the Gascoyne Region, such as the Local Member of Parliament;*
 - c) All Local Government CEO's be permitted to attend the GDC Board meetings as observers.*

CARRIED 5/0

COUNCIL DECISION – 34-1014 – ITEM 14

Moved Councillor Winzer, Seconded Councillor Todd.

That Council return from Behind Closed Doors at 5:29pm.

CARRIED 5/0

15. CLOSURE OF MEETING

The Shire President declared the meeting closed at 5.30pm.